

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

Wednesday March 22, 2006, 10:00 a.m.
Synergy Business Park, Kingtree Building
110 Centerview Drive, Room 306-30
Columbia, SC 29211

Board Members Present

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

Others Present

Ruby McClain, Asst. Deputy Director, POL
Veronica Reynolds, Administrator
Sharon Dantzler, Advice 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 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

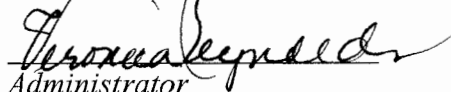
Ms. Witherspoon, Chairperson, called the meeting to order at 10:00 a.m. The meeting was held by teleconference call in Room 306-30, Kingtree Bldg., 110 Centerview Drive, Columbia, South Carolina.

Ms. Witherspoon requested that Ms. Dantzler update the Board regarding the March 7, 2006 decision of the Administrative Law Court on the Proposed Regulation 101-12.5. Ms. Dantzler stated the Board had received the decision of Judge Geathers. Ms. Dantzler indicated because of the decision the Board had to decide which of the three (3) alternatives under the Administrative Procedures Act the Board felt was appropriate. Ms. Dantzler stated the Administrative Procedures Act allowed a promulgating body to make one of three (3) choices, if the Administrative Law Judge determines that the need for or reasonableness of the proposed regulation has not been established. Judge Geathers concluded that the proposed regulation was neither necessary nor reasonable and recommend that the regulation not be promulgated. Ms. Dantzler reviewed the options available to the Board under the provisions of South Carolina Code 1-23-111(C) of the Administrative Procedures Act. The choices are to modify the proposed regulation by including suggested modifications, which are not applicable in this case because Judge Geathers did not make any modifications or suggestions. The Judge stated that the entire proposed regulation was neither necessary nor reasonable. The second (2nd) option would be to modify the regulation and to present it to the General Assembly with a copy of the Judge's written report and argue to the General Assembly that despite the Court's ruling the regulation is reasonable or thirdly (3rd) to terminate the promulgation process. The Board would need to decide to go before the General Assembly and make their case or to withdraw the proposed regulation.

Motion: Mr. Ervin made a motion to withdraw Proposed Regulation 101-12.5. The motion was seconded and approved.

ADJOURNMENT

Motion: A motion was made to adjourn the meeting at 10:41 a.m.


Administrator

04-19-2006
Date

Next Board meeting is scheduled on April 13, 2006