



KENTUCKY BOARD OF PHYSICAL THERAPY NEWSLETTER

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March 2017

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It's Time To Renew!

It's that time again...time to renew your Kentucky PT license or PTA certificate.

The last day to renew your credential is March 31, 2017. **Don't procrastinate!** Technical difficulties DO occur! If not renewed by March 31, 2017, your credential WILL LAPSE -- there is no grace period.

If your credential LAPSES, you will not be permitted to return to practice/work until your credential is reinstated through a separate application process. Note: those who work on a LAPSED license are deemed to have engaged in the unauthorized practice of physical therapy and will be disciplined.

For more information, go to the board's website [here](#).



Find Latest KBPT News on Social Media

In order to provide credential holders with important information in a more timely manner, KBPT will no longer be issuing news via the newsletter format. Instead, the Board will relay all relevant information through the Board's website, email notifications, and through our new Facebook page.

Please go to facebook.com/KentuckyBoardofPhysicalTherapy and [like](#) our page to receive updates on the latest KBPT news.

KBPT Receives

FSBPT 2016 Excellence in Regulation Award



FSBPT President Maggie Donohue presents KBPT Board Members and Staff with the 2016 Excellence in Regulation Award during the 2016 Annual Meeting in Columbus, Ohio.

The Kentucky Board of Physical Therapy (KBPT) received the first ever Excellence in Regulation Award from the Federation of State Boards of Physical Therapy (FSBPT) during FSBPT's Annual Meeting in Columbus, Ohio.

The award was created to recognize jurisdictions that have made significant accomplishments towards increasing public protection for its consumers of physical therapy services. Criteria for receiving the award include passing rules that substantially protect the public, public engagement, and maintaining a 5-star rating in FSBPT's Exam, Licensure and Disciplinary Database (ELDD) for three consecutive years.

Congratulations to KBPT's Board members and staff for this national recognition of their dedication to public protection and commitment to professional excellence. It is extremely gratifying that Kentucky was selected for this award, as it validates the consistent achievements which KBPT has realized by promoting its mission of public protection and by helping to improve the quality of life for all Kentuckians who may be in need of physical therapy services.

Ron Barbato, P.T., KBPT Board Chair

Elected to FSBPT Board of Directors



Ron Barbato, center, taking the oath of office for FSBPT Director

Ron Barbato, P.T., a member and current Chair of the Kentucky Board of Physical Therapy, was elected to the Board of Directors of the Federation of State Boards of Physical Therapy (FSBPT) during the recent FSBPT Annual Conference and Delegate Assembly held in Columbus, Ohio.

Among his many new responsibilities as FSBPT Director, Ron will conduct business referred to FSBPT by the Delegate Assembly; make staff and volunteer appointments, as provided in FSBPT's Bylaws; establish the fees for the National Physical Therapy Examination (NPTE); adopt and provide oversight to FSBPT's annual budget; and review and adopt substantive and procedural policies affecting the regulation of physical therapy on a national scale. Ron has already embraced his new role as FSBPT liaison for the physical therapy licensing boards in the following jurisdictions: Delaware, District of Columbia, Indiana, Kentucky, Pennsylvania, Rhode Island, Tennessee, Virginia, and West Virginia.

Congratulations on this significant achievement, Ron! We appreciate your willingness to represent Kentucky in this important national role, and we look forward to having you share your FSBPT experiences with the members and staff of Kentucky's Board to help identify and formulate sound public policy and standards of practice here in Kentucky.

NEW -- 2017 Continuing Competence Audit Procedure

Please Familiarize Yourself with this New Procedure!

After re-examining its Continuing Competency audit procedures and results for the past 2 bienniums, the Board approved a new audit procedure that will accelerate the deadlines to demonstrate timely compliance for those credential holders who are subject of the audit.

To determine compliance with Continued Competency requirements of 201 KAR 22:045, Board staff will randomly audit a minimum of 5% of the physical therapists and 5% of the physical therapist assistants immediately after the online renewal process has completed on March 31, 2017, to determine whether continued competency requirements were satisfied.

