



## KENTUCKY BOARD OF PHYSICAL THERAPY

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Scott D. Majors, Esq.  
Executive Director

### MINUTES OF MEETING July 17, 2014

Board Members: Linda Pillow, PT, Chair  
Karen Craig Ogle, PT, Chair-Elect  
Ron Barbato, PT  
Charles "Chuck" Clark, PT  
Troy Grubb, PT  
Virginia Johnson, Public Member  
Tina Volz, PT

Board Staff: Scott D. Majors, Executive Director  
Donna Sims, Licensure Coordinator  
Stephen Curley, Investigator

Board Agents: Louis D. Kelly, Esq., Board Counsel  
Brian Fingerson, RPh, IPTPC Director

KPTA Liaison: Janice Kuperstein, PT, PhD, MEd

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Linda Pillow, at 9:03 a.m. on Thursday, 07/17/14, at the Board office. A quorum was present.

#### Welcome of New KBPT Employee

Ms. Pillow introduced to the members new employee Louis D. Kelly who has been appointed to serve as the Board's part-time General Counsel.

#### Minutes for Previous Regular Meeting

Following discussion and review, Ms. Volz made the motion to approve the minutes of the Board meeting of 05/15/14, seconded by Ms. Johnson, which carried.

#### Minutes for Previous Special Meeting

Following discussion and review, Ms. Johnson made the motion to approve the minutes of the Special Board Meeting of 06/12/14, seconded by Ms. Ogle, which carried.

#### Board Discussions, Committees and Opinion Requests

##### Policy and Procedure Manual Review Committee

Ms. Volz offered a report to the Board concerning the Policy and Procedure Manual Review Committee which met on 07/10/14. This Committee is examining the need for both substantive updates and

formatting changes to the current Policy and Procedure Manual, and it is also examining the recent revisions which the Board of Dentistry made to its Manual. Ms. Volz reported that the review process is continuing, and specific recommendations may be offered as early as the next Board meeting.

### **KPTA Continued Competency Committee**

Ms. Volz reported that KPTA's Continued Competency Committee met on 06/19/14. During this meeting, the Committee examined the need to revise the course provider and attendee forms in addition to the course listings on the KPTA website to reflect APTA sections to assist credential holders in locating appropriate courses. Moreover, the Committee is studying the development of FAQ sheets to make available to course attendees and providers. Finally, the Committee is examining whether it may be more appropriate to restructure the corporate sponsorship rates by adopting a tiered arrangement. Further discussion concerning this issue is planned between this Committee and KPTA's Finance Committee.

### **KBPT Newsletter**

Mr. Majors reported that several events and deadlines which were referenced in the proposed newsletter articles provided to the members at the last meeting had changed prior to publication, and updates to these articles were deemed to be needed prior to publication. Mr. Majors agreed to work on these updates and to circulate the final drafts to the members in the near term.

### **FSBPT Annual Meeting**

Mr. Majors reported that FSBPT representatives have advised that conference registration is expected to be activated shortly after FSBPT's Board of Directors completes its meeting on 07/17/14 at which final review and approval of the conference sessions will occur. Following further discussion, Mr. Clark made the motion for the Board to formally authorize and fully fund Ms. Pillow, Mr. Barbato and Ms. Johnson to attend this conference. This motion was seconded by Mr. Grubb, which carried.

### **KBPT Travel Policy**

Mr. Majors reported that FSBPT's decision published on 05/01/14 to eliminate the distinction between "high rate" cities and "non high-rate" or "normal" cities renders as outdated KBPT's travel policy which the Board recently approved during the March meeting. Accordingly, and following discussion, Mr. Grubb made the motion for the Board to revise paragraph (b) of its travel policy as follows:

~~"(b) "actual and necessary" expenses incurred by Board members for individual meal allowances while traveling shall be indexed to the amounts established by FSBPT for "normal" and "high rate" cities, and these cities are to be so determined by reference to the Commonwealth's Finance and Administration Cabinet's Policies and Procedures Manual, incorporated by reference in 200 KAR 5:021."~~

This motion was seconded by Ms. Volz, which carried.

### **Annual Performance Evaluation – KBPT Executive Director**

Ms. Pillow discussed with the members a proposed process for the Board to utilize in its evaluation of the Board's Executive Director's performance. Following discussion, the Board elected to continue its review of an evaluation form and assessment system proposed by Ms. Pillow. Ms. Pillow agreed to have a revised evaluation form circulated to the members for their review prior to the next meeting.

