

## Minutes

The Physical Therapy Committee of the Board of Medical Licensure and Supervision met on January 22, 2009. The meeting was held at the office of the Board, 5104 North Francis, Suite C, Oklahoma City, Oklahoma in accordance with the Open Meetings Act and the Administrative Procedures Act. Members present were:

Staci Freudiger, PT, Chair  
Mary Staley, PT, Vice Chair  
Suzanne Reese, PT  
Nancy Davis, PTA

Member absent was Craig Gavras, Public Member.

Others present included:

Lyle Kelsey, Executive Director  
Robyn Hall, Director Licensing  
Kathy Plant, Executive Secretary  
Patricia Podolec, Assistant Attorney General  
Elizabeth Scott, Assistant Attorney General

The meeting was called to order at 9:00 a.m. The minutes from the October 16, 2008 Committee meeting were reviewed. Ms. Staley moved to approve the minutes. Ms. Reese seconded the motion and the vote was unanimous in the affirmative.

The Committee called for the public hearing on proposed permanent rulemaking **OAC 435:20-1-1.1. Definitions [AMENDED]** and **OAC 435:20-7-1. Supervision of Physical Therapist Assistant [AMENDED]**. Appearing to make comments were Jeremy Rich, Capitol Resource Group and Dr. Robyn Assaf, Attorney on behalf of Zach L. Weldon, Owner, Precision Therapy Services. Mr. Rich spoke on behalf of his client expressing concerns about the impact of the rules on the provision of physical therapy in rural areas. Dr. Robyn Assaf, Attorney also addressed the Committee on behalf of Mr. Rich. She addressed the terminology restricting those who work part-time versus full time for those working in home health care.

After hearing public comment, Ms. Freudiger responded to Mr. Rich's concerns by advising him that the group setting provision in the rules should address all of his concerns. She stated the Committee has looked at rural markets many times and was very well aware of those issues.

Ms. Staley stated the 435:20-7-1 (d) (3) (A) applied to PTs working by themselves. Companies that employ more than one PT could use the group setting.

Ms. Reese said the Committee has had to balance the need to protect the health and safety of the public with the latitude the professional would like to have. She said the Committee has heard comments for six years and no better solution has been presented.

Ms. Podolec said, in responding to Dr. Assaf's written comments, that she has researched the matter thoroughly and doesn't feel any of the rules exceed the scope of the Board's authority. Agencies are considered part of the State and are not sovereign entities so the restraint of trade argument is not applicable.

Ms. Davis moved to recommend that the Board adopt the proposed amendments. Ms. Staley seconded the motion and the vote was unanimous in the affirmative. (See attachment #1)

**LATANYA MICHELLE PINKNEY** appeared in support of her application for Physical Therapist licensure. Ms. Pinkney had graduated in 2005, had difficulties with the exam but passed in November 2008. The Committee reviewed a list of Ms. Pinkney's skills checked off by the Dean of Langston University. Ms. Reese moved to recommend approval of the application. Ms. Staley seconded the motion and the vote was unanimous in the affirmative.

**TAMMY MAXWELL** appeared in support of her application to sit for the Physical Therapist Assistant licensing exam for the third time. Ms. Maxwell presented her plan of study. Ms. Reese moved to recommend approval to sit for the exam pending completion of the plan of study. She further moved to recommend approval for licensure pending passing the exam. Ms. Davis seconded the motion and the vote was unanimous in the affirmative.

**DALTON SMITH** appeared in support of his application to sit for the Physical Therapist licensing exam for the third time. The Committee discussed Mr. Smith's study plan with him. Ms. Reese moved to recommend approval of the application to sit for the exam pending completion of the plan of study. She further moved to recommend approval for licensure pending passing the exam. Ms. Staley seconded the motion and the vote was unanimous in the affirmative.

**TAMMY POWELL** appeared in support of her application to sit for the Physical Therapist Assistant licensing exam for the third time. Ms. Powell's plan of study was reviewed. Ms. Staley moved to recommend approval of the application to sit for the exam pending completion of the plan of study. She further moved to recommend approval for licensure pending passing the exam. Ms. Reese seconded the motion and the vote was unanimous in the affirmative.

**PAULA FREEMAN, PT** appeared in support of her request for approval of Jin Shin TARA courses for continuing education credit. Ms. Reese moved to approve the request. Ms. Staley seconded the motion and the vote was unanimous in the affirmative.

**JACKLYN ANNMARIE RINER, PTA** appeared to discuss charting issues. Staff reported on a complaint received by the Board that Ms. Riner had falsified some charting. Ms. Riner explained how she documented the charting that overlapped treatment with an Occupational Therapy Assistant. She stated she didn't understand that she was not to overlap her time with another therapist's. The Committee directed staff to obtain the chart audit report from the facility, which hopefully would be detailed enough to verify Ms. Riner's statements. The Committee said if the audit revealed multiple treatments overlapping with multiple therapists then proceed with issuing a formal complaint and citation. Otherwise, staff was directed to issue a letter to Ms. Riner's public file stating there would be no tolerance if it happened again.

**ERICCA MARIE MORRISON, PTA** appeared to discuss supervision issues. A complaint had been received that Ms. Morrison worked as a Graduate PTA unsupervised. Appearing with Ms. Morrison were her supervisors at the time, Susan Hunt and Katie Landes. Ms. Hunt and Ms. Landes testified that Ms. Morrison did work 13 to 14 half days over a three month period at the Prague hospital without direct supervision. They did not understand that a Graduate PTA had to have direct, on-site supervision. Ms. Morrison testified that after she failed the exam for the second time, she only worked as a tech. Ms. Reese moved to issue a letter of no tolerance to Katie Landes, Susan Hunt and Ericca Morrison. Ms. Staley seconded the motion and the vote was unanimous in the affirmative.

