

**BOARD OF PHYSICAL THERAPY
MINUTES**

DATE: August 12, 2016

TIME: 9:07 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
LeAnn Childress, PT
Minty Ballard, Consumer

MEMBERS ABSENT: Bethany Buttrey, PT

STAFF PRESENT: Michael Sobowale, Unit Director
Tomica Walker, Board Administrator
Thomas Aumann, Assistant General Counsel
Nichelle Dorroh, Office of Investigations
Vanessa Crutcher, Finance Officer

Guests: Benjamin Simpson - Legislative Affairs Liaison
Alan Meade, DPT, Tennessee Physical Therapy Association President
Cathy Hinton, Tennessee Physical Therapy Association
Hal Heninger, PT Board Consultant

1. Call To Order

A roll call of board members and administrative staff present was taken. With a quorum present, Mr. Harris called the meeting to order at 9:11 a.m.

2. Approval of Minutes

After review, Mr. Finch made a motion, seconded by Ms. Childress to approve the minutes of the May 27, 2016 meeting with suggestion to amend the discussion to reflect what the board discussed regarding the need to table the issue of the need for the dry-needling task force to remain involved in the approval of future dry needling course submissions. The motion carried.

3. Office of General Counsel Report

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

A. Conflict of Interest

Mr. Aumann 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

OGC currently has fourteen (14) open cases pertaining to the Board of Physical Therapy. OGC will be presenting five (5) consent orders today.

C. Rules

None pending

D. Statutes

Public Chapter 763 was passed on April 4, 2016. This Act Permits licensees whose licenses from a health-related board have expired to obtain reinstatement on the basis of a plan developed by the department of health for periodic payment of past due renewal fees and unattained continuing education instead of the current requirement of payment of all past due fees before reinstatement. Public Chapter 763 went into effect as law on July 1, 2016. Mr. Aumann advised that this statute is inapplicable to the physical therapy board.

E. Consent Orders

1. Stephanie Adcock, PT, License # 4136 - Mr. Aumann presented a Consent Order on Stephanie Adcock, PT, for failure to achieve and maintain a sufficient number of continuing competence credits. Ms. Adcock was found deficient in the amount of 24 hours of the required continuing competency credits. After discussion, Mr. Finch made a motion, seconded by Ms. Childress, to accept the Consent Order as presented. The motion carried.

2. James Dick, PT, License # 2099 - Mr. Aumann presented a Consent Order on James Dick, PT, for inappropriate sexual conduct with a patient while providing physical therapy services in Virginia. Mr. Dick's license in Virginia was subsequently suspended by the Virginia Board of Physical Therapy with terms. After discussion, Mr. Finch made a motion, seconded by Ms. Childress, to accept the Consent Order as presented. The motion carried.

3. Riggs Harwell Horton, PT, License # 6926 - Mr. Aumann presented a Consent Order on Riggs Harwell Horton, PT, for falsifying documentation related to provision of physical therapy services. After discussion, Ms. Childress made a motion, seconded by Mr. Finch, to accept the Consent Order as presented. The motion carried.

4. Erin Nicole Robinson, PTA License # 5318 - Mr. Aumann presented a Consent Order on Erin Nicole Robinson, PTA for falsifying documentation related to provision of physical therapy services. After discussion, Mr. Finch made a motion, seconded by Ms. Childress, to approve with noted changes to change references to occupational therapy documentation and occupational therapy ethics in the Consent Order and amend for the Order to instead reference physical therapy. The motion carried.

5. Fred Auston Wortman, III, PT License # 6624 - Mr. Aumann presented a Consent Order on Fred Auston Wortman, III, PT regarding a conviction for attempted 1st degree murder. After discussion, Ms. Ballard made a motion, seconded by Mr. Finch, to accept the Consent Order for surrender of his license as presented. The motion carried.

F. Order of Compliance

1. Donald Howard, PTA License # 4718- Mr. Aumann presented an Order of Compliance on Donald Howard, PTA. After discussion, Ms. Ballard made a motion, seconded by Ms. Childress, to accept the Order as presented. The motion carried.

4. Financial Report

Michael Sobowale asked the Board to review the Board's financial report as presented by the financial office. The report reflected total expenditures in the amount of \$158,402.24 and revenue in the amount of \$196,840.25 through December 31, 2015. Board's fiscal year ending December 31, 2015 reflects \$343,696.47 in cumulative carryover, and a projection for fiscal year 2016 for total expenditures in the amount of \$320,837.83 with a cumulative carryover in the amount of \$361,450.63.

