



## KENTUCKY BOARD OF PHYSICAL THERAPY

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Andy Beshear  
Governor

Stephen Curley  
Executive Director

### MINUTES OF MEETING November 21, 2024

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

Board Staff: Stephen Curley, Executive Director  
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 9:02 a.m. on Thursday, 11/21/24, 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 09/26/24 Board meeting.

**Action taken:** Following review and discussion, Ms. Ogle made a motion to approve the minutes of the Board meeting of 09/26/24, as drafted. The motion was seconded by Ms. Thompson, which carried.

The Board reviewed the draft minutes of the 10/21/24 Special Board meeting.

**Action taken:** Following review and discussion, Mr. Kleinert made a motion to approve the minutes of the Special Board meeting of 10/21/24, as drafted. The motion was seconded by Ms. Carper 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 Mr. Kleinert, which carried.

Subsequently, Mr. Kleinert made the motion for the Board to come out of Executive Session. The motion was seconded by Ms. Ogle, 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.

### 2023 Complaint Committee

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

**Action taken:** No action taken.

**BIC2023-14:** The Complaint Committee reported that this case involves a credential holder who allegedly treated a patient without an evaluation. During the September Board meeting the Board voted to have counsel contact the credential holder regarding a public reprimand and settlement. The credential holder has not agreed to the terms set by the Board and asked for additional time to consider the terms.

**Action taken:** After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to allow the credential holder the additional time. Additionally, the Complaint Committee recommended and moved that if the credential holder has not signed the proposed Settlement Agreement by November 25, 2024, that the Board issue a Notice of Hearing and charges. The motion was seconded by Ms. Carper, which carried.

**BIC2023-16:** The Complaint Committee reported that this case involves a credential holder who allegedly committed fraud and material deception. The Board voted at the July Board meeting to issue a settlement agreement with specified terms. Mr. Curley and Mr. Poynter reported that they have been in negotiations with the credential holder. The credential holder has agreed to sign the proposed Settlement but the Board office has not received a signed copy.

**Action taken:** Following discussion, the Complaint Committee recommended and moved to issue a Notice of Hearing and charges if the credential holder has not signed the proposed Settlement Agreement within 10 days. The motion was seconded by Mr. Cook, which carried.

**BIC2023-17:** The Complaint Committee reported that this case involves a credential holder who was convicted of a misdemeanor of theft by unlawful taking.

During the September Board meeting the Board voted to issue a private admonishment. Mr. Curley reported that the credential holder has accepted the Private Admonishment.

**Action taken:** After discussion, and the Complaint Committee recommended and moved to close the case. The motion was seconded by Ms. Carper, which carried.

**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.

**BIC2023-21:** 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.

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

**Action taken:** Following discussion, the Complaint Committee recommended and moved to close the case due to insufficient evidence of a violation. The motion was seconded by Ms. Thompson, which carried.

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

**CE2023-35**

**CE2023-57**

**CE2023-65**

**CE2023-98**

**CE2023-100**

**CE2023-107**

**CE2023-125:** The Complaint Committee reported that these cases were issued a Notice of Hearing because they did not accept either a settlement agreement or private admonishment that were issued in January. Additionally, Board Counsel reported the cases are moving through the administrative hearing process.

**Action taken:** No action taken.

### **2024 Complaint Committee**

**BIC2024-02:** The Complaint Committee reported that this case is ongoing.

**Action taken:** No action taken.

**BIC2024-05:** The Complaint Committee reported that this case is ongoing.

**Action taken:** No action taken.

**BIC2024-09:** The Complaint Committee reported that this case is ongoing.

**Action taken:** No action taken.

**BIC2024-10:** The Complaint Committee reported that this case involves a credential holder who practiced physical therapy without an evaluation.

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

Ms. Lutz recused herself from any discussion or voting pertaining to BIC2024-10.

**BIC2024-11:** The Complaint Committee reported that this case involves a credential holder who practiced physical therapy without an evaluation.

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

Additionally, the Complaint Committee recommended and moved to open an investigation on a credential holder working within the company. The motion was seconded by Mr. Kleinert, which carried.

Ms. Lutz recused herself from any discussion or voting pertaining to BIC2024-11.

