

**BOARD OF PHYSICAL THERAPY
MINUTES**

DATE: May 12, 2023

TIME: 9:11 AM CST

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

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

MEMBERS ABSENT: David Harris, Board Chair
Kelly O'Connor, Consumer Member

STAFF PRESENT: Noranda French, Unit Director
Lara Gill, Senior Associate of General
Counsel
Michael Varnell, Board Attorney
Mary Bennett, Board Supervisor
Kara Love, Board Administrator
Kim Summers, ALJ
Lisa Finch, Court Reporter
Tom Lane, State Investigator
Roger Knowlton, Intake
Coordinator

GUESTS PRESENT: Teresa Phillips, Director of TnPAP
Amy Breedlove APTA TN
Alan Meade, APTA TN
Grathen Jackson, APTA TN

- I. **Call Trial to Order - After a roll call initiated by Board Administrator Kara Love the meeting was called to order at 9:11 am.**
- II. **OGC Report - Lara Gill, Sr. Associate of General Counsel, reported the following:**
 - a. **Contested Case(s)**
 - i. **After review and discussion Dr. Jane David made a motion, to accept the findings of facts with "see exhibit__" being removed from 2,3,5-9, and "see exhibit 2" on 10. Dr. Ronald Barredo seconded the motion. The motion carried.**
 - ii. **Anthony Hill, PTA 3291- Dr. Ronald Barredo made a motion, to accept the conclusion of law as written. Jane David seconded the motion, the motion carried. Dr. Jane David made a motion, to permanently revoke the license of Anthony Hill, PTA 3291, Dr. Ronald Barredo seconded the motion, the motion carried. Dr. Ronald Barredo made a motion, to accept the reason for decision as written, seconded by Dr. Jane David. The motion carried.**
 - iii. **William Hypes, PTA 4588 - After review and discussion Dr. Ronald Barredo made a motion, to accept the findings of facts without item 5. Dr. Jane David seconded the motion, the motion carried. Dr. Jane David made a motion, to accept the conclusion of law as written without item 11. Dr. Ronald Barredo seconded the motion, the motion carried. Dr. Ronald Barredo made a motion, to accept the reason for decision. Dr. Jane David seconded the motion, the motion carried. Dr. Ronald Barredo made a motion, to accept the order as presented to revoke the license of William Hypes, PTA 4588, for a period not less than 1 year. Dr. Jane David seconded the motion, the motion carried.**
- III. **Call Meeting to Order - After a roll call initiated by Board Administrator Kara Love the meeting was called to order at 11:41 am.**
- IV. **OGC Report - Lara Gill, Sr. Associate of General Counsel, reported the following:**
 - a. **Order(s) of Compliance**
 - i. **Dr. Ronald Barredo made a motion, to accept the order of compliance for Antonio McCall, PTA 5057, as written. Dr. Jane David seconded the motion, the motion carried.**

b. Consent Order(s)

- i. Dr. Ronald Barredo made a motion, to accept the consent order for Jerry Edward Presley, PT 5425, as written. Dr. Jane David seconded the motion, the motion carried.**
- ii. Dr. Jane David made a motion, to a accept the consent order for Kristen Foley, PT 7093, as written. Dr. Ronald Barredo seconded the motion, the motion carried.**
- iii. Dr. Ronald Barredo made a motion, to accept the consent order for Steve Elliott, PT 7609, as written. Dr. Jane David seconded the motion, the motion carried.**
- iv. Dr. Jane David made a motion, to accept the consent order for Joshua Day, PT 11605, as written. Dr. Ronald Barredo seconded the motion, the motion carried.**

V. Teresa Phillips, Director from Tennessee Professional Assistance Program (TnPAP), presented the following report.



Board of Physical Therapy
Activity Report
July 1, 2022 – March 31, 2023

			PT	PTA
Monitoring			1	0
Referrals			1	0
	Referral Reason			
		Narcotics	1	0
	Referral Source			
		THD board order	1	0
Agreements Activated			0	0
Discharges			1	0
	Discharge Reason			
		Evaluated – no monitoring recommended	1	0

