

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

Thursday October 13, 2005, 10:00 a.m.
Synergy Business Park, Kingtree Building
110 Centerview Drive, Room 108
Columbia, SC 29211

Board Members Present

Cindy Ellis Witherspoon, P.T., Chairperson
James, Ryan Jr., P.T.A, Vice Chair
Roy Christopher Junkins, P.T.A, Member
Diane Funderburk, P.T., Member
Eric A. Schmidt, P.T., Member
Marilyn Swygert, P.T., Member
Darlene Pope, P.T. Member
Dargin Ervin, P.T. Member

OTHERS PRESENT

Veronica Reynolds, Administrator
Ruby Brice McClain, Asst. Deputy Director, POL
Sharon Dantzler, Advice Counsel
Sheridan Spoon, LLR Counsel
Kim Fair, Board Assistant

Board Members Absent

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. Witherspoon, Chairperson, called the meeting to order at 10:15 a.m. The meeting was held in Room 108, Kingtree Bldg., 110 Centerview Drive, Columbia, South Carolina

ADOPTION OF AGENDA

The October 13, 2005 Quarterly Meeting Agenda was presented for review. The Agenda was re-arranged to move continued business, proposed regulation change on the agenda.

Motion: Mrs. Swygert moved to adopt the agenda. The motion was seconded and approved.

APPROVAL OF MINUTES

The minutes of July 14, 2005 were presented for review and approval.

Motion: Mr. Schmidt made a motion was made to accept the July 14, 2005 minutes with the following corrections; add Ms. Pope name as being present. Also under continued business, replace "Mr. Ervin" to "Mr. Schmidt". Section B, Line 3; change by May 23, 2005 to on May 23, 2005. Motion for Section B, Line 1 change "accepts" to "accept". The motion was seconded and approved.

CONTINUED BUSINESS

1. Proposed Regulation Change § 40-45-110

Board Members reviewed proposed regulation change. Ms. Dantzler verified that the proposed regulation would state May 23, 2008 date was chosen as to provide reasonable time to reorganize their practices. Ms. Dantzler informed them that the regulation would be in the October Register.

Motion: Mr. Schmidt made a motion to move the item being discussed on the agenda for further discussion. The motion was seconded and approved.

NEW BUSINESS

1. Application Hearing

a. Gregg Farmer: Mr. Farmer made a personal appearance. Mr. Farmer stated to the Board he had a medical condition that he felt impacted his testing. He requested the Board to review the medical documentation provided and reconsider approving him for a license in South Carolina.

Motion: Mr. Ervin moved that 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: In open session, Mr. Ervin made a motion the Board would grant a license to applicant pending the Board receive documentation from the physician and a treatment plan. The motion was seconded and approved.

CONTINUED BUSINESS

1. Proposed Regulation Change § 40-45-110

Ms. Witherspoon requested Advice Counsel on what disciplinary actions could be taken on physical therapists that have not followed the laws that was in place following the court injunction that ended May 23, 2005. Ms. Dantzler advised the Board the cases received prior to October 13, 2005 were still under investigation and no new complaints had been received beyond the October 2005 date. She stated that there is legislation pending and if that legislation changed it may change things. Ms. Dantzler stated if the Administrative Law Court ruled that the regulation is unreasonable the Board could decide to withdraw or not withdraw the legislation. The Court can rule the original interpretation was incorrect and if so the Board could choose not to act on the regulation until it was finalized. Ms. Dantzler explained the procedures for processing a complaint. Ms. Dantzler stated the disciplinary actions would be enforceable once the regulation was published. Ms. Witherspoon asked for clarification on the IRC pre investigation and prioritizing open complaints. Ms. Dantzler informed them that all complaints had to be investigated before being presented to the Investigative Review Committee. Jim Stoker, Vice President, SCAPTA addressed the Board. Mr. Stoker stated most of his questions had been answered. However, he needed further clarification from the Board if a complaint had received by the Board prior to the May 23rd date it would be part of an ongoing investigation. Ms. Dantzler stated all complaints received would go through the proper process of being investigated.

NEW BUSINESS

1. Application Hearing

- a. Margaret Lohr:** Ms. Lohr did not make a personal appearance before the Board.

Motion: Mr. Ervin a motion Ms. Lohr is granted a license without submitting Verification of Employment to the Board. The motion was seconded and approved.

- b. Denise Bateman:** Ms. Bateman did not make a personal appearance before the Board.

Motion: Ms. Funderburk made a motion to deny the applicant a license based on §40-45-260 (d) the applicant failed the NPTE more then three (3) times. The motion was seconded and approved.

2. Disciplinary Hearing

- a. John Oviedo:** Mr. Oviedo's attorney did not make an appearance. Mr. Oviedo did not make a personal appearance before the Board.

Motion: Mr. Ervin made a motion to accept the Consent Order on John R. Oviedo with the corrections from "physical therapist assistant" to "physical therapist. The motion was seconded and approved.

- b. Kevin Porter:** Mr. Porter's attorney did not make an appearance before the Board. Mr. Porter made a personal appearance before the Board.

Motion: Mr. Ervin made a motion that 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: In open session, Mr. Ervin made a motion the Board suspend the license for five (5) years; and the suspension be immediately stayed in a probationary status with the following conditions: (1) that all practice is subsequent to on-site supervision by a Board pre-approved Physical Therapist; (2) Mr. Porter would keep the Board informed of any place of employment or any changes; (3) Mr. Porter will advise all employers of the sanctions. Mr. Porter will be eligible to request removal or modification of the restrictions in five (5) years. The motion was seconded and approved.

- c. William Taft:** Mr. Taft did not make a personal appearance before the Board due to incarceration.

Motion: Mr. Ervin mad a motion that the Board accept the relinquishment of William Taft license to practice in South Carolina. The motion was seconded and approved.

- d. James P. Barrett:** Mr. Barrett or his attorney did not make an appearance before the Board.

Motion: Mr. Schmidt and Ms. Swygert recused themselves.

Motion: Mr. Ervin made a motion that the Board accepts the relinquishment of the license of James P. Barrett to practice in South Carolina. The motion was seconded and approved.

CONTINUED BUSINESS

1. TOEFL New Scores Reports

The Board discussed the changes regarding the new scores and how it would affect South Carolina Physical Therapists taking the TOEFL.

Motion: Mr. Schmidt made a motion the Board accept the new computer-based TOEFL, which includes the following score sections; 24 for writing, 26 for speaking, 18 for reading, and 21 for listening with a total score to equal 89 as the new requirements. The motion was seconded and approved.

2. FCCPT Coursework Evaluation Tool

Mr. Schmidt briefed the Board on the three (3) new tools utilized by Federation of State Boards for Physical Therapy to evaluate foreign credentials. Mr. Schmidt stated he thought the changes would benefit the Board. More information will be provided on the new tools at its January 2006 meeting.

3. Report of FSBPT Education Conference

Mr. Ervin stated the national education conference held by FSBPT in Austin, Texas was very informative.

ADJOURNMENT

Motion: A motion was made to adjourn the meeting at 2:45 p.m.

Veronica Reynolds
Administrator

01/26/06
Date

Next meeting is scheduled January 12, 2006, Kingstree Building, Room 108