No staff members were present in the meeting room during any portion of the Board's discussion of this matter.

## Opinion Requests

The Board reviewed the following opinion requests:

(1) Mark A. Clark, PT, whether evaluation, management, ordering and fabricating of orthotic devices (i.e., knee braces, back braces, etc.) is within a physical therapist's scope of practice in Kentucky? Following discussion, the Board instructed staff to advise that the definition of Physical Therapy found in KRS 327.010(1) expressly references "the use of assistive devices," and thus the services listed are included within the scope of practice as long as the therapist, in performing these services, otherwise complies with the Code of Ethical Standards set forth in 201 KAR 22:053 Section 1(1)(b), which requires all physical therapists and physical therapist assistants to practice within the scope of the credential holder's training, expertise and experience.

(2) David E. Martin, PTA, DPT, whether a physical therapist assistant should treat a patient without having reviewed a written progress note prepared by a physical therapist, and is thus unlikely to know the patient's current level of function/assessment? Following discussion, the Board instructed staff to advise that the Board's statutes and corresponding regulations do not prohibit a physical therapist assistant from treating a patient prior to reviewing a written progress note as long as the assistant's treatment is consistent with the physical therapist's plan of care; however, prior to treating a patient, a physical therapist assistant should always consult with the physical therapist if the assistant is unclear or unfamiliar with the plan of care.

(3) Mary Mathew, a foreign-educated PT endorsement applicant, whether her work experience serves to substitute for her deficiency in general education? Following the Board's detailed review of Ms. Mathew's resume and description of work experience, and consistent with 201 KAR 22:070 Section 1(2)(a)3, Mr. Barbato made the motion that the Board approve Ms. Mathew's endorsement application to the extent that the academic deficiency in general education coursework identified by the Coursework Evaluation Tool for Ms. Mathew be deemed satisfied by her submission of a portfolio, including a detailed resume, and description of relevant work experience; however, that Ms. Mathew still be required to complete the remaining requirements in 201 KAR 22:070 which apply to foreign-educated physical therapist applicants, including the requirement of supervised practice set forth in 201 KAR 22:070 Section 1(2)(g). This motion was seconded by Ms. Volz, which carried.

(4) Temeka Shuford, a PTA endorsement applicant, whether the Board will approve her application in view of a misdemeanor conviction she received in Fayette County, Kentucky, in 2007. Following the Board's discussion and complete review of her file, coupled with the fact that Ms. Shuford is currently credentialed to practice in Alabama in good standing, Mr. Grubb made the motion that the Board approve Ms. Shuford's application for a PTA certificate by endorsement. This motion was seconded by Ms. Johnson, which carried.

(5) Emily S. Morel, a PT reinstatement applicant, whether her work experience will serve as satisfactory evidence of professional competency to permit approval of her reinstatement application for licensure as a physical therapist. Following the Board's detailed review of Ms. Morel's resume and description of work experience, and consistent with 201 KAR 22:040 Section 4(3)(a), Mr. Barbato made the motion that the Board approve Ms. Morel's application, subject to the following conditions:

(1) Ms. Morel be required to complete at least 120 hours of supervised practice in the state of Kentucky for a time period of at least three (3) months but not to exceed six (6) months. Staff is to provide Ms. Morel a Board-approved evaluation form, and she is to be instructed to provide a copy of this evaluation form to her Kentucky supervisor prior to her Kentucky employment and practice;

(2) prior to beginning her employment and practice in Kentucky, Ms. Morel's supervisor must notify Board staff that s/he has agreed to serve as Ms. Morel's supervisor, and to also acknowledge receipt and review of the evaluation form supplied by Board staff; and

(3) at the end of her supervised practice, Ms. Morel's supervisor be required to submit Ms. Morel's completed evaluation form to the Board for review.

Mr. Barbato's motion was seconded by Ms. Ogle, which carried.