VI. Keyyona Love, Fiscal Manager presented the Division of Health Licensure and Regulation Reports.



Tennessee Board of Physical Therapy Examiners					
Actual Revenue and Expenditures for Fiscal Year ending June 30, 2023					
Acct Code	Description	FY2023 Proposed	FY2023 Actual	FY2022	FY2021
*701	Salaries & Wages	\$ 104,387.72	\$ 45,181.55	\$ 82,895.15	\$ 120,692.71
*702	Employee Benefits	\$ 29,793.17	\$ 28,422.97	\$ 32,418.16	\$ 33,422.93
	Proposed Expenditures (701-702)	\$ 134,180.89	\$ 73,604.52	\$ 115,313.31	\$ 154,115.64
*703	Travel	\$ 2,854.82	\$ 1,202.84	\$ 485.65	\$ 141.94
*704	Printing & Duplicating	\$ -	\$ -	\$ -	\$ -
*705	Utilities & Fuel	\$ -	\$ -	\$ -	\$ -
*706	Communications	\$ 4,492.10	\$ 1,874.21	\$ 3,447.34	\$ 5,894.90
*707	Maintenance & Repairs	\$ -	\$ -	\$ -	\$ -
*708	Prof. Serv. & Conv.	\$ 16,651.11	\$ 6,824.63	\$ 22,159.50	\$ 11,787.57
*709	Supplies & Materials	\$ 4,383.38	\$ 1,827.24	\$ 601.22	\$ 727.81
*710	Printing & Postage	\$ -	\$ -	\$ -	\$ -
*711	Minor Vehicle Ops.	\$ -	\$ -	\$ 564.40	\$ -
*712	Awards & Incentives	\$ -	\$ -	\$ -	\$ -
*713	Grants & Subgrants	\$ 14,243.65	\$ 5,928.77	\$ 17,356.60	\$ 16,049.38
*714	Unclassified	\$ -	\$ -	\$ -	\$ -
*715	Stores for Rental	\$ -	\$ -	\$ -	\$ -
*716	Equipment	\$ -	\$ -	\$ -	\$ -
*717	Lease	\$ -	\$ -	\$ -	\$ -
*718	Buildings	\$ -	\$ -	\$ -	\$ -
*721	Training of State Employees	\$ -	\$ -	\$ -	\$ -
*722	Computer Related Items	\$ -	\$ -	\$ 514.92	\$ 472.61
*725	State Stock Drive	\$ 11,873.10	\$ 4,849.96	\$ 15,066.51	\$ 15,443.23
	Total Other Expenditures (703-725)	\$ 54,319.94	\$ 22,641.65	\$ 40,135.64	\$ 50,507.73
	Total Direct Expenditures	\$ 202,507.85	\$ 84,718.27	\$ 188,448.95	\$ 224,626.27
	Advanced Expenditures				
	Admission	\$ 70,139.75	\$ 29,224.90	\$ 104,397.18	\$ 96,776.03
	Investigation	\$ 19,454.44	\$ 8,097.69	\$ 5,500.22	\$ 26,981.18
	Legal	\$ 129,864.28	\$ 49,620.78	\$ 87,819.71	\$ 83,511.77
	Cash On/In	\$ 1,493.33	\$ 586.81	\$ 2,589.11	\$ 2,886.56
	Total Advanced Expenditures	\$ 220,949.80	\$ 87,529.17	\$ 200,306.22	\$ 209,155.54
	Total Expenditures	\$ 423,457.65	\$ 172,247.44	\$ 388,755.17	\$ 434,281.81
	Board Fee Revenue	\$ 483,372.58	\$ 201,453.24	\$ 437,387.07	\$ 416,755.11
	Current Year Net	\$ 60,217.92	\$ 29,005.80	\$ 48,732.27	\$ 17,334.70
	Technology Improvements				
	LARS Improvements	\$ (12,709.20)	\$ (5,291.50)	\$ 29,226.97	\$ 24,643.92
	Exam Improvement	\$ 1,109.39	\$ 1.70	\$ 481.10	\$ 2,140.70
	Total Technology Improvements	\$ (11,599.81)	\$ (5,289.80)	\$ 30,708.07	\$ 26,784.62
	Cumulative Carryover	\$ 1,282,203.00	\$ 134,213.34	\$ 122,893.85	\$ 103,848.74

Tennessee Board of Physical Therapy Examiners	
Analysis of Operating Expenditures and Carryover Balance	
FY2019 Operating Expenditures	\$ 296,879.64
FY2020 Operating Expenditures	\$ 400,866.55
FY2021 Operating Expenditures	\$ 434,291.87
3 Year Average of the Annual Operating Expenditures	\$ 377,346.02
2 Times 3 Year Average of the Annual Operating Expenditures	\$ 754,692.04
2021 Cumulative Carryover Balance	\$ 503,868.74
FY2020 Operating Expenditures	\$ 400,866.55
FY2021 Operating Expenditures	\$ 434,291.87
FY2022 Operating Expenditures	\$ 388,833.80
3 Year Average of the Annual Operating Expenditures	\$ 407,997.41
2 Times 3 Year Average of the Annual Operating Expenditures	\$ 815,994.81
2022 Cumulative Carryover Balance	\$ 522,803.85
Cumulative carryover does not exceed two times the three-year average of operating expenditures.	

