

**BOARD OF PHYSICAL THERAPY
MINUTES**

DATE: August 6, 2021

TIME: 9:00 AM CST

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

MEMBERS PRESENT: LeAnn F. Childress, PT, Board Secretary
Ronald Barredo, PT Board Member
Jane David, PT Board Member
Kelly O'Connor, PT Board Member

MEMBERS ABSENT: David Harris, Board Chair

STAFF PRESENT: Noranda French, Unit Director
Mary V. Bennett, Unit Manager
Kara Love, Board Administrator
Thomasina Scharkley, Board Administrator
Lara Gill, Senior Associate General Counsel
Courtney Lilly, Assistant Disciplinary Coordinator
Olivia Spears, Legislative Liaison

GUESTS PRESENT: Theresa Phillips- TnPAP Representative
Alan Meade APTA-TN President
Sarah Suddarth APTA-TN Vice President
Amy Breedlove APTA-TN Director

I. Call to Order

A roll call of Board Members was initiated, by Kara Love, Board Administrator. With a quorum present, the meeting started at 9:05 am.

II. Review and approve minutes from previous meetings

After a review of the May 7, 2021 minutes, Kelly O'Connor, made a motion to approve the minutes as written, Dr. Ronald Barredo, seconded the motion. The motion carried.

III. Receive reports and/or requests from the Office of General Counsel

Lara Gill, Senior Associate General Counsel, reported that there are currently zero (0) appeals, twelve (12) open cases, six (6) against Physical Therapist, and six (6) against Physical Therapist Assistants. Five (5) of these cases were presented to the Board for resolution via consent order.

Ms. Gill, presented the board members with a Consent Order for Chad McDaniel – PT No. 11278. Dr. Barredo, made a motion to approve the Consent Order as written, Ms. O’Connor, seconded the motion. The motion carried.

Ms. Gill, presented the board members with a Consent Order for James Scolet – PTA No. 3968 Jane David, made a motion to approve the Consent Order as written, Dr. Barredo, seconded the motion, The motion carried.

Ms. Gill, presented the board members with a Consent Order for Donald Sharp Jr. – PT No. 8261. Dr. Barredo, made a motion to approve the Consent Order as written, Dr. Jane David, seconded the motion. The motion carried.

Ms. Gill, presented the board members with a Consent Order for Cedric Owens – PTA No. 5791 Dr. Barredo, made a motion to approve the Consent Order as written, Kelly O’Connor, seconded the motion. The motion carried.

Ms. Gill, presented the board members with a Consent Order for Teresa Ard-Walling – PTA No. 883. Ms. O’Connor, made a motion to approve the Consent Order as written, Dr. Barredo, seconded the motion. The motion carried.

Ms. Gill, presented the board members with a Consent Order for Matthew Sullivan – PT No. 10663. Dr. Barredo, made a motion to approve the Consent Order as written, Dr. Jane David, seconded the motion. The motion carried.

Ms. Gill, presented the board members with a Consent Order for Rudolf O. Thomsen, III – PTA No. 2395. Ms. O’Connor, made a motion to approve the Consent Order as written, Dr. Barredo, seconded the motion. The motion carried.

Ms. Gill, presented the board members with an Order of Compliance for Rebecca Lipsey – PTA No. 2280. Ms. O’Connor, made a motion to deny the Order of Compliance as written, Dr. Jane David, seconded the motion. The motion carried.

IV. Receive reports and/or requests from the Office of Investigations

Courtney Lilly, Disciplinary Coordinator, reported there are currently eleven (11) Physical Therapist being monitored, three (3) reprimand, four (4) probation, three (3) suspension, one (1) revocation.

Ms. Lilly reported there are currently seventeen (17) Physical Therapist Assistants being monitored, two (2) board ordered, eight (8) probation, four (4) suspension, three (3) revocation. Courtney Lilly, Assistant Disciplinary Coordinator, reported nine (9) new complaint for Physical Therapists; three (3): unprofessional conduct. There are currently nineteen (19) open complaints being reviewed. Closed four (4) complaints.

