



# Arkansas State Board Of Physical Therapy

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## Board Members

### **Seth Coulter, PT**

P.O. Box 3155  
Russellville, AR 72811  
Board Chairman

### **Robert Hill**

P. O. Box 424  
Hope, AR 71801  
Public Member

### **Jennie Gregory, PT**

1002 Abercorn Place  
Sherwood, AR 72120  
Secretary/Treasurer

### **Jennifer Parks, PT**

614 Champagnolle Rd.  
El Dorado, AR 71730

### **Todd Burton, PT**

4303 Cypress Sprgs. Rd.  
Jonesboro, AR 72401

## Board Counsel

### **Warren Readnour**

Office of Attorney General

## Office Staff

### **Nancy Worthen**

Executive Director

### **Sarah Chaney**

Administrative Assistant

September  
2005

## Rules and Regulations Revisions

The Arkansas State Board of Physical Therapy Rules and Regulations were revised this year and were adopted following a public hearing held on July 7, 2005. A copy of the Rules and Regulations can be obtained from the website or by contacting the Board office.

## Jurisprudence Exam Requirement

In order to assure that PTs and PTAs are familiar with practice requirements, the Arkansas State Board of Physical Therapy implemented the requirement of a jurisprudence exam. Effective August 1, 2005 the Arkansas State Board of Physical Therapy Jurisprudence Exam is required for initial licensure and with every odd numbered year renewal beginning with 2007.

The exam must be taken by December 31, 2006 for 2007 renewal. The jurisprudence exam fee is \$25.00 payable by credit card or e-check at the time the exam is taken. *A check or money order for the fee can also be mailed to the Board office.* The exam is administered on our website at [www.arptb.org](http://www.arptb.org). To register for the exam, log on to our website, click on "register here for online jurisprudence exam" and enter your license number, date of birth and e-mail address. A user I.D., password and link will be e-mailed to you. The exam consists of 20 questions from the Practice Act and the Rules and Regulations. The Practice Act and Rules and Regulations are available to be printed from our website and can be referenced during the exam. The passing score is 70%. The score is available at the end of the exam along with a printable certificate for your records.

One hour of continuing education credit will be awarded. *It is not necessary to submit your certificate to the Board.* Credit will be issued from a weekly report generated from the website.

## APTA vs. FSBPT

The American Physical Therapy Association (APTA) and the Federation of State Boards of Physical Therapy (FSBPT) have disagreed over the ownership and management of the license exam. The APTA owned and administered the exam up until 1989 at which point the FSBPT assumed ownership and management. In 2004 the APTA alleged that the FSBPT breached its obligations regarding the 1989 National Physical Therapy Examination (NPTE) Transfer Agreement. Negotiations began between the two parties in which FSBPT expressed a willingness to explore a reduction in the NPTE fee based on a renegotiation of the December 1989 Transfer Agreement to obtain absolute clarity regarding future fee increases and to avoid the cost of a protracted legal dispute.

On November 8, 2004, the APTA ceased negotiations with FSBPT and elected to file a lawsuit against FSBPT in Alexandria, Virginia. APTA alleged that FSBPT breached its obligations by: (a) increasing the NPTE fee, and instituting new "sitting" "reporting," and other auxiliary fees that have the effect of increasing the financial burden on candidates and educational institutions; and (b) dismantling the Committee on Licensure Examinations (CLE) and, distributing CLE responsibilities to various committees on which APTA does not have 40% representation.

In January, 2005 a Virginia Circuit Court judge ruled that APTA cannot pursue its claim that the FSBPT has violated the NPTE fee increase provision of the 1989 NPTE Transfer Agreement. The judge concluded that it was improper for APTA

to wait nearly ten years before filing a lawsuit challenging the FSBPT's actions and therefore dismissed APTA's fee claim in its entirety.

APTA has the option to return to the Courts for either or both the exam fee or the exam committee membership issues.

