

**BOARD OF PHYSICAL THERAPY
MINUTES**

DATE: May 15, 2009

TIME: 9:00 a.m. C.D.T

LOCATION: 227 French Landing Drive
Heritage Place, Metro Center
Ground Floor, Iris Conference Room
Nashville, TN 37243

MEMBERS PRESENT: Brigina T. Wilkerson, PT, Chair
Lisa C. Fortner, PTA, Secretary
J. Randy Walker, PT
Michael L. Voight, PT
Minty R. Ballard, Consumer Member

STAFF PRESENT: Marva Swann, Board Director
Karen Robinson, Board Administrator
Christopher Larkin, Assistant General Counsel
Libby Miller, Health Related Boards Director
Michael Sobowale, Bureau of Investigations

ADM. LAW JUDGE: Steve R. Darnell

GUESTS: Cathy Hinton, Tennessee Physical Therapy Association
Estie Harris, Tennessee Physical Therapy Association
Mike Harkreader, Director Tennessee Professional Assistance Program

With a quorum being present, Ms. Wilkerson, called the meeting to order at 9:10 a. m.

Conflict Of Interest

Christopher Larkin presented and advised Board members of their responsibilities under the Conflict of Interest Policy. They were asked to read and sign the policy if they had not previously done so.

Contested Case Hearing

Christopher Larkin, Assistant General Counsel, presented case #17.22-102512A on Amalia L. Marcella, PT.

Neither Ms. Marcella nor any representative on her behalf was present. Mr. Larkin presented evidence as to the attempts that were made to contact Ms. Marcella. A certified letter was sent to her last known address, a search was made by way of the internet, and telephone calls were made to the number on record with the Department as well as to numbers to persons with the same name in

her last known area of residence. Judge Darnell determined that an adequate attempt was made to contact Ms. Marcella and instructed the Board that it could proceed with the case uncontested or continue the matter. Dr. Voight made a motion seconded by Ms. Ballard to proceed with the hearing in default. The motion carried.

On October 18, 2006, Ms. Marcella pled guilty in the United States District Court, Western District of Tennessee, to giving illegal remunerations with regard to her physical therapy practice. The State of Tennessee alleged that her conduct constituted a violation of Tenn. Code Ann. § 63-13-312 which gives the Board the power and duty to deny, suspend, revoke the license of, or to otherwise lawfully discipline, a licensee who is guilty of violating any of the provisions of this part or is guilty of the following acts or offenses :

1. Making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or being guilty of fraud or deceit in the licensee's practice;
2. Conviction of a felony or any offense involving moral turpitude in the courts of this state or any other state, territory or country;
3. Making misleading deceptive, untrue or fraudulent representations in violation of this act, or otherwise, in practice of the profession

Dr. Walker made a motion seconded by Dr. Voight to accept the finding of fact in this case. The motion carried.

Dr. Voight made a motion seconded by Dr. Walker to accept the conclusions of law in this case. The motion carried.

The State proposed that Ms. Marcella pay an assessment of one (1) type A Civil Penalty in the amount of one thousand dollars (\$1,000.00) in addition to paying the cost of this action. Dr. Walker made a motion seconded by Dr. Voight to revoke Ms. Marcella's license to practice physical therapy in the State of Tennessee and to accept the State's recommended civil penalty in addition to the costs of the action. The motion carried.

The Board deemed this action necessary for the health, safety, and welfare of the citizens of Tennessee.

Office of General Counsel Report

Mr. Larkin presented the following OGC report:

Rules

- Rules relating to PTA references, continued competency, titles, and conditions (07-0467: Tenn. Comp. R. & Regs. 1150-1-.02, .03, .04, .10, .12 and .15) are still being reviewed by the Attorney General's Office.
- The Notice of Rulemaking Hearing Rules that were discussed and voted on at the last meeting are still being reviewed by the Office of General Counsel and the Assistant Commissioner.

Litigation

The Office of General Counsel currently has four (4) open cases pertaining to the Board of Physical Therapy.

Tennessee Professional Assistance Program (TNPAP) Report

Mike Harkreader, Director, of the Tennessee Professional Assistance Program (TNPAP), presented the statistics for the period of July 1, 2008 thru March 31, 2009. Three (3) PT 's and three (3) PTA's signed monitoring agreements. There were two (2) referrals received both of which were PTA's. Sources of the referrals were one (1) self referral and one (1) from a treatment center. Reasons for referral were for history of arrest/illegal drug use/DUI and for substance abuse/dependence. One (1) PT was discharged after successful completion of the monitoring agreement and one (1) PTA was discharged and reported to the Department of Health for refusing services.

Investigation and Disciplinary Reports

There were nine (9) PT complaints. Four (4) were closed, one (1) with a letter of warning, and three (3) were sent to the Office of General Counsel.

