



# KENTUCKY STATE BOARD OF PHYSICAL THERAPY NEWSLETTER

Email: [KYBPT@ky.gov](mailto:KYBPT@ky.gov)

Web Site: <http://pt.ky.gov>

January 2006

## BOARD ADDRESS

9110 Leesgate Road, Suite 6  
Louisville, KY 40222-5159  
(502) 429-7140 phone  
(502) 429-7142 FAX

## BOARD MEMBERS

TINA VOLZ, PT, Chair  
Louisville, KY  
[tvolz@bhsi.com](mailto:tvolz@bhsi.com)

TROY GRUBB, PT  
Louisville, KY  
[tgrubb@kort.com](mailto:tgrubb@kort.com)

RON BARBATO, PT  
Danville, KY  
[rbarbato@emrnc.org](mailto:rbarbato@emrnc.org)

MARGARET BLAIN, PT  
Louisville, KY  
[blainpt@netzero.net](mailto:blainpt@netzero.net)

DEBRA TURNER, PT  
Dry Ridge, KY  
[DeTurner@fuse.net](mailto:DeTurner@fuse.net)

KRISTIE COCHRANE, PT  
London, KY  
[kcochrane@kyptr.com](mailto:kcochrane@kyptr.com)

STEPHEN LACY, Public  
Member  
Russellville, KY  
[sl0629@aol.com](mailto:sl0629@aol.com)

## OFFICE STAFF

BECKY E. KLUSCH  
Executive Director  
[becky.klusch@ky.gov](mailto:becky.klusch@ky.gov)

DONNA SIMS  
Licensure Coordinator  
[donna.sims@ky.gov](mailto:donna.sims@ky.gov)

## BOARD COUNSEL

MARK BRENGELMAN, JD,  
MA  
Assistant Attorney General  
[Mark.Brengelman@ag.ky.gov](mailto:Mark.Brengelman@ag.ky.gov)

## MEET THE BOARD



Front row: Troy Grubb, PT; Ron Barbato, PT; Steve Lacy, Public Member  
Back row: Tina Volz, PT; Margaret Blain, PT; Debra Turner, PT; Mark Brengelman,  
Assistant Attorney General; Kristie Cochrane, PT.

## BOARD APPOINTMENT

Governor Ernie Fletcher has announced a new appointment to the Kentucky State Board of Physical Therapy for a four year term. Welcome Kristie Cochrane, PT, MSPT, from London. Kristie is a 1998 graduate of the University of Kentucky and is currently employed as Clinic Director of PT Pros London Clinic. She is also serving as KPTA Eastern District Co-Chair. Her special interests in physical therapy include women's health and hand therapy. A native of London, KY, Kristie enjoys camping, boating, and spending time with her family. She is also actively involved in the community with the March of Dimes and the American Cancer Society.

## Goodbye Sandy!

A big "Thank You" goes to Sandy Payne, PT, from Leitchfield, whose Board term has expired. Sandy served on the Board for over 8 years and will be greatly missed.

## Disciplinary Actions May 2005-January 2006

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).



**Judy Petrey, PTA-A00360**

**Date: 5/19/2005**

**Alleged Violations:** KRS 327.070(2)(b), (h), and (k), 201 KAR 22:053 § 2(4), § 4(8) (effective September 10, 2001 to January 4, 2005).

**Final Action:** Admits to at least one count of each of violation KRS 327.070(2)(b) by engaging in or permitting the performance of substandard patient care due to a deliberate or negligent act or failure to act; (h) by engaging in fraud or material deception in the delivery of professional services, including reimbursement and (k) by violating 201 KAR 22:053 § 2(4) by failing to report to the Board the unethical, incompetent, or illegal acts of the Respondent's supervising physical therapist to the Board and 201 KAR 22:053 § 4(8) by failing to discontinue physical therapy services when the reassessments were not done and by not communicating such to the appropriate parties. 90 day suspension ending 3/31/05, 2 yr probation with monitoring, \$700 investigative costs, \$500 fine, 3 hour CEU and passage of the Jurisprudence Exam.

**Bruce Taylor, PT-003707**

**Date: 7/21/2005**

**Alleged Violations:** KRS 327.070(2)(k) and 201 KAR 22:053 § 4(3)(k).

**Final Action:** Admits to at least one count of violation KRS 327.070(2)(k) by violating 201 KAR 22:053 § 4(3)(k) by failing to reassess each patient every thirty days. 2 year probation with monitoring, \$700 investigative costs, \$500 fine, 3 hour CEU and passage of the Jurisprudence Exam.

