

Sunset Public Hearing Questions  
**Board of Physical Therapy**  
Created by Section 63-13-318, Tennessee Code Annotated  
(Sunset Termination June 2019)

1. Provide a brief description of the board, including information about its purpose, statutory duties, and administrative attachment.

The Board of Physical Therapy was created in 2007 by the State Legislature to succeed the Board of Occupational Therapy and Physical Therapy Examiners and its two committees (Committee of Occupational Therapy and Committee of Physical Therapy). Its mission is to safeguard the health, safety, and welfare of Tennesseans by requiring those who practice physical therapy within this state to be qualified. The Board interprets the laws, rules, and regulations to determine the appropriate standards of practice in an effort to ensure the highest degree of professional conduct. The Board is authorized to issue licenses to qualified candidates who have completed appropriate education and successfully completed required examinations. The Board is responsible for the investigation of alleged violations of the Practice Act and rules and is responsible for the discipline of licensees who are found guilty of such violations.

The administrative staff of the Division of Health Related Boards supports the Board by issuing licenses and renewals to those Physical Therapists (PT) and Physical Therapist Assistants (PTA) who meet the requirements of the law and rules, and collecting fees on behalf of the board. Renewal notices are mailed from the board's administrative office forty-five (45) days prior to the expiration of the license to the current address on record. If a licensee has "opted in" to receive renewal notification via email, an email will be sent out to the licensee reminding them to renew their license approximately forty-five (45) days prior to the expiration date.

The five (5) member Board has a statutory requirement to meet once a year, however the board generally meets four (4) times a year to conduct administrative business. The meetings are open to the public. All members of the Board are appointed by the Governor and serve three (3) year terms.

2. Provide a list of current board members. For each member indicate how the member's presence complies with Section 63-13-318 (b) and (c), *Tennessee Code Annotated*. Please indicate each member's race and gender and which members, if any, are 60 years of age or older, as referenced in 63-13-318 (k), *Tennessee Code Annotated*.

<b>Board Member Name</b>	<b>60+ Years</b>	<b>*Minority</b>	<b>Non-Minority</b>	<b>Male</b>	<b>Female</b>	<b>Grand Division</b>
<b>LeAnn Childress, PT Dyer County</b>			<b>X</b>		<b>X</b>	<b>West</b>
<b>David C. Finch, PT Blount County</b>			<b>X</b>	<b>X</b>		<b>East</b>
<b>Ronald Barredo, DPT Davidson County</b>		<b>X</b>		<b>X</b>		<b>Middle</b>
<b>Kelly O'Connor Citizen Member Williamson County</b>			<b>X</b>		<b>X</b>	<b>Middle</b>
<b>David Harris, PTA Hamilton County</b>			<b>X</b>	<b>X</b>		<b>East</b>
<b>TOTALS</b>		<b>1</b>	<b>4</b>	<b>3</b>	<b>2</b>	

3. Are there any vacancies on the board? If so, what steps have been taken to fill those vacancies? Have any members been removed from the board under the provisions of Section 63-13-216(j), *Tennessee Code Annotated*?
  - a. There are no vacancies on the Board. No board member has been removed pursuant to the provisions of Section 63-13-318(j), *Tennessee Code Annotated*.
  
4. How many times did the board meet in the last two years? How many members were present at each meeting?
  - a. The Board of Physical Therapy met five (5) times in FY2017 and also met five (5) times in FY2016.

<b>Meeting Dates FY16</b>	<b>Members Present</b>	<b>Meeting Dates FY17</b>	<b>Members Present</b>
<b>August 14, 2015</b>	<b>4</b>	<b>August 12, 2016</b>	<b>4</b>
<b>November 13, 2015</b>	<b>4</b>	<b>November 18, 2016</b>	<b>4</b>
<b>January 11, 2016</b>	<b>4</b>	<b>February 9, 2017</b>	<b>5</b>
<b>March 10, 2016</b>	<b>4</b>	<b>March 10, 2017</b>	<b>3</b>
<b>May 27, 2016</b>	<b>5</b>	<b>May 19, 2017</b>	<b>3</b>

5. What per diem or travel reimbursement do members receive? How much was paid to board members during the last two years?
  - a. Board members receive a per diem rate of \$100.00 per day plus reimbursement of travel expenses for adjusted mileage rates, hotel, and meals.