There were five (5) PTA complaints. Three (3) were closed, one (1) with no action, one (1) with a letter of warning, and one (1) was sent to the Office of General Counsel.

There are currently two (2) PT's and one (1) PTA currently being monitored after prior Board discipline.

Teleconference with Susan Layton, FSBPT

The Board held a teleconference with Susan Layton, a representative of the Federation of State Boards of Physical Therapy regarding the Practice Review Tool (PRT) and its possible use for continuing education.

The PRT is a new initiative created by FSBPT to allow PT's to compare their knowledge, skills, and abilities to current entry-level practice. It is also an opportunity to review PT fundamentals. It is not in development for PTA's as yet. Ms. Layton gave an overview of the way the PRT was developed and its possible value to physical therapy boards for continuing competency requirements. Ten (10) jurisdictions have implemented the use of the PRT in part or for complete requirements for continuing education.

Board members are to review the information given and discuss the PRT at the next meeting.

Proposed Rules and Policies Discussion

Initial Period of Licensure—A motion was made by Dr. Walker and seconded by Dr. Voight to accept the policy statement regarding the definition of Rule 1150-1-.12, Initial Period of Licensure as it relates to obtaining ethics and jurisprudence continuing education. The motion carried.

Individuals who are approved for initial licensure by examination shall obtain four (4) hours of ethics and jurisprudence education at any time prior to the expiration date of the initial license. A rulemaking hearing will be scheduled.

Direct Access to Services—A motion was made and seconded by Ms. Ballard to accept the policy statement regarding Direct Access to Services attached hereto. The motion carried.

Calculation of Days—The Board accepted the policy statement attached hereto regarding the calculation of days in TCA § 63-13-303 (a) (4).

Rule 1150-1-.12, Definition of Professional Board—The Board interpreted a professional board to be the decision making body of an entity such as a state licensing board or professional association.

Continuing Competency Policy Statement—Ms. Fortner made a motion seconded by Dr. Voight to approve the continuing competency policy statement amended as follows:

1. The licensee must make up the amount of continuing competency credit hours that he/she is lacking. The deficient hours must be submitted with documented proof within sixty (60) days of notification from the Board.

The motion carried.

Dr. Walker made a motion seconded by Dr. Voight that when an individual is found to be deficient in continuing competence requirements that he/she be automatically included in the next audit. The motion carried. The policy statement is to be revised and presented at the next meeting.

Mr. Larkin was asked to check into the progress of rules sent to the Office of the Attorney General and rules being reviewed by the Office of General Counsel for a rulemaking hearing.

Approval of Minutes

Dr. Voight made a motion that was seconded by Ms. Ballard to approve the February 13, 2009 board meeting minutes as presented. The motion carried.

Topics of Discussion

- A. States Requiring a Jurisprudence Exam as a Part of Initial Licensure—Dr. Voight presented a report stating that twenty-three (23) states now require jurisprudence as a part of the requirements for physical therapy initial licensure. He recommended that the Board consider amending the rules to require applicants to take an ethics and jurisprudence exam at the time of initial licensure.
- B. Continuing Education Course Approval
 1. Deaconess HomeCare and their parent company Critical Homecare Solutions, Inc. submitted a course for approval entitled “Ethics in Healthcare: A Multidisciplinary Review For

Healthcare Professionals." Dr. Walker made a motion seconded by Ms. Fortner to reject this course as not meeting the requirements of Rule 1150-1-.12 (4) (b). The motion carried.

2. Tennessee Physical Therapy Association requested re-approval of the following ethics and jurisprudence courses:
 - a) 001 Jurisprudence: Physical Therapy Practice in Tennessee
 - b) 002 Ethics in Physical Therapy Practice
 - c) 003 Jurisprudence: Physical Therapy Practice in Tennessee (Online)

Dr. Voight made a motion seconded by Ms. Fortner to approve the TPTA ethics and jurisprudence courses for two years from today's date. The motion carried.

The Board instructed the administrative staff to add the date all courses were initially approved to the website and send a letter to those entities whose curriculum is two years or older to be resubmitted.

- C. Bodies In Balance Physical Therapy, PLLC—W. Bryant Miller, PT and Lisa Fox, PT (President) sent a letter to the Board inquiring as to whether an individual practicing PT in Tennessee in an educational setting is exempt from having to obtain a Tennessee license. The Board's response is that the individual would be required to be licensed in Tennessee. The staff was instructed to send a letter.

Remediation

Ms. Fortner made a motion that was seconded by Ms. Ballard to approve the remediation plans reviewed by Board consultant, Alan Meade. The plans were for the following applicants:

- A. Michael Edwards, PTA
- B. Darren Henderson, PTA
- C. Endia Johnson, PTA
- D. Homer B. Pique, PT
- E. Pamela Sexton, PTA
- F. Amanda Thomas, PTA

The motion carried.

