

**Committee of Physical Therapy
Minutes**

Date: March 29, 2004

Time: 9:05 a.m. CDT

Location: Cumberland Conference Room
Ground Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010

Members Present: Dr. Carol Counts Likens, Secretary
Sharon Dunseath
Dr. J. Randy Walker, Jr.
Brigina Wilkerson
Corene Coffey

Staff Present: Marva Swann, Unit Director
Dianne Birkner, Unit Manager
Mary V. Webb, Board Administrator
Rainey Irwin, Litigating Attorney
Nicole Armstrong, Advisory Attorney
Jerry Kosten, Regulations Manager

A quorum being present, the meeting was called to order at 9:05 a.m., by Dr. Carol Counts Likens, Secretary

Office of General Counsel (OGC)

Nicole Armstrong, Advisory Attorney of the Office of General Counsel, read the conflict of interest policy and requested that all Committee Members who had not signed the policy to please review and sign the form.

Ms. Armstrong reported that Rule 1150-1-.04,.05 regarding type 1 certificates for foreign educated Physical Therapists is currently under review by the Attorney General' Office.

Ms. Armstrong reported that a Roll Call Vote for rule 1150-1-.15 regarding Orders of Compliance, Order Modifications, and Personal Appearances at the conclusion of disciplinary periods, will be held later in the meeting.

Ms. Armstrong reported that the Office of General Counsel, Tennessee Department of Health, currently has ten (10) open files pertaining to the Boards of Occupational and Physical Therapy Examiners. Eight (8) files pertain to Physical Therapists and two (2) pertain to Physical Therapists Assistants.

Ms. Armstrong reported that there are currently two (2) cases scheduled for presentation at this Board Meeting today.

Contested Cases

Rainey Irwin, Litigating Attorney for the Office of General Counsel, presented the following Agreed Orders and Letter of Reprimand to the Committee:

Agreed Order – Felisa Odle, PT

Ms. Odle violated T.C.A. 63-13-312 (1) and T.C.A. 1150-1-.02 (a)(2) and was placed on a twelve month (12) probation. Ms. Odle was ordered to pay a penalty of two thousand dollars (\$2,000.00). A motion was made by Dr. J. Randy Walker and seconded by Ms. Sharon Dunseath to accept the agreed order. The motion carried.

Agreed Order – Thomas Donahue, PT

Mr. Donahue's license was revoked for five (5) years for violating T.C.A. 63-13-307 (a)(6) and T.C.A. 63-13-307 (a)(1). Mr. Donahue was ordered to pay a civil penalty in the amount of five hundred dollars (\$500.00). A motion was made by Ms. Dunseath and seconded by Ms. Wilkerson to accept the agreed order. The motion carried.

Letter of Reprimand – Richard Arnold, PT

Mr. Arnold received a letter of reprimand for violating T.C.A. 63-13-101. Mr. Arnold will be required to complete ten (10) contact hours in record keeping and ten (10) contact hours in Ethics and Jurisprudence. A motion was made by Dr. Walker and seconded by Ms. Wilkerson to accept the letter of reprimand.

Minutes

A motion was made by Ms. Coffey and seconded by Ms. Dunseath to approve the minutes from the November 14, 2003 Committee Meeting as submitted. The motion carried.

Applicant Interviews

Glendalyn Fodra - Ms. Webb presented the completed 480 hours of clinical internship correspondence from Ms. Fodra's supervisor. Ms. Armstrong gave the Committee a brief summary of Ms. Fodra's application and other pertinent information to the new Board Members regarding Ms. Fodra's application.

The Committee had raised some concerns at the November 14, 2003 committee meeting that Ms. Fodra was being supervised by a relative. It was in the Committee's opinion that it was unacceptable for Ms. Fodra to have a relative, whether they be distant, or in-laws, to supervise her during her clinical internship. Ms. Fodra came before the Committee today along with her

Attorney, Joseph Calandriello to answer any questions that the Committee may ask her. A motion was made by Ms. Dunseath and seconded by Dr. Walker to approve Ms. Fodra for a license based upon the following restrictions: (1). Ms. Fodra can not supervise Physical Therapists, Physical Therapists Assistants, nor Physical Therapy Aides for 12 months. (2). Appear before the Committee twelve (12) months at the next scheduled Committee Meeting. (3). Submit a progress report from her supervisor quarterly. Ms. Wilkerson amended the motion by adding that (4). Ms. Fodra not be allowed to supervise PTA students for twelve (12) months. The amended motion was made by Ms. Wilkerson and seconded by Dr. Walker to approve the restrictions set forth upon Ms. Fodra's license. The amended motion carried.

