



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING November 19, 2009

Board Members Present: Ron Barbato, PT, Chair
Peggy Block, PT, Chair-elect
Charles Clark, PT
Janice Kuperstein, PT
Troy Grubb, PT
Margaret Blain, PT
Virginia Johnson, Public Member

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Brian Fingerson, RPh, IPTPC Program Administrator

Others: David Pariser, PT, KPTA Liaison

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee, was called to order at 1:30 p.m., Wednesday, November 18, 2009, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Troy Grubb. Motion carried. Motion was made by Ron Barbato to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 6:30 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Ron Barbato, at 9:20 a.m., Thursday, November 19, 2009, at the Board office. A quorum was present.

Motion was made by Janice Kuperstein, seconded by Virginia Johnson to approve the minutes as amended of the September 17, 2009, Board meeting. Motion carried.

Complaint Committee

Dubin Orthopaedic Centre, P.S.C v. Kentucky Board of Physical Therapy. The Kentucky Supreme Court denied the *Petition for Rehearing*. Case is closed.

C2008-07 Case is ongoing.

BIC2008-19 Notice of Administrative Hearing and Order was filed and Mediation has been scheduled for December 11, 2009.

BIC2008-29 Case is ongoing.

C2009-09b Case is ongoing.

C2009-16 Case is ongoing.

C2009-23 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 and file charges with Settlement Authority given to Board counsel. Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-24 Case is ongoing.

BIC2009-25 Case is ongoing.

CE2009-60 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreement for a Continuing Competency deficiency. Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

CE2009-85 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 for failure to satisfy Settlement Agreement. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-87 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file an Order of the Board to notify the Board in writing within five days of the final disposition of criminal case; file an Order of the Board to notify the Board within five days of presiding or practicing physical therapy in Kentucky; and after his return to Kentucky file an Order of the Board to submit to random drug screens. Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-89 Case is ongoing.

C2009-90 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 Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-91 Troy Grubb recused himself from discussion of the case and left the room. 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 Peggy Block. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-92 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open case and issue a Private Admonishment to a Kentucky physical therapist applicant for being disciplined in Ohio. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-93 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 Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-94 Peggy Block made a motion to initiate a BIC on Malton Schexneider, seconded by Virginia Johnson. Motion carried. Chuck Clark and Troy Grubb recused from voting.

The Board reviewed with approval the IPTPC report submitted by Brian Fingerson.

Update on Monitoring Probations

Update on monitoring probations was given for the following with approval: April Coldiron, PT; James Rick Roe, PT; Ron Cole, PT; Mary Beth Barcus, PT; Malton Schexneider, PT. Mr. Schexneider's monitoring compliance has been referred to the Complaints Committee, as above.

Board and Administrative Business

Gail Parker inquired why Occupational Therapists were going to a foot/ankle continuing competency course and asked if this is infringing on physical therapy boundaries. The Board has no control of who attends continuing competency courses and advised that she contact the ATPA if she has more concerns.

Troy Grubb presented a question from Ann Marciniak about dual POC that both OT and PT can use. They are two different disciplines and need to have separate POC

Jennifer Rea asked what the role of a physical therapy tech should be and the definition of direct onsite supervision. 201 KAR 22:053 Section 1 state: (12) *"On-site supervision" means immediate physical accessibility within the same building and (16) "Supportive personnel" means a person assisting in the provision of direct physical therapy patient care who is not credentialed by the board.* It is the responsibility of the supervising physical therapist to: Section 4(2) *Not delegate procedures or techniques to the physical therapist assistant or supportive personnel if it is outside his or her scope of training, education or expertise, and (3) Be responsible for: (d) Evaluating the competency of the physical therapist assistant and supportive personnel.*

The Board reviewed the Declaratory Opinion regarding the Discharge summary and has accepted the final version for publication.

The Board received a written response on 201 KAR 22:053 amendment filed November 15, 2009. This allows all students (CAPTE or Foreign educated) that are in the process of fulfilling their clinical education be held to the same standards.

The Board discussed with David Pariser, KPTA liaison, about filing a bill to amend KRS 327.025, 040, 070, 080 and 990. David Pariser will discuss with the KPTA the sections of the law and solicit their support.

A letter was reviewed from Jeffrey Taylor-Haas, PT regarding a sanction on his license and why it is a permanent sanction. There is no provision in the law that allows expungement of a disciplinary action.

Other Board Matters

Margaret Blain submitted a written report on the FSBPT Annual Meeting in San Diego, CA October 1-4, 2009.

Ron Barbato and Troy Grubb made a report on the FARB Attorney Certification Seminar in Chicago, IL, October 2-4, 2009.

FARB Annual Forum in Las Vegas, NV January 29-31, 2010. Mark Brengelman and Becky Klusch were approved to attend at the September Board meeting.

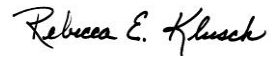
Board members reviewed the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the financial statement ending October 30, 2009.

The Executive Director referenced the issue of Board members' actual and necessary expenses for in-state and out-of-state travel. This issue will be revisited at the January meeting.

A motion was made by Virginia Johnson, seconded by Charles Clark to adjourn the meeting at 4:00 p.m. Motion carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Rebecca E. Klusch". The signature is written in a cursive style with a large initial 'R'.

Rebecca E. Klusch
Executive Director