(6) Lindsay Nalley, PT, DPT, whether physical therapists who voluntarily choose to not cross a picket line at a facility which has been unionized could be disciplined by the Board due to job abandonment? Following discussion, the Board instructed staff to advise that, while the term "job abandonment" is not specifically addressed in the Board's statutes or corresponding regulations, depending on the particular circumstances presented, a physical therapist who chooses to not treat a patient under her/his care could be guilty of: (a) substandard care and/or a deliberate or negligent act or failure to act, regardless of whether actual injury to the patient is established, in violation of KRS 327.070(2)(b); (b) evidence of gross negligence or gross incompetence in the practice of physical therapy, in violation of KRS 327.070(2)(i); and/or (c) failing to respect the rights and dignity of all patients, in violation of 201 KAR 22:053 Section 1(1)(a).

### **Civil Matters and Investigations**

#### **2013 Complaint Committee**

BIC2013-15: The Complaint Committee reported that the credential holder in this case, who is under a settlement agreement and whose suspension is scheduled to end 09/01/14, has failed to contact the Board since 01/16/14 and has further failed to initiate any contact the Impaired Physical Therapy Practitioner's Committee ("IPTPC"). The credential holder has also failed to abide by various terms of the settlement agreement; specifically, (a) to make timely payment of a fine, fees and costs; (b) to maintain active contractual participation with the IPTPC of the Board; (c) to comply with all court orders in the underlying criminal cases referenced in the settlement agreement; and (d) to personally appear before the Board as scheduled. Accordingly, the Complaint Committee recommended and moved that, effective 09/01/14, the Board issue both a Notice of Hearing and Charges and an Order of Immediate Temporary Suspension that will continue this credential holder's certificate on active suspension for a period of not less than twelve months pending a final hearing, and that the Board's Executive Director be authorized to sign these documents in substitution of the Board's Chair. This motion was seconded by Ms. Volz, which carried.

C2013-30: The Complaint Committee reported that this case remains ongoing as to allegations of possible fraud and/or misrepresentation, and Board staff referred to the Tennessee Board of Physical Therapy the allegations of possible sexual abuse or harassment based on conduct which may have occurred in Tennessee.

C2013-31: The Complaint Committee reported that this case is ongoing.

C2013-129: The Complaint Committee reported that this credential holder has completed the active suspension component of her Order of Immediate Temporary Suspension and is now prepared to have the underlying aspects addressed which prompted the Order. Following discussion, the Complaint Committee recommended and moved that the Board authorize its General Counsel to attempt to resolve this case through a settlement agreement in which the credential holder be required to maintain active and successful contractual participation with the IPTPC for a period of at least five (5) years and, if settlement efforts prove to be unsuccessful, for General Counsel to prepare for filing a Notice of Hearing and Charges. This motion was seconded by Mr. Barbato, which carried. Mr. Grubb recused himself from any consideration of this matter and stepped outside the Board room during this discussion.

C2013-133: The Complaint Committee reported that prior Board Counsel, Mark Brengelman, was successful in obtaining a signed Letter of Agreement in this case concerning a term protection violation, and a proposed Agreed Order of Dismissal is scheduled to be presented to the presiding Circuit Court Judge for review and approval. Accordingly, the Complaint Committee recommended and moved that

this case be passed until the September meeting at which time a report may be presented that an Order has been filed adopting the Agreed Order, in which event a dismissal of this case may be warranted.

### **2014 Complaint Committee**

C2014-01: The Complaint Committee reported that this case is ongoing.

C2014-05: The Complaint Committee reported that the investigation in this case has uncovered alleged multiple acts committed by the credential holder of engaging in fraud or material deception in the delivery of professional services, including reimbursement, by billing for physical therapy services which were not provided. Based on this investigation and following discussion, the Complaint Committee recommended and moved that the Board authorize its General Counsel:

(A) to attempt to resolve this case through a settlement agreement in which the credential holder, among other terms:

(1) has her/his certificate publicly reprimanded;

(2) be required to pay a fine and the Board's investigative, administrative and legal costs;

(3) be placed on probation for a period of at least three years;

(4) has her/his practice of physical therapy undergo monitoring by a Board-approved monitor on a quarterly basis and on-site supervision during the period of probation; and

(5) be required to successfully complete additional continuing education course work consisting of ethics and documentation, as approved by the Board; and

(B) if settlement efforts prove to be unsuccessful, for General Counsel to prepare for filing a Notice of Hearing and Charges.

This motion was seconded by Ms. Johnson, which carried.

C2014-06: The Complaint Committee reported that prior Board Counsel, Mark Brengelman, was successful in obtaining a signed Letter of Agreement in this case concerning a term protection violation and that all reference to "physical therapy" has been deleted from the business' website. Therefore, the Complaint Committee recommended and moved that this case be closed pending confirmation of compliance with regard to the business' informational brochure. This motion was seconded by Mr. Barbato, which carried.