5. Tennessee Professional Assistance Program (TNPAP) Report

Mike Harkreader, TNPAP Executive Director presented the statistical report for the period July 1, 2015 through June 30, 2016. TNPAP is currently monitoring six (6) individuals, 2 physical therapist and 4 physical therapist assistants. Out of the 4, 4 were involuntary referrals and 2 was a referral from Tennessee Department of Health.

6. Investigation and Disciplinary Reports

Nichelle Dorroh, Disciplinary Coordinator in the Office of Investigations presented the investigative and currently-monitored, disciplined practitioners report. There are eight (8) open complaints on physical therapists and six (6) open complaints on physical therapist assistants as of August 9, 2016. Ms. Dorroh stated that the last review was in the month of June and no complaints have been received in July and August. She noted that the number of open complaints have trended downward compared to this time last year. She also noted that all of the practitioners currently being monitored are compliant.

7. Applicant Interview/File Reviews

- A. Joshua Baker, PT-** Mr. Baker appeared before the Board due to arrest on multiple counts and a misdemeanor conviction for Boating Under The Influence (BUI) in 2012. After discussion, Mr. Finch made a motion, seconded by Ms. Ballard, to approve Mr. Baker for conditional licensure upon a favorable TNPAP evaluation and to successfully complete all recommendations of TNPAP, should additional monitoring be recommended. The motion carried.
- B. William Brewer, PTA—**Mr. Brewer appeared before the Board requesting a waiver on the Board’s rules requirement of graduation from a CAPTE-accredited physical therapy assistant school in order to be licensed as a physical therapy assistant in Tennessee. After discussion, Mr. Finch made a motion, seconded by Ms. Childress, for Mr. Brewer to submit his educational paperwork to FSBPT for an educational evaluation and table a decision until the next scheduled meeting. The motion carried.
- C. Caleb Andrew Clifford, PTA-** Mr. Clifford appeared before the Board due to a 2016 misdemeanor conviction for DUI. After discussion, Mr. Finch made a motion, seconded by Ms. Childress, to grant Mr. Clifford a conditional license upon a favorable TNPAP evaluation and to successfully complete all recommendations of TNPAP, should additional monitoring be recommended. The motion carried.
- D. Patrick Dorris, PTA –** Mr. Dorris appeared before the Board due to multiple misdemeanor convictions. After discussion, Ms. Ballard made a motion, seconded by Mr. Finch to grant a conditional license upon a favorable TNPAP evaluation and to successfully complete all recommendations of TNPAP, should additional monitoring be recommended. The motion carried.
- E. Nageh Barsoum, PT License # 3250 –** Mr. Barsoum is requesting reinstatement of his license in Tennessee. His file was presented to the Board due to prior board discipline in the State of Florida as a licensed Medical Doctor. Mr. Finch made a motion, seconded by Ms. Childress, to request Mr. Barsoum’s appearance before the board and table until a decision on his application until Mr. Barsoum is able to appear. The motion carried

8. Ratifications

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

PHYSICAL THERAPISTS

NEW LICENSES

Alalade Ololade Maryanne
Ackerman Camrie Nicole
Adams Emily Megan

Akhtar Aliana
Andrews Julie Diane
Angus Nathaniel Luke
Aristizabal Laura
Arnett Morgan Paige
Austin Li Tom Sewell
Barker Katherine Ann
Barner Jeremy Lamont
Baugh Barbara Grace
Bennett Alexis Rollins
Berard Kristina Jeanette
Berger Jeffrey Robert
Bergy Brett Christopher
Boggs Andrea Kaye
Boyer Emily Rebecca
Broadbent Timothy Craig
Brown Sean Casey
Bryson Christin Kelley
Buck William Frederick
Byland Emma Joanne
Cargile Christie Marie
Castor Sarah Elizabeth
Christiansen Charles Randolph
Clement Callie Rhea
Comford Taylor Douglas
Cook Andrea Steward
Crider Kendle Marie
Davenport Jesse Decata
Davis Jessica Nichole
Dean Claire Alesi
Decker Annmarie Pfeifer
Dodson Laura Elizabeth
Dodson Mitchell Kervis
Douglas Scott McMahon
Dragg Heather Danielle
Drees Jacqueline M
Dreyer Carrie L
Duck Dawn Kuiper
Dunham Ronald Scott
Eberlin Wesley Bryan
Edwards Jr Jeffrey Lynn
Emond Daniel Steven
Ervin Elaine Hitch
Evans Taylor Elizabeth

