



KENTUCKY BOARD OF PHYSICAL THERAPY NEWSLETTER

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November 2012

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Executive Director Retires!!

We must say goodbye to our Executive Director, Becky Klusch, who retired effective September 1, 2012, following a fifteen year tenure with the Board. She joined Board staff in 1997 as its Fiscal Officer, having served for six years in a similar position with the Kentucky Board of Medical Licensure. The Board's first Executive Director, Nancy Brinly, PT, assumed a mentoring role to Becky, such that Becky was well-prepared and ably-qualified to assume the Executive Director position upon Nancy's retirement three years later.

During her successful tenure as Executive Director, Becky actually served the Board in several capacities. She served on the Board's Complaint Committee, the Impaired Physical Therapy Practitioners Committee, and the Continued Competency Committee for the Kentucky Physical Therapy Association. During Becky's stewardship, the Board experienced substantial changes. She was instrumental in developing the Board's website, the procedures for online renewal of credentials and, ever the fiscally responsible steward, paperless board meetings. Through her perseverance, Becky cultivated a philosophy that "protection of the public" is truly the Board's mission.

Becky plans to travel and spend more time with her children and grandchildren. Retirement will not slow this lady down...Becky vacationed in Italy in September, and most recently in Denver, Colorado. She will remain in the PT world a while longer, as she is currently a member of the Education Committee for the Federation of State Boards of Physical Therapy. Congratulations, Becky: we wish you many wonderful and productive years of retirement!



Former Board Member Reappointed

Tina Volz, PT, was reappointed by Governor Steven L. Beshear on August 2, 2012, to serve on the Board for another term, which will expire in August 2016.

Tina first served on the KY Board of Physical Therapy from 2002 through 2005. She has been a member of APTA/KPTA since 1977, and currently serves on the Continued Competency Committee for KPTA. An alumnus of the University of Kentucky, Tina states she is now 'semi-retired,' working part-time at Baptist Hospital East in Louisville after being employed at that facility for over thirty years. With her vast years of experience and knowledge in the field of physical therapy, Tina will be a great asset to our Board.



Board Term Expires for Janice Kuperstein

Unfortunately, we must bid farewell to Janice Kuperstein, PhD, PT, of Lexington whose term on the Board expired August 2, 2012. Janice serves as Chair of the Department of Rehabilitation Sciences, College of Health Sciences, at the University of Kentucky. While her numerous contributions offered as a Board member will be missed by students, practitioners and educators alike, what her colleagues will miss most is her unwavering commitment to improving the profession of physical therapy. Her zeal and passion for educating and fostering the development of young minds was infectious.

Thank you, Janice, for your enthusiasm, friendship, and focus on ethical practice during your tenure on the Board: without question, you have enriched our profession!

Welcome – New Executive Director

The Board is pleased to announce the appointment of Scott Majors as its new Executive Director following the retirement of Becky Klusch on September 1, 2012. Scott comes to the Board from the Judicial Conduct Commission where he served as its Executive Secretary. Having previously served as prosecutor for the Kentucky Board of Nursing and the Kentucky Bar Association; general counsel for the Kentucky Board of Examiners of Psychology; and mediator and hearing officer with the Attorney General's Office, Scott has extensive experience with state administrative boards and agencies. For more than twenty years Scott has served as a continuing education speaker on topics pertaining to administrative adjudication, licensing regulation, disciplinary procedures, and professional ethics.

Scott earned degrees in both Psychology and Law from the University of Kentucky. Scott's wife, Joan, is an IT program manager with Humana. They have two children: Chris Allen, a business analyst with Humana; and Courtney Allen, a second-year medical student at Lincoln Memorial University.

Scott considers himself an automobile enthusiast. He also enjoys French literature (in translation), long distance bicycling, piano performed skillfully (i.e., by someone other than himself), and technology that simplifies our lives but does not complicate them.

Please join the Board in welcoming Scott to the profession of physical therapy!



Another Goodbye...Mark Brengelman Retires

After fifteen years of service to the Board, Mark Brengelman has retired from the Office of the Attorney General and as General Counsel to the Board.

Mark became interested in law when he graduated with both Bachelor's and Master's degrees in Philosophy from Emory University in Atlanta. He then earned a Juris Doctorate from the University of Kentucky, College of Law. In 1995, Mark became an Assistant Attorney General and focused in the area of administrative and professional regulatory law. In 2012, he also became a certified hearing officer. Mark represented the Board since July 1997 as General Counsel and Prosecuting Attorney.

