



KENTUCKY BOARD OF PHYSICAL THERAPY

Steve L. Beshear
Governor

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Scott D. Majors, Esq.
Executive Director

MINUTES OF MEETING March 20, 2014

Board Members: Linda Pillow, PT, Chair
Karen Craig Ogle, PT, Chair-Elect
Ron Barbato, PT
Charles "Chuck" Clark, PT
Troy Grubb, PT
Virginia Johnson, Public Member
Tina Volz, PT

Board Staff: Scott D. Majors, Executive Director
Stephen Curley, Investigator

Board Agents: Mark R. Brengelman, Esq., Board Counsel
Brian Fingerson, RPh, IPTPC Director

KPTA Liaison: Janice Kuperstein, PT

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Linda Pillow, at 9:05 a.m. on Thursday, 03/20/14, at the Board office. A quorum was present.

Minutes for Previous Regular Meeting

Following review, Ms. Ogle made the motion to approve the minutes of the Board meeting of 01/16/14, seconded by Mr. Barbato, which carried.

Minutes for Special Board Meeting

Following review, Ms. Volz made the motion to approve the minutes of the Special Board meeting of 01/28/14, seconded by Mr. Clark, which carried.

Board Discussions, Committees and Opinion Requests

Proposed Fund Transfers for KBPT's FY 2015-2016 Budget

Ms. Pillow and Mr. Majors reported that the biennium budget proposed by the House, HB 235, adopted the fund transfers proposed by the Governor for FY 2015-2016. The members also reviewed a letter dated 03/17/14 prepared by KPTA leadership expressing concern with the proposed fund transfers. This letter was sent to the same recipients who received the Board's letters of 02/14/14, as approved at the Special Meeting held on 01/28/14. Following further discussion, Ms. Ogle made the motion for the Board to authorize staff to: (a) send an email to the Board's credential holders alerting them of the proposed fund transfers and encouraging them to contact their legislator; and (b) post a notice concerning the proposed fund transfers on the Board's website, including links to the Board's letters of 02/14/14 and KPTA's letter of 03/17/14. This motion was seconded by Ms. Johnson, which carried.

CAPTASA – 2014 Conference Workshop

Mr. Grubb provided a detailed report of the CAPTASA Conference Workshop he attended on 01/24-25/14 in Lexington, Kentucky. This report focused on the use of marijuana; the Kentucky All Schedule Prescription Electronic Reporting (“KASPER”) system; top prescribed controlled substances by therapeutic category by doses, prescribed address and patient address; and specific questions intended to determine whether a patient has a history of chemical abuse and/or dependency which providers of physical therapy may want to incorporate in their initial assessments.

2014 FSBPT Board Member and Administrator Training

Mr. Majors circulated information relating to FSBPT’s Board Member and Administrator Training Conference scheduled for 06/06-08/14. FSBPT fully funds each member board to send an administrator and up to two members for the Conference. Ms. Volz and Mr. Majors attended this conference in 2013, and both offered high praise for the quality of the conference. Mr. Barbato expressed interest in attending, subject to determining his availability. Following discussion, Ms. Ogle made the motion for the Board to authorize Mr. Barbato to attend as the Board’s representative. This motion was seconded by Ms. Pillow, which seconded.

2014 FSBPT Annual Meeting and Delegate Assembly

Mr. Majors circulated information relating to FSBPT’s Annual Meeting and Delegate Assembly scheduled for 09/18-20/14 in San Francisco, California. FSBPT fully funds each member board to send an administrator, a Voting Delegate and an Alternate Delegate to the meeting. Mr. Majors advised that FSBPT is requesting that each member board designate as soon as practicable its Voting Delegate, Primary Alternate Delegate and (if applicable) a Secondary Alternate Delegate. Following discussion, Ms. Johnson made the motion for the Board to designate Ms. Volz as the Board’s Voting Delegate and Ms. Ogle as the Board’s Alternate Delegate. This motion was seconded by Mr. Clark, which carried.

FSBPT Proposed NPTE Eligibility Requirements

At the last meeting the Board instructed staff to contact FSBPT and request that, in all future communication from FSBPT to member boards relating to the proposed NPTE eligibility requirements, greater steps be taken to clarify/emphasize that the proposed lifetime limit of 6 attempts is to apply separately for the PT exam and the PTA exam, respectively. Mr. Majors provided the members a copy of a written notice to FSBPT representatives dated 03/04/14 in which this request was made.

