

**BOARD OF PHYSICAL THERAPY  
MINUTES**

DATE: March 9, 2015

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: Brigina T. Wilkerson, PT, Chair  
David Finch, PT  
David Harris, PTA

MEMBERS ABSENT: Minty Ballard, Secretary  
Bethany Buttrey, PT

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

**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. Finch made a motion, seconded by Mr. Harris, to approve the minutes of the November 14, 2014 meeting. The motion carried.

**3. Office of General Counsel Report**

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

A. Litigation

There are currently two (2) Consent Order to be presented to the Board.

Aside from the above referenced Order, there are eight (8) open case in OGC. 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.

**SB0432-** This bill is a competing dry needling bill. It does not clearly define dry needling, and it has a course requirement involving a minimum of 304 hours and 250 observation hours in it. The Board would also have to approve each of these courses, and practitioners would have to register with the Board if the licensees wanted to perform dry needling.

#### C. Rules

The first set of rules regarding crossover examination prevention, E&J course approval, and application closures was approved by the Attorney General’s Office and became effective on March 2, 2015.

The rule change regarding Orders of Compliance and the appearance requirement have been drafted and are currently working their way up the internal DOH process.

Mr. Mullins informed the Board that the Attorney General’s Office has made some suggestions regarding the Remediation Plan rules which will be discussed later in the meeting for Board’s consideration

#### D. Consent Orders/Agreed Order/ Agreed Citations

**David B Murray, PT, License # 6477-** A Consent Order was presented for failure to obtain six (6) hours of continuing competence. Mr. Harris recused himself, and after discussion, Mr. Finch made a motion, seconded by Ms. Wilkerson, to approve the Consent Order as presented. The motion carried.

**Christopher D McKeon, PTA, License # 5201-** A Consent Order was presented for a criminal conviction of Observation without consent, Unlawful Photographing in Violation of Privacy to which the respondent pled guilty. After discussion, Mr. Finch made a motion, seconded Mr. Harris, to approved the Consent Order as presented. The motion carried.

**Donald Ratcliff, PT, License # 5421-** An Order of Compliance was presented for licensee being in compliance with a Board Order which a Consent Order was issued on May 10, 2012. After

discussion, Mr. Harris made a motion, seconded by Mr. Finch, to approve the Order of Compliance as presented. The motion carried.

**5. Tennessee Professional Assistance Program (TnPAP) Report**

The Board reviewed the following statistical report provided by TNPAP for the period of July 1, 2014 through December 31, 2014:

|  |            |    |     |
|--|------------|----|-----|
|  |            | PT | PTA |
|  | Monitoring | 0  | 2   |

Upon review, Board Chair, Ms. Wilkerson, noted that a licensee’s file was listed on the report as closed with TNPAP and the Department was notified after licensee declined TNPAP’s recommendation upon completion of an evaluation. Ms. Wilkerson inquired whether the file would be forwarded to OGC for a Consent Order. Mr. Mullins responded that it depends on the nature of why such licensee was referred to TNPAP in the first place. He stated that usually, in such a case, licensee would be referred to the Office of Investigations for himself and the Board consultant to review the file. However, if the closed file pertains to a license applicant, such file would not be referred to the Office of Investigations because the applicant is not yet a licensee subject to Board rules.

**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      |
|------------------------|----------|------------------------|----------|
| <b>Total</b>           | <b>7</b> | <b>Total</b>           | <b>8</b> |
| <b>On Probation</b>    | <b>4</b> | <b>On Probation</b>    | <b>4</b> |
| <b>Suspended</b>       | <b>1</b> | <b>Suspended</b>       | <b>1</b> |
| <b>Revoked License</b> | <b>2</b> | <b>Revoked License</b> | <b>1</b> |
| <b>Board Order</b>     | <b>0</b> | <b>Board Order</b>     | <b>0</b> |
| <b>TSAC Suspension</b> | <b>0</b> | <b>TSAC Suspension</b> | <b>2</b> |

Investigative complaints as of June 30, 2014:

|                   | PT        |                   | PTA       |
|-------------------|-----------|-------------------|-----------|
| <b>Open</b>       | <b>8</b>  | <b>Open</b>       | <b>11</b> |
| <b>Received</b>   | <b>20</b> | <b>Received</b>   | <b>21</b> |
| <b>Closed</b>     | <b>15</b> | <b>Closed</b>     | <b>15</b> |
| No Action         | 7         | No Action         | 4         |
| Letter of Warning | 0         | Letter of Warning | 3         |
| Letter of Concern | 0         | Letter of Concern | 4         |
| Referred to OGC   | 8         | Referred to OGC   | 3         |
| <b>Total Open</b> | <b>8</b>  | <b>Total Open</b> | <b>11</b> |

## **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 \$268,482.08 and revenue in the amount of \$366,426.43 thru June 30, 2014. Board fiscal year 2014 reflect \$166, 959.84 in cumulative carryover.

