

South Carolina Board of Physical Therapy Examiners
Conference Call Meeting
Tuesday, May 23, 2005 9:00 A.M.
Synergy Business Park, Kingtree Building
110 Centerview Drive, Room 108
Columbia, SC 29211

BOARD MEMBERS PRESENT

Cindy Ellis Witherspoon, P.T., Chairperson
Roy Christopher Junkins, P.T.A., Member
Dargin Ervin, P.T., Member
Diane Funderburk P.T., Member
Eric A. Schmidt, P.T., Member
Marilyn Swegert, P.T., Member
Darlene Pope, P.T., Member

OTHERS PRESENT

Veronica Reynolds, Administrator
Sharon Dantzler, Advice Counsel
Lynne Rogers, General Counsel
Kim Fair, Board Assistant
Henry Morgan, Office of Investigation & Enforcement

BOARD MEMBERS ABSENT

James Ryan Jr., P.T.A., Vice Chair (Excused)

Public notice of this meeting was properly posted at the Board of Physical Therapy Examiners office, lobby of the 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.

1. CALL TO ORDER

Ms. Witherspoon, Chairperson, called the meeting to order at 9:00 a.m. The conference call meeting was held in Room 108, Kingtree Bldg., 110 Centerview Dr., Columbia, South Carolina.

2. APPROVAL OF MINUTES

Ms. Witherspoon recognized Mr. Ervin.

Mr. Ervin stated the Legislative Committee had met on May 19, 2005. The committee was comprised of Ms. Witherspoon, Mr. Ervin and Mr. Junkins. The committee recognized the legislature might make a decision regarding Section 40-45-110(A)(1) prior to June 2, 2005, but in case a decision was not made the committee proposed a motion.

Mr. Ervin read the proposed motion.

If the South Carolina General Assembly takes no action to rescind SECTION 40-45-110 (A) (1) of the Physical Therapy Practice Act before June 2, 2005, the Board will initiate writing regulations that will grandfather the individuals licensed as physical therapists and physical therapist assistants that are employed by “a person who referred a patient, or with a relative or business associate of the referring person.” The effective date of the grand fathering will be May 23, 2005. All physical therapists and physical therapist assistants actively employed by “a person who referred a patient, or with a relative or business associate of the referring person” on May 23, 2005 will be granted

an exemption from SECTION 40-45-110 (A) (1) of the Physical Therapy Practice Act. The Board will appoint a committee to begin, if applicable, regulation framework that will provide a report at the July 14, 2005 Board meeting.

Ms. Witherspoon asked for discussion prior to voting. Ms. Witherspoon requested to add to the proposed motion the wording “ actively employed.”

Motion: In open session, Mr. Schmidt made a motion to accept the proposed motion with the added wording. The motion was seconded and approved.

Mr. Ervin made a request the Board appoint a committee. Mr. Ervin suggested Ms. Swygert be on the committee. Ms. Witherspoon suggested Mr. Schmidt and Mr. Ervin.

Motion: In open session, Mr. Ervin made a motion to accept the recommended individuals from the Board as the legislative committee. The motion was seconded and approved.

Ms. Funderburk requested to be added to July 14, 2005 agenda to give a report regarding changes to the TOEFL exam.

Ms. Witherspoon recognized Stephen Bates, Esq. request to address the Board. Mr. Bates stated the injunction ended the next day on May 24, 2005 imposed by Judge Kinard and requested clarity regarding the Board’s intent related to the disciplinary actions or investigations.

Mr. Ervin stated the Board would not do anything until June 2, 2005. The Board if looking at grand fathering these individuals there would be no reason to proceed with disciplinary actions pending regulations framework

3. ADJORNMENT

There being no further business, the meeting was adjourned at 9:22 a.m.

Next Meeting: July 14, 2005, Kingstree Building, Room 111

Administrator

Date