

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

Friday December 4, 2015

Board Members Present

Marilyn Swygert, P.T., Member, Chairperson
Roy Christopher Junkins, P.T.A, Vice Chair
Anna M. Dilts, P.T., Member
Mary Addison Blackstone, P.T., Member
Rachel Wiggins, P.T., Member
Lori Winkles, P.T., Member
Greg Forlini, P.T., Member
Mollie Barrow, P.T., Member
Texas T. Smith, Public Member

Absent Member

Matthew Judd Warren, P.T.A., Member

Staff Present

Darra Coleman, Chief Advice Counsel LLR
Adam Russell, Advice Counsel
Veronica Reynolds, Administrator
Shaun Strother, Board Assistant

Public notice of this meeting was properly posted at the SC Board of Physical Therapy Examiners, Synergy Business Park, Kingstree Building 110 Centerview Drive, Room 108 Columbia, SC 29211 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.

Call to Order

Ms. Swygert, Chairperson, called the meeting to order at 10:15 a.m. The meeting was held in Room 108 located in the Synergy Business Park, Kingstree Building at 110 Centerview Drive, in Columbia, South Carolina 29211.

Approval/Disapproval of Absent Member

Motion: In open session, Ms. Winkles made a motion to excuse Mr. Warren absence. The motion was seconded and approved.

Approval of the Agenda:

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

Approval of the Minutes:

Motion: In open session, Mr. Junkins made a motion to approve the July 9, 2015 meeting minutes - no corrections noted. The motion was seconded and approved.

New Business

Update on Recent Changes in Statutes and Case Law: Holly Beeson, Attorney with the Office of Communications and Government Affairs with LLR addressed the Board regarding updates on recent changes in Statutes and Case Law.

Office of Investigations and Enforcement (OIE) Report: Mr. Love, Chief Investigator presented the statistic report there were two (2) active cases: six (6) cases closed, one administratively closed, one open, five (5) pending board action, and one pending expert review. He stated that he had two (2) dismissals from September 29, 2015 and four (4) dismissals from December 1, 2015 to present to the Board.

IRC Recommendations

Case #:

- 2014-13
- 2015-10
- 2015-2
- 2015-11
- 2015-13
- 2015-14

Motion: In open session, Mr. Junkins made a motion to accept the IRC recommendations for dismissals. The motions was seconded and approved.

The Board reviewed the statistical report as information.

Disciplinary Presentation: Mr. Love, Chief Investigator of OIE office, Ms. Flannery, Office of Disciplinary Council (ODC), and Darra Coleman, Chief Advice Counsel LLR addressed the Board.

Office of General Council (ODC) Report: Ms. Flannery indicated that she had zero cases to present to the Board and six (6) cases closed for 2015.

Finance Report: Ms. Reynolds, Board Administrator presented the financial report.

Application Hearings

Initial Applications

Danny Hutchins: The purpose of this hearing was to determine if Mr. Hutchins should be released from the RPP program. Mr. Hutchins made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Mr. Junkins made a motion to go into executive session to receive legal advice from counsel. The motion was seconded and approved.

Executive Session: No votes were taken during executive session. [11:57 p.m. – 12:20 p.m.]

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

Motion: In open session, Mr. Junkins made a motion that Mr. Hutchins be released from RPP and license restored contingent on acquiring three (3) more CEU's. The CEU's will not be counted toward the next period. The motions was seconded and approved.

Motion: In open session, Mr. Junkins made a motion that the South Carolina State Board will not accept any other States Jurisprudence Exam as CEU's. The motion was seconded and approved.

Sarah Rhodes: The purpose of this hearing was to determine if Ms. Rhodes should be granted a physical therapy license. Ms. Rhodes made a personal appearance before the Board and was represented by legal counsel Mr. Wallace, Esq..

Mr. Smith recused himself from all proceedings involving the hearing.

