



KENTUCKY STATE BOARD OF PHYSICAL THERAPY

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING March 14 and 22, 2007

Board Members Present: Troy Grubb, PT, Chair
Debra Turner, PT
Ron Barbato, PT
Kristie Cochrane, PT
Peggy Block, PT

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Bill Curley, Investigator
Brian Fingerson, R.Ph.
Cheryl Hawkins, UK Pharmacy Student

Board Member Absent: Margaret Blain, PT

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 2:00 p.m., Wednesday, March 14, 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 7:20 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, March 22, 2007, at Board Office. A quorum was present.

Motion was made by Ron Barbato, seconded by Peggy Block to approve the minutes as amended of the January 10-11, 2007, Board Meeting. The motion carried 4/0.

Motion was made by Ron Barbato, seconded by Debra Turner to approve the minutes as amended of the February 26, 2007, Special Board Meeting. The motion carried 4/0.

Complaint Committee

Mark Brengelman reported on the pending appeal from Franklin Circuit Court, *KSBPT v Dubin Orthopaedic Centre, P.S.C.*

C2006-14 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Private Admonishment for violation of 201 KAR 22:053 Section 5(2). The Board approved the recommendation, seconded by Ron Barbato. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-18 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Private Admonishment for violation of KRS 327.070(2)(b) by violating 201 KAR 22:053 Section 2(2)(a). The Board approved the recommendation, seconded by Peggy Block. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

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 close case due to compliance of changing the outdoor display sign by returning the signed 10 day demand letter from Dynamic Chiropractic & Rehab. The Board approved the recommendation, seconded by Peggy Block. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-01 Case is ongoing.

C2007-02 Case is ongoing.

C2007-03 Case is ongoing.

C2007-04 Case is ongoing.

C2007-05 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and order a Fitness for Duty Assessment. The Board approved the recommendation, seconded by Ron Barbato. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-06 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 Peggy Block. The motion carried 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-07 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue a Cease and Desist Affidavit. The Board approved the recommendation, seconded by Peggy Block. The motion carried 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-08 Case is ongoing.

C2007-09 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 Peggy Block. The motion carried 3/0. 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 the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. The motion carried 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-11 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 Ron Barbato. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-12 The Complaint Committee recommended to the full Board upon summary of the matter, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Kristie Cochrane. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-13 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 West Virginia with Settlement Authority given to Board Counsel. The Board approved the recommendation, seconded by Ron Barbato. All in favor 3/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-14 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of the IPTPC and counsel, to dismiss due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Kristie Cochrane. All in favor 3/0. 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 the assistance of counsel, to file a BIC and open an investigation. The Board approved the recommendation, seconded by Ron Barbato. The motion carried 3/0. 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 the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Kristie Cochrane. The motion carried 3/0. 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 the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. The motion carried 3/0. 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 the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. The motion carried 3/0. 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

An email from Chris Gales, Bellarmine physical therapist student, wrote the Board for an opinion in developing procedures for an off-site group exercise program. KRS 327.050 (10)(a) shall not prevent a student of physical therapy from engaging in clinical practice that meets the requirements of on-site supervision by a licensed physical therapist.

The Board discussed several emails regarding whether it is within the Scope of Practice to practice “dry needling in Kentucky. KRS 327.010 (1) in defining “Physical Therapy” includes invasive or noninvasive procedures. 201 KAR 22:053 Section 1 (1) states that physical therapist shall practice within the scope of the credential holder’s training, expertise and experience.

An email from Sheila Hall, PT request that the Board look into certifying physical therapy aids or techs. The Board referred this question to KPTA/APTA since it is not within the guidelines of KRS 327 and is primarily driven by reimbursement issues.

Email from Tina Volz whether the use of the abbreviation CPT (Certified Personal Trainer) by a person not a licensed physical therapist would be a violation of KRS 327.020. Although “CPT” is not specifically listed as a protected term, the intent of KRS 327.020 would be included as a violation of the protected terms and would potentially be misleading the public since KRS 327.020 does include the specific term “P.T.” and “any other words, letters, or abbreviations” which may mislead the public..

The Board discussed questions regarding Medicare reimbursement issues and referred Dave Pariser to CMS regulations.

A motion was made by Ron Barbato, seconded by Debra Turner to accept the revision of the 2007-09 Jurisprudence Exam as submitted by Peggy Block. All in favor 4/0.

The Board discussed an email from Mitch Crabtree, PT regarding CPT codes and that the code 97112 "neuromuscular reeducation of movement..." is not specific to any one profession. 201 KAR 22:053 Section 1 (1)(a) states that if a physical therapist or physical therapist assistant is competent and trained to perform this procedure, there is nothing in KRS 327 that would disallow this procedure from being performed and being billed by or under a licensed physical therapist.

A motion was made by Debra Turner, seconded by Peggy Block, to approve all Board staff to be allowed to receive actual and necessary expenses for meals when traveling for meetings and training per 200 KAR 2:006 Section 7 (3)(g). All in favor 4/0.

A motion was made by Debra Turner, seconded by Kristie Cochrane, to pay the Board members a per diem under 201 KAR 22:130 for Board travel days where travel was made to and/or from any official duties approved by the Board under the authority of KRS 327.030(6). All in favor 4/0.

A motion was made by Debra Turner, seconded by Kristie Cochrane, to appoint Ron Barbato as Delegate and Troy Grub as alternate Delegate at the FSBPT on September 7-10 in Memphis; Mark Brengelman to attend the FARB Attorney Certification Seminar on October 5-7 in Charleston SC; and Ron Barbato to attend CLEAR NCIT investigators training May 7-9 in Columbus, OH. All in favor 4/0.

A motion was made by Debra Turner, seconded by Ron Barbato, to extend the 2007-09 Renewal to midnight, April 16, 2007, due to the outages of the State computer server and problems with the payment system when renewing credentials, which were beyond control of the Board. A letter from the Board will be mailed to all licencees who have not renewed by the statutory deadline of March 31, 2007, to inform them of the extension. All in favor 4/0.

A motion was made by Ron Barbato, seconded by Peggy Block, to approve the revision of 201 KAR 22:040 and 020. All in favor 4/0.

Other Board Matters

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

Margaret Blain, liaison to the KPTA, submitted a written report of the KPTA Board meeting.

The year-to-date financial statement was deferred to the next Board meeting.

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.

Next Board meeting is scheduled for 9:00 am, May 17, 2007, at the Board office with the Complaint Committee meeting on April 17 at 8:30 am and May 9, 2007 at 2:00 pm. KRS 327 revision workshop will be April 16 at 8:30 am.

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