

**Board of Physical Therapy  
Minutes**

Date: August 17, 2007

Time: 1:43 p.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  
Blake Murphy, PTA

Staff Present: Marva Swann, Unit Director  
Mary V. Webb, Board Administrator  
Nicole Armstrong, Advisory Attorney  
Jerry Kosten, Regulations Manager  
Juanita Stone, Disciplinary Coordinator

Guest (s) Dr. Cathie Hinton, TPTA Board Liaison  
Estie Harris, TPTA Lobbyist  
Megan Frazier, TPTA Lobbyist  
Mike Harkreader, TNPAP Representative  
Amanda Plunkett, Court Reporter  
Traci Felts, PTA - Licensee

With a quorum being present, Dr. J. Randy Walker, Jr. called the meeting to order at 1:43 p.m.

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

Nicole Armstrong, Advisory Attorney, advised the Board 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 Board as follows:

### **Rules:**

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. They became effective on August 1, 2007.

### **Litigation:**

The Office of General Counsel currently has one (1) open case pertaining to the Board of Physical Therapy.

## **Order of Compliance – Traci Felts, PTA**

Ms. Armstrong presented to the Board an Order of Compliance for Ms. Traci Felts, PTA. Ms. Felts appeared before the Board and has proven to the satisfaction of the Board that the provisions of the Agreed Order issued by the Board of Occupational and Physical Therapy Examiners, Committee of Physical Therapy on August 6, 2004, requiring Ms. Felts to : (1) have her license placed on probation for a three (3) year period; (2) pay a civil penalty in the amount of one thousand dollars (\$1,000.00); (3) complete five (5) C.E.U.s or fifty (50) contact hours of continuing education in the areas of ethics, jurisprudence, scope of practice, supervision and documentation within the first year of the probationary period; (4) submit quarterly reports from her supervisor to the Board and (5) pay costs for the disciplinary proceedings have been complied with. Ms. Felts is entitled to the relief for which the petition was filed.

Therefore, it was ORDERED that Ms. Ms. Felts be resolved from any further responsibilities under the previously issued Agreed Order by the Tennessee Board of Physical Therapy on this 17<sup>th</sup> day of August, 2007.

Dr. Walker asked Ms. Felts how she achieved fifty (50) hours of ethics and jurisprudence courses. Ms. Felts responded that she had taken the majority of her courses on line. A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to approve the Order of Compliance. The motion carried.

### **Office of Investigations Reports**

Ms. Juanita Stone, Disciplinary Coordinator for the Office of Investigations, presented the disciplinary and investigative reports.

**Investigative Report** – There were five (5) open complaints for physical therapists in the office of investigations. Three (3) complaints were closed; one (1) with a letter of warning and two (2) no action was taken leaving a total of two (2) open.

There are currently no open complaints for physical therapy assistants.

**Disciplinary Report** - There are three (3) physical therapists assistants and one (1) physical therapists being monitored.

### **Minutes**

A motion was made by Ms Wilkerson and seconded by Ms. Johnston to approve the minutes for the May 11, 2007 board meeting with the amendment that Ms. Wilkerson's middle initial T. be added to her name. The motion carried.

### **Legislation**

Jerry Kosten, Rules Regulations Manager presented to the Board Public Chapter, Numbers 529, 83, 423, 410, 464, and 115.

Public Chapter 529 is the Prohibition of Employment for Illegal Aliens and the act states in part: If the Commissioner of Labor and Workforce Development receives a complaint that a person, licensed by a state regulatory board, knowingly employs, recruits or refers for a fee for employment an illegal alien, that person is subject to an investigation and contested case hearing.

Public Chapter 83 is the Mandatory Domestic Violence Reporting and the act states in part: The General Assembly passed a new law this legislative session that mandates health care practitioners shall report cases of suspected or confirmed domestic violence to the Tennessee Department of Health.

Public Chapter 423 is Physical Therapy Without Prior Referral ( Direct Access ) and is an act to amend Tennessee Code Annotated, Section 63-13-109 (b) and Section 63-13-303, relative to referral requirements for patient access to physical therapy services.

The Board was in agreement that Public Chapter 423 should be mailed to all licensees. The Administrative Office would comply and mail notices to all active licensees as soon as possible; however, there is a mistake in SECTION 2 63-13-303 (4) (C) that must be corrected to read 30 days instead of 45 days.

Dr. Cathie Hinton has requested that a task force be developed to help adopt rules for Public Chapter 423. Dr. Hinton stated that the Association was particularly interested in Section 63-13-109(b) (2): The scope of practice of physical therapy shall not include the performance of treatment where the physical therapist or physical therapist assistant uses direct thrust to move a joint of the patient's spine beyond its normal range of motion without exceeding the limits of anatomical integrity.

