

**BOARD OF PHYSICAL THERAPY  
MINUTES**

DATE: May 27, 2016

TIME: 9:00 a.m. C.D.T

LOCATION: 665 Mainstream Drive  
Poplar Conference Room, 1<sup>st</sup> Floor  
Nashville, TN 37243

MEMBERS PRESENT: David Harris, PTA  
David Finch, PT  
Bethany Buttrey, PT  
LeAnn Childress, PT  
Minty Ballard, Consumer

STAFF PRESENT: Michael Sobowale, Unit Director  
Tomica Walker, Board Administrator  
Thomas Aumann, Assistant General Counsel  
Nichelle Dorroh, Office of Investigations  
Vanessa Crutcher, Finance Officer

Guests: Benjamin Simpson - Legislative Affairs Liaison  
Alan Meade, DPT, Board Consultant  
Estee Harris, Tennessee Physical Therapy Association  
Cathy Hinton, Tennessee Physical Therapy Association

**1. Call To Order**

With a quorum being present, Mr. Harris called the meeting to order at 9:11 a.m.

**2. Approval of Minutes**

After review, Mr. Finch made a motion, seconded by Ms. Buttrey, to add PT after Ms. Childress' name and approve the minutes as amended for the March 10, 2016 meeting. The motion carried.

**3. Office of General Counsel Report**

Mr. Auman presented the Office of General Counsel (OGC) report as follows:

#### A. Conflict of Interest

Mr. Aumann reminded Board members of the Board's conflict of interest policy. If a member has any personal or financial interest which might appear to be a conflict of interest, whether it relates to a contested case, a rulemaking issue, or any other Board decision, that fact should be shared with the Board so that a decision may be made regarding the need for recusal.

#### B. Litigation

OGC currently has fourteen (14) open cases pertaining to the Board of Physical Therapy. OGC will be presenting three (3) consent orders today.

#### C. Rules

The new dry needling rule and the amendments to the continuing competence rule and orders of compliance rule were filed with the Secretary of State on March 31, 2016. The rules were heard before the joint Government Operations Committee on May 18, 2016, and the Committee voted to recommend all the rules to full legislature. The rules are scheduled to become effective June 29, 2016. A task force was formed by the Board to create a list of pre-approved and approved dry needling courses, pursuant to the new dry needling rule. The task force's recommendations will be presented to the Board for approval at today's Board meeting.

#### D. Statutes

House Bill 2433 (Senate Bill 2368) which would make Tennessee a member state of the Physical Therapy Licensure Compact, became effective law on May 2, 2016. To date, Tennessee is one of three states to pass legislation to become a member state to the Compact. Ten states must become member states for the Compact itself to take effect.

#### E. Consent Orders

**1. Virginia Martin Joy, PT, License # 3131-** Mr. Aumann presented a Consent Order on Virginia Martin Joy, PT, for failure to timely renew her license and practicing on an expired license for approximately five months. After discussion, Mr. Finch made a motion, seconded by Ms. Ballard, to accept the Consent Order as presented. The motion carried.

**2. Madeline Colson Murphy, PTA, License # 5659-** Mr. Aumann presented a Consent Order on Madeline Colson Murphy, PTA, for three counts of falsifying documentation in delivery of patient services. After discussion, Ms. Buttrey made a motion, seconded by Ms. Childress, to accept the Consent Order as presented. The motion carried.

**3. Karin Nicole Waddell, PTA, License # 4210-** Mr. Aumann presented a Consent Order on Karin Nicole Waddell, PTA, for practicing as a licensed physical therapist assistant without the direct supervision of a licensed physical therapist in the State of Tennessee. After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey, to accept the Consent Order as presented. The motion carried.

#### **4. Financial Report**

Vanessa Crutcher presented the Board's financial report. The report reflected total expenditures in the amount of \$158,402.24 and revenue in the amount of \$196,840.25 through December 31, 2015. Board's fiscal year ending December 31, 2015 reflects \$343, 696.47 in cumulative carryover, and a projection for fiscal year 2016 for total expenditures in the amount of \$320, 837.83 with a cumulative carryover in the amount of \$361, 450.63.

#### **5. Tennessee Professional Assistance Program (TNPAP) Report**

The Mike Harkreader, TNPAP Executive Director presented the statistical report for the period July 1, 2015 through March 31, 2016. TNPAP is currently monitoring three (3) individuals, 1 physical therapist and 2 physical therapist assistants. Out of the 3, 2 were involuntary referrals and 1 was a referral from Tennessee Department of Health.

