



KENTUCKY BOARD OF PHYSICAL THERAPY NEWSLETTER

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January 2016

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Scott Majors Receives FSBPT President's Award !!



(FSBPT President Maggie Donohue presenting the President's Award to Scott Majors)

Congratulations to KBPT Executive Director Scott Majors on being presented the 2015 President's Award at the 2015 Federation of State Boards of Physical Therapy (FSBPT) Annual Meeting this past October! The President's Award recognizes and honors those individuals who, in the President's opinion, made significant, outstanding contributions to FSBPT during the past year.

In 2015, Scott served as member of FSBPT's Council of Board Administrators, Ethics and Legislation Committee, Licensure Compact Advisory Task Force, Licensure Compact Drafting Team, and Membership Survey Task Force. Additionally, under Scott's leadership, Kentucky is one of only six states that hold a 5-star rating in FSBPT's Exam Licensure and Disciplinary Database Participation rating. Congratulations to Scott, and thank you for all of your hard work!

New Regulation Changes Approved

In 2015, the Kentucky General Assembly enacted legislation removing the mandatory requirement that health care providers, including physical therapists and physical therapist assistants, have HIV/AIDS training as a condition of receiving an initial credential, reinstatement or renewal of a credential, or obtaining a credential as a foreign-educated applicant. To comport with these changes, the Board submitted proposed amendments to the Administrative Regulation Review Subcommittee and the Interim Joint Committee on Health and Welfare. Other proposed changes were made to address pending issues with the respective regulations.

On December 16, 2015, all proposed amendments were approved along with some additional housekeeping changes. The following represents the substantive changes:

201 KAR 22:020 – Eligibility and credentialing procedure.

Section 2(1)(c) – this provision was eliminated to remove the requirement that examination candidates must complete at least two (2) hours of HIV/AIDS training approved by the Cabinet for Health and Family Services (CHFS).

Section 2(3) – After “an applicant”, insert “for licensure or certification”.

Section 2(4) – After “in any jurisdiction, an applicant”, insert “for licensure or certification.”

Section 4(1) – language was added to clarify that candidates seeking to obtain a temporary permit were not required to meet the qualifications for the retake and remediation provisions of Section 2(3) and (4).

201 KAR 22:040 – Procedure for renewal or reinstatement of a credential for a physical therapist or physical therapist assistant.

Section 1(4) – this provision was eliminated to remove the requirement that credential holders complete at least two (2) hours of HIV/AIDS training once every ten (10) years.

Section 1(5) – this provision was eliminated to remove the requirement that credential holders seeking renewal must provide verification that he or she has not: (a) violated KRS 327.070; (b) had a professional credential disciplined or under disciplinary review in another jurisdiction; (c) had a civil claim made against the credential holder related to practice of physical therapy; or (d) defaulted on the repayment obligation of financial aid programs administered by the Kentucky Higher Education Assistance Authority (KHEAA).

201 KAR 22:070 – Requirements for foreign-educated physical therapists.

Section 1(2)(d) – This provision was eliminated to remove the requirement that foreign-educated applicants must complete HIV/AIDS education as a condition of receiving a credential.

Current versions of the new regulations can be found at the Board’s website at <http://pt.ky.gov>. If you have any questions concerning these changes to the regulations, you may contact Board staff at (502) 429-7140.

Jurisprudence Exam Required for All Licensees

The 2015 -- 2017 Jurisprudence Examination (JE) is available on our website at <http://pt.ky.gov>. There is no cost for you to take the JE and it can be taken at any time.

Successful completion of the JE by 03/31/2017 is required for all credential holders to renew their credential, and the JE's completion will count for 2 contact hours towards your continued competency requirements for the 2015 – 2017 biennium.

As of 01/01/2016, fewer than 10% of the Board's active credential holders had completed the JE requirement for the current biennium.

If you are unsure whether you have taken the 2015 -- 2017 JE, go to our website and open the JE: if you have completed the JE, once you enter your name and credential number you will receive confirmation via a webpage that says "Congratulations...you may download your certificate."

What are you waiting for? The JE is there and it's free!!

