



KENTUCKY BOARD OF PHYSICAL THERAPY

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Andy Beshear
Governor

Stephen Curley
Executive Director

MINUTES OF MEETING September 16, 2021

Board Members: Edward Dobrzykowski, PT, Chair
Karen Thompson, PT, Chair-Elect
Peggy Block, PT
Mark Cook, PTA
Sonya Dick, PT
Michael Kleinert, Public Member
Stephanie Taylor, PTA

Board Staff: Stephen Curley, Executive Director
Krista Barton, Executive Secretary
Lisa Turner, Licensure Coordinator
Keith Poynter, General Counsel

Board Agent: Brian Fingerson, RPh, IPTPC Director

Board Guest: Andrea O'Leary, Agentis

A meeting of the Kentucky Board of Physical Therapy was called to order by the Board's Chair, Ed Dobrzykowski, at 9:00 a.m. on Thursday, 09/16/21, at the Board office and via video teleconference according to the guidance issued by Governor Beshear, pursuant to KRS 61.823 and 61.826. A quorum was present.

Mr. Dobrzykowski began the meeting by reading into the record that the Board's mission is public protection as it pertains to the delivery of physical therapy services throughout the Commonwealth of Kentucky. Each decision and action taken by the Board shall be in the best interest of public protection without bias and personal conflicts of interest. Mr. Dobrzykowski asked the Board members to recuse themselves from both discussion and voting on any matter in which a conflict of interest exists.

Additionally, Mr. Dobrzykowski stated the Board would operate within the defined scope of authority set forth in the Kentucky Revised Statutes and Administrative Regulations. He requested the Board's General Counsel to guide and inform the Board on any contemplated or performed actions that fall outside the parameters of the Board's legal authority.

Board Appointments

The Board welcomed Mark Cook, PTA, Stephanie Taylor, PTA, and Michael Kleinert, Esq, who were appointed by Governor Andy Beshear by Executive Order. Mr. Poynter, the Board's Counsel and Notary, administered the oath of office to Mr. Cook, Ms. Taylor, and Mr. Kleinert.

Additionally, Mr. Dobrzykowski remarked that this meeting is a historical event as the first time in sixty-three years that there has been a PTA appointed to the Board. Also, Mr. Dobrzykowski welcomed Mr. Curley in his new role as Executive Director.

Minutes for Previous Special Meeting

The Board reviewed the draft minutes of the 07/15/21 Board meeting.

Action taken: Following review and discussion, Ms. Thompson made a motion to approve the minutes of the Board meeting of 07/15/21, as amended. The motion was seconded by Ms. Block, which carried.

The Board reviewed draft minutes of the 07/23/21 Special Board meeting.

Action taken: Following review and discussion, Ms. Thompson made a motion to approve the minutes of the Special Board meeting of 07/23/21. The motion was seconded by Ms. Block, which carried.

The Board reviewed the draft minutes of the 07/28/2021 Screening Committee meeting.

Action taken: Following review and discussion, Ms. Block made a motion to approve the minutes of the Screening Committee meeting of 07/28/21. The motion was seconded by Ms. Thompson, which carried.

The Board reviewed the draft minutes of the 08/03/21 Screening Committee meeting.

Action taken: Following review and discussion, Ms. Thompson made a motion to approve the minutes of the Screening Committee meeting of 08/03/21. The motion was seconded by Ms. Block, which carried.

The Board reviewed the draft minutes for the 08/04/21 Screening Committee meeting.

Action taken: Following review and discussion, Ms. Block made a motion to approve the minutes of the Screening Committee meeting of 08/04/21. The motion was seconded by Ms. Thompson, which carried.

Civil Matters and Investigations

Ms. Thompson made the motion for the Board to retire into Executive Session pursuant to KRS 61.810(1)(c), (f), and (j) to discuss deliberations of judicial or quasi-judicial bodies regarding individual adjudications that may lead to the discipline of credential holders. The motion was seconded by Ms. Block, which carried.

