



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING January 19, 2012

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

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee 3, was called to order at 4:15 p.m., Wednesday, January 18, 2012, at the Board office. Motion was made by Janice Kuperstein to go into closed session per KRS 61.810(1) (c) and (j) to discuss pending litigation and adjudications regarding individual licensees involving complaints, investigations, and administrative hearings, seconded by Linda Pillow. Motion carried. Motion was made by Linda Pillow to come out of closed session, seconded by Janice Kuperstein. Motion carried. The committee meeting adjourned at 6:00 p.m.

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee 2, was called to order at 6:15 p.m., Wednesday, January 18, 2012, at the Board office. Motion was made by Janice Kuperstein to go into closed session per KRS 61.810(1) (c) and (j) to discuss pending litigation and adjudications regarding individual licensees involving complaints, investigations, and administrative hearings, 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 6:45 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Troy Grubb, at 9:07 a.m., Thursday, January 19, 2012, at Board office. A quorum was present.

Motion was made by Troy Grubb, seconded by Linda Pillow to approve the minutes as amended of the November 17, 2011, Board meeting. Motion carried.

Motion was made by Peggy Block, seconded by Janice Kuperstein to approve the minutes as amended of the December 13, 2011, Special Board meeting. Motion carried.

Motion was made by Peggy Block, seconded by Ron Barbato to approve the minutes as amended of the January 11, 2012, Special Board meeting. Motion carried.

Complaint Committee

BIC2009-94 Malton Schexneider, P.T., appeared before the Board as a condition of the Order of the Board and Settlement Agreement approved on November 17, 2011 and entered by the Board on January 9, 2012 when the executed original was submitted by Mr. Schexneider's attorney. A motion was made by Janice Kuperstein, second by Virginia Johnson, to change the currently appointed monitor to a new monitor. Motion carried. Ron Barbato, Troy Grubb and Chuck Clark recused from voting. A new monitor will be selected by the Executive Director upon approval by the Board Chair.

C2010-17 The Complaint Committee recommended to the full Board to accept the signed Settlement Agreement by Art Nitz, P.T. in the Board packet. Board approved the recommendation, seconded by Linda Pillow. Janice Kuperstein recused herself and left the room during discussion of the Settlement Agreement and voting. Motion carried with one abstaining. Complaint Committee members Troy Grubb and Peggy Block recused from voting. A monitor will be selected by the Executive Director upon approval by the Board Chair. A motion was made by Virginia Johnson, seconded by Ron Barbato to send written notice to the Centers for Medicare/Medicaid Services regarding an apparent violation of Medicare billing practices. Motion carried. The Board appointed Ron Barbato as monitor for Dr. Nitz.

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

C2011-09a and b Shannon Snyder, P.T. and Karen Snyder, P.T., appeared before the Board as a condition of the Order of the Board and Settlement Agreement approved November 17, 2011.

BIC 2011-10 Case is ongoing. A written Settlement Agreement has been tendered.

BIC2011-14 Barack Jonkers, P.T.A., appeared before the Board with counsel as a condition of the Order of the Board and Settlement Agreement. The Complaint Committee recommended to the full Board to accept the Settlement Agreement. Board approved the recommendation, seconded by Linda Pillow. Motion carried. Complaint Committee members Janice Kuperstein and Peggy Block recused from voting. The Board appointed Chris Kaczmarek, P.T., as monitor for Mr. Jonkers.

C2011-109 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 Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

C2012-01 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 Peggy Block. Motion carried. Complaint Committee members Janice Kuperstein and Linda Pillow recused from voting.

BIC2012-02 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 Ron Barbato. Motion carried. Complaint Committee members Janice Kuperstein and Linda Pillow recused from voting. 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.

Update on Monitoring Probations

Update on monitoring probations was given for the following: James Rick Roe, PT; Ron Cole, PT, Lawrence Tatem, PT, Tiffiney Bentley, PT, Kim Crossman, PT, Amanda Mattingly, PTA, Jon-Mark French, PTA, and Jeremy Kruger, PT.

