

**BOARD OF PHYSICAL THERAPY
MINUTES**

DATE: March 10, 2016

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

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

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

MEMBERS ABSENT: Minty Ballard, Consumer

STAFF PRESENT: Michael Sobowale, Unit Director
Lakita Taylor, Unit Manager
Tomica Walker, Board Administrator
Mary Bratton, Deputy General Counsel
Thomas Auman, Assistant General Counsel
Nichelle Dorroh, Office of Investigations
Vanessa Crutcher, Finance Officer

1. Call To Order

With a quorum being present, board members voiced approval to commence with the meeting and hold an election of new officers, in the absence of both the Board Chair and Board Secretary. Thereafter, Mr. Finch asked board members to submit names into nominations for a vote.

2. Election of Officers

Ms. Buttrey made a motion, seconded by Ms. Childress, to nominate Mr. Harris for Board Chair. The motion carried.

Mr. Harris made a motion, seconded by Ms. Buttrey, to nominate Mr. Finch for Board Secretary. The motion carried.

After the election of officers, Mr. Harris called the meeting to order at 9:15 a.m.

3. Approval of Minutes

After review, Mr. Finch made a motion, seconded by Ms. Buttrey, to approve the minutes of the November 15, 2015 meeting and the minutes of the January 11, 2016 rulemaking hearing as written. The motion carried.

4. Office of General Counsel Report

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

A. Conflict of Interest

The Office of General Counsel (“OGC”) would like to remind the Board of its conflict of interest policy. If you have any personal or financial interest that might appear to be a conflict of interest, whether it relates to a contested case, a rulemaking issue, or any other Board decision, please share that fact with the Board so that a decision may be made regarding the need for recusal.

B. Litigation

There are eleven (11) cases pertaining to the Board of Physical Therapy. OGC will be presenting four (4) consent orders for ratification. Additionally, OGC will be presenting one (1) petition for order of compliance today.

C. Rules

The amendment to the continuing competence rule and the new dry needling rule were approved by the Board on January 11, 2016 during a rulemaking hearing. The rules were forwarded to the Attorney General’s Office on January 28, 2016 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. Statutes

House Bill 2433 (Senate Bill 2368) which would make Tennessee a member state of the Physical Therapy Licensure Compact, is still pending in the State House of Representatives.

E. Contested Cases

There were no contested cases.

F. Consent Orders

1. Janice Brown Gibbons, PTA, License # 3633- Mr. Auman presented a Consent Order on Janice Brown Gibbins, PTA, for engaging in an inappropriate relationship with a patient. After discussion, Ms. Buttrey made a motion, seconded by Mr. Finch, to accept the Consent Order as presented. The motion carried.

2. Gina Granstaff, PTA, License # 2723- Mr. Aumann presented a Consent Order on Gina Granstaff, PTA, for failure to timely renew her license and practicing on an expired license for approximately eleven (11) months. After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey, to accept the Consent Order as presented. The motion carried.

3. Bobbie J. Bowling, PTA, License # 2162- Mr. Aumann presented a Consent Order on Bobbie J. Bowling, PTA, who was convicted in the Circuit Court of Madison Tennessee on three (3) counts of introducing contraband into a penal institution and one (1) count of conspiring against a penal facility, felonies under Tennessee law. After discussion, Ms. Buttrey made a motion, seconded by Ms. Childress, to accept the Consent Order as presented. The motion carried.

4. Sandra Pollock, PT, License # 1702- Mr. Aumann presented a Consent Order on Sandra Marie Pollock, PT, for not clinically documenting approximately forty (40) percent of her physical therapy services she provided between February 28, 2011 to April 8, 2015. After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey, to accept the Consent Order as presented. The motion carried.

G. Agreed Order

There was no Agreed Order to present.

H. Order of Compliance

1. Lenny Bruce, PT, License # 4898- Mr. Aumann presented an Order of Compliance on Mr. Bruce, PT due to being in compliance with the terms in the Board's Consent Order of 11/16/12. After discussion, Ms. Buttrey made a motion, seconded by Mr. Finch, to accept the Order of Compliance as presented. The motion carried

2. Joseph Justin Smith, PTA, License #5000 – Mr. Aumann presented an Order of Compliance on Mr. Smith, PT, due to being in compliance with the terms in the Board's Order of 11/16/12. Ms. Childress recused herself from the discussion. After discussion, Ms. Buttrey made a motion, seconded by Mr. Finch, to accept the Order of Compliance as presented with the recusal of Ms. Childress. The motion carried.