Subsequently, Ms. Block made the motion for the Board to come out of Executive Session. The motion was seconded by Mr. Kleinert, which carried. The Board returned to open session and voted on the following cases:

2019 Complaint Committee

C2019-04: The Complaint Committee provided a brief history that this case involves a malpractice lawsuit, and the credential holder involved has been dismissed from the civil case.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Mr. Kleinert, which carried.

BIC2019-07: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2019-109: The Complaint Committee reported that during the last meeting the Board voted to deny the issuance of a Physical Therapy license and accepted the Voluntary Surrender of the individual's PTA Certificate upon signature.

Action taken: The Complaint Committee recommended and moved to close this case. The motion was seconded by Ms. Taylor, which carried.

BIC2019-110: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2019-111: The Complaint Committee reported that this case involves a credential holder who allegedly failed to provide appropriate supervision and the Board has received a proposed settlement agreement from the credential holder's attorney.

Action taken: The Complaint Committee recommended and moved to reject the proposed settlement agreement and authorized Mr. Poynter to draft a settlement agreement with specified terms. The motion was seconded by Mr. Cook, which carried.

Mr. Kleinert recused himself from any discussion or voting pertaining to BIC2019-111.

BIC2019-112: The Complaint Committee reported that this case involves a credential holder who allegedly continued to practice without proper supervision.

Action taken: The Complaint Committee recommended and moved to file a Notice of Hearing and Formal Charges. The motion was seconded by Ms. Block, which carried.

Mr. Kleinert recused himself from any discussion or voting pertaining to BIC2019-112.

BIC2019-113: The Complaint Committee reported that this case involves a credential holder who allegedly continued to practice without proper supervision.

Action taken: The Complaint Committee recommended and moved to file a Notice of Hearing and Formal Charges. The motion was seconded by Ms. Taylor, which carried.

Mr. Kleinert recused himself from any discussion or voting pertaining to BIC2019-113.

BIC2019-114: The Complaint Committee reported that this case involves a credential holder who allegedly continued to practice without proper supervision.

Action taken: The Complaint Committee recommended and moved to file a Notice of Hearing and Formal Charges. The motion was seconded by Ms. Dick, which carried.

Mr. Kleinert recused himself from any discussion or voting pertaining to BIC2019-114.

BIC2019-115: The Complaint Committee reported that this case involves a credential holder who allegedly continued to practice without proper supervision.

Action taken: The Complaint Committee recommended and moved to file a Notice of Hearing and Formal Charges. The motion was seconded by Ms. Block, which carried.

Mr. Kleinert recused himself from any discussion or voting pertaining to BIC2019-115.

BIC2019-116: The Complaint Committee reported that this case involves a credential holder who allegedly failed to provide appropriate supervision and the Board has received a proposed settlement agreement from the credential holder's attorney.

Action taken: The Complaint Committee recommended and moved to reject the proposed settlement agreement and authorized Mr. Poynter to draft a settlement agreement with specified terms. The motion was seconded by Mr. Cook, which carried.

Mr. Kleinert recused himself from any discussion or voting pertaining to BIC2019-116.

2020 Complaint Committee

C2020-15: The Complaint Committee reported that this case involves a credential holder who allegedly committed fraud and material deception.

Action taken: The Complaint Committee recommended and moved to authorize Mr. Poynter to draft a settlement agreement with specified terms. The motion was seconded by Mr. Cook, which carried.

C2020-18: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2020-22: The Complaint Committee reported that this case involves a credential holder who allegedly failed to document physical therapy screens.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Ms. Block, which carried.

BIC2020-23: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2020-24: The Credential holder in this action, Mr. Michael Blythe, appeared before the Board to review the terms of a proposed written settlement agreement. Mr. Blythe acknowledged his understanding, assent, and agreement to all the terms of the agreement.

Action taken: After providing Mr. Blythe an opportunity to have any questions addressed by the Board, the Complaint Committee recommended and moved to approve the proposed Settlement Agreement. The motion was seconded by Mr. Kleinert, which carried.

