

**BOARD OF PHYSICAL THERAPY
MINUTES**

DATE: May 15, 2015

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

LOCATION: 665 Mainstream Drive
Poplar Conference Room, 1st Floor
Nashville, TN 37243

MEMBERS PRESENT: Brigina T. Wilkerson, PT, Chair
David Finch, PT
David Harris, PTA
Bethany Buttrey, PT
Minty Ballard, Secretary

MEMBERS ABSENT: None

STAFF PRESENT: Michael Sobowale, Unit Director
Lakita Taylor, Unit Manager
Tomica Walker, Board Administrator
Marc Guilford, Assistant General Counsel
Nichelle Dorroh, Office of Investigations
Vanessa Crutcher, Financial Officer

1. Call To Order

With a quorum being present, Brigina T. Wilkerson, chair, called the meeting to order at 9:13 a.m.

2. Approval of Minutes

After review, Mr. Harris made a motion, seconded by Mr. Finch, to approve the minutes of the March 9, 2015 meeting as amended. The motion carried.

3. Office of General Counsel Report

Mr. Guilford presented the following Office of General Counsel (OGC) Report:

A. Litigation

There are currently three (3) Consent Orders to be presented to the Board.

Aside from the above referenced Orders, there are four (4) open cases in OGC. Three of these relate to CE violations and Consent Orders have been drafted and sent to the affected licensees.

B. Legislation

HB0025/SB385- This legislation would permit physical therapists to practice dry needling and would require the Board to adopt rules regarding minimum competency requirements and qualifications for those licensees who would want to practice dry needling. The bill also adds “DPT” and “Doctor of Physical Therapy” to the term protection statute.

SB0481- This bill has been introduced by Senator Bell and alters the appointment process for new Board members. It brings the nomination process in line with the language used for the nominating process for all other health-related boards. This bill was withdrawn, so there will be no change to the makeup of the Board. However, the bill may come back next year.

C. Rules

The remediation rule has been approved by the Attorney General and is now at the Secretary of State’s Office. The rule will go into effect July 5, 2015.

The Governor has approved the Order of Compliance amendment, and the Board will have a Rulemaking hearing regarding that rule at the August Board meeting.

The Governor’s office has also approved the draft modifications to the Continuing Competency rule, and it is also set for an August Rulemaking hearing. The draft is available today for Board members review.

D. Consent Orders/Agreed Orders/ Orders of Compliance

Christina N. Alleman, PTA, License # 4093- A Consent Order was presented for a criminal conviction for theft of property over \$500.00. After much discussion, Mr. Finch made a motion, seconded by Mr. Harris, to approve the Consent Order as presented. The motion carried.

Janet A. Love, PTA, License # 180- A Consent Order was presented for failure to obtain twenty hours of continuing competency between July 2011 and July 2013. After discussion, Mr. Harris made a motion, seconded by Ms. Buttrey, to approved the Consent Order as presented. The motion carried.

Katherine Prange, PTA, License # 230- A Consent Order was presented for failure to obtain 20 hours of continuing competency. Ms. Prange agreed to voluntary surrender her license to practice as a physical therapist assistant in the State of Tennessee as of the effective date of this order. After discussion, Mr. Finch made a motion, seconded by Ms. Ballard, to approve the Consent Order as presented. The motion carried.

Wanda Heinemann, PT, License # 6899- A Consent order was presented for failure to obtain hours of continuing competency for the years of . After discussion, Mr. Harris made a motion, seconded by Ms. Buttrey to approve the Consent Order as presented. The motion carried.

5. Tennessee Professional Assistance Program (TnPAP) Report

The Mike Harkreader presented the following statistical report provided by TNPAP for the period of July 1, 2014 through March 31, 2015:

		PT	PTA
	Monitoring	0	3

6. Investigation and Disciplinary Reports

Nichelle Dorroh, Disciplinary Coordinator in the Office of Investigations presented the investigative and currently-monitored, disciplined practitioners report:

Monitored Practitioner Report:

	PT		PTA
Total	7	Total	10
On Probation	3	On Probation	4
Suspended	1	Suspended	3
Revoked License	2	Revoked License	1
Board Order	1	Board Order	0
TSAC Suspension	0	TSAC Suspension	2

