

**AR State Board of Physical Therapy
MINUTES
May 28, 2009**

Thursday, May 28, 2009

9 Shackleford Plaza, Suite 3, Little Rock, AR

Physical Therapy Board Members Attending: Seth Coulter, Todd Burton, Rob Hill, Rob Jordan and Rob Tillman.

Representative from Attorney General's Office: Warren Readnour

Staff Attending: Nancy Worthen, Sarah Chaney

Others Present: Becky Sewell, Rehab Net, Anita Carter, Jonathan Holland, Betty Lee, Brandi Rouse, Jennifer Clark, Larry Odom

CALL TO ORDER - REGULAR MEETING

Chairman Seth Coulter called the meeting to order at 10:00.

MINUTES

The minutes of the March 17, 2009 regular meeting were approved as amended.

FINANCIAL REPORT

• **Chandria Ganter, Legislative Audit - Presentation**

Chandria Ganter from Legislative Audit spoke with the Board regarding the controlled environment review and the requirement of new procedures in the board office. When checks are written, a QuickBooks log will be emailed to Rob Tillman. A monthly reconciliation will be emailed to Seth for his review and signature.

• **Financials**

As of May 27, 2009 the regular checking account balance with Metropolitan Bank was reported as \$84,060.49.

As of May 27, 2009 the Money Management Funds total \$521,565.38.

Total Assets - \$605,625.87

The financial report was approved as presented.

ADMINISTRATIVE

• **Licensure Information**

Individuals licensed since the February 5, 2009 meeting:

PTs

- By exam: 4
- By reciprocity: 5

PTAs

- By exam: 4

- By reciprocity: 5

Total PTs - 1525
Total PTAs - 823
Total - 2348

INQUIRIES & COMPLAINTS

- **Anita Carter Study Plan Presentation**

Anita Carter presented her study plan to the Board. The Board gave approval for Ms. Carter to sit for the exam again.

- **Jonathan Holland Study Plan Presentation**

Jonathan Holland presented his study plan to the Board. The Board approved Mr. Holland's plan.

- **Betty Lee Study Plan Presentation**

Betty Lee presented her study plan to the Board. Rob Tillman referred her to Greg Hogue at Orthopedic Rehab in Conway. The Board approved Ms. Lee's study plan.

- **Brandi Rouse Study Plan Presentation**

Brandi Rouse presented her study plan to the Board. The Board approved Ms. Rouse's study plan.

- **Jennifer Clark Study Plan Presentation**

Jennifer Clark presented her study plan to the Board. The Board reviewed Ms. Clark's study plan and a letter from Jennifer Parks, PT, South Arkansas Community College PTA Program Director. The Board approved Ms. Clark's plan.

- **Larry Odom, Application for Licensure**

Larry Odom applied for a physical therapist license by reciprocity and answered yes to the question regarding criminal charges. Mr. Odom pleaded guilty to a misdemeanor in 1982. The Board reviewed Mr. Odom's application and letter explaining his charges and gave approval for the board office to issue Mr. Odom's license.

- **Patricia Lowther Licensure**

A letter was recently received from Langston University stating that Patricia Lowther did not complete all courses and did not receive a degree in physical therapy. Ms. Lowther's Arkansas license was issued January 27, 1994 and expired March 1, 1995. A letter will be placed in Ms. Lowther's file stating she was issued a license by mistake. FSBPT will also be notified of the error.

- **Michael DuPriest Dry Needling Inquiry**

Michael DuPriest, PT emailed asking if dry needling is within the scope of practice. This issue was discussed at the February meeting and the Board determined further information was needed. Additional information was received from Michael DuPriest but his question in the second email was regarding needle EMG. The Board determined previously that EMGs are within the scope of practice. Clarification was received from

Michael DuPriest and the Board determined dry needling is within the scope of practice.

- **Cecelia Storey Complaint from Rehab Net**

A complaint was received from Becky Sewell with Rehabilitation Network of Arkansas alleging Cecelia Storey refers to herself as a therapist. After careful review and consideration, the Board made the decision to hire an independent investigator to investigate the complaint. A motion was made, second and passed to hire an investigator.

- **Courtney Johnson Complaint**

A complaint was received from an employee of Ouachita Nursing and Rehab Center in Camden, Arkansas alleging that another employee, Courtney Johnson, is wearing a name badge that reads "PTA". Ms. Johnson is not a licensed physical therapist assistant. A letter will be mailed to Ouachita Nursing and Rehab Center informing them that this issue was brought to the attention of the Board and correction is expected. The Board may choose to perform a site visit.