In addition to the random audit, Board staff will audit:

- (1) all credential holders who were privately admonished or disciplined by the Board for Continued Competency deficiencies in the last biennium;
- (2) one Board member selected randomly; and
- (3) all credential holders for whom Board staff does not have proof of completion of the Jurisprudence Examination.

The following new audit process will be initiated in April of 2017:

1. Each person to be audited will be mailed an Order of the Board via certified mail, return receipt requested. This Order will provide:
 - a. that the credential holder has no more than 30 days from receipt of the Order in which to comply by providing to the Board a CE tracking form with supporting documentation;
 - b. that the credential holder has no more than 60 days from receipt of the Order in which to satisfy any deficiencies in the documentation as identified by Board staff; and
 - c. a summary of the Board's proposed fine structure for any deficiencies that may be determined.
2. Unless an extension of time has been provided to the credential holder, the Board will initiate the complaint process against any audited credential holder who fails to timely submit proof of meeting the Continued Competency requirements within 30 days of receipt of the Order. Board staff shall report all credential holders who are non-compliant with the 30-day deadline set forth in 201 KAR 22:045

Section 2(4)(b) and (c) to the Board at its next scheduled meeting to determine whether the discipline process established in 201 KAR 22:052 should be applied.

3. If the CE requirements have not been demonstrated within the timeframe set forth in the Order, a disposition based on non-compliance with the Continued Competency requirements, as determined from the CE audit, shall be as follows:
 - a. issue a **Private Admonishment** to first time offenders for Continued Competency violations with the following criteria:
 - i. for failure to timely complete the Jurisprudence Exam – base fine of \$100.00 plus \$60.00 for each deficient credit hour; or
 - ii. for failure to timely complete Continued Competency requirements (other than the Jurisprudence Exam) – base fine of \$100.00 plus \$60.00 for each deficient credit hour.
 - b. issue a **Public Reprimand** for first time offenders who fail to timely complete the Continued Competency requirements **AND** the Jurisprudence Exam, (i.e., both continued competency violations) through a Settlement Agreement, plus a base fine of \$300.00 and \$60.00 for each deficient credit hour.
 - c. issue a **Public Reprimand** for **repeat offenders** who fail to timely complete the Continued Competency requirements **OR** the Jurisprudence Exam through a Settlement Agreement, plus a base fine of \$500.00 and \$60.00 for each deficient credit hour.
 - d. Proposed Public Reprimands and Settlement Agreements shall be accompanied by the filing of a formal complaint.
 - e. All fines assessed due to CE deficiencies as determined by the Board shall be paid within 30 days of the subject credential holder being notified of the deficiency and the fine.

For those credential holders who are deemed to be deficient, they will be required to demonstrate compliance through FSBPT's aPTitude continuing competence resource. The Kentucky Board staff has already coordinated with FSBPT's Continued Competence staff regarding this new, accelerated timeline. This will help ensure that both organizations will be well-prepared to properly educate Kentucky's credential holders as to aPTitude's purpose and functionality as well as address any questions which Kentucky's credential holders may have.

Meeting the 2015-2017 Continuing Competency Requirements

Non-Hardship and Hardship Extensions of Time

The Board of Physical Therapy's current renewal period for physical therapist licenses and physical therapist assistant certificates runs from January 3, 2017, through March 31, 2017. Each renewal applicant is required to certify on the renewal application that she/he has completed the required number of hours of continued competency for the biennium. This includes the open book Jurisprudence Examination, for which credential holders receive two (2) hours of Continued Competency credit.

Non-Hardship Extensions

The Board's administrative regulation (201 KAR 22:045) sets forth the Continued Competency requirements and establishes that a credential holder will be granted a temporary **non-hardship** extension of time if the credential holder:

1. Files a completed Exemption or Extension for Completion of Continued Competency [Form](#), including a plan describing how the required credits will be met, by March 31, 2017;
2. Pays a fee of \$250;
3. Has not received a temporary non-hardship extension of time in the prior renewal cycle; and
4. Files proof of compliance with the continued competency requirements by July 1, 2017.

Hardship Extensions

This same administrative regulation establishes that a credential holder will be granted a temporary **hardship** extension of time if the credential holder:

1. Files a completed Exemption or Extension for Completion of Continued Competency [Form](#), including a plan describing how the required credits will be met; and
2. Submits documentation showing evidence of undue hardship by reason of the licensee's age, disability, medical condition, financial condition, or other clearly mitigating circumstances.

