



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING September 16, 2010

Board Members Present: Peggy Block, PT, Chair
Ron Barbato, PT
Margaret Blain, PT
Charles Clark, PT
Janice Kuperstein, PT
Troy Grubb, 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 9:00 a.m., Wednesday, September 15, 2010, at Pennyriple Forest State Resort Park, Dawson Springs. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Peggy Block. Motion carried. Motion was made by Peggy Block to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 4:00 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Peggy Block, at 9:15 a.m., Thursday, September 16, 2010, at Pennyriple Forest State Resort Park, Dawson Springs. A quorum was present.

Motion was made by Janice Kuperstein, seconded by Ron Barbato Blain to approve the minutes as amended of the July 22, 2010, Board Meeting. Motion carried.

Complaint Committee

C2007-08 Hearing is scheduled for November 9, 2010.

C2008-07 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the Settlement Agreement. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting. A Board monitor will be selected by the Executive Director.

C2009-10 Tracey Huchins Miles, PTA, 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 Settlement Agreement to reinstate her credential after an Immediate Temporary Suspension. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-25 A Notice of Administrative Hearing and Order has been filed. Case is ongoing.

BIC2009-94 Case is ongoing.

C2010-04 An Immediate Temporary Suspension and Order was approved and issued at the March Board meeting. A Notice of Administrative Hearing and Order for violations of KRS 327 has been filed. A Hearing is scheduled for October 29, 2010.

C2010-06 William Kyle Clark, PTA, 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 Settlement Agreement. Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting. Peggy Block has been appointed as Board monitor.

C2010-08 Case is ongoing.

C2010-09 Case is ongoing.

C2010-10a and b The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Hearing and Order with Settlement Authority given to Board Counsel. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-11 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a lawsuit with Madison Circuit Court. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-12 Case is ongoing.

C2010-17 Case is ongoing.

C2010-18 Case is ongoing.

C2010-19 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Hearing and Order with Settlement Authority given to Board Counsel. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-20 Case is ongoing.

BIC2010-21 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to send a Cease and Desist Affidavit to all Kentucky locations for advertising "physical therapy" in the brochure. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-22 Case is ongoing.

BIC2010-23 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Hearing and Order. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-24 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 Margaret Blain. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-25 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 if warranted. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

The Board reviewed the IPTPC report submitted by Brian Fingerson. Cases that are involved in the IPTPC have come to the attention of the Board.

A motion was made by Virginia Johnson, seconded by Janice Kuperstein, to approve ADA accommodations requested to take the PTA NPTE for RF. Motion carried.

Update on Monitoring Probations

Update on monitoring probations was given for the following: James Rick Roe, PT; Ron Cole, PT; Mary Beth Barcus, PT, Malton Schexneider, PT, Amy Farmer, PT and Lawrence Tatem, PT.

Board and Administrative Business

It was noted for Board to revisit removing the Supervising PT name from the Renewal Form and application as recording the supervisor is not a requirement in KRS 327.

A Statement of Consideration for comments received on 201 KAR 22:070 was finalized and will be filed with the Legislative Review Sub-Committee.

A motion was made by Janice Kuperstein, seconded by Virginia Johnson, to approve the amended Declaratory Opinion on Initial Evaluation and subsequent treatment by a PTA. Motion carried.

Carol Myers requested clarification on a PTA writing a Discharge Summary before the completion of the written Plan of Care. The physical therapist assistant may not discharge a patient without consultation with the physical therapist. The physical therapist is responsible for the decision to discharge.

Other Board Matters

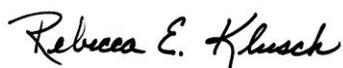
The Board will develop a survey after the November meeting to disseminate to all licensees. The survey will assess licensees' level of awareness of the proposed revisions to KRS 327, as well as their beliefs about the pros and cons of filing a bill in the 2011 legislative session.

Board members reviewed and approved 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 for fiscal year ending August 31, 2010. Executive Director reported the 1.5 percent reduction in the Board's budget would be transferred to the General Fund. Also, six furlough days throughout the fiscal year are being mandated by the General Assembly.

A motion was made by Ron Barbato, seconded by Troy Grubb to adjourn the meeting at 5:00 p.m. Motion carried.

Respectfully submitted,



Rebecca E. Klusch
Executive Director