



KENTUCKY BOARD OF PHYSICAL THERAPY

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Andy Beshear
Governor

Stephen Curley
Executive Director

MINUTES OF MEETING May 18, 2023

Board Members: Peggy Block, PT, Chair
Stephanie Lutz, Chair-Elect
Mark Cook, PTA
Michael Kleinert, Public Member
Karen Ogle, PT
Karen Thompson, PT

Board Staff: Stephen Curley, Executive Director
Krista Barton, Executive Secretary
Lisa A. Turner, Licensure Coordinator
Keith Poynter, General Counsel

Board Members Absent: Sonya Dick, PT

A meeting of the Kentucky Board of Physical Therapy was called to order by the Board's Chair, Peggy Block, at 9:02 a.m. on Thursday, 05/18/23, 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 03/23/23 Board meeting.

Action taken: Following review and discussion, Mr. Kleinert made a motion to approve the minutes of the Board meeting of 03/23/23, as amended. The motion was seconded by Ms. Ogle, 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. Cook, which carried.

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

2021 Complaint Committee

C2021-147: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

Ms. Thompson recused herself from any discussion or voting pertaining to C2021-147.

2022 Complaint Committee

C2022-13: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2022-19: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2022-20: 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 and possibly provided substandard care.

Action taken: Following discussion, the Complaint Committee recommended and moved to authorize Board Counsel to draft a proposed settlement agreement with specified terms. The motion was seconded by Ms. Thompson, which carried.

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

Action taken: No action taken.

C2022-23: The Complaint Committee reported that this case involves a complaint against multiple facilities that allegedly has PTs practicing outside the scope of practice of physical therapy.

Action taken: After reviewing the facts and circumstances of this case the Complaint Committee recommended and moved to close the case against the facilities and open a Board Initiated Complaint BIC2023-15 against a credential holder after a potential violation was discovered during the investigation regarding C2022-23. The motion was seconded by Mr. Cook, which carried.

Ms. Block recused herself from any discussion or voting pertaining to BIC2023-15.

C2022-24: The Complaint Committee reported that this case involves a credential holder who allegedly provided substandard care.

Action taken: After reviewing the facts and circumstances of this case the Complaint Committee recommended and moved to close this case due to insufficient evidence of a violation of KRS Chapter 327. The motion was seconded by Mr. Kleinert, which carried.

C2022-25: The Complaint Committee reported that this case involves a credential holder who allegedly provided substandard care.

Action taken: After reviewing the facts and circumstances of this case the Complaint Committee recommended and moved to close this case due to insufficient evidence of a violation of KRS Chapter 327. The motion was seconded by Ms. Ogle, which carried.

2023 Complaint Committee

C2023-01: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2023-03: The Complaint Committee reported that this case involves a credential holder who answered "yes" to question 1a on her/his renewal application.

Action taken: After reviewing the facts and circumstances of this case the Complaint Committee recommended and moved to take no action. The motion was seconded by Ms. Thompson, which carried.

Ms. Lutz recused herself from any discussion or voting pertaining to BIC2023-03.

BIC2023-04: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2023-05: The Complaint Committee reported that this case involves a credential holder who was reported to have allegedly committed an act of domestic violence.

Action taken: After discussion, the Complaint Committee recommended and moved to take no action. The motion was seconded by Ms. Ogle, which carried.

BIC2023-06: The Complaint Committee reported that this case involves a credential holder who answered "yes" to question 1g on her/his renewal application.

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

BIC2023-07: The Complaint Committee reported that this case involves a credential holder who answered "yes" to question 1g on her/his renewal application.

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

BIC2023-08: The Complaint Committee reported that this case involves a credential holder who answered “yes” to question 1g on her/his renewal application.

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

Ms. Lutz recused herself from any discussion or voting pertaining to BIC2023-08.

BIC2023-09: The Complaint Committee reported that this case involves a credential holder who answered “yes” to question 1a on her/his renewal application.

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

BIC2023-10: The Complaint Committee reported that this case involves a credential who answered “yes” to question 1i on her/his renewal application.

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

R2023-11: The Complaint Committee reported that this case involves an individual who practiced on a lapsed credential.

Action taken: After discussion, the Complaint Committee recommend and moved to adhere to the current fine structure and issue a Settlement Agreement with specified terms. The motion was seconded by Ms. Thompson, which carried.