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

- A. Antwan Cox, PTA** - Mr. Cox was convicted of criminal sexual conduct. After much discussion, Mr. Finch made a motion, seconded by Mr. Harris, to grant Mr. Cox a license to practice. The motion carried.
- B. Victor Trinchera, PTA**—Mr. Trinchera was convicted of drugs and narcotic equipment possession. After much discussion, Mr. Harris made a motion, seconded by Mr. Finch, to grant Mr. Trinchera a license to practice. The motion carried.
- C. Amit Chaudhary, PT**- Mr. Chaudhary appeared before the board to request approval to sit for the NPTE exam as foreign trained applicant. After discussion, Mr. Finch made a motion, seconded by Mr. Harris, to grant Mr. Chaudhary a license to practice. The motion carried.
- D. Kanan Patel, PT**—Mr. Patel appeared before the board to request approval to sit for the NPTE exam as a foreign trained applicant. After discussion, Mr. Harris made a motion, seconded by Mr. Finch, to grant Mr. Patel a license to practice. The motion carried.

## **9. Continuing Competency Courses**

**Physical Therapy.Com (TN Jurisprudence Course)** — Physical Therapy.Com submitted their TN Jurisprudence course entitled “Tennessee Jurisprudence” to the Board of Physical Therapy for approval. After discussion, Mr. Harris made a motion, seconded by Mr. Finch, to refer them back to the Tennessee Physical Therapy Association due to a recent rule change which became effective March 2, 2015. The motion carried.

**Innovative Educational Services (Ethics and TN Jurisprudence Course)** - Innovative Educational Services submitted their course entitled “ Ethics and TN Jurisprudence- Tennessee Physical Therapy” for approval. After discussion, Mr. Harris made a motion, seconded by Mr. Finch, to refer them back to the Tennessee Physical Therapy Association due to a recent rule change which became effective March 2, 2015. The Motion Carried.

## **11. Other Board Business**

### **A. Dry Needling Bill**

The Board discussed the need to get the bill sunshined for the next Board meeting on May 15. The Board expressed a desire to hold a special meeting to discuss the bill, pending receipt of additional information to be sent by TPTA to the Board for its information and education as the Board is preparing to draft rules and regulations in anticipation of passage of the bill in the legislature. The Board requested from TPTA, information such as presentations on the topic at various conferences, draft rules, and information from task force/work group set up by TPTA on

the topic prior to the next Board meeting. The Board requested staff to send any available dates, preferably Fridays, and alternative dates in April to Board members for any special meeting to be held on the issue.

- B. The Board discussed license suspension in Agreed Citations for continuing competence violations. Upon discussion and a motion by Mr. Finch, and seconded by Mr. Harris, the Board voted to amend the continuing competency policy to change the minimum requirement for a physical therapist to have, at least, 8 hours of continuing competency and a physical therapist assistant to have 5 hours of continuing competency for their license not to be suspended due to being non-compliant with the Board's Continuing Competency requirement. The motion carried.
- C. The Board discussed corrective modification to the Board's remediation plan as it relates to rule 1150-01-.08. Mr. Mullins informed the Board the Attorney General's (AG's) Office had suggested changes to the remediation plan, for changes being proposed in the rule to track the language of the statute and also to change the effective date of the rule to a date certain – July 1st. After a discussion, Mr. Harris made a motion to approve changes suggested by the AG'S office, seconded by Mr. Finch, to amend rule 1150-01-.08 to state 10 hours of continuing education and 10 hours of additional observation/clinical training hours will be required prior to a twice-failing applicant being approved to sit again for the NPTE. The motion carried.
- D. The Board considered an item placed on the agenda for the Board to discuss and take action on the issue of Type 1 certification for foreign-trained applicants. Mr. Harris noted that this issue no longer needed to be discussed since FCCPT has an alternative method to evaluate, assess, and certify credentials submitted by foreign-trained applicants apart from issuance of a Type 1 certificate.
- E. The Board discussed purchasing 3 copies of the Guide To Physical Therapy Practice version 3.0. After discussion, Mr. Finch made a motion, seconded by Mr. Harris to approve the purchase of 3 digital or paper copies, as made available by APTA. The motion carried.

