

PHYSICAL THERAPY EXAMINERS

MINUTES FOR BOARD MEETING MARCH 12, 2012

- Item 1- Call to order / roll call to determine the presence of a quorum. After determining the presence of a quorum, the meeting was called to order at 6:10pm by Chairman Sidener. Members present by phone: Kathy Sidener, PT, Chairman; Andrea Menicucci, MS, CCC-SLP; Lisa Mukavitz, PT, MPT, MBA. Members present at Board office: Louie Puentedura, PT, DPT, PhD, OCS, FAAOMPT; Secretary/Treasurer; Tina Baum, PT, ATC, CLT; Non-members in attendance: Richard Dreitzer, legal counsel; Allison Tresca, executive director.
- Item 2 – Public comment period. Sue Scheuermann, PT, advised the Board she was in attendance to support Ms. Renfro (Item 5). She stated that she assumes there is trouble as she keeps seeing Ms. Renfro's name on the agendas. She stated that Ms. Renfro would be an asset to the physical therapy community. Stacey Fisher, PT, stated she is in attendance to support Ms. Renfro as well. She stated that Ms. Renfro has an excellent reputation as a premier researcher.
- Item 3- Applicant Mindy Oxman Renfro requests to be licensed as a physical therapist. This appearance is necessary due to the disciplinary action taken by another licensing Board. Ms. Renfro was advised regarding the Board entering closed session to discuss certain aspects of her matter in private, and then enter open session to deliberate and make a decision. Ms. Renfro waived her right to closed session and stated it was her choice to have Ms. Scheuermann and Ms. Fisher remain for her item.

Richard Dreitzer stated that the applicant had mentioned, in an email to the director, that she was curious if Board member Baum would recuse herself because Board member Baum is an adjunct professor at Touro, where Ms. Renfro is employed. Board member Baum stated that she was a guest lecturer in August 2011, did not speak to Ms. Renfro directly and had not spoken at Touro since that time. She stated she could remain objective. Mr. Dreitzer stated that the applicant has the decision to allow Board member Baum to remain as a voting member on this matter or ask her to recuse herself. Ms. Renfro stated she was fine with Board member Baum remaining in attendance and voting on the issue.

Richard Dreitzer stated that a co-worker of Ms. Renfro had a discussion with Board member Puentedura at a continuing education meeting. Board member Puentedura stated that he had a discussion Jennifer Nash, a co-worker of Ms. Renfro, but discussed research only.

Ms. Renfro agreed to have all members participate in this item.

There was lengthy discussion regarding the revocation of Ms. Renfro's Massachusetts license and the many notices that were sent to her at several different addresses over the course of several months. It was discussed that Ms. Renfro was on probation, and the revocation occurred due to Ms. Renfro's failure to follow the terms of her probationary license. The Board discussed that it is disrespectful to not follow Board orders. The Board discussed that Ms. Renfro did not indicate her license had been revoked, only that action had been taken. The Board discussed that Ms. Renfro should have been more forthcoming with the matter of the license revocation. It was noted that some information in Ms. Renfro's letter to the Board and her resume did not match with information in the disciplinary documents from the Massachusetts Board. It was also noted that Ms. Renfro's letter to the Massachusetts Board, she does not mention an injury, she states she is working, however Ms. Renfro's explanation for the failure to meet the terms of the consent decree is that she fractured her pelvis. The letter to the Massachusetts Board is at the time Ms. Renfro indicates she was injured. It was discussed that based on the revocation, the Board had statutory authority to deny the request for licensure.

Ms. Renfro advised that she had fractured her pelvis and had a recurrence of breast cancer. She also noted that she had gone through a divorce and all of this occurred at the time she was on probation. She stated that she focused on her health and providing for her children. She noted that she did not intentionally ignore the Board, it was a matter of handling the other issues. She also noted that she then moved out of state, and that her license in that jurisdiction is clear. She stated that she had financial issues which prevented her from handling the matter back in Massachusetts once she had moved to Montana.

Stacey Fisher stated that she has seen the scars and can confirm Ms. Renfro had breast cancer. She also stated that the Board cannot devalue what happened in Massachusetts, but should also listen to Montana where Ms. Renfro's license is in good standing.

Sue Scheuermann stated she appreciates the position the Board is in. She stated that anyone dealing with a fractured pelvis and breast cancer would likely have trouble keeping their priorities in order.

Motion to grant licensure: Puentedura.
Second to motion: none.
The motion dies.

Motion to discuss previous Board actions taken for comparative information:
Baum.
Second to motion: Puentedura.
Passes unanimously.

Board member Puentedura reminds the Board that they have never granted a license to a person who has a license revocation in another jurisdiction. He noted that licenses have been denied for disciplinary action that was not to the level of revocation. He stated that all circumstances are different; there can be DUIs, sexually inappropriate behavior, etc. He stated that there is bad history with the Massachusetts Board, and no discipline with the Montana Board. He stated that he does not believe the applicant intentionally mislead the Board in her application letter. He stated that the Board should give the applicant the opportunity to move forward. He further stated that the Board would be upholding public protection in licensing this candidate. Board member Sidener stated that she understands the history and the clear Montana license, but she stated that standards were not met that lead to the discipline, and then the probationary terms were not met and that warrant consideration by the Board. It was discussed that applicant could comply with what Massachusetts wanted in their consent decree. Richard Dreitzer stated that the Board cannot resurrect what another Board did; the role of this Board is to take the action they deem necessary. Board member Baum stated that something has to be done to satisfy the Board.

Motion to grant 2 year probationary license: continuing education of 3.0 units per year which covers the annual requirement; .2 units per year in documentation and ethics and professionalism; submit three reports each six months, from evaluation to discharge, ensuring HIPAA compliance; patient documentation must be co-signed by Susan Brown or Stacey Fisher; if either is not available, any licensed physical therapist from Touro may co-sign; must appear before the Board to be released: Puentedura.

Second to the motion: Baum.

Passes unanimously.

- Item 4- Public comment period. Stacey Fisher expressed her thanks to the Board for their work, stating that it is not an easy role. She stated that she respects what the Board does and values their work. Sue Scheuermann thanked the Board as well.
- Item 5- Adjournment of the Board meeting. The meeting was adjourned at 7:48 by Chairman Sidener.