Mary Ann Minter - Ms. Minter was not present for an interview. Ms. Minter's file was reviewed due to a DUI conviction in 1996. The Committee was satisfied that Ms. Minter had completed the requirements of her conviction. A motion was made by Dr. Walker and seconded by Ms. Dunseath to approve Ms. Minter for a license. The motion carried.

Glenn L. Creel - Mr. Creel appeared before the Committee due to felony convictions in 1998. The Committee was satisfied that Mr. Creel had satisfactorily completed his conviction requirements. A motion was made by Ms. Dunseath and seconded by Ms. Coffey with the following restrictions: (1). Mr. Creel would need to complete an Ethics and Jurisprudence course. (2). Take a modalities course. (3). Report back to the Committee within a twelve (12) months at the next scheduled Committee Meeting. Dr. Walker amended the motion by adding: (4). Mr. Creel would need to work under the direct supervision of a Physical Therapist. The amended motion was made by Dr. Walker and seconded by Ms. Dunseath. The amended motion carried.

Remediation

A letter was brought before the Committee from Dr. Barbara Connolly from the University of Tennessee, Memphis, expressing her concerns regarding the remediation process for repeat test takers. Dr. Likens suggested that the third examination attempt be shortened to three months due to so many students failing the exam again after waiting six months. Dr. Walker suggests that the Committee investigate and get a draft of the proposed changes before making any decisions. The discussion was deferred until factual data and statistics were obtained on the matter.

Rulemaking Hearings

Jerry Kosten, Rules Regulations Manager, presented the Committee with a notice of a Rulemaking Hearing to take place on April 28, 2004. The purpose of the Rulemaking Hearing is to amend who may not supervise an internationally educated applicant during their clinical internship. A motion was made by Ms. Dunseath and seconded by Ms. Wilkerson to approve the rule amendments. The motion carried.

Mr. Kosten, presented the Committee with the rulemaking hearing rules regarding: Order Modifications, Orders of Compliance, and Mandatory Appearances by licensees at the end of their disciplinary periods. A motion was made by Dr. Walker and seconded by Ms. Dunseath to approve the rule amendments. The motion carried. A roll call vote was held and all members present voted yes.

Ethics and Jurisprudence Course Approval

Dr. Likens discussed with the Committee an interest in the Board to possibly contract with the Tennessee Physical Therapy Association (TPTA) to offer the Ethics and Jurisprudence course. Dianne Birkner, Unit Manager for the Board explained that the Board of Examiners could not approve the Committee to offer the course because the State would have to have an open bid to offer the contract to other interested and qualified providers. After discussion, the Committee decided against the idea. Dr. Walker suggested that the Board could possibly add to it's website a listing of what providers are offering the Ethics and Jurisprudence courses. Ms. Birkner said that she would look into whether it could be done.

Peer Assistance Program

Ms. Leanne Busby, Director for the Tennessee Professional Assistance Program gave her report on the status of the program. Ms. Busby assured the Committee that TNPAP was a very good and reliable source for Therapists who needed counseling. Ms. Birkner reminded the Committee that this was now the time to vote on extending the contract through June 30, 2005. A motion was made by Ms. Dunseath and seconded by Ms. Wilkerson to extend the contract . The motion carried.

Disciplinary Guidelines

Ms. Armstrong explained to the Committee that the disciplinary guidelines came about because an audit revealed that the Boards were not utilizing the guidelines as set forth in the rules. The discussion was deferred until the next Board Meeting and would be discussed in more details by Ms. Robbie Bell, Director of Health Related Boards. Dr. Likens expressed that the committee would be interested in more details.

CEU Providers

Mary Webb Board Administrator has received an abundance of calls from several CEU Providers who wanted the Licensing Board to inquire on how they can go about to get their courses or curriculum approved for the purpose of offering continuing education to interested licensees. Dr. Likens expressed that the Licensing Board nor the Committee can pre approve courses for CEU Providers.

Remediation Review

Dr. Likens explained for the new Board Members what the process of the Remediation Review was. Dr. Likens explained that remediation is for Physical Therapists/Assistant students who have taken the exam twice and were unsuccessful. The remediation was required after the second attempt. The applicant would need to get approval from the Committee before he/she could retest each time after the second exam attempt. The Committee would review a remediation letter and it should be written by the applicant's educational program instructor.

Shirley Brown - The letter submitted was not a remediation plan but, proof that remediation had been completed. The applicant would need to submit a remediation plan. A motion was made by Dr. Walker and seconded by Ms. Wilkerson to deny Ms. Brown to retest. The motion carried.