Ms. Lilly, reported three (3) new complaint for Physical Therapist Assistants; one (1): unlicensed practice, one (1): unprofessional conduct. There are currently six (6) open complaints being reviewed. Closed five (5) complaints.

V. Receive reports and/or requests from the Division of Health Licensure and Regulation

No Reports were presented at this meeting.

VI. Applicant Interviews/Reviews


Pheba Santhosh PT – File No. 12674. After board members reviewed the request for the provisional extension, Ms. O’Connor, made a motion to deny, Dr. Barredo, seconded the motion. The motion carried.

Neha Mehta PT – File No. 12928. After board members reviewed the request for a provisional extension, Ms. O’Connor, made a motion to approve, Dr. Barredo, seconded the motion. The motion carried.

VII. Receive Report from Tennessee Professional Assistance Program (TnPAP)

Teresa Phillips, TnPAP representative, gave the report from July 1 ,2020 thru June 30, 2021 as follow:

One (1) Physical Therapist Assistant was being monitored, one (1) Physical Therapist was discharged, two (2) Physical Therapist Assistants were discharged.



Board of Physical Therapy
Activity Report
July 1, 2020 – June 30, 2021

		PT	PTA
Monitoring		0	1
	Participation Type		
	Regulatory (Board Order)	0	0
	Non-regulatory	0	1
Referrals:		1	2
	Referral Reason		
	Arrest/Conviction History (TDH Board Order)	1	2
Agreements Activated		0	0
Discharges		1	2
	Discharge Reason		
	Monitoring Completed	0	1
	Evaluated – no monitoring recommended	1	1

Dr. Barredo, made a motion to ratify modifiers for the list of Physical Therapists, Ms. O'Connor, seconded the motion. The motion carried.

IX. Receive reports and/or requests from the Administrative Office

STATISTICAL REPORT

Kara Love, Board Administrator reported:

The following are the total active licensees as of June 30, 2021:

PT	PTA
Active Licensees 7767	Active Licensees 4600
New applications received 190	New applications received 59
New licenses issued 187	New licenses issued 85
Reinstated 6	Reinstated 2
Renewals 768	Renewals 543
Provisional License 1	Provisional License 0
Retired 100	Retired 54
Expired 58	Expired 45
Closed Files 48	Closed Files 37

Thomasina Scharkey, Board Administrator reported:

The following are the total active licensees as of August 2, 2021:

Active Privileges 312
New CPT privileges issued 36
New CPTA privileges issued 5
Number of renewals 27
Expired 8
Terminated 1

Physical Therapist (Assistant) Newsletter

TENNESSEE BOARD OF PHYSICAL THERAPY NEWSLETTER


Quarter 2 - Summer
Edition 1, Volume 1

Inside this Issue

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Hot Topics

Up to date Commissioners Orders on Continuing Education during the pandemic can be found at: <http://www.tn.gov/online/continuing-education>



Looking to renew your license? Renewal notices are mailed from the board's administrative office forty-five (45) days prior to the expiration of the license to the current address of record. Licenses can be renewed on-line forty-five (45) days prior to expiration at www.tn.gov/online. It is a violation of the law and of the Board's rules to practice on an expired license.


Hot Topics Cont.

Licensure Day: We are offering Licensure Days to schools across TN that explains the entire licensure process. Should any school be interested, they can contact the

Accessing the Board's Website

In address bar type: <http://www.tn.gov/health/physical-therapy>

There are many resources on our website, including the rules, statutes, applications, policy statements and legislative updates. License renewal



MEETINGS OF THE BOARD

The Board has scheduled meetings throughout the year for purposes of conducting administrative business concerning ongoing licenses, promulgating rules, disciplinary matters, etc. The five (5) members of the Board are appointed by the Governor and serve four (4) year terms. A quorum of three (3) members is required to conduct business. The meetings are open to the public. The Tennessee Open Meeting Act passed by the General Assembly in 1974 requires that meetings of state, city and county government bodies be open to the public and that any such governmental body give adequate notice of such meeting. Open meeting notices can also be accessed on www.tn.gov/health/boards-of-physical-therapy.