Applicant File Review

- A. Amy Bush—Ms. Bush appeared before the Board seeking to reinstate her PT license which she voluntarily retired on April 12, 2001. Pursuant to Rule 1150-1-.10, Dr. Walker made a motion seconded by Dr. Voight to approve Ms. Bush for a provisional license of forty-eight (48) weeks duration. The motion carried.

- B. Sreejith Puthanpurayil—A motion was made by Dr. Walker and seconded by Ms. Fortner to grant Mr. Puthanpuravil, a foreign trained applicant, a provisional license of forty-eight (48) weeks duration. The motion carried.
- C. Marilou Acosta—A motion was made by Dr. Walker and seconded by Ms. Ballard to grant Ms. Acosta, a foreign trained applicant, a provisional license of forty-eight (48) weeks duration. The motion carried.
- D. Cherie Tung—A motion was made by Dr. Walker and seconded by Ms. Fortner to deny licensure to Ms. Tung by reciprocity based on the fact that she has not been licensed in another state. The motion carried. The recruitment agency HCCA is to be contacted for more information on the current status of Ms. Tung.
- E. Paul Que-Sanchez—A motion was made by Dr. Walker and seconded by Ms. Fortner to deny licensure to Mr. Que-Sanchez by reciprocity based on the fact that he has not been licensed in another state. The motion carried. The recruitment agency HCCA is to be contacted for more information on the current status of Mr. Que-Sanchez.
- F. Charlotte L. Eddings—Ms. Eddings' application for reinstatement was presented to the Board for review. She is currently on probation to practice nursing in the State of Tennessee. Dr. Walker made a motion seconded by Ms. Fortner to reinstate Ms. Eddings license with a probationary period to run concurrent with the probationary period of her nursing license with a requirement that she receive a TNPAP assessment. The motion carried.
- G. Linda Bowman—Ms. Bowman submitted a letter to the Board requesting a waiver of continuing education requirements for the 2007 and 2009 cycles due to hardship caused by a medical condition. Dr. Walker made a motion seconded by Ms. Fortner to defer action on Ms. Bowman's request until receiving documented proof of her medical condition. The motion carried.
- H. Elizabeth H. Sullivan—Ms. Sullivan appeared before the Board seeking reinstatement of her PT license that had lapsed 6/30/2004. After the Board's interview of Ms. Sullivan, Ms. Fortner made a motion seconded by Ms. Ballard to approve her for a provisional license of forty-eight (48) weeks duration. The motion carried.
- I. Michael W. Cox—Mr. Cox's application was presented to the Board for reinstatement of his PTA license which had been retired 5/31/2001. After review, Ms. Fortner made a motion seconded by Ms. Ballard to approve Mr. Cox for a provisional license of forty-eight (48) weeks duration. The motion carried.

Ratification of Initial Determinations

A motion was made by Ms. Ballard and seconded by Ms. Fortner to approve the following lists of initial and reinstatement applications for licensure. The motion carried.

PHYSICAL THERAPISTS

NEW LICENSES

STACY ANNE AKERS
DEBORAH ANNE BAEHMAN
CAMILLE NICOLE BOURNE
JEFFERSON GREER CARLISLE
JESSICA LYNN CHILDERS
MARIE NAHOMIE CIDEI-SAMUEL
MATTHEW WILLIAM CLEMSON
DANIEL BYRON ELLIOTT
JASON JOHN FERINE
NAGA BINDU GAZULA
MIKKI LYNN GILLILAND
JACYNTH S GRAY
NANCY RUTLEDGE HAGGART
KAREN REBECCA HANLINE
JULIE DAWN HARDY
ALAN THOMAS HARRIS
GERALD THOMAS HOADLEY
CHRISTOPHER INGRAM, JR
WINONA JENKINSON
ADAM KENNETH JONES
STACY ELIZABETH JOYCE
KENDRA RENEE' LOVE
JOHN STUART LOWE
MARGARET CHRISTINE
MANNING
CHRISTOPHER SCOTT
MARKHAM
KIMBERLY ANN MORGAN
HALLIE LAUREN MUSE

FRANCIS PAN TAT NG
SHAMEEM ARA NICKEL
RHETT JARED NILSON
VANESSA EVELINE NOLAN
ANDRIA MARIE ONISHI
DARIO BALILLA OPERIO
DIANE GLORIA PRETORIUS
DUSTIN ROBERT RAY
CAROLYN MICHELE RICHARDS
JAMES KEITH RIESZ
DANIEL M ROBERTS
KIMBERLY ANN ROBERTSON
REBEKAH CLARE RODRIGUEZ
ELIZABETH S SAMPLE
MALEA LYNN SAMPSEL
JILL CHRISTINE SANDUL
JENNIFER PIKE SCHOLLER
ANDREA MICHELLE SCHULTZ
DAVID S SMITH
ELIZABETH MARY SOIKA
ADRIAN MICA SPENCER
ESTHER SHAVON THOMAS
DANA RENEE WATSON
ASHLEY RENEE' WEBB
KATHRYN R. WILLETT
HEIDI LYN WINSTEAD
JEFFREY SCOTT WYATT