Continued Competency Reminder

In addition to the 2 contact hours received for successful completion of the JE, the breakdown of required continued competency hours is listed below:

1. **Physical Therapists:** An additional 28 contact hours of continuing education.
 - (a) Category 1 – at least 18 contact hours required; however, all 28 hours may be earned in Category 1.
 - (b) Category 2 – no more than 10 contact hours; none is required in Category 2.
2. **Physical Therapist Assistants:** An additional 18 contact hours of continuing education.
 - (a) Category 1 – at least 10 contact hours required; however, all 18 hours may be earned in Category 1.
 - (b) Category 2 – no more than 8 contact hours; none is required in Category 2.
3. **2015 and 2016 Graduates:** New graduates have met the continuing competency hours from their educational credit hours. Note, however, that you are still required to complete the Jurisprudence Exam.
4. **Don't forget:** before you may claim completion of courses, seminars, workshops, symposia, or home study courses consisting of at least 3 contact hours, you must first ensure that the course offering has been approved by at least one of the following:
 - (a) the Board;
 - (b) the Kentucky Physical Therapy Association (KPTA);
 - (c) the Federation of State Boards of Physical Therapy (FSBPT);
 - (d) the American Physical Therapy Association (APTA), or its sections, chapters or certified specialists; or
 - (e) another physical therapy licensing agency.

Source: 201 KAR 22:045 Section 2(2)(a).

Open Meetings of the Board of Physical Therapy Coming to an Area Near You...?

The Board of Physical Therapy is on the move!! Regular and special meetings of the Board are typically scheduled approximately six times each year, and they are usually held at the Board's office in Louisville, Kentucky. Recently, the Board has explored the feasibility of conducting some of these meetings at locations throughout the Commonwealth.

On September 17, 2015, the University of Kentucky's Physical Therapy program in Lexington hosted a regular meeting of the Board of Physical Therapy. This all-day meeting was open to the public and observed by faculty and students who were given opportunity to examine the Board's processes for discussing and establishing public policy which lead to sensible and effective regulation of the profession. This experience was well-received by all those who attended the meeting. The Board extends its sincere gratitude to Dr. Janice Kuperstein and her staff for helping to organize this event: through these efforts, the Board believes this event served as a wonderful experience for students, faculty and Board representatives alike.

The Board hopes to be able to schedule at least one of its 2016 meetings at a location other than its Louisville offices. Check back with the Board periodically to determine whether one of these meetings will be held at a location near you.

Changes to Contact Information

Reminder: you are required by law to notify the Board office within 30 days of a change in employment, home address, email address, or telephone number. In the notice provided to the Board, please provide your name, license/certificate number, and the full address, including county and telephone number. For your worksite, please provide the facility name and full address, including county and phone number.

This change in information may be emailed to KYBPT@ky.gov, or faxed to (502) 429-7142 or mailed to our office address:

Kentucky Board of Physical Therapy
312 Whittington Parkway
Suite 102
Louisville, KY 40222

A form to submit change of address is on the last page of this newsletter.

Name Change

If you have a name change, please submit a written request for this change to the Board accompanied by the legal document verifying the change. We will change your records in-house, but if you are requesting a new wallet card or wall certificate, there is a fee of \$15 for wallet cards and \$25 for wall certificates.

2015 Continued Competency Audit

Krista A. Barton
KBPT Executive Secretary

In the Board's last Newsletter, I summarized the Board's 2015 Continued Competency Audit procedure, highlighting the established timetable and manner for credential holders to demonstrate compliance with the continuing competency requirements. The Board has now completed the 2015 Audit, and the results are in. For comparison, data for both the 2013 and 2015 Audits are listed below:

Continued Competency Audit Results

2013			2015		
Total Audited	PTs	313	Total Audited	PTs	291
	PTAs	<u>204</u>		PTAs	<u>175</u>
		517			466
Fully Compliant	PTs	256 (82%)	Fully Compliant	PTs	250 (86%)
	PTAs	176 (86%)		PTAs	147 (84%)
Noncompliant	PTs	57 (18%)	Noncompliant	PTs	41 (14%)
	PTAs	28 (14%)		PTAs	28 (16%)
Late Incomplete JE	PTs	31 (10%)	Late Incomplete JE	PTs	30 (10%)
	PTAs	15 (7%)		PTAs	19 (11%)
Late Incomplete HIV	PTs	7 (2%)	Late Incomplete HIV	PTs	2 (<1%)
	PTAs	5 (2%)		PTAs	0
No Response	PTs	1 (<1%)	No Response	PTs	0
	PTAs	1 (<1%)		PTAs	2 (<1%)
Late/Short CEU Hrs	PTs	18 (6%)	Late/Short CEU Hrs	PTs	9 (3%)
	PTAs	7 (3%)		PTAs	7(4%)
Fines Assessed		\$31,180.00	Fines Assessed		\$26,830.00
Fines Collected		\$31,180.00	Fines Collected		\$23,073.00

Disciplinary Actions

May 2015 – December 2015

Stephen Curley
KBPT Staff Investigator



The following is a summary of disciplinary actions taken by the Board since the last Newsletter was published. It is intended as a summary for informational purposes only. All information is believed to be accurate. However, complete terms of each disciplinary action are contained in the Board's records. Monetary amounts paid to the Board may reflect the investigative costs and not necessarily the scope and severity of the violation(s).

