



# KENTUCKY BOARD OF PHYSICAL THERAPY NEWSLETTER

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March 2011

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## Board Appointments



We wish to welcome our newest member, Linda Pillow, who was recently appointed by Governor Beshear to serve on the Kentucky Board of Physical Therapy for a four year term to expire in 2015. Linda is a 1977 graduate of the P.T. Program at University of Kentucky and currently works for HCR ManorCare as the Director of Graves Gilbert Physical Therapy in Bowling Green, KY. Prior to this position, she was the Director of Blue Grass Rehabilitation, Hazard Appalachian Regional Hospital Physical Therapy, and Berea Hospital Physical Therapy.

Linda's husband is a retired KY State Police Sergeant, and they have two children; a son at the UK Medical School, and a daughter at WKU. She currently is on the P.T.A. Advisory Board at Madisonville Community College and the WKU Steering Committee for the DPT program. She states, "It is truly an honor and privilege to be appointed to the Kentucky Board of Physical Therapy."



Board Member Chuck Clark, PT, was reappointed by Governor Beshear to serve a four year term expiring in 2015. Chuck has served on the Board since January 2009.



And we must bid farewell to Margaret Blain, PT, who served on the Board from 2005-2011. Not only was Margaret a valuable asset to the Board, but she was also our liaison for the Kentucky Physical Therapy Association. Margaret, thank you for your dedication...you will be missed!!



## Yes, Dr. Physical Therapist, you really are “a Doctor.”

by Janice Kuperstein, P.T., Ph.D., Chair,  
and  
Mark Brengelman, J.D., M.A.  
Assistant Attorney General

In a recent article in the Health Policy and Administration *Resource*, Carolyn Bloom, P.T., reported that two therapists with D.P.T. degrees faced complaints to the Kansas Board for using the term “Dr.” before their names. During the investigatory phase, the regulatory attorney determined that indeed this was a violation of law in Kansas and the therapists may not use the term again or would face disciplinary action.<sup>1</sup> This raised the question of what is and is not permitted in Kentucky.

The use of the title “Doctor” and the abbreviation “Dr.” is governed by Kentucky law as applied to the practice of physical therapy and many other health professions. KRS 311.375 provides clear standards on the use of the term “Doctor” and the abbreviation “Dr.” KRS 311.375 is found in the general provisions of the medical licensure laws otherwise covering physicians, osteopaths, podiatrists, and related medical practitioners. Although not within the Physical Therapy Practice Act, it expressly applies to physical therapists and other health care practitioners.

In sum, physical therapists who hold a doctoral degree, such as “Ph.D.” or “D.P.T.,” **may clearly use those terms and the title “Doctor” or the abbreviation “Dr.” so long as the physical therapist complies with the statute in two ways.**

First, KRS 311.375(1) allows the use of “Doctor” and “Dr.,” but only when the person using those terms “actually has graduated and holds a doctor degree from a school, college, university or institution authorized by its governing body to confer such degree.” This requires the degree to be issued from a *bone fide* school which is duly authorized to issue such a doctoral degree.

Second, KRS 311.375(2) allows the use of the above terms, but not “without affixing suitable words or letters designating the particular doctor degree held by such person.” The bare terms “Doctor” or “Dr.” in conjunction with a person’s name would not meet this particular requirement. However, it is easy to meet this mandate in one of two ways. Either “suitable words” must be included to show the health profession in which the degree is held, or “suitable letters” must be included to show that particular degree.

Examples:

“Dr. Jane Smith” or “Doctor Jane Smith” alone on a business card for a physical therapist with the D.P.T. degree would be UNLAWFUL according to KRS 311.375(2),

“Jane Smith, D.P.T.” – or – “Jane Smith, Doctor of Physical Therapy” would be correct on a business card.  
“Dr. Jane Smith, D.P.T.” would be lawful, but this designation is unnecessarily redundant at best and grammatically incorrect at worst.

KRS 311.375 was amended in 2010 to allow for the suspension of a health care practitioner’s license for 6-12 months if he or she knowingly violated this law with intent to deceive. While “knowingly violating with intent to deceive” would be difficult to prove, that harsh sanction is there to protect the public.

So, in the Commonwealth of Kentucky, if you have earned a “doctor degree from a school, college, university or institution authorized by its governing body to confer such degree,” AND you include the suitable words or letters indicating the type of doctoral degree, you may indeed use the term Doctor. Please remember however, that in documentation, the correct designation after your name is P.T., followed by your educational degree if you wish, as indicated in KRS 327.020(2) and 201 KAR 22:053 Section 5(5)(a).