REINSTATEMENTS

LYNETTA G. ALFERIO
DARIN LYNN CAMERON
TRACY S. GRANT
JULIETA C. KHO
RACHEL MARIE KOMESHAK
LISA LOREI LANAI

SUSAN KAY MOHR
STEPHEN DALE MULHOLLEN
GRACE PERALTA PRATT
DREXEY WILE SMITH
LINA LAROCHE WARDEN

PHYSICAL THERAPIST ASSISTANTS

NEW LICENSES

JULIE ANN ANKNEY
TOI MYNON BRADLEY
NOMARA JEANNE BUCK
LINDA A BURNETT
KATHIE L GOVE

AMANDA SUE GRIFFITH
JESSICA ANN HAYS
MELISSA SHEA HILL
BRITTNEY KATHLEEN KIMBELL
BRYAN HENRY LOCKETT

PATTY MICHELLE LOFTIS
CATHRINE MARIE MEADES
JENNIFER LYNN MEALER
KELLY C. NEWBOULD

MIRANDA LEIGHANN O'SHIELDS
BROOKE NICOLE SHELBY
MICHAEL THOMAS SUMMERVILLE
CATHERINE MARIE YAKE

REINSTATEMENTS

EDWARD D. BAILEY JR
CAROL MARIE BARR
CAROL MARIE BROWNING
JAMIE WEST CODDINGTON

RAPHAEL MARK LOCHER
KEITH D. SMITH
JERRY MITCHELL TEDDER JR

Agreed Citations

Mr. Larkin presented Agreed Citations for those practitioners that were in non-compliance, following an audit of continuing education.

Dr. Voight made a motion seconded by Dr. Walker to accept the Agreed Citations for the following practitioners:

1. Lisa Springer, PT
2. Stephanie R. Alexander, PT
3. Melissa Elrod, PT
4. Celeste Sperber, PTA
5. Jacky Richardson, PTA
6. John Whitson, PT
7. Robert Stewart, PTA
8. Cheryl Coleman, PTA

The motion carried.

Dr. Walker made a motion seconded by Ms. Ballard to deny the Agreed Citations for those practitioners that had failed to submit any continuing education credits and to send their files to OGC.

The motion carried. They are:

1. Karen Zavarella, PT
2. Ebele Iyama, PTA
3. Gregory Barnett, PT
4. Angela Evans, PTA
5. Brett Jones, PT
6. Frances Lacey, PT
7. Cynthia Powers, PTA
8. Eva Shelton, PTA

Ms. Ballard made a motion seconded by Ms. Fortner to remand the files back to the administrative office for further investigation of those practitioners that were non-compliant due to the ethics and jurisprudence continuing education requirements. The motion carried. They are:

1. Charla Goodman, PTA
2. Bradley Moore, PT
3. Maria Spelvida
4. Charles Simmons, PTA
5. Angelia Harding, PTA
6. Lisa Ashbury, PTA

Financial Report

The financial report for FY 2009 mid-year has not been completed. The Board will discuss options to maintain its fiscal solvency when current financial information becomes available.

Administrator's Report

Karen Robinson presented the following data from February, 2009 through April, 2009:

- 4007 Physical Therapists
- 2428 Physical Therapist Assistants

STATISTICAL REPORTS

Physical Therapists	February	March	April
Licensed	23	20	15
Provisional	2	0	0
Renewals Mailed	147	174	145
<u>Failed to Renew</u>	4	4	5
<u>Vol-Retired</u>	2	8	1
Physical Therapist Assistants	February.	March	April
Licensed	6	9	7
<u>Provisional</u>	0	0	0
<u>Renewals Mailed</u>	101	75	74
Failed to Renew	4	3	5
Vol -Retired	1	0	0

CONTINUING EDUCATION AUDIT STATUS REPORT

Physical Therapy	Jan 2008 thru Dec 2008	Physical Therapy Assistant
Licenses Audited	87	51
Licenses Compliant	71	42
Licenses Non Compliant	16	9

Federation of State Boards of Physical Therapy Annual Meeting

The Board voted to send Lisa Fortner as a delegate and Marva Swann as administrator to the annual FSBPT meeting to be held October 1 through October 3 in San Diego, CA. Minty Ballard was elected as the alternate delegate should Ms. Fortner be unable to attend.

Adjournment

There being no further business, the meeting was adjourned at 4:50 p.m.

These minutes were ratified at the August 21, 2009 meeting.