Investigative complaints as of May 7, 2015:

	PT		PTA
Open	8	Open	3
Received	29	Received	19
Closed	14	Closed	10
No Action	3	No Action	0
Letter of Warning	0	Letter of Warning	1
Letter of Concern	2	Letter of Concern	2
Referred to OGC	9	Referred to OGC	7
Total Open	8	Total Open	3

7. Financial Report

The Board reviewed the financial report provided by the Board’s fiscal office. The report reflected total expenditures in the amount of \$120,062.72 and revenue in the amount of \$184,917.86 thru December 31, 2014. Board fiscal year 2014 reflect \$166, 959.84 in cumulative carryover.

8. Applicant Interview/File Reviews

- A. **Krista Dawn Barber, PTA-** Ms. Barber appeared before the Board because she marked “No” on her application to the question regarding criminal conviction(s) but her criminal background check revealed two (2) convictions for Driving Under the Influence. After much

discussion, Mr. Harris made a motion, seconded by Mr. Finch, to grant Ms. Barber a license to practice pending a favorable TNPAP evaluation. The motion carried.

B. Isobel Pardo, PTA—Ms. Pardo appeared before the Board because her transcript from her physical therapy assistant school does not show a degree along with the date the degree was received. Ms. Pardo’s school provided a letter on school letterhead stating the type of degree received and the date it was received. After much discussion, Mr. Finch made a motion, seconded by Ms. Buttrey, to grant Ms. Pardo a license to practice. The motion carried.

C. Derrick Torres, PTA- Mr. Torres appeared before the board due to multiple misdemeanor convictions for Driving Under the Influence and Underage Drinking. After discussion, Mr. Finch made a motion, seconded by Mr. Harris, to grant Mr. Torres a license to practice pending a favorable TNPAP evaluation. The motion carried.

D. Daniel Walden, PT—Mr. Walden appeared before due to multiple misdemeanor convictions for Driving While Intoxicated and Violation of Open Container Law. After discussion, Ms. Buttrey made a motion, seconded by Mr. Harris, to grant Mr. Walden a license to practice pending a favorable TNPAP evaluation. The motion carried.

E. Donnie Newberry, PT- Mr. Newberry was convicted of multiple misdemeanor convictions stemming from 2008 to 2013. After discussion, Mr. Harris made a motion, seconded by Ms. Buttrey with Ms. Ballard opposing to grant Mr. Newberry a license to practice pending a favorable TNPAP evaluation. The motion carried.

9. Continuing Competency Courses

TPTA Courses (Ethics and TN Jurisprudence Course)— TPTA submitted their ethics and TN Jurisprudence course entitled “Ethics in Physical Therapy Practice” and “Jurisprudence the Legal Basis of Physical Therapy” to the Board of Physical Therapy for approval. After discussion, Ms. Buttrey made a motion, seconded by Mr. Harris to approve the continuing education course from the TPTA as presented. The motion carried.

11. Other Board Business

A. Rule Amendments:

1. Dry Needling Competency Requirements the Board Attorney, Mr. Guilford presented a draft of competency requirements to the Board for review and approval to send for a Rulemaking hearing. After discussion, Mr. Harris made a motion, seconded by Ms. Buttrey to approved for Rulemaking hearing as amended. The motion carried.
2. Continuing Competency Requirements the Board Attorney, Mr. Guilford presented a draft of revised continuing competency hour requirements to the Board for review and approval to send for a Rulemaking hearing. After discussion, Mr. Harris made a motion, seconded by Ms. Buttrey to approve for Rulemaking hearing as amended. The motion carried.

B. Legislative Report:

Legislative Liason, Jeremy Davis, informed the Board of the following Bills that will directly affect the Board of Physical Therapy. And also inform the Board to they must allow 75 days before rules become effective.

SB098 – This Bill is regarding E-Health Records.

SB099 – This Bill defines abuse and neglect. Also increases the appeal time for a person placed on the registry.

SB385 – Dry Needling for Physical Therapy must establish minimum training criteria.

SB467 – Government Operation Committee

SB892 – Malpractice

SB1223– Tele-health must establish requirements and evidence of a provider/patient relationship.

