

**Committee of Physical Therapy
Minutes**

Date: August 11, 2006

Time: 9:28 a.m.

Location: Millennium Maxwell House Hotel
Conference Room – Forum West
2025 Metro Center Blvd
Nashville, TN 37228

Members Present: Dr. J. Randy Walker, Jr., PT Chair
Brigina Wilkerson, PT
Teresa B. Johnston, PT Secretary
Lisa Short, Citizen Member

Members Absent: Blake Murphy, PTA
Robbie Bell, Ex Officio

Staff Present: Marva Swann, Unit Director
Mary V. Webb, Board Administrator
Nicole Armstrong, Advisory Attorney
Jerry Kosten, Regulations Manager
Lisa Tittle, Administrative Manager
Lea Ann Phelps, Disciplinary Coordinator

Guest (s) Mike Harkreader, Representative of TNPAP
Cathie Hinton, TPTA
Meagan Frazier, TPTA
Steve Cagle, Applicant
Amanda F. Plunkett, Court Reporter

With a quorum being present, Dr. J. Randy Walker, Jr. called the meeting to order at 9:28 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.

The ethics and jurisprudence continuing competence, and advertising rules were adopted by the committee on February 10, 2006. They were sent to the Attorney General for review on March 2, 2006. They are still there.

The Office of General Counsel currently has two (2) open cases pertaining to the Board of Occupational and Physical Therapy Examiners. Both cases pertain to the Committee of Occupational Therapy.

Office of Investigations Reports

Disciplinary Report – Ms. Phelps directed the Committee to the disciplinary report and stated that she had enclosed all names of persons who have been disciplined in the past and that they will have a permanent record.

Investigative Report – Ms. Phelps reported that for physical therapists there were eight (8) new complaints as of July 31, 2006 with a carryover of six (6) from 2005. There was one referral to a screening panel. Ten (10) complaints have been closed and four (4) will close to pro-action, two (2) with letters of concern, three (3) with letters of warning, and one (1) was referred to the Office of General Counsel. Most of the complaints were based on action from other states and care of services. One (1) was unlicensed and one (1) was unprofessional conduct and four (4) complaints are still under investigation.

There were only two (2) new complaints this year for physical therapist assistants with a carryover of one from 2005. All three (3) of those complaints were closed. One (1) with no action, one (1) with a letter of warning, and one (1) was disclosed to the Office of General Counsel.

Ms. Phelps presented other disciplinary matters to the Committee. In 2000 Kim Kish reported on her reinstatement application that she had a conviction. The Committee at the time decided that Ms. Kish should be granted a restricted license to practice under direct supervision for a year along with monitoring from the Tennessee Professional Assistance Program (TNPAP) for one (1) year.

Ms. Kish moved to Florida and the Florida state board also imposed a restricted license to her. Ms. Kish had to enter the Florida state board's professional assistance program.

Ms. Phelps provided to the Committee a copy of a letter from Ms. Kish supervisor in Florida that proved that she had been under continuous supervision for the last several years. Ms. Kish has moved back to Tennessee and wishes to have the restriction lifted from her license since she has met the same conditions that the Florida state board imposed. A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to reinstate Ms. Kish a full license. The motion carried.

Minutes

A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to accept the amended minutes. The motion carried.

Lisa Tittle - Ms. Tittle presented some options for the Committee regarding a fee decrease. The Committee settled for a nine year plan that would allow the renewal fee to drop to \$40.00 for PTs and \$37.50 for PTA's. The application fee would decrease to \$50.00 for physical therapists and \$40.00 for physical therapists assistants and \$25.00 for the license fee for both, PT's and PTA's.

Ms. Tittle told the Committee that they had a cumulative carry over as of June 30, 2005, \$1,255,613.54.

Ms. Armstrong stated that the Board will look into any suggestions that the Committee may have for using some of the surplus for grants. Ms. Armstrong stated that the Board has to get special permission from agencies to use the money.

Legislation

Jerry Kosten presented to the Committee a rulemaking hearing regarding the provisional licenses for foreign trained therapists and a fee decrease.

Mr. Kosten stated that the Governor also issued Executive Order Number 38 on May 22, 2006.

Mr. Kosten explained that the executive order is intended for every time that the Committee when authorizing a rulemaking hearing consider the economic impact of these proposed rule changes on small businesses. Mr. Kosten stated that the executive order must be posted right next to the rulemaking hearing on the internet.

The Committee decided to use the chart from Lisa Tittle with the nine (9) year plan to get the revenue surplus down. The Committee felt comfortable with changing the renewal fee from \$37.50 to an even \$40.00. A motion was made by Ms. Wilkerson and seconded by

Ms. Johnston to send the proposed rules to a rulemaking hearing as amended. The motion carried.

Discussion

TPTA discharge policy statement - – A motion was made by Ms Wilkerson and seconded by Ms. Johnston that the Committee adopt the position statement regarding discharge summary evaluations, as amended. The motion carried.

On line ethics and jurisprudence for continuing education – Dr. Hinton, member of the TPTA, stated to the Committee that the TPTA is working on getting the on line ethics and jurisprudence up and running. Dr. Hinton stated that she is not sure when the program would be made available due to web issues and the webmaster.

