

**BOARD OF PHYSICAL THERAPY
MINUTES**

DATE: February 9, 2018

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

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

MEMBERS PRESENT: David Harris, PTA, Chair
LeAnn Childress, PT
Ronald Barredo, DPT
David Finch, PT, Secretary
Kelly O'Connor, Consumer

STAFF PRESENT: Michael Sobowale, Unit Director
Mary Webb, Unit Manager
Brenda Wimberly-Stewart, Interim Board Administrator
Andrea Huddleston, Deputy General Counsel
Lara Gill, Assistant General Counsel

GUESTS: Lou Alsobrooks, TPTA Representative

1. Call to Order

A roll call of board members and administrative staff was taken. With a quorum present, Mr. Harris called the meeting to order at 9:00 a.m.

2. Rulemaking Hearing

Andrea Huddleston, Deputy General Counsel, called the rulemaking hearing to order and served as the moderator. The purpose of the rule making hearing is to solicit comments on the rules proposed by the Board to amend Rule 1150-01-.06 on fees. Pursuant to TENN. CODE ANN. § 4-5-204, Ms. Huddleston presented a summary of the factual information which formed the basis of the rules contained in the Notice of Rulemaking Hearing:

The amendment to Rule 1150-01-.06 will decrease the (biennial) renewal fee for PT's from \$65.00 to \$55.00 and decrease the (biennial) renewal fee for PTA's, from \$65.00 to \$45.00. A rule is defined as an agency statement of general applicability that implements or prescribes law or policy or describes the procedures or practice requirements of the agency. A proposed rule is filed with the Secretary of State, notice is given to the public for comment and a rulemaking hearing is held. Upon conclusion of the hearing, the proposed rules are forwarded to the Attorney General's Office for review of legality. If approved, they are filed with the Secretary of State,

which is responsible for publication, and another hearing for approval before the Joint Government Operations Committee of the General Assembly. The Rules must stay in the Secretary of State's Office for ninety (90) days at the end of which time, will be the effective date. The Notice of Rulemaking Hearing included the entire text of the proposed rule and was published on the Secretary of State's website on October 17, 2017 and the State's Administrative Register. There was no public comment received regarding the proposed rule.

Ms. Huddleston explained that a statement on the Regulatory Flexibility Analysis attached to the Notice of Rulemaking Hearing as presented, and the Statement of Economic Impact to Small Business attached to the Notice of Rulemaking Hearing must be filed as it explains who the fee decrease may affect. Thereafter, Dr. Barredo made a motion, seconded by Mr. Finch, to accept changes to the rule as presented at the rulemaking hearing. By a roll call vote, and with all board members voting yes, the motion carried.

The rulemaking hearing concluded at 9:17 AM.

3. Election of Officers

Mr. Finch made a motion, seconded by Ms. Childress, that David Harris be reappointed as Board Chair. The motion carried. Ms. Childress made a motion, seconded by Ms. Kelly O'Connor, that Mr. Finch be reappointed as Board Secretary. The motion carried.

4. Approval of Minutes

Ms. Childress made a motion, seconded by Dr. Barredo, to approve the minutes of the November 17, 2017 meeting, with a change on page 13, paragraph 4 to read FSBPT instead of FSPT. The motion carried. Dr. Barredo made a motion, seconded by Ms. Childress, to approve the minutes of the December 20, 2017 meeting as written. The motion carried.

5. Report from Office of General Counsel

Ms. Huddleston presented the Office of General Counsel (OGC) report as follows:

A. Conflict of Interest

Ms. Huddleston 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

As of February 1, 2018, OGC has four (4) open cases pertaining to the Board of Physical Therapy – two against physical therapists and two against physical therapist assistants. One (1)

Consent Order will be presented for ratification at the meeting. Additionally, OGC will be presenting one (1) petition for Order of Compliance today.

C. Rules

Rules to amend the fee schedule in Rule 1150-01-.06 to reduce renewal fees for PTs from \$65.00 to \$55.00 and for PTAs from \$65.00 to \$45.00 will be discussed. The amendment to the rules approved at the rulemaking hearing held at the meeting will be forwarded on for approval. Once the Attorney General approves the rules, they will be filed with the Secretary of State, where they must remain for ninety (90) days before they become effective.