FSBPT Common Licensure Application Initial Survey

Mr. Majors circulated a copy of FSBPT’s Common Licensure Application Initial Survey, received by the Board on 02/11/14. In view of the Board’s meeting schedule, FSBPT granted the Board additional time in which to complete this survey. The members reviewed each question in the survey and reached a consensus as to how each question should be answered. The Board instructed staff to formally complete the survey consistent with these answers. Additionally, Mr. Grubb and Mr. Barbato expressed interest in serving on a task force charged with defining the requirements of a common licensure application. Mr. Majors agreed to relay this information to FSBPT representatives.

Correspondence from Massage Therapy Board Concerning Possible Practice by PTAs

In response to a letter sent to the Chair of the Kentucky Board of Licensure for Massage Therapy (KBLMT), dated 12/11/13, which helped clarify that physical therapist assistants in Kentucky may perform massage therapy under certain situations, the Board received a letter from KBLMT, dated 01/23/14, indicating that it was in agreement with the Board’s letter. Mr. Majors circulated a copy of KBLMT’s letter to the members for their review.

iPad Tablets and Monitoring Procedures

Apple iPad Air tablets and protective keyboard cases were distributed to Ms. Pillow, Ms. Ogle, Mr. Barbato, Mr. Clark and Ms. Volz, per the Board's previous authorization, to be used to access and review Board documents prior to and during Board and Committee meetings. These five members also signed User Agreements which establish the appropriate use for these tablets and clarify that the tablets and cases are the property of the Board and are to be returned to the Board office upon expiration of the respective member's term. (Mr. Grubb and Ms. Johnson had previously indicated their preference to use hardware other than an iPad Air to access the Board materials.)

Mr. Curley provided a report concerning the remaining steps needed to fully develop the electronic web-based excel spreadsheet to be used by Board monitors in the preparation of their reports filed with the Board. Mr. Curley agreed to provide the Board an updated report at the next meeting.

American Medical Association Revised Wheelchair Fit/Train Code

Mr. Barbato reported that the American Medical Association ("AMA") recently revised the wheelchair fit/train code (97542) to now include not only fitting and training but also management and assessment. A concern was raised how this new requirement would comport with the existing Standards of Practice for the Physical Therapist, as memorialized in 201 KAR 22:053 Section 2(2), concerning the need to evaluate each patient prior to initiation of treatment. Following further discussion, the Board concluded that the AMA's revision to the code did not warrant a clarification or amendment to the Standards of Practice at this time.

SB 41: Possible Amendment to KRS 311.856

Mr. Barbato reported that SB 41 seeks to amend KRS 311.856 to require a supervising physician to review and countersign at least 10% of the medical notes written by a physician assistant every 30 days and to allow a physician assistant to execute an order without the countersignature of the supervising physician. The members expressed support for the public policy advanced by this proposed legislation. Ms. Kuperstein, KPTA Liaison, agreed to share the members' support with the KPTA at its next meeting.

HCR 133

Mr. Majors circulated a copy of HCR 133 ("resolution") which encourages the Cabinet for Health and Family Services ("Cabinet") to study treatments and services for heroin and other opioid addiction and increase training on addiction treatment for medical professionals. Specifically, the resolution encourages the Cabinet to collaborate with all medical related post-graduate training programs to include a minimum of ten hours of coursework on the disease of addiction for all medical professionals providing direct patient care, including physical therapists. Moreover, the resolution encourages the Cabinet to work with licensing boards to increase continuing education units, at least to two units every two years that focus on the disease of addiction. The Board concluded that no action was needed at this time.

Opinion Requests

The Board reviewed the following opinion requests:

(1) David Apts, PT, who sought clarification from the Board concerning the appropriate use of the title "Dr." in front of the name of a licensed physical therapist in Kentucky. Following discussion, the Board instructed staff to provide Mr. Apts a copy of: (a) the article authored by Ms. Kuperstein (then Board Chair) and Mr. Brengelman, included in the Board's March 2011 Newsletter, which serves as the most recent pronouncement by the Board on the issue; and (b) KRS 311.375 which sets forth the conditions governing the use of the title "Dr."