C2014-07: The Complaint Committee reported that this case is ongoing.

C2014-08 and C2014-10: The Complaint Committee reported that the investigation in C2012-08 is ongoing and the Board's investigator is actively monitoring the results of an investigation performed by local law enforcement involving allegations of professional misconduct committed by a credential holder resulting from an alleged sexual assault of an elderly resident. The Complaint Committee further reminded the Board that, following a report from the Board's investigator presented during the meeting on 06/12/14 concerning both C2014-08 and C2014-10, the Board voted to issue an Order requiring the credential holder to submit to a residential examination by a psychologist, physician, or certified alcohol and drug counselor designated by the Board to determine the credential holder's psychological or physical status to practice physical therapy, and to request of the evaluator that the written evaluation and any recommendations be submitted to the Board by 07/15/14. A preliminary draft of this written evaluation, with recommendations, was reviewed by the Complaint Committee on 07/16/14. As a result

of this evaluation and recommendations, particularly the results of Peth testing and CBC and liver panel blood analysis, the evaluator concluded that the credential holder was actively addicted to alcohol and was currently not fit for duty as a physical therapist.

Respecting the preliminary nature of this written evaluation, and confirming with the evaluator that the factual basis for the evaluation and recommendations were not subject to change prior to issuance of the final version of the evaluation and recommendations, the Complaint Committee recommended and moved that the Board:

(A) issue an Order of Immediate Temporary Suspension, as there is reasonable cause for the Board to conclude that the credential holder indulged in excessive use of alcoholic beverages or abusive use of controlled substances, as well as being impaired by reason of a mental, physical, or other condition that impedes his or her ability to practice competently, all in violation of KRS 327.040(14), KRS 327.070(2)(a), and KRS 327.070(2)(m); and

(B) authorize its Executive Director to sign this document in substitution of the Board's Chair.

This motion was seconded by Mr. Barbato, which carried.

C2014-11: The Complaint Committee reported that this new case involves allegations of possible substandard care and gross negligence. Following consideration, the Complaint Committee recommended and moved the Board to authorize that an investigation be opened. This motion was seconded by Ms. Volz, which carried.

C2014-12: The Complaint Committee reported this credential holder is currently under a 2011 settlement agreement with the Board ("Settlement Agreement") based on a violation of KRS 327.020(2)(a) (indulgence in the excessive use of alcoholic beverages) and KRS 327.070(2)(k)(violating a lawful order of the Board). This Settlement Agreement contained terms requiring the Respondent to:

(A) "abstain from using alcoholic beverages as well as abstain from the use of illegal drugs or the use of drugs illegally or the use of schedules drugs, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose..."

(B) "notify the Board, in writing, within five (5) days of any arrest or citation of the Respondent..."

The Complaint Committee further reported that the Settlement Agreement also provided that, if this credential holder violated any provision of the Settlement Agreement or failed to comply substantially with any other provision of KRS Chapter 327, the Board shall either "revoke the license of the Respondent or shall issue an active suspension of not less than two (2) years, whichever action is appropriate in the discretion of the Board."

The Complaint Committee further reported that on June, 5, 2014, the credential holder was cited for, among others, Operating a Motor Vehicle Under the Influence of Drugs with an Aggravating Circumstance (1<sup>st</sup> Offense), and Possession of Drug Paraphernalia, and Possession of a Controlled Substance (2<sup>nd</sup> Degree) in Scott District Court, and that the records relating to these charges indicate that a law enforcement officer observed the credential holder driving erratically and indicating signs of intoxication including, but not limited to, visible signs of impairment based upon his training along with drug paraphernalia that resulted in a positive field test for heroin. The Complaint Committee further reported that the credential holder failed to inform the Board of his arrest within five (5) days of his arrest, as required under the Settlement Agreement.

Consequently, and following discussion, the Complaint Committee recommended and moved that the Board:

(A) issue both a Notice of Hearing and Charges and an Order of Immediate Temporary Suspension, as there is reasonable cause for the Board to conclude that the credential holder failed or refused to obey an administrative regulation of the Board; indulged in excessive use of alcoholic beverages or abusive use of controlled substances; and is impaired by reason of a mental, physical, or other condition that impedes his or her ability to practice competently, all in violation of KRS 327.040(14), KRS 327.070(2)(a), KRS 327.070(2)(k), and KRS 327.070(2)(m); and

(B) authorize its Executive Director to sign these documents in substitution of the Board's Chair.

