

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
South Carolina Board of Physical Therapy Examiners
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia SC 29211

Thursday, April 11, 2013, 10:00 a.m.

Board Members Present:

Marilyn Swygert, P.T., Member, Chairperson
Jane E. Julian, P.T., Member
E. Dargan Ervin, Jr., P.T., Member
Matthew Judd Warren, P.T.A., Member
Darlene Pope, P.T., Member
Texas T. Smith, Member
Roy Christopher Junkins, P.T.A, Member

Excused Absent Member:

Cynthia Ellis Witherspoon, P.T., Member
Texas T. Smith, Member

Staff Present:

Sara McCartha, Esq., Advice Counsel
Veronica Reynolds, Administrator
Michelle Phillips, Board Assistant

Public notice of this meeting was properly posted at the SC Board of Physical Therapy Examiners, Synergy Business Park, 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.

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

Motion: In open session, Mr. Junkins made a motion to approve the agenda as written. The motion was seconded and approved.

3. APPROVAL OF MINUTES

The minutes for the January 10, 2013 board meeting were presented for review and approval.

Motion: Ms. Julian made a motion to approve the minutes as amended. The motion was seconded and approved.

4. APPROVAL OF ABSENT MEMBERS

Ms. Swygert stated Cynthia Ellis Witherspoon and Tex Smith were absent.

Motion: Mr. Warren made a motion that Ms. Witherspoon and Mr. Smith be excused from the meeting. The motion was seconded and approved.

5. INVESTIGATION REVIEW COMMITTEE (IRC) REPORT AND OFFICE OF GENERAL COUNCIL (OGC) REPORT

Mr. Love presented reports for the Office of Investigation (OIE) case status report.

For the time period of January 1st, 2012 through December 31st, 2012, there were six (6) cases closed, three (3) were do not open and one (1) pending Board action.

Motion: In open session, Ms. Julian made the motion to accept the IRC Report as written. The motion was seconded and approved.

Motion: In open session, Ms. Julian made a motion to accept the formal complaint as written in the IRC report. The motion was seconded and approved.

Motion: In open session, Mr. Warren made a motion to accept the letter of caution as written. The motion was seconded and approved.

6. ADMINISTRATOR'S REPORT

Ms. Reynolds presented the financial report and reminded the Board of filing their economic interest from by April 15, 2013 deadline.

Ms. Reynolds confirmed applications were coming in timely. She recommended that now the board had approved aPTitude it would assist to encourage participation from the licensees. For this audit period, five percent will be randomly audited.

7. DISCIPLINARY HEARINGS

Laura Flint: Ms. Flint made a personal appearance before the Board with her legal counsel, Mr. Neil D. Wright, Esquire. The purpose of the hearing was for a disciplinary hearing.

Board Lunch Break: [1:10 p.m. – 1:46 p.m.]

Motion: In open session, Mr. Ervin made a motion that we reorganize the agenda and take a break to hear the cases of Ms. Hanrahan, Ms. Borders, and Ms. Chmielewski and then proceed with Ms. Flint's hearing. The motion was seconded and approved.

Mr. Wright indicated the State had rested its case and before he could begin his case, he requested a motion for an involuntary dismissal of the charge before presenting Ms. Flint's case.

Motion: In open session, Ms. Julian made a motion to go into executive session for legal counsel. Motion was seconded and approved.

[Executive Session: 2:05 p.m. – 2:09 p.m.] No votes were taken during executive session.

Motion: In open session, Ms. Julian made a motion to come out of executive session. Motion was seconded and approved.

Motion: In open session, Mr. Ervin made a motion to the Respondent's motion to dismiss be denied. The motion was seconded and approved.

Board Break [5:21 p.m. – 5:30 p.m.]

Motion: In open session, Mr. Junkins made a motion to go into executive session for the purpose of obtaining legal counsel. The motion was seconded and approved.

Executive Session: [5:53 p.m. – 6:29 p.m.] No votes were taken during executive session.

Motion: In open session, Ms. Pope made a motion to come out of executive session. The motion was seconded and approved.

Motion: In open session, Ms. Julian made a motion that the Board finds that all allegations were proven in the preponderance of the evidence. The motion was seconded and approved.

Motion: In open session, Mr. Ervin made a motion to go into executive session for the purpose of obtaining legal advice. The motion was seconded and approved.

Executive Session: [7:01 p.m. – 7:04 p.m.] No votes were taken during executive session.

Motion: In open session, Mr. Warren made a motion to come out of executive session. The motion was seconded and approved. No votes were taken during executive session.