BIC2020-25: The Complaint Committee provided a brief history that this case involves a credential holder who allegedly treated patients without the proper supervision or completion of an evaluation.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Ms. Dick, which carried.

BIC2020-26: The Complaint Committee provided a brief history that this case involves a credential holder who allegedly treated patients without the proper supervision or completion of an evaluation.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Ms. Dick, which carried.

BIC2020-27: The Complaint Committee provided a brief history that this case involves a credential holder who allegedly treated patients without the proper supervision or completion of an evaluation.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Ms. Dick, which carried.

BIC2020-28: The Complaint Committee provided a brief history that this case involves a credential holder who allegedly treated patients without the proper supervision or completion of an evaluation.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Ms. Dick, which carried.

BIC2020-29: The Complaint Committee provided a brief history that this case involves a credential holder who allegedly treated patients without the proper supervision or completion of an evaluation.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Ms. Dick, which carried.

BIC2020-30: The Complaint Committee provided a brief history that this case involves a credential holder who allegedly treated patients without the proper supervision or completion of an evaluation.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Ms. Dick, which carried.

BIC2020-31: The Complaint Committee provided a brief history that this case involves a credential holder who allegedly treated patients without the proper supervision or completion of an evaluation.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Ms. Dick, which carried.

2021 Complaint Committee

C2021-03: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2021-06: The Complaint Committee reported that this case involves a credential holder who allegedly continued to practice without proper supervision.

Action taken: The Complaint Committee recommended and moved to file a Notice of Hearing and Formal Charges. The motion was seconded by Ms. Taylor, which carried.

Mr. Kleinert recused himself from any discussion or voting pertaining to BIC2021-06.

BIC2021-07: The Complaint Committee reported that this case involves a credential holder who allegedly failed to document physical therapy screens.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Mr. Cook, which carried.

BIC2021-08: The Complaint Committee reported that this case involves a credential holder who allegedly failed to document physical therapy screens.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Mr. Cook, which carried.

BIC2021-09: The Complaint Committee reported that this case involves a credential holder who allegedly failed to document physical therapy screens.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Mr. Cook, which carried.

BIC2021-10: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2021-11: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2021-13: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2021-14: The Complaint Committee provided a brief history that this case involves a credential holder who allegedly provided substandard care and supervision issues.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Mr. Kleinert, which carried.

C2021-19R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Ms. Block, which carried.

C2021-20R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Ms. Block, which carried.

C2021-21: The Complaint Committee reported that this case involves a credential holder who allegedly committed a boundary violation by sending explicit photographs to a patient.

Action taken: The Complaint Committee recommended and moved to authorize Mr. Poynter to draft a proposed settlement agreement with specified terms. The motion was seconded by Mr. Cook, which carried.

C2021-22: The Complaint Committee reported that this case involves a credential holder who allegedly failed to document patient records appropriately.

Action taken: The Complaint Committee recommended and moved to authorize Mr. Poynter to draft a proposed settlement agreement with specified terms. The motion was seconded by Ms. Taylor, which carried.

C2021-23: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2021-24R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Mr. Kleinert, which carried.

C2021-26R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Mr. Kleinert, which carried.

C2021-27R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Mr. Kleinert, which carried.

C2021-28R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Mr. Kleinert, which carried.

C2021-29R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Mr. Kleinert, which carried.

C2021-30R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Mr. Kleinert, which carried.

C2021-31R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed

credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Mr. Kleinert, which carried.

C2021-32R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Mr. Kleinert, which carried.

C2021-33R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Mr. Kleinert, which carried.

C2021-34R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Mr. Kleinert, which carried.

C2021-35R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Mr. Kleinert, which carried.

C2021-36R: The Complaint Committee reported that, per the Board's vote taken during the March meeting, staff issued a private admonishment to the credential holder for practicing on a lapsed credential. The credential holder has accepted the Private Admonishment and paid her/his respective fines.

Action taken: The Complaint Committee recommended and moved to close this case. This motion was seconded by Mr. Kleinert, which carried.