C. Election of Officers:

A motion was made by Mr. Finch, seconded by Mr. Harris to nominate Ms. Wilkerson for Board Chair, and Ms. Ballard for secretary . The motion carried.

D. 2016 Board Meeting Dates:

February 19, 2016

August 12, 2016

May 20, 2016

November 18, 2016

12. Closed Files

Mr. Finch made a motion, seconded by Ms. Buttrey, to approve the list of closed files as presented for the following applicants:

Physical Therapist

Physical Therapist Assistants

DUSTIN ARTHUR
TIMOTHY BOURNE
NICHOLAS BROWN
REY CASTILLO
AMY KNUTH
SHIRLEY SOTOMAYOR
LEJANE VILLANUEVA

ASHLEE HUGHES
LAWRENCE JOHNSON
OONA JOSEPH

13. Remediations

Mr. Finch made a motion, seconded by Mr. Harris, to approve the remediation plan reviewed by Alan Meade, Board Consultant, for applicant **Brandy Brown**. The motion carried.

14. Correspondence

A. Correspondence received from Mr. David Finch to amend Rule 1150-01-.08(a) to say after 2 unsuccessful exam attempts the applicant must wait at least 3 months after the last unsuccessful attempt to retake the exam.

15. Ratifications

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

PHYSICAL THERAPISTS

NEW LICENSES

LAURA NICOLE ADOLFSON
DEE ANN BLACKBURN
EMILY ELIZABETH CORNELIUS
RICHARD MATTHEW COX
MELISSA ANN CROSS
KATHERINE WALLACE DOWDLE
RYAN NEAL WALLACE
SHANON MARIE FRONEK
KRISTIN LEIGH HOLSING
DUSTIN MARK HOWARD
TAYLOR MASON JONARD
ALEX MICHAEL KOSZALINSKI
JOSEPH ALLEN MCCARTY

STEPHEN VINCENT MCGINLEY
KARA BETH MILLER
ELIZABETH A MYERS
LISA MAREE POLCYN
DONALD SIMMONS RATCLIFFE
TIMOTHY JAMES SERRANO
STEPHEN JOHN SNYDER
SUSAN H THOMPSON
MARK VANCE
NICOLE RENEE VANCE
ASHLEIGH PAIGE WALTERS
TIAWANNA LATRELLE WILLIAMS
SHIN-YIING YUENG

REINSTATEMENTS

KATHRYNF DEAN
D'AMICO JANET GREER
ANDREA NIEMAN HOLMES
SHARRON COURTNIIE MCGINTY

KARA-JAYNE SENTELL
CARLA A WOODARD
STACIE ANN YATES

The motion carried.

PHYSICAL THERAPIST ASSISTANTS

NEW LICENSES

GARY JOSEPH ADAMS
JULIE ANN ALBIN
ANGELICA PATRICIA AMAYA
TEAVIN TRAMAINIE APPLEWHITE
EMILY GRACE BAILEY
FRANCES MARIE BALL

CHASTIDY BELL
DALE JOHN BELLARD
MICHAEL ANDREW BIGGS
ANTWAN S COX
GINGER DENITA CRAWFORD
SARAH JOY CROUCH

JENNIFER ELAINE DAVIS
JOHN BYARD DICKISON
MISTY GAIL DUNN
STEPHEN ELSEA
TREVOR EUGENE FAUGHT
OLIVER FRAENKEL
MICHELLE LYNN FRULLA
KEVIN MICHAEL FULFORD
JACQUELINE PATRICE GILL
JAMIE ALLISON GOFF
TECARA ROSE GONZALES
CALEB RONALD GRIFFIN
DYLAN CHAD GRIFFIN
DEIRDRE ANN GRIGGS
TERRI ANN HALLMAN
APRIL JAMES HARVEY
MATTHEW RILEY HOLLAND
CARLY RENEE JOHNSON
KAILEE MARIE KELL
KATHERINE ANN LASH
TWYONA GAY LAUDERDALE
ABIGAIL ELAINE LEETON
ALLISON LEE LEWIS
LISA GAIL MACON
KERI AUSTA MAFEI
TONI DANIELLE MCCOLLUM
SHELBY NICOLE MCFARLAND
SUSAN KATHLEEN MCKEEVER
HANZ WOLFGANG MINK
JOHN CHRISTOPHER MOORE, II

