

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

Thursday, October 24, 2013

**Board Members Present:**

Marilyn Swygert, P.T., Member, Chairperson  
Jane E. Julian, P.T., Member, Vice Chair  
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

**Excused Absent Member:**

Texas T. Smith, Member

**Staff Present:**

Sheridon Spoon, Esq., Advice Counsel  
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, 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.

**1. CALL TO ORDER**

Ms. Swygert, Chairperson, called the meeting to order at 10:00 a.m. The meeting was held in Room 108 located in the Kingstree Bldg., at 110 Centerview Drive, in Columbia South Carolina.

**2. APPROVAL OF MINUTES**

Mr. Warren stated that the August 15<sup>th</sup> meeting minutes noted under "The Approval of Absent Members" as being absent and he was in attendance.

**Motion:** In open session, Mr. Junkins made a motion to approve the minutes for July 11<sup>th</sup> and September 13<sup>th</sup> meeting minutes as written and August 15<sup>th</sup> meeting minutes as amended. The motion was seconded and approved.

### **3. APPROVAL OF ABSENT MEMBERS**

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

### **4. 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 were five (5) active cases.

#### **Recommended Dismissal:**

**Motion:** Mr. Ervin made the motion to accept the recommendation to dismiss cases 2013-6, 2013-7, and 2013-8. The motion was seconded and approved.

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

**Motion:** Mr. Ervin made the motion to accept the recommendation to issue formal complaints on cases 2013-13, 2013-15, and 2013-16. 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 cases 2012-11 and 2013-5. The motion was seconded and approved.

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

Megan presented the OGC statistical report. She stated there was one (1) open case and two (2) cases have been closed on or after April 2013.

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

Ms. Reynolds presented the September 2013 financial report.

### **7. APPLICATION HEARINGS:**

**Ruth Fisher:** Ms. Fisher made a personal appearance and waived her right to legal counsel. The purpose of the hearing was to determine if Ms. Fisher should be granted a license as a physical therapist.

**Motion:** Ms. Julian made a motion to go in to executive session to for legal counsel. The motion was seconded and approved.

**Executive Session: [10:26 am – 10:36 am]** No votes were taken during executive session.

**Motion:** Ms. Julian made a motion to come out of executive session. The motion was seconded and approved.

**Motion:** Mr. Ervin made a motion to take into consideration the additional education documentation and the years of experience in the United States and approve the application for Ms. Fisher. The motion was seconded and approved.

**Virginie Helmus:** Ms. Helmus made a personal appearance and waived her right to legal counsel. The purpose of the hearing was to determine if Ms. Helmus should be granted a license as a physical therapist.

**Motion:** Ms. Julian made a motion to go into executive session for legal counsel. The motion was seconded and approved.

**Executive Session: [10:45 am – 10:53 am]** No votes were taken during executive session.

**Motion:** Ms. Witherspoon made a motion to come out of executive session. The motion was seconded and approved.

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

**Simone Baughman:** Ms. Baughman made a personal appearance before the Board and waived her right to legal counsel. The purpose of the hearing was to determine should Ms. Baughman be granted a license to practice as a physical therapist assistant.

**Motion:** In open session, Mr. Ervin made a motion to approve application. Ms. Julian made a motion to include Ms. Baughman in the next CEU audit. Motion was seconded and approved.

**Nathaniel Kephart:** Mr. Kephart made a personal appearance before the Board and waived his right to legal counsel. The purpose of the hearing was to determine should Mr. Kephart be granted a license to practice as a physical therapist.

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

**Mary "Kim" Pelletier:** Ms. Pelletier a personal appearance before the Board and waived her right to legal counsel. The purpose of the hearing was to determine if Ms. Pelletier should be reinstated as a physical therapist assistant.

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

**Executive Session:** [11:28 am – 11:31 am] No votes were taken during executive session.

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

**Motion:** In open session, Ms. Witherspoon made a motion to grant a provisional license for one year to complete 1,000 on-site supervised clinical experience hours. The motion was seconded and approved.

**Scott Benjamin:** Mr. Benjamin made a personal appearance before the Board and waived his right to legal counsel. The purpose of the hearing was to determine if Mr. Benjamin should be reinstated a license to practice as a physical therapist.

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

**Executive Session:** [11:37 am – 11:43 am] No votes were taken during executive session.

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

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

**LaToya McCullough:** Ms. McCullough made a personal appear with her legal counsel, Mr. Davis. The purpose of the hearing was to determine if Ms. McCullough's license should be renewed as a physical therapist assistant.

**Motion:** In open session, Mr. Ervin made the motion to renew Ms. McCullough's license. The motion was seconded and approved.