(2) Debra Weed, PTA, whether a physical therapist assistant in Kentucky may assist in the administration of the Allen Cognitive Level Screen ("ACLS") and bill for this service? Following

discussion, the Board instructed staff to respond by advising Ms. Weed that, if strictly gathering data without attempting to conduct an assessment, a physical therapist assistant may perform this service. Ms. Weed was also encouraged to refer to the Code of Ethical Standards, set forth in 201 KAR 22:053 Section 1(1)(b), which requires all physical therapists and physical therapist assistants to practice within the scope of the credential holder's training, expertise and experience.

(3) Rick Dugan, PT, whether the Physical Therapy Practice Act or its corresponding administrative regulations prohibit a physical therapist licensed in Kentucky from providing private pay in-home physical therapy service and to advertise such service in various publications? Following discussion, the Board instructed staff to respond by advising Mr. Dugan that its formal opinion in response to his question is identical to the informal opinion previously provided to him by Board staff; to wit: that the practice he proposes is not prohibited in Kentucky as long as he otherwise complies with all provisions of the Kentucky Physical Therapy Practice Act and its corresponding administrative regulations, with particular emphasis placed on the Ethical Standards and Standards of Practice, Supervision and Documentation set forth in 201 KAR 22:053.

(4) James Michael ("Mike") Truax, PTA, whether a physical therapist may complete a Venous Doppler study within a skilled nursing setting? Following discussion, the Board concluded that, similar to a diagnostic ultrasound, the Venous Doppler study is not currently a regulated procedure and there is no present prohibition in the Physical Therapy Practice Act or its corresponding administrative regulations for a physical therapist using this procedure. However, Mr. Truax was also encouraged to refer to the Code of Ethical Standards, set forth in 201 KAR 22:053 Section 1(1)(b), which requires all physical therapists and physical therapist assistants to practice within the scope of the credential holder's training, expertise and experience.

(5) Hannah Abshier, PTA, who inquired about insurance billing for manual therapy performed by a massage therapist in a physical therapy clinical setting. Following discussion, the Board instructed staff to advise Ms. Abshier that: (a) the Board does not regulate billing practices, absent fraud or material deception in the delivery of professional services, including reimbursement, and therefore Ms. Abshier is encouraged to consult her payor guidelines or discuss her inquiries with an authorized payor representative; and (b) assuming a licensed massage therapist is so employed in this clinical setting, that person must be competent to perform the service, that person would be considered "supportive personnel", as defined by 201 KAR 22:001 Section 1(20), and thus that person would be required to be directly supervised by a physical therapist who must meet the Standards for Supervision set forth in 201 KAR 22:053 Section 4.

(6) Hannah Abshier, PTA, whether a physical therapist may diagnose and treat a patient for a condition other than as prescribed? Following discussion, the Board instructed staff to respond by referring Ms. Abshier to the Board's administrative regulation concerning the standards for documentation, 201 KAR 22:053 Section 5, which address an initial evaluation, assessment, and plan of care, and to also refer Ms. Abshier to the definition of Physical Therapy referenced in KRS 327.010(1).

(7) Hannah Abshier, PTA, whether lymphatic drainage is considered within the scope of physical therapy in an outpatient clinic? Following discussion, the Board instructed staff to respond by stating "yes" as long as this procedure is within the patient's plan of care as well as the treating provider's scope of practice, training, expertise and experience.

Civil Matters and Investigations

2010 Complaint Committee

C2010-23: The Complaint Committee reported that on 08/14/12 the Board entered a Notice of Revocation against Stephen Barton based on his noncompliance with terms set forth in a prior Order of the Board. On 09/07/12, Mr. Barton filed a petition for reinstatement of his license and a Request for an Administrative Hearing. While the Request for and Administrative Hearing was assigned to a hearing officer, that matter has been stayed by the parties' agreement. The Complaint Committee further

reported that Mr. Barton and counsel met with the Committee members on 03/19/14 to examine the circumstances attending the revocation of his license and his present ability to resume the practice of physical therapy in a safe and competent manner.

