

**BOARD OF PHYSICAL THERAPY
MINUTES**

DATE: August 22, 2008

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, Chair, PT
Lisa C. Fortner, Secretary, PTA
J. Randy Walker, Jr., PT
Michael L. Voight, PT

STAFF PRESENT: Marva Swann, Board Director
Karen Robinson, Board Administrator
Christopher Larkin, Board Attorney
Diona Layden, Board Attorney
Libby Miller, Health Related Boards Director
Denise Moran, J.D., Bureau of Investigations Director
Alison Cleaves, OGC Deputy General Counsel
Juanita Stone, Bureau of Investigations Disciplinary Coordinator

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

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

Conflict Of Interest:

Mr. Larkin presented and reminded the Board members of their responsibility under the Conflict of Interest Policy.

Office of General Counsel Report:

Mr. Larkin presented the following OGC report:

Rules:

Rules amending PTA references, cont. comp, titles, and conditions, (07-0467) (1150-1-.02, .03, .04, .08, .10, .12, .15): are in the process of being reviewed for form and content by the Office of General Counsel and will be forwarded to the Office of the Attorney General.

Litigation:

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

The case of Jameka Young, license #7080, scheduled to be heard at this meeting was continued.

Agreed Citations Relating to Lapsed Licenses and Deficiencies in Continuing Education

The Board currently has policies on both lapsed licenses and continuing education. Ms. Cleaves stated that she was in no way asking the Board to change their policies but to make it clear that civil penalties for policy violations would become reportable violations subject to listing on the Health Department's monthly Disciplinary Action Report (DAR). She requested that the Board implement their policies by agreed citation which is a legal document that would outline the licensee's rights under the law.

The Board had already authorized the use of the agreed citation at a previous meeting for violations of continuing education after the licensee is notified and given an opportunity to rectify his/her deficiencies. Mr. Larkin had already drafted an agreed citation to be used by the administrative staff and this document had been sent to licensees with ce deficiencies; however, sending out these citations has been discontinued until the Board acknowledges that to continue this practice would make it a reportable offense and makes a decision as to whether this is their desire.

After discussion, a motion was made by Dr. Walker and seconded by Dr. Voight to maintain the policies currently in place regarding lapsed licenses and deficient continuing education hours, granting the staff permission to implement these policies by agreed citation with the acknowledgment that the imposition of a civil penalty would be an offense reportable on the DAR. The motion carried unanimously.

Rule Discussion

The Board administrative staff initiated a discussion of rule 1150-1-.14 regarding physical therapy's code of ethics. The Board has adopted the current "Code of Ethics" issued by the American Physical Therapy Association (APTA) for both PT's and PTA's which is referred to in this rule. The administrative staff gets a number of inquiries regarding ethical practice as it relates to these guidelines. As the administrative staff are not practitioners of physical therapy nor do they have access to these guidelines, the Board was asked for advice as to how to handle these inquiries.

After discussion, a motion was made by Dr. Walker and seconded by Dr. Voight to investigate the possibility of adding a link on the Board's website to APTA's website to enable practitioners to access

the “Code of Ethics”, and for the staff to refer inquiries relating to ethical practice to either a Board member or the Board consultant. The motion carried unanimously.

Dr. Voight requested that a discussion of a possible rulemaking hearing regarding continuing competence requirements be sunshined at the next meeting. Licensees are confused as to when continuing competence for ethics and jurisprudence are due. He would like to see this rule amended for clarity.

A motion was made by Dr. Voight and seconded by Dr. Walker to approve a rulemaking hearing to amend 1150-1-.12 (a) changing licensure renewal year to licensure renewal date. The motion carried unanimously. Language for this rule amendment will be presented at the next meeting.

Applicant Review

Michael D. Edwards—Mr. Edwards appeared before the Board due to a criminal conviction. He presented documentation that he has satisfied all requirements relative to his probation regarding this conviction and that the record has since been expunged. After review of the documentation, a motion was made by Dr. Walker and seconded by Ms. Fortner to approve Mr. Edwards to take the examination to be licensed as a PTA. The motion carried unanimously.

