



KENTUCKY BOARD OF PHYSICAL THERAPY

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Andy Beshear
Governor

Stephen Curley
Executive Director

DRAFT - MINUTES OF MEETING - DRAFT **November 16, 2023**

Board Members: Peggy Block, PT, Chair
Stephanie Lutz, PTA, Chair-Elect
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

A meeting of the Kentucky Board of Physical Therapy was called to order by the Board's Chair, Peggy Block, at 9:04 a.m. on Thursday, 11/16/23, at the Board office and via video teleconference. A quorum was present.

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

Additionally, Ms. Block 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 09/21/23 Board meeting.

Action taken: Following review and discussion, Ms. Ogle made a motion to approve the minutes of the Board meeting of 09/21/23, as drafted. The motion was seconded by Mr. Kleinert, which carried.

The Board reviewed the draft minutes of the 11/07/23 Special Board meeting.

Action taken: Following review and discussion, Ms. Lutz made a motion to approve the minutes of the Special Board meeting of 11/07/23, as drafted. The motion was seconded by Mr. Cook, which carried.

Civil Matters and Investigations

Mr. Kleinert 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. Lutz, which carried.

Subsequently, Mr. Cook 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

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 is ongoing.

Action taken: No action taken.

BIC2022-21: The Complaint Committee reported that this case involves a credential holder who allegedly failed to respect the rights and dignity of patients. Mr. Poynter reported that the credential holder has signed the proposed settlement agreement of voluntary surrender.

Action taken: Following discussion, the Complaint Committee recommended and moved to authorize accept the proposed settlement agreement of voluntary surrender. The motion was seconded by Mr. Kleinert, which carried.

C2022-22: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

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 is ongoing.

Action taken: No action taken.

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 is ongoing.

Action taken: No action taken.

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.

BIC2023-22: The Complaint Committee reported that this case involves an examination applicant who answered "yes" to question 8 on the examination application indicating that she/he has been convicted of a misdemeanor. Additionally, Mr. Poynter informed the Board that the examination applicant's attorney submitted proof that the applicant's misdemeanor conviction has been expunged.

Action taken: After discussion, the Complaint Committee recommended and moved to close this case, and authorized Board staff to issue a credential. The motion was seconded by Ms. Thompson, which carried.

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 involves a credential holder who allegedly failed to respect the rights and dignity of patients.

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

C2023-25: The Complaint Committee reported that this case involves an individual who allegedly committed boundary violations against a patient. The individual in question recently signed a Settlement Agreement of Voluntary Surrender of License to Practice at the November Special Board Meeting on 11/07/23.

Action taken: After discussion, the Complaint Committee recommended and moved to take no action considering the individual no longer holds a credential in the Commonwealth of Kentucky. The motion was seconded by Mr. Cook, which carried.

Ms. Thompson recused herself from any discussion or voting pertaining to C2023-25.

C2023-26: The Complaint Committee reported that this case involves a credential holder who had multiple arrests pertaining to alcohol and drug related offenses. Additionally, the Complaint Committee reported that the Board requested the credential holder to enter a voluntary IPTPC agreement at the November Special Meeting on 11/07/23. Mr. Fingerson, the IPTPC Chair reported that the credential holder has recently signed a Voluntary IPTPC contract.

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

C2023-27: 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: The Complaint Committee recommended and moved to open an investigation. The motion was seconded by Mr. Profitt, which carried.

BIC2023-28: The Complaint Committee reported that this case involves a credential holder who allegedly violated the terms of their Settlement Agreement.

Action taken: After discussion, the Complaint Committee recommended and moved to open an investigation. The motion was seconded by Mr. Kleinert, which carried.

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

BIC2023-29: The Complaint Committee reported that this case involves a possible term protection violation.

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. Ogle, which carried.

BIC2023-30: The Complaint Committee reported that this case involves an individual who allegedly practiced without a credential.

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 11/07/23. 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 monitor and considered by the Board for Ms. Ramsey, and Mr. Cooper.

Additionally, Mr. Curley reported that Ms. Ramsey requested, with support from her monitor, release from the remaining monitoring per her Settlement Agreement terms.

Action taken: After discussion, Mr. Cook made a motion for the Board to release Ms. Ramsey from any additional monitoring. The motion was seconded by Ms. Ogle, which carried. Ms. Ramsey will still have to complete the remaining terms of her Settlement Agreement.

Finally, the Board discussed the monitoring report for Mr. Cooper.

Action taken: After discussion, the Board authorized Mr. Curley to contact Ms. Hines and request that more patient records be reviewed during monitoring visits.

Board Discussions, Committees and Opinion Requests

Practice Act Review Committee

Mr. Curley reported that there was a meeting with the Practice Act Review Committee in November, and he would work towards scheduling another meeting in the near future.

Action taken: No action taken.

Boundary and Misconduct Committee Brochures

Mr. Curley reported that the FSBPT Boundary and Misconduct Committee has produced a series of brochures for patients, providers, and Boards regarding sexual misconduct and boundaries. Additionally, Mr. Curley reported that the Kentucky Boundary Task Force would meet in the coming months to review the proposed documents and provide a recommendation to the Board on how to utilize the information.

Action taken: No action taken.