## Changes to NPTE in 2005

The following changes, recommended by the NPTE Commission and approved by the FSBPT Board of Directors, went into effect on March 1, 2005.

1. Increased Number of Items and Testing Time
  - a. PT exam = 250 questions and 5 hours long. There will be 50 pre-test questions mixed throughout the 200 scored questions
  - b. PTA exam = 200 questions and 4 hours long. There will be 50 pre-test questions mixed throughout the 150 scored questions.
2. Decreased Number of Attempts
  - a. Candidates will only be able to take the exam 3 times in any 12 month period.
  - b. Candidates who are in the midst of a 12-month cycle and were anticipating 4 attempts will be "grandfathered" and will receive all 4 attempts.
3. Exam Delivered in Sections
  - a. PT exam will have 5 sections
  - b. PTA exam will have 4 sections
  - c. Sections are 50 questions

When a section is completed and the candidate proceeds to the next section, they will not be able to go back.

4. Break Structure
  - a. Scheduled Break
    - i. 15 minutes
    - ii. After completing 2 sections (100 questions)
    - iii. Scheduled Break time is in addition to the exam time. This means the break time is in addition to the 5 hours for the PT exam and the 4 hours for the PTA exam.
  - b. Unscheduled Breaks
    - i. After sections 1, 3 and 4 for PT.  
After sections 1 and 3 for PTA

Unscheduled breaks will count toward total test time.

## Reappointments & Re-elections

In July 2005, Governor Mike Huckabee reappointed Jennie Gregory, PT and Jennifer Parks, PT to serve on the Arkansas State Board of Physical therapy for a second 3-year term from 2005 - 2008.

In a Board meeting on July 7, 2005 Seth Coulter was re-elected as Chairman of the Board and Jennie Gregory was re-elected as Secretary/Treasurer.

## Changes in Board Staff

In July, 2004 Alice Ryan, PT resigned as Executive Director of the Board. Nancy Worthen, who has worked for the Board since February 2000, accepted the position of Executive Director. Sarah Chaney, previously with Alltel for five years, was hired as the new Administrative Assistant.

Please feel free to call or e-mail the Board staff with any questions, comments or suggestions.

## FSBPT Board of Directors Adopts a New NPTE Passing Score

The Federation of State Boards of Physical Therapy conducted a review of the PT National Physical Therapy Examination (NPTE) passing standard. As part of this process, an expert panel of 12 physical therapists was convened to perform a criterion-referenced standard-setting procedure. The panel's findings supported the creation of a lower passing standard.

The Board also considered recommendations from its Technical Advisory Panel, who evaluated the standard review study. The Technical Advisory Panel concluded that the study was carried out in a manner consistent with professional guidelines in the conduct of standard setting and standard review meetings. The panel also concluded that sufficient evidence existed to support the Federation's adopting the results of the Standard Review Panel. These results, along with stakeholder feedback, were considered in making the decision.

Based on these findings and recommendations, the Federation's Board of Directors voted at its May 12, 2005 meeting to lower the passing standard for the NPTE for physical therapists. FSBPT implemented the new passing score on May 12, 2005, the date of the Board's decision.

All PT candidates testing on or after May 12, 2005 will be scored on the new standard. There will be no change to PT candidates' scores for examinations administered prior to May 12, 2005, meaning that PT candidates testing prior to May 12, 2005 will be scored on the standard that was in place at the time of administration.

## Licensure Statistics

### As of August 2005

Physical Therapists  
Physical Therapist Assistants  
TOTAL

### Licensed

1423  
704  
2127

To report practice  
without licensure,  
call 501-228-7100.

Individuals listed below have not renewed their licenses for 2005 and should not practice in Arkansas until reinstated. If you are aware of an individual listed who is currently practicing in Arkansas, please notify the Board in writing. Appropriate action will be taken following investigation.