Andrew Reardon—Mr. Reardon appeared before the Board to provide documentation that criminal charges had been dismissed. After examination of the documents and subsequent discussion, a motion was made by Dr. Walker and seconded by Dr. Voight to approve Mr. Reardon to take the examination to be licensed as a PT. The motion carried unanimously.

Lucky B. Norbury—Mr. Norbury was not present. His file was reviewed by the Board due to criminal history. After review and discussion, a motion was made by Dr. Walker and seconded by Dr. Voight to approve Mr. Norbury to be licensed as a PT by reciprocity. The motion carried unanimously.

Credential Review

Diane Pretorius—Ms. Pretorius appeared before the Board because her credentials as a foreign-trained PT were found, by the Foreign Credentialing Commission for Physical Therapy (FCCPT), not to meet the requirements for Tennessee of the Type 1 certificate. Ms. Pretorius requested that the Board consider that she has been licensed in both California and Oregon and had met requirements by the International Education Research Foundation (IERF) for foreign-trained PTs at that time. The Board maintained that Tennessee’s rules require that she meet standards for the Type 1 certificate regardless of the credentialing agency used. Ms. Pretorius stated that she is currently doing a self-study in the courses necessary to obtain the Type 1 certificate and will take an exam when completed through the College Level Education Program (CLEP) in order to meet the requirements. A motion was made by Dr. Walker and seconded by Dr. Voight to defer approval of Ms. Pretorius for a provisional license until she has met all requirements and to allow a Board member or Board consultant to review the application at that time for initial approval to enable Ms. Pretorius to begin practice without waiting until the next Board meeting. The motion carried unanimously.

Tennessee Professional Assistance Program Report

Mike Harkreader, Director, of the Tennessee Professional Assistance Program (TNPAP), presented the report. This report represents the statistics for the period of July 1, 2007 thru June 30, 2008. Five (5) practitioners signed monitoring agreements. There were four (4) referrals received. Sources of the referrals were (4) from the Board and one (1) self referral. Reasons for referral were two (2) for history of arrest/illegal drug use/DUI and two (2) for substance abuse/dependence.

There were ten (10) practitioners discharged; two (2) due to monitoring being unnecessary, one (1) for noncompliance, four (4) abandoned communication, one (1) refused services, and two (2) successfully completed the program.

Investigation and Disciplinary Reports

Ms. Juanita Stone, Disciplinary Coordinator for the Bureau of Investigations (BIV), presented the PT and PTA investigative and disciplinary reports.

Eight (8) PT complaints were carried over from December 2007. Twelve (12) new complaints were received in 2008; six (6) in January, three (3) in February, one (1) in March, and two (2) in April making a total of twenty (20). Of these twenty (20) complaints, ten (10) were closed with no action and two (2) were referred to OGC leaving eight (8) complaints still open as of July.

There were no PTA complaints carried over from 2007. Seven (7) new complaints were received in 2008; six (6) in January and one (1) in April. Of these seven (7) complaints, four (4) were closed; two (2) with no action and two (2) were referred to OGC leaving three (3) still open as of July.

The disciplinary report shows one (1) PT and three (3) PTAs are currently being monitored.

Topics of Discussion

- A. Wound Debridement in a Home Healthcare Setting—An inquiry was received from a practitioner as to whether a physical therapist can perform wound debridement in a home healthcare setting. It was the Board's conclusion pursuant to rule 1150-1-.01 (29) (b) that a PT is not prohibited from performing wound debridement in a home healthcare setting. The board's attorney, Mr. Larkin, is to draft a response to the practitioner.
- B. ECS Certification to Perform a Surface EMG—Jocelyn Aikens, a PT practitioner inquired as to whether submission to the Board's administrative office documented evidence of completion of a Basic Nerve Conduction Studies Workshop provided by Cadwell Educational Programs would meet requirements for PTs who seek to conduct surface electrophysiological studies and kinesiological studies pursuant to rule 1150-1-01 (29) (b). The Board concluded that the outline of the course provided would meet those requirements and instructed the Board's attorney to draft a response.