**C2024-12:** The Complaint Committee reported that this case in ongoing.

**Action taken:** No action taken.

**BIC2024-13:** The Complaint Committee reported that this case in ongoing.

**Action taken:** No action taken.

**C2024-14:** The Complaint Committee reported that this case in ongoing.

**Action taken:** No action taken.

**C2024-15:** The Complaint Committee reported that this case in ongoing.

**Action taken:** No action taken.

**C2024-17:** The Complaint Committee reported that this case in ongoing.

**Action taken:** No action taken.

**BIC2024-18:** The Complaint Committee reported that this case in ongoing.

**Action taken:** No action taken.

**BIC2024-19:** The Complaint Committee reported that this case in ongoing.

**Action taken:** No action taken.

**BIC2024-20:** The Complaint Committee reported that this case involves a credential holder who allegedly failed to properly maintain a record of a patient by potentially releasing the record to an unauthorized individual.

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

**BIC2024-21:** The Complaint Committee reported that this case involves a potential term protection violation.

**Action taken:** After discussion, the Complaint Committee recommended and moved to take no action for lack of evidence. The motion was seconded by Mr. Kleinert, which carried.

**BIC2024-22:** The Complaint Committee reported that this case involves a credential holder allegedly treating animals and advertising for physical therapy performed on animals.

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

**BIC2024-23:** The Complaint Committee reported that this case involves a credential holder who has violated the terms of their Settlement Agreement.

**Action taken:** The Complaint Committee recommended and moved to open an investigation and to authorize Board Counsel to draft a settlement agreement with specified terms. The motion was seconded by Ms. Carper, which carried.

### **IPTPC Report**

Mr. Fingerson presented the written IPTPC report dated 11/15/24. 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; Donald Bruce Taylor, PT; and Bryon Cooper, PTA. No monitoring reports were submitted.

**Action taken:** No action taken.

## **Board Discussions, Committees and Opinion Requests**

### **Practice Act Review Committee**

Mr. Curley updated the Board on the follow-up from the meetings with legislators and potential changes to the Practice Act Draft. Mr. Curley reported that a bill is in the process of being written.

**Action taken:** No action taken

### **2025-2027 Jurisprudence Exam Item Writer Taskforce**

Mr. Curley provided a list of the thirty-four draft questions for the 2025-2027 Jurisprudence Exam (JE).

**Action taken:** Following discussion and review, the Board selected twenty questions for the 2025-2027 JE. Mr. Profitt moved that the Board approve the list of twenty questions selected to serve as the 2025-2027 JE. The motion was seconded by Mr. Cook, which carried.

### **2025 Renewal Application**

Mr. Curley reported that the new workforce questions have been added to the 2025 Renewal Application, and he provided a demonstration to the Board of the website platform.

**Action taken:** Following discussion and review, Ms. Ogle made a motion to approve the new renewal application and workforce questions with an addition of an explanation of why the Board is collecting this information. The motion was seconded by Mr. Cook, which carried.

### **2025 Board Meeting Schedule**

Following consideration of various educational conferences scheduled to be held in 2025, and in an effort to avoid conflicts with the scheduling of these conferences, the Board established the following schedule for Board meetings in 2025:

Board Meetings: 9:00 a.m. to approximately 2:00 p.m.

January 16  
March 20  
May 15  
July 17  
October 2  
November 20

The Board also establish a Board retreat on May 16<sup>th</sup> following the May 15<sup>th</sup> Board meeting.

**Action taken:** Ms. Ogle made a motion to approve the aforementioned Board meeting dates for 2025. The motion was seconded by Ms. Carper, which carried.

### **2025 Board Appointments**

- (1) 2025 Board Chair: Mr. Cook made a motion for Ms. Ogle to assume the position of Chair, effective 01/01/25. The motion was seconded by Ms. Thompson, which carried.
- (2) 2025 Chair Elect: Mr. Cook made a motion that Ms. Carper assume the position of Chair-Elect effective 01/01/25. The motion was seconded by Ms. Ogle, which carried.
- (3) Complaint Committee Members: Mr. Kleinert made a motion to reappoint Ms. Ogle and appoint Ms. Carper to all the Complaint Committees. The motion was seconded by Ms. Thompson, which carried.
- (4) 2025 ADA Accommodations Committee/Liaison Members: Ms. Thompson 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) 2025 KBPT Continued Competency Liaison to APTA KY: Ms. Carper made a motion to appoint Ms. Thompson to serve as the KBPT Board Member Liaison to APTA KY, effective 01/01/2025. The motion was seconded by Mr. Kleinert, which carried.
- (6) 2025 Finance Workforce Members: Mr. Cook made a motion that Ms. Ogle and Ms. Carper serve as the 2025 Finance Workforce Members, effective 01/01/25. The motion was seconded by Ms. Thompson, which carried.
- (7) 2025 KBPT Board Member Liaison to APTA KY: Mr. Kleinert made a motion to reappoint Mr. Cook to serve as the KBPT Board Member Liaison to APTA KY. The motion was seconded by Mr. Profitt, which carried.