Mark was a frequent national participant in continuing education and has been a presenter for multiple national and state organizations including the Federation of State Boards of Physical Therapy. Currently, Mark opened his own law practice to focus on government services and consulting, continuing education, and the representation of health care practitioners before licensure boards and in professional regulatory matters.

The Board appreciates Mark's knowledge, dedication, and commitment to our agency throughout his years of service. Thank you, Mark!

Renewal Requirements – Jurisprudence Exam & Continued Competency

License renewal will begin in January 2013. All licenses and certificates expire March 31, 2013 if not renewed. Online renewal will go live January 2, 2013. Detailed instructions for renewal will be posted on our website the last of December.

Are you ready to renew? Have you completed the Jurisprudence Exam and the continued competency requirements for this biennium?

Per 201 KAR 22:045, the Jurisprudence Examination is required for all PTs and PTAs as part of the continued competency requirement for renewal. This is an open-book exam and counts for 2 contact hours. Download a copy of our Practice Act directly from our website for use during the exam. Print your certificate and verify it is for the biennial period ending 3/31/2013.

Continued competency must be earned from **April 1, 2011** through **March 31, 2013**. Physical Therapists are required to have 30 contact hours, and Physical Therapist Assistants are required to have 20 contact hours. Check out the Continued Competency page on our website to obtain a Tracking Form, view approved courses, obtain applications for course approval, and review the most current regulation on continued competency requirements.

If you graduated from a PT or PTA program in the current biennium, your education meets the continued competency for this biennium per 201 KAR 22:045 Section 2 (2)(b).

Change of Home Address, Worksite, or Name

Have you moved? Are you working at a new location? Report any changes within 30 days; it's the law! You may change your contact information online at <http://pt.ky.gov>, or by email, mail, or fax to our office. For name changes, send the legal document which authorizes the change.

Also, as more and more information is being sent electronically, please update your email address with us. Our email is KYBPT@ky.gov.



Regulation Changes Affecting Members of U.S. Armed Forces 201 KAR 22:040 and 201 KAR 22:045

The following amendments to the Board's regulations address important issues affecting the renewal and continued competency requirements for members of the Armed Forces of the United States. These regulatory amendments were submitted to the Legislative Research Commission in Frankfort, and they were considered by the Administrative Regulation Review Subcommittee and the Interim Joint Committee in Health and Welfare earlier in the legislative cycle. Following the completion of these steps, the amendments detailed below became effective on September 19, 2012.

ISSUE #1: The Kentucky Legislature recently passed KRS 12.355 which effectively provides that the Board of Physical Therapy ("Board"), as a state administrative body, shall permit any member of the Armed Forces of the United States on active duty, who at the time of activation was either a member or credential holder of the Board, to renew their credential without the payment of dues or fees.

The new language of the applicable Board regulation incorporates this legal mandate of KRS 12.355 by establishing a procedure by which active members of the Armed Forces may seek a waiver of their renewal fees, as follows:

201 KAR 22:040. Procedure for renewal or reinstatement of a credential for a physical therapist or a physical therapist assistant.

Section 1. A credential shall be renewed upon:

- (1) Payment of the renewal fee established in 201 KAR 22:135 on or before March 31st of each uneven numbered year. The fee shall be waived for renewal of license or certificate held by active duty member of Armed Forces as set forth in KRS 12.355. . . .*

Additionally, Section 5(1) of this regulation was amended as a "housekeeping measure" by updating the reference to the "February 2009" renewal or reinstatement application to reflect the latest version of the application, which is "June 2012".

ISSUE #2: KRS 12.355, referred to above, also effectively provides that the Board of Physical Therapy ("Board"), as a state administrative body, shall permit any member of the Armed Forces of the United States on active duty, who at the time of activation was either a member or credential holder of the Board, and under special circumstances, to receive a waiver of their continued competency requirements.

The new language of the applicable Board regulation incorporates this legal mandate of KRS 12.355 by establishing a procedure by which active members of the Armed Forces may seek an exemption from their continued competency requirements, as follows:

201 KAR 22:045. Continued competency requirements and procedures.

Section 2 (5) Exemption and extension.