D. Legislation

SB1569/HB1661 was filed in the Senate on January 10, 2018. This Bill creates a sunset provision for the newly-adopted physical therapy licensure compact for June 2020. The current sunset date for the Board of Physical Therapy is June 2019.

E. Contested Cases

There was no Contested Case to present.

Consent Order

Allen Spsychalski, PT, License # 5124- Ms. Huddleston presented a Consent Order on Allen Spsychalski. Mr. Spsychalski's employment was terminated due to a failed random drug screen. He tested positive to a controlled substance that he did not have a prescription for, and he voluntarily checked himself into a rehab facility. He has entered into a monitoring contract with TnPAP. As of today, he is compliant with the contract. Mr. Spsychalski's license will be reprimanded and he must remain 100% compliance with the TnPAP contract. There will be quarterly reports from TnPAP to monitor his compliance. Mr. Spsychalski will be ordered to pay a five hundred (\$500.00) dollar Civil Penalty and cost up to two thousand (\$2000.00) dollars. Mr. Finch made the motion, seconded by Dr. Barredo to accept the Consent Order as presented. The motion carried.

Order of compliance

Karen Johnson, PTA, License #2926 - Karen Johnson filed a petition for an Order of Compliance due to disciplinary action by Consent Order on her license by the Board in 2016 for false billing. This Consent Order placed her license on probation for not less than one-year, to complete additional continuing education on the topic of physical therapy ethics and appropriate billing of physical therapy services that is pre-approved by the board consultant and pay one (1) Type B Civil Penalty of five hundred dollars (\$500.00) and the final assessed cost of prosecuting the case. Ms. Huddleston explained that the Office of General Counsel agrees that Ms. Johnson

has met the requirements to lift the probation from her license. Dr. Barredo made a motion, seconded by Mr. Finch, to approve the Order of Compliance as presented. The motion carried.

6. Investigation and Disciplinary Reports

Lori Leonard, Disciplinary Coordinator in the Office of Investigations presented the investigative and the monitored disciplined practitioners report. Ms. Leonard reported, there are nine (9) physical therapists on probation, two (2) suspended, one (1) revoked, and one (1) under Board order. There are ten (10) physical therapy assistants on probation, five (5) suspended, two (2) by board order, and three (3) revoked. There are twenty-one (21) open complaints for physical therapists, fourteen (14) closed files, and sixteen (16) are being monitored. There are thirteen (13) open complaints for physical therapy assistants, seven (7) closed files, and seven (7) are being monitored. So far, for calendar year 2018, the complaints for physical therapist is one (1) new, (0) closed, and sixteen (16) being monitored. For Physical therapist Assistants, there are (0) new cases and seven (7) are being monitored.

The board chair requested Ms. Leonard to provide a report to the Board at the next meeting on whether complaints are going up.

7. Report from the Division of Health Licensure and Regulations

There was no new financial report to present to the Board. The Board reviewed the 2017 fiscal year-end report.

8. Applicant Interviews/Reviews

Michelle E. Hardin, PTA – Ms. Hardin appeared before the board due to multiple criminal convictions. Ms. Hardin was present. After review and discussion, Mr. Finch made a motion, seconded by Ms. O'Connor, to approve Ms. Hardin for a Physical Therapist Assistant license. The motion carried.

Brandon Moorehead, PT – Mr. Moorehead appeared before the board due to a conviction of Theft of Property in the 3rd degree in Alabama. Mr. Moorehead was present. Dr. Barredo recused himself due to a conflict. Mr. Moorehead marked “No” on his application to the question of a prior criminal conviction. He explained that he thought he did not need to disclose that he had been convicted since related records were sealed under the court’s youthful offender protocol. After review and discussion, Mr. Finch made a motion, seconded by Ms. Childress, to approve Mr. Moorehead for a Physical Therapist license. The motion carried.