Motion: In open session, Mr. Junkins made a motion to go into executive session to receive legal advice from counsel. The motion was seconded and approved.

Executive Session: No votes were taken during executive session. [1:04 p.m. – 1:12 p.m.]

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

Motion: In open session, Ms. Blackstone made a motion that Ms. Rhodes be granted a license to practice physical therapy in South Carolina. The motions was seconded and approved.

Mr. Smith rejoined the Board proceedings.

Request for Approval to Take the National Physical Therapy Exam (NPTE) 3rd and Final Time

Danielle Palmer: The purpose of this hearing was a request for approval to take the NPTE a third and final time. Ms. Palmer made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Mr. Junkins made a motion that Ms. Palmer be granted to sit for the NPTE a third and final time. The motion was seconded and approved.

National Physical Therapy Exam (NPTE) – Request for ADA Accommodations

Donna Oddo: The purpose of this hearing was for a request for ADA Accommodations be granted to take the national exam. Ms. Oddo made a personal appearance before the Board and was not represented by counsel.

Mr. Forlini and Ms. Winkles recused themselves from all proceedings involving the hearing.

Motion: In open session, Mr. Junkins made a motion that Ms. Oddo be granted ADA accommodations to take the National Physical Therapy Exam (NPTE). The motion was seconded and approved.

Mr. Forlini and Ms. Winkles rejoined the Board proceedings.

Reconsideration of Prior Order

Melissa Covington: The purpose of this hearing was a request for reconsideration of a prior order. Ms. Covington made a personal appearance before the Board and was not represented by counsel.

Motion: In open session, Mr. Junkins made a motion to go into executive session to receive legal advice from counsel. The motion was seconded and approved.

Executive Session: No votes were taken during executive session. [2:20 p.m. – 2:31 p.m.]

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

Motion: In open session, Ms. Winkles made a motion that Ms. Covington request be deferred until RPP can attend a Board meeting. The motion was seconded and approved.

Continuing Education Audit Hearings

Motion: In open session, Mr. Junkins made a motion to go into executive session to receive legal advice from counsel. The motion was seconded and approved.

Executive Session: No votes were taken during executive session. [4:34 p.m. – 5:25 p.m.]

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

William Brown, Jr.: Mr. Brown did not make a personal appearance before the Board. The purpose of the hearing was to determine if Mr. Brown continuing education credits were submitted in a timely manner and meets the minimum requirements.

Motion: In open session, Ms. Winkles made a motion that Mr. Brown license be issued a administrative suspension until a Board appearance can be made. The motion was seconded and approved.

George Laffey: Mr. Laffey made a personal appearance before the Board and was not represented by counsel. The purpose of the hearing was to determine if Mr. Laffey continuing education credits were submitted in a timely manner and meets the minimum requirements.

Motion: In open session, Ms. Barrow made a motion that Mr. Laffey be required to provide verification of hours completed between 2013 and 2014, including CPR, within thirty (30) days of the Order. Additionally, the administrative staff will calculate a fine of \$100.00 per missing CEU hour upon receipt and review of the verified hours, which the fine must be payable to the Board within a period of sixty (60) days. Mr. Laffey must complete 30 CEU hours due to his failure to provide timely verification of 30 CEU hours for 2013 and 2014 within six (6) months from the date of the Order. Additionally, Mr. Laffey must complete a Board approved Ethics course within six (6) months of the Order. These hours will not count toward the CEU requirement for the current licensure period. Mr. Laffey will be subject to a automatic audit for the next two (2) cycles. Failure to comply with these conditions will result in immediate administrative suspension of his license. The motion was seconded and approved.

Lynette Muller: Ms. Muller did not make a personal appearance before the Board. The purpose of the hearing was to determine if Ms. Muller continuing education credits were submitted in a timely manner and meets the minimum requirements.

Motion: In open session, Ms. Winkles made a motion to deem Ms. Muller compliant. The motion was seconded and approved.

