



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING September 17, 2009

Board Members Present: Ron Barbato, PT, Chair
Peggy Block, PT, Chair-elect
Charles Clark, PT
Janice Kuperstein, PT
Troy Grubb, PT
Margaret Blain, PT
Virginia Johnson, Public Member

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Brian Fingerson, RPh, IPTPC Program Administrator

Others: Nancy Brinly, PT
Micah Benford, UK Student College of Pharmacy, with Mr. Fingerson

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee, was called to order at 3:00 p.m., Wednesday, September 16, 2009, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Troy Grubb. Motion carried. Motion was made by Ron Barbato to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 7:00 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Ron Barbato, at 9:20 a.m., Thursday, September 17, 2009, at the Board office. A quorum was present.

Motion was made by Janice Kuperstein, seconded by Margaret Blain to approve the minutes as amended of the July 16 and July 28, 2009, Board meetings. Motion carried.

Complaint Committee

Dubin Orthopaedic Centre, P.S.C v. Kentucky Board of Physical Therapy. The Board timely filed a *Petition for Rehearing*. The Appellant's Response to Petition for Rehearing has been filed by Dubin Orthopaedic Centre, P.S.C.

C2008-07 Case is ongoing.

C2008-16 *Kentucky Board of Physical Therapy v. Gina M. Saylor Brumley, P.T.A.* The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreement, seconded by Chuck Clark. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2008-19 A Notice of Administrative Hearing and Order has been filed.

BIC2008-29 Case is ongoing.

C2009-01 Stipulation of Dismissal under C.R.41.01(1) was filed with Madison Circuit Court. Case is closed.

C2009-09b Case is ongoing.

C2009-10 *Kentucky Board of Physical Therapy v. Tracey Hutchins, PTA*. Tracey Hutchins appeared before the Board. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreement, seconded by Virginia Johnson. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-16 Case is ongoing.

C2009-22 Randy Wheeler, D.C., showed proof of passing the Physiotherapy section of the Chiropractic Examination and may use the term "physiotherapy" in advertisement. The 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 a violation of KRS 327. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-23 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Notice and Order of an Immediate and Temporary Suspension of License pending upon receiving mental health documentation that she is not an immediate danger to the public. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting. Investigation is ongoing.

C2009-24 Case is ongoing.

BIC2009-25 Case is ongoing.

BIC2009-87 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-88 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. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-89 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

R2009-32 Janice Kuperstein recused herself and left the room during discussion. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss for insufficient evidence of a violation of KRS Chapter 327, seconded by Chuck Clark. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

R2009-27-31, 33-37, 39-42, 46-47 and 49-51 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreements. Motion died due to lack of a second. Janice Kuperstein made a motion, seconded by Peggy Block, to issue Private Admonishments with the fines assessed in their original Settlement Agreements to those who practiced on an expired license with no deficiency of Continued Competency. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

R2009-38, 43, 44, 45 and 48 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreements. Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

CE2009-52-59, 61-73, 75-79 and 81-86 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreements. Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

CE2009-26 and 84 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreements Voluntary Surrender of Credential as if Suspended. Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

CE2009-60 Hearing is scheduled for November 19, 2009.

The Board reviewed with approval the IPTPC report submitted by Brian Fingerson.

Virginia Johnson made a motion, seconded by Janice Kuperstein, to approve the requested ADA accommodations of double time, paper and pencil over a two day period for RF. Motion carried.

Update on Monitoring Probations

Update on monitoring probations was given for the following with approval: April Coldiron, PT; James Rick Roe, PT; Ron Cole, PT; Mary Beth Barcus, PT; Malton Schexneider, PT.

Margaret Blain made a motion, seconded by Peggy Block, to deny *Medical Ethics: A clinical Update*, the Continued Competency course required in Ronald Cole's Settlement Agreement as a Board approved course. The course shall be approved by the Board and will extend the completion of the course until November 10, 2009. Motion carried.

A motion was made by Chuck Clark, seconded by Margaret to appoint a task force to revise 201 KAR 22:053 regarding reassessments. Motion carried.

Board and Administrative Business

A motion was made by Troy Grubb, seconded by Margaret Blain to approve the Memorandum of Understanding between the Kentucky Board of Physical Therapy/Kentucky Board of Dentistry and the Office of Attorney General for services rendered by Mark Brengelman, Assistant Attorney General. Motion carried.

The Board discussed a question from Angela Steel, PT, regarding whether a tech could work in a PT setting, as well as, under nursing staff. It was determined that if a PT tech would sign out of physical therapy and sign in to the appropriate cost center, such as nursing, there is nothing in the Practice Act that would prevent a tech from working in both capacities.

Paula Goff and Dr. Ruth Ann Shepherd, representing CHFS First Steps, addressed the Board regarding First Steps IFSP procedures. The IFSP is family oriented goals and global outcome based on the family needs and not necessarily the therapy goals. The IFSP is developed following a five area assessment that the family agrees upon. If physical therapy is recommended, the physical therapist will then complete the physical therapy evaluation. Nancy Cali, PT, a First Steps evaluator and provider, offered comments and questions.

Frank DeSanto, PT, requested documentation clarification in school settings. Refer to Board correspondence for the responses to the specific questions.

Other Board Matters

FSBPT Annual Meeting in San Diego, CA October 1-4, 2009. It is noted that Margaret Blain, Janice Kuperstein, Chuck Clark, Virginia Johnson and Becky Klusch was previously approved to attend.

FARB Attorney Certification Seminar in Chicago, IL October 2-4, 2009. It is noted that Troy Grubb and Ron Barbato was previously approved to attend.

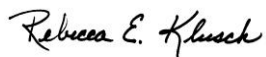
FARB Annual Forum in Las Vegas, NV January 29-31, 2010. Troy Grubb made a motion, seconded by Peggy Block to fund Mark Brengelman and Becky Klusch to attend. Motion carried.

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 reviewed the financial statement ending August 31, 2009.

A motion was made by Virginia Johnson, seconded by Charles Clark to adjourn the meeting at 5:50 p.m. Motion carried.

Respectfully submitted,



Rebecca E. Klusch
Executive Director