



## KENTUCKY BOARD OF PHYSICAL THERAPY

Steve L. Beshear  
Governor

312 Whittington Parkway, Suite 102  
Louisville, Kentucky 40222  
Phone (502) 429-7140  
Fax (502) 429-7142  
<http://pt.ky.gov>

Rebecca E. Klusch  
Executive Director

### MINUTES OF MEETING January 20, 2011

Board Members Present: Janice Kuperstein, Chair  
Peggy Block, PT  
Ron Barbato, PT  
Charles Clark, PT  
Linda Pillow, PT  
Troy Grubb, PT

Absent: Virginia Johnson, Public Member

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel

Guests: Margaret Blain, PT  
David Pariser, PT, KPTA Liaison

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee, was called to order at 9:00 a.m., Wednesday, January 19, 2011, at the Board office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Peggy Block. Motion carried. Motion was made by Peggy Block to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 2:30 p.m.

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee, was called to order at 5:15 p.m., Wednesday, January 19, 2011, at the Board office. Motion was made by Janice Kuperstein to go into closed session per KRS 61.810(1) (c) and (j), seconded by Peggy Block. Motion carried. Motion was made by Peggy Block to come out of closed session, seconded by Janice Kuperstein. Motion carried. The committee meeting adjourned at 5:30 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Janice Kuperstein, at 9:00 a.m., Thursday, January 20, 2011, at Board office. A quorum was present.

Motion was made by Ron Barbato, seconded by Troy Grubb to approve the minutes as amended of the November 17, 2010, Board Meeting. Motion carried.

#### Complaint Committee

C2008-07 Tiffiney Bentley, PT, appeared before the Board as a requirement of the Settlement Agreement. Ms. Bentley is not currently working in Kentucky.

BIC2009-25 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to approve the Settlement Agreement. Carlos Cochran, PT, appeared before the Board as a requirement of the Settlement Agreement. Motion was made by Chuck Clark to go into closed session per KRS 61.810(1) (c) and (j), seconded by Peggy Block. Motion carried. Motion was made by Chuck Clark to come out of closed session, seconded by Linda Pillow. Motion carried. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of

counsel, to reject the Settlement Agreement and to approve a revised Settlement Agreement with a redaction of the Misdemeanor conviction requested by Mr. Cochran. Board approved the recommendation, seconded by Peggy Block. The Complaint Committee members Ron Barbato and Troy Grubb recused from voting. Mr. Brengelman objected to any changes requested by Mr. Cochran since the signed Settlement Agreement presented to the Board prohibited the Respondent rescinding, revoking, or withdrawing the Settlement Agreement prior to its presentation to the Board.

BIC2009-94 Troy Grubb and Chuck Clark recused and left the room during discussion of this complaint. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel to file a Notice of Administrative Hearing and Order, seconded by Peggy Block. Motion carried. Complaint Committee member Ron Barbato recused from voting.

C2010-08 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Settlement Authority was given to Board Counsel. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-09 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Private Admonishment for a violation of KRS 327. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-10(a) The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to rescind the November motion of the Board of filing a Notice of Hearing and Order and dismiss case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Linda Pillow. Motion carried. Complaint Committee members Troy Grubb and Peggy Block recused from voting.

C2010-10(b) The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to rescind the November motion of the Board of filing a Notice of Hearing and Order and dismiss case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Linda Pillow. Motion carried. Complaint Committee members Troy Grubb and Peggy Block recused from voting.

C2010-12 Prehearing conference is scheduled for January 24, 2011. Case is ongoing.

C2010-17 Case is ongoing.

C2010-18 Case is ongoing.

C2010-19 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreement. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-20 Case is ongoing.

C2010-22 Case is ongoing.

BIC2010-23 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreement. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-24 Case is ongoing.

C2010-25 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Affidavit from Craig Arnold, D.C. for advertising "physical therapy" in the office brochure. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-26 Case is ongoing.

C2011-01 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

C2011-02 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue a Cease and Desist Affidavit if warranted. Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

C2011-03 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue a Cease and Desist Affidavit if warranted. Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Peggy Block and Janice Kuperstein recused from voting.

The Board reviewed the IPTPC report submitted by Brian Fingerson, R.Ph. Cases that are involved in the IPTPC have come to the attention of the Board.

### **Update on Monitoring Probations**

Update on monitoring probations was given for the following: James Rick Roe, PT; Ron Cole, PT; Mary Beth Barcus, PT, Malton Schexneider, PT, Amy Farmer, PT, Lawrence Tatem, PT., Tiffney Bentley, PT and William Kyle Clark, P.T.A.

James Rick Roe, P.T. - Troy Grubb made a motion, seconded by Chuck Clark, to deny Mr. Roe's request for relief of the signed November 16, 2006, Settlement Agreement condition of *10) not practice physical therapy in a home health setting or as a solo practitioner during the five (5) years probation.* Motion carried. Ron Barbato recused from voting.

Ron Cole, P.T. - Peggy Block made a motion, seconded Linda Pillow to open a Board Initiated Complaint based on the monitoring report. Motion carried. Troy Grubb recused from voting.

### **Board and Administrative Business**

Troy Grubb made a motion, seconded by Chuck Clark, to defer introduction of a Legislative Bill on the revisions of KRS 327 this legislative session. Motion carried. A letter was drafted to be sent out to all licensees.

Discussion on the topics on "Transfer of patients from one facility to another," "Patient Abandonment," "Revision of Application Form," "Supportive Personnel," "Definition of lewd or immoral conduct," and "Screening" were tabled to be discussed at a Board retreat in the Spring.

A motion was made by Chuck Clark, seconded by Peggy Block, to delegate Board Chair and Executive Director to review the Continuing Competency Hardship Exemption Requests for approval. Motion carried.

A motion was made by Ron Barbato, seconded by Linda Pillow, for a quorum of the Board to approve all remediation plans for the NPTE. Motion carried.

A 1<sup>st</sup> year physical therapist student asked if it was legal for an athletic trainer to make a PT guide application for the Apple iPhone and call it "Physical Therapy?" The Board advised Executive Director to forward the information to FSBPT and Florida where the application originated.

It was noted that the use of "Dr." before the name of a physical therapist is not a violation of KRS 327 if used with the professional degree following the name as required by KRS 311.375.

A letter was drafted to send to Tom Dorantes, PTA regarding therapeutic procedures. A letter will also be sent to the parent company of the facility to explain the Board's position. Peggy Block agreed to draft the letter and submit it for consideration.

Jennifer Buono, P.T., wanted clarification on starting a general injury screening at a private studio where she teaches pilates. Troy Grubb will follow up.

Ron Cole, P.T., requested clarification regarding disclosure to patients when an agreement has been made with an attorney for client referral. A response was drafted indicating the requirements that must be followed.

Peggy Block and Chuck Clark volunteered to draft the next Jurisprudence Exam. The draft will be presented at the next Board meeting so that it is available as soon as possible for the new biennium.

#### **Other Board Matters**

Ron Barbato has been appointed as KPTA Liaison for the Board.

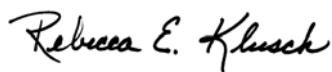
Chuck Clark has been appointed as Chair-elect for the Board.

Board members reviewed and approved the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the financial statement for fiscal year ending December 31, 2010.

A motion was made by Ron Barbato, seconded by Troy Grubb to adjourn the meeting at 4:15 p.m. Motion carried.

Respectfully submitted,



Rebecca E. Klusch  
Executive Director