Feira Nicholas Martin
Fleming Patrick Jonathan
Gapstur Gina Susan
Gass Tristan Elizabeth
Gehan Audra L
Gerber Zachary John
Gerker Sara Elizabeth
Gilliland Adam Bradford
Givens Micah Stanthony
Gordon Jenna Kate Marie
Griffith Adam Wesley
Grim Teri Leigh
Haba Daneen Ellen
Haba Danielle Rose
Hall Rachel Leigh
Hamilton David Randall
Harless Jaicy L
Harris Chelsea Lynn
Harrison Elizabeth Stanton
Hartsuiker Emily Christine
Haynes Erin Elizabeth
Haynes Mallory Lynn
Hays John Logan
Hedges Nancy Thompson
Helms Ryan Fletcher
Hewes Gracy Elizabeth
Hill Michael David
Hogue Hannah Katherine
Holliday Breanna Jade
Hubbuck Emily Kendall
Humphries Kristen Taranto
Jackson Timothy Luke
Jacob Jibi
Janasek Lee Tilbrook
Joyner Devon Michelle
Kelly Christina Marie
Kiel Drew A
King Matthew Jeffers
Kohn Jessica Marie
Lamon Ashley Kimbell
Larimer Allie Marie
Lawrence Riana Elizabeth
Little Christopher Dean
Loehrlein Emily Rae

Lunn Joshua James
Lusk Jay Allen
Mabee Catherine Sherrill
Mace Jonathan Robert
Matheny Alyssa Grace
Mcauliffe Kristen Nichole
Mccoy Lane Clement
Mcgill Megan Elizabeth
Mcpeek Amanda Kaye
Middleton Brittany Anne
Middleton Thomas Russell
Minton Zachary Wayne
Mork Thomas William
Moser Joseph Hathaway
Norris Leigh Ann
Olivarez Jessica Rose
Olson Abby Jean
Overton Keaton Kirk
Owenby Stephen Walter
Panjwani Rahim Ferozali
Parsons Robert Tyler
Passmore Ryan Michael
Patel Monika Groppe
Patton Stephanie Nicole
Peck Kelci Dyan
Perrin Benjamin Chase
Porter Jeffrey D
Price Gabrielle Alyssa
Purdy Daniel John
Quinn Mary Rebecca
Ramsey Kelsie Rae
Ranson Kelli Elizabeth
Reese Taylor Powers
Reeves Joshua David
Reynolds Katy Lynn
Roberts Chad Donald
Roberts Sarah Elizabeth
Rodriguez Jessica Rae
Rudell Gordon Davis
Sansare Sonal Pradeep
Scher Evan Stephen
Scruggs Sarah Nicole
Seaton Bradley Benjamin
Semler Cody Charles

Shelby Elizabeth Anna
Singhal Kunal
Smith Chelsea Elizabeth
Smith Elizabeth Moore
Smith Lindsey Kathleen
Sorensen Nicholas Earl
Spiegel Lara
Stagman Halley Brea
Starr Maryjean Therese
Stocks Jennifer Louise
Suckut Tell
Swafford Elizabeth Caitlin
Sztendera Rachel Edith
Taylor William Brooks
Townsend Cheryl Marie
Turner Meredith Claire
Tyler Bianca Carrie Catherine
Wall Lucas Alan
Walters Carlson Jessica Hope
Watkins Pamela Louella
Weber Christine Leigh
Wells Amanda Taylor
Wells Hannah Joy
Wheeler April Marie
Wigton Lisa Anne
Wilkie Devon Roland
Williams Brandon Cody
Williams Charlseal Cardwell
Wilson Lauren Kristine
Wilson Murphy Scott
Witherspoon Amanda Lynn
Woodard Charity Jeanne
Woolever Zachary Hunter
Wooley Jean Marie
Wright Eric Michael
Wright Kelsey Miles
Yee Richard King Ho

The motion carried.