### **FSBPT – 2024 Annual Education Conference**

Mr. Curley, Ms. Lutz, Ms. Ogle, and Ms. Carper discussed with the Board the salient topics from the FSBPT 2024 Annual Education Meeting.

**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, Ms. Ogle made a motion to increase Mr. Curley's annual salary by 5%. The motion was seconded by Mr. Kleinert, which carried unanimously.

Additionally, Ms. Lutz and Ms. Ogle will have a follow-up meeting on 11/25/2024 with Mr. Curley to discuss his annual review.

## **Executive Director's Report**

### **Financial Report**

Mr. Curley offered a report that addressed the Board's finances for the first quarter and part of the second quarter of the 2025 Fiscal Year.

**Action taken:** No action taken.

## **Regulatory Review Taskforce**

### **Administrative Regulation – 201 KAR 22:020**

Mr. Curley reported the Regulatory Review Taskforce had produced a new draft of 201 KAR 22.020.

**Action taken:** Following discussion, Ms. Carper made a motion to approve the draft language for an update to 201 KAR 22.020. The motion was seconded by Ms. Ogle, which carried.

## **Staff Reports and Discussions**

The Board reviewed the following staff reports:

- (a) PT Compact Audit, Mr. Curley reported that the office had received information from the PT Compact that several PTs and PTAs with compact privileges in Kentucky were not cooperating with a mandatory Audit or their home address.

**Action taken:** After discussion, the Board authorized Mr. Curley and Board Counsel to send a letter to the PTs and PTAs in an effort to gain cooperation with the Audit.

- (b) PT Compact Delegate: Mr. Curley reported that he would no longer be able to serve as the PT Compact Delegate for KY and the Board would need to appoint a new Delegate for the December 16, 2024 meeting and all future meetings.

**Action taken:** Following discussion, Ms. Carper made a motion to appoint Mr. Profitt as the PT Compact Delegate with the Alternate Delegate as the sitting Board Chair. The motion was seconded by Mr. Cook, which carried.

- (c) Michael Hunt, PTA: Mr. Curley reported that Mr. Hunt was undergoing supervised practice in an attempt to reenter practice after having a lapsed license for between 5-10 years. Mr. Curley presented Mr. Hunt's supervision reports from the midpoint of his supervision as well as the ending report.

**Action taken:** Following discussion, Mr. Cook made a motion to approve the reports and release Mr. Hunt from any additional monitoring. The motion was seconded by Ms. Thompson, which carried.

- (d) Veterinary Board: Mr. Curley reported that the Veterinary Board has requested a meeting regarding a new regulation that they are reviewing and wanted to discuss with the Board. Mr. Curley reported that this meeting as originally scheduled for 11/18/2024 but has since been moved to 12/17/2024.

**Action taken:** No action taken.

## **APTA KY Liaison Report**

Dr. Kuperstein reported on the potential statute updates from APTA KY.

## **KBPT General Counsel's Legal Report**

Mr. Poynter discussed with the Board current topics and how they may affect the Board in the future.

## **Conferences and Meetings Relating to Physical Therapy**

The Board reviewed the following schedule of upcoming conferences:

- (a) CAPTASA – Annual Meeting  
(1/24-1/25/25 – 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 eight 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:** 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**

### **General Counsel Raise**

Mr. Curley discussed with the Board Mr. Poynter's performance over the last several years and informed the Board that it had been many years since Mr. Poynter had received a raise.

**Action taken:** Following discussion, Mr. Kleinert made a motion to increase Mr. Poynter's hourly rate by 5%. The motion was seconded by Mr. Cook, which carried unanimously.

### **FSBPT Role**

Mr. Curley reviewed his role with FSBPT and asked that the Board approve his work and role with FSBPT as the Board has been supportive and asked that Mr. Curley be involved at the national level as part of his role with KBPT.

**Action taken:** Mr. Kleinert made a motion to approve Mr. Curley's role with FSBPT. The motion was seconded by Mr. Cook, which carried unanimously.

### **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. Profitt made the motion to adjourn the meeting at 1:59 p.m., seconded by Mr. Kleinert, which carried.

Respectfully submitted,



Stephen Curley  
Executive Director