I. Order of Modification

There was no Order of Modification to present.

4. Financial Report

The Board reviewed the financial report provided by the Board's fiscal office. The report reflected total direct expenditures in the amount of \$254,940.51 and board revenue in the amount of \$393,239.13 through June 30, 2015. Board's fiscal year ending June 30, 2015 reflects a current year net of \$138,298 and a surplus balance of \$305,258.46 in cumulative carryover.

5. Tennessee Professional Assistance Program (TNPAP) Report

A. Mike Harkreader, TNPAP Executive Director presented the following statistical report for the first three (3) quarters of this fiscal year. TNPAP is actively monitoring three (3) individuals under non-voluntary status as of 2/29/16. They received 12 referrals from Tennessee Department of Health

(TDOH) from previous arrests. Three (3) individuals signed a monitoring agreement that has become effective and one (1) would sign a monitoring agreement once he successfully completes an evaluation. Nine (9) individuals were found not to need a monitoring agreement. One (1) person successfully completed the agreement, One (1) person was reported to TDOH for falling into a non-compliance status, another person relocated to another state and was admitted into that other state's monitoring program.

B. Michael Sobowale, Administrative Director presented an amendment to the grant contract to TNPAP, to extend the board's contract with TNPAP until June 30, 2017. Upon review, Mr. Finch made a motion, seconded by Ms. Buttrey to approve the amendment to the grant contract and extend the board's contract with TNPAP as presented. The motion carried.

6. Investigation and Disciplinary Reports

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

Office of Investigations is currently monitoring fourteen (14) practitioners and with the Order of Compliance that was presented, the list would be down to thirteen (13). The Office currently has eight (8) physical therapists and nine (9) physical therapists assistants scheduled for review in the month of April. After her report, Ms. Dorroh introduced the new Director of Investigations, Antoinette Welch.

7. Applicant Interview/File Reviews

- A. Timothy Buffington, PT-** Mr. Buffington appeared before the Board due to prior discipline in Georgia between his Tennessee physical therapist renewal cycle. After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey, to grant Mr. Buffington reinstatement of his Tennessee Physical Therapy license. The motion carried.

- B. Thomas Evans, PT—**Mr. Evans appeared before the Board due to prior discipline in Alabama and marking “no” on his application when asked about prior discipline. After discussion, Mr. Finch made a motion, seconded by Ms. Childress, to grant Mr. Evans an unconditional license by reciprocity to practice. The motion carried.

- C. Bertha Howell, PTA-** Ms. Howell appeared before the board pursuant to Rule 1150-01-.10(4) for a physical therapist and physical therapist assistant whose licenses have been retired or expired for greater than three (3) years, provisional licenses are valid for a period of time as determined by the Board. The provisional license may not be renewed. After discussion, Ms. Buttrey made a motion, seconded by Mr. Finch, to grant Ms. Howell a provisional license for 480 hours of supervised practice, to be completed within 1 year from the date of issue. The motion carried.

- D. Barbara Hunt, PT—**Ms. Hunt appeared before the board pursuant to Rule 1150-01.10(4) for a physical therapist and physical therapist assistant whose licenses have been retired or

expired for greater than three (3) years, provisional licenses are valid for a period of time as determined by the Board. The provisional license may not be renewed. After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey to grant Ms. Hunt a provisional license for 480 hours of supervised practice, to be completed within 1 year from the date of issue. The motion carried.

E. Edyta Kolasa, PTA- Ms. Kolasa appeared before the board due to an original charge for DUI that was reduced to a conviction for reckless driving in 2013. After discussion, Ms. Buttrey made a motion, seconded by Mr. Finch, grant Ms. Kolasa an unencumbered license to practice, contingent upon obtaining a TNPAP evaluation and following all TNPAP recommendations, including signing a TNPAP monitoring agreement should one be required. The motion carried.

F. Lisa Taylor Lee, PTA- Mr. Harris expressed a conflict and excused himself from the hearing room. Ms. Lee appeared before the board for reinstatement of her license. Pursuant to Rule 1150-01-.10(4) for physical therapist and physical therapist assistant whose license have been retired or expired for greater than three (3) years, provisional licenses are valid for a period of time as determined by the Board. The provisional license may not be renewed. After discussion, Ms. Buttrey made a motion, seconded by Ms. Childress, to grant Ms. Lee a provisional license for 480 hours of supervised practice, to be completed within 1 year from the date of issue. The motion carried.