- **Judy Hamby Inquiry**

An inquiry was received from Judy Hamby regarding an urgent request for a TENS unit for a terminal cancer patient. A prescription is being received from the doctor but Ms. Hamby's concern is that it may be contraindicated for cancer patients. The Board discussed the issue and determined it is up to the judgment of the therapist treating the patient.

- **Dana Warren Inquiry**

An inquiry was received from Dana Warren, PT regarding therapy services from the school district. A response will be sent to Ms. Warren stating the treating therapist should evaluate each child face to face and determine the plan of care. It is not appropriate to establish treatment based on a chart review.

- **Jonathan Epstein, Inquiry**

An inquiry was received from Jonathan Epstein, director of operations for a physical therapy practice in Colorado. Mr. Epstein asked about the reciprocity licensing process in Arkansas and stated that the care would take place by email, video conferencing and by phone. The Board discussed concerns over the legality and ethical nature of delivering physical therapy when the PT and the patient are many miles apart. A response will be emailed to Mr. Epstein voicing the concerns of the board and asking for answers to several questions.

- **Rick West Inquiry**

An inquiry was received from Rick West concerning spinal decompression tables and the use by physical therapists and physical therapist assistants. The Board determined spinal decompression is traction and is within the scope of practice. A physical therapist assistant must follow the plan of care established by the physical therapist.

- **Gretchen Parent Inquiry**

An email was received from Gretchen Parent, PT concerning utilizing a physical therapist

technician in regards to daily billing. A response will be emailed to Ms. Parent stating the question is a billing issue and not a regulatory issue. She needs to abide by the insurance company policy regarding billing and the Physical Therapy Practice Act regarding utilizing physical therapy aides.

- **Howard Slinkard Inquiry**

A letter was received from Howard Slinkard with Slinkard Law Firm. Mr. Slinkard's client is a physical therapist that has concerns about his employer's billing practices. The Board reviewed Mr. Slinkard's letter and determined that treating more than one patient at a time is within the scope of practice but billing is not a regulatory issue. Therapists' should bill according to the guidelines of the individual payor.

- **Stuart Jones Inquiry**

In March the Board office emailed licensees asking them to contact their representative regarding SB844. In response to this email, Stuart Jones, PT asked if there were plans to protect the profession from the insurance industry instead of arguing over physical therapy/physiotherapy. A response will be sent to Mr. Stuart stating that the Board exists for public protection and not the protection of the profession.

- **ISFTA CEU Sponsor Request**

Sports and Fitness Trainers Association requested approval for a course entitled Rehab Fitness Trainer. The Board reviewed the information and approved the course for eight hours of continuing education credit.

- **INR CEU Sponsor Request**

The Board reviewed a course from Institute for Natural Resources entitled Music and the Brain. The course was not approved.

- **INR CEU Sponsor Request**

The Board reviewed a course from Institute for Natural Resources entitled Meditation. The course was not approved.

OLD BUSINESS

- None presented

NEW BUSINESS

- **FSBPT Annual Meeting**

The Board discussed the upcoming FSBPT annual meeting, which begins on October 1, 2009. Rob Jordan will attend as the voting delegate, Rob Tillman as the alternate delegate and Nancy Worthen as the administrator. Warren Readnour will also attend and Seth Coulter is attending as a member of the nominating committee. Todd Burton and Rob Hill's attendance is dependent on their schedules plus reappointment by the Governor.

- **Application Fee for First Time Fail**

The Board reviewed the current process used after an applicant fails the exam and determined an application fee will not be required after the first fail but is required after

failing the second and beyond.

- **Disciplinary Action on Website**

The Board reviewed an Arkansas law requiring disciplinary action on the website and determined that finding of fact only will be placed on the website from this point forward.

- **MD/PT Partners**

Seth received an email from MD/PT Partners concerning private practice physical therapists and physician owned physical therapy services (POPTS). The Board discussed the issue and an email will be sent to MD/PT Partners quoting the Practice Act section 17-93-310 and asking for additional information.

ADJOURNMENT

The meeting adjourned at 2:40.

The next meeting will be scheduled at a later date.

Respectfully submitted

Nancy Worthen
Executive Director