Board Meeting Schedule 2021-2022

- May 7th, 2021 – (09:00am CST)
- August 4th, 2021 – (09:00am CST)
- November 12th, 2021 – (09:00am CST)
- February 4th, 2022 – (09:00am CST)
- May 13th, 2022 – (09:00am CST)
- August 12th, 2022 – (09:00am CST)
- November 11th, 2022 – (09:00am CST)

Live-Stream Meetings

As of January 2015, public meetings are live-streamed and available via the Internet. Links to view a meeting can be accessed by visiting the department's "Calendar of Events" at: www.tn.gov/health/boards-of-physical-therapy. Archived meetings may also be accessed and viewed from the Department of Health website at: <http://www.tn.gov/health/boards-of-physical-therapy>.

Board Member Composition

David Harb, PTA, Chair Board Member
 Kelly O'Connor, Board Secretary, Public Member
 Ronald Barredo, PT, Board Member
 LeAnn E. Childress, PE, ATC, Board Member
 Jane David, PT, Public Member

Have questions? Please contact the Administrative Office:
 Tennessee Board of Physical Therapy 665 Mainstream Drive, 2nd Floor Nashville, TN 37243 Phone: (615) 741-3807 Local or (800) 778-4123 Nationwide Fax: (615) 253-8724

Pursuant to Public Chapter 115 of the Public Acts of 2007, the Committee of Physical Therapy was reconstituted by the Board of Physical Therapy. It remains its original goal to protect the health, safety, and welfare of Tennessee by ensuring those who practice the profession of physical therapy within the state to be qualified. The Board promotes the law, rules, and regulations for determining the appropriate standards of practice, in an effort to ensure the highest degree of professional conduct. The Board is authorized to issue licenses to qualified candidates who have completed appropriate education and successfully completed required examinations. The Board is responsible for the investigation of alleged violations of the Practice Act and rule and is responsible for the discipline of licensees who are found guilty of such violations. The administrative staff of the Division of Health Related Boards supports the Board by issuing licenses to those who meet the requirements of the law and rules. Licensees or candidates are categorized in the following categories:
 • Physical Therapist • Physical Therapist Assistant

X. Discuss and take action, if needed, regarding correspondence

Dr. Jane David, made a motion to approve, Dry Needling 1 Course Number: Intricate Art Spine & Body Institute, Dr. Barredo, seconded the motion. The motion carried.

XI. Discuss and take action, if needed, regarding legislation:

Olivia Spears, Legislative Liaison, reported the following Public Chapters:

Legislative Update – 2021
Physical Therapy

Public Chapter 37
This act prohibits agencies subject to sunset review from promulgating rules or adopting policies to exempt members solely by virtue of their status as members.
This act took effect March 23, 2021.

Public Chapter 130
This act removes the one-year experience requirement for doctorate level physical therapists for the direct access practice exception. Additionally, this act requires physical therapists without a doctorate to meet a minimum of 15 credit hours' worth of continuing educational requirements for direct access practice.
This act took effect April 13, 2021.

Public Chapter 153
This act creates a new definition of "store-and-forward telemedicine services" to include the use of asynchronous computer-based communications between the healthcare provider and the patient for the purpose of diagnosis, consultation, or treatment of a patient at a distant site where there may be no in-person exchange.
This act took effect April 13, 2021.

Public Chapter 170
This act authorizes unlicensed graduates of certain medical training programs to provide telehealth services, provided they maintain the same existing standards for telehealth that licensed providers must meet.
This act took effect April 20, 2021.

Public Chapter 243
This act authorizes records custodians to petition a court for injunctive relief from individuals making frequent public records requests with the intent of disrupting government operations, following a fifth (5th) public records request. A records custodian can only petition a court if they notify the person in writing stating the specific conduct may constitute intent to disrupt government operations, and that the person continues to do so. The individual upon a court injunction would not be able to make public requests at the agency for up to one (1) year.
This chapter took effect April 28th, 2021 and will sunset July 1, 2025.