G. Courtney Medlen, PT – Ms. Medlen appeared before the board due to a DUI conviction In 2013. After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey, to grant Ms. Medlen a conditional license to practice until September 18, 2016 when her probation with the California Board is set to end. Also, as a condition of the decision to grant a license, Ms. Medlen is required to obtain a TNPAP evaluation and follow all TNPAP recommendations, including signing a monitoring agreement. If a monitoring agreement is recommended, Ms. Medlen will be issued a conditional license and license will become unencumbered as at the date of the completion of the signed monitoring contract, if all conditions are met. If no monitoring agreement is needed, Ms. Medlen will be granted an unencumbered license as of September 18, 2016 when her probation with the California Board is set to end. The motion carried.

H. Bradley Robnett, PTA- Mr. Robnett appeared before the board due to misdemeanor DUI convictions and a conviction for leaving the scene of an accident. After discussion, Ms. Buttrey made a motion, seconded by Mr. Finch, to grant Mr. Robnett an unencumbered license to practice, contingent upon obtaining a TNPAP evaluation and following all TNPAP recommendations. The motion carried.

8. Ratifications

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

PHYSICAL THERAPISTS

Physical Therapy Minutes
March 10, 2016

NEW LICENSES

Anderson Nancy Jo	Kopf Allison Mae
Bailey Ruth Elaine	Koppenhoefer Megan Sue
Bedell Kristine Barbara	Kossler Rebecca Leigh
Best Robert Johnson	Kuchma Vasil
Boone James Day	Lackner Susan Irene
Bourassa Michael David	Lee Jessica Nicole
Breedlove Zachary William	Lowery Katherine Marie
Brown Janice Kay	Maly Micah James
Burke Kerri Michelle	Maqueda Charity Elizabeth
Carney John Arthur	Mcalevy Barbara
Cooper Oguz Carmen Elizabeth	Mccloud Allison Kate
Couch Brian Michael	Mckinney Ryan Andrews
Cox Lindsey Marie	Mcnamee Tiffany Marie
Crenshaw Caroline Elizabeth	Miller Laura Marie
Cupples Zachary Alexander	Minter Alexandra Lynette
Dauman Amy Lynn	Norina Weatherman Margarita Nikolayevna
Deberry Kathryn Elizabeth	O Connell Stephanie Wolla
Devening Amy Lynn	O Dell Jacob Webb
Dorrity Laura Moseley	Ondrey Caroline Elizabeth
Dulan Pamela C	Owens Jessica Ashton
Eaton Emily Beth	Paredes Katy Scarlett
Ellis Alison Michelle	Pearson Caleb Preston
Faircloth Ashley Michele	Powell Jordan Alan
Flores Maria Ina Paco	Ramamoorthi Ramyadevi
Foster Daniel Madison	Riffle Whitney Lane
Glover Gregory Allen	Ritchie Sarah Jo
Green Rhonda Lauren	Rittenhouse Laura Elizabeth
Griffin Taylor Dalton	Royer Ronson Marcel
Grimsley Alexander Kellen	Rush Sarah Kay
Hammitt Jennifer Nicole	Shah Manali Rajeshkumar
Haselden Amelia E	Shah Sonali Zeal
Heine Staci Annette	Shedlarski Alyssa
Helton Megan Brooke	Sherrod Jacob Ryan
Hice Jessica Boehm	Skidmore Rachel Brooke
Hire Alan Cain	Smith Kayleigh Nicole
Hodges Kristen Guillory	Snipes Jeremy Drew
Hopey Sheri Ann	So Carol Tiffany Chan
Hostetler Brandon Lee	Steckler Kramer Lavonne
Hsiang Callie Irene	Sullivan Matthew Wade
Huffman Nicole Renee	Tanney Rebecca Sue
Jurczak Lori Ann	Trivett Jason Lee
Kirby Zachary Ross	Wehunt Allison Nicole
Kirk Kristin Danielle	Wilson Amelia Abigail

The motion carried.

