

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, April 10, 2014

Board Members Present:

Marilyn Swygert, P.T., Member, Chairperson
Jane E. Julian, P.T., Member, Vice Chair
Cynthia Ellis Witherspoon, P.T., Member
Matthew Judd Warren, P.T.A., Member
Roy Christopher Junkins, P.T.A., Member
Texas T. Smith, Public Member

Excused Absent Member:

E. Dargan Ervin, Jr., P.T., Member
Darlene Pope, P.T., Member

Staff Present:

Sara McCartha, Esq., Advice Counsel
Veronica Reynolds, Administrator
Michelle Phillips, Board Assistant
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 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 10:00 a.m. The meeting was held in Room 108 located in the Kingstree Bldg., at 110 Centerview Drive, in Columbia, South Carolina.

Approval of the Agenda:

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

Approval of the Minutes:

Motion: In open session, Ms. Julian made a motion to approve the January 9, 2014 meeting minutes as written. The motion was seconded and approved.

Approval of Absent Members:

Motion: In open session, Ms. Witherspoon made a motion to approve Mr. Ervin and Ms. Pope as excused absences. The motion was seconded and approved.

New Business

Office of Investigations and Enforcement (OIE) Report: Mr. Love, Chief Investigator presented the statistic report indicating there is four (4) active case, thirteen (13) closed cases, and one (1) pending board approval.

Recommended Letter of Caution:

Motion: Ms. Witherspoon made the motion to accept the recommendation to issue a letter of caution on case 2013-9. The motion was seconded and approved.

Office of General Council (OGC) Report: Ms. Flannery presented the OGC statistical report indicating there were eight (8) cases open. Two (2) cases are pending consent agreements (CA) and memorandum of agreements (MOA). Six (6) are pending hearing, and no cases have been closed as of January 9, 2014.

Finance Report: Ms. Reynolds presented the February 2014 financial report.

Consent Agreements:

2013-16: Ms. Julian had questions regarding the language in the consent agreement and requested there be revisions and re-present to the board chair.

Motion: In open session, Mr. Warren made a motion the amended agreement would be reviewed by the Board Chair and may be approved on behalf of the full board. The motion was seconded and approved.

2013-04: Ms. Witherspoon made a motion to go into executive session for legal counsel. The motion was seconded and approved.

[Executive Session:] No votes were taken during executive session. 10:38 am – 10:45 am

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 the motion to reject the consent agreement for case 2013-04. The motion was seconded and approved.

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:] No votes were taken during executive session. 10:52 am – 11:12 pm

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. Witherspoon made a motion due to the lack of details the consent agreement be rejected. The motion was seconded and approved.

Motion: In open session, Ms. Witherspoon made a motion to withdraw the prior motion made on case 2013-13. The motion was seconded and approved.

Ms. Flannery withdrew the following cases 2013-13, 2013-18, 2013-20, and 2013-22, pending further review by the IRC.

[Break:] 11:18 a.m. – 11:28 a.m.

Request to be Released from the RPP Program

Michael Weekly: Mr. Weekly made a request to appear before the board to be released from the Recovering Professional Program based on completing the prior order set by the board.

Motion: In open session, Ms. Witherspoon made a motion to release Mr. Weekly and let him practice with an unrestricted license. The motion was seconded and approved.

Application Hearings

Foreign Endorsement Application

Nimisha Shah: Ms. Shah made a personal appearance before the Board. The purpose of the hearing was to determine if Ms. Shah should be granted 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:] No votes were taken during executive session. 11:49 am – 11:52 pm

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, Ms. Julian made a motion to grant a license based on documentation and academic performance demonstrated and equivalency in her credential evaluation packet. The motion was seconded and approved.

Reinstatement Application

Leon Sanders: Mr. Sanders made a personal appearance before the Board. The purpose of this hearing was to determine should Mr. Sanders be granted reinstatement of his license to practice 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:] No votes were taken during executive session. [12:00 pm – 12:06 pm]

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. Julian made a motion to grant a provisional reinstatement license for one (1) year to obtain 1000 clinical hours with onsite supervision approved by the Board. Upon completion of the 1,000 hours his license will convert to an unrestricted license. The motion was seconded and approved.

Discussion Topics

a. Does reflexology overlap with the PT scope of practice?

The Board had a lengthy discussion about reflexology. After a full discussion the Board stated that reflexology is within the scope of practice but competency has to be shown.

b. Review of Supervisory Agreement Form - Guidelines

The Board reviewed the Supervisory Agreement form that is on the website. The Board agreed that the Supervisory Agreement should be updated to include section 40-45-220 (2) (a) through (c) and the website link.

c. Appoint a Legislative Committee

The Board discussed the purpose of a Legislative Committee and the duties. Ms. Julian suggested appointing Mr. Dargan as committee chair. Mr. Warren volunteered to serve on the committee.

d. Committee Update on Status of Jurisprudence Exam

The Board set a goal to have 100 questions for the jurisprudence exam submitted for the pool by October 2014 or by December 2014 and 30 questions prepared to be submitted to the Administrator of the Board at its July 10, 2014 meeting.

e. Elect Delegate & Alternative for FSBPT Conference

Motion: In open session, Ms. Witherspoon made the motion Ms. Julian attend FSBPT as delegate and Mr. Warren as the alternate delegate to represent the Board. The motion was seconded and approved.

Motion: In open session, Mr. Junkins made a motion to approve funding for the FSBPT conference for all board members to be funded to attend, to include both attorney advice counsel, and disciplinary counsel. The motion was seconded and approved.

Motion: In open session, Mr. Junkins made a motion to request funding for the Administrator to attend the FSBPT conference. The motion was seconded and approved.

Update on Status of Sloan vs. PT Board:

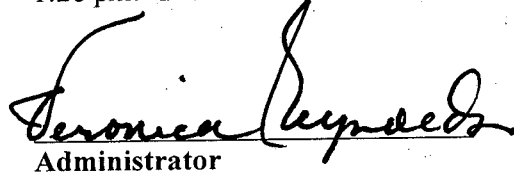
Motion: In open session, Ms. Julian made a motion to go in to executive session for legal counsel. The motion was seconded and approved.

[Executive Session:] No votes were taken during executive session. 1:05 pm – 1:28 pm

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

ADJOURNMENT

Motion: In open session, Ms. Witherspoon made a motion to adjourn the meeting at 1:28 pm. The motion was seconded and approved.


Teronica Reynolds
Administrator

08/12/14
Date