

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

Thursday January 11, 2007, 10:00 a.m.
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia, SC 29211

Board Members Present

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

Others Present

Veronica Reynolds, Administrator
Lynne Rogers, LLR General Counsel
Sharon Dantzer, Advice Counsel
Sheridan Spoon, Asst. General Counsel
Kathy Meadows, OIE Investigator
Kim Fair, Board Assistant

EXCUSED ABSENCE

E. Dargan, Ervin, P.T., Member

Public notice of this meeting was properly posted at the SC Board of Physical Therapy Examiners Office, the lobby 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. A quorum was present at all times.

CALL TO ORDER

Ms. Witherspoon, Chairperson, called the meeting to order at 10:20 a.m. The meeting was held in Room 108, Kingstree Bldg., 110 Centerview Drive, Columbia, South Carolina

ADOPTION OF AGENDA

The January 11, 2007 agenda was presented for review.

Motion: Dr. Flandry moved to adopt the agenda. The motion was seconded and approved.

APPROVAL OF MINUTES

The minutes of October 19, 2006 were presented for review and approval.

Motion: Ms. Swygert moved to adopt the minutes. The motion was seconded and approved.

Disciplinary Report

Ms. Rogers, General Counsel and Ms. Meadows, OIE Investigator presented the Board with the following complaints with a recommendation to dismiss because all individuals were in compliance.

The following cases were presented to the Board with a recommendation to dismissed because had come into compliance with Section 40-45-110 and there were no violation of the practice act:

2005-4	2005-11	2005-17	2006-18	2006-36
2005-6	2005-12	2005-18	2006-19	2006-37
2005-7	2005-13	2005-19	2006-21	2006-38
2005-8	2005-14	2005-20	2006-23	2006-39
2005-9	2005-15	2005-21	2006-24	2006-40
2005-10	2005-16	2005-22	2006-25	2006-41
2006-44	2006-50	2006-56	2006-26	2006-42
2006-45	2006-51	2006-62	2006-27	2006-43
2006-46	2006-52	2006-28	2006-29	2006-20
2006-47	2006-53	2006-30	2006-31	2006-60
2006-48	2006-54	2006-32	2006-33	
2006-49	2006-55	2006-34	2006-35	
2006 -20				

Motion: Ms. Swygert made a motion 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: Mr. Reaves made a motion to come out of Executive Session. The motion was seconded and approved.

Motion: In open session, Mr. Reaves and Ms. Julian recused themselves from all cases submitted to Board for violations under Section 40-45-110 of the Practice Act.

Motion: In open session, Mr. Junkins made a motion to dismiss the cases because all had come into compliance and there were no violations of the practice act and to proceed with formal charges in the following cases.

2005-1 2005-2 2005-27 2006-59

and to accept the relinquishment of the license in case 2006-61. The motion was seconded and approved.

Motion: Dr. Flandry made a motion the Board appoint a hearing officer to hear case number 2006-22 and make a formal recommendation to the Board. The motion was seconded and approved.

NEW BUSINESS

1. Application Hearing

a. Ashley Gregor: Ms. Gregor did not make a personal appearance before the Board. Ms. Gregor requested a license be granted by the Board after review of her application with dispositions.

Motion: Mr. Junkins made a motion the Board grant Ms. Gregor licensure as a physical therapist assistant. The motion was seconded and approved.

b. Lori Metz: Ms. Metz did make a personal appearance before the Board. Ms. Metz requested a license be granted by the Board after review of her application and clinical practice hours.

Motion: Ms. Julian made a motion 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: Mr. Junkins made a motion come out of Executive Session. The motion was seconded and approved.

Motion: Ms. Julian made a motion the Board deny under Section 40- 45 -250(H) but the application will be held open for two (2) months to give Ms. Metz an opportunity to provide documents showing qualifications based under Section 40-45-250(H). The motion was seconded and approved.

c. Allison Cooke: Ms. Cooke did make a personal appearance before the Board. Ms. Cooke is requesting renewal of license after review of disposition associated with her renewal application.

Motion: Mr. Reaves made a motion the Board approves renewal of her license without restriction. The motion was seconded and approved.

d. Susan King: Ms. King made a personal appearance. Ms. King is requesting renewal of license after review of medical documentation associated with her renewal application.

Motion: Mr. Junkins made a motion the Board approves renewal of her license without restriction. The motion was seconded and approved.

e. Sally Miese: Ms. Meise did not make a personal appearance. Ms. Meise is requesting renewal of license after review of documentation associated with her renewal application.

