

**SC DEPARTMENT OF LABOR, LICENSING & REGULATION  
BOARD OF PHYSICAL THERAPY EXAMINERS**

Thursday October 19, 2006, 10:00 a.m.  
Synergy Business Park, Kingstree Building  
110 Centerview Drive, Room 108  
Columbia, SC 29211

**Board Members Present**

Cindy Ellis Witherspoon, P.T., Chairperson  
Roy Christopher Junkins, P.T.A, Member  
Marilyn Swygert, P.T., Member  
Jane E. Julian, P.T., Member  
W. Dixon Reaves, P.T.A., Member  
Robert Flandry, M.D., Member  
Darlene Pope, P.T., Member  
Dargan, Ervin, P.T., Member

**Others Present**

Veronica Reynolds, Administrator  
Sharon Dantzler, Advice Counsel  
Sheridan Spoon, Counsel  
Kim Fair, Board Assistant  
Mack Williams, Board Assistant

Public notice of this meeting was properly posted at the SC Board of Physical Therapy Examiners Office, the lobby Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. A quorum was present at all times.

**CALL TO ORDER**

Ms. Witherspoon, Chairperson, called the meeting to order at 10:00 a.m. The meeting was held in Room 108, Kingstree Bldg., 110 Centerview Drive, Columbia, South Carolina.

**ADOPTION OF AGENDA**

The October 19, 2006 agenda was presented for review.

*Motion:* Dr. Flandry moved to adopt the agenda. The motion was seconded and approved.

**APPROVAL OF MINUTES**

The minutes of July 13, 2006 were presented for review and approval.

*Motion:* Mr. Reaves moved to adopt the minutes. The motion was seconded and approved.

**Administrator's Report**

Ms. Reynolds informed the Board that all Physical Therapist and Physical Therapist Assistants will be given sixty (60) days to renew online at the LLR website. December 31, 2006 at 11:59 p.m. the online system will be disabled. Board Members need to prepare for audits in February they will discuss dates at the January meeting. The agency is looking at online applications and also licensure list.

**NEW BUSINESS**

**1. Application Hearing**

**a. Alicia Ortiz:** Ms. Ortiz did make a personal appearance before the Board. Ms. Ortiz requested a license be granted by the Board after review of her application with dispositions.

**Motion:** Mr. Ervin made a motion the Board grant Ms. Ortiz licensure once she completed exam remediation and passed the National Physical Therapy Examination. The motion was seconded and approved.

**b. Heather Thompson:** Ms. Thompson did not make a personal appearance before the Board. Ms. Thompson requested a license be granted by the Board after review of her application and clinical practice hours.

**Motion:** Mr. Ervin made a motion the Board grant Ms. Thompson a license as a physical therapist. The motion was seconded and approved.

**c. Laurie Carle:** Ms. Carle did not make a personal appearance before the Board. Ms. Carle requested a license be granted by the Board after review of her application and clinical practice hours.

**Motion:** Mr. Ervin made a motion the Board grant Ms. Carle a license as a physical therapist. The motion was seconded and approved.

**d. Marianne Malucelli:** Ms. Malucelli made a personal appearance. Ms. Malucelli requested the Board approve her to sit for the National Physical Therapy Examination (NPTE) after review of his record and credential evaluation.

**Motion:** Mr. Ervin made a motion the Board approves Ms. Malucelli to sit for the National Physical Therapy Exam. The motion was seconded and approved.

**e. Lori Metz:** Ms. Metz did not make a personal appearance. Ms. Metz requested the Board grant her a Provisional License after review of her application and clinical practice hours.

**Motion:** Ms. Julian made a motion the Board will grant Ms. Metz credit for each visit of practice as one (1) hour of practice once all documentation is received and reviewed by the Board. The motion was seconded and approved.

## **2. Request Approval for Additional Administration of NPTE after Three Failures**

**a. Erica Jones:** Ms. Jones did make a personal appearance. Ms. Jones requested the Board approve her to sit for her fifth (5) administration of the National Physical Therapy Examination (NPTE).

**Motion:** Ms. Swygert made a motion the Board go into Executive Session to receive legal advice under Section 30-4-70 of the South Carolina Freedom of Information Act. The motion was seconded and approved.