**Jerome Johannes, PT-003972**

**Date: 7/21/2005**

**Alleged Violations:** KRS 327.070(2)(a).

**Final Action:** Admits to violation KRS 327.070(2)(a) for having engaged in the excessive use of alcoholic beverages. Five years suspension fully probated upon conditions designated by the Impaired Physical Therapy Practitioners Committee (IPTPC).

**Charles Buster, PTA-A00812**

**Date: 11/17/2005**

**Alleged Violations:** KRS 327.070(2)(b) and (h).

**Final Action:** Admits to at least one count of each of violation KRS 327.070(2)(b) by engaging in substandard patient care and (h) by engaging in fraud or material deception in the delivery of professional services, including reimbursement. 90 day suspension stayed by 2 yr probation with monitoring, \$1,700 investigative costs, \$100 fine, 3 hour CEU and passage of Jurisprudence Exam.

**Michael Rickey, PTA-A01643**

**Date: 11/17/2005**

**Alleged Violations:** KRS 327.070(2)(m).

**Final Action:** Admits to violation KRS 327.070(2)(m) by being impaired by reason of a mental, physical, or other condition that impedes the Respondent's ability to practice competently, for which the Respondent has subsequently received appropriate mental health treatment. Indefinite suspension, stayed with terms and conditions, including active membership under contract with the Impaired Physical Therapy Practitioners Committee (IPTPC) for at least five years with a Board appointed monitor, on-site supervision, and restrictions on practice setting.

### Cease & Desist Orders

May 2005 through January 2006

**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."*

Jeremy Bartholomew, D.C., Lakeway Chiropractic, Russell Springs, advertising under the yellow page classification of "Physical Therapists".

### *Cease & Desist (cont)*

Erica Montgomery-Turner, D.C., Lakeway Chiropractic, Russell Springs, advertising under the yellow page classification of “Physical Therapists”.

James M. Hamlin, D.C., S M Chiropractic, P.S.C., d/b/a/ American Health Centers, Ashland, advertising in the newspaper and using the words “physical therapy” in the chiropractic office.

Elaine Cassady, Massage Therapist and Louisville Therapeutic Massage billing for “physical therapy evaluation” using CPT Code 97001 as submitted to an insurance company for payment.

Eric DeYoung, Occupational Kinetics using the words “physical therapy” on office prescription pads.

Darlene Rhodes, Hines Fitness Center, using the words “physical therapy” in connection with an aquatic fitness center business in the newspaper, *Messenger-Inquirer*, Owensboro, Kentucky.

## Recognizing an addiction

We all know that we may see patients who are addicted to drugs or alcohol. Do we recognize it in them? Would we recognize this disease in a colleague? If we do recognize it, then what do we do? Let's begin with a definition and some signs and symptoms.

Addiction to drugs including alcohol is a primary, chronic, neurobiological disease, with genetic, psychosocial, and environmental factors influencing its development and manifestations. It is characterized by behaviors that include one or more of the following:

- **Change in Personality** - Changes in a person's normal behavior can be a sign of dependency. Shifts in energy, mood, and concentration may occur as everyday responsibilities become secondary to the need for the relief the prescription provides.
- **Change in Appearance** - Personal hygiene may diminish as a result of a drug addiction. Significant weight loss may occur and glazed eyes may be evident.
- **Blackouts and Forgetfulness** - Another clear indication of dependence is when the person regularly forgets events that have taken place and appears to be suffering frequent blackouts.
- **Social Withdrawal** - A person experiencing a dependency problem may withdraw from family, friends, and other social interaction.
- **Desensitized Emotions** - A dependent person may exhibit an attitude of indifference, a lack of emotion, and demonstrate disinterest in things that previously brought them pleasure.
- **Increased Inactivity** - Hobbies and activities no longer provide the enjoyment they used to. Those suffering from dependency may feel lethargic and tend to stop engaging in athletic activities.
- **Defensiveness** - Abusers who attempt to hide a drug dependency may lash out and become very defensive if they feel their secret is being discovered.

If you recognize any of these signs and symptoms in a colleague, you may refer them to the PACE Program. Per KRS 327.045 (6), this program will assist those with the disease, getting the help they need while remaining privileged and confidential. Call the KY Professionals Recovery Network – Brian Fingerson, RPh @ 502-749-8385 or email [kyprn@insightbb.com](mailto:kyprn@insightbb.com) for assistance.