Provisional License

Natalia Galvan, PT – Ms. Galvan was not present. Ms. Galvan is an internationally-educated applicant, who has completed the requirements under her provisional license and is requesting

approval for full licensure as a physical therapist, based on the board consultant's recommendation. Her file was presented to the Board for review and a determination. After review, Ms. O'Connor made a motion, seconded by Mr. Finch, to approve Ms. Galvan for full licensure as a physical therapist. The motion carried.

Prasanth Katam, PT – Mr. Katam was not present. Mr. Katam is an internationally-educated applicant, who is requesting approval for a provisional license. After review, Ms. Childress made a motion, seconded by Dr. Barredo, to approve Mr. Katam for a provisional license consisting of four hundred and eighty (480) hours of supervised practice under the supervision of a Tennessee physical therapist with an unencumbered license, to be completed within forty-eight (48) weeks. The motion carried.

9. Tennessee Professional Assistance Program (TNPAP) Report

Mike Harkreader, TnPAP Executive Director, presented the statistical report for the period July 1, 2017 through the end of 2017. TnPAP is currently monitoring ten (10) individuals, four (4) physical therapists and six (6) physical therapist assistants. Out of the ten, none were referred from Tennessee Department of Health.

10. Ratifications

Mr. Finch made a motion, seconded by Ms. Childress, to approve the following lists of PT/PTA initial, reinstatements, and closed applications as presented, and also to add Natalia Galvan to the ratification list:

RATIFICATIONS LISTS FOR PTs and PTAs 11.03.17
THROUGH 2.05.18

Abundo Marjorie Isidoro
Barbour Kristen
Beasley Cameron Keith
Bernhardt Lorri Mrs.
Blackwell Ii Darryl Anthony
Calia Nicole Emma
Carnahan Jill
Carps Erica
Chapman Teresa Rachelle Dr.
Cone Renee Helbok
Cowan Joel Kevin
Crouch Sarah Elizabeth Ms.
Day Joshua Mark
Dearolph Elizabeth Ann
Detig Allison M Dr.

Evans Emily Carol
Goodall Nathaniel Joel
Greeling Lindsey
Griesenauer Ryan Dr
Gruver Renae
Hamilton Kelly
Haralambopoulos Nicole
Harper Amanda Claire
Henry Andrea Nicole Dr.
Hodges Alice Mccall
Hoehn Jennifer
Iuliano Nancy Marie
Joshi Dhanashree Bharat
Kersten Jillian Viola
Lacandazo Kenneth Gene Sebrero
Loeffel Jaime
Marty Michelle Zagado
Mccrury Chandler
Meyer Margaret Alyson
Miller Hannah Elizabeth
Moon Carmen Nicole
Morgan Robert Zachary
Nicholson Kate DPT
Normand Danielle
Pantason Kelly Nicole
Parreno Larrie Don Duriquez
Patrick Tamara
Pluchino Erin Rose
Quarles Annie Ladd
Rodgers Logan J Dr
Russell Sourdiffe Jasmine Alexandra Dr.
Schiller Lindsey Marie
Tidwell Elton James
Tometczak Pt Dpt Michael Wayne Jr.
Tyschik John
Wade Carolyne Kent
Webster Alisha Lee
Weinstein Benjamin Noah
Westveer Rebecca Layton
Whiteman George Dr.
Williamson Elizabeth
Adams Casee
Gwaltney Tera

Kiser Erin
McKinley Ian
Powers Ryan
Potts Kali
Carden-McKiney Amanda
Nier Heath
Howell Bruce Mason
Smith Taylor
Brady Janell
Jeffers Kristen
Padgett Austin
Carson Cody
Tsay Eleanor
Reap, II David
Gaskin David
Adams Zachary
Witt Chandler
Wright Carolyn Michelle Mrs

PHYSICAL THERAPY ASSISTANTS

Bridges Megan
Cole Natasha Mercedes
Dowda Charles D
Duty Jennifer S.
Eudy Katherine Elizabeth
Farley Bridgett Daniele
Graham Martha
Graham Zachary
Griffieth Katrina Michelle PTA
Hall Jason Hunt
Harris Nicholas Martin
Mahony Erin
Mathis Jason Scott
Meredith Catherine Amanda
Miller Audrea Michelle
Morris Cassie Lynn Mrs.
Owens Brittney Paige
Pease Megan
Ramsey Rachael Lynn
Reinhardt Emilie
Russell Helen Charlotte Catherine

Sharp Keith Christopher
Steele Beverly June
Sullivan Aleshia
Taylor Jase Lee
Totten Derek
Tucker Leonard III
Ulmer Allison Elise Mrs.
Walton Jennifer Katherine Mrs.