Motion: Mr. Junkins made a motion the Board requires Ms. Meise to cease and desist practice until all supporting documentation of medical ability to practice is received by the Board. The motion was seconded and approved

f. Geneva Alberson: Ms Alberson did not make a personal appearance. Ms. Alberson is requesting renewal of license after review of documentation associated with her renewal application.

Motion: Mr. Junkins made a motion the Board requires Ms. Alberson to cease and desist practice until all supporting documentation of medical ability to practice is received by the Board. The motion was seconded and approved

2. Request Approval for Additional Administration of NPTE after Three (4) Failures

a. Erica Jones: Ms. Jones did not make a personal appearance. Ms. Jones requested the Board approve her to sit for her fifth (5) administration of the National Physical Therapy Examination (NPTE).

Motion: Dr. Flandry made a motion that Ms. Jones is not allowed a fifth (5th) administration of the National Physical Therapy Examination (NPTE) until all documentation are received by the Board and she makes a personal appearance before the Board as previously stated. The motion was seconded and approved.

3. Labor Licensing and Regulations Current American Disability Act Policy for Exam Approvals

Ms. Dantzler informed the Board that LLR's Policy for all of its Boards were to approve all ADA request regardless because its policy is based on the guidelines of EEO Compliance Guidelines. The Board can require documentation on a disability and the functional limitations. However, the applicants making the request for special accommodations must have an evaluation completed and submitted to the Board from the appropriate healthcare or rehabilitation professional and is equally clear that if an appropriate professional certifies the disability and the need for special accommodations it must be granted even though the applicant fail to request the accommodations prior to the third (3rd) fail on their national exam. The Board should hold the professional making the recommendations to his own professional standards. Although, the request may comes in after the three (3) fails on the national examination the Board is obligated to accept those documents.

Ms. Witherspoon asked Ms. Dantzler to clarify the fact that the Board's Regulation is clear in stating that they are not to administer approval of examinations after the three (3) fails. Ms. Dantzler reiterated that LLR's current policy is to accept applicants request for special accommodations whenever they come in and if it is validated by an appropriate professionals they should give it a presumption validity and accommodate that applicant regardless of the Board's current statues. Ms. Dantzler stated it will cost the Agency too much money if the Board does not follow LLR's current policy. The Board voted to have Ms. Rogers, LLR General Counsel furnish a written opinion of the current statue's interpretation as it relates to granting a license after three (3) fails and approving applicants ADA requests after the three (3) fails

without any prior history documented that there were ever any prior disabilities or requests for special accommodations before the three failure on the national examination.

The Board voted to require an applicant make a personal appearance before the Board after failing the national examination for a second (2nd) time. The Board will continue to review its current remediation process for improve after an individual fails a second (2nd) attempts. Ms. Julian will head a committee to review the current Board policy for revision and will present information at the next Board meeting.

4. Medical University of South Carolina proposed New Program (SPTCR)

Ms. Witherspoon spoke to the Board in reference to MUSC's implementation of a special DPT program. Three students will be selected to receive the grants. MUSC is asking the Board to grant a license to those three (3) individuals before they pass the National Physical Therapy Examination and prior to a degree being awarded. Ms. Swygert will visit with the Medical University of South Carolina (MUSC) to discuss the proposal for additional information.

CONTINUED BUSINESS

1. Election of Board Officers

Board Chairperson Nomination

Motion: Mr. Reaves nominated Ms. Julian. Dr. Flandry seconded the nomination.

Motion: Ms. Pope nominated Ms. Swygert. Mr. Junkins seconded the nomination.

Motion: After counting the ballots Ms. Swygert was elected as Chairperson.

Board Vice Chairperson Nomination

Motion: Ms. Swygert nominated Ms. Pope. Mr. Junkins seconded the nomination.

Motion: Mr. Reaves nominated Ms. Julian. Dr. Flandry seconded the nomination.

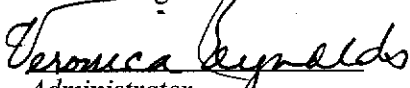
Motion: After counting the ballots Ms. Julian was elected as Vice Chairperson.

2. CEU Audit Schedule

The Board will meet on March 20, 2007 to conduct review of audited Continuing Education Units.

ADJOURNMENT

There being no further business a motion was made to adjourn the meeting at 2:14 p.m.


Administrator

04-18-2007
Date

Next meeting is scheduled April 12, 2007, Kingstree Building, Room 108, 10:00 a.m.