Jennifer Cain – After review of the remediation plan submitted. A motion was made by Ms. Dunseath and seconded by Ms. Wilkerson to approve Ms. Cain's remediation plan. The motion carried.

Jaimini Patel – A remediation plan should be submitted by the program instructor. A motion was made by Ms. Dunseath and seconded by Ms. Wilkerson to deny Ms. Patel to retest. The motion carried.

Katrina Sumrell Aldridge – After review of the remediation plan submitted, Ms. Dunseath strongly emphasized that Ms. Aldridge would need to gain experience in another practice setting other than that of her present employer. A motion was made by Ms. Dunseath and seconded by Ms. Wilkerson to approve Ms. Aldridge's remediation plan with the restrictions set forth. The motion carried.

Shannon Ginier – After review of the remediation plan submitted, Ms. Dunseath strongly emphasized that Ms. Ginier would need to gain experience in another practice setting other than that of her present employer, a motion was made by Ms. Dunseath and seconded by Ms. Wilkerson to approve Ms. Ginier's remediation plan with the restrictions set forth. The motion carried.

Tamara Kent – Applicant did not need approval from the Committee. This is only her second attempt.

Deborah Kennedy – A remediation plan must be submitted by Ms. Kennedy. The letter received is proof of completion. A motion was made by Dr. Walker and seconded by Ms. Dunseath to deny Ms. Kennedy to retest until a remediation plan is submitted. The motion carried.

Patrick Smith - After review of the remediation plan submitted a motion was made by Ms. Wilkerson and seconded by Dr. Walker to approve Mr. Smith's remediation plan. The motion carried.

Gloria Ann Walker – After review of the remediation plan submitted a motion was made by Dr. Walker and seconded by Ms. Wilkerson to approve Ms. Walker's remediation plan. The motion carried.

Leslie Hopkins - After review of the remediation plan submitted a motion was made by Dr. Walker and seconded by Ms. Wilkerson to approve Ms. Hopkins' remediation plan. The motion carried.

Credential Review

Arthur Fabian – After review of the FCCPT evaluation report, a motion was made Dr. Walker and seconded by Ms. Wilkerson to approve Mr. Fabian’s credentials. The motion carried.

Manuel Godwin Wilfred - According to the FCCPT evaluation report, it was determined that Mr. Wilfred did not meet the general educational requirements to obtain a type 1 certificate for foreign trained therapists. After review of the report a motion was made by Ms. Dunseath and seconded by Ms. Wilkerson to deny Mr. Wilfred’s credentials. The motion carried.

Xochitl Atkinson – After review of Ms. Atkinson’s supervised clinical internship evaluation report, a motion was made by Dr. Likens and seconded by Ms. Coffey to approve Ms. Atkinson’s evaluation report. The motion carried.

Janet Darwish - The Committee deferred Ms. Darwish’s file until after she has successfully achieved the type 1 certificate from FCCPT.

Other Concerns/Issues

While the Committee was reviewing the remediation plans, Dr. Likens and Ms. Wilkerson noticed that a few of the remediation plans submitted were signed improperly. Dr. Likens wanted it to be noted that the license /clinical designations for PTs and PTAs are “PT” and “PTA” respectively. If individuals wish to include academic degree initials, they should follow the clinical designation. Example: Jane Doe, PT, MSPT.

Administrative Report

Ms. Birkner explained the report to the new Board Members. She explained the bench mark processing time for renewals and new application processing time. Ms. Birkner would like to encourage licensees to take advantage of renewing their licenses on line. The on line renewal process is only a 24 to 48 hour turn around. Ms. Birkner reported that there are currently no new projects going on at this time. Ms. Birkner formally introduced the Committee to the Board of Examiner’s new Unit Director, Marva Swann.

Investigations/Disciplinary Reports

Lea Phelps, Disciplinary Coordinator for the Office of Investigations, reported that all licensees under investigations are in compliance. Ms. Phelps reported that there are currently five (5) complaints in investigations at this time.

Ratifications

A motion was made by Ms. Wilkerson and seconded by Ms. Coffey to approve the new licenses and reinstatements. The motion carried.

Election of Committee Officers

A motion was made by Ms. Dunseath and seconded by Ms. Wilkerson to approve Dr. Likens for Committee Chair. The motion carried.

A motion was made by Ms. Coffey and seconded by Ms. Wilkerson to approve Dr. Walker for Secretary. The motion carried.

Adjournment

There being no further business, the meeting was adjourned at 1:50 p.m.

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