



KENTUCKY STATE BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING May 17, 2007

Board Members Present: Troy Grubb, PT, Chair
Debra Turner, PT
Ron Barbato, PT
Kristie Cochrane, PT
Margaret Blain, PT
Board Staff: Rebecca E. Klusch, Executive Director
Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Brian Fingerson, R.Ph.
Board Member Absent: Peggy Block, PT
Guests: Jennifer Baker, PTA Temporary

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 2:00 p.m., Wednesday, May 9, 2007, at Board Office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Troy Grubb to come out of closed session, seconded by Debra Turner. All in favor 2/0. The committee meeting adjourned at 7:30 p.m.

A meeting of the Kentucky State Board of Physical Therapy was called to order by Board Chair, Troy Grubb, at 9:10 a.m., Thursday, May 17, 2007, at Board Office. A quorum was present.

Motion was made by Debra Turner, seconded by Ron Barbato to approve the minutes as amended of the March 22, 2007, Board Meeting. Motion carried.

Complaint Committee

Mark Brengelman reported on the pending appeal from Franklin Circuit Court, *KSBPT v Dubin Orthopaedic Centre, P.S.C.* Oral argument is scheduled for June 19, 2007, at Jefferson County Judicial Center.

C2006-20 Case is ongoing.

C2006-21 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit by Paul Constante, D.C. and Stephen Boutin, D.C., Dynamic Chiropractic & Rehab. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-01 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Notice of Administrative Hearing and Order with Settlement Authority. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-02 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-03 Case is ongoing.

C2007-04 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Notice of Administrative Hearing and Show Cause Order with Settlement Authority. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-05 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-06 Case is ongoing.

C2007-07 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit by Mark Hines, DC, Campbellsburg Chiropractic. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-08 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Notice of an Immediate and Temporary Suspension with Settlement terms. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-09 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-10 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-15 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-16 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-17 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-18 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-19 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-20 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel and IPTPC, to open an investigation. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-21 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-22 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to send an informative letter referring to KRS 327.020. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-23 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-24 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-25 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-26 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-27 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-28 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Preliminary Denial of Reinstatement of Licensure due to being disciplined in Ohio with Settlement Authority given to Board Counsel. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-29 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

Update on Monitoring Probations

Update on monitoring probations were given for the following with approval: Gordon Clancy, PT, Charles Buster, PTA, Bruce Taylor, PT, and Shayne Ferguson, PT.

Board and Administrative Business

A motion was made by Troy Grubb, seconded Ron Barbato, to grant Bryan Bonzo, PT, an extension until November 1, 2007, to demonstrate compliance to the audit of continued competency per 201 KAR 22:045.

A motion was made by Troy Grubb, seconded Debra Turner, to grant Helen Livingston, PT, an extension until November 1, 2007, to demonstrate compliance to the audit of continued competency per 201 KAR 22:045.

The Board reviewed the email from April Guin and the Board will draft a response stating venipuncture is not a regulated service for which licensure is required and is not addressed in the laws governing the practice of physical therapy in Kentucky as contained in KRS Chapter 327.

A motion was made by Margaret Blain, seconded by Kristie Cochrane to elect Debra Turner, Chair and Ron Barbato, Chair Elect for the Fiscal Year beginning July 1, 2007.

A motion was made by Troy Grubb, seconded by Ron Barbato to establish a third personnel position and possibly contract with a temporary agency until the new position is filled. Motion is made.

Other Board Matters

Ron Barbato made a report regarding the KPTA RFP (Referral for Profit) task force.

Margaret Blain, liaison to the KPTA, made a report on KPTA Board news.


The Board reviewed and approved the year-to-date financial statement.

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

A motion was made by Margaret Blain, seconded by Debra Turner, to reschedule the next Board meeting from July 19 to July 18, 2007. The Complaint Committee is scheduled to meet on June 19, 2007 at 1:00 p.m. and July 17, 2007 at 2:00 p.m. KRS 327 revision workshop is scheduled for August 13, 2007, beginning at 9:00 am at The Hyatt Place.

A motion was made by Ron Barbato, seconded by Kristie Cochrane, to adjourn the meeting at 3:40 p.m. All in favor 4/0.

Respectfully submitted,


Rebecca E. Klusch
Executive Director