Herat Desai, PT

Date: 05/21/2015

Final Action: Final Order – A violation of KRS 327.070(2)(b) by engaging in, permitting, or attempting to engage in or permit the performance of substandard patient care, KRS 327.070(2)(c)(2) by having engaged in or attempted to engage in a course of lewd or immoral conduct, KRS 327.070(2)(m) by being impaired by reason of a mental, physical, or other condition that impedes his or her ability to practice competently and KRS 327.070(2)(k) by failing or refusing to obey any lawful order or administrative regulation of the board. License to practice physical therapy is revoked.

Donald Bruce Taylor, PT

Date: 07/30/2015

Final Action: Order and Settlement Agreement – More than one count of a violation of KRS 327.070(2)(h) by engaging in fraud or material deception in the delivery of professional services. Reprimand, three years probation, \$2,500 administrative fees, \$1,000 fine, monitoring, home health restriction, and CEUs.

Tambra Foushee Roe, PT

Date: 07/30/2015

Final Action: Order and Settlement Agreement - Violation of KRS 327.020(1) or (3) by practicing physical therapy on a lapsed license. Reprimand, and \$600 fine.

Rebecca Allyson Combs, PT

Date 11/05/2015

Final Order: The Board voted to accept the Hearing Officer's Recommended Order of Default. Ms. Comb's license to practice Physical Therapy has been revoked.

Edward Bunn, PT

Date 11/05/2015

Final Action: Order and Settlement Agreement - Violation of 201 KAR 22.045 by failing to provide proof of the necessary hours for continued competency. Reprimand and \$620 fine.

Kimberly Kuncl, PT

Date 11/05/2015

Final Action: Order and Settlement Agreement - Violation of 201 KAR 22.045 by failing to provide proof of the necessary hours for continued competency. Ms. Kuncl's license to practice Physical Therapy has been voluntarily surrendered.

Douglas Stephenson, PTA

Date 11/05/2015

Final Action: Order and Settlement Agreement - Violation of 201 KAR 22.045 by failing to provide proof of the necessary hours for continued competency. Reprimand and \$1,080 fine.

Ashley Stone, PT

Date 11/05/2015

Final Action: Order and Settlement Agreement - Violation of 201 KAR 22.045 by failing to provide proof of the necessary hours for continued competency. Reprimand and \$620 fine.

Cathy Whitaker, PT

Date 11/05/2015

Final Action: Order and Settlement Agreement - Violation of 201 KAR 22.045 by failing to provide proof of the necessary hours for continued competency. Reprimand and \$840 fine.

Immediate and Temporary Suspension

Douglas Adams, PT

Date: 07/30/2015

Probable Violation: KRS 327.070(2)(k) and KRS.327.070(2)(a)

Action: Immediate Temporary Suspension, effective 08/06/2015

Term Protection Violation

The following is a list of violations of KRS 327.020(3) *"It shall be unlawful for any person, or for any business entity, its employees, agents, or representatives to use in connection with his or its name or business activity the words "physical therapy," "physical therapist," "physiotherapy," "physiotherapist," "registered physical therapist," the letters "P.T.," "L.P.T." or any other words, letters, abbreviations or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied or to bill for physical therapy unless such physical therapy is provided by or under the supervision of a physical therapist licensed and practicing in accordance with this chapter."*

Agreed Orders

Kelly Flowers, Equi-Ther, LLC, an Agreed Order was signed on 04/23/2015 regarding the unlawful use of the words "physical Therapy" in a news article.

Change of Home Address, Email Address, Name, or Worksite

Written notice of any change of employment, home address, email address, or telephone number must be sent to the Board office within 30 days of the change according to KRS 327.040(6) and 201 KAR 22:035 Section 2. For a name change, please send a copy of the legal document verifying the change. You may mail, fax, or email the information to the Board office.

Name **(Required)** _____
License / Certificate No. _____

Home Address _____
City State Zip County
Phone (____) _____
Email address _____
Primary Work Facility _____

Address _____
City State Zip County
Phone (____) _____ Full/Part time _____

Note: Our agency provides licensure lists for a fee to recruiters, continuing education sponsors, and other agencies. Please indicate your preferred address of public record for disclosure. If neither address is marked, the default address will be your home address.

Please use my home address _____
Please use my primary work location address _____

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