#### **6. Investigation and Disciplinary Reports**

Nichelle Dorroh, Disciplinary Coordinator in the Office of Investigations presented the investigative and currently-monitored, disciplined practitioners report. There are seven (7) open complaints on physical therapists and nine (9) open complaints on physical therapist assistants as of May 13, 2015. She noted the number of open complaints have trended downward compared to this time last year. She also noted that all of the practitioners currently being monitored are compliant.

#### **7. Applicant Interview/File Reviews**

- A. Gary Michael Jaynes, PTA-** Mr. Jaynes appeared before the Board due to a 2001 misdemeanor conviction for driving under the influence (DUI). After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey, to approve for contingent licensure upon a favorable TNPAP evaluation and to follow all recommendations of TNPAP, should monitoring be recommended. The motion carried.
- B. Michelle Gish, PTA—**Ms. Gish appeared before the Board due to a misdemeanor conviction for sale of alcohol to a minor. After discussion, Mr. Finch made a motion, seconded by Ms. Ballard, to grant Ms. Gish an unconditional license to practice. The motion carried.
- C. Bradley Robnett, PTA-** Mr. Robnett file came before the due to a request for formal withdrawal of his licensure application. After discussion, Ms. Buttrey made a motion, seconded by Ms. Ballard, to grant Mr. Robnett a formal withdrawal of his licensure application. The motion carried.

#### **8. Legislative Report**

Mr. Benjamin Simpson, Department of Health legislative affairs liaison presented the following legislative report to the board:

Public Chapter 763- This Act permits licensees whose licenses from a health-related board have expired to obtain reinstatement on the basis of a plan developed by the department of health for periodic payment of past due renewal fees and unattained continuing education instead of the current requirement of payment of all past due fees before reinstatement. This act will take effect on July 1, 2016.

Public Chapter 719- This Act would allow licensing authorities for certain state regulatory agencies to consider whether a person's conviction for the commission of a felony bears directly on the person's fitness to practice competently when making determinations regarding the person's licensure status. This Act took effect on April 6, 2016.

Public Chapter 810- This Act enacts the "Physical Therapy Licensure Compact" to facilitate interstate practice by physical therapists and physical therapist assistants who meet certain requirements. This Act became effective April 14, 2016.

## **9. Ratifications**

Mr. Finch made a motion, seconded by Ms. Buttrey to approve, the following lists of PT/PTA initial, closed, and reinstatement applications:

### PHYSICAL THERAPISTS

#### NEW LICENSES

Aranda Judith Lynn  
Arnold Altrece Afondre  
Barrera Iii Ediberto  
Bird Jaclyn Murdock  
Boden Sarah Kelley  
Bodkin Daniel Wayne  
Brady Misty Ann  
Budine Robin Delayne  
Celestin Ragan Renee  
Champion Jennifer Nicole  
Cieri Carla Nicole  
Clark Richard Carter  
Comola Haley Michelle  
Cotterell Brittany Ann  
Dixon Adrian Terrell  
Evans Thomas Dale  
Gaines Jamonika Shree

Gibson Sandra Louise  
Grist Kathryn Alane  
Hastings Kelsey Elizabeth  
Hemby Michael David  
Jackson Javier  
Johnston Kathleen `Scheele  
Juarez Ryan Ron  
Lane Chentelle Monique  
Layton Matthew Thomas  
Legall Aaron Anson  
Massengill Holly Blaser  
Matsumoto Yui  
Mcgee William Herrin  
Medlen Courtney Lynn  
  
Mundy Swartz Angela Camille  
Patel, Monika Groppe

Payne Megan Renee  
Reiter Steven Edward  
Roberts Douglas Reese  
Rowley Justin Stephen  
Saracino Lisa Elaine  
Silvestri James Edward  
Smith Ryan Wade  
Speak Catherine Brianne

Tremblay Chelsea Whitney  
Van Arendonk Katie Sue  
Vandevier Michelle Brooks  
Wiesehan Andrew Scott  
Williams Daniel Austin  
Yeager Angela G  
Zurcher Amy Lynn

The motion carried.

#### PHYSICAL THERAPIST ASSISTANTS

##### NEW LICENSES

Andreno Appleby Karen A  
Bates Jeffery Kyle  
Brown Whitney Nicole  
Bruce Kelly Leigh  
Carlyon Megan Nicole  
Copeland April D  
Corbin Jessica Katherine  
Crocker Amber Dawn  
Donnelly Leslie Claire  
Easterwood Jordan Ross  
Elliott Michele Ann  
Gallimore Paula Harman  
Gordy Debra Zolana  
Green Brittney Nicole  
Greene Sara Kristen  
Haines Amber Rae  
Hampton Clayton Andrew  
Hastings Vonnie Sue  
Keim Darin  
Kellum Joseph Ryan  
Kimbrow Douglas Finn  
Knight Iv Andrew