Yvonne Amamio  
Victor Anton  
Monica Baker  
Brandy Ballard  
Kendra Brumley  
Robert Burns  
Brandy Cantwell  
Jim Carpenter  
Jeanne Cook  
Douglas Darter  
Kevin Drury  
Vera Durham  
Rolihe Echavez  
Shirley Gordon

Chandra Green  
Joshua Haynes  
Sara Jones  
Metha Key  
Jennifer King  
Mike Kumpuris  
Pamela Mathews  
Kelly Muller  
Roger Paschall  
Melba Roflo  
Yasser Salem  
Wendy Sams  
Kathy Scott  
Alana Scruggs

Marrita Lourdes Serrano  
Stephen Shaffer  
Ron Shirey  
Brian Shultz  
Cleveland Smith  
Jared Smith  
Jason Spencer  
Angela Stickle  
Joann Strong  
Armida Untalan  
Suellen Wallis  
Jaime Williams  
Theresa Wright  
Glenn Young  
Ritchie Zipse

## May 2004 - July 2005 Disciplinary Actions



The following is a summary of disciplinary actions taken by the Board since the last Newsletter was published. Complete terms of each disciplinary action are contained in the Board's records.

### **Jason Zimmer, PT 2482**

The Arkansas State Board of Physical Therapy investigated a complaint against Mr. Zimmer in June 2004 for violation of Ark. Code Ann. Section 17-93-308(a)(3), unprofessional conduct. Mr. Zimmer signed a consent agreement placing his license on probation until completion of APTA courses *Ethics and Fraud in Physical Therapy and Professional Responsibility in Accurate Documentation* or similar courses approved by the Board. A civil penalty in the amount of \$500.00 was assessed but suspended providing Mr. Zimmer complete the courses within six months. Mr. Zimmer completed all requirements in September, 2004.

### **Chris Cockrell, PT 2546**

After investigation of a complaint against Mr. Cockrell in June 2004, a consent agreement was reached for violation of Ark. Code Ann. Section 17-93-308(a)(3), unprofessional conduct. Mr. Cockrell signed the consent agreement requiring him to complete APTA courses *Ethics and Fraud in Physical Therapy and Professional Responsibility in Accurate Documentation* or similar courses approved by the Board. All requirements were completed within the allotted time.

### **Alisia Skinner, PTA 1799**

A hearing was held before the Arkansas State Board of Physical Therapy on July 7, 2005. Based upon the findings of fact, Ms. Skinner was found guilty of violating Ark. Code Ann. Section 17-93-308(a)(3) and Board Regulation IX(A)(4). Ms. Skinner's license was placed on probation until completion of an ethics course approved by the Board. Ms. Skinner completed requirements on August 15, 2005.

## How Important is Documentation?

Ronald W. Scott, J.D., M.S.P.T., in *Legal Aspects of Documenting Patient Care*, summarizes the patient care records as follows: "From business and clinical perspectives, as well as from a legal standpoint, documentation of patient care is as important as the rendition of care itself. This axiom holds true for the protection of patients and health care professionals alike. For health care providers, patient care documentation is substantive evidence of the nature, extent, and quality of care rendered to patients; while for patients, it serves as a permanent record of their health status, which may, among many other purposes, serve as a historical record for future lifesaving intervention."

Your treatment record is a legal document that displays a standard of care. These records may be used as evidence for or against you in a legal proceeding.

A very important part of documentation is the treatment time, which supports your billing. Arkansas Code Annotated 17-93-308 provides in part: "After due notice and hearing, the board may suspend, revoke, or refuse to renew the license of any person licensed under this chapter, or take other appropriate action against any person licensed under this chapter, who: . . . (3) Is, in the judgment of the board, guilty of immoral or unprofessional conduct." Board Regulation IX(A) provides in part that unprofessional conduct shall include but not be limited to the following: 4. Charging unreasonable or fraudulent fees for services performed or not performed.

Each PT and PTA must take seriously their obligation for adequate documentation under the law.

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