**Motion:** Mr. Junkins made a motion come out of Executive Session. The motion was seconded and approved.

**Motion:** Ms. Swygert made a motion that the Board will approve Ms. Jones for administration of the NPTE for the fifth (5) administration pending she completes exam remediation which should include courses available through Medical University of South Carolina, Online Courses, Clinician visits for test taking evaluation and Mentoring. Ms. Jones is required to contact the Board once remediation is completed to be scheduled to appear before the Board. The motion was seconded and approved.

**b. Heather Lowder:** Ms. Lowder did make a personal appearance. Ms. Lowder requested the Board approve her to sit for her fourth (4) administration of the National Physical Therapy Examination (NPTE).

**Motion:** Mr. Junkins made a motion the Board go into Executive Session to receive legal advice under Section 30-4-70 of the South Carolina Freedom of Information Act. The motion was seconded and approved.

**Motion:** Mr. Reaves made a motion come out of Executive Session. The motion was seconded and approved.

**Motion:** Ms. Julian made a motion the Board not grant approval to Ms. Lowder to take the National Physical Therapy Exam (NPTE) for the fourth (4<sup>th</sup>) administration based on Section 40-45-230 (H) which states: no person may be licensed under this chapter if the person has failed the examination three or more times, whether or not the exam was taken in South Carolina. The motion was seconded and approved.

**c. Tamara Garrison:** Ms. Garrison did make a personal appearance. Ms. Garrison requested the Board modify the agreement with the Board and release her from random drug screening.

**Motion:** Ms. Julian made a motion the Board release Ms. Garrison from her agreement. The motion was seconded and approved.

### 3. ADA Board Approval Process

Ms. Reynolds reviewed with the Board information that was given at the Federation of State Board of Physical Therapy (FSBPT) National Conference held in Portland, Oregon on September 7-11, 2006. Ms. Reynolds stated in order to approve an ADA request a candidate should have a major life activity that is either impaired physical or mental that would substantially limit that person in their life. Ms. Reynolds stated the recommendation required getting documentation dating back as early as elementary, high school, undergraduate and graduate education. The Board reviewed Texas Board of Physical Therapy's ADA Request forms. The Board will be drafting a possible American Disability Act (ADA) policy for review at its next scheduled meeting. Ms. Dantzer informed the Board that Labor, Licensing & Regulation (LLR) already has an ADA policy in place and all ADA requests are to be approved. Ms. Dantzer will present LLR's policy to the Board at its January 11, 2007 meeting for review and discussion.

### 4. NPTE 2nd Fail Remediation Process

Mr. Ervin presented to the Board each States limits on the administration of the National Physical Therapy Examination (NPTE). Mr. Ervin recommended to the Board that after the 2nd failure the Board should become more involved with the remediation. Mr. Ervin made a recommendation that the applicants come before the Board and receive specifics on remediation process. Mr. Ervin informed the Board that Foreign Credential Commission on Physical Therapy (FCCPT) was coordinating a program to help foreign graduates in deficient areas. Once the course is in place it could possibly be used for applicants with two (2) exam failures.

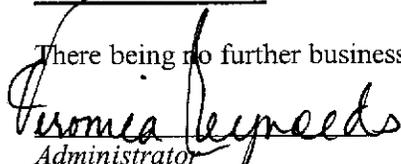
### 5. Supreme Court Ruling § 40-45-110

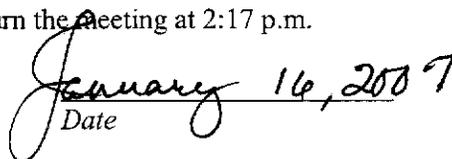
Ms. Witherspoon brought to the Board the subject of how much time will physical therapists and assistants have to change or come into compliance with the court ruling. Ms. Witherspoon stated the Board will be taking these case by case because the date had already been set. When the cases are presented to the Board they will be reviewed on the status of completion of compliance.

The floor was opened for the public to address the Board with questions. Mr. John Hutt, P.T., addressed the Board. Mr. Hutt asked what was going to be the process for those who would be investigated and came before the Board based on the Supreme Court ruling. Ms. Witherspoon stated that each hearing would be case by case and that those cases investigated and brought to the Board would have to show sufficient evidence satisfactory to the Board showing they are in the process of coming or already in compliance with the Supreme Court decision.

### ADJOURNMENT

There being no further business a motion was made to adjourn the meeting at 2:17 p.m.

  
Teromea Reynolds  
Administrator

  
Date

Next meeting is scheduled January 11, 2007, Kingstree Building, Room 108, 10:00 a.m.