



KENTUCKY STATE BOARD OF PHYSICAL THERAPY NEWSLETTER

Email: KYBPT@ky.gov

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

SPRING 2004

BOARD ADDRESS

9110 Leesgate Road, Suite 6
Louisville, KY 40222-5159
(502) 327-8497 phone
(502) 423-0934 FAX

BOARD MEMBERS

STEFANIE LAWHORN, PT, Chair
Louisville, KY
lawhornpt@msn.com

TERRY RANDALL, PT
Somerset, KY
RandallTRC@charterbn.com

TINA VOLZ, PT
Louisville, KY
tvolz@bhsi.com

ROBERT CATURANO, PT
Paducah, KY
rcaat@biokinetix.com

SANDRA PAYNE, PT
Leitchfield, KY
sandy@leitchfieldvet.com

DEBRA TURNER, PT
Dry Ridge, KY
DeTurner@fuse.net

STEPHEN LACY, Public Member
Frankfort, KY
sl0629@aol.com

OFFICE STAFF

BECKY KLUSCH HUGHES
Executive Director
becky.hughes@ky.gov

DONNA SIMS
Licensure Coordinator
donna.sims@ky.gov

BOARD COUNSEL

MARK BRENGELMAN, JD, MA
Assistant Attorney General
Mark.Brengelman@law.state.ky.us

Signatures on Documentation By Stefanie Lawhorn, P.T., Chair

Recent investigations have discovered varied ways that physical therapists sign their documentation. This is more noticeable with the recent increase in advanced degrees and specialist certifications earned by physical therapists. According to our regulations, 201 KAR 22:053 Sec. 6 (5)(a) *The correct designation following the signature of the person who has entered a statement into the patient record shall be as follows: If written by a physical therapist or a physical therapist candidate granted a temporary permit by the board: "PT".*

It is permissible to use the designation of the degree or specialty certificate but only after "PT". For example, if John Smith earned an MPT degree and OCS, the correct designation in the patient record would be: John Smith PT, or John Smith PT, MPT, OCS.

Verification of License

The board administrative staff receives many requests for verification of license/certificate to be reported to other state licensing boards. In order to process requests for verification, send the request with your name, license/certificate number, signature, date, and where the verification should be mailed with a \$15 check payable to KY Board of Physical Therapy. Verifications are processed promptly when the fee and required information are received.

Personal Service Contract PACE Program

The Board is pleased to announce that it has contracted with Brian Fingerson, R.Ph., KY Professionals Recovery Network (KYPRN) to coordinate the Impaired Physical Therapy Practitioners Committee's Practitioners Alternative Care Effort (PACE) program. Brian brings a vast amount of knowledge in dealing with drug and alcohol addictions.

Brian has been a practicing pharmacist for 30 years and recently retired from the KY Department of Corrections as their Pharmacist Supervisor. He has successfully managed the recovery monitoring program for the Pharmacy Board since 1986, and most recently contracted with the Dental Board, as well as, our Physical Therapy Board. His goals for the PACE program are:

1. educate the profession as to addictions and offer help to those in need of his service;
2. monitor those currently under Board order to maintain a clean/sober life;
3. be available to anyone at any time who may need assistance in dealing with an addiction while keeping it confidential from the Board so long as the credential holder or applicant remains in compliance with the law.

Please see the article on page 4 for more information on this PACE program.

Disciplinary Actions June 2003 – March 2004

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).



James Richard Roe, PT-003294

Date: 9/5/2003

Alleged Violations: KRS 327.070(2)(a), (c), (k)

Final Action: Admits to violating KRS 327.070(2)(a) for the indulgence in excessive use of alcoholic beverages or the abusive use of controlled substances.

Settlement Agreement: Immediate, temporary suspension issued by the Board 9/5/03 made final agency action; license temporarily suspended with conditions upon reinstatement.

Christy Guhy, PTA-A00913

Date: 7/17/2003

Alleged Violations: KRS 327.070(2)(a) and (f)

Final Action: Admits to violating KRS 327.070(2)(a) and (f) for having engaged in the abusive use of controlled substances and for having been convicted of a felony in the case styled *Commonwealth of Kentucky v Christy Lynn Guhy*, McCracken Circuit Court.

Settlement Agreement: 5 years probation, participate in the Board's Impaired Physical Therapy Practitioner's PACE program, pay the total sum of \$200.00 for administrative costs

Kay Israel, PT-002850

Date: 1/8/2004

Alleged Violations: KRS 327.070(2)(k)

Final Action: Admits to violating KRS 327.070(2)(k) by violating 201 KAR 22:053 § 6 by failing to meet the standards for documentation required in the physical therapy record for numerous patients over a period of more than one (1) year.

Settlement Agreement: Probation for a period of 30 months with monitoring every month for a period of first 6 months and quarterly monitoring for remaining probationary period with payment of monitoring costs, pay the total sum of \$1,000.00 fine and the total sum of \$1,500.00 for investigative costs, completion of a six hour documentation and charting course approved by the Board, and successful completion of the Board's Jurisprudence Exam.

