

**BOARD OF PHYSICAL THERAPY  
MINUTES**

DATE: November 14, 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  
Diona Layden, Attorney, Board Attorney  
Chris Larkin, Attorney, Office of General Counsel  
Libby Miller, Health Related Boards Director  
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 9:07 a. m.

**Conflict Of Interest**

Diona Layden presented the new Conflict of Interest Policy that went into effect November 1, 2008. Board members were asked to review the policy paying particular attention to numbers six (6) and seven (7) which refer to their serving as an officer or in a policy making role in any trade or professional association while serving on the Board.

All Board members were asked to sign the Conflict of Interest Policy.

**Office of General Counsel Report**

Ms. Layden presented the following OGC report:

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## 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 under evaluation by the Office of General Counsel for form and content. Once approved, the rules will be sent to the Attorney General's Office for final review.

A roll call vote had been taken on these proposed amendments at a previous meeting. Ms. Layden asked that they be reviewed again by the Board as well as the Economic Impact Statement and the Regulatory Flexibility Analysis. Ms. Wilkerson, Chair, stated that the amendments were as previously presented and that they had included the Economic Impact Statement and the Regulatory Flexibility Analysis at the time presented. Ms. Wilkerson was asked to sign the original document.

## Litigation

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

## **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, 2008 thru October 31, 2008. Four (4) PT 's and one (1) PTA 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.

There were no practitioners discharged during this period.

## **Investigation and Disciplinary Reports**

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

Four (4) new PT complaints were received since the last report given at the August, 2008 meeting; one (1) in September and three (3) in October. Three complaints were closed during this period, leaving a total of ten (10) open complaints to date.

There were two (2) new PTA complaints received since the last meeting; one (1) in August and one (1) in October. There were no PTA complaints closed during this period leaving five (5) open complaints.

Emphasis has been placed on closing the oldest complaints.

The disciplinary report shows one (1) PT and three (3) PTAs are currently being monitored. A new procedure is in place thru which the Bureau of Investigations is working closely with the Attorney General's office to collect fines.

### **Board Policy Review**

All Board policies were reviewed for accuracy. The administrative staff will make the minor changes approved by the Board and post the policies to the Board's website.

Dr. Walker made a motion seconded by Dr. Voight that a policy statement be drafted to interpret days as business days wherever referenced in TCA 63-13-303 regarding direct access. The motion carried.

The Board also directed that a policy statement be drafted to enumerate all of the elements that should be contained in a patient consent form which also relates to direct access.

### **Rule Discussion**

The Board discussed rule amendments regarding the following:

- A. Rule 1150-1-.01 definitions regarding consultation. The Board has defined consultation as a meeting, either face-to-face or electronic, between two or more health professionals to discuss the diagnosis, prognosis, and treatment of a particular case.
- B. Rule 1150-1-.09 (9) regarding remediation. The Board wants the word "should" changed to "may."
- C. Rule-1150-1-.12. (3) (a) (b) regarding continuing competency. The Board wants to change the time period in which licensees obtain continuing competency hours from "the two (2) calendar years (January 1-December 31) that precede the licensure renewal year" to "twenty-four (24) months that precede the licensure renewal month."
- D. Rule 1150-1-.01 (25) regarding manipulation as it relates to manual therapy techniques. The Board wants the rule to state in part that these interventions involve a variety of techniques, such as the application of graded forces, "which are not performed beyond the joint's normal range of motion. These interventions may be applied to all joints of the body as deemed appropriate."

Ms. Layden is to submit the proposed rule amendments for the Board's approval at its next meeting.

### **Approval of Minutes**

Dr. Voight made a motion that was seconded by Dr. Walker to approve the August 22, 2008 board meeting minutes as presented. The motion carried with a unanimous vote.

### **Topics of Discussion**

- A. Practice Review Tool, (PRT), Retro Tool (RT), and Course Work Tool (CWT)—The PRT was developed by the Federation of State Boards of Physical Therapy (FSBPT) to allow physical therapists to assess their current competency. The Board considered whether the PRT should be used for continuing competency credit. The question was raised as to whether the RT could be used for practitioners taking the PRT who had been educated several years ago. Currently the RT and CWT are only being used by the Foreign Credentialing Commission on Physical Therapy (FCCPT) to evaluate foreign trained therapists. The CWT is used to evaluate credentials using the current standards for physical therapy and the RT is applied using criteria at the time during which the therapist was educated. The Board would like more information before making a decision and has requested that a conference call be set up with a representative of the FSBPT and FCCPT regarding these issues at its next meeting on February 13, 2009.
- B. Continuing Education—The Board has directed that issues regarding continuing education credits determined through the audit be sent to the board consultant for final review before an agreed citation is prepared. The list of approved ethics and jurisprudence providers has been updated on the website.
- C. Volunteer Voice Request—David Ellis, Editor of the Volunteer Voice, the newsletter for the Tennessee Physical Therapy Association (TPTA), has requested that the Board submit items of interest to be published in the January, 2009 issue. This newsletter is available to both members and non-members of the TPTA. Ms. Miller pointed out that Board members are free to submit articles to this publication as individuals and not on behalf of the Board of Physical Therapy. Members were encouraged to submit and make suggestions of news worthy items to be published in the Board's newsletter.
- D. File Review and Initial Application Approval—Ms. Fortner made a motion seconded by Dr. Walker to delegate file review and initial approval of those applications without issues to the administrative staff. The motion carried.

