



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING March 13, 2008

Board Members Present: Debra Turner, PT, Chair
Ron Barbato, PT
Troy Grubb, PT
Kristie Cochrane, PT
Margaret Blain, PT
Peggy Block, PT
Virginia Johnson, Public Member

Board Staff: Rebecca E. Klusch, Executive Director

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

A meeting of the Kentucky Board of Physical Therapy Complaint Committee was called to order at 11:15 a.m., Wednesday, March 12, 2008, 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. Motion carried. Motion was made by Troy Grubb to come out of closed session, seconded by Debra Turner. Motion carried. The committee meeting adjourned at 2:00 p.m.

A meeting of the Kentucky Board of Physical Therapy Complaint Committee was called to order at 2:00 p.m., Wednesday, March 12, 2008, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. Motion carried. Motion was made by Ron Barbato to come out of closed session, seconded by Ron Barbato. Motion carried. The committee meeting adjourned at 5:10 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Debra Turner, at 9:20 a.m., Thursday, March 13, 2008, at the Board office. A quorum was present.

Motion was made by Margaret Blain, seconded by Kristie Cochrane to approve the minutes as amended of the January 17, 2008, Board Meeting. Motion carried.

Virginia Johnson was sworn in as the new public board member, replacing Steve Lacy, whose term has expired.

Complaint Committee

Kentucky Board of Physical Therapy v Dubin Orthopaedic Centre, P.S.C. awaiting a decision on the Discretionary Review to the Kentucky Supreme Court.

C2006-20 Case is ongoing.

C2007-01 *KSBPT v. Ron Cole, PT* – Motion was made by Margaret Blain to go into closed session regarding *Board of Physical Therapy v. Emery Chatman* per KRS 61.810(1) (c) and (j), seconded by Peggy Block. All in favor 5/0. Motion was made by Peggy Block to come out of closed session, seconded by Ron Barbato. All in favor 5/0. A motion was made by Ron Barbato, seconded by Peggy Block, to dismiss the above named lawsuit and inform the judge for noncompliance for purposes of contempt. The Complaint Committee recommended to the full Board to dismiss C2007-01 without prejudice, seconded by Margaret Blain. Motion carried.

C2007-06 A Notice of Administrative Hearing and Order has been filed.

C2007-30 Case is ongoing.

C2007-36 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of the IPTPC and counsel, to issue a Private Admonishment for violation of KRS 327.070(2)(h). The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-96 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-97 Notice of Administrative Hearing and Order has been filed and is ongoing.

C2007-98 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Rick Rowe, MD. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-102 A The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Dennis Short, DC. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-102 B The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Sheldon Sharp, DC. The Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-102 C Case is ongoing.

C2007-102 D Case is ongoing.

C2007-103 Case is ongoing.

BIC2007-104 Case is ongoing.

C2008-01 Case is ongoing.

C2008-02 Case is ongoing.

C2008-03 Case is ongoing.

C2008-04 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 violating KRS 327.010(2) with a follow-up letter. The Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-05 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 violating KRS 327.010(2) with a follow-up letter. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-06 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 violating KRS 327. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-07 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 Cochran. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-08 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 Virginia Johnson. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

A motion was made by Peggy Block, seconded by Troy Grubb, to deny Ruby Forte's request for special accommodations based on UL evaluation which showed insufficient evidence of a diagnosed disability mandated by ADA law, and the report did not recommend specific accommodations for testing. All in favor 6/0.

The Board reviewed FCCPT Evaluation of Educational Credentials for Daisiree Deauna Alegjandro. A motion was made by Ron Barbato, seconded by Peggy Block to require the physics with lab course to meet the requirement of 201 KAR 22:070 Section 1(2). All in favor 6/0.

A motion was made by Peggy Block, seconded by Margaret Blain, to use the FSBPT Retro Tool of the year of graduation for Evaluation of Educational Credentials of Foreign Trained Physical Therapist. A procedure will be drafted for approval at the next scheduled Board meeting. All in favor 6/0.

Peggy Block made a motion, seconded by Virginia Johnson, to send a letter to Representative Harry Moberly, Chair of Appropriations and Revenue Committee, Senator Charlie Borders, Chair of Appropriations and Revenue Committee, and a copy to Governor Beshear opposing HB 406. KPTA and licensees will be notified to encourage them to write their legislators.

Update on Monitoring Probations

Update on monitoring probations were given for the following with approval: Bruce Taylor, PT and Mark Portaro, PT.

Board and Administrative Business

Ron Barbato and Mark Brengelman represented the Board at the Chiropractic Board meeting on January 24, 2008, in Glasgow to oppose the proposed amended regulation 201 KAR 21:070. The Board reviewed their new revision deleting the requirement of passing the "Physiotherapy" examination section.

Ron Barbato made a motion, seconded by Peggy Block, to use the FSBPT "Retro Tool" of the year of graduation for foreign trained physical therapist. Motion carried.

A task was assigned to Executive Director to develop new procedures on the ADA policy and foreign trained physical therapist using the Coursework Evaluation Tool/Retro Tool.

Tami Zappa, Executive Administrator for Empi Corporation, wrote a letter to the Board asking if physical therapist has any prescribing authority in Kentucky and if medication can be maintained on-site. A physical therapist can only maintain a prescription on site if the prescription has been prescribed by a physician for a specific patient. Physical therapists do not have any prescribing authority in Kentucky and

cannot dispense a prescription drug, but can administer a prescription drug to a physical therapy patient that was prescribed by a patient's physician for the use of that patient only.

Gary Brown requested that since Medicare has recently changed their requirement to 90 day reassessments, can the Board change 201 KAR 22:053 from a 30 day reassessment in the setting of nursing homes and home health to a 90 day reassessment. The Board's purpose is the protection of the public. A 30 day reassessment requirement is in the best interest of the public and the Board will not be amending this administrative regulation.

A "Certified Personal Trainer" is not credentialed in the Commonwealth of Kentucky and in the opinion of the Board_would be violating KRS 327.020 in using "CPT" after their name.

Other Board Matters

Ron Barbato reported there was no new information regarding the KPTA RFP (Referral for Profit) task force.

The Board will meet with the KPTA Board on April 24, 2008, to review the rationale for proposed KRS 327 changes and the strategies on how to get the information out to the stakeholders. Margaret Blain will attend the KPTA Board and Business meeting on May 16 in Bowling Green to represent the Board and answer any questions.

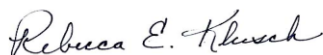
Margaret Blain submitted a written report on the FARB meeting in Santa Fe.

Board members reviewed 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 discussed the fund transfer proposed by the Legislature in the amount of \$271,000 from Restricted Agency Fund to the General Fund and the effect it would have on the Board's budget. Executive Director will review the financial outlook for the Board to report at the next Board meeting.

A motion was made by Virginia Johnson, seconded by Ron Barbato, to adjourn the meeting at 3:25 p.m. Motion carried.

Respectfully submitted,



Rebecca E. Klusch
Executive Director

