

# KENTUCKY STATE BOARD OF PHYSICAL THERAPY NEWSLETTER

<http://pt.ky.gov>

February 2002

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## NEW APPOINTMENT TO BOARD

Kentucky State Board of Physical Therapy Board members are appointed by the Governor for four year terms. There are seven board members, six of which are in the physical therapy professional field and one public member for consumer protection.

Our newest board member is Tina Volz. Tina graduated from University of Kentucky in 1978. As Director of Physical Therapy at Baptist Hospital East for the past 20 years, she manages 75 staff members in the Acute, Sub-Acute and Rehab Departments.

Tina and husband, Rudy have been married for 25 years. They are blessed with lots of friends and family with many nieces, nephews and godchildren. They are big UK fans and avid golfers.

Tina is active in the Kentucky Physical Therapy Association. Her board term will expire December 3, 2005. We look forward to the experience Tina will bring to the board.

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## Laws and Regulations

Enclosed with this newsletter is an updated copy of Physical Therapy Practice Act. Please take time to review these laws and regulations. In 2001, our complaints doubled from previous years, primarily because practitioners did not follow the law. These are our professional standards that we are required to adhere to.

The revised KRS section was updated July 14, 2000. Several KAR regulations have been revised and amended through the legislative process. It is your responsibility to read through them to guide you through the legal and ethical practice of physical therapy. Remember that our laws and regulations are the minimum standard of practice. To be a good therapist, uphold and go beyond these practice standards.

Enjoy reading!!

## JOAN DALTON, PT

Joan Dalton's board term expired December 3, 2001. Joan has been an outstanding board member, having been appointed by the Governor November 30, 1995. She served the board as chairman for two years and was instrumental in implementing the Complaint Committee during her last year on the board. She has an extensive background in physical therapy services and is a 1982 graduate University of Kentucky. Joan brought wisdom, insight, ethics and objectiveness to the board. We will miss her and wish her well in her future endeavors.

# HIV/AIDS

Just a friendly reminder that all active licensees and certificants that expire March 31, 2003 **will not** have to report continuing education credit for an HIV/Aids course until license renewal of March 31, 2011. We will include a reminder in your 2009 renewal that a 2 hour course must be completed between January 1, 2009 and March 31, 2011.

## 2002 Board Meeting Dates

January 17, 2002  
March 28, 2002  
May 16, 2002  
July 18, 2002  
September 19, 2002  
November 21, 2002

Board meetings are held in Louisville at the Board office, dates subject to change. Please call the Board in advance at (502) 327-8497 if you plan to attend.

## June 2001-January 2002 DISCIPLINARY ACTIONS

The following is a summary of disciplinary actions taken by the Board since 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.



### Disciplinary Actions June 2001-January 2002

**Steven Coy PT – 002830**

**Date: 08/30/2001**

**Alleged Violations:** KRS 327.070(9) (effective until July, 2000) and 201 KAR 22:053 5(3)(g)(2) failing to reassess child in school system every 90 days.

**Final Action:** Settlement Agreement, Probation for 1 year with quarterly monitoring and the costs of monitoring, \$800 Fine, 6 hours continuing education course.

**Malton A. Schexneider, PT-001554**

**Date: 11/9/2001**

**Alleged Violation:** KRS 327.070 relating to a criminal conviction in the Jefferson Circuit Court in March, 1999.

**Final Action:** Settlement Agreement, 1 year Suspension fully probated with a 7 year probation period with quarterly monitoring, \$2,500 Fine, \$11,500 administrative costs, 7 hours continuing education course, jurisprudence exam.

**William Jeffrey Kirkendall, PT-003998**

**Date: 01/17/2002**

**Alleged Violation:** KRS 327.070(2) obtaining a license by having made a false statement on application and based upon Adjudication Order dated November 29, 2001 issued by the Ohio Board

**Final Action:** Voluntarily surrender license as if revoked based on Ohio's Order, Administrative Reprimand for violation of KRS 327.070(2), Settlement Agreement with conditions on reapplication after a period of 3 years, \$750 administrative costs.