**Board of Physical Therapy Per Diem and Travel Reimbursement**

	<b>FY2016</b>	<b>FY2017</b>
<b>Per Diem</b>	<b>\$1,500.00</b>	<b>\$1,800.00</b>
<b>Mileage</b>	<b>1,936.84</b>	<b>1,255.60</b>
<b>Hotel</b>	<b>169.61</b>	<b>1,186.15</b>
<b>Meals</b>	<b>88.50</b>	<b>595.50</b>
<b>Total</b>	<b>\$3,694.95</b>	<b>\$4,837.25</b>

6. What were the board’s revenues and expenditures for the last two years? Does the board carry a balance and, if so, what is the total of that balance? If expenditures have exceeded revenues, and the board does not carry a balance, what was the source of the revenue for excess expenditures?

<b>Fiscal Year</b>	<b>FY2017</b>	<b>FY2016</b>
<b>Revenue</b>	<b>\$448,289.70</b>	<b>\$389,494.50</b>
<b>Expenditures</b>	<b>\$270,646.51</b>	<b>\$311,322.11</b>
<b>Carryover</b>	<b>\$475,296.03</b>	<b>\$360,818.08</b>

7. Has the board promulgated rules? If so, please cite the reference.
  - a. The Board has the authority to promulgate rules under Tenn. Comp. R. & Regs., Chapter 1150-01.
  
8. Is the board subject Sunshine Law requirements (Section 8-44-101, *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the board have for informing the public of its meetings and making its minutes available to the public? If available, please provide a link to board meeting minutes.
  - a. The Board of Physical Therapy is subject to the Sunshine Law requirements. The Board has a website which it maintains on the Department of Health’s website at <https://www.tn.gov/health/health-program-areas/health-professional-boards/pt-board/pt-board/about.html>.

- b. The Board's internet website is an excellent location to find valuable board information for licensees, applicants, and the general public about the duties and responsibilities of the board, license verifications, board rules, regulations and policy statements, licensure information and instructions on how to apply for a license, board publications including application forms and newsletters to licensees, board minutes and meeting schedule.
9. Does the board have any policies in place to address potential conflicts of interest by board members, board employees, or other state employees who work with the board in any capacity? Please provide a description of those policies.
- a. The Board has a conflict of interest policy. A copy of this policy is signed by every Board member and Board consultant. Board members are required to sign a conflict of interest statement upon appointment or as soon as practical and annually thereafter. The conflict of interest policy is also reviewed with the Board at the beginning of every Board meeting and a copy is maintained in each member's manual. Board members are also expected to recuse themselves from participating in board matters in which they have a conflict of interest.
  - b. Board employees or other state employees who work with the board also have a conflict of interest policy which is signed annually.
10. What were the board's major accomplishments in the last two years?
- a. The Board adopted an amendment to its rules on disciplinary actions in Chapter 1150-01-.15 by clarifying language regarding the requirements for disciplined physical therapists and physical therapist assistants to obtain an Order of Compliance from the Board. This rule amendment benefited therapists because the old language created confusion as to the process for obtaining such orders.
  - b. Also, the Board adopted an amendment to its rules on continuing competence in Chapter 1150-01-.12 and held a rule making hearing to require that physical therapist assistants to obtain thirty (30) hours of continuing competence activities every twenty four (24) months, similar to the number of hours required for physical therapists.
  - c. The board also included an amendment for the ability of a licensee to obtain total required hours for continuing competency through an online format by restricting the maximum number of hours obtained through this format to ten (10) hours and requiring that at least, twenty (20) hours of the thirty (30) hour requirement must be from Class I activities. In this rule amendment, the board required that Ethics and Tennessee Jurisprudence course be taken at every license renewal cycle.