REINSTATEMENTS

PTs

Begley Kimberly
Berard Kristina Jeanette
Condon Sue L.
Deese Cara Lynn
Hilton Christine Marie
Malданado David Noel
Mathis Tricia Rose

PTAs

Moore Vera Dawn
Steele Haley Quinn

CLOSED FILES

PTs

AARON CHERYL L.
DODGE MEGAN D.
GARBINET MARY JANE
HAMMERS BRETT EDWARD
JESKE URSULA DIANE
LONG STACI ANNETTE
RATHOR UPASNA RAJAN
STEEVER BENJAMIN COBB

PTAs

BLEVINGS KYLE MATTHEW

TOWNSEND JIMMYE TREMAYNE

BROWN BRANDY LASHAE

HUFFSTICKLER COREY

LOCKETT MICOLE L.

TONEY MEGAN BETH

10. Administrative Report

Mary Webb presented the following report from the administrative office:

- A. There are 5605 active Physical Therapists and 3733 active Physical Therapist Assistants as of February 9, 2018.
- B. Licensure Statistics from November 3, 2017 through February 5, 2018 are as follows:

Physical Therapists

- New Applications Received - 111
- New Licenses Issued— 77
- Reinstated— 8
- Retired – 11
- Expired – 6
- Closed - 9
- Renewals— 692 (total) as follows:

107-paper
585-online

Physical Therapist Assistants

- New Applications Received - 30
- New Licenses Issued— 29
- Reinstated— 5
- Retired- 22
- Expired -14
- Closed - 5
- Renewals— 417 (total) as follows:

69-paper

348 -online

C. Board Composition

All Board positions are filled at this time.

D. Tennessee Student Assistance Corporation (TSAC) Order

On December 15, 2017, a TSAC Default Order was issued on Tamela Jordan, PT license number 6384 on December 15, 2017, which resulted in license suspension for the reporting period December 12, 2017 to February 9, 2018.

There was no TSAC Order to report for Physical Therapist Assistants for this period.

11. Unit Director's Report

New PT Compact Administrator

Michael Sobowale introduced the new Board Administrator, Brenda Wimberly-Stewart and welcomed her to the board. She was hired to serve as the board administrator for the PT Compact.

Update on Web-Based CE Tracking RFP

Mr. Sobowale provided an update to the board on the web-based CE management system. A vendor has been selected from a bidding process and the board's requirements for CEs are being gathered for the vendor. Estimated implementation date is scheduled for the next two months. All licensees will be notified, once that takes place. The Board agreed for the vendor to present a light demonstration on their system to the Board at the next board meeting.

Agreed Citations

1. **Kimberly Begley, PTA #3563** - Mr. Sobowale presented an Agreed Citation to the Board on Kimberly Begley, PTA 3563, for failure to timely renew her license. Ms. Begley practiced on her expired license for five (5) months. Pursuant to the board's lapsed license policy, she was ordered to pay Civil Penalties in the amount of two hundred and fifty (\$250.00) for each month of lapsed license practice beyond thirty (30) days, for a total of one thousand (\$1,000.00) dollars. Also, this action will be reported in the Disciplinary Action Report and online on the State's website. After review, a motion was made by Dr. Barredo, seconded by Mr. Finch, to accept the Agreed Citation as presented. The motion carried.

2. **Kristina Berard, PT #10806** - Mr. Sobowale presented an Agreed Citation to the Board on Kristina Berard, PT 10806, for failure to timely renew her license. Ms. Berard, practiced on her expired license for about three (3) months. Pursuant to the board's lapsed license policy, she was ordered to pay Civil Penalties in the amount of two hundred and fifty (\$250.00) for each month of lapsed license practice beyond thirty (30) days, for a total of one thousand (\$750.00) dollars.