VII. Receive reports and/or requests from the Office of Investigations presented by Barbara Graham, Intake Coordinator, as follow:

11 new complaints have been open, 12 complaints have been closed. Of the closed complaints 6 were sent to OGC, 3 closed without action, 3 with letter of concerned. For the open complaints 1 for criminal charges, 3 unprofessional conduct, 1 lapsed license, 6 CE violations. Physical Therapist: 6 new complaints; 1 criminal charges, 2 unprofessional conduct, 3 CE violations. 9 closed complaints; 3 sent to OGC, 3 without action, 3 letters of concern. Physical Therapist Assistant: 5 new complaints; 1 unprofessional conduct, 1 lapsed license, 3 CE violations. 3 closed complaints; 3 sent to OGC.

Tennessee Department of Health Board Statistical Complaint Report													
Parameters selected: Lic Type: 21 - PHYSICAL THERAPY; 2100 - Physical Therapist; 2105 - Physical Therapist Assistant; Case Type: CMP - Complaint; Calendar year: 2023													
License Type: 21 - PHYSICAL THERAPY													
Complaint Activity													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
New Complaints Opened	2	7	1	1									11
Total Closed Complaints	0	0	2	10									12
7 - Closed BY EML/MSJ/AW	0	0	2	4									6
0 - Complaint Closed	0	0	0	3									3
01 - Closed - Ltr of Concern	0	0	0	3									3
Currently Open Complaints	14	16	23	22	13								
ANALYSIS OF NEWLY OPENED COMPLAINTS													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
25-Criminal Charges	0	1	0	0									1
26-Unprofessional Conduct	0	1	1	1									3
30-Lapsed License	0	1	0	0									1
45-CE Violation	2	4	0	0									6
Total	2	7	1	1									11
By Region													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
EAST	0	1	0	0									1
MIDDLE	1	3	1	1									6

Tennessee Department of Health Board Statistical Complaint Report													
License Type: 21 - PHYSICAL THERAPY													
By Region													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Out of State	0	0	0	0									0
Licensees	0	2	0	0									2
Total	1	0	1	1									3

Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
CPA N. DINA	0	0	0	0	0	0	0	0	0	0	0	0	0
MEEL	0	0	0	0	0	0	0	0	0	0	0	0	0
WOCDE	0	1	1	0	0	0	0	0	0	0	0	0	2
EWL	0	1	0	0	0	0	0	0	0	0	0	0	1
By Region	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
North	1	4	1	0	0	0	0	0	0	0	0	0	6
West	1	5	0	0	0	0	0	0	0	0	0	0	6
South	0	1	1	0	0	0	0	0	0	0	0	0	2
Central	0	1	0	0	0	0	0	0	0	0	0	0	1
Total	1	11	2	0	0	0	0	0	0	0	0	0	14

Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
CPA N. DINA	0	0	0	0	0	0	0	0	0	0	0	0	0
MEEL	0	0	0	0	0	0	0	0	0	0	0	0	0
WOCDE	0	1	1	0	0	0	0	0	0	0	0	0	2
EWL	0	1	0	0	0	0	0	0	0	0	0	0	1
By Region	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
North	0	3	1	0	0	0	0	0	0	0	0	0	4
West	0	3	1	0	0	0	0	0	0	0	0	0	4
South	0	0	0	0	0	0	0	0	0	0	0	0	0
Central	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	6	2	0	0	0	0	0	0	0	0	0	8

Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
CPA N. DINA	0	0	0	0	0	0	0	0	0	0	0	0	0
MEEL	0	0	0	0	0	0	0	0	0	0	0	0	0
WOCDE	0	1	1	0	0	0	0	0	0	0	0	0	2
EWL	0	1	0	0	0	0	0	0	0	0	0	0	1
By Region	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
North	1	3	0	0	0	0	0	0	0	0	0	0	4
West	0	1	0	0	0	0	0	0	0	0	0	0	1
South	0	0	0	0	0	0	0	0	0	0	0	0	0
Central	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	4	0	0	0	0	0	0	0	0	0	0	5

VIII. Minutes - After review, Dr. Ronald Barredo made a motion, to approve the February 23, 2023, minutes as written, Dr. Jane David, seconded the motion. The motion carried.