Requirements for reinstating a retired or expired license – Ms. Armstrong explained to the Committee that language is being added to the rules for specific requirements in order for licensees to get their license reinstated. This is part of the rulemaking hearing that Jerry Kosten is presenting today.

Applicant Interviews/File Reviews

Steven Cagle – license by examination – present – Mr. Cagle had two (2) DUI convictions that took place in 1994, and 1995. The simple assault charge took place in 1997. Mr. Cagle stated that the conviction was dismissed. A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to accept Mr. Cagle’s application for licensure by examination. The motion carried.

Tiffany Whaley – license by examination – not present – Ms. Whaley had a theft misdemeanor of property less than \$500 from 1997. A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to accept Ms. Whaley’s application for licensure by examination. The motion carried.

Antonio Fleming - license by examination – not present – Mr. Fleming had a conviction for drug possession. It was explained to the Committee that Mr. Fleming had contacted the Tennessee Professional Assistant Program (TNPAP) and signed a three (3) year contract. Mr. Harkreader explained to the Committee that if Mr. Fleming does not follow through on his contract, he will be reported to the Board. A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to accept Mr. Fleming’s application for licensure by examination. The motion carried.

Indy Zimmer, PTA, - reinstatement – not present – Ms. Zimmer retired her license in 2001 and has not practiced since that time. After review of Ms. Zimmer’s file, the Committee voted that that she retake another course in TN jurisprudence and work 100

hours of direct supervision under a licensed physical therapist or physical therapist assistant practicing in TN. A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to issue Ms. Zimmer a provisional license for 100 hours of direct supervision with a licensed physical therapist or physical therapist assistant and for her to complete a TN jurisprudence course. The motion carried.

James Clinton Johnson – license by examination – not present – Mr. Johnson had two (2) DWI convictions in 2001. Mr. Johnson had a TNPAP report that showed that he did not need to enroll in TNPAP. A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to accept Mr. Johnson’s application for licensure by examination. The motion carried.

Remediation Reviews

Remediation plans need to be submitted for applicants who have attempted the exam two or more times and failed. The remediation plans will need to be approved by the PT Committee before an applicant can retake the exam.

Carrie Dawn Hilliard – A motion was made by Ms. Johnston and seconded by Ms. Wilkerson to deny Ms. Hilliard to retake the examination until she has met the following conditions: completion of an examination review course, a study plan defined times to address the deficient areas identified in her most recent Federation of State Boards of Physical Therapy (FSBPT) examination feedback Report, mentoring by a licensed physical therapist and the observation of at least fifty (50) hours of physical therapy in a clinical setting. The motion carried.

Cynthia Kelly – A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to accept Ms. Kelly’s remediation plan and should she not be successful on this attempt, she needs to review the updated guidelines for submission of remediation plans. The motion carried.

Credential Reviews

Credential reviews are for applicants who are internationally educated. These applicants must go through Foreign Credentialing Commission on Physical Therapy (FCCPT) to ensure that their education is substantially equivalent to the United States. Those applicants who qualify must also get a type 1 certificate through FCCPT. The file is then brought before the Committee for final approval.

A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to approve Belinda Andres, Franjic Jadranko and Odessa Diocares to take the physical therapy examination. The motion carried.

A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to approve Adrian Ong for a full license. The motion carried.

Ratification of Initial Determinations

- A. New Licenses
- B. Reinstatements
- C. Provisional licenses for foreign trained therapists
(Anne Celeste Lauron and Olivia Pomedá)

For a copy of the newly licensed, reinstated and provisional licensees you may contact the Board of Occupational and Physical Therapy Examiners office.

A motion was made by Ms. Wilkerson and seconded by Ms. Johnston to accept the new licenses/reinstatements and provisional licenses. The motion carried.

TNPAP Report

Mr. Mike Harkreader, Director of the Tennessee Professional Assistance Program (TNPAP) gave his report to the Committee. The data is compiled from July 1, 2005 and through June 30, 2006. There are three (3) physical therapists and three (3) physical therapists assistants being monitored. There were eight (8) physical therapists and six (6) physical therapist assistant referrals for the fiscal year. Three (3) of the physical therapists referrals were reported by the Board and five (5) were reported by the board for physical therapy assistants. Two (2) physical therapists were reported by employers and two (2) physical therapist and one (1) physical therapist assistant were reported by other means. There was one (1) physical therapist that was self reported.

Directors/Administrative Report

Ms. Webb presented to the Committee the Administrator's report. As of August 8, 2006 there were 3698 active physical therapists licensees and 2136 active physical therapy assistants. There were 870 retired physical therapists and 292 physical therapy assistants. There were 1966 physical therapist in failed to renew and 495 physical therapy assistants in failed to renew.

The number of applicants issued a license from 5/10/06 through 8/08/06 were 88 for physical therapists and 70 for physical therapy assistants.

There being no further business the meeting adjourned at 12:40 p.m.

These minutes were ratified at the November 3, 2006 Board meeting