

**Committee of Physical Therapy  
Minutes**

Date: May 11, 2007

Time: 9:00 a.m. C.S.T.

Location: Health Related Boards  
227 French Landing  
Iris Conference Room  
Heritage Place Metro Center  
Nashville, TN 37243

Members Present: Dr. J. Randy Walker, Jr., PT Chair  
Brigina T. Wilkerson, PT  
Teresa B. Johnston, PT Secretary

Members Absent: Robbie Bell, Ex Officio  
Blake Murphy, PTA  
Lisa R Short, Citizen Member

Staff Present: Marva Swann, Unit Director  
Mary V. Webb, Board Administrator  
Nicole Armstrong, Advisory Attorney  
Chris Larkin, Litigating Attorney  
Jerry Kosten, Regulations Manager  
Melissa Haggard, Office of Investigations

Guest (s) Dr. Cathie Hinton, TPTA  
Estie Harris, TPTA Lobbyist  
Elaine Eaton, TNPAP Representative  
Amanda Plunkett, Court Reporter

With a quorum being present, Dr. J. Randy Walker, Jr. called the meeting to order at 9:10 a.m.

## **Office of General Counsel (OGC)**

Nicole Armstrong, Advisory Attorney, advised the Committee of the Conflict of Interest Policy and for anyone who had not signed exhibit 4 to please do so.

Ms. Armstrong presented the OGC report to the Committee as follows:

### *Committee of Physical Therapy*

1. Accreditation for physical therapy programs, petitions for stay and reconsideration (06-1034) (1150-1-.04, .15) These rule amendments went to rulemaking hearing on April 18, 2006; they were adopted by the Committee on May 12, 2006. They were sent to the Office of the Attorney General for review on June 13, 2006. They became effective on April 18, 2007.
2. Provisional licenses, fees (06-1327) (1150-1-.04, .06, .10, .12) These amendments went to rulemaking hearing on October 17, 2006. They were adopted by the Committee on November 3, 2006, and were sent to the Office of the Attorney General for review on November 14, 2006.

### **Litigation:**

The Office of General Counsel currently has four (2) open cases pertaining to the Board of Occupational and Physical Therapy Examiners. One (1) case involves a physical therapist, one (1) case involves a physical therapist assistant.

### **Topics for Discussion:**

Conflict of Interest Policy

### **Office of General Counsel – Chris Larkin, Litigating Attorney**

Mr. Larkin presented to the Committee a consent order for Mr. David Lee Unger, PTA , license # 439. Mr. Unger admitted to having performed functional capacity evaluations as a regular part of his practice.

The Tennessee Board of Occupational and Physical Therapy Examiners authorizes disciplinary action against Mr. Unger because he was found guilty of violating TENN. CODE ANN. 63-13-312:

- (2) Practicing or offering to practice beyond the scope of allowed practice.
- (5) Engaging in the performance of substandard care by a physical therapist assistant, which includes exceeding the authority to perform the task selected and delegated by supervising the physical therapist regardless of whether actual injury to the patient is established.

The Board has placed Mr. Unger's license to practice as a physical therapist assistant in Tennessee on probation for a period of one (1) year, subject to the following conditions:

- a) Mr. Unger shall immediately cease and desist from performing functional capacity evaluations;
- b) Mr. Unger shall attend a Board approved continuing education program addressing the scope of practice of physical therapy assistants and shall submit proof of successful completion to the Board staff.

A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to accept the consent order as written. The motion carried.

### **Office of Investigations Reports**

Ms. Melissa Haggard, Administrator from the Board of Investigations, presented the disciplinary and investigative reports.

**Investigative Report** – There were seven (7) open complaints in the office of investigations. Three (3) complaints were closed; one (1) with a letter of warning, one (1) no action was taken and one (1) was referred to the Office of General Counsel leaving a total of four (4) open.

**Disciplinary Report** - There are three (3) physical therapists and two (2) physical therapist assistants being monitored.

## Minutes

A motion was made by Ms Wilkerson and seconded by Ms. Johnston to accept the minutes as presented from the February 9, 2007 board meeting. The motion carried.

## Legislation

Effective July 1, 2007 The Committees of Occupational and Physical Therapy Examiners will be separated. The Governor has signed the bill.

## Discussion

**Higher passage exam scores after failures** – Ms. Armstrong passed out the rules of the Medical Board to show the Committee that the Medical Board requires a higher passing score each time an applicant fails the exam. However, if Board of Physical Therapy wanted to revise the rules, the law would have to be changed. It would also involve the Federation of State Boards of Physical Therapy (FSBPT).

**Issuance of provisional licenses to applicants who have failed the exam previously** - Ms. Armstrong stated that once the applicant has passed the exam there is no defense if they have met all qualifications pursuant to the General Rules Governing the Practice of Physical Therapy. Ms. Armstrong stated that is the reason the Board has a rule for remediation plans after two (2) attempts. Ms. Wilkerson stated that failing the exam does not represent an individual's competency. Dr. Walker suggested that perhaps the remediation plan should be revised. No further action was taken on the subject.