C2021-37: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2021-38: The Complaint Committee reported that this case involves a credential holder who allegedly failed to respect the rights and dignity of a patient.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Mr. Cook, which carried.

Ms. Thompson recused herself from any discussion or voting pertaining to C2021-38.

BIC2021-40: The Complaint Committee reported that this case involves a credential holder named in a malpractice lawsuit.

Action taken: The Complaint Committee recommended and moved to open a Board Initiated Complaint and investigation. The motion was seconded by Mr. Kleinert, which carried.

C2021-41: The Complaint Committee reported that this case involves a credential holder who allegedly committed fraud and material deception.

Action taken: The Complaint Committee recommended and moved to open an investigation. The motion was seconded by Ms. Block, which carried.

BIC2021-42: The Complaint Committee reported that this case involves a credential holder who allegedly failed to complete an evaluation and who did not properly supervise a physical therapist student.

Action taken: The Complaint Committee recommended and moved to open a Board Initiated Complaint and investigation. The motion was seconded by Ms. Taylor, which carried.

BIC2021-43: The Complaint Committee reported that this case involves a credential holder who allegedly sexually harassed a coworker and who is possibly abusing drugs.

Action taken: The Complaint Committee recommended and moved to open a Board Initiated Complaint and investigation. The motion was seconded by Mr. Cook, which carried.

BIC2021-44: The Complaint Committee reported that this case involves a credential holder who violated her/his IPTPC contract and has agreed to sign a Voluntary Surrender of Practice Settlement Agreement.

Action taken: The Complaint Committee recommended and moved to open an investigation, accept the Voluntary Surrender of Practice Settlement Agreement upon signature, and if the credential holder does not sign within the specified time period the Board authorizes Board staff to File a Notice of Hearing and Formal charges. The motion was seconded by Mr. Kleinert, which carried.

IPTPC Report

Mr. Fingerson presented his written IPTPC report dated 08/31/21. IPTPC cases that previously have come to the attention of the Board or were discussed at length during the Complaint Committees' reports were reviewed.

APTA KY Liaison Report

Ms. Andrea O'Leary with Agentis, reported that APTA KY previously submitted comments to the Athletic Trainers regulations, however, the statement of consideration was not sent back APTA KY to review. Thus, there were no changes to the statute. APTA KY has a meeting scheduled with KBML on 09/22/2021.

Action taken: No action taken.

Board Discussions, Committees and Opinion Requests

2021 FSBPT Leadership Issues Forum

Mr. Dobrzykowski offered a report to the Board concerning his attendance at the Leadership Issues Form (LIF) in July via virtual conference. He briefly discussed presentations relative to diversity equity and inclusion, cultural competency, the Exam Licensure Discipline Database (ELDD), the PT Compact, continued competency, and boundary violations.

The Board discussed the qualifications of the candidates who are running for the positions of Secretary, Treasurer, Director #1, and membership position on FSBPT's Nominating Committee.

The Board reviewed the information regarding the two candidates for the Secretary position, Ms. Tina Baum and Ms. Cynthia Potter.

Action taken: After a brief discussion, Ms. Dick made the motion for the Board to authorize Mr. Dobrzykowski, as the Board's voting delegate, to cast his vote in favor of Ms. Potter, for Secretary. The motion was seconded by Mr. Kleinert, which carried.

The Board reviewed the information regarding the two candidates for the Treasurer position, Mr. Ruggie Canizares from Oregon and Mr. Steven Scherger from Minnesota.

Action taken: After a brief discussion, Mr. Kleinert made the motion for the Board to authorize Mr. Dobrzykowski, as the Board's voting delegate, to cast his vote in favor of Mr. Canizares for Treasurer. The motion was seconded by Ms. Thompson, which carried.

The Board reviewed the information regarding the two candidates for the Director #1 position, Ms. Ellen Donald from Florida and Ms. Elizabeth Locke from Virginia.

Action taken: After a brief discussion, Ms. Thompson made the motion for the Board to authorize Mr. Dobrzykowski, as the Board's voting delegate, to cast his vote in favor of Ms. Donald for Director #1. The motion was seconded by Ms. Taylor, which carried.