- C. Practice Review Tool—The Practice Review Tool (PRT) is a new initiative created by the Federation of State Boards of Physical Therapy (FSBPT) to allow PTs to compare their knowledge, skills and abilities to current entry-level practice as well as a means by which a PT could review basic fundamentals. The Board discussed ways the PRT could be beneficial to Tennessee’s practitioners. It was suggested that the attendees to this year’s annual FSBPT meeting bring back information to be presented at the next meeting in November.
- D. International Education Research Foundation (IERF) re: revisions to FSBPT’s Coursework Tools Checklist—The IERF has inquired as to whether they should incorporate the 2008 revised tool in their evaluation report to Tennessee of foreign trained therapists. The Board has requested the administrative office to respond in the affirmative.
- E. Spinal Manipulation Terminology—The Board requested that a rule be drafted to define terminology on allowing a PT to perform spinal manipulation pursuant to TCA 63-13-109(b)(1)(2). Diona Layden is to gather research material and input from Board members in order to have a draft of these proposed rules by the November 14, 2008 Board meeting.
- It was also suggested that rules be drafted as well to clarify 1150-1-.09(2) and 1150-1-.10(2) regarding the renewal of a lapsed license for greater than three (3) years and the issuance of a provisional license pursuant to 1150-1-.12(b)2.
- F. Accommodations For Examinees With Disabilities Eligibility Questionnaire— The Board was presented a form to be linked to the initial application for licensees with disabilities to request special accommodations to take the FSBPT examination. A motion was made by Ms. Fortner and seconded by Dr. Voight to approve the form as amended. The motion carried unanimously.
- G. Retro Tool—The Board approves use of the retro tool for credentialing applicants whose education does not meet the current standards. The retro tool would use standards that were in place at the time the applicant completed his/her education.

Approval of Minutes

A motion was made by Dr. Walker and seconded by Ms. Fortner to approve the May 23, 2008 board meeting minutes as amended. The motion carried unanimously.

Continuing Education Course Approval

A course submitted from PTcourses.com aka Communicate & Negotiate, LLC entitled “Ethics: A Practical Application” was reviewed by Dr. Walker and presented to the Board for approval. It was Dr. Walker’s recommendation that the course be approved. A motion was made by Dr. Walker and seconded by Ms. Fortner to approve the course. The motion carried unanimously. It was noted that a previous course had been approved from this company and the administrative staff was asked to determine if this is an update of that course or a new submission.

Ratification of Initial Determinations

A motion was made by Dr. Walker and seconded by Ms. Fortner to approve the listing for initial licenses and reinstated licenses for Physical Therapists and Physical Therapy Assistants as well as the remediation plan recommended for approval by Alan Meade, Board consultant. The motion carried unanimously.

Administrator's Report

Ms. Robinson presented the administrator's report to the Board. The information contained in this report will keep the Board aware of all essential activity pertaining to the Board of Physical Therapy. Following are the status counts for both professions from June 1, 2008 thru July 31, 2008.

Statistical Report:

Physical Therapists	Physical Therapist Assistants
Licensed- 84	Licensed - 82
Provisional - 0	PP Provisional - 0
Renewals - 228	Renewals - 195
Failed to Renew - 11	Failed to Renew - 9
Voluntary Retired - 9	Voluntary Retired - 1
Pending - 100	Pending - 81
Active licenses- 3911	Active licenses- 2378

Internet

The Board has asked the staff to determine if the policy statement currently on the web with regard to discharge summaries is the correct version adopted by the Board.

Newsletter

A newsletter is currently being drafted. The staff would welcome input from the Board.

Administrative Staff

Ms. Bonnie Ferrell has retired and the Board's new administrator is Ms. Karen Robinson.

Financial Report

Ms. Swann presented the financial report. The Board was concerned with the possible appropriation of the Board's funds due to the state's budget shortfall and wanted to make sure that the Government Operations Committee was made aware that the Board of Physical Therapy had in 2006 adopted a nine (9) year plan to spend down its large carryover revenue.

With there being no further business, the meeting was adjourned at 2:00 pm.

These minutes were ratified at the November 14, 2008 meeting.