Dennis Ostrander: Mr. Ostrander made a personal appearance before the Board and was not represented by counsel. The purpose of the hearing was to determine if Mr. Ostrander continuing education credits were submitted in a timely manner and meets the minimum requirements.

Motion: In open session, Ms. Winkles made a motion to deem Mr. Ostrander compliant. The motion was seconded and approved.

James Robinson: Mr. Robinson made a personal appearance before the Board and was not represented by counsel. The purpose of the hearing was to determine if Mr. Robinson continuing education credits were submitted in a timely manner and meets the minimum requirements.

Ms. Swygert recused herself from all proceedings involving the hearing. Mr. Junkins, Vice Chair proceeded with the hearing.

Motion: In open session, Ms. Winkles made a motion that Mr. Robinson violated the Practice Act and be required to pay a fine of \$3000.00 within sixty (60) days due to a 30-hour deficiency from the 2013 to 2014 period. Mr. Robinson must complete 30 CEU's within six (6) months, which will not count toward the required CEU's for the current licensure period. Additionally, Mr. Robinson must complete a Board approved ethics course within six (6) months of the Order and be subject to a automatic audit for two (2) cycles. Failure to comply will result in immediate administrative suspension. The motion was seconded and approved.

Ms. Swygert rejoined the Board proceedings.

Tiffany Staggs: Ms. Staggs made a personal appearance before the Board and was not represented by counsel. The purpose of the hearing was to determine if Ms. Staggs continuing education credits were submitted in a timely manner and meets the minimum requirements.

Motion: In open session, Ms. Barrow made a motion to deem Ms. Staggs compliant. The motion was seconded and approved.

Tonya Edgerton: Ms. Edgerton made a personal appearance before the Board and was not represented by counsel. The purpose of the hearing was to determine if Ms. Edgerton continuing education credits were submitted in a timely manner and meets the minimum requirements.

Motion: In open session, Ms. Barrow made a motion that Ms. Edgerton violated the Practice Act; a fine of \$50.00 for a deficiency of one-half hour, payable within sixty (60) days. Ms. Edgerton must complete a ethics course within six (6) months of the Order, and be subject to a automatic audit for two (2) cycles. Failure to comply will result in immediate administrative suspension. The motion was seconded and approved.

Barbara Elliott: Ms. Elliott did not make a personal appearance before the Board. The purpose of the hearing was to determine if Ms. Elliott continuing education credits were submitted in a timely manner and meets the minimum requirements.

Motion: In open session, Ms. Winkles made a motion that Ms. Elliott license be issued a administrative suspension until a Board appearance can be made. The motion was seconded and approved.

Kyla Hill: Ms. Hill did not make a personal appearance before the Board. The purpose of the hearing was to determine if Ms. Hill continuing education credits were submitted in a timely manner and meets the minimum requirements.

Motion: In open session, Mr. Junkins made a motion that Ms. Hill license be issued a administrative suspension until a Board appearance can be made. The motion was seconded and approved.

Yi Pittman: Mr. Pittman did not make a personal appearance before the Board. The purpose of the hearing was to determine if Mr. Pittman continuing education credits were submitted in a timely manner and meets the minimum requirements.

Motion: In open session, Ms. Winkles made a motion that Mr. Pittman violated the Practice Act, with a 12 hour deficiency for 2013 to 2014 CEU period. The 12 hours Mr. Pittman has already taken in 2015 will be counted toward the deficit for 2013 to 2014, which now must be excluded from the current licensure period. Mr. Pittman must complete a ethics course within six (6) months of the date of the Order and pay a fine of \$1, 200.00 within sixty (60) days of the Order. Mr. Pittman will be subjected to a automatic audit for two (2) cycles. Failure to comply with these terms will result in immediate administrative suspension. The motion was seconded and approve.

Isatta Rockman: Ms. Rockman made a personal appearance before the Board and was not represented by counsel. The purpose of the hearing was to determine if Ms. Rockman continuing education credits were submitted in a timely manner and meets the minimum requirements.