1. Bloom, C. Vice President’s message. *HPAResource*. 2011; 11(1): 11

# IT'S TIME TO RENEW!!!

It's that time again...time to renew your Kentucky PT license or PTA certificate. **Renewal ends March 31, 2011**, and there is no grace period. Those who work on a LAPSED license will be disciplined. Renewed licenses have a new expiration date of 3/31/2013!

## **Fee is \$150.00 (\$130 for renewal and \$20 for Impaired Practitioners Fund as allowed by 201 KAR 22:140)**

Before you renew your PT or PTA credential you shall:

- ✓ Complete Continued Competency Credit earned between April 1, 2009 through March 31, 2011
  1. P.T. – 30 hours
  2. P.T.A. – 20 hours
- ✓ Complete the MANDATORY Open Book Jurisprudence Exam (JE) for this biennium. Take it online at <http://pt.ky.gov>
- ✓ P.T. or P.T.A. graduates in 2009 and 2010 have met the continued competency by earning 12.0 contact hours for every credit hour, except the required JE.
- ✓ If your HIV/AIDS course is due in 2011, mail, email or fax a copy of the certificate to the board office upon completion. HIV/AIDS course requirement is 2 contact hours and the course must be approved by the Kentucky Cabinet for Health and Family Services (CHFS).

Ways to renew:

1. Online – Preferable Method - Available at <http://pt.ky.gov> until midnight, March 31, 2011.
  - ❖ Online renewal is fast, easy, and secure.
  - ❖ Pay by major credit cards, debit card, or electronic check.
  - ❖ Print your receipt immediately.
2. Download a hard copy of the renewal/reinstatement form, complete and mail to the Board office with fee of \$150.00.

Wallet cards will be mailed out within 2-3 weeks after you renew. You may also check your status (new expiration date of 3/31/2013) online within a few days of renewing. If you aren't renewing your Kentucky license, email or FAX the Board office at (502) 429-7142 to let us know.

Note: If you have not met the continued competency requirements, the following may apply. The Extension of Time Form is on <http://pt.ky.gov> under Continued Competency and must be filed before 3/31/2011.

### **201 KAR 22:045 Section 2:**

*(5) Exemption and extension.*

*(a) A licensee may be granted a temporary hardship exemption for an extension of time, not to exceed one (1) renewal cycle, if the licensee:*

1. *Files a completed Extension of Time for Completion of Continuing Competency Form; and*
2. *Submits documentation showing evidence of undue hardship by reason of the licensee's:*
  - a. *Age*
  - b. *Disability*
  - c. *Medical condition;*
  - d. *Financial condition; or*
  - e. *Other clearly mitigating circumstance.*

*(b) A licensee may be granted a temporary nonhardship extension of time if the licensee cannot show undue hardship and if the licensee:*

1. *Files a completed Extension of Time for Completion of Continuing Competency Form by March 31 of the odd-numbered year in the renewal cycle for which the extension is sought;*
2. *Pays a fee of \$250;*
3. *Has not received a temporary nonhardship extension of time in the prior renewal cycle; and*
4. *Files proof of compliance with the continuing competency requirements by the following July 1.*

## Continued Competency-- What is required for renewal of license?

- Contact hours shall be earned April 1, 2009 through March 31, 2011.
- All PTs and PTAs shall complete the Jurisprudence Examination (JE) by March 31, 2011. Print and retain your certificate for your records.
- Home study courses, workshops, seminars or symposia shall be a minimum of three (3) contact hours and must be approved by KPTA, APTA, physical therapy licensing boards and other health professional licensing boards.
- Physical Therapists – The Board requires 30 contact hours for renewal.
- Physical Therapist Assistants – The Board requires 20 contact hours for renewal.
- **Did you graduate from an accredited PT or PTA program in 2009 or 2010?** If so, you only need to complete the Jurisprudence exam, as your education meets continued competency per 201 KAR 22:045 Section 2 (2)(b).
- Print the Continued Competency Tracking Form off the web, <http://pt.ky.gov> for your use.
- Complete the two hour HIV/AIDS course if due this biennium. Fax or mail in your certificate when completed. It would be helpful to include your license number on the certificate.
- Keep all certificates and documentation for three years from the end of the biennium.

How many hours are required for each category as stated in 201 KAR 22:045?