The task force will consist of Dr. Cathy Hinton, Trish King, Susan Appling, Jason Richardson, Scott Newton, Graham Keyes and Joe Black. There will be one (1) board member, Teresa Johnston, on this task force to help develop a policy regarding this issue.

A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to approve the task force to develop rules regarding PC 423. The motion carried

The Administration Office was asked to put into place a policy statement regarding the Fellowships and Residencies to be deemed approved for direct access if the education was approved by the American Physical Therapy Association (APTA) or the American Academy of Manual Physical Therapy (AAOMPT). Dr. Walker submitted a policy statement for review to members of the Board and the Administration staff.

After a lengthy discussion and making some revisions to the document a motion was  
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made by Ms. Johnston and seconded by Ms. Wilkerson to approve the policy statement as revised. The motion carried.

The revisions to the document that Dr. Walker submitted was to change “differential diagnosis” to “screening” in numbers 1 and 2 and also delete “within the past twenty four (24) months” from number 1 and add “with an accepted PT program.”

Nicole Armstrong, Advisory Attorney for the Board, is to refurbish the adopted policy into more precise language before its being published.

Public Chapter 410 is the Non-Smoker Protection Act and states in part: Public Chapter 410 creates the Non-Smoker Protection Act which will prohibit smoking in all enclosed public places within the State of Tennessee.

Public Chapter 115 is the new act that discussed the separation of the Committee of Physical Therapy and the Committee of Occupational Therapy into two (2) boards known as the Board of Physical Therapy and the Board of Occupational Therapy. This new law went into effect July 1, 2007.

Mr. Kosten discussed with the Board the authorizing of a rulemaking hearing regarding:

- A. Use of titles and advertisements
- B. Conditions imposed upon disciplined licensees
- C. Continuing education requirements for reinstatements and reactivations of expired or retired licensees
- D. Housekeeping corrections to be consistent with statutes

Mr. Kosten reminded the Board of Executive Order 38 which maintains that the economic impact and possible hardship to small businesses must be detailed for every rule change.

A motion was made by Ms. Wilkerson and seconded by Mr. Murphy to authorize a rulemaking hearing. The motion carried.

**Board Meeting Dates for 2008 are as follows:**

- A. February 15, 2008
- B. May 23, 2008
- C. August 22, 2008
- D. November 14, 2008

**Discussions**

**Letter from Marty Blair, Partner of Star Physical Therapy, LLC, regarding to what extent a physical therapists utilize occupational therapy assistants.** No action was taken and Ms. Armstrong stated that she would mail Mr. Blair a letter because his inquiry is defined within the rules and the law of physical therapy.

**Avoiding conflict of interests relating to licensees inquiries** – Dr. Walker posed the question on how to respond to a licensee’s inquiry? Ms. Armstrong explained that it Board Members should refrain from getting involved with these issues when licensees call them and instead refer them to the Board Administrator’s office and request that they put their question in writing. Ms. Armstrong went on to say that this will help to protect the Board Members from being put into an uncomfortable situation.

**Inquiry regarding Board approval to travel to Association meetings** – Ms. Swann explained to the Board that the State had a new policy that would not allow the Board to accept reimbursements from entities with which the Board has a contract. All travel must be paid by the Board according to its travel provision. Administrative staff will assist with the submission of a claim.

**Continuing education credit for peer review activities** – Dr. Cathie Hinton wanted clarification whether person doing the review or the person being reviewed would get the credit? Ms. Armstrong explained that the rules suggest that it is the recipient who gets the credit for the peer review and not the reviewer.

**Fingerprint process after two failed attempts** – There were three options that the Board could choose from and the Board chose option # 3 which states:

The Board shall require the applicant to submit to an FBI/TBI fingerprint scan through Physical Therapy Committee

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the State of Tennessee's approved vendor or its equivalent as determined by the Board. The Board would also like for this issue to be sunshined for the November Board meeting.

### **TNPAP Report**

Mr. Mike Harkreader, of the Tennessee Professional Assistance Program (TNPAP) presented his report to the Board. The data is compiled from July 1, 2006 through June 30, 2007.

There are five (5) physical therapists being monitored. There was one (1) physical therapist referral. The referral was made by an Attorney and the reason was for one of the following: History of arrest/illegal drug use/DUI.

One (1) physical therapist participated in a treatment program. Two (2) physical therapists signed a monitoring agreement and one (1) physical therapist refused enrollment.

There are three (3) physical therapy assistants being monitored. There were four (4) physical therapy assistant referrals. Two (2) physical therapy assistants were referred by the Board, one referral was made by an Attorney and one (1) was referred by a school. The reason for the referrals is for one of the following: History of arrests/illegal drug use/DUI.

