



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING May 17, 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, May 17, 2012, at Board office. A quorum was present. Karen Ogle arrived at 1:15 pm.

Motion was made by Janice Kuperstein, seconded by Peggy Block, to approve the minutes as amended of the March 15, 2012, Board Meeting. Motion carried.

Motion was made by Linda Pillow, seconded by Janice Kuperstein to approve the minutes as amended of the April 16, 2012, Special Board Meeting. Motion carried.

Complaint Committee

C2011-06 License is under Immediate, Temporary Suspension. A motion was made by Virginia Johnson, seconded by Janice Kuperstein to go into closed session per KRS 61.810(1) (c) and (j). Motion carried. A motion was made by Janice Kuperstein, seconded by Linda Pillow to come out of closed session per KRS 61.810(1) (c) and (j). The Complaint Committee recommended to defer the Conditional Reinstatement of License and Settlement Agreement until the July 31, 2012 Board Meeting. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. 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 accept the Conditional Grant of Certificate and Settlement Agreement as amended. A motion was made by Linda Pillow, seconded by Chuck Clark to go into closed session per KRS 61.810(1) (c) and (j). Motion carried. A motion was made by Karen Ogle, seconded by Linda Pillow to come out of closed session per KRS 61.810(1) (c) and (j). Board approved the recommendation, seconded by Linda Pillow. Motion carried. Complaint Committee members Janice Kuperstein and Linda Pillow recused from voting. Peggy Block recused and left the room during discussion and voting.

C2012-04 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authorize a Cease and Desist Affidavit. Chuck Clark seconded the motion. Motion carried.

C2012-05 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. A closing letter will be sent notating KRS 327.020. Peggy Block seconded the motion. Motion carried.

C2012-06 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and denial of license with Settlement Authority given to Board Counsel. Virginia Johnson seconded the motion. Motion carried.

C2012-07 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and defer decision until pending court case number 12-CR-00221 on January 25, 2012 is resolved. Chuck Clark seconded the motion. Motion carried.

C2012-08 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Karen Ogle seconded the motion. Motion carried.

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.

Karen Holifield, a foreign educated physical therapist, submitted her portfolio including a detailed resume and description of relevant work experience. The Board reviewed the information and found the education insufficient. A motion was made by Karen Ogle, second by Janice Kuperstein to deny Ms. Holifield a license with the condition of retaking the NPTE or completing the FSBPT General Practice Review Tool (PRT). Additional remediation would be required based on the results in the "Need Improvement" performance feedback report. Upon completion of one of the conditions stated, KRS 327.060 (1)(b)6 would be required. Motion carried.

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.

Board and Administrative Business

Matt Janes, PT, advised the Board that the OASIS Opinion did not match the regulation cited. It is noted that the regulation cited on all the Declaratory Opinion was the regulation of the date that the Opinion was written. This will be noted on the webpage.

Writing the Telehealth regulations will be tabled until a later date.

It is noted that the Jurisprudence Exam for 2013-2015 will need to be written the beginning of 2013 and a committee will be formed at the January 2013 Board meeting.

A motion was made by Peggy Block, seconded by Karen Ogle to approve the Renewal/Reinstatement Form to be incorporated in 201 KAR 22:040. Motion carried.

A motion was made by Janice Kuperstein, seconded by Chuck Clark to schedule Special Board Meetings on June 5 and June 14 at the Board office to proceed with the interview process for selected candidates for the Executive Director position. Motion carried.

The Board discussed whether to change reassessment requirements for patients in a long term acute care hospital (LTACH). After discussion the Board determined that the requirement for re-assessment every two weeks is appropriate given the types of patients who may be in a LTACH and the average length of stay.

Jennifer Labedz, PT asked if an OT can copy a physical therapy evaluation and charge for the evaluation. The Board will recommend this correspondence be referred to the Occupational Therapy Board.

Selena McGill, OTR requested whether a physical therapist was required to perform an evaluation on a patient if the order from a physician is for a scar pad only. It is the opinion of the Board that if a physical therapist is acting as a supplier of the scar pad, then no evaluation is necessary. If the scar pad is issued with adjustments and individualized advice, an evaluation would be required.

Linda Pillow noted that some insurance payers are refusing payment for services when a student has signed the patient records. A motion was made to withdraw the amended 201 KAR 22:053 and to amend the regulation.

A motion was made by Janice Kuperstein, seconded by Linda Pillow, to postpone the July Board meeting to Tuesday, July 31 beginning at 9:00 am. Motion carried.

A motion was made to appoint Linda Pillow, delegate, Chuck Clark, alternate delegate and Karen Ogle, second alternate delegate and to fund all Board members to attend the FSBPT in Indianapolis, IN. Motion carried.

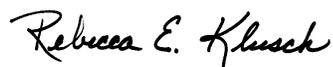
A motion was made by Peggy Block, seconded by Janice Kuperstein to draft a motion for the FSBPT Delegate Assembly to require FSBPT to notify jurisdictions a minimum of one year in advance of the NPTE dates. Motion carried.

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 April 30, 2012.

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

Respectfully submitted,



Rebecca E. Klusch
Executive Director