- (a) A licensee shall be granted a temporary hardship extension for an extension of time, not to exceed one (1) renewal cycle, if the licensee:*

- 1. Files a completed Exemption or Extension [of Time] for Completion of Continued [Continuing] Competency Form, including a plan describing how the required credits will be met; and*
- 2. Submits documentation showing evidence of undue hardship by reason of the licensee's:*
 - a. Age;*
 - b. Disability;*
 - c. Medical condition;*
 - d. Financial condition; or*
 - e. Other clearly mitigating circumstance.*

- (b) A licensee shall be granted a temporary nonhardship extension of time if the licensee cannot show undue hardship and if the licensee:*

- 1. Files a completed Exemption or Extension [of Time] for Completion of Continued [Continuing] Competency Form, including a plan describing how the required credits will be met, by March 31 of the odd-numbered year in the renewal cycle for which the extension is sought;*
- 2. Pays a fee of \$250;*
- 3. Has not received a temporary nonhardship extension of time in the prior renewal cycle; and*
- 4. Files proof of compliance with the continued [continuing] competency requirements by the following July 1.*

- (c) A licensee on active military duty shall be granted an exemption from continuing competency requirements as established in KRS 12.355.*

Additionally, the reference in 201 KAR 22:045 Section 3(1) to the "April 2012" continued competency form was revised as a "housekeeping measure" to reflect the latest version of the form, which is "June 2012".

Disciplinary Actions March 2012 – November 2012



The following is a summary of disciplinary actions taken by the Board since the last Newsletter was published. It is intended as a summary for informational purposes only. All information is believed to be accurate. However, complete terms of each disciplinary action are contained in the Board's records. Monetary amounts paid to the Board may reflect the investigative costs and not necessarily the scope and severity of the violation(s).

Michael Harris, PTA

Date: 3/15/2012

Alleged Violation: KRS 327.070(2)(k) and 201 KAR 22:053 § 5(2)

Final Action: Settlement Agreement- admits the Board would be able to prove more than one (1) count of a violation of KRS 327.070(2)(k) by failing or refusing to obey an administrative regulation of the Board, 201 KAR 22:053 § 5(2) by failing to include in the physical therapy record of the patient, progress notes which shall be signed and dated by the person rendering treatment. Reprimand, one year probation, quarterly monitoring of practice, \$100.00 fine, \$250.00 administrative fees, continuing competency courses, and personally appear before the Board.

Lori Oakley, PTA

Date: 7/24/2012

Alleged Violation: KRS 327.070(2)(f)

Final Action: Conditional Grant of Certificate and Settlement Agreement- Admits to one (1) count of violation of KRS 327.070(2)(f) by being convicted of a felony. Reprimand, five years probation, bi-yearly monitoring of practice, \$250.00 fine, continuing competency courses, onsite supervision, no home health, and personally appear before the Board.

Rebecca Combs, PT

Date: 11/15/2012

Alleged Violation: KRS 327.070(2)(a) and KRS 327.070(2)(f)

Final Action: Order and Conditional Reinstatement of License and Settlement Agreement -- Admits the Board could prove one count of a violation of KRS 327.070(2)(a) by indulgence in the excessive use of alcoholic beverages or the abusive use of controlled substances, and one (1) count of a violation of KRS 327.070(2)(f) by being convicted of a felony. Reprimand, five years suspension, fully probated, IPTPC, direct supervision, no home health, 12 additional CEU hours, and personally appear before the Board.

Immediate and Temporary Suspension and Reinstatement for the following:

Thomas McGinnis, PTA

Date: 11/15/2012

Alleged Violation: KRS 327.070(2)(a) and KRS 327.070(2)(m)

Action: Immediate Temporary Suspension, effective 8/2/2012: Order and Conditional Reinstatement of Certificate and Settlement Agreement — Admits the Board would be able to prove one (1) count of a violation of KRS 327.070(2)(a) by indulgence in the excessive use of alcoholic beverages or the abusive use of controlled substances, and one (1) count of KRS 327.070(2)(m) by being impaired by reason of a mental, physical, or other condition that impedes his or her ability to practice competently. Reprimand, one year suspension fully probated, IPTPC, 12 additional CEU hours, and personally appear before the Board.

Cease & Desist Orders

March 2012-November 2012

The following is a list of violations of KRS 327.020(3) *"It shall be unlawful for any person, or for any business entity, its employees, agents, or representatives to use in connection with his or its name or business activity the words "physical therapy," "physical therapist," "physiotherapy," "physiotherapist," "registered physical therapist," the letters "P.T.," "L.P.T." or any other words, letters, abbreviations or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied or to bill for physical therapy unless such physical therapy is provided by or under the supervision of a physical therapist licensed and practicing in accordance with this chapter."*

Michael Ciresi, General Manager for Urban Active, Louisville, a Cease and Desist Affidavit was signed regarding the unlawful use of the letters "PT" in an advertisement.

Freddie Montgomery Jr., Personal Trainer, PT Guru Fitness, Hopkinsville, a Cease and Desist Affidavit was signed regarding the unlawful use of the letters "PT."