**Forest Newby:** Mr. Newby did not make a personal appearance before the Board. The purpose of the hearing was to determine if his continuing education was sufficient for renewal.

**Motion:** In open session, Mr. Junkins made the motion to suspend Mr. Newby's license until Mr. Newby can make a Board appearance. The motion was seconded and approved.

**Katrina Young:** Ms. Young made a personal appearance before the Board. The purpose of the hearing was to determine if Ms. Young's continuing education was submitted in a timely manner and meets the minimum requirements.

**Motion:** In open session, Ms. Julian made the motion to reactivate Ms. Young's license, fine her \$100 for late remittance of continuing education documentation and will be automatically audited for continuing education compliance the next renewal period. The motion was seconded and approved.

[Lunch: 12:40 pm – 1:05 pm]

### **SC Oriental Medicine Association Inquiry**

Mr. William Hendry, Vice President of the SC Oriental Medicine Association, appeared on behalf of the SC Oriental Medicine Association to obtain clarification on the practice of Dry Needling in South Carolina. The Physical Therapy Board maintained their position that dry needling is considered under the scope of practice for Physical Therapists. This decision is supported under SC Code 40-45-20 (B) 9. The licensed physical therapists working in the area of specialized and technical physical therapy practice bears the burden of proof of sufficient education and training to ensure competence with the treatment or intervention.

### **Investigator Training and Certification**

Deputy Director Dean Grigg delivered an overview of the investigative process changes and how cases are being handled in the Office of Investigations (OIE). The new processes will provide investigators with training and education to provide a quick clean investigation in a timely manner. OIE will coordinate with Board members about allowing the Investigators to shadow PT and PTAs in their working environment.

## **8. DISCUSSION TOPICS**

### **Jurisprudence Subcommittee Report**

Ms. Julian updated the Board on the jurisprudence exam implementation. The purpose of the exam is to create awareness of the Practice Act with all licensees. It will be a State-based exam and provided online. There will need to be a voluntary committee of educators and Board Members to produce the sample population of questions. Ms. Julian will be sending an email for volunteers to serve on the Jurisprudence Item Riders Committee. The questions will be piloted and reviewed by the Board prior to implementing. Once implemented, new applicants whether by endorsement or by exam will be required to take it to receive a license.

### **SCAPTA Ethics Course**

Mr. Junkins asked the Board what areas they would like covered in the ethics course to be offered for continuing education. Subject matter should include sexual misconduct, drug and alcohol abuse. Ms. Julian agreed SCAPTA could use the outline of the jurisprudence report to assist with forming the course.

### **Plan of Care (POC)**

An inquiry was made regarding clarification of the practice act as a PTA. Following are the scenarios presented and the responses given.

**Scenario 1:** A patient was evaluated by a PT on 9/6/13 and duration was set for 2x per week for 2 weeks, expiring on 9/20/13.

**Question 1:** Can the PTA see the patient on 9/20/13?

**Answer:** For treatment, YES. The PTA may document the treatment with some sort of daily treatment note.

**Question 2:** Can the PTA do a progress note and extend the duration of the plan of care and the PT co-sign the note, demonstrating they agree with the recommendations?

**Answer:** NO. PTs and PTs alone have the authority to diagnose and set the plan of care.

**Scenario 2:** Can the PTA see the patient on 9/21/13 after the plan of care expires on 9/20/13.

**Answer:** No, the PT must re-evaluate and write the plan of care before the PTA can continue treatment.

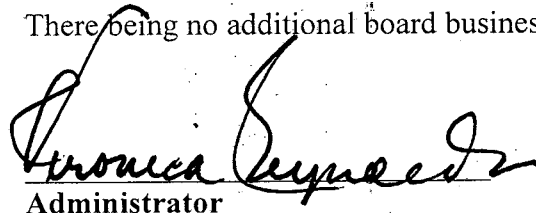
### **Review PT/PTA Supervisor Agreement Form**

Mr. Junkins brought the concern that the current Supervisor Agreement Form is too vague as to the guidelines that should be followed for a provisional licensee. Mr. Ervin is going to research and provide some suggestions for including guidelines with the Supervisor Agreement Form.

### **FSBPT Conference/Delegate Assembly**

Ms. Swygert gave an overview of implementation of new rules the Federation will be putting in place.

There being no additional board business the meeting adjourned at 2:42 pm.

  
Administrator

1/17/2014  
Date

# South Carolina Board Physical Therapy Examiners

October 24, 2013

## Board Meeting Sign In Sheet

1. Ruth Fisher


2. Larry McCaughy

3. Kim Pelletier

4. Nathaniel Kephart

5. Simone Baughman

6. Janth Dault

7. 

8. Raymond Butts

9. Opunie Hehner

10. John Hunt

Kahna Yob

Wm HENRY