

South Carolina Board of Physical Therapy Examiners
Quarterly Meeting Minutes
Thursday, April 8, 2004 10:00 A.M.
Synergy Business Park, Kingtree Building
110 Centerview Drive, Room 111
Columbia, SC 29211

BOARD MEMBERS PRESENT

Cindy Ellis Witherspoon, P.T., Chairperson
James Ryan Jr., P.T.A., Vice Chair
Dargin Ervin, P.T., Member
Diane Funderburk P.T., Member
Eric A. Schmidt, P.T., Member
John M. LaRochelle, P.T., Member
Roy Christopher Junkins, P.T.A., Member

OTHERS PRESENT

Veronica Reynolds, Administrator
Ruby Brice McClain, Asst. Deputy Director, POL
Sharon Dantzler, Advice Counsel
Shirley Robinson, Hearing Advisor
Tanya King, Board Assistant
Pat Hanks, Staff Counsel
Adrienne Youmans, Agency Director

BOARD MEMBERS ABSENT

Dale Reeves (Unexcused)

Public notice of this meeting was properly posted at the Board of Physical Therapy Examiners office, lobby of the 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.

1. CALL TO ORDER

Ms. Witherspoon, Chairperson, called the meeting to order at 10:05 a.m. The meeting was held in Room 111, Kingtree Bldg., 110 Centerview Dr., Columbia, South Carolina.

2. ADOPTION OF AGENDA

The April 8, 2004 Quarterly Meeting Agenda was presented for review and approval.

Motion: Mr. Erwin made a motion to adopt the agenda.
The motion was seconded and approved.

3. APPROVAL OF MINUTES

The minutes for October 9, 2003 were presented for review and approval

Motion: Mr. Schmidt made a motion to accept the minutes for October 9, 2003. The motion was seconded and approved.

4. CALL FOR EXECUTIVE SESSION

Motion: Mr. Schmidt made a motion that the Board go into Executive Session to obtain legal advice regarding disciplinary matter, in compliance with Section 30-4-70

of the South Carolina Freedom of Information Act. The motion was seconded and approved.

Motion: After obtaining legal advice in Executive Session a motion was made to come out of Executive Session. The motion was seconded and approved.

5. DISCIPLINARY REPORT

The Board resumed public session and voted as follows:

Complaint PT2003-01 Mr. Schmidt made a motion to accept the terms of the consent agreement. The motion was seconded and approved.

Complaint PT2003-02. Mr. Schmidt made a motion to accept the terms of the consent agreement. Ms. Witherspoon recused herself. The motion was seconded and approved.

Complaint PT2003-03 Mr. Schmidt made a motion to accept the terms of the consent agreement. Ms. Witherspoon recused herself. The motion was seconded and approved.

Complaint PT2003-10 Mr. Schmidt made a motion to accept the terms of the consent agreement. The motion was seconded and approved.

Complaint PT2003-11 Mr. Schmidt made a motion to accept the terms of the consent agreement. The motion was seconded and approved.

Complaint PT2004-02 Mr. Erwin made a motion accept the terms of the consent agreement.

Mr. Schmidt recused himself. The motion was seconded and approved.

6. HEARINGS

a. Ms. Shaw-Mayle made a personal appearance before the Board.

b. Ms. Nivens made a personal appearance before the Board.

7. NEW BUSINESS

a. *Application Hearing*

Ms. Malhotra did not make an appearance before the Board.

Motion: In open session, Mr. Schmidt made a motion that Ms. Malhotra CLEP or take college courses to satisfy requirements. The motion was seconded and approved.

8. REVIEW OF ATTORNEY GENERAL OPINION

Ms. Witherspoon stated the Honorable Senators Verdin and Cromer had requested and received an opinion from the Attorney General regarding the Physical Therapy Practice Act, S.C. Code Ann. Section 40-45-110(A)(1), “a licensed physical therapist may be disciplined by the State of Board of Physical Therapy Examiners

for participating in the division of fees received for professional services with a person who referred a patient.”

The Board opened the meeting to the general public for comments. Persons in attendance were given an opportunity to address the Board regarding this issue. Representatives of South Carolina Physical Therapy Association (SCAPTA), Physicians owned practices and licensee made comments in support of their positions.

Motion: Mr. Schmidt made a motion that the Board go into Executive Session to obtain legal advice regarding disciplinary matter, in compliance with Section 30-4-70 of the South Carolina Freedom of Information Act. The motion was seconded and approved.

Motion: After obtaining legal advice in Executive Session a motion was made to come out of Executive Session. The motion was seconded and approved.

Motion: In open session, Mr. LaRochelle made a motion that the Board adopt the opinion of the Attorney General and instructed its staff to accept complaints, after a period of 90 days, concerning PT employment in physician owned practices and to apply the analysis of the AG opinion to the facts when determining whether to bring a disciplinary action before the Board. The Board allowed a ninety (90) day period between the vote and the accepting of complaints to allow licensees to respond to the AG opinion and restructure their practices where appropriate. The motion was seconded and approved.

9. REVIEW OF STATUTES & REGULATIONS

The Board discussed increasing the minimum general education required hours for physical therapy licensure to fifty-four (54) and minimum professional education to sixty-nine (69). These changes would total the required hours to 123. Mr. Schmidt made a suggestion that the Board conduct a review of its statute and regulations for any other changes needed and introduce the legislative package encompassing all the necessary changes at one time.

10. BOARD ELECTIONS

Motion: The Board re-elected Ms. Ellis-Witherspoon, Chairperson and Mr. Ryan, Vice-Chairperson. The motion was seconded and approved.

11. ADJORNMENT

With no further business, the meeting adjourned at 3:36pm.

Next Meeting: July 8, 2004, Kingstree Building, Room 111

Administrator

Date