After review, the Complaint Committee recommended and moved that the full Board authorize Counsel to present to Mr. Barton a Settlement Agreement which would reinstate Mr. Barton's license upon completion of various terms within six months. These terms include, but are not limited to: (a) continued successful participation in IPTPC, which shall include drug and alcohol tests at Mr. Barton's expense; (b) completion of FSBPT's Practice Examination and Assessment Tool ("PEAT"); (c) submission to the Board a written remediation plan which identifies the strengths and weaknesses of Mr. Barton's current knowledge of physical therapy; and (d) completion of all continued competency requirements and procedures otherwise required of reinstatement applicants, including the completion of a written reinstatement application and payment of the associated fee. Once reinstated, Mr. Barton's license would be placed on probation for a period of five years and he would be required to: (a) file with the Board a written agreement to practice physical therapy under the direct supervision of a physical therapist licensed by the Board for a period not to exceed six months; (b) have the Board approve this supervision agreement; and (c) have his entire practice monitored by a Board-approved monitor on a quarterly basis for the five year probationary period. The Complaint Committee's motion was seconded by Mr. Barbato, which carried.

2013 Complaint Committee

BIC2013-15: At the last meeting the Board accepted the Active Suspension of Credential and Settlement Agreement which was signed by the credential holder. However, as the credential holder had failed to personally appear to review the terms of this Settlement Agreement with the Board, as was agreed to, Counsel had been instructed to contact the credential holder and reinforce the requirement for the credential holder to appear before the Board at its next meeting to review the terms of the agreement. At the March meeting, Counsel reported that he had reinforced this requirement with the credential holder since the last meeting, by both phone call and by correspondence. Nevertheless, the credential holder failed to appear, as scheduled, without explanation or contact with Board representatives. Following discussion, the Board agreed to table this case for review at the meeting on 07/17/14 to review all of the terms of the Settlement Agreement and the credential holder's compliance with those terms.

R2013-18: The Complaint Committee reported that the requirement imposed on this credential holder to complete and submit an Affidavit which established that she did not practice unlawfully during the time that her license was lapsed had been satisfied, albeit untimely. Thus, the Complaint Committee recommended and moved that this case be dismissed. This motion was seconded by Mr. Grubb, which carried.

C2013-30: The Complaint Committee reported that this case is ongoing and that violations in addition to those originally alleged are also being investigated.

C2013-31: The Complaint Committee reported that this case is ongoing.

C2013-129: The Complaint Committee reported that this credential holder is participating in IPTPC, per the terms of a temporary suspension order of the Board, and that no further action was needed at this time.

C2013-130: Upon information and advice from Counsel, the Complaint Committee reported that the subject Chiropractor in this case, who is not a credential holder of the Board, had signed an Agreed Order for Permanent Injunction and Final Judgment, which had been filed of record and signed by the judge in the court with jurisdiction. Accordingly, the Complaint Committee recommended and moved that no further action be taken and the case be dismissed. This motion was seconded by Ms. Volz, which carried.

C2013-132: Upon information and advice from Counsel, the Complaint Committee reported that the subject Chiropractor in this case, who is not a credential holder of the Board, had signed a letter agreeing to cease all advertising of physical therapy services. Accordingly, the Complaint Committee recommended and moved that no further action be taken and the case be dismissed. This motion was seconded by Ms. Johnson, which carried.

C2013-133: Upon information and advice from Counsel, the Complaint Committee reported that the representatives of the subject fitness center had failed to reply to Counsel's proposed letter agreement in a timely manner. Accordingly, the Complaint Committee recommended and moved that the full Board authorize Counsel to file a lawsuit seeking a permanent injunction and final order. This motion was seconded by Ms. Ogle, which carried.

2013 CE Audit:

CE2013-72
CE2013-100

The Complaint Committee reported that the credential holders in these two cases previously received a private admonishment and failed to comply with both the private admonishment and the subsequent Order of the Board to comply. The Board previously approved the filing of a notice of hearing and charges, which has been completed. No action of the Board was needed at this time.

CE2013-102

The Complaint Committee reported that it received information that the fine previously paid by the credential holder in this case was paid by personal check which was returned for nonsufficient funds. The credential holder failed to submit payment of \$1,900 for CE deficiency plus a \$25 return check fee, totaling \$1,925, despite being advised to do so in writing by Board staff. The Complaint Committee recommended and moved for the Board to authorize the filing of an Order requiring compliance within 20 days and, if compliance is not made by that date, to authorize Counsel to file a notice of hearing and charges. This motion was seconded by Ms. Volz, which carried.