**Nominations for FSBPT Annual Conference September 6 – 10, 2007** – A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to accept the nominations as follows: Dr. Randy Walker, primary delegate, Brigina T. Wilkerson, alternate delegate, Ms. Marva Swann, Unit Director was elected to go as the Board Administrator. Dr. Walker also requested approval for Mary Webb, Board Administrator to attend the conference as well. The motion carried.

## **TNPAP Report**

Ms. Elaine Eaton, of the Tennessee Professional Assistance Program (TNPAP) presented her report to the Committee. The data is compiled from July 1, 2006 through March 31, 2007. There are five (5) physical therapists and three (3) physical therapy assistants being monitored. There was one (1) physical therapist and three (3) physical therapist assistant referrals. The physical therapist referral was made by the Board Attorney and two (2) physical therapy assistants were made by the board and one (1) was made by the Board Attorney.

## **Applicant Interviews/File Reviews**

- A. **Karen Pryor**, reinstatement – failed to renew since 3/31/1997 – A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to issue a provisional license for one (1) year. The motion carried.
  
- B. **Tabitha Travis** – reinstatement – failed to renew since 04/03/2003 - A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to issue a provisional license for one (1) year. The motion carried.
  
- C. **Stephanie Addison** – reinstatement – failed to renew since 8/31/1998 – A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to approve Ms. Addison for a reinstatement of her license with no restrictions. The motion carried.
  
- D. **Mary E. Cox** – reinstatement – voluntarily retired since 04/30/1996 - A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to issue a provisional license for one (1) year. The motion carried.
  
- E. **Christopher McCamey** – licensure by examination – DUI 8/8/2002 conviction – A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to approve Mr. McCamey to sit for the examination. The motion carried.
  
- F. **Donnie Sisk**, PTA – reinstatement - A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to issue a provisional license for one (1) year. The motion carried.

## **Remediation Reviews**

**A. Bernice Buntyn**, 3<sup>rd</sup> attempt – A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to approve the remediation plan as submitted, with the stipulation that Ms. Buntyn wait at least 30 days to register for the exam because she did not wait until the Board had met and reviewed her file before starting on the plan. The motion carried.

**B. Antonio Fleming**, 3<sup>rd</sup> attempt - A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to approve the remediation plan as submitted, with the stipulation that Mr. Fleming wait at least 30 days to register for the exam because he did not wait until the Board had met and reviewed his file before starting on the plan. The motion carried.

**C. Leslie Taylor**, 4<sup>th</sup> attempt – A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to approve the remediation plan as submitted. However, after registration for the exam, Ms. Nobles must not cancel any accommodations that are made on her behalf by the Board. If she does and is not successful in her next exam attempt, she must appear before the Board. The motion carried.

**D. Jimmy Townsend**, 3<sup>rd</sup> attempt – A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to approve the remediation plan as submitted. The motion carried.

## **Credential Reviews**

**A. Prathibha Menon**, by examination – A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to accept the credential report submitted by FCCPT and to allow Ms. Menon to take the examination. The motion carried.

**B. Maria Salvador**, by examination - A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to accept the credential report submitted by FCCPT and to allow Ms. Salvador to take the examination. The motion carried.

**C. Joel Balajadia**, by examination - A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to accept the credential report submitted by FCCPT and to allow Mr. Balajadia to take the examination. The motion carried.

- D. Luzviminda Leonard**, by reciprocity, has not met all credential requirements - A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to delay the application for Ms. Leonard until FCCPT has been contacted regarding the educational credential report submitted. The motion carried.
  
- E. Dileshkumar Patel**, by reciprocity, has met all credential requirements – A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to approve Mr. Patel for the 480 hour provisional license. The motion carried.

**Ratification of Initial Determinations**

- A. New Licensees
- B. Reinstatements

For a copy of the new licensees and reinstated licenses, you may contact the Tennessee Board of Physical Therapy Administrative office.

C. Provisional licenses for foreign trained therapists

- 1. Cesar Jonas

A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to approve the new licenses, reinstatements and provisional licenses for foreign trained therapists. The motion carried.

D. Ethics and Jurisprudence Course/Providers -

- 1. Belmont University – A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to accept the ethics and jurisprudence courses request. The motion carried.

- 2. HomeCEUConnection.com – A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to accept the ethics course request. The motion carried.

- 3. Specialty Educators of TN – Provider did not meet the qualifications for the ethics and jurisprudence courses. A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to deny the request. The motion carried.

## **Financial Report**

Ms. Webb presented the financial report which indicated that the Committee had a cumulative carryover of \$1,286,728.78 as of June 30, 2006.

## **Directors/Administrative Report**

Ms. Webb presented to the Committee the Administrator's report. As of May 11, 2007 there were 3756 active physical therapists and 2189 active physical therapy assistants. There were 910 retired physical therapists and 304 retired physical therapy assistants. There were 2027 physical therapist, in failed to renew and 520 physical therapy assistants in failed to renew status.

The number of applicants issued a license from 02/08/07 through 05/07/07 were 43 for physical therapists and 25 for physical therapy assistants.

There being no further business the meeting adjourned at 12:08 p.m.

These minutes were ratified at the August 17, 2007 board meeting.