The Board reviewed the information regarding the two candidates for the Nominating Committee Member position, Mr. Ron Barredo from Tennessee and Ms. Deborah Richardson-Peter from the Virgin Islands.

Action taken: After a brief discussion, Ms. Block made the motion for the Board to authorize Mr. Dobrzykowski, as the Board's voting delegate, to cast his vote in favor of Mr. Barredo for the Nominating Committee Member. The motion was seconded by Mr. Kleinert, which carried.

Physical Therapy Licensure Compact

Mr. Curley disseminated the 2020 Annual Report from the Compact Commission and reported that Delaware will begin issuing Compact privileges on 09/20/21. Additionally, Mr. Curley discussed with the Board the need to appoint a new Compact Delegate.

Action taken: Ms. Thompson made a motion for the Board to appoint Mr. Curley to serve as the Compact Delegate. The motion was seconded by Mr. Kleinert, which carried.

KBPT Practice Act – 2022 Legislative Session

Mr. Dobrzykowski reported that a draft of the proposed changes to KRS Chapter 327 had been presented to APTA KY leadership. Ms. Andrea O'Leary with Agentis, reported to the Board that APTA KY would like to strengthen their relationship with legislators before opening the Practice Act and primarily focus on imaging language and payment issues during the 2022 Legislative Session.

Action taken: No action taken.

FSBPT Testing Accommodations for Licensure

Ms. Block reported that she attended the FSBPT webinar on Testing Accommodations and discussed her concern that KBPT does not have a written policy for ADA accommodations. Additionally, Mr. Curley and Mr. Poynter discussed with the Board liability as it pertains to denying ADA accommodations.

Action taken: Following discussion, Ms. Block made a motion that Ms. Taylor be appointed to the ADA Committee. The motion was seconded by Ms. Thompson, which carried.

Action taken: Ms. Block made a motion that the ADA Committee along with Board staff review the current process of approving ADA accommodations and report back to the Board at the November meeting. The motion was seconded by Mr. Kleinert, which carried.

KBPT Policy & Procedure Manual Update

Mr. Curley reported that the retention schedule in the Policy & Procedure manual does not reflect the public retention schedule on file with KDLA. He requested a motion to update the manual to reflect the public retention schedule.

Action taken: Mr. Kleinert made a motion that the Board update the retention schedule in the Policy and Procedure Manual to reflect the public retention schedule on file with KDLA. The motion was seconded by Mr. Cook, which carried.

Additionally, Mr. Curley requested that the Board approve updating KBPT's retention schedule regarding closed complaints with no action taken from 5 to 10 years.

Action taken: Ms. Thompson made a motion that the Board approve updating KBPT's retention schedule with regards to the closed complaints with no action taken from 5 to 10 years. The motion was seconded by Ms. Taylor, which carried.

Wall Certificates

Mr. Curley reported to the Board that staff has received several complaints regarding the current language on the wall certificates which does not reflect gender neutral language.

Action taken: After discussion, Ms. Dick made a motion to update the language on the wall certificates. The motion was seconded by Ms. Thompson, which carried.

Website Updates

Mr. Curley reported that the online complaint portal has been completed and he briefly reviewed the portal with the Board members. Mr. Dobrzykowski will preview the online complaint portal prior to placing the portal into production.

Action taken: Mr. Dobrzykowski will preview the online complaint portal prior to placing the portal into production.

CE Broker

Mr. Curley briefly discussed CE Broker with the Board and whether the Board was interested in obtaining the continued competency platform for KBPT.

Action taken: After discussion, the Board decided not to enter into an agreement with CE Broker.

Staff Reports and Discussions

The Board reviewed the following staff reports:

(a) KBPT Data Fact Sheet

Mr. Curley provided an updated report to the Board on the items referenced in the Data Fact Sheet.

Action taken: No action taken.