Motion: In open session, Ms. Julian made the motion to issue a public reprimand and fine \$500 for the cost of investigation. The motion was seconded and approved.

REQUEST TO TAKE NPTE for a 3rd TIME

- a. **Valerie Borders:** Ms. Borders made a personal appearance before the Board requesting approval to take the NPTE for the third and final time.

Motion: In open session, Mr. Ervin made a motion to approve the request. The motion was seconded and approved.

- b. **Michelle Chmielewski:** Ms. Chmielewski made a personal appearance before the Board requesting approval to take the NPTE for the third and final time.

Motion: In open session, Mr. Junkins made a motion to approve request. The motion was seconded and approved.

8. APPLICATION HEARINGS:

Reinstatement:

- a. **Christine Stewart:** Ms. Stewart made a personal appearance before the Board and waived her right to legal counsel. The purpose of the hearing was to determine whether Ms. Stewart should be granted a license reinstatement as a physical therapist.

Motion: In open session, Ms. Julian made a motion to go into executive session. The motion was seconded and approved.

(Executive Session: 4:18 p.m. – 4:26 p.m.)

Motion: In open session, Ms. Julian made a motion to come out of executive session. The motion was seconded and approved. No votes were taken during executive session.

Board recommended that applicant return when she is able to commit to the provisional license. No motions were made.

Renewal Applications:

- a. **Christopher Hudson:** Mr. Hudson made a personal appearance before the Board and waived his right to legal counsel. The purpose of the hearing was to determine should Mr. Hudson be granted a license to practice as a physical therapist assistant.

Motion: In open session, Mr. Ervin made a motion to approve application. The motion was seconded and approved.

- b. **Ashley Cox:** Ms. Cox made a personal appearance before the Board and waived her rights to legal counsel. The purpose of the hearing was to determine should Ms. Cox be granted a license to practice as a physical therapist assistant.

Mr. Junkins recused himself from the proceedings Ms. Cox was a former employee.

Motion: In open session, Mr. Ervin made a motion to approve the renewal application. The motion was seconded and approved.

- c. **Heidi Hanrahan:** Ms. Hanrahan made a personal appearance before the Board and waived her rights to legal counsel. The purpose of the hearing was to determine should Ms. Hanrahan be granted a license to practice as a physical therapist.

Motion: In open session, Ms. Julian made a motion to approve application. The motion was seconded and approved.

Exam:

- a. **Laura Fitzgerald:** Ms. Fitzgerald made a personal appearance before the Board and waived her rights to legal counsel. The purpose of the hearing was to determine whether Ms. Fitzgerald should be granted approval to take the NPTE.

Motion: In open session, Mr. Junkins made a motion to approve the applicant to sit for the NPTE exam. The motion was seconded and approved.

9. Motion for Reconsideration of Prior Sanction

- a. **Erica Poston:** Ms. Poston made a personal appearance before the Board and waived her rights to legal counsel. The purpose of the hearing was to re-consider a motion to remove conditions in a prior sanction.

Motion: In open session, Ms. Julian made a motion to go into executive session. The motion was seconded and approved.

Executive Session: [4:55 p.m. – 5:00 p.m.] No votes were taken in executive session.

Motion: In open session, Ms. Julian made a motion to come out of executive session. The motion was seconded and approved.

Motion: In open session, Mr. Ervin made a motion to deny the request for reconsideration of the sanction. The motion was seconded and approved.

10. DISCUSSION TOPIC

a. Federation of State Board for Physical Therapy Annual Meeting

Motion: In open session, Ms. Julian made a motion that Ms. Reynolds attends the FSBPT annual meeting. The motion was seconded and approved.

b. Delegate and Alternate

Motion: In open session, Ms. Julian made a motion that Ms. Swygert attend as delegate and Mr. Junkins the alternate to the annual meeting to be held in San Antonio, Texas in October. If Ms. Swygert is unable to attend, Ms. Pope will attend as the delegate. The motion was seconded and approved.

c. Litigation

Motion: In open session, Ms. Julian made a motion to go into executive session to obtain legal advice with regards ongoing litigation. The motion was seconded and approved.

Executive Session: [7:17 p.m. – 7:34 p.m.] No votes were taken during executive session.

Motion: Ms. Julian made a motion to come out of executive session. The motion was seconded and approved.

There being no further business, Ms. Julian made a motion to adjourn the meeting at 7:35 p.m. The motion was seconded and approved.

Administrator

Date