



KENTUCKY BOARD OF PHYSICAL THERAPY

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Andy Beshear
Governor

Stephen Curley
Executive Director

DRAFT - MINUTES OF MEETING - DRAFT **January 11, 2024**

Board Members: Stephanie Lutz, PTA, Chair
Karen Ogle, PT, Chair-Elect
Peggy Block, PT
Mark Cook, PTA
Michael Kleinert, Public Member
Karen Ogle, PT
Brad Profitt, PT
Karen Thompson, PT

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

APTA KY Liaison: Dr. Janice Kuperstein

A meeting of the Kentucky Board of Physical Therapy was called to order by the Board's Chair, Stephanie Lutz, at 9:04 a.m. on Thursday, 01/11/24, at the Board office and via video teleconference. A quorum was present.

Ms. Lutz 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. Ms. Lutz asked the Board members to recuse themselves from both discussion and voting on any matter in which a conflict of interest exists.

Additionally, Ms. Lutz stated the Board would operate within the defined scope of authority set forth in the Kentucky Revised Statutes and Administrative Regulations. She 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.

Minutes for Previous Board Meeting

The Board reviewed the draft minutes of the 11/16/23 Board meeting.

Action taken: Following review and discussion, Mr. Cook made a motion to approve the minutes of the Board meeting of 11/16/23, as drafted. The motion was seconded by Mr. Kleinert, which carried.

Civil Matters and Investigations

Ms. Ogle 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. Thompson, which carried.

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

2019 Complaint Committee

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

Action taken: No action taken.

2022 Complaint Committee

BIC2022-19: The Complaint Committee reported that this case involves a credential holder who has multiple DUI's and is currently under an Immediate Temporary Suspension (ITS). Additionally, Mr. Fingerson reported that the credential holder has not submitted their treatment documentation for review.

Action taken: Following discussion, the Complaint Committee recommended and moved to authorize Board staff to issue a Board Order if the credential holder has not submitted their treatment documentation to the IPTPC Chair for review within twenty days. The motion was seconded by Mr. Kleinert, which carried.

C2022-22: The Complaint Committee reported that this case is ongoing, and that Board staff has received an additional complaint against the credential holder for alleged boundary violations.

Action taken: Following discussion, the Complaint Committee recommended and moved to open an investigation C2024-01. The motion was seconded by Mr. Cook, which carried.

2023 Complaint Committee

C2023-01: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2023-04: The Complaint Committee reported that this case involves a credential holder who had an Adverse Action in West Virginia.

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

BIC2023-10: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

R2023-12: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2023-14: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2023-15: The Complaint Committee reported that this case involves a credential holder who allegedly had documentation issues.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to take no action due to insufficient evidence of a violation of KRS Chapter 327. The motion was seconded by Ms. Thompson, which carried.

Ms. Block recused herself from any discussion or voting pertaining to BIC2023-15.

BIC2023-16: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2023-17: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2023-18: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

Ms. Lutz recused herself from any discussion or voting pertaining to BIC2023-18.

BIC2023-20: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2023-21: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2023-23: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2023-24: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2023-27: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2023-28: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

Ms. Lutz recused herself from any discussion or voting pertaining to BIC2023-28.

C2023-31: The Complaint Committee reported that this case involves a credential holder who has an alleged violation of possible criminal activity in another jurisdiction.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to take no action due to insufficient evidence of a violation of KRS Chapter 327. The motion was seconded by Mr. Kleinert, which carried.

BIC2023-32: The Complaint Committee reported that this case involves a credential holder who allegedly practiced substandard care.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to take no action due to insufficient evidence of a violation of KRS Chapter 327. The motion was seconded by Mr. Cook, which carried.

IPTPC Report

Mr. Fingerson presented the written IPTPC report dated 01/05/24. IPTPC cases that previously have come to the attention of the Board or were discussed at length during the Complaint Committees' reports were reviewed.

Update on Monitoring Probations

The Board noted the following credential holders who are presently being monitored: Sabrina Pletz, PTA; Andrea Brown, PT; Michelle Ramsey, PT; Donald Bruce Taylor, PT; Bryon Cooper, PTA; and Johnnie Caldwell, PT. Monitoring reports were submitted by the Board-appointed monitors and considered by the Board for Ms. Caldwell, and Mr. Cooper.

Board Discussions, Committees and Opinion Requests

Practice Act Review Committee

Mr. Curley reported that he would work towards scheduling the next Practice Act Review Committee meeting in early February to complete the review of the Practice Act.

Action taken: No action taken.

Boundary Taskforce

Mr. Curley reported that he has contacted the Board of Nursing to discuss a collaboration regarding a possible press release to disseminate information regarding Boundary issues.