### Category 1 credits required:

- Physical Therapists must have at least 18 contact hours from Category 1.
- Physical Therapist Assistants must have at least 10 contact hours from Category 1.
- All continued competency may be from Category 1 (except JE). Credits earned in Category 2 are optional.

### Category 2 credits optional:

- Physical Therapists are limited to 10 contact hours only from Category 2.
- Physical Therapist Assistants are limited to 8 contact hours only from Category 2.

## Reinstatement Instructions

What happens if you forget to renew? First of all, **do not** practice as a PT or PTA in Kentucky until your license has been reinstated. Practicing on a LAPSED will result in disciplinary action.

To reinstate your license:

- a) Go to *Applications, Forms & Instructions* on our website, and print off the Renewal/Reinstatement Form.
- b) Complete the form and submit to Board office with **reinstatement fee of \$200**, payable to KY Board of Physical Therapy (money order, certified check or cashier's check only).
- c) Complete the *Continued Competency Tracking Form*, and submit a copy of this form along with **proof** of continued competency earned within the previous two years. The tracking form is found under *Continued Competency* section on our website.

## Did you know?

Number of active licensees.....	4594
Renewed to date.....	<u>1288</u>
Not renewed.....	3306

Only 28% have renewed!!

Number of licensees who still need to complete the Jurisprudence Exam..... 1970

**Don't wait until March 31 to renew or complete your JE!! What if the system crashes?**

## Welcome Stephen!

Stephen Curley joined the office staff in November 2010, and assists the Executive Director in complaints, investigations, and special projects, including updating the Board's website. Stephen obtained his B.S. degree in Criminal Justice Studies with a Minor in Sociology from Bellarmine University in 2008. On a personal note, Stephen is engaged and will be married in October.

## ROAD SHOW

The Kentucky Board of Physical Therapy would like to thank all those who attended a Board meeting during the "Road Show" that we conducted over the last year. There were many lessons learned. First and foremost, we learned that bringing meetings to various parts of the state is an effective way to engage in dialogue with our credential holders. Although financial and logistical realities will not allow us to do that for each meeting, we commit to having occasional meetings outside of Louisville, hopefully annually, with the sites selected on a rotating basis.

Secondly, we heard from many of you who participated in the meetings about the statutes and/or the subsequent Board Meeting that you genuinely appreciated the opportunity to be involved and to understand the Practice Act in greater depth, as well as how the Board works. We would like to remind you that whether we are in your area or not, you are always welcome to attend Board Meetings. We allow time in each meeting for public comment and are thrilled when there are people there to participate.

### **IPTPC – what it is and why we have it**

by Brian Fingerson, RPh

The Impaired Physical Therapy Practitioners Committee (IPTPC) is a confidential program for physical therapists and physical therapist assistants who abuse alcohol or other impairing substances.

As professionals, many of us believe that we are immune from addictions. Actually, there is a well-accepted standard that 10% (lifetime prevalence) of the adult population in this country is affected by one form or another of chemical dependency. It is an equal opportunity disease that is chronic, progressive, and fatal if untreated. So, are you immune because of your education or profession? No.

Some people who start as casual drinkers or drug users will stay that way. But others will become substance abusers or dependent, feeling that they need a drug to feel alive. The difference between abuse and dependence is not always clear to the general public, but medical professionals use a set of criteria to distinguish between these two categories of problem use.

The essential feature of abuse is a pattern of substance use that causes someone to experience harmful consequences. Clinicians diagnose substance abuse if, in a twelve-month period, a person is in one or more of the following situations related to drug use:

- Failure to meet obligations, such as missing work or school
- Engaging in reckless activities, such as driving while intoxicated
- Encountering legal troubles, such as getting arrested
- Continuing to use despite personal problems, such as a fight with a partner

Dependence is more severe. Medical professionals will look for three or more criteria from a set that includes two physiological factors and five behavioral patterns, again, over a twelve-month period. Tolerance and withdrawal alone are not enough to indicate dependence. And not all behavioral signs occur with every substance.

The physiological factors are:

- Tolerance, in which a person needs more of a drug to achieve intoxication
- Withdrawal, in which they experience mental or physical symptoms after stopping drug use

The behavioral patterns are:

- Being unable to stop once using starts
- Exceeding self-imposed limits
- Curtailing time spent on other activities
- Spending excessive time using or getting drugs
- Taking a drug despite deteriorating health

Know there is help available for you or a colleague in need. Brian Fingerson has been working with the KBPT and the IPTPC since November 2003. Since that time, we have assisted nearly forty therapists and assistants as well as consulted on any applicant for licensure who reports a drug or alcohol related arrest. Brian may be reached at 502-749-8385 or [kyprn@att.net](mailto:kyprn@att.net).

