

**AR State Board of Physical Therapy
MINUTES
August 12, 2003**

Tuesday, August 12, 2003

Office of the Attorney General, Tower Building, 323 Center, Little Rock, AR

Physical Therapy Board Members Attending: Seth Coulter; Jennie Gregory, Rob Hill and Starla Denton.

Representative from Attorney General's Office: Warren Readnour

Staff Attending: Alice Ryan and Nancy Worthen.

Others Present: Melody Miller, Assistant Attorney General

CALL TO ORDER – RULES & REGULATIONS PUBLIC HEARING

- Chairman Seth Coulter called the meeting to order at 9:05 a.m.

- No one from the public attended the hearing. The Board reviewed the Rules and Regulations and made no major changes. The Board agreed to adopt the Rules and Regulations pending review of the Legislative Counsel. The motion was made, seconded and passed.

CALL TO ORDER – REGULAR MEETING

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

MINUTES

- The minutes of the May 1, 2003 regular meeting were approved as presented.

FINANCIAL REPORT

• Financials

- As of 08/11/03 the regular checking account balance with Metropolitan Bank was reported as \$43,358.55.
- As of 08/11/03 Bank of the Ozarks certificate of deposit has a balance of \$30,690.91.
- As of 04/25/03 Money Market Funds total \$225,378.69

Total Assets - \$299,428.15

The financial report was approved as presented.

Alice Ryan requested the Board consider new computers for the Board office. She will propose estimates to the Board. Following approval of the Board, the State Procurement Office must approve the proposal, with the recommendation of the Board of Directors.

ADMINISTRATIVE

• Licensure Information

Individuals licensed since the 05/01/03 meeting:

- Total 27 PT's - By exam: 7 By reciprocity: 20
- Total 9 PTA's - By exam: 6 By reciprocity: 3
- Total PTs - 1365
- Total PTAs - 633

INQUIRIES & COMPLAINT

• Complaint: Dr. Bud Dickson

– Dr. Bud Dickson was an agenda item at the June meeting of the Arkansas Medical Board. The Medical Board found no violation and voted to dismiss the complaint against Dr. Dickson. The Physical Therapy Board has no authority over the medical profession and cannot proceed to an administrative hearing, therefore the complaint was dismissed.

• Complaint: Kelley Sims - NovaCare.

- A response was received from Julius Rivera, the Physical Therapist practicing at NovaCare. The determination was made that NovaCare does have a Physical Therapist onsite, therefore there is no violation of the Practice Act. A letter will be sent to Julius Rivera outlining the Rules and Regulations. A letter will also be sent to Kelley Sims informing her of the decision. No further action will be taken.

• Complaint: Steve Joseph, PT – Robbie Pryor, PT

- A complaint was received from Steve Joseph stating Robbie Pryor, a former employee, submitted a competing bid for a contract. Ms. Pryor was awarded the contract. She was not under a no-compete agreement as Mr. Joseph's employee. Mr. Joseph requested that Ms. Pryor receive a letter of reprimand for lack of professional integrity and her license be suspended for 60 days. A response was received from Robbie Pryor. She stated Mr. Joseph's previous bid was a matter of public record and the bid for this year was closed. The Board determined Ms. Pryor did not violate the Practice Act and dismissed the complaint.

• Complaint: La Vella Hale - Coulter Physical Therapy

- Assistant Attorney General Melody Miller replaced Warren Readnour for the discussion of this complaint. Ms. Miller outlined options for the Board and made a recommendation to proceed to a hearing. The Board reviewed Ms. Hale's complaint, the progress notes submitted by Coulter Physical Therapy and the medical records from other caregivers. The Board determined the treatment plan was consistent and appropriate for Ms. Hales condition and Mr. LaMontagne, PTA followed directions given him according to the plan of treatment. The Board further determined that there was adequate and appropriate supervision of treatment and there was lack of any evidence of gross negligence and therefore no violation of the Physical Therapy Practice Act. The motion was made, seconded and passed to dismiss the complaint.

