

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
South Carolina Board of Physical Therapy Examiners
Thursday, October 7, 2010, 10:00 a.m.
Synergy Business Park, Kingtree Building
110 Centerview Drive, Room 105
Columbia, SC 29211

Board Members Present

Marilyn Swygert, P.T., Member, Chairperson
Jane E. Julian, P.T., Vice Chairperson
E. Dargan Ervin, Jr., P.T. Member
W. Dixon Reeves, P.T.A., Member
Cindy Ellis Witherspoon, P.T., Member
Darlene Pope, P.T., Member
Roy Christopher Junkins, P.T.A, Member
James A. O'Leary, M.D., Member

Others Present

David Love, Office of Investigations and Enforcement
Cheryl McNair, Office of Investigations and Enforcement
Veronica Reynolds, Administrator
Janice Meetze, Board Assistant

Public notice of this meeting was properly posted at the SC Board of Physical Therapy Examiners Office, the lobby Kingtree 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. Julian, Vice Chairperson, called the meeting to order at 10:07 a.m. The meeting was held in Room 105, Kingtree Bldg., 110 Centerview Drive, Columbia, South Carolina.

ADOPTION OF AGENDA

The October 7, 2010 agenda was presented for review and approval.

Motion: Ms. Witherspoon made a motion to approve the October 7, 2010 agenda. The motion was seconded by Ms. Pope and approved.

APPROVAL OF MINUTES

The Minutes of the July 15, 2010 meeting were presented for review and approval.

Motion: A motion was made to amend the minutes of the July 15, 2010 meeting to reflect that Ms. Pope recused herself from the application hearing of Katherine Oyer. The motion was seconded and approved.

Motion: A motion was made to amend the minutes of the July 15, 2010 meeting to reflect Mr. Ervin's presence at the meeting. The motion was seconded by Ms. Witherspoon and approved.

Motion: Ms. Witherspoon made a motion to adopt the July 15, 2010 minutes, as amended. The motion was seconded by Mr. Junkins and approved.

NEW BUSINESS

Application Hearing

1. **David West:** Mr. West did not make a personal appearance before the Board. The purpose of the hearing was to determine whether David Morgan West should be granted a license as a physical therapist in South Carolina.

Motion: Mr. Ervin made a motion that the Board accept the New York State Exam of 1959 as a Board-approved exam. The motion was seconded by Mr. Junkins and approved.

Request for Approval of NPTE 3rd Administration

1. **Chrystal L. Dogan:** Ms. Dogan made a personal appearance before the Board. Ms. Dogan requested that the Board approve her to sit for the third (3rd) and final administration of the National Physical Therapy Examination (NPTE).

Motion: In open session, Ms. Witherspoon made a motion to approve Ms. Dogan to sit for the third (3rd) and final administration of the National Physical Therapy Examination (NPTE). The motion was seconded and approved.

2. **Pamela Polite:** Ms. Polite was en route to make a personal appearance before the Board, but a massive traffic accident on I-26 prevented her appearance.

Motion: A motion was made that the Board appoint a panel of Ms. Witherspoon and Mr. Ervin to make a ruling on Ms. Polite's request for approval to take the third (3rd) and final administration of the National Physical Therapy Examination (NPTE) upon receipt of the necessary testing documentation. The motion was seconded and approved.

Administrator's Remarks: Ms. Reynolds reported that instructions to renew physical therapy licenses online will be mailed the second week of October. At the conclusion of the renewal period, the Office of Licensure and Compliance will mail audit notices, collect, and track the documentation to be reviewed by the board audit committee. Individuals found deficient or lacking sufficient CE hours will be notified in writing to submit additional educational hours within thirty-days. False information will result in disciplinary action before the board.

Investigative Review Committee (IRC) Report: Mr. Love reported the following case statistics for the time period 1/1/09 through 12/31/09 were two active investigations, nine closed cases, and two pending IRC recommendation, for a total of thirteen. In comparison the case statistics for the time period 1/1/10 through 9/30/10 were four active investigations, one closed case, one pending investigation, and one pending IRC recommendation, for a total of seven. The IRC met on September 29, 2010 and made recommendations of the three cases before the board to send one letter of caution and proceed with two formal complaints. The Board recommended the incorporation of standard language in each Letter of Caution which would strongly encourage taking a course in the specific area of deficiency, i.e., ethics, billing, as cited in the Letter of Caution.

Motion: Mr. Ervin made a motion to accept the IRC's recommendation of one Letter of Caution and to move forward with the two formal complaints. The motion was seconded by Ms. Witherspoon and approved.

Office of General Counsel (OGC) Report: Ms. Dantzler reported there are no pending cases on the OGC docket, with the exception to move forward with the two formal complaints previously recommended by the IRC and approved by the Board.

Discussion on CEUs: The Board received an inquiry from Ms. Pam Dement about re-examining credit for continuing education classes that are taught to other medical professions, including physicians, which require a significant amount of reading and preparation. The Board has previously discussed at length the topic and has not changed its position founded upon the Definitions in Section 40-45-20. In the continuing competence model as it continues to evolve, there may be a place for such activities; however, patient care and involvement with the consumer, requires the primary model of learning and progressing clinical skills. Ms. Dantzler advised that a regulation change would be required for any changes to continuing competence and such changes cannot be adopted by the Board.

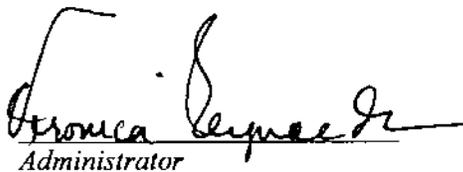
Discussion on clinics ownership by SC physicians' groups outside states: If a physical therapy clinic is located in South Carolina, but is a bona fide corporation in Delaware, are physicians in South Carolina who participate in the Delaware Corporation, including all documentation generated from Delaware, in direct violation of the Practice Act. Ms. Dantzler advised it was also in violation of the Physicians' Self-Referral Act. The law would be the same if the corporation was headquartered in South Carolina, and the issue becomes ownership directed to the concept of preventing fraud. Unless full disclosure is made, the Physicians' Self-Referral Act applies to any circumstance whereby a prescriber refers patients to a facility that he/she owns partially, which is designed not to prevent the referral, but to assure patient realization of the relationship between the two. Ms. Dantzler advised that even though a corporation may be headquartered in Delaware, it has to be properly registered with the South Carolina Secretary of State and is subject to laws in this state.

Discussion on recent decision of FSBPT to suspend NPTE testing for foreign-educated physical therapists in the Philippines, India, Pakistan and Egypt: Mr. Ervin reported that he has been traveling around the country since July and there are certain groups who are graduates from foreign countries getting an unfair advantage on the licensure exam, which has resulted in the suspension of testing effective July 12, 2010 for graduates of the Philippines, India, Pakistan, and Egypt. Quality assurance performance standards and spot audits to insure compliance and consistency with FSBPT standards are currently being evaluated.

Ms. Reynolds will be attending the FSBPT Annual Conference in Denver, Colorado and asked the Board for its position and/or support regarding any issues on the national program.

ADJOURNMENT

There being no further business, Mr. Junkins made a motion to adjourn the meeting at 11:50 a.m. The motion was seconded and approved.


Aronca Reynolds
Administrator

1/13/2011
Date

Next meeting is scheduled January 13, 2011, Kingstree Building, Room 108, 10:00 a.m.