### **Remediation**

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

- A. Andrea M. Buie
- B. Melissa Dunlap
- C. Kristen Lankford
- D. Miranda O'Shields

- E. Meena J. Palanisamy
- F. Rachelle Peitscher
- G. Pamela Sexton
- H. Ladasha M. Wiley

The motion carried with a unanimous vote.

### **Applicant File Review**

- A. Linda A. Burnett—Ms Burnett’s file to be licensed as a PTA was presented to the Board to request that the requirement of the electronic fingerprint scan be waived and that a name and social security search be accepted in its stead. Her fingerprints are unreadable and can not be electronically scanned due to her hands having been burned. She has submitted medical documentation of her injuries. A name and social security number search has been done and shows no adverse information. After discussion, Dr. Walker made a motion seconded by Dr. Voight to accept the name and social security number search in lieu of the electronic fingerprint scan for Ms. Burnett. The motion carried with a unanimous vote.
- B. Carolina L. Sumner—Ms. Sumner is a foreign trained physical therapist applicant whose file was presented to the Board for review and approval to take the National Physical Therapy Examination (NPTE). Dr. Walker made a motion seconded by Ms. Fortner to approve Ms. Sumner to take the NPTE. The motion carried.
- C. Diane Pretorius—Ms. Pretorius is a foreign trained physical therapist applicant whose file was presented to the Board for review and approval to be issued a provisional license. Dr. Walker made a motion seconded by Ms. Fortner to issue Ms. Pretorius a provisional license. The motion carried.

### **Ratification of Initial Determinations**

Dr. Walker made a motion that was seconded by Dr. Voight to approve the listings for initial licenses and reinstated licenses for physical therapists and physical therapy assistants. The motion carried unanimously.

### **Financial Report**

Ms. Miller informed the Board that the financial statement for fiscal year 2007/08 would be mailed to members in two or three weeks. Transfer, if any, of Board Funds to the State General Fund would be disclosed at that time.

### **Administrator’s Report**

Karen Robinson presented the following data from August through October, 2008:

**STATISTICAL REPORTS**

<b>Physical Therapists</b>	Aug.	Sept.	Oct.
Licensed	37	55	17
Provisional	0	0	0
Renewals Mailed	168	144	162
<u>Failed to Renew</u>	3	7	5
<u>Vol-Retired</u>	5	4	2
<u>Active Licensees</u>	14	44	22
<b>Physical Therapist Assistants</b>	Aug.	Sept.	Oct.
Licensed	38	10	10
Provisional	0	0	0
Renewals Mailed	99	91	109
Failed to Renew	3	0	12
Vol -Retired	2	3	0
Active Licensees	11	28	12

**CONTINUING EDUCATION AUDIT STATUS REPORT**

<b>Physical Therapy</b>	<b>Jan 2008 thru July 2008</b>	<b>Physical Therapy Assistant</b>
<b>Licensees Audited</b>	<b>45</b>	<b>28</b>
<b>Licensees Compliance</b>	<b>38 – 84%</b>	<b>23 – 82%</b>
<b>Licensees Non Compliance</b>	<b>07 – 16%</b>	<b>05</b>

The Board was informed that as of October 1, 2008 the standard mileage rate for travel was increased to \$.54 per mile and that in-state lodging had been increased to match the federal “CONUS” rates established by the U.S. General Services Administration

A link has been placed on the Board’s website to the American Physical Therapy Association’s (APTA) “Code of Ethics.”

**FSBPT Annual Meeting**

Marva Swann and Lisa Fortner attended on behalf of the Board the annual FSBPT meeting held in Minneapolis, Minnesota on September 11 through September 15, 2008. The new Practice Review Tool (PRT) for physical therapy practitioners was a big topic of discussion. The PRT will enable PT’s to compare their knowledge, skills and abilities to current entry-level practice and review basic fundamentals.

The updated Course Work Tool (CWT) for the evaluation of foreign trained PT’s was reviewed by attendees. With each significant change in the educational program over the years, a new Course Work Tool is developed to reflect that change. There are currently four CWT’s. The fifth will go

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into effect July 1, 2009. CWT 5 reflects the educational program of a physical therapist who graduated under 2006 criteria.

### **Correspondence**

- A. Citizen Advocacy Center (CAC)—The CAC a not-for-profit organization that supports public members serving on healthcare regulatory and oversight boards sent a letter offering membership to the Board. Dr. Walker made a motion seconded by Dr. Voight to decline membership to the CAC. The motion carried.
  
- B. American Academy of Physical Therapy (AAPT)—sent a letter requesting to be approved to provide continuing education. The AAPT provides educational programming to address the elimination of health disparities for minority and disadvantaged populations. The AAPT is to be informed that the Board of Physical Therapy does not approve continuing education other than for ethics and jurisprudence.

### **Adjournment**

With there being no further business, the meeting was adjourned at 12:10 p.m.

**These minutes were ratified at the February 13, 2009 Board meeting.**