Deadline to File Hardship Extensions to Complete Continued Competency Requirements

Beginning with the 2017 Continuing Competency requirements, **all hardship extension requests** to complete continued competency requirements must be filed on the approved [form](#) **by no later than April 30, 2017.**

In summary, all credential holders who intend to continue to practice and work in Kentucky after March 31, 2017, are required to complete the online renewal application process, even if their Continuing Competency requirements were not timely completed. For those credential holders who need additional time in which to complete the Continued Competency requirements, the Board has retained the **March 31 deadline for all non-hardship requests** while creating a **new April 30 deadline for all hardship requests.**

By establishing a hardship deadline of April 30, which is 30 days beyond the non-hardship deadline of March 31, the Board determined that this is a reasonable and necessary accommodation to those renewal applicants whose hardships may:

- (1) be unforeseeable;
- (2) manifest themselves in the last few days of March; and
- (3) interfere with the renewal applicant's ability to file by March 31, 2017, the documentation relating to age, disability, medical condition, financial condition, or other clearly mitigating circumstances that supports the hardship claim.

Additionally, by establishing a deadline of April 30, Board staff will also be provided adequate opportunity to complete its evaluation of the renewal applicant's compliance with the Continued Competency requirements on a timely basis.

If you have any questions concerning the Hardship and Non-Hardship Extension process, please contact Board staff as soon as possible so your questions may be addressed prior to the deadlines for submitting the extension request forms.

Kentucky Board of Physical Therapy
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Disciplinary Actions

September 2016 – February 2017

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).

Tammy Mills, PTA

Date: 09/22/2016

Final Action: Order and Settlement Agreement – a violation of KRS 327.070(2)(h) by engaging in fraud or material deception in the delivery of professional services. Reprimand, \$250 fine, and personal appearance.

Sonya Belt, PTA

Date: 09/22/2016

Final Action: Order and Settlement Agreement – a violation of 201 KAR 22.045 by failing to provide proof of the necessary hours for continued competency. Reprimand, \$1,500 fine, and CEUs.

Sabrina Pletz, PTA

Date: 09/22/2016

Final Action: Order and Settlement Agreement - a violation of KRS 327.070(2)(h) by engaging in fraud or material deception in the delivery of professional services. Reprimand, two-year suspension fully probated, monitoring, CEUs, and \$500 fine.

Garry Tucker, PT

Date 11/17/2016

Final Action: Final Order - the Board voted to accept the Hearing Officer's Recommended Order of Default. Mr. Tucker's license to practice Physical Therapy was revoked.

Mitchell Magness, PT

Date 11/17/2016

Final Action: Order and Settlement Agreement – a violation of 201 KAR 22.053 Section 2(6) by failing to be responsible for the physical therapy record of each patient; a violation of 201 KAR 22.053 Section 2(7) by failing to provide services that meet or exceed the generally accepted practice of the profession; and a violation of 201 KAR 22.053 Section 5 (1) by failing to provide appropriate objective testing in an evaluation. Reprimand, CEUs and \$500 fine.

Margaret Harris, PTA

Date 11/17/2016

Final Action: Final Order - the Board voted to accept the Hearing Officer's Recommended Order of Default. Ms. Harris' certificate to practice Physical Therapy was revoked.

Michael Chumbler, PTA Applicant

Date 1/19/2017

Final Action: Order and Settlement Agreement – a violation of KRS 327.070 2(g) by attempting to obtain a certificate by fraud or material misrepresentation or making a false statement to the Board. Reprimand, and IPTPC.

Immediate and Temporary Suspension

Douglas Adams, PT

Date: 11/17/2016

Probable Violation: KRS 327.070(2)(k)

Action: Immediate Temporary Suspension, effective 11/22/2016;

Final Order Affirming Suspension and Modifying Terms, effective 01/03/2017.

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 designate your preferred address of public record for public disclosure. If a preferred address is not designated, the default address will be your home address.

Address Designation

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

Board of Physical Therapy Contact Information
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