**Aloysius F. Meives, IV, PT-004191**

**Date: 11/26/2001**

**Alleged Violation:** Previous felony conviction in the State of Wisconsin

**Final Action:** Settlement Agreement, 5 year probation with conditions, \$400 Administrative Costs.

**Kristin Lee Shearer, PT-002463**

**Date: 08/30/01**

**Alleged Violation:** KRS 327.050(8) failing to complete AIDS/HIV approved course by 3/31/01.

**Final Action:** Settlement Agreement, \$250 Fine.

**Ann W. Maliszewski, PT-000172**

**Date: 08/30/01**

**Alleged Violation:** KRS 327.050(8) failing to complete AIDS/HIV approved course by 3/31/01.

**Final Action:** Settlement Agreement, \$250 Fine.

**Joyce R. Ralston, PT-001654**

**Date: 08/30/01**

**Alleged Violation:** KRS 327.050(8) failing to complete AIDS/HIV approved course by 3/31/01.

**Final Action:** Settlement Agreement, \$250 Fine.

**Kelli Pinkerman, PT-001762**

**Date: 08/30/01**

**Alleged Violation:** KRS 327.050(8) failing to complete AIDS/HIV approved course by 3/31/01.

**Final Action:** Settlement Agreement, \$250 Administrative Fine.

## Disciplinary Actions (cont.)

**Evonne Marie Higdon, PTA-A01072**

**Date: 08/30/01**

**Alleged Violation:** KRS 327.050(8) failing to complete AIDS/HIV approved course by 3/31/01.

**Final Action:** Settlement Agreement, \$250 Fine.

**Angela Jean Davidson, PTA-A00249**

**Date: 08/30/01**

**Alleged Violation:** KRS 327.050(8) failing to complete AIDS/HIV approved course by 3/31/01.

**Final Action:** Settlement Agreement, \$250 Fine.

**Laura Marie Hagedorn, PTA-A00837**

**Date: 08/30/01**

**Alleged Violation:** KRS 327.050(8) failing to complete AIDS/HIV approved course by 3/31/01.

**Final Action:** Settlement Agreement, \$250 Fine.

### Legal Actions (2000 – 2001)

*The following is a list of violations of KRS 327.020(3) "...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."*

**Health First Chiropractic, D. M. Marshall, DC and Carol E. Webb, DC, Danville, KY**

Advertising "physical therapy" in Danville Yellow Pages.

**Dwain Porter D.C., Porter Chiropractic Ulysses Health Club, Ashland, KY**

Using "physiotherapy" in advertisement and performance of "physical therapy"

**International Massage Therapy, Louisville, KY**

Advertising under "physical therapy" in Yellow Pages

**East End Audiology & Balance Center, Middletown, KY**

Implying "physical therapy" services are provided

**Jason Hunt, O'Neil Chiropractic, Louisville, KY**

Employment as a "physical therapist" in a chiropractic office

**Pinkesh Patel, D.C., London Family Chiropractic, London, KY**

Provides "physical therapy" services

**Gary Mueller, D.C., Mueller Chiropractic Center, Louisville, KY**

Advertising for a "physical therapist assistant" with no licensed physical therapist

**Nanci Allen, D.C., Better Health Chiropractic, Crescent Springs, KY**

Using the word "physiotherapy" in a newspaper article

**Nickolas Fletcher, Personal Trainer, Lexington, KY**

Using the words "physical therapy assistant" to describe qualifications

**Gary L. Mills, D.C., Mills Chiropractic, Georgetown, KY**

In a welcoming letter to a resident that office provides "physical therapy"

**Lu Tavares, Caritas Health Fitness Club, Louisville, KY**

Using the words "physical therapy" in a Caritas brochure describing qualifications

## Declaratory Opinion

Do you have a question or concern about something in the Physical Therapy Practice Act that you don't fully understand? Do you think there needs to be a clarification written and publicized to help you practice physical therapy by the law? If so, write a letter to board for a Declaratory Opinion. A Declaratory Opinion is an interpretation of the law by the Board. These opinions are published on our website at: <http://pt.ky.gov>. This is an excellent source of information. Some of the Opinions we have on the website are:

- Utilization of PTA's in Patient Screening
- PT supervision of Home Health Aide
- Routine Restorative Services
- Scope of Practice on Electromyography
- PT's performing therapy on Non-Humans
- PTA's taking verbal orders from Physician
- Integumentary System

## Complaint Process

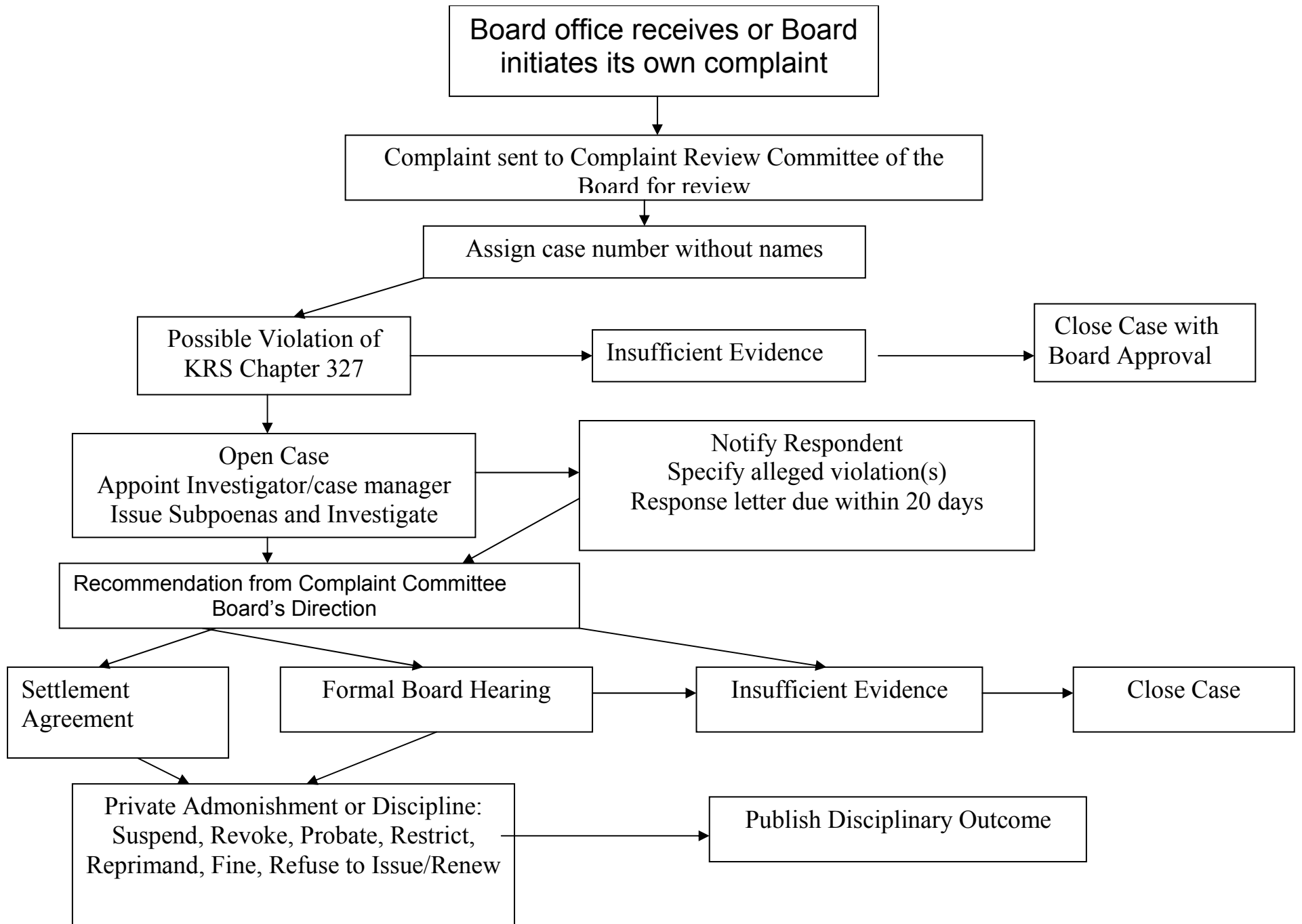
Physical Therapy patients have a right to expect a professional standard of care from their physical therapist. According to KRS 327.025 and 201 KAR 22:053 Section 2(3), it is your obligation to report possible violations of KRS Chapter 327 concerning practitioners practicing physical therapy. Specifically, the PT and PTA are mandated to report "unethical, incompetent, or illegal acts" to the Board. The Board of Physical Therapy is responsible for regulating this profession and protecting the public in matters related to physical therapy. The Board will investigate your complaint and take appropriate action. See the Complaint Flowchart on the back of this page for the process.