IX. Review, approve/deny and ratify initial determinations

- a. After Review, Dr. Ronald Barredo made a motion, to approve Compact Privileges as written, Jane David, seconded the motion. The motion carried.
- b. Dr. Ronald Barredo made a motion, to approve Newly Licensed as written, Jane David seconded the motion. The motion carried.
- c. Dr. Ronald Barredo made a motion, to approve Reinstatements as written, Dr. Jane David, seconded the motion. The motion carried.
- d. Dr. Ronald Barredo made a motion, to approve Provisional as written, Dr. Jane David, seconded the motion. The motion carried.
- e. Dr. Ronald Barredo made a motion, to approve Closed Files as written, Jane David, seconded the motion. The motion carried.
- f. Dr. Ronald Barredo made a motion, to approve CE Violation Agreed Citations as written, Jane David, seconded the motion. The motion carried.

- i. **Dr. Jane David made a motion, to approve administrative staff and OGC staff to attend the CLEAR Conference September 27-30, 2023 -- - Salt Lake City, UT. Dr. Ronald Barredo seconded the motion, the motion carried.**
- ii. **Dr. Ronald Barredo made a motion, to approve administrative staff and OGC staff to the Federation of Associations of Regulatory Boards – Regulatory Law Seminar September 21-23, 2023. --- Chicago, IL. Dr. Jane David seconded the motion, the motion carried.**
- iii. **Dr. Ronald Barredo made a motion, to send administrative staff to the Leadership Issues Forum (LIF) Conferenced – July 15-16, 2023 --- Arlington, VA. Dr. Jane David seconded the motion, the motion carried.**
- iv. **Direct Access Inquiries were referred to the listed policies.**
- v. **Dr. Ronald Barredo made a motion, to approve the Ethics & Jurisprudence --- Post Test and Handouts/Trainer Bio. as presented. Dr. Jane David seconded the motion, the motion carried.**
- vi. **Course Approval**
 - a. **Dr. Jane David made a motion, to approve Course Name *ETSU Foundations in Neuromusculoskeletal Dry Needling: An Evidence Based Approach* Course Number 3063 as presented; Dr. Ronald Barredo, seconded the motion. The motion carried.**
 - b. **Dr. Ronald Barredo made a motion, to approve Course Name *DN-1: Dry Needling for Craniofacial, Cervicothoracic & Upper Extremity Conditions: an Evidence-Based Approach (Part 1 of the Certification in Dry Needling®)* Course Number 3096 as presented; Dr. Jane David, seconded the motion. The motion carried.**
 - c. **Dr. Jane David made a motion, to approve Course Name *DN-2: Dry Needling for Lumbopelvic & Lower Extremity Conditions: an Evidence-Based Approach* Course Number 3099 as presented; Dr. Ronald Barredo, seconded the motion. The motion carried.**
 - d. **Dr. Ronald Barredo made a motion, to approve Course Name *Dry Needling Clinical Pearls & Review* Course Number 3125 as presented, Dr. Jane David seconded the motion, the motion carried.**
 - e. **Dr. Jane David made a motion, to approve Course Name *DIN-2: Electrical & Perineural DINS Approaches* Course Number 3127 as presented; Dr. Ronald Barredo, seconded**

the motion. The motion carried.

- f. Dr. Ronald Barredo made a motion, to approve Course Name *Master Dry Needling (TMR) Seminars* Course Number 3036 as presented. Dr. Jane David seconded the motion. The motion carried.

Next Board Meeting Dates:

August 4, 2023

November 3, 2023

February 2, 2024

May 10, 2024

August 2, 2024

November 1, 2024

XIII. Adjourned: 2:08 pm

Dr. Ronald Barredo made a motion, to adjourn the meeting, seconded by Dr. Jane David. The motion carried.

This memo shall be forwarded from individual programs to the Public Information Office on the 15th day of the preceding month. The Public Information Office will prepare the monthly list of meetings within the Department and have ready for distribution to state media by the 28th day of the preceding month.

THESE MINUTES WERE RATIFIED AT THE AUGUST 4, 2023 BOARD MEETING.