This motion was seconded by Ms. Volz, which carried.

C2014-13: The Complaint Committee reported that this new case involves allegations of possible fraud or material deception in the delivery of professional services, including reimbursement. Following consideration, the Complaint Committee recommended and moved the Board to authorize that an investigation be opened. This motion was seconded by Mr. Grubb, which carried.

### **IPTPC Report**

Mr. Fingerson presented the IPTPC report dated 07/08/14. IPTPC cases which previously have come to the attention of the Board, or were discussed at length during the Complaint Committees' reports, were reviewed.

### **Update on Monitoring Probations**

The Board noted the following credential holders who are presently being monitored: Ron Cole, PT; Lawrence Tatem, PT; Jon-Mark French, PTA; Andreanna Gibbs, PTA; Art Nitz, PT; Lori Oakley, PTA; Jeremy Kruger, PT; and Tiffiney S. Bentley, PT. Monitor reports were submitted by the Board-appointed monitors and considered by the Board for Mr. Nitz and Mr. Kruger.

The Board also considered Mr. Nitz's request to be relieved from further monitoring with respect to his amended settlement agreement and probationary period. Following discussion, the Board instructed staff to notify Mr. Nitz that his request was being denied at this time by reason that, as of 07/17/14, the date of the Board meeting, he had not had the required eight monitoring visits needed for the Board's consideration of his request, per the express language of his amended settlement agreement, and thus the Board had determined that his request was submitted prematurely. The Board further instructed staff to advise Mr. Nitz that it would be willing to consider a new request submitted by him at its next regularly scheduled meeting, 09/25/14, and determine at that time whether his request may be granted.

Finally, Board staff reported that Ernestine Brashear, PT, has agreed to serve as Ms. Bentley's monitor, subject to Board approval. Following discussion, Ms. Pillow made the motion for the Board to appoint Ms. Brashear as Board monitor for Ms. Bentley. This motion was seconded by Mr. Barbato, which carried.

## **REPORTS AND OTHER BUSINESS**

### **Legal Report**

### **Status of Proposed Regulation and Proposed Amendments to Regulations**

Mr. Majors reported that the Interim Joint Committee on Health and Welfare was scheduled to consider the Board's two pending administrative regulations, 201 KAR 22:040 (Verification of Continued Competence for Reinstatement Applicants) and 201 KAR 22:160 (Telehealth) at its meeting on 07/16/14 but elected not to take up regulations due to the relative length of its agenda. Accordingly, and pursuant

to KRS 13A.290(6)(a)1 and KRS 13A.330(1)(b), the amendments to 201 KAR 22:040 and the new telehealth regulation are now scheduled to become effective on 08/01/14.

Following discussion, Mr. Majors was requested to draft a letter for Ms. Pillow's signature addressed to the members of the Telehealth Administrative Regulation Review Committee in which the Board's sincere gratitude and appreciation was expressed due to the members' service.

### **KBPT's Authority to Issue Orders of Immediate Temporary Suspension**

Ms. Pillow, Mr. Barbato and Mr. Majors discussed with the Board the limitations to the language in KRS 327.040(14). Most notably, this language does not authorize the Board to issue orders of immediate temporary suspension for criminal convictions, reciprocal discipline, patient abandonment, or sexual offenses – categories which are frequently included in temporary suspension statutes for other regulatory boards. The Board elected to examine the issue further to determine whether these changes, and others, warrant an opening of the Board's Practice Act through new legislation or promulgation of new administrative regulations.