CE2013-65
CE2013-74
CE2013-109
CE2013-111
CE2013-118

The Complaint Committee recommended and moved to dismiss these five cases by virtue that these credential holders are no longer deficient in either paying their fines or submitting proof of completing their CEU requirements. This motion was seconded by Ms. Ogle, which carried.

CE2013-95
CE2013-128

The Complaint Committee reports that the Board previously voted to issue a notice of hearing and charges in these 2 cases and a hearing officer has conducted 2 prehearing conferences. The credential holders did not appear or otherwise participate. The hearing officer has issued recommended orders of default in these 2 cases, which will need to be considered by the Board at its meeting on May 15, 2014, in closed session, with the hearing officer serving as its legal advisor.

CE2013-54

The Complaint Committee reported that the Board previously voted to issue a notice of hearing and charges in this case. A hearing officer was assigned and has conducted 2 prehearing conferences in which the credential holder participated. Board Counsel reported that the credential holder ultimately

provided evidence that the required hours of continued competence were, in fact, successfully completed during the 2011-2013 biennium. Accordingly, the Complaint Committee recommended and moved that the full Board dismiss this action. This motion was seconded by Ms. Johnson, which carried.

2014 Complaint Committee

C2014-01: The Complaint Committee reported that this case is ongoing.

C2014-02: The Complaint Committee reported that Board counsel has received a letter from the subject Chiropractor's attorney agreeing to cease advertising physical therapy services. Therefore, the Complaint Committee recommended and moved that no further action be taken and the case be dismissed. This motion was seconded by Ms. Pillow, which carried.

C2014-03: The Complaint Committee reported that the credential holder, who holds an active credential in both Kentucky and North Carolina, received a public Warning by the North Carolina Board of Physical Therapy Examiners for reimbursement claimed for patient treatment which exceeded the amount of time spent in the facility where the patient resided. The Complaint Committee recommended and moved that the Board authorize its Counsel to attempt to negotiate an informal resolution with the credential holder and, if unsuccessful, to file a notice of hearing and charges based upon the public sanction issued by the North Carolina Board. This motion was seconded by Mr. Barbato, which carried.

C2014-04: The Complaint Committee reported that a credential holder, who is currently on probation with the Board, self-reported an arrest for misdemeanor theft (i.e., shoplifting items valued less than \$50.00) and that no final disposition had been entered by law enforcement as of the Board's meeting date. The Complaint Committee recommended and moved that the Board take no action on these facts at this time as they did not appear to directly implicate a specific provision referenced in the credential holder's subject settlement agreement or the Kentucky Physical Therapy Practice Act. This motion was seconded by Mr. Grubb, which carried.

C2014-05: The Complaint Committee reported that the credential holder in this case self-reported having billed for an in-home physical therapy service which was not rendered. The Complaint Committee recommended and moved that the Board authorize an investigation be opened. This motion was seconded by Mr. Barbato, which carried.

IPTPC Report

Mr. Fingerson presented the IPTPC report dated 03/11/14. IPTPC cases which previously have come to the attention of the Board, or were discussed at length during the Complaint Committees' reports, were reviewed.

Update on Monitoring Probations

The Board noted the following credential holders who are presently being monitored: James Rick Roe, PT; Ron Cole, PT; Lawrence Tatem, PT; Jon-Mark French, PTA; Andreanna Gibbs, PTA; Art Nitz, PT; Michael Harris, PTA; Michael Anthony, PT; Terence Brown, PT; Lori Oakley, PTA; and Jeremy Kruger, PT. Written monitor reports were submitted by the Board-appointed monitors and considered by the Board for Mr. Roe; Mr. Cole; Mr. Nitz; Mr. Harris; Mr. Anthony; Mr. Brown; and Mr. Kruger. An oral monitoring report was also provided by Mr. Barbato for Mr. Tatem. Oral supplements to their written reports were also provided by Mr. Grubb and Ms. Kuperstein.

Staff noted that Mr. Roe is eligible at the next meeting to petition to be excused from further monitoring visits.

The Board also considered a staff report concerning the monitor reports for Mr. French. Following discussion, Mr. Barbato made the motion to transfer the monitoring assignments relating to Mr. French's

probation to Chris Kaczmarek, who is already a Board-approved monitor. This motion was seconded by Ms. Volz, which carried.

