



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING September 15, 2011

Board Members Present: Janice Kuperstein, PT, Chair
Peggy Block, PT
Ron Barbato, PT
Charles Clark, PT
Linda Pillow, PT
Troy Grubb, PT

Absent: Virginia Johnson, Public Member

Board Staff: Rebecca E. Klusch, Executive Director

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

Guests: Tony Brosky, PT, KPTA Liaison
Debbie Hatfield, PTA, JCC

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee 1, was called to order at 9:00 a.m., Wednesday, September 14, 2011, at the Board office. 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 11:00 a.m.

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee 2, was called to order at 1:35 p.m., Wednesday, September 14, 2011, at the Board office. Motion was made by Janice Kuperstein 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 Janice Kuperstein. Motion carried. The committee meeting adjourned at 5:30 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Janice Kuperstein, at 9:00 a.m., Thursday, September 15, 2011, at Board office. A quorum was present.

Motion was made by Peggy Block, seconded by Chuck Clark to approve the minutes as amended of the July 21, 2011 Board meeting and the August 8, 2011, Special Board Meeting. Motion carried.

Complaint Committee

BIC2009-94 Case is ongoing.

C2010-17 Case is ongoing.

C2010-24 Jon Marc French, P.T.A., 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. Board approved the recommendation, seconded by Linda Pillow. Motion was made by Janice Kuperstein, seconded by Linda Pillow to go into closed session per KRS 61.810(1)

(c) and (j). Motion carried. Motion was made by Chuck Clark, seconded by Linda Pillow to come out of closed session. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting. Suggested monitors are Christy Cochrane and Steve Hammons.

BIC2011-04 Notice of Administrative Hearing and Order has been filed. Hearing is scheduled for December 14, 2011.

C2011-05 Case is ongoing

C2011-06 License is under Immediate Temporary Suspension. Case is ongoing.

BIC2011-07 Jeremy Kruger, PT, 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. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting. Board appointed Chris Kaczmarek, PT as monitor.

C2011-09 Case is ongoing.

BIC 2011-10 Case is ongoing

BIC2011-13 The Board voted to file a Private Admonishment at the July 21, 2011 Board Meeting. Case is ongoing.

BIC2011-14 The Board voted to file a Notice of Hearing with Settlement Authority given to Mark Brengelman at the July 21, 2011 Board Meeting. Case is ongoing.

C2011-23 The Board voted to issue a Cease and Desist Affidavit at the July 21, 2011 Board Meeting. Case is ongoing.

BIC2011-24 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss investigation due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Janice Kuperstein and Peggy Block recused from voting.

CE2011-25 The Board voted to file a Notice of Hearing with Settlement Authority given to Mark Brengelman for Continuing Competency violations. Case is ongoing.

CE2011-26 The Board voted to file a Notice of Hearing with Settlement Authority given to Mark Brengelman for Continuing Competency violations. Case is ongoing.

CE2011-29 The Board voted to file a Notice of Hearing with Settlement Authority given to Mark Brengelman for Continuing Competency violations. Case is ongoing.

CE2011-30 The Board voted to file a Notice of Hearing with Settlement Authority given to Mark Brengelman for Continuing Competency violations. Case is ongoing.

C2011-107 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation for advertising physical therapy and issue a Cease and Desist Affidavit for a violation of KRS 327.020. Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Janice Kuperstein and Peggy Block recused from voting.

C2011-108 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss investigation due to insufficient evidence of a violation of KRS 327.

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

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

A motion was made by Peggy Block, seconded by Ron Barbato to require Tami R. Mathis, a PTA reinstatement applicant with the following conditions: re-examination of the NPTE, three month onsite supervision within one year of the date of notice. All were in favor.

Update on Monitoring Probations

Update on monitoring probations was given for the following: James Rick Roe, PT; Ron Cole, PT, Malton Schexneider, PT, Amy Farmer, PT, Lawrence Tatem, PT, Tiffiney Bentley, PT and William Kyle Clark, PTA, Kim Crossman, PT, and Amanda Mattingly, PTA.

William Kyle Clark, PTA, requested relief from the final monitoring visit. The Board denied the request due to no provisions in the Settlement Agreement that allow for relief. Peggy Block will make the final monitoring visit in October.

Janice Kuperstein, PT, will converse with the monitor of Amy Farmer, PT, to clarify the monitoring report.

Board and Administrative Business

A motion was made by Ron Barbato, seconded by Peggy Block to approve the Remediation Plans for KW with the provision of showing proof of completion of the comprehensive review course. Motion carried.

Other Board Matters

A credential-holder inquired whether a physical therapist may switch a patient from an O2 compressor to a portable tank to transport patient to therapy. Assessing cardiopulmonary status of a patient is clearly within the Physical Therapy Scope of Practice and is an essential part of clinical practice in all settings. Accordingly, as long as the physician has written oxygen orders that do not restrict switching from a compressor to a portable tank, it is appropriate for a physical therapist or appropriately trained and supervised support personnel to perform this activity.

The Board may clarify 201 KAR 22:053 Reassessments "on directly observed by the physical therapist" next time the regulation is amended.

A motion was made by Troy Grubb, seconded by Peggy Block, to change proposed KRS 327 legislative revisions by removing the statutory language "Advisory Opinions" in KRS 327.040, retain the original language of KRS 327.070(2) (c) – (d), and remove "Permanently" in (1) (c). Motion carried 5/0.

Fixed Date Testing – Chair showed a Power Point on why going to fixed date testing was necessary due to breach of the NPTE. Board had open dialogue for informational purpose only. More input will be received at the FSBPT meeting in Charlotte, N.C.

Supportive Personnel Committee – Ron Barbato is in discussion with the KPTA regarding the members that have volunteered to work on the committee.

Ron Barbato gave a report from the meeting with the KPTA on September 8, 2011 on KRS 327 changes and the discussion of the political climate in going forward during the next legislative session.

A motion was made by Ron Barbato, seconded by Peggy Block to appoint Troy Grubb as Chair for the coming year, and Linda Pillow to rotate onto the Complaint Committee. All in favor.

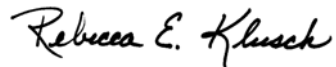
A motion was made by Linda Pillow, seconded by Chuck Clark to fund Becky Klusch, Peggy Block and Troy Grubb to attend the FARB Forum in Sarasota, Florida on January 27-29, 2012. Motion carried.

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, 2011.

A motion was made by Ron Barbato, seconded by Troy Grubb to adjourn the meeting at 5:35 p.m. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rebecca E. Klusch".

Rebecca E. Klusch
Executive Director