**SHEILA MICHELLE PRINCE, PTA** appeared to discuss a complaint of negligent practice and exceeding her scope of practice. Ms. Prince applied hot pack without an order from the supervising PT. The patient received a burn from the hot pack. Ms. Prince testified that she didn't realize that she needed a physician's order; she was trying to comfort the patient. In hindsight, she stated there were a number of signs that patient probably should not have a hot pack applied. She testified that at the time of removing the hot pack, she did assess the patient's back and there was no sign of a burn. Ms. Prince was reprimanded by her employer, suspended for six days and required to work under direct supervision for 30 days. Ms. Reese moved to issue a letter of no tolerance and include information from Ms. Prince's employer verifying the disciplinary action they took. Ms. Staley seconded the motion and the vote was unanimous in the affirmative.

Ms. Scott briefed the Committee on a Complaint filed against Karsten Meyer, PTA. She reported that the case would be heard by the Medical Board the next week. Mr. Meyer admitted to falsifying patient records on one day to show that he provided treatment that he did not actually provide. The Committee felt it was a serious violation and recommended that the Medical Board take serious action against Mr. Meyer.

Applications for examination, licensure and reinstatement were reviewed. Ms. Staley moved to recommend approval of the following applications for Physical Therapist licensure. Ms. Reese seconded the motion and the vote was unanimous in the affirmative.

**EMSLIE, SUSAN LYN  
LITCHFIELD, PATRICIA JEAN**

**FRAZIER, SCOTT BRADLEY  
LORD, DEBRA HARDING**

Ms. Staley moved to recommend approval of the following applications for Physical Therapist licensure pending satisfactory completion of the files. Ms. Reese seconded the motion and the vote was unanimous in the affirmative.

**EVANS, DAVID LAURO  
HARDEBECK, HEATHER NICOLE  
SUAN, X LUGATIMAN**

**FOUST, STEPHANIE K.  
MEEKER, LARRY SCOTT**

Ms. Davis moved to recommend approval of the application of **X LUGATIMAN SUAN** for Physical Therapist licensure pending satisfactory completion of the 800 hours of required supervised practice. Ms. Staley seconded the motion and the vote was unanimous in the affirmative.

Ms. Reese moved to recommend approval of the following applications to sit for the Physical Therapist licensure exam. She further moved to recommend approval for licensure pending passing the exam. Ms. Davis seconded the motion and the vote was unanimous in the affirmative.

**HUNT, HILLARY ANN**

**SEYBOLD, SAMUEL GRANT**

Ms. David moved to recommend approval of the following applications for reinstatement of Physical Therapist licensure. Ms. Reese seconded the motion and the vote was unanimous in the affirmative.

**HARMON, DAVID ALLEN**

**WILLIAMS, HEATHER ANN**

Ms. Staley moved to recommend approval of the following applications for licensure as Physical Therapist Assistants. Ms. Davis seconded the motion and the vote was unanimous in the affirmative.

**BROWN, CAROL REYNOLDS  
EAST, LISA K.**

**CLEMENS-ROMO, CORI LEE  
SCOTT, TANA DALENE**

Ms. Staley moved to recommend approval of the application of **JADA RAE HOCH** for licensure as a Physical Therapist Assistant pending satisfactory completion of the file. Ms. Davis seconded the motion and the vote was unanimous in the affirmative.

Ms. Reese moved to recommend approval of the application of **HILARY DANIELLE HOBBS** to sit for the Physical Therapist Assistant licensure exam. She further moved to recommend approval for licensure pending passing the exam. Ms. Davis seconded the motion and the vote was unanimous in the affirmative.

The application of **SHERRI ANDERSON** for reinstatement of Physical Therapist licensure was considered. Ms. Reese moved to recommend approval of the application. Ms. Staley seconded the motion and the vote was unanimous in the affirmative.

Referrals for physical therapy from physicians practicing out of state were discussed. Ms. Podolec advised, as long as the physician was licensed in the state where they were making the referral, then it would be appropriate for the Oklahoma Physical Therapist to accept the referral. The Committee asked that the issue be placed in the next newsletter.

Ms. Staley and Ms. Reese reported on the Federation of State Boards of Physical Therapy's Practice Review Tool. Both Ms. Staley and Ms. Reese had taken the general practice competency exam. Ms. Reese said that the exam could have a use for someone who has been out of practice for an extended period of time. The applicant's continuing education could then be tailored to areas where they test low. Also, the exam could have a use in meeting continuing education requirements when a little more information is available on the exam, like how often the test is given and how often it is updated. Ms. Staley and Ms. Reese agreed that it was good exercise.

A request from the University of Medicine & Dentistry of New Jersey School of Health Related Professions for participation in an ethical decision making survey of individuals taking the NPTE was reviewed. The University wanted to send surveys to Oklahoma's exam applicants. The Committee approved the request.

Comments from candidates taking the licensure exam were reviewed. No action was required.

Requests for approval of continuing education courses were reviewed. Ms. Staley moved to approve the courses as reviewed. Ms. Davis seconded the motion and the vote was unanimous in the affirmative. (See attachment #2)

There being no further business, the meeting was adjourned. The time was 3:12 p.m.