REPORTS AND OTHER BUSINESS

Legal Report

FARB – 2014 FARB Forum

Mr. Brengelman circulated to the members a written report concerning his attendance at the 2014 FARB Forum in Austin, Texas, on 01/24-26/14.

FTC vs. North Carolina Board of Dental Examiners

Mr. Brengelman provided a status report concerning *FTC vs. North Carolina Board of Dental Examiners*. Moreover, the members considered the significance of the U.S. Supreme Court having granted a request that it consider the appeal. Mr. Brengelman agreed to continue to monitor this case and provide the Board an update, as indicated.

Status of Proposed Regulation and Proposed Amendments to Regulations

Mr. Brengelman provided a status report, including tentative legislative committee meetings, concerning the Board's proposed amendments to 201 KAR 22:001 (Definitions) and 201 KAR 22:020 (Temporary Permits and Out-of-State Supervision), as well as to 201 KAR 22:160, the new regulation on Telehealth and Telephysical Therapy.

Mr. Brengelman also circulated a draft amendment to 201 KAR 22:040, the Board's regulation concerning verification of continued competence for reinstatement applicants. Mr. Brengelman and Mr. Majors suggested some minor, technical changes to this draft, as well, which were reviewed. Following discussion, Ms. Volz made the motion for the Board to authorize the filing of the proposed amendment with the Legislative Research Commission. This motion was seconded by Mr. Barbato, which carried.

Personal Services Contract: Request for Contract Renewal and Increase in Contract Reimbursement

Mr. Brengelman circulated a written request that his personal services contract, which is set to expire on 06/30/14, be renewed by the Board through 06/30/16, and that his hourly rate for legal services provided to the Board during FY 2015-2016 be increased to \$125.00 per hour for all services rendered, as opposed to the present tiered arrangement for non-litigation services. Following discussion, and with Mr. Grubb and Ms. Ogle having excused themselves from the meeting by this stage, Ms. Volz made the motion that the Board defer any decision on counsel's requests until the next meeting at which all members may be present to discuss the requests. This motion was seconded by Mr. Barbato, which carried. Mr. Brengelman excused himself from the room and was not present during any portion of this discussion.

KPTA Liaison to KBPT Report

Ms. Kuperstein offered members the KPTA report which addressed several topics, the most salient of which referred to: (a) Legislative Day on 02/19/14, at which approximately 450 physical therapists, physical therapist assistants and students attended; (b) KBPT's proposed fund transfers; (c) a tri-alliance between KPTA; the Kentucky Occupational Therapy Association (KOTA); and the Kentucky Speech Hearing Association (KSHA); and (d) a proposed new academic program at St. Catherine College for Athletic Trainers beginning in the fall of 2014.

Mr. Barbato and Ms. Kuperstein individually reported that the Kentucky Athletic Trainers' Society has withdrawn its proposed legislation to amend KRS 311.903 to permit athletic trainers to bill for services provided to an athlete. The members were advised that this legislation is currently on hold and KPTA will update the Board if additional information becomes available.

KBPT Liaison to KPTA Report

Ms. Ogle reported that a KPTA Board meeting was held on 03/07/14 at which the issue of KBPT's proposed fund transfers and the proposed regulation concerning telehealth were discussed. Ms. Ogle advised that KPTA had decided to express its concerns with the proposed fund transfers by writing the Office of the State Budget Director and the four legislators who received KBPT's letter of concern in February. Ms. Ogle also noted that KPTA's fall conference would be held in Lexington, Kentucky, on 09/26-27/14.

Director's Report

Financial Report

The Board reviewed monthly, quarterly and 2014 YTD annual FAS3 financial report addressing the Board's revenues and expenditures.

Department of Revenue

Following the Board's instruction provided at the last meeting, Mr. Majors reported that he notified Rep. Robert Benvenuti, former Kentucky Inspector General, to advise of the Board's concerns with the changes to KRS 131.1817 in the last legislative session; however, no response has been received to date. Mr. Majors offered to provide the Board with an update concerning this legislation if new developments occur.

FSBPT Licensure Compact Advisory Task Force

Mr. Majors reported that the first meeting of FSBPT's Licensure Compact Advisory Task Force, originally scheduled for 02/15-16/14, was rescheduled due to inclement weather to 04/26-27/14. Mr. Majors offered to provide a report of the first meeting of this task force at the Board's next meeting.