Public Chapter 290
This act establishes requirements for a healthcare provider to follow when either an incident in a health care facility, or someone who is seeking services in an emergency department, expresses to the provider a recent threat or attempt at suicide or infliction of bodily harm to themselves. In this scenario, the healthcare provider shall enter the attempt or threat into the patient's medical record. Upon discharge from the facility, the facility shall provide the patient with contact information to access a qualified mental health professional or counseling resource unless the patient is discharged to another facility. This referral requirement can be satisfied by providing contact information for this state's mobile crisis services or the statewide crisis hotline. Lastly, the act states that a healthcare provider who violates this section is subject to discipline by the licensing authority.
This act took effect July 1, 2021.

Public Chapter 291
This act requires the attorney general and reporter to not approve an emergency rule if the emergency rule does not meet the statutory criteria for adoption of the rule.
This act took effect July 1, 2021.

Public Chapter 328
This act requires that starting December 1, 2023, state agencies submit a report of their effective rules to the chairs of the government operations committee every eight (8) years. The report is required to include a brief description of the government operations that each chapter affects, as well as each rule and its administrative history, which would include the original promulgated date and the date the rule was last amended, if applicable. Additionally, the report would include a determination of each rule on whether it is adheres to current state or federal law or court rulings, should be amended or repealed, reviewed further, or continue in effect without amendment. Lastly, if there are any intentionally false statements in the report, the government operations committee would have the ability to vote to request the general assembly to remove a rule or suspend the department's rulemaking authority for any reasonable period of time.
This act took effect July 1, 2021.

Public Chapter 453
This act requires public or private entities or businesses that operate a building open to the general public to post signage regarding public restroom access in certain situations. Specifically, this applies to entities or businesses that have restroom policies allowing either biological sex to use any public restroom within their building. The act includes requirements for language, size, location, and even color for the signage. The act excludes unisex, single-occupant restrooms or family restrooms intended for use by either sex.
This act took effect July 1, 2021.

Public Chapter 533
This act prohibits the Governor from issuing an executive order and a state agency, department or political subdivision from promulgating, adopting, or enforcing an ordinance or resolution that requires a person to receive an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus. It also deletes the previous override during an epidemic or immediate threat of an epidemic of an objection against vaccination that was made on the basis of religious beliefs. The law prohibits requiring the COVID-19 vaccine to attend K-12 schools. The prohibition against requiring vaccines does not apply to governmental entities subject to federal or state statute or rule that prohibits the entity from requiring medical treatment for those who object on religious grounds or right of conscience. The law also does not apply to students of a public institution of higher education delivering healthcare services when the student is participating in fulfilling requirements of a program in medicine, dentistry, pharmacy, or another healthcare profession.
This act took effect May 25, 2021.

Public Chapter 534
This act limits an agency's authority to promulgate rules without a public hearing. There are exceptions to the public hearing requirement. These exceptions include emergency rules, rules that are nonsubstantive modifications to existing rules (like clerical updates), rules that repeal existing rules, or rules that eliminate or reduce a fee described by an existing rule.
This act took effect July 1, 2021.

Public Chapter 535
This act authorizes the joint government operations committee to stay an agency's rule from going into effect for a period of time not to exceed ninety (90) days. If the government operations committee determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not exceed beyond the fifth legislative day of the year following the year in which the rule is filed with the secretary of state. The initial stay may be done by either the house or senate government operations committee, but subsequent stays must be by agreement by the committees of both chambers. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay.
This act took effect May 25, 2021.

****These are general summaries of legislation. For more detailed information and all specific requirements, please review the links to each public chapter.****

XII. Discuss and take action, if needed, regarding rulemaking hearings, rule amendments, and policies

There was nothing to report at this time.

XIII. Discuss old/new Board Business

There was nothing to report at this time.

Upcoming Board Meeting Dates

November 12, 2021

XIV. Adjourn

Dr. Jane David, made a motion to adjourn the meeting, Dr. Barredo, seconded the motion. The motion carried. The meeting adjourned at 10:44 am.

THE MINUTES WERE RATIFIED AT THE NOVEMBER 12, 2021 BOARD MEETING