



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING March 15, 2012

Board Members Present: Troy Grubb, PT, Chair
Janice Kuperstein, PT
Peggy Block, PT
Karen Craig Ogle, 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 was called to order by Board Chair, Troy Grubb, at 9:10 a.m., Thursday, March 15, 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 January 19, 2012, Board meeting. Motion carried.

Motion was made by Peggy Block, seconded by Janice Kuperstein to approve the minutes as amended of the March 8, 2012, Special Board meeting. Motion carried.

Complaint Committee

C2010-17 Arthur Nitz, P.T. appeared before the Board as a condition of the Order of the Board and Settlement Agreement previously adopted by the Board at the Board's January 19, 2012, meeting.

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

BIC2011-10 Michael Harris, P.T.A., appeared before the Board 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 Janice Kuperstein. Motion carried. Complaint Committee members Troy Grubb and Peggy Block recused from voting. The Board appointed Ron Barbato, P.T., as monitor for Mr. Harris.

C2012-01 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close the case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Linda Pillow and Janice Kuperstein recused from voting.

BIC2012-02 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to deny a physical therapist assistant applicant a certificate and eligibility to sit for the required examination. Settlement authority was given to counsel. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Janice Kuperstein and Linda Pillow recused from voting. Peggy Block recused and left the room during discussion and voting.

C2012-03 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss the case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Linda Pillow and Janice Kuperstein recused from voting. Troy Grubb recused and left the room during discussion and 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: Malton Schexneider, PT, James Rick Roe, PT; Ron Cole, PT, Lawrence Tatem, PT, Tiffiney Bentley, PT, Kim Crossman, PT, Amanda Mattingly, PTA, Jon-Mark French, PTA, Jeremy Kruger, PT, Shannon Snyder, PT, Karen Snyder, PT, Barack Jonkers, PTA, and Art Nitz, PT.

Jeremy Kruger requested a new monitor be appointed for his employee, Barack Jonkers, due to an alleged conflict of interest as presented by Mr. Kruger. A motion was made by Virginia Johnson, seconded by Peggy Block, to appoint Janice Kuperstein to replace Chris Kaczmarek as monitor for Barack Jonkers and Jeremy Kruger. Motion carried.

Board and Administrative Business

Kary Brown, PT, requested an opinion from the Board if an Integrated Assessment combining PT, OT, SLP and RD into one form would meet the requirements of 201 KAR 22:053. The Board reviewed the Assessment form and the document is lacking the physical therapy Plan of Care. The Board also suggests that the sections are initialed indicating each section that has been reviewed and considered by the physical therapist.

A motion was made by Linda Pillow, seconded by Peggy Block, to approve the letter to Sarah Ralston, Humana Inc, answering the question as to how it is determined that the physical therapist is competent to perform any specific procedure. Motion carried.

The Board discussed a letter received from Bob Sellin, P.T., regarding the insurance companies' refusing payment to physical therapists for the practice of electrophysiologic evaluation. The KPTA and APTA have responded to Dr. Sellin.

David Apts, PT, wrote a letter regarding the use of "Dr." when referring to a physical therapist with a DPT. According to 201 KAR 22:053 the therapist shall, for example, sign "David Apts, P,T," on clinical notes. However, a physical therapist may use "Dr. David Apts" as long as he or she identifies his or her profession after the name. The Executive Director will send a copy of the last Newsletter with the response which specifically addressed this exact issue in detail.

A motion was made by Karen Ogle, seconded by Virginia Johnson, to approve the revised Newsletter for publication. Motion carried.

A motion was made by Virginia Johnson, seconded by Chuck Clark to approve the amendment for 201 KAR 22:053, Definition and Standards for Supervision for Supportive Personnel. Motion carried.

A motion was made by Linda Pillow, seconded by Janice Kuperstein, to approve the Board's own internal Procedure 510 for Remediation after failing the NPTE three or more times. Motion carried.

Angus Williams, an Australian educated physical therapist, submitted his portfolio including a detailed resume and description of relevant work experience. The Board reviewed the information and found the education insufficient, but he has met 201 KAR 22:070 Section 1(2)(a)3 showing extensive practice in three other jurisdictions in the past ten years without any disciplinary action. A motion was made by Karen Ogle, second by Janice Kuperstein to issue a temporary permit requiring six months of onsite supervised practice under the applicable administrative regulation. Motion carried.

Troy Grubb and Peggy Block gave a written and a verbal report on the FARB meeting in Sarasota they attended in January. Mark Brengelman also attended the same FARB meeting on behalf of another board and provided a report.

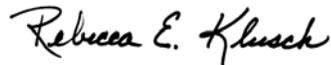
Board members reviewed and approved the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the financial statement for fiscal year ending February 28, 2012.

Rebecca Klusch submitted her written notice of pending retirement effective September 1, 2012 and resignation from the Executive Director's position with the Board. A Special Board meeting is scheduled for April 16 to discuss the hiring of a new Executive Director.

A motion was made by Linda Pillow, seconded by Janice Kuperstein to adjourn the meeting at 5:00 p.m. Motion carried.

Respectfully submitted,

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

Rebecca E. Klusch
Executive Director