• Complaint: Rob Jordan, PT

- Letters have been received from Rob Jordan to the Physical Therapy Board about their position concerning the Chiropractic Board. The Board considered the letters and agreed no

action will be taken with no response to Mr. Jordan.

• **Inquiry – Dianne Moore, PT**

- Dianne Moore e-mailed an inquiry to APTA which was then forwarded to Seth Coulter. She has a Texas license that will expire in 2004 but she is moving to Arkansas and does not plan on practicing for a few years. Seth sent options to her but told her he would confer with the Board and confirm the options after the meeting. She can place her Texas license on inactive status in 2004 then reinstate the Texas license and apply for reciprocity in Arkansas when she decides to practice again. The second option is she can apply for reciprocity with Arkansas now then request the license be placed on inactive status. She can apply for reinstatement when she decides to practice again. The Board agreed on the options and a letter will be sent to Ms. Moore confirming the options Seth had given her.

• **Request – Idumange Idumange, PT**

- In a hearing on January 9, 2003, the Board found Mr. Idumange guilty of violating Ark. Code Ann. §17-93-308(a)(3). His license was suspended until May 19, 2003 and he was ordered to pay a fine of \$150.00. It was also decided that Mr. Idumange would be on supervised probation until he performs 1500 hours of physical therapy under the supervision of a licensed physical therapist. Mr. Idumange sent a letter requesting the supervision of a licensed physical therapist be reconsidered allowing supervision by another person. He is applying for a job at Chenal Rehab and there is no physical therapist employed there that could supervise him. The Rehab Coordinator is a Physical Therapist Assistant who is not currently practicing as a PTA. He is requesting that she be allowed to supervise him. The Board agreed to allow Mr. Idumange line of sight supervision in an open room with no off-site practice. Supervision will be by Blandine Williams, the Rehab Coordinator. If she is not present, another licensed professional is allowed to directly supervise him. He is only allowed to work weekdays. A schedule will be kept of supervision. Alice Ryan will make periodic unannounced visits to observe adherence to the Board's decision concerning supervision. This decision applies to Chenal Rehab only.

• **Complaint – Steelman – Spivey**

- Wendy and Charles Spivey sent a complaint on behalf of their son, Josh, against Physical Therapist, Kristi Steelman. They feel that Kristi Steelman does not meet the high standards of her profession. They stated Ms. Steelman takes phone calls, does paperwork and has conversations with others during Josh's therapy. Ms. Steelman sent a response to the complaint. She stated that she made recommendations to decrease therapy to 120 minutes per week and this is when the Spivey's became unhappy with the services provided. After careful consideration, the Board determined Ms. Steelman made recommendations based on her experience and did not violate the Practice Act. A letter will be sent to the Spivey's suggesting they discuss Josh's therapy with the IEP and also with Ms. Steelman.

OLD BUSINESS

None presented.

NEW BUSINESS

• **Medicare Fraud**

• David Westall, Special Agent with the U.S. Department of Health, contacted Seth to be a

possible witness in a Medicare fraud case. Seth has agreed to serve in this capacity.

- **FSBPT Annual Meeting**

The FSBPT annual meeting will be held in Kansas City, Missouri on October . Seth Coulter will be going as the Delegate, Alice Ryan as the Administrator and Jennie Gregory as the Alternate Delegate.

- **Credit Card Payment for Lists and Verifications**

A request was made by the Board Office to allow payment for lists and verifications be made on the website. The motion was made, seconded and passed to pursue this form of action in the future.

- The meeting adjourned at 2:45

- The Liz Atkinson hearing is scheduled for September 18th at 9:30 a.m. at 9 Shackleford Plaza, Suite 3, Little Rock. The regular meeting will follow the hearing.

Respectfully submitted,

Nancy Worthen
Assistant Director