Also, this action will be reported in the Disciplinary Action Report and online on the State's website. After review, a motion was made by Ms. O'Connor, seconded by Ms. Childress, to accept the Agreed Citation as presented. The motion carried.

12. Correspondence

A. Discussion on Rule 1150-01-12(5)(e) Home Study Continuing Education Course – A question has arisen as to whether home Study courses mentioned in the rule should be counted as an online course or a live course, and whether they will fall under Class I Continuing Competence activities. Ms. Wilkerson reminded the Board that, per board rules, licensees cannot substitute completing required continuing education hours. The Office of General Counsel will draft language to be considered by the Board at the next board meeting concerning this issue.

B. Alternate Approval Pathway Addendum - Jeff Rosa, FSBPT Managing Director submitted an Alternate Approval Pathway Addendum contract proposal as an attachment to the NPTE for board consideration. The Board decided not to take any action on the proposal.

C. MS Dry-Needling Course – TPTA submitted a recommendation for the Board to approve a dry-needling course titled, "MS Dry Needling" by Luke Bynum, PT as a pre-approved dry-needling course. After review, Mr. Finch made a motion, seconded by Dr. Barredo, to accept TPTA's recommendation for the course to be considered as pre-approved and added to the list of pre-approved dry-needling course providers. The motion carried.

D. KinetaCore Dry-Needling Course - TPTA submitted a recommendation for the Board to approve KinetaCore's dry-needling course as a pre-approved dry-needling course. No action was taken by the Board as approval has already been given by the Board for the course to be added to the list of pre-approved course providers.

E. Correspondence from TPTA Regarding bill proposal to change the Practice Act - Mr. Lou Alsobrooks, representative of the TPTA stated that the bill is not ready. The Board did not take any action.

F. Correspondence from Alan Meade, TPTA regarding Online CE Policy – Dr. Alan Meade, TPTA President submitted correspondence for the Board to consider a revision to the current online CE policy. A clarification is needed in order to clear up confusion among course providers regarding whether a course taken online with an interactive element should be considered a live class, or an online class. The Board re-affirmed that an online course that has an interactive element to it will not be considered as an online course, if the course was taken in a live format with interactive activity and has a post-experience examination included in it. The Board also re-affirmed that such course will be considered a Type I class activity. The Board requested the Office of General Counsel to review language in current policy and make suggestions for revisions that can be discussed at the next board meeting. A motion was made by Mr. Finch, seconded by Dr. Barredo, to approve language for the policy as discussed during the meeting. Ms. Childress opposed. The motion passed.

13. Discuss New and Old Board Business

A. **Web-Based CE tracking RFP** – CE Broker will be requested to be present at the May 18th board meeting to do a live demonstration for the Board.

B. **Discussion of Requirement of ‘Type 1’ Certificate for Internationally-Educated Applicants** - Dr. Barredo led the discussion. The Board requested that this item be placed back on the agenda for the May 18th board meeting.

C. **Nominations for Upcoming Conferences:**

Ms. Childress made a motion, seconded by Dr. Barredo, to nominate board members and staff to attend upcoming meetings/conferences as follows:

- Ms. O’Connor to attend the FSBPT Regulatory Training for Board Members in Alexandria, VA, from June 8-10, 2018.
- Dr. Barredo, Ms. Gill, and Mr. Sobowale to attend the Leadership Issues Forum in Alexandria, VA, from July 14-15, 2018.
- Mr. Harris nominated as Primary Delegate, Ms. Childress nominated as Alternate Delegate, Mr. Sobowale, Board Administrator, and Ms. Gill, Advisory Attorney, to attend the FSBPT Annual Conference in Reston, VA from October 25-27, 2018.

The motion carried.

14. 2019 Board Meeting Dates

February 8, 2019

May 10, 2019

August 19, 2019

November 1, 2019

Adjournment

There being no further business, a motion was made by Dr. Barredo, seconded by Ms. Childress, to adjourn the meeting. The meeting was adjourned at 12:03 P.M.

David Harris, Board Chair

Date

These minutes were ratified by the Board at the May 18, 2018 meeting.