## Disciplinary Actions January 2010 – January 2011

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).



## Disciplinary Actions January 2010 – January 2011

### **Tiffiney S. Bentley, PT-004678**

**Date: 9/16/2010**

**Alleged Violations:** 8 counts of KRS 327.070(2)(h), 1 count of KRS 327.070(k) by violating 201 KAR 22:053 § 2(4), and 1 count of KRS 327.070(2)(f).

**Final Action:** Settlement Agreement - Admits to 1 count of violating KRS 327.070(2)(h) by engaging in fraud or material deception in the delivery of professional services, including reimbursement, 1 count of violating KRS 327.070(2)(k) by failing or refusing an administrative regulation of the board, by violating 201 KAR 22:053 § 2(4) by not being responsible for the physical therapy record of a patient, and 1 count of violating KRS 327.070(2)(f) for having been convicted of a felony, which affects the Respondent's ability to continue to practice competently. One year suspension, three years probation with monitoring of practice, no solo/independent practice setting during probation, \$1,000 fine, \$1,500 administrative fees, a Board approved continuing education course, notice to employer, and personally appear before the Board

### **William Kyle Clark, PTA-A02091**

**Date: 9/16/2010**

**Alleged Violations:** 2 counts of KRS 327.070(2)(k) by violating 201KAR 22:053 § 3(1), and 2 counts of KRS 327.070(2)(b).

**Final Action:** Settlement Agreement - Admits to violating 2 counts of KRS 327.070(2)(k) by failing or refusing to obey an administrative regulation of the board, 201 KAR 22:053 § 3(1) by failing to provide services only under the supervision and direction of a physical therapist, two 2 counts of KRS 327.070(2)(b) by engaging in, permitting, or attempting to engage in or permit, the performance of substandard care by himself, due to a deliberate or negligent act, or failure to act, regardless of whether actual injury to the patient is established. Certificate reprimanded, placed on 1 year probation with monitoring of practice, \$500 fine, \$1,000 administrative fees, a Board approved continuing education course, notice to employer, and personally appear before the Board.

### **Tracey Hutchins Miles, PTA-A02045**

**Date: 9/16/2010**

**Alleged Violations:** KRS 327.070(2)(k)

**Immediately, Temporarily Suspended:** July 6, 2010

**Final Action:** Settlement Agreement - Admits to violating 1 count of KRS 327.070(2)(k) by failing or refusing to obey any lawful order of the board, and KRS 327.070(2)(a) having engaged in abusive use of controlled substances. Suspended for 5 years – fully probated and reinstated with conditions, terms and conditions of probation including reprimand, active membership under contract with the Impaired Physical Therapy Practitioner's Committee (IPTPC), \$500 fine, \$500 administrative fees, 12 hours of Board-approved continuing education course, notice to employer, and personally appear before the Board

### **Leslie A. Powell PT-003423**

**Date: 11/18/2010**

**Alleged Violations:** KRS 327.070(2)(m) and KRS 327.070(2)(h)

**Immediately, Temporarily Suspended:** March 19, 2010

**Final Action:** Final Order - Suspension of license by default having violated 1 count of KRS 327.070(2)(m) for being impaired by reason of a mental, physical, or other condition that impedes the Respondent's ability to practice competently, as well as 4 counts of violating KRS 327.070(2)(h) by engaging in fraud or material deception in the delivery of professional services, including reimbursement, \$5,000 fine, and IPTPC participation as a condition of reinstatement, with terms of probation thereafter.

### **Robin R. McWhorter, PTA-A01288**

**Date: 11/18/2010**

**Alleged Violations:** KRS 327.070(2)(k)

**Immediately, Temporarily Suspended:** January 21, 2010

**Final Action:** Suspended with terms and conditions to be reinstated by Settlement Agreement - Admits to violating 1 count of KRS 327.070(2)(k) by failing or refusing to obey any lawful order of the board.

**Yulonda Lavelle Bradshaw – PTA Applicant**

**Date: 11/18/2010**

**Alleged Violations:** KRS 327.070(2)(f) and KRS 327.070(2)(g)

**Final Action:** Settlement Agreement - Conditional Grant of Certificate - Admits to violating 1 count of KRS 327.070(2)(f) for having been convicted of a felony, and 1 count of violating KRS 327.070(2)(g) by attempting to obtain a certificate by material misrepresentation or by making any other false statement to the board.