UK Center for Rural Health

Mr. Curley reported that, with the assistance of Dr. Kuperstein, he has contacted several individuals with the Center for Rural Health at the University of Kentucky. Additionally, Mr. Curley reported that he would continue to work towards scheduling a meeting in early 2024 to share workforce data with the Center for Rural Health.

Action taken: No action taken.

New Website Demo

Mr. Curley reported that the new website for the Board is near completion, and he provided a demonstration to the Board of the website platform.

Action taken: No action taken.

Cross Profession Minimum Data Set

Mr. Curley reported that the FSBPT has produced a Cross Professional Minimum Data Set to collect workforce statistics across multiple professions. The Board reviewed the questionnaire and subsequent documentation regarding the Data Set. Additionally, Mr. Curley requested that the Board members review the questionnaire in order to discuss at the January Board meeting.

Action taken: No action taken.

2024 Board Meeting Schedule

Following consideration of various educational conferences scheduled to be held in 2024, and in an effort to avoid conflicts with the scheduling of these conferences, the Board established the following schedule for Board meetings in 2024:

Board Meetings: 9:00 a.m. to approximately 4:00 p.m.

January 11
March 21
May 23
July 18
September 26
November 21

Action taken: Mr. Kleinert made a motion to approve the aforementioned Board meeting dates for 2024. The motion was seconded by Ms. Lutz, which carried.

2024 Board Appointments

- (1) 2024 Board Chair: Mr. Cook made a motion for Ms. Lutz to assume the position of Chair, effective 01/01/24, or earlier if Ms. Block is replaced prior to the end of the calendar year. The motion was seconded by Mr. Kleinert, which carried.
- (2) 2024 Chair Elect: Mr. Kleinert made a motion that Ms. Ogle assume the position of Chair-Elect effective 01/01/24. The motion was seconded by Mr. Cook, which carried.
- (3) Complaint Committee Members: Mr. Kleinert made a motion to reappoint Ms. Lutz and appoint Ms. Ogle to all the Complaint Committees. The motion was seconded by Mr. Cook, which carried.
- (4) 2024 ADA Accommodations Committee/Liaison Members: Ms. Ogle made a motion to reappoint Mr. Cook and appoint Mr. Profitt to serve as ADA Accommodations Liaison Members. The motion was seconded by Mr. Kleinert, which carried.
- (5) 2024 KBPT Continued Competency Liaison to APTA KY: Mr. Cook made a motion to reappoint Ms. Ogle to serve as the KBPT Board Member Liaison to APTA KY, effective 01/01/2024. The motion was seconded by Ms. Lutz, which carried.
- (6) 2024 Finance Workforce Members: Mr. Kleinert made a motion that Ms. Lutz and Ms. Ogle serve as the 2024 Finance Workforce Members, effective 01/01/24. The motion was seconded by Ms. Thompson, which carried.
- (7) 2024 KBPT Board Member Liaison to APTA KY: Ms. Ogle made a motion to appoint Mr. Cook serve as the KBPT Board Member Liaison to APTA KY. The motion was seconded by Mr. Kleinert, which carried.

FSBPT – 2023 Annual Education Conference

Mr. Curley, Ms. Block, Ms. Lutz, and Ms. Ogle discussed with the Board the salient topics from the FSBPT 2023 Annual Education Meeting. Additionally, Ms. Block congratulated Mr. Curley who received the Outstanding Service Award for making significant contributions to FSBPT throughout 2023.

Action taken: No action taken.

Staff Reports and Discussions

The Board reviewed the following staff reports:

(a) 2023 Audit Update

Mr. Curley reported that staff is still having difficulty reaching all individuals who were Audited and are trying to get additional information from all individuals. Mr. Curley reported that he hoped to have additional information by the January Meeting, however, it may take additional time.

Action taken: No action taken.

APTA KY Liaison Report

Andrea O’Leary, the Executive Director of APTA-KY reported that a list of names of potential Board members to replace Ms. Block has been submitted to the Governor’s office. Additionally, Ms. O’Leary reported that the APTA-KY Annual Conference dates are 09/27-28/24, and will be held at the University of Kentucky Campus.

Reports and Other Business

Executive Director’s Report

Financial Report

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

Action taken: No action taken.

2025-2026 Budget

Mr. Curley reported that the 2025-2026 Budget was submitted on time and accepted by Finance.

Action taken: No action taken.

Administrative Regulation – 201 KAR 22:170

Mr. Curley reported to the Board that 201 KAR 22:170 has passed the legislative process and has gone into effect.

Action taken: No action taken.

Administrative Regulation – 201 KAR 22:045

Mr. Curley reported to the Board that 201 KAR 22:045 is currently moving through the legislative process.

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.

Executive Director Annual Review

The Board discussed at length Mr. Curley’s performance during this last year as Executive Director.

Action taken: Following discussion, Mr. Cook made a motion to increase Mr. Curley’s annual salary by 6%. The motion was seconded by Ms. Ogle, which carried unanimously.

Additionally, Ms. Block will have a follow-up meeting with Mr. Curley to discuss his annual review.

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)

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

New Licensee/Reinstatement/Renewal Applications

Action taken: Ms. Block 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. Ogle, which carried. The lists are attached to these minutes.

Board Member Per Diems and Expenses

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

Adjournment

Ms. Ogle made the motion to adjourn the meeting at 1:05 p.m., seconded by Mr. Kleinert, which carried.

Respectfully submitted,



Stephen Curley
Executive Director