FSBPT Ethics and Legislation Committee Meeting

Mr. Majors reported that FSBPT's Ethics and Legislation Committee met on 03/08-09/14 and addressed issues relating to: (1) telehealth; (2) re-entry to practice; (3) an initiative to change the regulatory designator for physical therapists from PT to DPT; and (4) the need to modify the Model Practice Act to allow military PTAs to be credentialed for substantial equivalence and consideration for licensure. Florida HB 751 concerning telemedicine was also examined and discussed.

FSBPT Quarterly Report of Legislative Activity and Physical Therapy Regulation

Mr. Majors provided the members with a copy of FSBPT's October – December 2013 Quarterly Report of Legislative Activity and Physical Therapy Regulation.

SB 130: Possible Amendment to KRS 61.882: Open Records Act

Mr. Majors circulated a copy of SB 130 to the members relating to the Kentucky Open Records Act. This bill proposes to make state officials personally responsible when a court determines that the agencies they oversee have withheld records willfully. The bill also would require state officials to lose their jobs and be prohibited from holding any other appointed public office in the state for a period of five years. Mr. Majors also reported that the bill had been sent to the Judiciary Committee on 02/12/14 but had not advanced further as of the date of the Board's meeting.

Center for Personalized Education for Physicians (CPEP) ProBE Program: Professional/Problem-Based Ethics Course

Mr. Majors circulated information to the members relating to the Center for Personalized Education for Physicians (CPEP). This service, which has offered individualized ethics remediation for healthcare professionals since 1992, is scheduled to offer an interactive medical record keeping seminar in Louisville, Kentucky, on 09/27/14.

Ethics and Boundaries Assessment Services (EBAS)

Mr. Majors circulated information to the members relating to the Ethics and Boundaries Assessment Services, LLC (EBAS). This service offers an ethics and boundaries essay examination that provides a tool to assess a licensee's understanding of ethical and boundary issues as relevant to the professional workplace environment.

KBPT Website Design: FSBPT's Input

A representative with FSBPT is currently offering each member board an opportunity to have its website evaluated for specific guidance on increasing its consumer-friendliness. Mr. Majors has requested FSBPT to conduct this evaluation, which is expected to be scheduled in the near future.

Review of KBPT Staff Positions, Job Descriptions and Possible Reclassifications

Mr. Majors discussed the present employment positions, job descriptions and classifications occupied by staff members Donna Sims and Stephen Curley. Following a summary of the job duties and the annual performance assessments for both staff members, Mr. Majors advised that Ms. Sims appears to meet the requisite qualifications for a Program Coordinator, a grade 13 position, which is one grade higher than the grade 12 Administrative Specialist III position she currently occupies. Mr. Majors sought Board approval to attempt to have Ms. Sims' position immediately reclassified as such. Mr. Majors also reported Mr. Curley has now accumulated the requisite experience to qualify for the grade 14 Special Investigative Agent III position, which is one grade higher than the grade 13 Special Investigative Agent II position he currently occupies. Mr. Majors sought Board approval to have Mr. Curley's position reclassified as such once Mr. Curley achieves some objective performance goals he has discussed with Mr. Curley. Following discussion, Ms. Volz moved for the Board to authorize Mr. Majors to seek to have these two staff positions reclassified, consistent with his report, requests and recommendations. This motion was seconded by Mr. Clark, which carried. Ms. Sims and Mr. Curley were not present during any portion of this discussion.

KBPT Staff Position

Mr. Majors provided the Board a report containing applications he had received from several candidates for the new staff position as well as a timetable for interviewing other potential candidates. Mr. Majors will update the Board on the status of these applications at the next meeting,

KBPT Office Space

Mr. Majors reported that no further developments have occurred since the last meeting relating to decisions made by the Board of Nursing and the Board of Dentistry regarding a possible shared space arrangement in the office building. Mr. Majors agreed to provide the Board an update at the next meeting.

KBPT Records Retention and Destruction Procedure

Mr. Majors reported that on 04/22/14 executive directors with several regulatory boards are scheduled to meet with Jim Cundy, Manager for the State Records Branch, Public Records Division, Kentucky Department for Libraries and Archives (“KDLA”), to discuss the adoption of a uniform policy for regulatory boards concerning the retention, archiving and destruction of business records. Mr. Cundy will also be discussing the services offered by KDLA to help regulatory boards transition from paper documents to paperless data, as well the migration of business data from one electronic format to another to address obsolescence.