PHYSICAL THERAPIST ASSISTANTS

NEW LICENSES

Allen Rachel Michelle
Armstrong Daniel Lee
Austin Zachary Alan
Beswick Sarah Ann
Blackwell Gavin Joe
Blair Patricia Ann
Bolton Joshua Lee
Borden Marianne Cody
Boswell Robert Grafton
Bour Kristine Kay
Boyle Regina Rae
Briggs Lynda Marie
Brown Marcos Denham
Burchard Sherry Lynn
Burns Elizabeth Amber
Cantrell Sarina Michelle
Capshaw Caleb Hugh
Carpenter Brooke Lashae
Cataldo Guadalupe Teresa
Collett Daniel Wayne
Cook David Nelson
Crawford Leighann `Michelle
Dallas Sarah Angelica
Dodson Sara Elizabeth
Dudley Reginald Allen
Ervin Hayden Ross
Fagan Victoria Dianne
Ferrell Chelsea Lynn
Fite Cara Elizabeth
Galvez Eden Garcia
Gay Nicole Clara
Gideon Jessica Leanne
Gillenwater Gina Renee
Gish Michelle Lynn
Good Jon Bradie
Gowan Jon Marc
Greene Tiffany Deneen
Gustafson Stefania Estelle
Guthrie Joshua Judson
Hagan Rachel Elizabeth
Hancock Ryan
Harris Anna Walker
Hartsell Justin Kyle
Hershman Andrea Burck

Hill Chelsea Elizabeth
Holmes Sabrina Dawn
Hoover James Vincent Harold
Jaynes Gary Michael
Jennings Dustin Tyler
Johnson Christine Lynn
Johnson Hannah Rachelle
Jones Dustin Tyler
Keele Julie Anna
Kelly Kelsey Sharae
Kimbrough David Edward
Kirkpatrick Brian Joseph
Larsen Shawna Marie
Livingston Faye Crowder
Long Brooke Nicole
Long Charley Lee
Lorenzen Megan Elizabeth
Mackey Kirsten Christine
Massey Erin Audrey
Miller Kara Elizabeth
Ogden Emily Laree
Orr Evan Joseph
Parrish Leah Diane
Petty Ashley Brooke
Randall Bethany Rose
Risner Jeremy Dallas
Sanders John Taylor
Shadix Christopher William
Shirk Mackenzie Paige
Shore Ellen Frazier
Sigona Tara Anne
Smith Emily Blaire Parks
Stacy Jacqueline Michelle
Steinberg Anna Marie
Strain Rebecca Cathleen
Tate Haley Nicole
Thompson Abbie Marie
Turnbull Emily Laurel
Webster John Taylor
West Brittany Mae
Whitmire Shelbie Christine
Williams Christy Thomason
Wilson Jill Elaine
Wright Tina Rae

Young Marshall Stewart

The motion carried.

REINSTATEMENTS

PHYSICAL THERAPIST

Breese Ute H
Coffey Roger Lowell
Hamilton Natalie Lanell
Johnson Sherry Lynn
Murphy Angela Christine
Riechers Lutoria E.
Turner Jessica Gentry
Van Eck Maja Corne'
Zaccari Sandra C.

The motion carried.

PHYSICAL THERAPIST ASSISTANTS

Bullen Derek Anthony

The motion carried.

CLOSED FILES

PHYSICAL THERAPIST

Claybon Sh'Voyne E
Mansfield John Todd
Rathod Jayadeepsinh R
Shah Jigar Chandrakant

PHYSICAL ASSISTANT

Claiborne Addison Bailee
Jackson April Marie
Neri Savannah Kay
Phelps Mary Christina
Saylor Michael G.
Walls Chassity Lashea
Wilson Caranetta Verdel
Mccowan Rhonda Joyce

9. **Provisional Licenses**

A. Juhyun Jang, PT- Ms. Jang's file was presented to the Board for review. She was requesting a provisional license as a foreign-educated applicant by reciprocity. After discussion, Mr. Finch made a motion, seconded by Ms. Childress, to grant Ms. Jang a provisional license with 480 hours of supervised practice to be completed within 1 year. The motion carried

10. **Administrative Report**

Ms. Walker presented the following administrator's report:

- A. In total, there are 5390 active Physical Therapists, and 3569 active Physical Therapy Assistants as of 08/10/2016.
- B. Licensure Statistics from 05/24/16 thru 08/10/16:

Physical Therapists

- New Applications Received - 71
- New Licenses Issued— 174
- Reinstated— 11
- Retired – 13
- Expired - 38
- Renewals— 529 (total) as follows:

115-paper
414-online

Physical Therapist Assistants

- New Licenses Received - 39
- New Licenses Issued— 88
- Reinstated— 3
- Retired- 2
- Expired -18
- Renewals— 337 (total) as follows:

65-paper
272 -online

- C. Board Composition

All positions are currently filled.