- d. Pursuant to legislation (Public Chapter 124) requiring the Board to develop minimum competency requirements for physical therapists who intend to practice dry needling, the board developed new rules in Chapter 1150-01-.22 specifying minimum training and education requirements that physical therapist licensees intending to practice dry needling must demonstrate to establish competency. The new rules also specified basic information the practitioner or the practitioner’s employer must provide to the patient before engaging in dry needling. As part of the rule amendment, the Board clarified steps that a physical therapist licensing applicant must take after failing the licensing examination two or more times.
- e. The board recently voted to decrease license renewal fees for both physical therapists and physical therapist assistants. Under the rules amendment, the license renewal fee will be reduced to \$55 from the current \$65 for physical therapists and \$45 from the current \$65 for physical therapist assistants respectively. This fee-reduction amendment has been approved by the Attorney General’s Office and assigned an effective date of July 9, 2018 by the Secretary of State.
- f. Finally, under the provisions of Public Chapter 810, the Board became part of the Interstate Physical Therapy Licensure Compact formed to increase consumer access to physical therapy services and reduce regulatory barriers to interstate mobility and cross-state practice. By becoming the second State to join the compact, the Board is currently represented on the Executive Board of the Compact Commission.

11. Please provide a list of all fees collected by the board and indicate whether these fees were established through rule or through legislative statute.

- a. The fees authorized by statute are established by the Boards and modified by rules that are approved by joint government operations committee.

<b>Fee Schedule:</b>	<b>PT</b>	<b>PTA</b>
<b>(a) Application Fee</b>	<b>\$100.00</b>	<b>\$ 90.00</b>
<b>(b) Duplicate (replacement) License</b>	<b>\$ 25.00</b>	<b>\$ 25.00</b>
<b>(c) Endorsement/Verification Fee</b>	<b>\$ 25.00</b>	<b>\$ 25.00</b>
<b>(d) License Fee</b>	<b>\$ 25.00</b>	<b>\$ 25.00</b>
<b>(e) Provisional License/Application</b>	<b>\$ 25.00</b>	<b>\$ 25.00</b>
<b>(f) Reciprocity</b>	<b>\$100.00</b>	<b>\$100.00</b>
<b>(g) Reinstatement Fee</b>	<b>\$100.00</b>	<b>\$100.00</b>
<b>(h) Renewal Fee (biennial)</b>	<b>\$ 65.00</b>	<b>\$ 65.00</b>
<b>(i) Late Renewal Fee</b>	<b>\$ 50.00</b>	<b>\$ 50.00</b>
<b>(j) State Regulatory Fee (biennial)</b>	<b>\$ 10.00</b>	<b>\$ 10.00</b>

12. How many licensed physical therapists are there in Tennessee? Are they all under the authority of the board? If not, what types of practitioners are not included? Should they be included under the board's authority?

- a. There are 5642 Physical Therapists and 3746 Physical Therapist Assistants in the State of Tennessee. All licensees are under the Board's authority.

13. How many new licenses and how many renewals has the board issued during the last two years? How does the board ensure that licensees meet all licensure requirements?

<b>Physical Therapists</b>	<b>FY 2016</b>	<b>FY2017</b>
<b>New Licenses</b>	<b>359</b>	<b>413</b>
<b>Renewals</b>	<b>2268</b>	<b>2447</b>

<b>Physical Therapist Assistants</b>	<b>FY 2016</b>	<b>FY2017</b>
<b>New Licenses</b>	<b>241</b>	<b>273</b>
<b>Renewals</b>	<b>1178</b>	<b>1622</b>

14. How many licenses were issued under reciprocity in the last two years? How did the board ensure that the other state's or country's standards met Tennessee licensing requirements?

- a. The Board issued 252 licenses by reciprocity in FY2016 and 295 licenses by reciprocity in FY2017. All applicants applying by reciprocity must meet the same requirements as does an individual applying for initial licensure, with the addition that a verification of licensure must be sent from each state from which the applicant has ever held a license and verification that the license from the other state is active and in good standing.
- b. The educational credentials of an applicant who has attended school in another country must be evaluated by a board-approved evaluating agency to ensure that education obtained is substantially equivalent to that obtained by a domestic trained applicant.

15. How many license applications did the board deny in the last two years? What were the reasons for denial?

- a. The board did not deny a license application in the last two years.