## Points to Ponder . . .

The board office receives questions on a regular basis ranging from address changes to questions regarding the statutes and regulations. We hope the following on reassessments and supervision will reinforce your understanding and clarify some of your questions.

### Reassessments

Reassessments are required on all patients within the defined time frames based on the care setting whether they are being seen by the physical therapist only or in conjunction with a physical therapist assistant. The reassessments must contain the following elements according to 201 KAR 22:053 Section 5(3):

- (3) *Reassessment, which is written or typed, signed and dated by a physical therapist. This reassessment shall be in compliance with Section 4(3)(i) through (l) of this administrative regulation:*
  - (a) *If the physical therapist is treating the patient, these reports may be incorporated into the progress notes.*
  - (b) *If a physical therapist assistant or supportive personnel are treating the patient, the report shall be a separate entry into the record.*
  - (c) *A reassessment shall include directly observed objective, subjective, and medical data necessary for the revision or reaffirmation of the plan of care and measurable goals.*

The time frames that reassessments are required according to 201 KAR 22:053 Section 4 (3) are:

- (i) *Reassessing inpatients in either a hospital or comprehensive rehabilitation facility every fourteen (14) days;*
- (j) *Reassessing every ninety (90) days, with the physical therapist assistant present, patients in:*
  1. *A facility defined in 902 KAR 20:086 as an intermediate care facility (ICF) for the mentally retarded (MR) and developmentally disabled (DD); or*
  2. *A school system. A forty-five (45) day grace period shall be allowed upon transfer from another school district or from the start of the school year. During this grace period treatment may continue based upon the previous reassessment or initial evaluation;*
- (k) *Reassessing each patient not otherwise noted every thirty (30) days following the initial evaluation or subsequent reassessment;*
- (l) *Reassessing a patient whose medical condition has changed; and*

Although Medicare or other payors may require recertification of the plan of care or “supervisory visits” for reimbursement, the Practice Act supersedes all other requirements. For example:

- Medicare Part A may require recertification of the plan of care every 60 days by the physician, but the Practice Act requires the physical therapist to perform a reassessment every 30 days in a home health setting.
- Medicare may require “supervisory visits” when a physical therapist assistant is treating the patient, but this is not a requirement of the Practice Act. However, they could be combined as long as all the elements in 201 KAR 22:053 Section 5(3) are met.
- A physical therapist assistant must discontinue services if the reassessment is not done by the physical therapist in accordance with the time frame above.
- The only time a PTA is **required** to be present when the PT is performing the reassessment is in a school system or a facility defined as an ICF/MRDD as stated in 201 KAR 22:053 Section 4(3):
  - (j) *Reassessing every ninety (90) days, with the physical therapist assistant present, patients in:*
    1. *A facility defined in 902 KAR 20:086 as an intermediate care facility (ICF) for the mentally retarded (MR) and developmentally disabled (DD); or*
    2. *A school system. A forty-five (45) day grace period shall be allowed upon transfer from another school district or from the start of the school year. During this grace period treatment may continue based upon the previous reassessment or initial evaluation;*

The requirements for reassessments as outlined above may differ from the requirements of various payors. As a Kentucky licensed physical therapist or physical therapist assistant, you must **always** follow the requirements of the Practice Act even if it is more stringent than the payor requirements.

## Standards of Supervision

Many physical therapists are working at several locations, possibly even PRN. Sometimes your work involves doing evaluations and reassessments only.

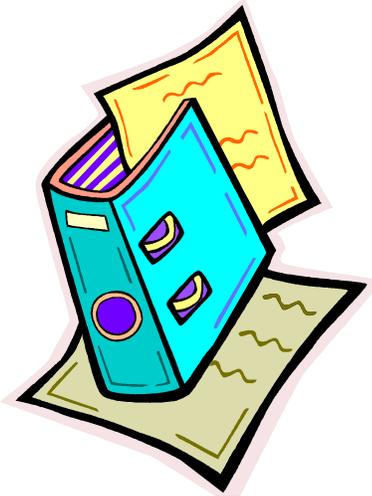
- Do you really know who you are supervising?
- Do you know the competency of those you are supervising insuring that you are not delegating procedures or techniques beyond their scope of training, education or expertise?
- Are you available by telecommunication at all times during the working hours of the physical therapist assistant?