KBPT Spring Newsletter

Mr. Majors reminded the members that the next newsletter is scheduled to be published shortly after the next meeting, and the members were requested to be considering topics that could be addressed in this newsletter.

Travel Expenses

Following the Board's instruction at the last meeting, Mr. Majors provided the Board a report concerning travel expenses associated with Board members, staff, and counsel over the prior three fiscal years. Following further review of travel guidelines promulgated by various entities, and after discussion, Ms. Volz made the motion for the Board to revise its policy manual relating to travel expenses and to immediately adopt the following policy: (a) Board members, staff and counsel are to be reimbursed for travel expenses consistent with 200 KAR 2:006; (b) “actual and necessary” expenses incurred by Board members for individual meal allowances while traveling shall be indexed to the amounts established by FSBPT for “normal” and “high rate” cities, and these cities are to be so determined by reference to the Commonwealth's Finance and Administration Cabinet's Policies and Procedures Manual, incorporated by reference in 200 KAR 5:021; and (c) members be required to submit written receipts when seeking reimbursement for items over \$10.00, consistent with 200 KAR 2:006 Section 8. Ms. Pillow seconded this motion, which carried.

KBPT School Presentations: Applications and Jurisprudence Examinations

Mr. Majors provided a report concerning school presentations conducted, and scheduled to be conducted, by Board staff relating to initial license application and the administration of the Jurisprudence Examination.

Conferences Relating to Physical Therapy

The Board reviewed the following schedule of upcoming conferences:

- a. KPTA – Continued Competence Committee Meeting
(04/09/14 – Frankfort, KY)

Tina Volz and Donna Sims – KBPT Representatives

- b. FSBPT -- Licensure Compact Advisory Task Force – 2014 Meeting #1
(04/26-27/14 – Alexandria, VA)
Scott Majors – KBPT Representative
- c. APTA -- “NEXT” Conference (formerly Annual Conference and Exposition)
(06/11-14/14 – Charlotte, NC)
- d. FSBPT -- Licensure Compact Advisory Task Force – 2014 Meeting #2
(07/12-13/14 – Alexandria, VA)
Scott Majors – KBPT Representative
- e. FSBPT – Leadership Issues Forum (“LIF”)
(08/02-03/14 – Alexandria, VA)
(By invitation only)
- f. CLEAR -- 2014 Annual Educational Conference
(09/08-13/14 – New Orleans, LA)

Mr. Majors circulated registration materials relating to this conference to the members for their review. Mr. Majors also reported that the topics to be addressed during this conference have direct application to the responsibilities assigned to staff members Donna Sims and Stephen Curley, and thus Mr. Majors recommended that the Board consider funding their attendance at this conference. Following discussion, Ms. Pillow made the motion for the Board to approve and fund Ms. Sims’ and Mr. Curley’s attendance at this educational conference. This motion was seconded by Ms. Ogle, which carried.

- g. FSBPT -- 2014 Annual Meeting, Conference and Delegate Assembly
(09/18-20/14 – San Francisco, CA)
- h. FARB – 2014 Attorney Certification Seminar
(10/03-05/14 – Annapolis, MD)
- i. FSBPT -- Ethics and Legislation Committee – 2014 Meeting #2
(11/01-02/14 – Alexandria, VA)
Scott Majors – KBPT Representative
- j. CAPTASA – 2015 Conference Workshop
(01/30-31/15 – Lexington, KY)
- k. FSBPT -- 2015 Annual Meeting, Conference and Delegate Assembly
(10/15-17/15 – Orlando, FL)

New licensees/reinstatements/renewal applications

Mr. Clark made the motion to review, approve and ratify the lists of persons issued licenses and certificates since the last meeting, as well as a list of examinees and reinstatements. This motion was seconded by Ms. Johnson, which carried. The lists are attached to these minutes.

A motion was made by Ms. Pillow to adjourn the meeting at 6:54 p.m. The motion was seconded by Ms. Volz, which carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Majors', with a stylized flourish at the end.

Scott D. Majors
Executive Director