Kohlenberg Brett Austin  
Kolasa Edyta H  
Macmillan Kesley Lynn  
Martin Dennis David  
Meadow Brian Scott  
Meinen Jr Donald Lawrence  
Milam Jennifer Lyn  
Neal Hailey Brianna  
Nix Callie Marie  
Pellman Amber Nicole  
Pugh Tracy Leigh  
Reese Crislyn Taylor  
Shoffner Lauren Kaye  
Snyder Victoria Cloud  
Straight Christopher Andrew  
Tidwell Christen Michelle  
Triebe Kelly Jo  
Urban Kellie Michelle  
Wathen Brian Dehaven  
Weathers Stephanie Kay

The motion carried.

#### REINSTATEMENTS

##### PHYSICAL THERAPIST

Barrick Deborah Ann

Buffington Timothy Charles

Headrick Phillip Dwaine  
Keyes Becky Lynn

Shanks Kristy Lynn

The motion carried.

#### PHYSICAL THERAPIST ASSISTANTS

Bryant Farrah Lynn  
Cole Chelsea Marie  
Elliott Roseanne E.

Foxwell Amy Claire  
Short Angela Rochelle  
Vanwinkle Hugh Gregory

The motion carried.

#### **10. Provisional Licenses**

**Sally Mehany, PTA-** Ms. Mehany's file was presented to the Board requesting a provisional license as a foreign educated applicant by reciprocity. After discussion, Ms. Buttrey made a motion, seconded by Ms. Ballard, to grant Ms. Mehany a 480 hours supervised provisional license to be completed within 1 year. The motion carried

**B. Hellyna Patel, PT-** Ms. Patel's file was presented to the Board requesting a provisional license as foreign educated applicant by reciprocity. After discussion, Ms. Ballard made a motion, seconded by Mr. Finch, to grant Ms. Patel a 480 hours of supervised provisional license to be completed within 1 year. The motion carried.

#### **11. Administrative Report**

Ms. Walker presented the following administrator's report:

- A. In total, there are 5256 active Physical Therapists, and 3500 active Physical Therapy Assistants as of 05/23/2016.
- B. Licensure Statistics from 03/9/16 thru 05/23/16:

#### Physical Therapists

- New Applications Received - 105
- New Licenses Issued— 47
- Reinstated— 4
- Retired – 3
- Expired - 10
- Renewals— 430 (total) as follows:

124-paper  
308-online

## Physical Therapist Assistants

- New Licenses Received - 110
- New Licenses Issued— 42
- Reinstated— 6
- Retired- 2
- Expired - 2
- Renewals— 301 (total) as follows:

71-paper  
230 -online

### C. Board Composition

All positions are currently filled.

### E. TSAC Orders

It was reported that the licenses of three (3) physical therapist assistants were suspended due to being issued an educational loan Default Order by the Tennessee Student Assistance Corporation (TSAC). Of this total, 3 physical therapist Assistants had their license suspensions lifted.

## **12. Unit Director's Report**

Mr. Sobowale presented the following Agreed Citations issued for practicing on an expired license to the Board for approval:

**Chelsea Marie Cole, PTA License # 5202-** Ms. Cole was issued an Agreed Citation for practicing on an expired license for approximately 3 ½ months. After review, Ms. Buttrey made a motion, seconded by Ms. Ballard, to accept the Agreed Citation as presented. The motion carried.

**Virginia Gajewski, PT License #7688-** Ms. Gajewski was issued an Agreed Citation for lacking the required number of continuing education credits in violation of the board's rule on continuing competence. After review, Ms. Ballard made a motion, seconded by Mr. Finch, to accept the Agreed Citation as presented. The motion carried.

**Jill Geric, PT License # 9198 –** Ms. Geric was issued an Agreed Citation for lacking the required number of continuing education credits in violation of the board's rule on continuing competence. After review, Mr. Finch made a motion, seconded by Ms. Childress, to accept the Agreed Citation as presented. The motion carried.

**Ellen Dedmon McCadams, PTA License # 4190 –** Ms. McCadams was issued an Agreed Citation for lacking the required number of continuing education credits in violation of the board's rule on continuing competence. After review, Ms. Childress made a motion, seconded by Mr. Finch, to accept the Agreed Citation as presented. The motion carried.

**Pamela A. Minnehan, PTA License # 2666-** Ms. Minnehan was issued an Agreed Citation for lacking the required number of continuing education credits in violation of the board's rule on continuing competence. After review, Mr. Finch made a motion, seconded by Ms. Buttrey, to accept the Agreed Citation as presented. The motion carried.