## **12. Closed Files**

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

### Physical Therapist

ALEXIS BURROUGHS  
BRENDA GILLESPIE  
APRIL JACKSON  
SANDRA MANN  
JAIME SPRINGER

TIFFANY STANFILL  
VONTINA THOMAS  
DYKESHIA WESTON  
EVELYN ROMINE

### Physical Therapist Assistants

LUTHER AGDACA

RICHARD BLAIS

RYAN DULLING  
JOHN MANSFIELD  
ELIZABETH OSTRAND

JAYADEEPSINH RATHOD  
JOHN RHODES  
DARTELL TREADWELL

**13. Remediations**

Mr. Finch made a motion, seconded by Mr. Harris, to approve the remediation plans reviewed by Alan Meade, Board Consultant, for the following applicants:

ANNIE TRAN  
STEPHANIE BECTON  
KAREN MCGEE  
MICHAEL ALCORN  
EVELYN ROMINE

ANGELICA AMAYA  
APRIL JONES  
CHANELLE ALMAS  
CHARLES EMPLAINCOURT

The motion carried.

**14. Correspondence**

A. Mr. Jeff James sent in correspondence requesting clarification regarding rule 1150-01-.02 in regards to the mileage requirement. After discussion, the board stated the rules were clear the supervising physical therapist must be within 1 hour or 60 miles from the physical therapist assistant they are supervising. The motion carried.

B. Mr. Kelly Ferris sent in correspondence requesting waiver from the provision in the physical therapy laws for the State of Tennessee with regards to direct access by physical therapists. After discussion, the Board voted to deny this request and suggested that he be referred to Tennessee Physical Therapy Association (TPTA) and Dr. Trish King at East Tennessee State University, for him to find out if and when required course(s) will be offered. The motion carried.

C. Mr. Jeffrey McCamman sent in correspondence requesting clarification to rule 1150-01-.12(5)(e) as it relates to acceptable class 1 continuing competency courses. After discussion, the Board referred him back to the Tennessee Physical Therapy Association. The motion carried.

**15. Ratifications**

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

PHYSICAL THERAPISTS

NEW LICENSES

KYMBERLI TERRIEL ABLE  
MICHAEL BRENT ALCORN  
JOVANNA MICHELLE ARCHIBALD  
MEGAN ELIZABETH ARMSTRONG  
ABRAM SCOTT ARWOOD

ANDREW MILLS BERGLAND  
JONATHAN DAVID BROWN  
MICHAEL DAVID BROWN  
EMILY GRACE BURCH  
JARROD A CAIN

DANIEL JOSEPH CAISSIE  
SHELLEY ELIZABETH CLARK  
DANIEL LANIER CLEMENTS  
MARCIA ANN CLINE  
CAMERON PHILIP COGHILL  
JENNIFER TURLEY COLEMAN  
SCOTT MATTHEW DAVENPORT  
JOSH RYAN DAVIDSON  
CANDACE THERESA PHAN EASON  
HAYLEE HOPE FARRAR  
SARAH ELIZABETH FOSS  
CORY WILLIAM GIBSON  
KIMBERLY CHARMAINE GREEN  
RACHEL MELISSA HADDOCK  
HOLLY HOLLIMON HANNA  
KATHRYN LEIGH HENDERSON  
BRITTANY LEIGH HENSLEY  
MICHAEL ALLEN HINERTH  
AMANDA MARIE HOUCK  
MARCUS RYAN HULING  
LINDSAY CELESTE HUNTER  
KHUSHBOO KABRA  
LEE THOMAS KAFER  
KRISTEN CATHERINE KALEMARIS  
CODY CARL KECK  
JUSTIN DALE KERLEY  
ANDREW BARTLEY KING  
BRENT WILLIAM KINGSTON  
JESSICA TINA-MARIE KSIAZEK  
ANNA LEE LANG  
NATHANIEL DOUGLAS LANG  
KELLY MARIE LANGAN  
JOY NOEL LAROSA  
ANDREW CLAY LEWIS  
KILEY MARIE LINTZ  
TYLER SCOTT LUCAS  
CHELSEA JEAN-MICHAEL MAINS