### **KPTA Liaison to KBPT Report**

Dr. Kuperstein offered a report on the following topics:

1. Plan for AT Bill in 2015  
A joint meeting between the KOTA, KPTA and KATS took place early in 2014 to discuss the athletic trainers' intention to bill insurance. There were concerns expressed over supervision, outcomes, definition of athlete, etc. KMA expressed similar concerns, and the AT legislation was withdrawn. KPTA will try to schedule a meeting with KMA, KOTA & KATS to discuss this further.
2. PT/OT Peer Review Legislation  
Based on the recent chiropractor bill, a suggestion was made that a PT's or OT's chart review conducted by an insurance company should be conducted by a PT or OT, respectively. The decision was made to investigate this matter further before deciding whether to pursue legislation.
3. PTA Licensure Legislation  
APTA is encouraging all states to pursue the change to PTA licensure, primarily due to the perception that "certified" personnel are not as qualified as "licensed" practitioners. This change, if adopted, will elevate the respect of PTAs to that of other healthcare professionals (i.e. ATCs being licensed, etc.). If the decision is made to pursue this change, KPTA may also consider a few other minor, relatively non-controversial issues to address at the same time: two that were discussed were grace periods and expunging records of minor violations. This topic will be revisited at a later time based on legislative climate. KPTA will keep the Board apprised if the decision is made to move forward.
4. Recent APTA House of Delegates actions included RC 9-14, which would have APTA pursue a uniform designation of DPT for all PTs in all jurisdictions. The original charge had an implementation date by 2020 but, after discussion, the date was moved back to 2025. This motion passed with strong support.

The Board reiterated that FSBPT recently rejected the proposal to pursue this action.

APTA would also like to see all state boards implement protection of "DPT", similar to the protection provided to "PT". The premise is that as we move toward complete doctoral education, DPT, like MD, DO, DDS, DPM, will be all that is needed after a therapist's name that designates them as a physical therapist. The KPTA expressed concerns that this proposal would not properly identify those who have received the DPT educational degree but who are also

unlicensed. KPTA will seek further clarification as to APTA's position relative to KPTA's concerns.

5. The Kentucky Student Conclave is scheduled for 09/12-13/14 in Louisville. Although the conclave is specifically tailored for students, KPTA welcomes any involvement which the Board may be interested in pursuing.
6. KPTA's annual conference is scheduled for 09/26-27/14 in Lexington. The "Celebration of You," member reception & awards presentations is set for 09/26/14 at 7:00p.m. at the Barrel House followed by educational programming on 09/27/14 from 8:00 a.m. to 5:00 p.m. at Baptist Health Lexington. KPTA's business meeting will be held at 12:00p.m. on 09/27/14.

## **Director's Report**

### **Financial Report**

The Board reviewed monthly, quarterly and 2014 YTD annual FAS3 financial reports addressing the Board's revenues and expenditures. Mr. Majors also provided a report concerning: (a) the Board's surplus remaining at the end of the FY 2013-2014 biennium; (b) a process of renegotiating Stephen Curley's investigative costs from \$40 per hour to \$48 per hour with various regulatory boards within the Office of Occupations and Professions which use Mr. Curley's services; and (c) the projected \$90 million budgetary deficit facing the Commonwealth of Kentucky for FY 2014.

Ms. Pillow and Mr. Majors also discussed with the Board the concept of having a standing committee meet on a regular basis to examine the Board's finances and budgetary issues so the Board's current officers will be well-equipped to address inquiries from constituents, etc., concerning the Board's financial affairs. Following further discussion, Ms. Volz made the motion for the Board to appoint the Board's Chair and Chair-Elect to serve on a permanent, standing Finance Committee with the Board's Executive Director, and for this Committee to meet at least quarterly. This motion was seconded by Mr. Grubb, which carried.

### **KBPT Staff Position**

Mr. Majors reported that Krista Barton has accepted the offer to become the Board's new Executive Secretary III, that she has satisfied all screening criteria, and that she is scheduled to begin her position with the Board effective 09/01/14.

### **KBPT Office Space**

Mr. Majors circulated to the members for their review a computer-aided design prepared by representatives of the Real Property Division of the Department of Finance relative to future expansion of the Board's office space. As no associated cost proposals have been submitted to the Board for consideration, Mr. Majors did not request Board approval for this specific design. Mr. Majors agreed to provide the Board an update at the next meeting.

### **Malpractice Report**

Mr. Majors provided the members with a copy of the Department of Insurance Public Protection Cabinet's report of health care providers with settlement and/or judgments, dated 07/07/14 covering the period from 04/01/14 through 06/30/14 in which no credential holders of the Board were listed.

### **KBPT Website Design: FSBPT's Input**

Similar to his report offered at the last meeting, Mr. Majors reported that a representative with FSBPT has not yet contacted Board staff concerning an evaluation of the Board's website in an effort to increase its

consumer-friendliness. Mr. Majors has requested FSBPT to conduct this evaluation, which is expected to be scheduled in the near future.