R2023-12: The Complaint Committee reported that this case involves an individual who practiced on a lapsed credential.

Action taken: After discussion, the Complaint Committee recommend and moved to adhere to the current fine structure and issue a Settlement Agreement with specified terms. The motion was seconded by Mr. Cook, which carried.

R2023-13: The Complaint Committee reported that this case involves an individual who practiced on a lapsed credential.

Action taken: After discussion, the Complaint Committee recommend and moved to adhere to the current fine structure and issue a Settlement Agreement with specified terms. The motion was seconded by Mr. Kleinert, which carried.

BIC2023-14: The Complaint Committee reported that this case involves a credential holder who allegedly treated a patient without an evaluation.

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

IPTPC Report

Mr. Fingerson presented the written IPTPC report dated 05/11/23. 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; and Bryon Cooper, PTA. Monitoring reports were submitted by the Board-appointed monitors and considered by the Board for Ms. Ramsey and Mr. Cooper.

Board Discussions, Committees and Opinion Requests

Imaging Taskforce

Mr. Curley reported that there will be another meeting scheduled with the Imaging Taskforce in June.

Action taken: No action taken.

Staff Reports and Discussions

The Board reviewed the following staff reports:

- (a) Ms. Block requested the Board to review the requirements regarding Kentucky physical therapists practicing physical therapy on a sponsored trip to Ecuador specifically regarding follow-up check-in visits via telehealth.

Action taken: After discussion, the Board determined that the requirements would be under the purview of the Ecuadorian government.

- (b) Joanna Howland, a physical therapist who sought clarification on whether a physical therapist assistant can countersign a physical therapist assistant student's documentation.

Action taken: After discussion, the Board authorized staff to respond that a physical therapist is required to sign ongoing documentation as the decision making individual and overall supervisor of both the physical therapist assistant and student.

- (c) Board staff brought before the Board information regarding RESNA certification and whether becoming a certified Assistive Technology Professional would count towards 201 Kar 22:045 Section 2(2)(i).

Action taken: After discussion, the Board determined that the credential holder would be awarded 28 hours of Category I continued competency credit for the initial certification, and any additional re-certification would only count for the hours certified by RESNA.

KBPT General Counsel's Legal Report

Mr. Poynter discussed with the Board several articles from various states that highlighted trends in professional licensing and litigation and how these trends may impact the Board.

Reports and Other Business

Executive Director's Report

Financial Report

Mr. Curley offered a report that addressed the Board's finances for the third quarter of the 2023 FY.

Action taken: No action taken.

Administrative Regulation – 201 KAR 22:170

Mr. Curley reported to the Board that 201 KAR 22:170 is awaiting review at the next scheduled Interim Joint Committee in June.

Action taken: No action taken.

Administrative Regulation – 201 KAR 22:045

Mr. Curley reported to the Board that 201 KAR 22:045 was recently filed with the LRC and is currently moving through the legislative process.

Action taken: No action taken.

Conferences and Meetings Relating to Physical Therapy

The Board reviewed the following schedule of upcoming conferences:

- (a) FSBPT – Leadership Issues Forum (LIF)
(07/15-16/23 – Arlington, VA)
(Ms. Lutz and Mr. Curley – KBPT representatives)
- (b) CLEAR 2023 Annual Educational Conference
(09/27-30/23 – Salt Lake City, UT)
(Mr. Curley and Mr. Poynter are presenters at CLEAR 2023 Annual Education Conference)
- (c) FSBPT – Annual Meeting & Delegate Assembly
(10/19-22/23 – Jacksonville, FL)
(Ms. Lutz, Ms. Block, and Stephen Curley – KBPT representatives)
Mr. Kleinert made a motion for the Board to pay for the registration fees and associated travel costs for up to two additional Board members to attend the FSBPT Annual meeting & Delegate Assembly in Jacksonville, Florida. The motion was seconded by Mr. Cook, which carried.

New Licensee/Reinstatement/Renewal Applications

Action taken: Ms. Ogle 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.

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

Mr. Kleinert made the motion to adjourn the meeting at 1:06 p.m., seconded by Ms. Ogle, which carried.

Respectfully submitted,



Stephen Curley
Executive Director