One (1) PTA participated in a treatment program, one (1) PTA signed a monitoring agreement, two (2) PTAs required no monitoring and three (3) PTAs refused treatment and was referred to the Tennessee Department of Health Related Boards .

### **Applicant Interviews/File Reviews**

- A. **Karen Waddell** – licensure by examination – shoplifting less than \$50.00 11/22/1996 – A motion was made by Mr. Murphy and seconded by Ms. Wilkerson to approve Ms. Waddell to take the examination. The motion carried.
  
- B. **Deena White** – reinstatement – failed to renew since 2/28/1998 – A motion

was made by Mr. Murphy and seconded by Ms. Johnston to approve Ms. White for a full license with no restrictions. The motion carried.

- C. **Robert Dale** – reinstatement – voluntarily retired since 12/31/1996 – A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to approve Mr. Dale for a full license. The motion carried.
- D. **Marriane Sturgeon** – reinstatement- voluntarily retired since 7/31/2000 – A motion was made by Ms. Wilkerson and seconded by Mr. Murphy to approve Ms. Sturgeon for a provisional license. The motion carried.
- E. **Mary E. Cox** – issued a provisional license for one (1) year on May 24, 2007 – would like for restrictions to be removed – A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to deny request. The motion carried.
- F. **Mackenzie Wolfe** – licensure by examination – simple possession 11/19/2000 – A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to approve Ms. Wolfe to take the examination with no restriction to the license. The motion carried.
- G. **Deborah L. Patton** – reinstatement – failed to renew since 8/2005 – DUI 3/6/2004 – A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to approve the reinstatement for Ms. Patton. The motion carried.

### **Remediation Reviews**

A. **Carrie Reed**, 5<sup>th</sup> attempt– A motion was made by Mr. Murphy and seconded by Ms. Wilkerson that Ms. Reed must resubmit another remediation plan because the previous plans are identical. Upon receipt of the remediation plan Dr. Walker will review it. Ms. Reed must also submit the twenty (20) hours of clinical observation. The motion carried.

B. **Meena Palanisamy**, 3<sup>rd</sup> attempt – A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to approve the remediation plan for Ms. Palanisamy. However, if she does not take the register and take the exam once she has been approved, she may not be approved for another remediation plan in the future. The motion

C. **Candace Brown**, 3<sup>rd</sup> attempt – A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to approve the remediation plan for Ms. Brown. The motion carried.

D. **Amanda Nowak**, 3<sup>rd</sup> attempt – A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to approve the remediation plan for Ms. Nowak upon receipt of 90 hours of clinical observation. The motion carried.

### **Credential Reviews**

- A. **Raul Filoteo**, by examination – A motion was made by Ms. Johnston and seconded by Mr. Murphy to approve Mr. Filoteo to take the examination. The motion carried.
  
- B. **Leonardo Dimaya**, by examination – A motion was made by Ms. Johnston and seconded by Mr. Murphy to approve Mr. Dimaya to take the examination. The motion carried.
  
- C. **BJ Anne Dilag**, by examination – A motion was made by Ms. Johnston and seconded by Mr. Murphy to approve Ms. Dilag to take the examination. The motion carried.

### **Ratification of Initial Determinations**

- A. New Licensees
- B. Reinstate Licensees

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

A motion was made by Mr. Murphy and seconded by Ms. Johnston to approve the new licenses and reinstatements. The motion carried.

### **Ethics and Jurisprudence Course/Providers -**

1. **Care 2 Learn** – Denied – The course curriculum did not meet the APTA guidelines. A motion was made by Ms. Wilkerson and seconded by Mr. Murphy to deny. The motion carried.

2. **GSC Homestudy** – Approved - A motion was made by Ms. Wilkerson and seconded by Mr. Murphy to approve the course to offer the TN Jurisprudence course in booklet format. The motion carried.

### **Financial Report**

Ms. Webb presented the financial report which indicated that the Board had a cumulative carryover of \$1,276,891.17 as of June 30, 2007.

### **Directors/Administrative Report**

Ms. Webb presented to the Board the Administrator's report. As of August 15, 2007 there were 3812 active physical therapists and 2243 active physical therapy assistants. There were 926 retired physical therapists and 313 retired physical therapy assistants. There were 2048 physical therapist, in failed to renew and 532 physical therapy assistants in failed to renew status.

The number of applicants issued a license from 05/08/07 through 08/15/07 were 100 for physical therapists and 77 for physical therapy assistants.

There being no further business the meeting adjourned at 5:50 p.m.

These minutes were ratified at the November 30, 2007 meeting.