



## KENTUCKY BOARD OF PHYSICAL THERAPY

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Rebecca E. Klusch  
Executive Director

### MINUTES OF MEETING May 15 2008

Board Members Present: Debra Turner, PT, Chair  
Ron Barbato, PT  
Troy Grubb, PT  
Kristie Cochrane, PT  
Margaret Blain, PT  
Peggy Block, PT

Absent: Virginia Johnson, Public Member

Board Staff: Rebecca E. Klusch, Executive Director

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

A meeting of the Kentucky Board of Physical Therapy Complaint Committee was called to order at 9:15 a.m., Wednesday, May 14, 2008, at Board Office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. Motion carried. Motion was made by Troy Grubb to come out of closed session, seconded by Debra Turner. Motion carried. The committee meeting adjourned at 12:00 p.m.

A meeting of the Kentucky Board of Physical Therapy Complaint Committee was called to order at 2:00 p.m., Wednesday, May 14, 2008, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. Motion carried. Motion was made by Ron Barbato to come out of closed session, seconded by Ron Barbato. Motion carried. The committee meeting adjourned at 5:10 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Debra Turner, at 9:20 a.m., Thursday, May 15 2008, at the Board office. A quorum was present.

Motion was made by Margaret Blain, seconded by Kristie Cochrane to approve the minutes as amended of the March 13, 2008, Board Meeting. Motion carried.

### Complaint Committee

*Kentucky Board of Physical Therapy v Dubin Orthopaedic Centre, P.S.C.* The Supreme Court has granted Discretionary Review of the Court of Appeals decision to be ruled on by the Kentucky Supreme Court.

C2006-20 Case is ongoing.

Motion was made by Margaret Blain to go into closed session regarding *Kentucky Board of Physical Therapy v. Emery Chatman* per KRS 61.810(1) (c) and (j), seconded by Troy Grubb. All in favor 5/0. Motion was made by Peggy Block to come out of closed session, seconded by Troy Grubb. All in favor 5/0.

C2007-01 *KSBPT v. Ron Cole, PT* A motion was made by Ron Barbato, seconded by Peggy Block to Renotify the Notice of Administrative Hearing and Order. Motion carried.

C2007-06 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to accept the *Kentucky Board of Physical Therapy v. Matthew Thomas Jones, P.T. Settlement Agreement*. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-30 Case is ongoing.

C2007-96 The Notice of Administrative Hearing and Order is being filed.

C2007-97 Lawrence Tatem, P.T. and Jeremy Rogers, Attorney, appeared before the full Board. The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to accept the *Kentucky Board of Physical Therapy v. Lawrence P. Tatem, P.T. Settlement Agreement*. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-102C The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Susan Neukam, D.C., Chiropractic Pain & Injury Center, Lexington. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-102D The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Nicole Sullivan, D.C., Capitol Chiropractic & Injury Center, Frankfort. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-103 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Patrick Perschke, D.C., Adonai Chiropractic, Hopkinsville. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

BIC2007-104 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence of violating KRS 327.010(2) with a follow-up letter. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Debra Turner and Troy Grubb recused from voting.

C2008-01 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence of violating KRS 327.010(2) with a follow-up letter. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-02 Case is ongoing.

C2008-03 Case is ongoing.

C2008-07 Case is ongoing.

C2008-08 Motion was made by Troy Grubb to go into closed session to discuss pending litigation per KRS 61.810(1) (c) and (j), seconded by Margaret Blain. All in favor 5/0. Motion was made by Troy Grubb to come out of closed session, seconded by Margaret Blain. All in favor 5/0. Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file an Action for Injunctive Relief under KRS 327.990(3). The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-09 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-10 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authority given to counsel to issue a Cease and Desist Affidavit if a violation of KRS 327.020 is warranted. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-11 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authority given to counsel to issue a Cease and Desist Affidavit if a violation of KRS 327.020 is warranted. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

BIC2008-12 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

BIC2008-13 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Ron Barbato. Motion carried. Complaint Committee members Debra Turner and Troy Grubb recused from voting.

The Board reviewed the IPTPC report.

#### **Update on Monitoring Probations**

Update on monitoring probations were given for the following with approval: Bruce Taylor, PT and Mark Portaro, PT.

#### **Board and Administrative Business**

The Board reviewed an inquiry from Gina Lesch, PT, as to whether CPM is a skilled service. The application of a CPM if provided by a physical therapist should be based on the Plan of Care and if the practitioner is competent and trained to perform this procedure.

A motion was made by Margaret Blain, seconded by Ron Barbato, to approve the KRS 327 revisions for distribution to licensees, KPTA members and other interested Boards and associations.

A motion was made by Ron Barbato, seconded by Troy Grubb, to approve the amended Board Internal Procedure 506 and 507. Motion carried.

A motion was made by Margaret Blain, seconded by Troy Grubb, to appoint Ron Barbato, Chair, Peggy Block, Chair Elect and Kristie Cochrane on the Complaint Committee beginning July 1, 2008. Motion carried.

### **Other Board Matters**

Ron Barbato made a report on the CLEAR NCIT training and Consumer Advocacy Council on continued competency.

Margaret Blain and Peggy Block will attend the KPTA Spring conference/Board meeting to represent the Board in answering any questions on the proposed KRS 327 revisions.

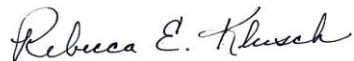
Mark Brengelman, Counsel for the Board, requested the Board's approval to attend the FARB Attorney Certification seminar in Colorado Springs, October, 2008. Becky Klusch suggested that he find another board to share the cost due to the financial constraints the Commonwealth has imposed on agency funds and to remake the request to the Board or to Becky directly thereafter.

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 discussed the fund transfer proposed by the Legislature in the amount of \$281,000 from Restricted Agency Fund to the General Fund and the effect it would have on the Board's budget. Executive Director will review the financial outlook for the Board to report at the next Board meeting.

A motion was made by Troy Grubb, seconded by Kristie Cochrane, to adjourn the meeting at 3:25 p.m. Motion carried.

Respectfully submitted,



Rebecca E. Klusch  
Executive Director