Motion: In open session, Ms. Winkles made a motion that Ms. Rockman violated the Practice Act, with a requirement that Ms. Rockman pay a fine of \$2,600.00 within sixty (60) days for a 26 hour deficiency. The Board acknowledges the courses completed in 2015 will count toward the 26 hour deficiency. So those hours earned in 2015 will not be applied to the CEU requirement for the current licensure period. Ms. Rockman must complete a ethics course within six (6) months of the Order and will be subjected to a automatic audit for two (2) cycles. Failure to comply with these terms will result in immediate administrative suspension. The motion was seconded and approved.

Jennifer Wallace: Ms. Wallace made a personal appearance before the Board and was not represented by counsel. The purpose of the hearing was to determine if Ms. Wallace continuing education credits were submitted in a timely manner and meets the minimum requirements.

Motion: In open session, Ms. Blackstone made a motion that Ms. Wallace be given credit for a total of 12 hours CEU's during the 2013 to 2014 period resulting in a deficiency of 18 hours and found Ms. Wallace violated the Practice Act. Acknowledging that, Ms. Wallace has completed 18 hours in 2015 which will be used to cover the deficiency, and will not be used to satisfy the CEU hours for the current licensure period. The Board imposes a fine of \$1,800.00 for the 18 hour deficiency. This fine is payable within sixty (60) days. Ms. Wallace must also complete a ethics course within six (6) months of the Order and will be subjected to a automatic audit for two (2) cycles. Failure to comply with these terms will result in immediate administrative suspension. The motion was seconded and approved.

Lisa Williams: Ms. Williams made a personal appearance before the Board and was not represented by counsel. The purpose of the hearing was to determine if Ms. Williams continuing education credits were submitted in a timely manner and meets the minimum requirements.

Ms. Blackstone recused herself from all proceedings involving the hearing.

Motion: In open session, Ms. Winkles made a motion to deem Ms. Williams compliant. The motion was seconded and approved.

Ms. Blackstone rejoined the Board proceedings.

Tonya Wilson: Ms. Wilson made a personal appearance before the Board and was not represented by counsel. The purpose of the hearing was to determine if Ms. Wilson continuing education credits were submitted in a timely manner and meets the minimum requirements.

Ms. Winkles recused herself from all proceedings involving the hearing.

Motion: In open session, Ms. Wiggins made a motion that Ms. Wilson violated the Practice Act, with the imposition of a fine of \$1400.00 payable within sixty (60) days. To cover the deficiency of 14 hours Ms. Wilson must complete the 14 hours of CEU's within six (6) months of the Order as well as a ethics course in which must be completed within six (6) months of the Order. The hours may not count toward the current CEU requirement and will be subjected to a automatic audit for two (2) cycles. Failure to comply with these terms will result in immediate administrative suspension. The motion was seconded and approved.

Ms. Winkles rejoined the Board proceedings.

Robert Wymbs: Mr. Wymbs did not make a personal appearance before the Board. The purpose of the hearing was to determine if Mr. Wymbs continuing education credits were submitted in a timely manner and meets the minimum requirements.

Motion: In open session, Ms. Barrow made a motion to deem Mr. Wymbs compliant. The motion was seconded and approved.

Discussion Topics

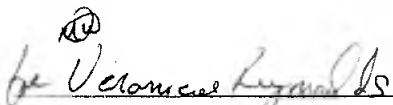
a. **Continuing Education Process:** After Board discussion, Ms. Swygert stated that the continuing education process will be discussed at a later date.

b. **Jurisprudence Exam:** The Board discussed the jurisprudence exam.


c. **FSBPT Compact:** The Board discussed the FSBPT compact.

ADJOURNMENT

Motion: In open session, Mr. Junkins made a motion to adjourn. The motion was seconded and approved. There being no other business, the meeting was adjourned at 6:01 p.m..



Administrator



Date