



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 March 17, 2011

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

Board Staff: Rebecca E. Klusch, Executive Director

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

Guests: Susan Layton, FSBPT
Jeff Rosa, FSBPT Board Member
Tony Brosky, PT, KPTA Liaison, Bellarmine University
Lisa Volz, KPTA Executive Director
Peri Jacobson, PT, Bellarmine University

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee, was called to order at 9:00 a.m., Wednesday, March 16, 2011, at the Board office. 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 12:30 p.m.

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee, was called to order at 3:15 p.m., Wednesday, March 16, 2011, at the Board office. 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 6:30 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Janice Kuperstein, at 9:00 a.m., Thursday, March 17, 2011, at Board office. A quorum was present.

Motion was made by Chuck Clark, seconded by Virginia Johnson to approve the minutes as amended of the January 20, 2011, Board Meeting. Motion carried.

Complaint Committee

BIC2009-94 Troy Grubb and Chuck Clark recused and left the room during discussion of this complaint. Notice of Administrative Hearing has been filed, Answer has been received. Case is ongoing.

C2010-08 Notice of Administrative Hearing and Order has been filed. Case is ongoing.

C2010-12 Notice of Administrative Hearing and Order has been filed. Mediation is scheduled for March 30, 2011. Case is ongoing.

C2010-17 Case is ongoing.

C2010-18 Case is ongoing.

C2010-20 Case is ongoing.

C2010-22 Case is ongoing.

C2010-24 Case is ongoing.

C2010-26 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 Troy Grubb recused from voting.

C2011-01 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 Chuck Clark. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

C2011-02 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Affidavit from Tim Rogers, D.C. for use of "physical therapy" in website advertising and office representations for Proactive Performance Health Centers. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

C2011-03 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Affidavit from Patrick Thornton, D.C. for advertising "physiotherapy" in a newspaper advertisement and office representations for Better Health Chiropractic and Functional Rehab. Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

BIC2011-04 Case in ongoing.

C2011-05 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 Troy Grubb. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

C2011-06 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Motion carried. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Notice of Immediate Temporary Suspension. Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

BIC2011-07 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 Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein 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; Mary Beth Barcus, PT, Malton Schexneider, PT, Amy Farmer, PT, Lawrence Tatem, PT., Tiffiney Bentley, PT and William Kyle Clark, P.T.A.

James Roe, P.T. – Janice Kuperstein and Ron Barbato recused and left the room during discussion. A motion was made by Chuck Clark, seconded by Peggy Block to file a Notice of Immediate Temporary Suspension for violating the Order of the Board adopting a Conditional Reinstatement of Physical Therapy License and Settlement Agreement incorporating the IPTPC agreement. All in favor.

Mary Beth Barcus, P.T. - A recommendation was made by Troy Grubb, seconded by Virginia Johnson to approve her request for relief of the remaining monitoring requirements. Motion carried.

A motion was made by Troy Grubb, seconded by Virginia Johnson to appoint Karen Ogle, PT to replace Margaret Blain as monitor for Amy Farmer due to a conflict of time. Motion carried.

Carlos Cochran, PT – The Board noted that all information was received from Board Order and found no additional action to be taken.

Board and Administrative Business

A motion was made by Linda Pillow, seconded by Chuck Clark to approve the Remediation Plans for HL, AO and ML and not to approve the Remediation Plan for RF due to insufficient remedial intervention. Motion carried.

A motion was made by Ron Barbato, seconded by Virginia Johnson to continue using the 2011 Jurisprudence Exam for new applicants until the 2013 Jurisprudence Exam is approved and website updated. Motion carried.

Susan Layton and Jeff Rosa representing the FSBPT presented a power point presentation promoting and explaining the aPTitude, a Continuing Competency tool. After a lengthy discussion, a motion was made by Janice Kuperstein, seconded by Peggy Block to amend 201 KAR 22:045 Section 2(2)(a) to add FSBPT to the list of approval agencies for courses and to assist FSBPT in promoting aPTitude as an optional tool for tracking continuing competence. Motion carried.

A motion was made by Janice Kuperstein, seconded by Ron Barbato to table the discussion until the May board meeting on whether to amend the regulations or to file an emergency regulation to allow for temporary licensure due to the limit of availability of the NPTE.

Peggy Block and Chuck Clark will continue drafting the new Jurisprudence Exam for the new biennium.

The new laws were noted for KRS 367 on Solicitation of Services and KRS Chapter 12 a new section on Military and Spouses licensure during active duty.

Linda Moberly, PT inquired about how to document the Plan of Care when availability to interventions may not be available for those services. A physical therapist's responsibility is to make recommendations based on clinical judgment of the individual, while writing a realistic plan of care with frequency based on actual intended frequency.

Other Board Matters

A motion was made by Troy Grubb, seconded by Chuck Clark to send Linda Pillow and Virginia Johnson to the FSBPT board training August 19-21, 2011 in Alexandria, Virginia. This will be funded by the FSBPT. Motion carried.

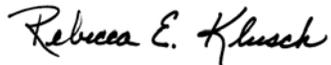
Ron Barbato will attend the KPTA board meeting on March 25 and Janice Kuperstein volunteered to attend the KPTA Chapter meeting on March 26 in Louisville.

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 February 28, 2011.

A motion was made by Ron Barbato, seconded by Troy Grubb to adjourn the meeting at 4:35 p.m. Motion carried.

Respectfully submitted,

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

Rebecca E. Klusch
Executive Director