A motion was made by Janice Kuperstein, seconded by Ron Barbato, to extend the deadline for Amanda Mattingly, P.T.A., to attend the ProBe course to be completed no later than December 31, 2012, which Ms. Mattingly had requested. Motion carried.

Board and Administrative Business

A motion was made by Peggy Block, seconded by Ron Barbato to approve the Remediation Plan for PS to retake the NPTE. Motion carried.

A motion was made by Linda Pillow, seconded by Ron Barbato to approve the Remediation Plans for RF to retake the NPTE. Motion carried. Peggy Block abstained.

A motion was made by Peggy Block, seconded by Ron Barbato to get more information before approving the Remediation Plan for SS. Motion carried.

Other Board Matters

A motion was made by Troy Grubb, seconded by Virginia Johnson, to decline to publish in the Board's newsletter the KPTA advertisement for the KPTA Spring Conference as written. Motion carried. The KPTA liaison was offered the opportunity to submit an article from KPTA to be published in the Board's newsletter, which may also mention the Spring Conference as a newsletter announcement.

A Special Board Meeting will be scheduled to discuss KRS 327 and Regulations that include Supportive Personnel.

Angus Williams, an Australian educated physical therapist, requested that the Board accept his experience in lieu of his insufficient education evaluation. The Board will request that he submit his portfolio including a detailed resume and description of relevant work experience to be reviewed at the next scheduled Board meeting, which is now allowed by administrative regulation.

Danny Borrigo, PT, is "creating a pilot program whereby physical therapists perform PT/INR (Prothrombin Time/ International Normalized ratio) monitoring in the home environment for recovery of post-operative joint replacement patients, in addition to the necessary rehabilitation," and would like the Board's opinion on whether this is within the scope of practice for physical therapy. There is nothing in KRS 327 that would prohibit this procedure if it is pertinent to the practice of physical therapy as the "practice of physical therapy" is defined by KRS 327.010.

A motion was made by Troy Grubb, seconded by Chuck Clark to rescind the Board's own internal Procedure 606, *Working before a license has been issued*. KRS 327.020 covers this topic as the force of law. Motion carried.

A motion was made by Troy Grubb, seconded by Virginia Johnson to accept the Board's own internal Procedure 402 as amended for the travel authorization process. Motion carried.

A motion was made by Troy Grubb, seconded by Virginia Johnson to accept the Board's own internal Procedure 509 as amended to allow for a Committee of the Board to review ADA accommodations. Troy Grubb, Janice Kuperstein and the Executive Director were appointed as the committee to approve the ADA accommodations. Motion carried.

A motion was made by Troy Grubb, seconded by Linda Pillow to write the Board's own internal Procedure 510 for requiring a Remediation Plan after three failed attempts of taking the NPTE and to allow for a Committee of the Board to review those plans. Peggy Block, Linda Pillow and the Executive Director were appointed as the committee to approve the Remediation Plan. Motion carried.

Mr. Brengelman advised that a committee of the Board must comply with the Open Meetings laws.

A motion was made by Troy Grubb, seconded by Ron Barbato, to respond to the FSBPT that our Board will not revise 201 KAR 22:045 by defining units versus contact hours. Motion carried. Continuing education that is obtained and measured in units other than contact hours shall be reviewed to determine the actual number of contact hours as defined by 201 KAR 22:045.

It was noted that correspondence from the Attorney's General Office and Board office that requires a response from a credential holder by a date certain in an administrative hearings process shall be mailed by certified, return receipt and by regular mail to any credential holder who does not have an attorney of record.

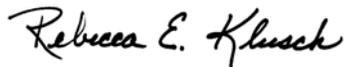
The Continuing Competency Committee made a recommendation to amend 201 KAR 22:045. After review and further corrections, a motion was made by Troy Grubb, seconded by Chuck Clark to approve the amended 201 KAR 22:045. Six approved and one abstained. Motion carried.

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 December 31, 2011.

A motion was made by Ron Barbato, seconded by Troy Grubb to adjourn the meeting at 6:00 p.m. Motion carried.

Respectfully submitted,

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

Rebecca E. Klusch
Executive Director