

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

**Thursday, January 9, 2014**

**Board Members Present:**

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

**Excused Absent Member:**

Jane E. Julian, P.T., Member, Vice Chair

**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, 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.

**1. CALL TO ORDER**

Ms. Swygert, Chairperson, called the meeting to order at 10:07 a.m. The meeting was held in Room 108 located in the Kingtree Bldg., at 110 Centerview Drive, in Columbia South Carolina.

**2. APPROVAL OF AGENDA**

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

**3. APPROVAL OF MINUTES**

**Motion:** In open session, Mr. Ervin made a motion to approve the October 24, 2013 meeting minutes as written. The motion was seconded and approved.

#### **4. APPROVAL OF ABSENT MEMBERS**

**Motion:** In open session, Mr. Ervin made a motion to approve Ms. Julian as an excused absence. The motion was seconded and approved.

#### **5. INVESTIGATIVE REVIEW COMMITTEE (IRC) AND OFFICE OF INVESTIGATION AND ENFORCEMENT (OIE):**

Mr. Love, Office of Investigation and Enforcement (OIE) Chief Investigator submitted the statistic report indicating there is one (1) active case, eight (8) closed cases, and three (3) pending respondent agreements.

##### **Recommended Dismissal:**

**Motion:** Mr. Ervin made the motion to accept the recommendation to dismiss cases **2013-11, 2013-12, and 2013-17**. The motion was seconded and approved.

Case: **2013-23** is pending further review.

##### **Recommended Formal Complaint:**

**Motion:** Mr. Ervin made the motion to accept the recommendation to issue formal complaints on cases **2013-18, 2013-20, 2013-21, and 2013-22**. The motion was seconded and approved.

##### **Recommended Letter of Caution:**

**Motion:** Mr. Ervin made the motion to accept the recommendation to issue letters of caution on case **2013-25**. The motion was seconded and approved.

Case: **2013-24** is pending further review.

#### **6. ADMINISTRATOR'S REPORT**

Ms. Reynolds presented the November 2013 financial report.

Ms. Reynolds reminded the board members about the timely filing of the Economic Interests report and there is a new due date of March 30, 2014 at 12 noon.

#### **7. OFFICE OF GENERAL COUNCIL (OGC) REPORT**

Megan presented the OGC statistical report. She stated there are four (4) open cases and two (2) cases have been closed on or after July 2013.

## **8. CONTINUING EDUCATION AUDIT HEARING:**

**Forest Newby:** Mr. Newby made a personal appearance before the Board. The purpose of the hearing was to determine if Mr. Newby's continuing education credits were submitted in a timely manner and meets the minimum requirements.

**Motion:** In open session, Mr. Warren made a motion to go in to executive session for legal counsel. The motion was seconded and approved.

**Executive Session:** [10:51 am – 11:03 am] 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.

**Motion:** In open session, Ms. Witherspoon made the motion to reactivate Mr. Newby's license effective immediately with a \$750.00 fine for late remittance and a deficiency of continuing education credits and to be automatically audited for continuing education compliance during the next renewal period. The motion was seconded and approved.

## **9. ADVICE COUNSEL BRIEFING ON SLOAN VS. PT BOARD STATUTES**

**Motion:** In open session, Mr. Ervin made a motion to go in to executive session for legal counsel. The motion was seconded and approved.

**Executive Session:** [11:08 am – 11:36 am] No votes were taken during executive session.

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

## **10. PROPOSED CHAPTER 10: FEE PLACEMENT OPTION**

**Motion:** In open session, Ms. Witherspoon made a motion to select letter (b) option to have the fees appear in Chapter 10 in addition to the individual regulations. The motion was seconded and approved.

## **11. DISCUSSION TOPICS**

### **Board Elections:**

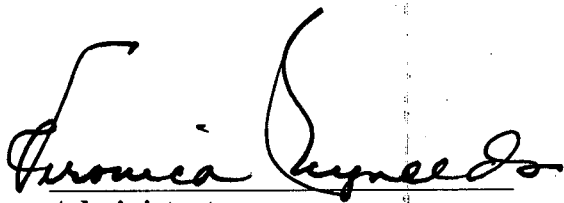
**Motion:** In open session, Ms. Witherspoon made the motion to re-elect Ms. Swygart as the Board Chair. The motion was seconded and approved.

**Motion:** In open session, Ms. Witherspoon made the motion to re-elect Ms. Julian as Vice Chair. The motion was seconded and approved.

**Confirm IRC Professional Member:**

**Motion:** In open session, Ms. Witherspoon made the motion to re-appoint Diane Funderburk as the professional IRC member and Eric Schmidt as a back-up member if needed. The motion was seconded and approved.

**Motion:** In open session, Ms. Witherspoon made a motion to adjourn the meeting at 12:17 pm. The motion was seconded and approved.



Administrator

4/11/2014

Date