### **FSBPT's 2<sup>nd</sup> Quarter Legislative Activity Report**

Mr. Majors circulated to the members for their review a copy of FSBPT's 39 page 2<sup>nd</sup> quarter legislative activity report which encompasses all 53 member boards.

### **FSBPT's Licensure Compact Advisory Task Force**

Mr. Majors offered a brief report concerning a meeting held on 07/12-13/14 by FSBPT's Licensure Compact Advisory Task Force. Mr. Majors advised that the work product resulting from this task force is still quite fluid and subject to major changes, thus no concrete information can be released at this time. It is expected that FSBPT will appoint a few members of this Task Force to serve on a Drafting Team whose charge will be to draft proposed model language for further consideration by the entire Task Force and, in time, possibly the Delegate Assembly.

### **KBPT Records Retention and Destruction Procedure**

Mr. Majors reported that on 07/15/14 he met with executive directors with several regulatory boards and with Jim Cundy, Manager for the State Records Branch, Public Records Division, Kentucky Department for Libraries and Archives ("KDLA"), to discuss the adoption of a uniform policy for regulatory boards concerning the retention, archiving and destruction of business records. In particular, Mr. Majors advised that KDLA's proposal would reduce the Board's minimum records and retention schedule to twenty years for both license files and complaint files which were substantiated, although the Board would be free to retain these files for a period longer than twenty years. Additionally, KDLA's proposal would extend the Board's minimum records retention schedule from five years to ten years after case closure for complaint files which were not substantiated. Following discussion, the Board reached a consensus that it can support all three of KDLA's proposed retention schedules as a part of a general schedule that will apply to all regulatory boards and agencies. Mr. Majors advised that he will relay this information to KDLA for its consideration.

### **Miscellaneous News Articles**

Mr. Majors circulated to the members for their review various news articles relating to the regulation of physical therapy.

### **NPTE Comment Summary and Candidate Satisfaction Survey Report**

Mr. Majors circulated for Board review a copy of the latest NPTE Comment and Summary and Candidate Satisfaction Survey Report.

### **KBPT School Presentations: Applications and Jurisprudence Examinations**

Mr. Majors provided a report concerning school presentations conducted, and scheduled to be conducted, by Board staff relating to initial license application and the administration of the Jurisprudence Examination.

### **Conferences Relating to Physical Therapy**

The Board reviewed the following schedule of upcoming conferences:

- a. FSBPT – Leadership Issues Forum ("LIF")  
(08/02-03/14 – Alexandria, VA)  
(Tina Volz – KBPT Representative)

- b. CLEAR -- 2014 Annual Educational Conference  
(09/08-13/14 – New Orleans, LA)  
(Stephen Curley – KBPT Representative)
- c. FSBPT -- 2014 Annual Meeting, Conference and Delegate Assembly  
(09/18-20/14 – San Francisco, CA)  
(Linda Pillow, Ron Barbato and Virginia Johnson – KBPT Representatives Funded By KBPT)
- d. FARB – 2014 Attorney Certification Seminar  
(10/03-05/14 – Annapolis, MD)  
Mr. Majors reported that he will not be attending this seminar this year, and he requested that the Board consider authorizing Mr. Kelly to attend as the Board's new General Counsel to assist in his orientation and general education in the field of administrative law. Following discussion, Ms. Johnson made the motion for the Board to cover Mr. Kelly's associated travel expenses and registration fees to attend this conference. This motion was seconded by Ms. Ogle, which carried.
- e. FSBPT -- Ethics and Legislation Committee – 2014 Meeting #2  
(11/01-02/14 – Alexandria, VA)  
(Scott Majors – KBPT Representative)
- f. CAPTASA – 2015 Conference Workshop  
(01/30-31/15 – Lexington, KY)
- g. FSBPT -- 2015 Annual Meeting, Conference and Delegate Assembly  
(10/15-17/15 – Orlando, FL)

**New licensees/reinstatements/renewal applications**

Mr. Barbato made the motion to review, approve and ratify the lists of persons issued licenses and certificates since the last meeting, as well as a list of examinees and reinstatements. This motion was seconded by Ms. Volz, which carried. The lists are attached to these minutes.

A motion was made by Mr. Barbato to adjourn the meeting at 5:10 p.m. The motion was seconded by Ms. Volz, which carried.

Respectfully submitted,



Scott D. Majors  
Executive Director