16. How many licenses did the board revoke or suspend during the last two years? What were the reasons for the revocations or suspensions? Has anyone been cited for practicing without a license? If yes, please provide relevant information.

**16 licensees were suspended in FY2016 and FY2017:**

- 1 Sexual misconduct violation in another state
- 1 Criminal conviction
- 1 Failure to adhere to continuing education statutes
- 1 Violation of Code of Ethics regarding sexual, verbal, physical or emotional harassment.
- 12 Tennessee Student Assistance Corporation violations

**2 licensees were revoked in FY2016 and FY 2017:**

- 1 Voluntary Surrender for fraud or deceit in obtaining admission to practice
- 1 for Criminal Conviction

4 licensees have been cited for practicing without a license.

17. How many complaints did the board receive and investigate during the last two years? What types of complaints were received? What was the source of the complaints? How many resulted in some form of remedial action being taken by the board?

**FY 2017 Complaints**

Falsification of Records/Reports	5
Fraud/False Billing	3
Drugs	2
Sexual Misconduct	3
Action in Another State	3
Criminal Charges	1
Malpractice/Negligence	2
Unlicensed Practice	1
Unprofessional Conduct	3
Lapsed License	2
Right to Know Violation	2
Violation of Order	2
Drug Diversion	4
Practice Beyond the Scope	1

**FY 2016 Complaints**

Other Specify	1
Sexual Misconduct	1
Criminal Charges	4

Unlicensed Practice	3
Unprofessional Conduct	13
Care of Services	1

**FY2017 Remedial Actions**

Complaints resulting in formal discipline – 11  
 Complaints resulting in non-public discipline – 6

**2016 Remedial Actions**

Complaints resulting in formal discipline – 21  
 Complaints resulting in non-public discipline – 4

18. Describe the process by which the board receives, handles, and tracks complaints. Are there written procedures? How are complaints assessed and prioritized? Is a complaint log maintained? At what point is a complaint closed?
- a. The Office of Investigations in the Bureau of Health Licensure and Regulations receives all complaints against any health professional licensed by the Health Related Boards. Any complaint received by the Board is referred to the Office of Investigations.
  - b. Complaints are triaged at intake to ensure that emergency issues are handled immediately, with investigations commencing on the same and/or following day. Routine complaints are rated according to the level of seriousness, entered into a tracking system, and reviewed by a Board consultant and department attorney.
  - c. Written procedures are in place to serve as guidelines for the effective investigation and preparation of the necessary evidence for purposes of prosecution.
  - d. A complaint can be closed at initial review and/or after an investigation. A complaint is closed when one of the following occurs: 1) the investigation could not substantiate a violation had occurred, 2) a letter of warning or concern is issued to the licensee by the Board consultant, or 3) the Board takes action against the licensee.
19. What steps has the board taken to educate the public, consumers, and license holders about how to file a complaint? When considering enforcement actions taken by the board in the last two years, how did the board become aware of the situations resulting in enforcement actions?
- a. The Tennessee Department of Health maintains a website at <https://www.tn.gov/health/health-program-areas/health-professional-boards/pt-board/pt-board/complaints.html> which provides consumers with an

in-depth description of the complaint process, including how to file a complaint and what can be expected from the Department of Health.

- b. Pursuant to T.C.A. 63-1-117, the identity of the complainant is confidential and cannot be disclosed. Complaints can be filed by patients, family members, peers, health care facilities, law enforcement, the news media, and by individuals who request to remain anonymous. Likewise, a practitioner may self-report to the Department of Health.

20. How many contested cases did the board hear during the last two years? How many of these cases were heard by an administrative law judge and reviewed by the board? Of the cases heard, how many resulted in penalties being dismissed? Reduced? Upheld?

- a. The board did not hear any contested case in the last two years.

21. Does the board have the authority to impose civil penalties? If so, what penalties have been assessed in the last two years and what is the amount of those penalties?

- a. Pursuant to T.C.A. § 63-1-134, the board has the authority to impose civil penalties.
- b. The board has assessed civil penalties for in the total amount of \$25,625 for FY2017 and \$5,050 for FY2016.

