



KENTUCKY BOARD OF PHYSICAL THERAPY

312 Whittington Parkway, Suite 102

Louisville, Kentucky 40222

Phone (502) 429-7140

Fax (502) 429-7142

<http://pt.ky.gov>

Andy Beshear
Governor

Stephen Curley
Executive Director

MINUTES OF MEETING July 13, 2023

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

APTA KY Liaison: Dr. Janice Kuperstein

Board Members Absent: Michael Kleinert, Public Member

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, 07/13/23, 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.

The Board welcomed Brad Profitt, PT who was appointed by Governor Andy Beshear by Executive Order. Ms. Block administered the oath of office to Mr. Profitt.

Minutes for Previous Board Meeting

The Board reviewed the draft minutes of the 05/18/23 Board meeting.

Action taken: Following review and discussion, Ms. Ogle made a motion to approve the minutes of the Board meeting of 05/18/23, as amended. The motion was seconded by Ms. Lutz, which carried.

Civil Matters and Investigations

Mr. Cook 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. Thompson, which carried.

Subsequently, Ms. Ogle made the motion for the Board to come out of Executive Session. The motion was seconded by Ms. Thompson, 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 the Board voted at the March meeting to authorize Board Counsel to draft a proposed settlement agreement with specified terms. Mr. Poynter reported that the credential holder had a counteroffer to the proposed settlement.

Action taken: Following discussion, the Complaint Committee recommended and moved to reject the counteroffer and adhere to the original terms of the proposed settlement agreement. The motion was seconded by Ms. Thompson, which carried.

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 involves a credential holder who allegedly failed to disclose a financial interest with regards to referrals.

Action taken: Following discussion, 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.

BIC2022-21: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

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.

BIC2023-06: 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 reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Mr. Cook, 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 reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close this case. The motion was seconded by Ms. Ogle, 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, and the Board voted at the May meeting to request the credential holder enter a voluntary IPTPC agreement. Additionally, Board staff reported that at the time of the Board meeting the credential holder had not signed a voluntary IPTPC agreement.

Action taken: After discussion, the Complaint Committee recommended and moved to issue a Board Order for the credential holder to enter the IPTPC program if the credential holder had not signed a voluntary IPTPC agreement by 07/28/23. The motion was seconded by Mark Cook, which carried.

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

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

Action taken: No action taken.

R2023-11: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

R2023-12: The Complaint Committee reported that this case involves an individual who practiced on a lapsed credential, and the Board voted to offer a proposed settlement with specified terms at the May meeting. Additionally, Mr. Poynter reported that the credential holder requested that the Board reconsider the proposed settlement agreement and the associated fine.

Action taken: After discussion, the Complaint Committee recommended and moved to adhere to the terms of the proposed settlement agreement. The motion was seconded by Ms. Thompson, which carried.

R2023-13: 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 involves a credential holder who allegedly engaged in fraud and material deception.

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

BIC2023-17: The Complaint Committee reported that this case involves a credential holder who has a pending felony charge.

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

BIC2023-18: 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 recommended and moved to open an investigation. The motion was seconded by Ms. Thompson, which carried.

Ms. Lutz recused herself from any discussion or voting pertaining to BIC2023-18.

C2023-19: The Complaint Committee reported that this case involves a facility that allegedly has a credential holder who treated a patient without an evaluation.

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

BIC2023-20: The Complaint Committee reported that this case involves a credential holder who allegedly committed a boundary violation.

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

IPTPC Report

Mr. Fingerson presented the written IPTPC report dated 06/28/23. 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. A monitoring report was submitted by the Board-appointed monitor and considered by the Board for 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 August.

Action taken: No action taken.

PT Led Courses

Mr. Curley reported that a Facebook post had been sent to him regarding a pediatric company offering to have parents bring their children to a park to play and that a physical therapist would observe and let the parents know if the child may need physical therapy.

Action taken: After discussion, the Board determined that if these events were screenings to determine if physical therapy is needed that there was no violation to the Practice Act. Additionally, the Board authorized Mr. Curley to reach out to the company to request more information regarding this matter.

Staff Reports and Discussions

The Board reviewed the following staff reports:

- (a) Mr. Boyce, a physical therapist who sought further clarification on whether a physical therapist is authorized to perform and interpret an Electromyography (EMG).

Action taken: After discussion, the Board authorized staff to respond that there is nothing that prohibits a physical therapist from performing an EMG as long as they have the proper training, expertise, and experience. A physical therapist can interpret the results, but a physical therapist cannot create a medical diagnosis with said results.

Additionally, Ms. Ogle made a motion for the Board to amend 201 KAR 22:053 Section 5(2)(c). The motion was seconded by Ms. Block, which carried.

- (b) KBPT staff brought documentation pertaining to Nadia Brassell's voluntary supervised practice before the Board for review. Additionally, Mr. Curley informed the Board that Ms. Brassell has completed the requirements of voluntary supervised practice.

Action taken: No action taken.

2021 Hardship Extensions

Mr. Curley reported to the Board that all individuals that were issued a Hardship Extension for the 2019-2021 biennium have been completed.

Action taken: No action taken.

APTA KY Liaison Report

Dr. Kuperstein reported that Charlie Workman will be attending the Model Practice Act Workshop on 07/17/23, in Alexandria, Virginia. Additionally, Dr. Kuperstein reported that APTA-KY has been working in conjunction with APTA to create a strategic plan and the project is almost completed.

Reports and Other Business

Executive Director's Report

Financial Report

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

Action taken: No action taken.

Administrative Regulation – 201 KAR 22:170

Mr. Curley reported to the Board that the changes to 201 KAR 22:170 went into effect on 06/21/23. Additionally, he reported that the Physical Therapy Compact Commission voted to update the current Rules & Bylaws of the Physical Therapy Compact Commission.

Action taken: Ms. Ogle made a motion to authorize Board staff to begin the process to update 201 KAR 22:170. The motion was seconded by Ms. Lutz, which carried.

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.

Universal Licensing

Mr. Curley discussed with the Board a proposed bill regarding universal licensure.

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, Ms. Ogle, and Stephen Curley – KBPT representatives)

New Licensee/Reinstatement/Renewal Applications

Action taken: Ms. Lutz 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 Mr. Cook, which carried. The lists are attached to these minutes.

New Business

Mr. Curley requested the Board to fund the registration fees for him to attend the APTA-KY 2023 Conference on 09/8-9/2023, at Bellarmine University in Louisville.

Action taken: Mr. Cook made a motion for the Board to pay the registration fees for Mr. Curley to attend the APTA-KY 2023 Conference. The motion was seconded by Ms. Lutz, which carried.

Board Member Per Diems and Expenses

Ms. Ogle made a motion to approve per diems for Board members. The motion was seconded by Ms. Thompson, which carried.

Adjournment

Ms. Ogle made the motion to adjourn the meeting at 12:17 p.m., seconded by Ms. Thompson, which carried.

Respectfully submitted,



Stephen Curley
Executive Director