(b) 2021 CE Audit

Ms. Barton provided the members a brief update on KBPT's 2021 CE audit. Additionally, Mr. Curley discussed with the Board the policy of issuing Private Admonishments and Settlement Agreements to credential holders who are considered deficient during the audit process.

Action taken: After discussion, Mr. Cook made a motion that credential holders who are deficient for the first time, are issued a private admonishment with appropriate fines from the approved fine structure, and those credential holders who have been previously deficient with

their continued competency, at any time, be issued a settlement agreement with the corresponding fines. The motion was seconded by Ms. Taylor, which carried.

(c) FSBPT – Position on Vaccinations

Mr. Curley and Mr. Dobrzykowski reported on FSBPT's recent statement regarding vaccine information.

Action taken: No action taken.

- (d)** Shelley Cerqueira, a physical therapist, who sought clarification on whether a PTA can perform selective and/or sharp wound debridement and, does the PT need to assess the wound each visit prior to the PTA performing debridement? Additionally, Ms. Cerqueira inquired whether the PT is required to assess the patient each visit if the PTA makes any change to the manual treatment.

Action taken: After discussion, the Board authorized staff to respond that there is nothing in the Practice Act that prohibits a PTA from performing selective and/or sharp wound debridement so long as she or he has the requisite training, expertise, and experience to perform this function. The PT would not need to assess the patient each visit prior to the PTA performing debridement as long as there are regular assessments completed.

Action taken: After discussion, the Board authorized staff to respond that the PTA should not make any changes to the manual treatment because the PTA would be interpreting the significance of data or changing the plan of care which is a violation of the Practice Act.

- (e)** KBPT staff brought a reinstatement application before the Board for review. Staff reported that the individual's credential lapsed in 2015 and she/he does not hold an active credential in another jurisdiction.

Action taken: After discussion, Mr. Dobrzykowski made a motion that the applicant: (a) take the Practice Exam and Assessment Tool (PEAT); (b) have the ADA Committee review the results and recommend continued competency courses to address any deficiencies; and (c) authorize staff to administratively reinstate the applicant pending the approval of the ADA Committee and completion of any additional requirements. The motion was seconded by Ms. Block, which carried.

(f) Skilled Nursing Facility & Home Health FAQ

Mr. Curley and Mr. Dobrzykowski shared the recent draft of the proposed Skilled Nursing Facility and Home Health FAQ for the Board's review.

Action taken: After discussion, Ms. Taylor made a motion to for the Board to approve the draft Skilled Nursing Facility & Home Health FAQ for the website pending the requested changes. The motion was seconded by Mr. Kleinert, which carried.

(g) School System Reassessments

Mr. Curley discussed with the Board an inquiry on whether PTAs need to be present during reassessments performed in a school setting.

Action Taken: After discussion, the Board authorized staff to respond that if a PTA is the primary treating therapist, he/she would not be able to continue providing services if the PTA was absent during the reassessment. The PTA would have to discontinue services until an additional reassessment is performed with the PTA being present.

Update on Monitoring Probations

The Board noted the following credential holders who are presently being monitored: Sabrina Pletz, PTA; Andrea Brown, PT; Nathan Yates, PTA; and Shaun Goulbourne, PT. A monitor report was submitted by the Board-appointed monitor and considered by the Board for Mr. Goulbourne.

Action taken: Mr. Kleinert made a motion for the Board to approve Mr. Goulbourne's monitoring report. The motion was seconded by Ms. Dick, which carried.

Reports and Other Business

Legal Report

Administrative Regulations

201 KAR 22:045

Mr. Poynter reported that the administrative regulation review is ongoing for 201 KAR 22:045 and there have been no public comments. The regulation is set to be heard on October 13th. Mr. Poynter will provide an update at the November Board meeting.

Email Addresses of KBPT Credential Holders

Mr. Poynter updated the Board on the confidential status of email addresses for credential holders. The the Attorney General's Office would not provide an advisory opinion as to whether there was a reasonable expectation of privacy with a credential holder's email address. As such, Mr. Poynter recommended that the Board make no changes with respect to withholding email addresses at this time.