22. What reports does the board prepare on its operations, activities, and accomplishments? Who receives copies of these reports?

- a. To promote the mission of the Department of Health which is to protect, promote and improve the health and prosperity of the people in Tennessee, the Board's administrative office has established benchmarks for the processing of applications and renewals. The Health Related Boards' role in that mission is to ensure that only the best, most qualified practitioners provide healthcare services in the state.
- b. In order to balance that obligation with our desire to provide excellent customer service to healthcare providers, the Health Related Boards has established benchmarks to assure that applications for licensure are received, processed and processed in a timely manner. The application benchmark is one hundred (100) days from the date the application is received in the administrative office to issuance of licensure. The benchmark for renewals is fourteen (14) days.
- c. Twice a year, a benchmark report is prepared and reviewed to determine if board staffs are meeting those benchmarks. Relevant data is collected twice yearly by the director from reports generated by the licensing system used by the Health Related Boards. Data is generated in an excel spreadsheet.

- d. The benchmark report is reviewed by the Director of the Division of Health Related Boards who validates and verifies collected data manually. Report is forwarded to the Assistant Commissioner for the Bureau of Health Licensure and Regulations under which the Health Related Boards are housed.
23. Describe any items related to the board that require legislative attention and any proposed legislative changes.
- a. None at this time.
24. Should the board be continued? To what extent and in what ways would the absence of the board affect the public health, safety, or welfare of Tennessee citizens?
- a. The Board of Physical Therapy was established by the General Assembly for the purposes of protecting the public health, safety, and welfare and providing for state administrative control, supervision, licensure and regulation of the practice of physical therapy.
  - b. Physical Therapy is a highly specialized allied health profession. Physical Therapists and assistants are highly educated, health care professionals who are trained to help patients maintain, restore, and improve movement, activity, and health, thereby enabling Tennessee citizens of all ages to have optimal functioning and quality of life.
  - c. The practice of physical therapy is performed under the written or oral referral of other highly specialized and mid-level practitioners. Physical therapists work collaboratively with other qualified health care providers to plan, organize, direct and provide patient/client management in delivery of needed medical services. Through their specialized training, physical therapists are able to utilize skilled intervention methods to penetrate the skin and stimulate underlying neural, muscular, and connective tissues for the evaluation and management of neuromusculoskeletal conditions, pain, and movement impairments.
  - d. Physical therapy practitioners undergo unique and rigorous formalized training, programs of which are nationally accredited. They are qualified by a valid and reliable national testing system.
  - e. Licensed Physical Therapists and assistive personnel are involved in helping the citizens of Tennessee to promote their health, wellness, and fitness through risk factor identification and implementation of treatment services to reduce risk, slow the progression of or prevent functional decline and disability, and enhance their participation in chosen life situations. They are assisting patients in reducing pain and improve or restore mobility – in many cases without expensive surgery and often reducing the need for long-term use of prescription medications and their side effects. Physical therapist practice crosses the entire human lifespan

from neonate to frail elderly, addressing most of the systems of the human body, including musculoskeletal, neuromuscular, integumentary, and cardiovascular and pulmonary.

- f. Consumers and patients continue to be increasingly concerned about pain management, the impact that surgeries and the use of prescription medications can have on their overall well-being, as well as the effectiveness of the information and services of care being offered to them in these areas.
- g. The continuation of the board will assure the citizens of Tennessee that care pertaining to their health in the area of physical therapy is being rendered by licensed and qualified professionals who have met strict standards. To dissolve the Board could lead to unqualified persons performing those activities.

25. Please provide a list of current board staff.

- a. Administrative Director: Michael Sobowale
- b. Administrator
- c. Licensing Technician

26. Please provide a list of all board contracts, detailing each contractor, the services provided, and the amount of the contract.

- a. The Board works with the Tennessee Professional Assistance Program (TnPAP) to provide peer assistance to impaired practitioners in an effort to both protect the public and rehabilitate practitioners who can safely return to the practice of physical therapy. TnPAP is a non-profit organization under the Tennessee Nurses Foundation. The Board's grant of funds to TNPAP is budgeted at \$17,100.00 per year.