ERIKA KATHLEEN MIKKELSEN  
AMY REBECCA MONROE  
MARGARET RACHEL MORRISON  
CASEY NICHOLAS MOYE  
GEOFFREY EUGENE NADEAU  
BRITTNEY RENE NEISEN  
CYNTHIA MARIE NEITZKE  
MARIO G NOVO  
STAPHANIE D. PAGE  
KAILEY JO PATTERSON  
ERIN KATHLEEN RATERMAN  
JOSHUA DAVID REPPERT  
JOSEPH DE LEON RIVAS  
DUSTIN R-JON SHARP  
KENDRA NICOLE SIGLER  
CLINTON J SIMPLOT  
MICHAEL LUKE STANLEY  
TIMOTHY PHILIP STECKER  
CHRISTOPHER BRIAN STEWART  
JAMES D STOUT  
DANIEL EVAN TANNENBAUM  
KATHRYN MARTIN TOOMEY  
ROBIN BROOKE TRACHTENBERG  
KRISTEN MARIE WARD  
BRANDON TYLER WHITWORTH  
DANIEL PAUL WOODS  
HOLLY ALISHA YOUNG  
CHERYL ANN ZURLINDEN

REINSTATEMENTS

DEBRA ELIZABETH BATY  
PETER AUSTIN CHRISCO  
JANICE GWEN DERRICKSON

TRENT RAY NESSLER  
HEATHER MALYNNE SMITH

The motion carried.

PHYSICAL THERAPIST ASSISTANTS

NEW LICENSES

JESSICA ERIN ALDERDICE  
DAVID LAWRENCE ARHELGER  
JENNIFER RUTH BECKER

JACK BROOKS  
PAMELA KAYE CHANDLER  
CRYSTAL MICHELLE COLLINS

TALISSA LENA E DAWSON  
DOROTHY A FAMOLARE  
BRANDON LAMAR GIBSON  
JENNY ELLEN HANNAH  
LAURA LEIGH HENSLEY  
SARAH BETH HICKS  
MARGARET RACHEL MORRISON  
CATHERINE E OFENLOCK

JOSEPH DANIEL OSBORNE  
CHARLOTTE LEIGH PAIR  
COURTNEY RENE PLUNKETT  
JOSHUA TODD SHALLCROSS  
MOLLY FAYE SUMNERS  
KRISTEN LEIGH WHITE  
CRISTEN MARIE WIENTJES

The motion carried

#### REINSTATEMENTS

ASHLEY NICOLE DAVIS  
GINA M. GRANSTAFF

JULIE ELIZABETH WALZ

The motion carried.

#### **16. PROVISIONAL LICENSES**

Mr. Harris made a motion, seconded by Mr. Finch, to deny the following for a provisional license and require her to complete her Doctor of Physical Therapy program and reapply for her type 1 certification:

SONALI SHAH, PT

The motion carried.

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

A. Agreed Citation

**Frances Marie Ball, PTA, License # 4611-** Mr. Sobowale presented an Agreed Citation on Frances Marie Ball for continuing education violations. Ms. Ball was selected for continuing education audit and found to be deficient 10 hours in violation of the Board's Continuing Competence requirements. After discussion, Mr. Harris made a motion, seconded by Mr. Finch, to approve the Agreed Citation as presented. The motion carried.

B. Conflict of Interest Statement

Mr. Sobowale reminded the Board about the State's Conflict of Interest policy and asked Board members to sign the Conflict of Interest form in their books prior to their departure from the meeting.

C. Nomination of Delegates to Federation Meeting

A request from the Federation of State Board of Physical Therapy (FSBPT) for nomination of funded delegates and Board staff to the FSBPT Leadership Issues Forum (LIF) in Alexandria, Virginia from August 1-2, 2015 and the Federation Annual Meeting in Orlando from October 15-17, 2015 was discussed. Mr. Sobowale also informed the Board that an invitation has already been sent by the Federation for him to attend the Council of Board Administrators, Board Member and Administrator Training/Forum in Alexandria, Virginia from June 11-15, 2015, which is also funded by the Federation.



Upon discussion, Mr. Finch moved a motion, and seconded by Mr. Harris, to send Mr. Harris as primary voting delegate and Ms. Wilkerson as primary alternate delegate, as well as Board staff to the meetings. The motion carried.

## **18. Administrative Report**

Mr. Sobowale reviewed the administrator's report:

- A. In total, there were 5052 active Physical Therapists, and 3331 active Physical Therapy Assistants as of 02/28/15.
- B. Licensure Statistics from 11/05/14 thru 03/05/15:

### Physical Therapists

- New Applications Received - 191
- New Licenses Issued— 82
- Reinstated— 5
- Retired – 17
- Expired - 51
- Renewals— 784 (total) as follows:

198-paper  
580-online

### Physical Therapist Assistants

- New Licenses Received - 82
- New Licenses Issued— 27
- Reinstated— 3
- Retired- 9
- Expired - 24
- Renewals— 530 (total) as follows:

144-paper  
385-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.

## Adjournment

There being no further business, the meeting was adjourned at 12:52 p.m.

**These minutes were ratified at the May 15, 2015 meeting.**