

SOUTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS

Meeting Minutes

Thursday July 14, 2005, 10:00 a.m.
Synergy Business Park, Kingtree Building
110 Centerview Drive, Room 108
Columbia, SC 29211

Board Members Present

Cindy Ellis Witherspoon, P.T., Chairperson
James, Ryan Jr., P.T.A, Vice Chair
Roy Christopher Junkins, P.T.A, Member
Diane Funderburk, P.T., Member
Eric A. Schmidt, P.T., Member
Marilyn Swygert, P.T., Member

OTHERS PRESENT

Veronica Reynolds, Administrator
Ruby Brice McClain, Asst. Deputy Director, POL
Sharon Dantzler, Advice Counsel
Sheridan Spoon, Atty. General Counsel Office
Kim Fair, Board Assistant

Board Members Absent

Dargin Ervin, P.T., Member (Excused)

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

CALL TO ORDER

Ms. Witherspoon, Chairperson, called the meeting to order at 10:15 am. The meeting was held in Room 108, Kingtree Bldg., 110 Centerview Drive, Columbia, South Carolina

ADOPTION OF AGENDA

The July 14, 2005 Quarterly Meeting Agenda was presented for review and approval.

Motion: Mr. Ryan moved to adopt the agenda. Seconded and carried unanimously.

APPROVAL OF MINUTES

The minutes of March 24, 2005, April 14, 2005, May 23, 2005 were presented for review and approval.

Motion: March 24, 2005 minutes needed editorial corrections. Add Ms. Pope, member as being present. April 14, 2005 minutes correction [Line 8], Disciplinary Hearing, from Ms. Swygert to Ms. Funderburk. May 23, 2005 minutes several editorial corrections. [Line 1] to add the wording conference call meeting. Line 2, change committee to Ms. Witherspoon, Mr. Ervin, Mr. Junkins. Line 3 change p.m. to a.m. Also change April 14, 2005 to July 14, 2005.

DISCIPLINARY CASES

1. Disciplinary Hearings

a. Tia Pittman Bolding:

Ms. Bolding attorney was not present. No pre-hearing motions. Copy of Consent Order was distributed to the members of the Board. Mr. Junkins recused himself from the hearing. Ms. Bolden addressed the Board.

Motion: Ms. Funderburk moved that 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: In open session Ms. Pope made a motion that the Board accept and approve the consent order. The motion was seconded and approved.

b. John Oviedo: Mr. Oviedo did not make a personal appearance before the Board. Mr. Spoon requested a continuation of the case.

Motion: Mr. Schmidt made a motion that the Board grant a continuation of Mr. Oviedo's case. The motion was accepted and approved.

2. Application Hearing

a. El Tegra Cowart: Mr. Cowart did not make a personal appearance before the Board.

Motion: In open session, Mr. Schmidt made a motion that Mr. Cowart be required to appear before the Board with documentation indicating his compliance with the Georgia State Licensure Board Order March 2005. The motion was seconded and approved.

b. Vernice Ransom: Ms. Ransom did not make a personal appearance before the Board.

Motion: In open session Mr. Schmidt made a motion that to approve the request to take the national examination providing Ms. Ransom has not met the limitations of three (3) prior exams. However, inform Ms. Ransom of regarding the Practice Act Section 40-45-230 (H). The motion was seconded and approved.

3. Request for Exam after Three Failures

a. Kenneth White: Mr. White did not make a personal appearance before the Board.

Motion: In open session, Ms. Funderburk made a motion should applicant presented documentation of a ADA to the Board from a licensed medical doctor his request will be re- reviewed. The motion was seconded and approved.

4. Continued Business

Mr. Ervin gave a brief overview of the Legislative Committee meeting held on 6-24-05. Ms. Dantzler stated from the meeting on June 24, 2005 came a proposed draft. Mr. Schmidt stated the e-mail from Mr. Ervin to clarify regulation show there was a change in Section 101 (12.5) it would add some language that required the physical therapist or physical therapist assistant to provide documentation of active employment on May 23, 2005. If documentation is provided the therapist may then continue to accept both referrals and wages from the employing physician or dentist until May 23, 2008. Ms. Witherspoon stated it was an opinion of the Board there need to be some sort of ending date to the grand fathering process. Ms. Witherspoon stated by the end of the May 23, 2008 everyone involved would have had the chance to re-organize. She stated there should be some type of registration process to provide documentation to the Board. She also stated SCAPTA had some suggestions as well. The May 23 date was used because of Judge Kinard's ruling and the 90-day stay ended that. Ms. Dantzler stated it is not going to be an enforceable regulation until it becomes a regulation. Ms. Witherspoon stated by virtue of court action the Board was in agreement with the Judge's date. However, they have given everyone time to comply."

b. Review of proposal to adopt regulations interpreting the provision of Section 40-45-110 (A) (1)

Ms. Dantzler addressed the Board in regarding the Regulatory Process. Ms. Swygert asked a question regarding changes to line 6. She suggested language after the word register to replace it with, ...with the Board by providing documentation of active employment by May 23, 2005. In addition, until May 23, 2006 they may continue to accept both referrals and wages until May 23, 2008. Physical Therapists may not accept wages or unearned commission on the discount or gratuities from a person who refers a patient or relative or business associate of the referred person. Patient may be referred to a PT from a license medical doctor or dentist. However, an individual Physical Therapist/Physical Therapist Assistant who is actively employed by a licensed medical doctor or dentist with a relative of business associate of a licensed medical doctor on May 23, 2005 may continue to practice until May 23, 2008.

Ms. Dantzler suggested a change for grammatical reason. The change would state any PT or PTA who registers with the Board by May 23, 2006 by providing documentation of active employment on May 23, 2005...

Ms. Dantzler stated she will add a paragraph explaining the 2008 date.

Motion: Ms. Swygert made a motion the Board accept the grammatical changes. The motion was seconded and approved.

c. Report of Changes to TOEFL

Ms. Funderburk gave a report in reference to workshop held on May 2005. The workshop addressed the process of developing the standard for medical professions versus a graduate going to graduate studies. New TOEFL will be an Internet based test process versus computerized testing and will be in real time. The TOEFL will include parts such as spoken english along with the reading, writing, and listening. The implementation date will begin in September 2005 in the U.S. Canada, Italy, France, and China will start in October 2005. All other countries will use the new system beginning in 2006.

ADJOURNMENT

Next meeting is scheduled October 13, 2005, Kingstree Building, Room 111

There being no further business, the meeting adjourned at 12:30 pm.

Administrator

Date