E. TSAC Orders

It was reported that the license of one (1) physical therapist assistant was suspended due to being issued an educational loan Default Order by the Tennessee Student Assistance Corporation (TSAC). Of this total, one (1) physical therapist Assistant had his license suspension lifted.

F. Continuing Education Audit Report

The latest audit report shows that among 107 physical therapists selected for an audit, 96 were found compliant and 11 were found non-compliant. Of those found non-compliant, 5 were found deficient in the required number of continuing education hours and 6 failed to respond to the audit notice letter sent by the audit unit. Among 75 physical therapist assistants selected for an audit, 68 were found compliant and 7 were found non-compliant. Of those found non-compliant, all 7 were found deficient in the number of the required continuing education hours.

11. Unit Director's Report

Mr. Sobowale presented the following Agreed Citation issued for practicing on an expired license to the Board for approval:

Sandra Zaccari, PT License # 6837- Ms. Zaccari was issued an Agreed Citation for practicing on an expired license for approximately 5 months. After review, Ms. Childress made a motion, seconded by Mr. Finch, to accept the Agreed Citation as presented. The motion carried.

12. Other Board Business

A. FSBPT Appeal Process- The board discussed the new FSBPT re-examination rule which went into effect January 1, 2016 requiring a lifetime limit for all PT applicants after six (6) failed attempts on the NPTE exam and the option for 1 more appeal to the State licensing board to take the exam one final time, or for such applicant to exercise the option to downgrade to the lower profession exam. Mr. Sobowale informed the Board that he is aware of three (3) states that have filed appeals with FSBPT, including VA, NC, and NJ. After discussion, Ms. Childress made a motion, seconded by Mr. Finch, that all appeals be reviewed by the administrative staff and consultant with their recommendations to be brought before the Board at its next scheduled meeting.

B. Consultant Nominations/Approval – Mr. Sobowale presented to the Board a request to nominate and approve a consultant or consultants to replace Dr. Alan Meade. There were 4 names presented to the Board:

1. Brigina T. Wilkerson
2. Carol Wheelock
3. Dr. Randy Walker
4. Karen Coker

After discussion, Ms. Ballard made a motion, seconded by Mr. Finch, to approve all 4 of the nominated individuals as Board Consultants in order to have a variety of expertise in different areas. The motion carried.

- C. Direct Access – Mr. Harris inquired whether physical therapists who do not meet the educational levels on direct access are able to treat a direct access patient that has been evaluated by another physical therapist who has already met those qualifications as stated in the board’s policy. Mr. Aumann stated that under the board’s policy, Physical therapists have direct access but may delegate to physical therapist assistants. He stated the question to be decided then is the level of education and credentialing of the physical therapist doing the delegation. He stated that his reading of the policy is that physical therapists doing direct access delegation have supervision obligations under the policy but are restricted to their level of education and credentialing.
- D. Duration and impact of past DUI/DWI and TNPAP referrals- Mr. Harris posed a question to the board on whether or not they would like to review their criminal conviction policy regarding how far back the board can consider past convictions for DUI/DWI in their referrals to TNPAP. After discussion, the Board decided to leave the current criminal conviction policy as is.
- E. The appropriateness of failing, lifetime–limited, foreign-trained, physical therapist’s ability to sit for the physical therapist assistant exam on the NPTE – Mr. Harris posed a question to the Board on whether or not it is acceptable for a domestic trained physical therapist to sit for the physical therapist assistant exam as currently allowed for foreign-trained applicants. After discussion, the Board requested Mr. Aumann to research both the rules and statute to see if this practice is pursuant to a FSBPT rule, or if this is permissible under both FSBPT rule and Tennessee Board of Physical Therapy rules and laws. Also, the board requested to table any further discussion regarding this issue until the Board is notified on the outcome of this research.

Adjournment

There being no further business, the meeting was adjourned at 12:30 p.m.

David Harris, Board Chair

Date

These minutes were ratified by the board at the November 18, 2016 meeting.