PHYSICAL THERAPIST ASSISTANTS

NEW LICENSES

Alie Heather Rose
Asbell Tiffany Michelle
Benjamin Kent Wasley
Betz Brian Charles
Bokuniewicz Megan Marie
Boyer Paul Nathan
D'Alto Teresa Haley
Fernando Hillarie A
Johnson Brian Frederick
Lemons Rebecca Kay
Maher Joel Curtis
Matthews Daniel Michael
Mcdaniel Lachell Marie

Mcneil Olga B.
Mosher Karen Sue
O'Keefe Kathleen Midla
Poplawski Justin Alan
Rentfro Bree Ann
Rook Shannon Marie
Sims Bethany Henley
Stanifer William Cody
Sulfridge Jennifer Renee
Waits Michael Timothy
Weller Kathleen Ann
Zaka Sarah Youhanna

The motion carried.

REINSTATEMENTS

Physical Therapist

Melissa Nicholle Dygulski
Peter Joseph Fairfield
Marcus Johnson Haynes
Lauren Perkins Hunter
Virginia Martin Joy

Tracie Escue Kramer
Sanny Sapaen Napeek
Annessa Lori Nixon
Mathew Kelly Ward

Physical Therapist Assistant

Leia A. Hahn
Emily Rebecca Miller

The motion carried.

9. Provisional Licenses

A. James Edwards, PT- Mr. Edwards file was presented to the Board as he was requesting a provisional license to practice as a foreign-educated applicant by reciprocity. After discussion, Ms. Buttrey made a motion, seconded by Ms. Childress, to grant Mr. Edwards a provisional license for 480 hours of supervised practice under the supervision of a licensed physical therapist who has been in practice for at least a year, and to be completed within 48 weeks. The motion carried

B. Juhyun Jang, PT- Mr. Jang's file was presented to the Board as he was requesting a provisional license to practice as foreign- educated applicant by reciprocity. After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey, to grant Mr. Jang a provisional license for 480 hours of supervised practice under the supervision of a licensed physical therapist who has been in practice for at least a year, and to be completed within 48 weeks. The motion carried.

C. Susanna Mehkail, PT- Ms. Mikhail's file was presented to the Board as she was requesting a provisional license to practice as a foreign-educated applicant by reciprocity. After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey, to deny Ms. Mehkail's request for 480 hours of supervised practice under a provisional license, and to request that she complete the requirement of the Foreign Credentialing Commission on Physical Therapy (FCCPT) evaluation for her education to be found substantially equivalent to a first year education in physical therapy in the United States . The motion carried.

D. Kuldipsinh Rathod, PT- Mr. Rathod was presented to the Board today as he was requesting a provisional license to practice as a foreign-educated applicant. After discussion, Ms. Buttrey made a motion, seconded by Mr. Finch, to grant Mr. Rathod a provisional license for 480 hours of supervised practice under the supervision of a licensed physical therapist who has been in practice for at least a year, and to be completed within 48 weeks. The motion carried.

E. Allan Sta Rosa, PT- Mr. Rosa was presented to the Board today requesting a provisional license as a foreign-educated applicant. After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey to grant, Mr. Rosa a provisional license for 480 hours of supervised practice under the supervision of a licensed physical therapist who has been in practice for at least a year, and to be completed within 48 weeks. The motion carried.

9. Correspondence

There was no correspondence but Dr. Scott Newton asked the Board to Sunshine a discussion on the provisions of Tennessee Code Annotated, T.C.A.§63-13-303 on the board's agenda for the next scheduled board meeting to discuss how to bring this provision in compliance with its original intent. He stated the Tennessee Physical Therapy Association (TPTA) has drafted a policy statement that it thinks will help bring clarity to the statutory provision.

10. Administrative Report

Ms. Walker presented the following administrative report:

A. In total, there are 5245 active Physical Therapists, and 3478 active Physical Therapy Assistants as of 03/08/2016.

B. Licensure Statistics from 10/30/15 thru 03/08/16:

Physical Therapists

- New Applications Received - 194
- New Licenses Issued— 88
- Reinstated— 9
- Retired – 21
- Expired - 32
- Renewals— 785 (total) as follows:

191-paper
594-online

Physical Therapist Assistants

- New Licenses Received - 81
- New Licenses Issued— 24
- Reinstated— 2
- Retired- 6
- Expired - 23
- Renewals— 575 (total) as follows:

140-paper
435 -online

C. Continuing Education Audit

Verification and Audit Period January 2014 thru December 2014:

Physical Therapists

- 107 Licensees Audited 105 Licensees Compliant = 98%
2 Licensees Non-Compliant = 2 %

Non-Compliant Breakdown:

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

Physical Therapist Assistants

- 68 Licensees Audited 63 Licensees Compliant = 93 %
5 Licensees Non-Compliant = 7 %

Non-Compliant Breakdown:

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

D. Board Composition

All positions are currently filled.