This is a reminder that 201 KAR 22:053 Section 4 states:

*When supervising the physical therapist assistant and supportive personnel, the physical therapist shall:*

*(1) (a) At all times, including all work locations, be limited to:*

- 1. Supervising no more than four (4) full-time physical therapist assistants or supportive personnel; or*
- 2. The number of those persons providing part-time patient care for a period equivalent to that provided by four (4) full-time providers of patient care.*



Please make the following changes to your copy of The Practice Act:

KRS 327.025 (2): Is suspected of fraud or deceit in procuring or attempting to procure a license to practice physical therapy or of negligently performing actions that justify action against a physical therapist or physical therapist's assistant's license as identified in KRS 327.070(2) subsection (2) of Section 7 of this Act;

201 KAR 22:040 Section 1 (4) In accordance with the course requirement in KRS 327.050(8), verification of completion of a Cabinet for Health Services (CHS) approved two (2) hour course on the transmission, control, treatment and prevention of human immunodeficiency virus infection and AIDS, pursuant to KRS 214.610(1) but not more than every ten (10) years. The course shall be completed within the renewal biennial period that it is due;

# Questions on Continuing Competency

201 KAR 22:045

1. How do I know if a course is approved?
  - Visit the KBPT website at <http://pt.ky.gov> Approved courses are available in an Adobe (PDF) file or an Excel file that may be downloaded and sorted.
  - Course is approved by any state licensing board.
  - Course is approved by the APTA and its components and sections. Some examples are:
    1. Ohio Physical Therapy Association (OPTA)
    2. Orthopaedic Section
    3. Acute Care Section
    4. Geriatrics Section
2. How does a Category 1 course become approved?
  - As a licensee, go to <http://pt.ky.gov/cce/> and complete the “Credential Holder” application. There is a \$10.00 fee for each approval.
  - Ask the provider of the course to complete the “Individual Provider” application at <http://pt.ky.gov/cce/>.
3. How many hours of continuing competency is required and when do they have to be earned?
  - PT – 30 hours earned between January 1, 2005 and March 31, 2007
  - PTA – 20 hours earned between January 1, 2005 and March 31, 2007
4. Am I required to have a certain number of hours from each category?
  - 2 hour open book tutorial, Jurisprudence Exam (JE) is required
  - Category I
    - PT – at least 18 hours are required
    - PTA – at least 10 hours are required
  - Category II
    - PT – no more than 10 hours
    - PTA – no more than 8 hours
5. Do new graduates with a physical therapist credential need to obtain CEU’s in order to renew their license?
  - Everyone renewing their credential will be required to obtain CEU’s
  - New graduates will be able to use their class work hours to meet the CE requirement but will still need to take the JE.
6. Who is required to take the Open Book Tutorial (JE)?
  - Everyone renewing their credential will be required to take the exam

*Continuing Competency cont.*

7. How is the examination taken?
  - Online at <http://pt.ky.gov> The cost is \$10.00 and you may use a credit card or electronic check payment.
  - Schedule an appointment to take the exam at the Board office in Louisville.
  
8. I received information on a seminar which has been approved by the Ohio PT Board. Is this acceptable for Kentucky PT Board even though they are not listed as an approved source?
  - Courses that have been approved by other state licensing boards are automatically approved for Kentucky.
  
9. When do I need to submit certificates for continuing education?
  - Submit proof of continuing education documentation if you are audited by the Board.
  - Retain your documentation for three years from the end of the biennium.
  
10. How is documentation of continuing education earned by participation in community service related to health care, or participation in a physical therapy inservice or study group?
  - This is a Category II activity and there is not an approval process required.
  - Document the activity on your “CEU Tracking Form”
  - Examples of documentation include:
    1. Community Service – List date and event
    2. Inservice – List topic, date and place of inservice
    3. Study group – List date, topic and attendees
    4. Article – List article name, publication and date

Kentucky State Board of Physical Therapy  
9110 Leesgate Road, Suite 6  
Louisville, KY 40222-5159

**CHANGE OF HOME ADDRESS, NAME, OR WORKSITE**

Any change of your name or home/work location must be sent to the Board within 30 days of the change according to KRS 327.040(6). 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.

**Home Address**

Name \_\_\_\_\_ Lic. No. \_\_\_\_\_

Address \_\_\_\_\_  
City State Zip County

Phone(\_\_\_\_\_) \_\_\_\_\_ Email address \_\_\_\_\_

**Primary Work Facility**

Name \_\_\_\_\_

Address \_\_\_\_\_  
City State Zip County

Phone(\_\_\_\_\_) \_\_\_\_\_ Full/Part time \_\_\_\_\_

For PTAs only: PT Supervisor's Name & Lic. No. \_\_\_\_\_

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 \_\_\_\_\_

**FAX NO. (502) 429-7142**  
**EMAIL: KYBPT@ky.gov**