Cease & Desist Orders

June 2003 through March 2004

The following is a list of corrective actions regarding 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."*

Larry Wheeler, PTA, John's Run/Walk Shop, use of the initials P.T.A. on advertisement while working as an orthopedic shoe technician.

Robert Roach, D.C., Louisville Pain & Rehab, use of the words "physical therapy" in an advertisement for his chiropractic office.

Craig Selinger, D.C., Hyden Family Chiropractic, use of the words "physical therapy" when referring to the chiropractic services performed in his office.

Eric Ribenboim, D.C., Shelbyville Chiropractic & Rehab Center, advertising under the heading of "Physical Therapy" in the Bluegrass Telephone Directory, *The Blue Book*

Ron Payne, PTA, using "P.T.A." to describe himself in a newspaper advertisement while working as a personal and fitness trainer.

Cease & Desist Orders (cont.)

Greg Mack, owner, Accident Injury Medical Centers, using the words “physical therapy” when referring to services performed by the medical practice and advertising under the heading of “Physical Therapy” in BellSouth, *the Real Yellow Pages*.

Jean Elizabeth, Kentuckiana Children’s Center, using the word “physiotherapy” when referring to services performed at this center in the advertisement “Fore’ the Kids” Fifth Annual golf tournament.

Sally Mudd Chapman, R.N., advertising under the heading “physical therapy” in the Lexington TransWestern Publishing Yellow Pages.

Dane D. Heinze, D.C., Heinze Family Chiropractic, advertising in an office brochure that his chiropractic office provides “physical therapy modalities.”

Merle Helgeson, D.C., Buttermilk Chiropractic Center, for using the words “physical therapy” on a window sign of his chiropractic office.

ATTENTION ALL CREDENTIAL HOLDERS

PTs and PTAs are required by KRS 327.040(6) to report any home or workplace change of address within 30 days. The Board office will no longer accept changes over the phone. The Board will accept notification by fax, email, or general mail delivery. Be sure to include your name, license number, full address, county, and telephone number for home address. If the work location has changed, please include the name of the facility as well as full address, county and telephone number, and indicate whether you are working full or part time. Please list all work sites where you are employed in physical therapy. For **PTA’s only**, provide your PT supervisor(s) name and license number for each work location.

To request a name change, submit a copy of the legal document authorizing the change. The board administrative staff will update your records when received, however, in order to receive a new wallet card and/or wall certificate, submit a \$10 fee for wallet card and \$20 for a wall certificate. Make check payable to: “KY Board of Physical Therapy.”

???ARE YOU IN VIOLATION OF THE PT LAW???
CHANGE OF ADDRESS

Any changes to 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 327.040(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 _____
For PTA’s Only: PT Supervisor’s Name _____ License # _____

Please mail, fax, or email the above changes to our office within 30 days of change.

Email to: KYBPT@ky.gov
FAX to: (502)423-0934

or

Mail to: KYBPT
9110 Leesgate Rd Suite 6
Louisville, KY 40222

Impaired Physical Therapy Practitioner's Committee
(IPTPC)
PACE Program
By Brian Fingerson, RPh, LLC

I've been asked to briefly answer the question of what may happen to you professionally if you should get a DUI. This question has been discussed and debated within the healthcare professions with Board executives, Board members, Recovery Committee members, and others.

DUI incidents do come to the attention of the Board on occasion. When they do, IPTPC is usually consulted. If the DUI is an isolated incident, i.e. there is no other alcohol or drug related citation within a five year period, any investigation may well stop at that point unless there is a formal citizen complaint. If, however, there are other instances of problems with alcohol and/or drugs that have come through the legal system, the person may be asked to meet with the IPTPC and/or to submit to an evaluation by an addictions professional. Then, depending on the results of that evaluation, further action may be required through the PACE Program and possibly the Board.

Protection of the public is the foremost concern along with getting help for the professional with the problem. Should you or someone you know need **confidential** help, you may contact Brian Fingerson kyprn@insightbb.com or at (502)749-8385.

Frequently asked Questions

How does the board receive complaints? The Board receives initiating complaints from various sources such as patients/family, physicians, facility administrators and co-workers. The Board can initiate its own complaint if sufficient information is received. This initiating complaint along with initial documentation is reviewed by the Complaint Committee which comprises of two board members, attorney and executive director. The Complaint Committee makes a recommendation to the full Board with the reference of the case identified by an assigned number at the next Board meeting whether to open a full investigation and assign an investigator or close the initiating complaint due to insufficient evidence of a violation of KRS 327. Out of 39 initiating complaints filed in 2003, the following outcomes were:

- 16 Closed due to insufficient evidence
- 12 Cease and Desist
- 4 Referred to IPTPC – PACE program
- 3 Private Admonishments
- 4 Disciplined

When does a PTA need to be present during a reassessment?

According to 201 KAR 22:053 §5(3):

(g) Reassessing every ninety (90) days, with the physical therapist's 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;

Kentucky Board of Physical Therapy
9110 Leesgate Road Suite 6
Louisville, Kentucky 40222