**Valerie Venus, PTA License # 589-** Ms. Venus was issued an Agreed Citation for lacking the required number of continuing education credits in violation of the board's rule on continuing competence. After review, Ms. Buttrey made a motion, seconded by Ms. Childress, to accept the Agreed Citation as presented. The motion carried.

**Scottie Allen Watts, PTA License # 4814 –** Mr. Watts was issued an Agreed Citation for lacking the required number of continuing education credits in violation of the board's rule on continuing competence. After review, Ms. Ballard made a motion, seconded by Mr. Finch, to accept the Agreed Citation as presented. The motion carried.

#### PT Compact

Mr. Sobowale provided an update on the PT Compact and informed the Board that Tennessee is currently the second State to join the compact. Ten states are required for the compact to take effect.

#### FSBPT Meetings

Mr. Sobowale requested the Board to approve nominees to attend the upcoming Federation Board Leadership Issues Forum to be held in Alexandria, Virginia from July 30 – 31, 2016 and the Annual General Assembly of State delegates Conference to be held in Columbus, Ohio from November 3 - 5, 2016. Mr. Harris made a motion, seconded by Mr. Finch, to nominate Ms. LeAnn Childress, and a board administrative representative to attend both meetings, with Mr. David Harris being an alternate delegate to the annual delegate assembly. Board Attorney, Mr. Thomas Aumann asked to attend the CLEAR conference in Portland, Oregon from September 14 -17, 2016 and will check on his availability to attend the annual general assembly in Ohio. The motion passed.

#### Newsletter

Mr. Sobowale presented the board's current newsletter prepared by the administrative office to the Board. The Board requested that information about the new continuing competence requirement, dry needling course approval, and direct access for physical therapists and assistants should be included in the newsletter.

### **13. Other Board Business**

A. Dry Needling – Dr. Meade presented a report on behalf of the dry needling task force and presented the Board with a list of dry needling courses and recommendations by the Board's task force for the Board's approval. Mr. Aumann presented a draft policy statement to the Board for approval listing courses considered pre-approved by the board for dry-needling. The board discussed the mechanism of granting approval for any future dry needling courses. After discussion, Mr. Finch made a motion, seconded by Ms. Childress, to accept recommendations on future dry needling courses submitted only to Tennessee Physical Therapy Association, the board consultant, and accredited physical therapy schools and programs for approval. The board would require all future course providers to present proof of course documentation, 30 days prior to a regularly scheduled board meeting. The Board also requested to table the issue of whether the dry-needling

task force will remain involved in approving future dry-needling courses to future meetings. The motion passed.

B. Continuing Competency Policy Revision- The board reviewed the proposed draft of proposed continuing competency policy statement presented by Mr. Aumann to address transitional issues due to recently promulgated changes in the board's continuing competence rules. The Board discussed changing the grace period to 1 year to be effective July 1, 2017 for licensees to start complying with the new rule and also, changing the dates in the examples provided in the draft policy to reflect the 1 year grace period being considered. After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey, for the board to accept the changes proposed and approve the proposed policy as amended. The motion passed.

C. Revised Lapsed License Policy- Mr. Aumann discussed making some minor changes to the lapsed license policy to make it uniform with all other Health Related Boards and to give the board's attorney more guidance when disciplining these cases. After discussion, Ms. Ballard made a motion, seconded by Ms. Childress to accept the revised lapsed license policy as amended. The motion passed.

D. FSBPT Appeal Process- The board discussed the new FSBPT re-examination rule which went into effect January 1, 2016 requiring a lifetime limit for all applicants after 6 failed attempts on an exam and the option for 1 appeal to the State board to take the exam one more time or to move down to the lower profession. After discussion, the board decided not to make any recommendations until after further research has been completed by board attorney, Mr. Thomas Aumann, Board Director, Mr. Michael Sobowale, and Board Consultant, Dr. Alan Meade.

E. Ms. Shane Hall with CE Brokers gave an online presentation informing the Board of the process used by CE Brokers in managing continuing education for State regulatory boards. At the conclusion of his presentation, Ms. Buttrey made a motion, seconded by Ms. Childress, to move forward with a pilot program being established in the Division of Health Licensure with CE Brokers. The motion passed.

#### **14. Continuing Competence Course Approval**

**TPTA Ethics and Tennessee Jurisprudence Course Approval** – The TPTA submitted their course syllabus for approval of their ethics and Tennessee Jurisprudence course. After discussion, a motion was made by Mr. Finch, and seconded by Ms. Childress, to grant TPTA approval of their ethics and Tennessee Jurisprudence course. The motion carried.

#### **Adjournment**

There being no further business, the meeting was adjourned at 2:03 p.m.

**These minutes were ratified by the Board at the August 12, 2016 meeting.**