Action taken: No action taken.

New Website

Mr. Curley reported that the new website is now live, however, he is continuing to work on the website to ensure the information is up to date.

Action taken: No action taken.

Cross Profession Minimum Data Set

Mr. Curley reviewed with the Board the Cross Professional Minimum Data Set questionnaire produced by FSBPT to determine which questions the Board would include on the 2025 Renewal application.

Action taken: After review, the Board authorized Mr. Curley to update the renewal application to include the agreed upon questions from the Cross Professional Minimum Data Set questionnaire.

FSBPT Voting & Alternate Voting Delegate

Mr. Curley discussed with the Board the upcoming Leadership Issues Forum (LIF) meeting in Arlington, Virginia on 07/13-14/24. He asked for the Board to decide who would be appointed as the Voting Delegate and the Alternate Voting Delegate.

Action taken: After discussion, Ms. Block made a motion for the Board to nominate Ms. Lutz as the Voting Delegate and Ms. Ogle as the Alternate Voting Delegate. The motion was seconded by Mr. Cook, which carried.

Compact Commission Delegate

Mr. Curley reported to the Board that during the most recent Compact Commission meeting, FSBPT requested that there is an Alternate Compact Commission Delegate for each jurisdiction.

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

Offsite Board Meeting

Mr. Curley discussed with the Board scheduling an offsite Board meeting at the University of Kentucky during 2024.

Action taken: Mr. Curley will contact Dr. Kuperstein to determine when it will be convenient for the University of Kentucky to host a Board meeting in 2024.

Staff Reports and Discussions

The Board reviewed the following staff reports:

(a) 2023 Audit Update

Mr. Curley reported that there are 19 credential holders who were determined to be deficient with their continued competency requirements and require a settlement agreement to be issued. Additionally, he reported that there were 57 credential holders who were either deficient in the random audit or who failed to complete the jurisprudence exam during the 2021-2023 biennium and require a private admonishment to be issued. The complaint numbers are CE2023-33-108.

Action taken: After discussion, Ms. Ogle moved to authorize Board staff to draft settlement agreements and private admonishments for those credential holders who were deficient with the 2023 Continued Competency Audit consistent with the Board's procedure established in 2017-2019 continued competency audit process. The motion was seconded by Mr. Kleinert, which carried.

APTA KY Liaison Report

Dr. Kuperstein reported that Robbie Hinkebein is the new APTA-KY president, and he has attended the most recent Practice Act Review Committee and will attend the next Imaging Taskforce meeting. Additionally, Dr. Kuperstein reported that APTA-KY is planning the next strategic planning process and a meeting is scheduled for March.

KBPT General Counsel's Legal Report

Mr. Poynter discussed with the Board two articles from various states that highlighted trends in professional licensing and litigation and how these trends may impact the Board.

Reports and Other Business

Executive Director's Report

Financial Report

Mr. Curley offered a report that addressed the Board's finances for the third quarter of the 2024 FY.

Action taken: No action taken.

Administrative Regulation – 201 KAR 22:053

Mr. Curley reported to the Board that 201 KAR 22:053 is currently moving through the legislative process.

Action taken: No action taken.

National Certified Investigator & Inspector Training Instructors (NCIT)

Mr. Curley discussed with the Board on becoming an NCIT instructor.

Action taken: After discussion, Mr. Kleinert made a motion for the Board to approve Mr. Curley to enter a contract as an instructor for NCIT. The motion was seconded by Mr. Cook, which carried.

Conferences and Meetings Relating to Physical Therapy

The Board reviewed the following schedule of upcoming conferences:

- (a) FARB Forum on Professional Regulation
(01/25-27/24 – Fort Worth, TX)
- (b) CAPTASA 2024 Annual Conference
(01/26-27/24 – Lexington, KY)
(Ms. Lutz, Mr. Cook, Mr. Proffit, Mr. Poynter, and Ms. Turner – KBPT representatives)
- (c) Leadership Issues Forum (LIF)
(07/13-14/24 – Arlington, VA)
(Ms. Lutz and Mr. Curley – KBPT representatives)
- (d) FSBPT – Annual Meeting & Delegate Assembly
(10/31-11/1/24 – Cedar Rapids, IA)

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

Ms. Lutz requested that Mr. Curley and Mr. Poynter provide ongoing education and training on various relevant topics.

Board Member Per Diems and Expenses

Mr. Cook made a motion to approve per diems for Board members. The motion was seconded by Mr. Kleinert, which carried.

Adjournment

Ms. Ogle made the motion to adjourn the meeting at 11:45 a.m., seconded by Mr. Kleinert, which carried.

Respectfully submitted,



Stephen Curley
Executive Director