E. Child Support Order

There was no child support order to present.

F. TSAC Order(s)

It was reported to the board that one (1) physical therapist assistant was issued an educational loan Default Order by the Tennessee Student Assistance Corporation (TSAC) and license was subsequently suspended by TDOH. One (1) physical therapist Assistant had a license suspension lifted.

11. Unit Director's Report

A. Agreed Citation - **Melissa Dygulski, PT License # 996.** An Agreed Citation was presented to the Board on Ms. Dygulski for practicing for approximately three (3) months on an expired license. After discussion, Ms. Buttrey made a motion, seconded by Ms. Childress, to accept the Agreed Citation as presented. The motion carried.

B. CE Broker Request - CE Broker is a continuing education management services company which had made a request to make a presentation at a Board meeting regarding management of continuing education for licensees of the Board of Physical Therapy. After discussion, the Board gave approval for CE Broker to make a presentation at its next scheduled meeting.

C. PT Compact - Mr. Newton discussed the PT Compact and informed the Board that a legislation authorizing the state to join the compact is currently in the General Assembly and, if approved, Tennessee would be the second state to join the compact with four (4) other active states - Oregon, Arizona, Missouri and Arizona on board. In response to a question, Mr. Sobowale informed the Board that he is only aware of Tennessee being the only state that has currently signed on to join the compact in the Southeast region.

12. Other Board Business

A. Public Chapter 124 (Dry Needling) –Mr. Aumann the Board's Attorney said rules are at the Attorney General's Office and no one can practice until the rules are in effect. Dr. Scott Newton President of the TPTA asked about pre-approval of dry needling courses. Mr. Aumann stated those coming from out-of-state who have taken dry-needling courses will have to show that the courses they have taken has met the criteria listed in the rules before being allowed to practice dry-needling in the State. Mr. Aumann suggested the board come up with a list of pre-approved courses prior to the rule going into effect. It was suggested that the Board create a task force, to come up with a list of pre-approved dry needling courses, to be made up of clinicians, educators, consultants and a board member. The task force needs to meet by the middle of April and May to evaluate a list of acceptable educational programs and make recommendations on pre-approved courses for presentation to the board at the next board meeting. The task force meetings will be sunshined so that the public would be informed, in case they would like to provide some insight on courses they have taken or provide any information on the course. After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey, for a task force to be formed, to include board member Mr. Finch, board

consultant, Dr. Meade, and other clinicians, educators, and dry-needling practitioners whose names will be provided to the administrative office for invitation to participate as a member of this task force.

B. Continuing Competency Policy Revision- The Board discussed revising the continuing competency policy to remove language referring to “calendar years” and make the language uniform with language in the board’s rule on continuing competency which states that continuing competency is required in the 24 months preceding the licensure renewal month. The Board also discussed adopting a policy statement containing a grandfather clause for the new rule changes in the board’s continuing competency. After discussion, Mr. Finch made a motion, seconded by Ms. Childress to accept the revised policy statement as amended. The motion carried.

C. Revised Lapsed License Policy- Mr. Aumann presented a revised lapsed policy statement for the Board. He discussed that the revised policy will make it uniform with all other Health Related Boards and give the board attorney more guidance when disciplining cases, pursuant to the policy. After discussion, Mr. Finch made a motion, seconded by Ms. Buttrey to accept the revised policy as amended. The motion carried.

D. Re-examination Rule- The board discussed the new FSBPT appeal process which went into effect on January 1, 2016. The new process creates an avenue for all applicants who after having reached their lifetime limit of 6 failed attempts on the NPTE, has the option for an appeal through a state board to be allowed to take the exam one more time or the option to drop down to the lower profession. FSBPT provides the licensee with a form to be filled out by the licensee and the licensure board. After discussion the board informed the administrative office to contact FSBPT to find out what criteria or factors state boards have to consider before allowing an appeal to go forward.

Adjournment

There being no further business, the meeting was adjourned at 2:45 p.m.

These minutes were ratified by the Board at the May 27, 2016 meeting.