The complaint process is detailed and thorough so please expect some delay. Not every complaint results in disciplinary action by the Board. As you can see in the chart below, there are many cases that are closed due to insufficient evidence that a violation has occurred and the PT's or PTA's license or certificate will therefore remain in good standing.

While you may have an opinion regarding the process and the outcome of your complaint, please remember that the complaint committee members, not the full board, are the only ones collecting and reviewing the evidence at the complaint and investigative stages. This method will keep the complainant as well as the respondent PT or PTA anonymous to the remaining board members who will be unbiased if a hearing occurs. Complaint and investigative cases are thus referred to for identification purposes only by the complaint number assigned.

### COMPLAINTS

	Total Number of Complaints	Closed due to Insufficient Evidence of a Violation	Cease and Desist	HIV Non-Compliance Settlement Agreement	Revoke or Suspend license	Probation	Private Admonishment or Admn Reprimand	Case Still Opened
2001	48	20	3	7	1	2	2	13
2000	24	8	11		1	3	1	
1999	13	8	2	0	2		1	
1998	10	2	2		3	2	1	
1997	16	6	3	3	1	1	2	



# FIRST STEPS AND SUPERVISORY REGULATIONS

by Debra Turner

The Kentucky State Board of Physical Therapy would like all therapists in the state to better understand the regulations regarding evaluation of patients and supervision of the physical therapist's assistant when working with the First Steps Program.

If a child is receiving physical therapy services in a "center or a home based" program, he or she must be evaluated by a physical therapist prior to the initiation of *any* treatment. If the PTA is going to provide the follow up visits and implement the plan of care, then the child/patient must be reassessed per 201 KAR 22:053 Section 5 (3) (h), which states, "...after the earlier of every: 1. Twenty (20) PT visits; or 2. Thirty (30) days following the initial evaluation or subsequent reassessment."

Children enrolled in First Steps are not considered part of a school system or district. They are not yet eligible for a formal school program offered by a district. Thus the school system reassessment guidelines that students must be reassessed every ninety days, with the physical therapist's assistant present, (201 KAR 22:053,

Section 5, (3), (g)), **do not** apply to the First Steps children. After children turn three years of age, they may transition to the school system if it is the plan for that individual child. If they transfer, the school district's PT must perform an evaluation for the school setting and develop an appropriate plan of care.

Occasionally, the PT working for the school district may also work for First Steps and have prior experience or knowledge of the children. Even if this occurs, the school evaluation must be completed and include all pertinent information per 201 KAR 22:053, Section 6, Standards of Documentation.

If you are working in either the school setting or with the First Steps Program and still have questions regarding our administrative regulations, please contact the board and ask for clarification.

## ???ARE YOU IN VIOLATION OF THE PT LAW???

### CHANGE OF ADDRESS

Any changes in name and both home and physical therapy work addresses and phone numbers **must** be sent to the Board within 30 days of change according to **KRS 337.040(6)**.

Name \_\_\_\_\_ License # \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_ County \_\_\_\_\_

Phone \_(\_\_\_\_)\_\_\_\_\_ E-Mail Address \_\_\_\_\_

### Primary Work Facility

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_ County \_\_\_\_\_

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

PT Supervisor's Name \_\_\_\_\_ License # \_\_\_\_\_