



KENTUCKY BOARD OF PHYSICAL THERAPY

Steve L. Beshear
Governor

312 Whittington Parkway, Suite 102
Louisville, Kentucky 40222
Phone (502) 429-7140
Fax (502) 429-7142
<http://pt.ky.gov>

Rebecca E. Klusch
Executive Director

MINUTES OF MEETING November 17, 2011

Board Members Present: Janice Kuperstein, PT, Chair
Peggy Block, PT
Ron Barbato, PT
Charles Clark, PT
Linda Pillow, PT
Troy Grubb, PT

Absent: Virginia Johnson, Public Member

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel

Guests: Tony Brosky, PT, KPTA Liaison
Debbie Hatfield, PTA, JCC

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee 2, was called to order at 3:45 p.m., Wednesday, November 16, 2011, at the University of Kentucky College of Allied Health, Room 214B. Motion was made by Janice Kuperstein to go into closed session per KRS 61.810(1) (c) and (j), seconded by Peggy Block. Motion carried. Motion was made by Peggy Block to come out of closed session, seconded by Janice Kuperstein. Motion carried. The committee meeting adjourned at 5:30 p.m.

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee 1, was called to order at 8:30 a.m., Thursday, November 17, 2011, in the University of Kentucky Wethington Building Conference Room. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Peggy Block. Motion carried. Motion was made by Peggy Block to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 9:00 a.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Janice Kuperstein, at 9:07 a.m., Thursday, November 17, 2011, in the University of Kentucky Wethington Building Conference Room. A quorum was present.

Motion was made by Peggy Block, seconded by Ron Barbato to approve the minutes as amended of the September 15, 2011 Board meeting. Motion carried.

Complaint Committee

BIC2009-94 The Complaint Committee recommends to the full Board to accept the Settlement Agreement in the Board packet. Board approved the recommendation, seconded by Peggy Block. Troy Grubb and Chuck Clark recused themselves and left the room during discussion of the Settlement Agreement. Motion carried. Complaint Committee member Ron Barbato recused from voting. A new monitor will be selected by Executive Director upon approval by Board Chair. The Board will enter the Settlement Agreement, which was presented in draft form only as approved by the parties, when the original, fully-executed document is filed with the Board.

C2010-17 Case is ongoing.

BIC2011-04 Notice of Administrative Hearing and Order has been filed. Hearing is scheduled for December 14, 2011.

C2011-05 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

C2011-06 License is under Immediate Temporary Suspension. Case is ongoing.

C2011-09a and b The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreements from Shannon Dale Snider, P.T. and Karen Snider, P.T. Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting. Board appointed Troy Grubb as monitor.

BIC 2011-10 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Settlement Authority was given to Board Counsel. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

BIC2011-14 The Board voted to file a Notice of Hearing with Settlement Authority given to Board Counsel at the July 21, 2011 Board Meeting. Case is ongoing.

C2011-23 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Affidavit from Michael Turner, D.C. and Erica Montgomery-Turner, D.C. for providing "physical therapy" without physical therapy services being provided by or under the direction of a licensed physical therapist. Board approved the recommendation, seconded by Linda Pillow. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

CE2011-25 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreement from Charles S. Jacinto, P.T., for continuing competency violations. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

CE2011-26 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreement from Mark F. Elkin, P.T., for continuing competency violations. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

CE2011-29 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreement from Ricky Kenneth Lockard, P.T., for continuing competency violations. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

CE2011-30 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreement from Kimberly D. Florence, P.T.A., for continuing competency violations. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

C2011-107 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Affidavit from Angel Donohue, Tone Zone, for advertising “physical therapy” on a brochure without physical therapy services being provided by or under the direction of a licensed physical therapist. Board approved the recommendation, seconded by Linda Pillow. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

C2011-109 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Janice Kuperstein and Peggy Block recused from voting.

The Board reviewed the IPTPC report submitted by Brian Fingerson, R.Ph. Cases that are involved in the IPTPC have come to the attention of the Board.

Update on Monitoring Probations

Update on monitoring probations was given for the following: James Rick Roe, PT; Ron Cole, PT, Lawrence Tatem, PT, Tiffiney Bentley, PT, William Kyle Clark, PTA, Kim Crossman, PT, Amanda Mattingly, PTA, Jon-Mark French, PTA, and Jeremy Kruger, PT. Monitoring Malton Schexneider by Chuck Clark has ceased due to an Amended Settlement Agreement. The Board noted the monitoring report of Amy Farmer who is now deceased. Jeremy Kruger is no longer treating patients and monitoring will be resumed when he starts treating patients.

Board and Administrative Business

A motion was made by Chuck Clark, seconded by Troy Grubb to require AM to retake the NPTE, three month supervised practice and meet the requirements for a reinstatement applicant. All in favor.

A motion was made by Ron Barbato, seconded by Peggy Block to approve the Remediation Plans for SS, JA, and ML to retake the NPTE. A motion was made by Virginia Johnson, seconded by Troy Grubb to not accept the Remediation Plan for PS. Motion carried.

Other Board Matters

Troy Grubb gave a report on the legislative meeting with Representative Ben Waide and KPTA representatives on the revisions to KRS 327. The recommendation of the meeting is to continue working on changes to KRS 327 but to postpone going forward during the 2012 legislative session with any changes because of the political climate. Ron Barbato made a motion, seconded by Peggy Block, to accept the recommendation in not moving forward in the 2012 Legislative Session and work on a plan after session is over to move forward with the 2013 Legislative Session. All in favor.

Troy Grubb made a motion, second by Virginia Johnson to hold a Special Meeting in December to draft a response to the Kentucky Board of Medical Licensure on Dry Needling. All in favor.

A motion was made by Virginia Johnson, seconded by Chuck Clark to file an administrative regulation to allow for temporary licensure for CAPTE educated physical therapists and physical therapist assistants. Motion carried.

Peggy Block gave a Supportive Personnel Task Force report and recommended to the full Board to leave KRS 327 as written. After Board discussion a motion was made by Ron Barbato, seconded by Peggy Block, to reject the recommendation and go back to the committee to continue dialogue in favor of amending the regulation regarding supportive personnel. Motion carried.

Linda Pillow made a report regarding the topic Expungement presented at the FSBPT Annual Meeting.

Michael Spalding, P.T. requested guidelines regarding a cash-based ACL prevention program for athletes. Because physical therapy clinical expertise is being utilized, this would fall under the definition of physical therapy and documentation and supervision requirements of KRS 327 would be necessary.

A motion was made by Ron Barbato, seconded by Peggy Block to schedule Board meetings on the following dates in 2012: January 19, March 15, May 17, July 19, September 13 and November 15. All in favor.

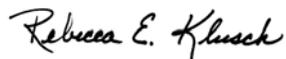
Linda Pillow made a written report on the CAC meeting and discussions of questions on the complaint process were answered.

Board members reviewed and approved the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the financial statement for fiscal year ending October 31, 2011.

A motion was made by Ron Barbato, seconded by Troy Grubb to adjourn the meeting at 5:15 p.m. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rebecca E. Klusch".

Rebecca E. Klusch
Executive Director