**Stephen L. Barton, PT**

**Date: 1/20/2011**

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

**Final Action:** Settlement Agreement - Admits to 1 count of violating KRS 327.070(2)(a) by indulgence in the excessive use of alcoholic beverages or the abusive use of controlled substances. Reprimanded, five years probation, active membership under contract with the Impaired Physical Therapy Practitioner’s Committee (IPTPC), \$250 administrative fees, a Board approved continuing education course, and personally appear before the Board.

**Carlos Cochrane, PT**

**Date: 1/20/2011**

**Alleged Violations:** KRS 327.070(2)(e)

**Final Action:** Settlement Agreement - Admits to 1 count of violating KRS 327.070(2)(e) for having sexually harassed an employee or coworker. Reprimanded, comply with an Order of the Board filed within thirty (30) days, and personally appear before the Board

**Nadia Brassell, PTA**

**Date: 1/20/2011**

**Alleged Violations:** KRS 327.070(2)(h)

**Final Action:** Settlement Agreement - Admits to 1 count of violating KRS 327.070(2)(h) by engaging in fraud or material deception in the delivery of professional services, including reimbursement.. Reprimanded, cooperate with former employer, patient or insurance company regarding restitution to refund money paid for services not provided, \$250 fine, \$250 administrative fees, a Board approved continuing education course, and personally appear before the Board.

### **Cease & Desist Orders January 2010 through January 2011**

**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.”*

**Mike Sullivan, D.C. and Beth VanRooy, D.C., Book Chiropractic, Lexington,** a Cease and Desist Affidavit was entered regarding the unlawful use of the words “Physical Therapy” in advertisement in the *Hamburg Journal*.

**Hamilton Taylor, D.C., LiveWell Chiropractic, Richmond,** a lawsuit was filed with Madison County Circuit Court. An Agreed Order, Permanent Injunction and Final Judgment was signed and accepted by the Circuit Court for the unlawful use of the words “Physical Therapy” in an advertisement in the *Madison County Advertiser*.

**Jeremiah Holmes, D.C., Chiro One Wellness Centers, Ashland,** a Cease and Desist Affidavit was entered regarding the unlawful use of the words “Physical Therapy” in advertisement brochure.

**Craid Arnold, D.C., Back to Basics Chiropractic, Danville,** a Cease and Desist Affidavit was entered regarding the unlawful use of the words “Physical Therapy” in advertisement brochure.

### **Frequently Asked Questions and Answers During Renewal**

**Q)** I have met the continued requirements for this biennium, however, there is a course I would like to take on March 1, 2011. May I apply the credits for this course to the next biennium?

**A)** *No, continued competency credits must be earned in the biennium they are due, 201 KAR 22:045 Section 2 (1).*

**Q)** A course I took was not approved by Kentucky, but it was approved by the Texas Board of Physical Therapy. Is this acceptable?

**A)** *Yes, we will accept approvals from other licensing boards/associations as long as the course relates to physical therapy, 201 KAR 22:045 Section 2 (2) (a).*

**Q)** How can I get a course approved by Kentucky?

**A)** *The KY Board of Physical Therapy has an agreement with the Kentucky Physical Therapy Association (KPTA) to review and approve continued competency courses. Applications and instructions are on our website under Continued Competency. Submit all information to KPTA for review.*

**Q)** How do I know if I have taken an approved course for HIV/AIDS?

**A)** *HIV/AIDS courses must be approved by the Cabinet for Health & Family Services per 201 KAR 22:040 Section 1 (4). The course certificate should have a CHFS approval number, your name, name of course, date of course, and number of credit (contact) hours.*

**Q)** I renewed my license online and was charged a \$20 fee for Impaired Practitioners Fund in addition to the \$130 renewal fee. What is this \$20 fee?

**A)** *KRS 327:045 (4) (4) Beginning January 1, 2001, the board shall collect an assessment fee not to exceed twenty dollars (\$20) per licensee or certificate holder, payable to the board, to be added to each licensure and certification renewal application fee. Proceeds from the assessment shall be expended on the operation of an impaired physical therapy practitioner committee formed by the provisions of this section. The fee shall be set by the promulgation of administrative regulations. The purpose of the Impaired Physical Therapy Practitioners Committee is to promote the early identification, intervention, treatment, and rehabilitation of physical therapists and physical therapist assistants who may be impaired by reason of illness or of alcohol or drug abuse, or as a result of any physical or mental condition, KRS 327:045 (1). Refer to IPTPC article on p. 5.*