CARRIE ELIZABETH MOULTRIE
MONEKA CHRISTINE OLIVER
SARAH ELISABETH PARRISH
LINDSAY MARIE PENNEY
PATRICIA ZATARAIN PEREZ
CHELSIE DANIELLE PHILLIPS
DEONA PRICE
ADAM CHRISTOPHER PRINTZ
MELISSA PUTNAM
DEDRA MATHEWS ROBISON
EVELYN MAE ROMINE
SUSAN CRAIG SERNA
JACQUILINE SETELIN
KAROL SIMO
JOSHUA JOE SMITH
GREGORY KEITH SPURLING
BRITTNEY L STANTON
ELLEN STARR
HOLLEY MARIE STEARNES
ANN DELL STEWART
PAUL EUGENE THOMAS, II
JOHN BARUCK THOMPSON
VICTOR DOMINIC TRINCHERA
BRITTAINY UNDERDOWN
PAIGE NICOLE VAZEII
NICHOLAS DANE WATKINS
DENNIS CRAIG WILLIAMS
KALISHA LASHAE WILLIFORD
HEATHER RENEE WOOTEN

REINSTATEMENTS

CHRISTA HAWTHORNE-NARDINI

The motion carried.

16. PROVISIONAL LICENSES

Mr. Harris made a motion, seconded by Ms. Ballard, to approve the following for a provisional license:

ARCHIE BASILAN
ROCELYN
NEPOMUCENO

MANALI SHAH
SONALI SHAH
KUNAL SINGHAL

CAROL SO

The motion carried.

17. Unit Director's Report

A. Agreed Citation

Amy Shugart, PT, License # 5067- A Agreed Citation was presented for failure to timely renew her license and practicing on an expired license for approximately two months. After discussion, Ms. Ballard made a motion, seconded by Mr. Harris to approve the Agreed Citation as presented. The motion carried.

18. Administrative Report

Ms. Walker presented the administrator's report:

A. In total, there were 5074 active Physical Therapists, and 3372 active Physical Therapy Assistants as of 05/12/15.

B. Licensure Statistics from 03/06/15 thru 05/8/15:

Physical Therapists

- New Applications Received - 83
- New Licenses Issued— 34
- Reinstated— 7
- Retired – 8
- Expired - 40
- Renewals— 337 (total) as follows:

92 -paper
245 -online

Physical Therapist Assistants

- New Licenses Received - 59
- New Licenses Issued— 73
- Reinstated— 1
- Retired- 7
- Expired - 28
- Renewals— 209 (total) as follows:

48 -paper
161 -online

C. Continuing Education Audit

Verification and Audit Period January 2014 thru June 2014:

Physical Therapists

- 52 Licensees Audited
- 51 Licensees Compliant = 98%
- 1 Licensees Non-Compliant = 2 %

Non-Compliant Breakdown:

- 1 Licensee deficient in the required number of C.E. hours

Physical Therapist Assistants

- 33 Licensees Audited
- 32 Licensees Compliant = 97 %
- 1 Licensees Non-Compliant = 3 %

Non-Compliant Breakdown:

- 0 Licensees deficient in the required number of C.E. hours
- 1 Licensee failed to contact compliance unit after receiving a second “notice of audit letter” via certified mail.

Mr. Sobowale noted that the compliance rate for physical therapists and assistant actually trended upward from the last report provided at the last Board meeting by Ms. Rosemarie Otto, Division Director for Health Related Boards.

D. Board Members

All positions are currently filled.

E. Child Support Orders

One (1) physical therapist assistant was issued a child support Default Order by another agency in Tennessee Department of Human Services. A copy of the report was attached.

F. TSAC Orders

Two (2) physical therapist assistants were issued a TSAC Default Order by another agency in Tennessee Student Assistance Corporation. A copy of the report was attached.

Adjournment

There being no further business, the meeting was adjourned at 2:17 p.m.

These minutes were ratified by the Board at the August 14, 2015 meeting.