Executive Director's Report

New Executive Director Goals

Mr. Curley discussed several goals as the new Executive Director that he would like the Board to consider in the future. These goals included online applications, community outreach, website updates, and several other additional goals.

Staffing Update – Personal Service Contract

Mr. Curley discussed with the Board the possibility of entering a Personal Service Contract for Investigative Services. He informed the Board that this process may take anywhere between three and six months to complete.

Action taken: After discussion, Mr. Kleinert made a motion to have staff begin the process to submit an RFP for a Personal Service Contract for Investigative Services. The motion was seconded by Ms. Thompson, which carried.

Additionally, Mr. Curley discussed with the Board hiring an Administrative Assistant to fill the vacant position in the Board office.

Action taken: After discussion, Ms. Block made a motion to create a committee consisting of Mr. Dobrzykowski and Ms. Thompson to assist Mr. Curley in the hiring process with regards to creating a job description and hourly rate of compensation. The motion was seconded by Mr. Cook, which carried.

201 KAR 22:053

Mr. Curley disseminated a copy of the Board of Social Work regulation pertaining to boundaries. Mr. Curley discussed with the Board the possibility of creating a regulation that would specifically address boundary issues.

Action taken: After discussion, Mr. Cook made a motion to appoint Mr. Kleinert to the Sexual Boundary Taskforce. The motion was seconded by Ms. Block, which carried.

Additionally, the Sexual Boundary Taskforce will draft a proposed regulation that will address boundary issues and bring to the Board for review at the November meeting.

Financial Report

Mr. Curley offered a report that addressed the Board's finances for the first quarter of the 2022 FY.

Action taken: No action taken.

Conferences and Meetings Relating to Physical Therapy

The Board reviewed the following schedule of upcoming conferences:

- a. 2021 FARB Regulatory Law Seminar
(09/30/21-10/03/21)
Nashville, TN
- b. 2021 FSBPT Annual Meeting and Delegate Assembly
(10/22-23/21 – Virtual Meeting)
- c. 2021 Annual Meeting – Physical Therapy Licensure Compact Commission
(10/24/21 – Virtual Meeting)
- d. FARB – Forum
(1/27-29,2022 Fort Worth, TX)
- e. CAPTASA
(01/28-29/22 – Lexington, KY)

Action taken: After discussion, Mr. Dobrzykowski made a motion for the Board to pay for the registration fees and associated travel costs for up to six members of Board staff and Board members to attend the CAPTASA workshop. The motion was seconded by Mr. Cook, which carried.

- f. CLEAR – Investigative Reports of Sexual Misconduct
(04/28/22 – Austin, TX)

Action taken: No action taken.

New Licensee/Reinstatement/Renewal Applications

Action taken: Mr. Kleinert made the motion to review, approve and ratify the list of persons issued licenses and certificates since the last meeting, as well as a list of examination and reinstatement applicants. This motion was seconded by Ms. Thompson, which carried. The lists are attached to these minutes.

New Business

Mr. Curley reported that the Board has an Imprest Cash Account with a balance of \$700 that staff does not use anymore. He reported that he will process the paperwork to close the account and have the balance of \$700 deposited into our BB&T account.

Additionally, Mr. Curley reported that he has requested a ProCard from Finance that staff can use to make hotel reservations, purchase lunch for Board meetings, and purchase supplies for the office.

Finally, Mr. Curley requested that a motion be made to refund Ms. Barton for a hotel room that was cancelled the same day as the reservation.

Action taken: Mr. Cook made a motion to reimburse Ms. Barton for the hotel room charge if the hotel does not rescind the charge. The motion was seconded by Mr. Kleinert, which carried.

Mr. Kleinert made a motion to approve per diems and travel costs for Board members. The motion was seconded by Ms. Thompson, which carried.

Adjournment

Ms. Thompson made the motion to adjourn the meeting at 3:21 p.m., seconded by Ms. Block, which carried.

Respectfully submitted,



Stephen Curley
Executive Director