



## 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 18, 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  
Krista Barton, Executive Secretary  
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 9:03 a.m. on Thursday, 07/18/24, 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 05/23/24 Board meeting.

**Action taken:** Following review and discussion, Mr. Kleinert made a motion to approve the minutes of the Board meeting of 05/23/24, as amended. The motion was seconded by Ms. Ogle, which carried.

The Board reviewed the draft minutes of the 06/24/24 Special Board meeting.

**Action taken:** Following review and discussion, Mr. Kleinert made a motion to approve the minutes of the Special Board meeting of 06/24/24, 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 Ms. Ogle, which carried.

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

#### **2022 Complaint Committee**

**BIC2022-19:** The Complaint Committee reported that this case involves a credential holder who is currently under an Immediate Temporary Suspension (ITS) for allegedly practicing under the influence. Additionally, the Complaint Committee reported that the credential holder has signed a proposed Conditional Reinstatement and Settlement Agreement.

**Action taken:** The Complaint Committee recommended and moved to accept the proposed Conditional Reinstatement and Settlement Agreement and authorized Board staff to administratively reinstate the credential holder once all terms of the Settlement Agreement are completed. The motion was seconded by Ms. Carper, which carried.

**C2022-22 & BIC2024-01:** The Complaint Committee reported that these two cases involve a credential holder who allegedly committed multiple boundary violations and practiced substandard care.

**Action taken:** After reviewing the facts and circumstances of these two cases, the Complaint Committee recommended and moved to authorize Board Counsel to contact the credential holder and offer a Voluntary Surrender of Credential. Additionally, if the credential holder fails to sign within 30 days the Board authorizes staff to file a Notice of Hearing. The motion was seconded Ms. Carper.

#### **2023 Complaint Committee**

**C2023-01:** The Complaint Committee reported that this case involves a credential holder who sexually assaulted a patient.

**Action taken:** After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to authorize Board Counsel to contact the credential holder's attorney and offer a Settlement Agreement with a Voluntary Surrender of Credential, and if the credential holder fails to sign the proposed Settlement Agreement the Board further authorized Counsel to amend the Notice of Hearing. The motion was seconded by Mr. Cook, which carried.

**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 involved a credential holder who allegedly treated a patient without an evaluation.

**Action taken:** After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to authorize Board Counsel to offer a Private Admonishment. The motion was seconded by Ms. Thompson, which carried.

**BIC2023-16:** The Complaint Committee reported that this case involves a credential holder who allegedly committed fraud and material deception.

**Action taken:** After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to authorize Board Counsel to draft a settlement agreement with specified terms. The motion was seconded by Mr. Kleinert, 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 March Board meeting the Board voted to issue a settlement agreement with specified terms. Board Counsel reported that the credential holder made a counteroffer to the proposed settlement agreement.

**Action taken:** After discussion, the Complaint Committee recommended and moved to amend the proposed settlement agreement with specified terms. 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 is ongoing.

**Action taken:** No action taken.

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

**CE2023-54**

**CE2023-59**

**CE2023-60**

**CE2023-102:** The Complaint Committee reported that these cases involve credential holders who were deficient in either the random audit or they failed to take their Jurisprudence Exam during the 2021-2023 biennium and at the January Board meeting were issued Private Admonishments with associated fines.

**Action taken:** The Complaint Committee recommended and moved to close the cases in which the credential holder has accepted and paid their associated fines and come into compliance with their continued competency hours. The motion was seconded by Ms. Thompson, which carried.

**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.

**CE2023-97:** Board staff reported that this case involves a credential holder who was issued a proposed settlement agreement in January. The credential holder failed to respond by the March Board meeting and a Notice of Hearing filed in April. The credential holder has submitted the proposed signed settlement agreement and paid their associated fine.

**Action taken:** After discussion, Ms. Ogle made a motion for the Board to accept the proposed settlement agreement and rescind the Notice of Hearing. The motion was seconded by Mr. Kleinert, which carried.

## **2024 Complaint Committee**

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

**Action taken:** No action taken.

**BIC2024-04:** 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 is ongoing.

**Action taken:** No action taken.

**BIC2024-11:** The Complaint Committee reported that this case is ongoing.

**Action taken:** No action taken.

**C2024-12:** The Complaint Committee reported that this case involves a credential holder who allegedly committed fraud and material deception.

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

**BIC2024-13:** The Complaint Committee reported that this case involves a credential holder who has violated their IPTPC agreement on multiple occasions.

**Action taken:** After discussion, the Complaint Committee moved to authorize staff to issue a Board Order requiring the credential holder to (a) complete a comprehensive evaluation to determine if the credential holder has a substance use disorder; (b) schedule the evaluation within 14 days; (c) complete the evaluation within 60 days from the scheduled date; and (d) follow any recommendations from the comprehensive evaluation. Additionally, if the credential holder does not follow the Board Order the Board further authorizes staff to administratively issue an Immediate Temporary Suspension. The motion was seconded by Mr. Kleinert, which carried.

### **IPTPC Report**

Mr. Fingerson presented the written IPTPC report dated 07/09/24. 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. A monitoring report was submitted by the Board-appointed monitor and considered by the Board for Mr. Cooper.

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

### **Practice Act Review Committee**

Mr. Curley disseminated the schedule for the six scheduled Road Show meetings to discuss the proposed changes to the Practice Act. He informed the Board that there are meetings scheduled for Lexington, Florence, Paducah, Louisville, Bowling Green, and Somerset. Additionally, Dr. Kuperstein suggested that a short meeting be scheduled after the first Road Show presentation in Lexington to debrief and discuss any issues.

**Action taken:** After discussion, Mr. Curley scheduled a meeting after the Lexington Road Show meeting with Ms. Ogle, Ms. Carper, and Dr. Kuperstein.

### **Office Renovations**

Mr. Curley reported that he has been in contact with Real Properties, and he has met with Jefferson Development to pick out paint colors and new carpeting for the Board office.

**Action taken:** No action taken.

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

Mr. Curley reported to the Board that the first meeting of the Jurisprudence Exam Item Writers Taskforce was on 07/17/24. Additionally, he reported that the second meeting is scheduled in August.

**Action taken:** No action taken.

### **Leadership Issues Forum (LIF)**

Mr. Curley and Ms. Lutz recently attended the Leadership Issues Forum (LIF) in Arlington, Virginia. Mr. Curley and Ms. Lutz briefly reported to the Board some of the salient topics that were discussed during LIF.

### **Renewal Application 2025-2027**

Mr. Curley reviewed questions with the Board pertaining to workforce data collection that will be included on the 2025-2027 renewal application.

**Action taken:** After discussion, Ms. Ogle made a motion for the Board to include four workforce data questions on the 2025-2027 online renewal application. The motion was seconded by Ms. Thompson, which carried.

### **Staff Reports and Discussions**

The Board reviewed the following staff reports:

- (a) Ernesto Mendez, a physical therapist who sought clarification on whether a physical therapist may perform dry needling in wound care.

**Action taken:** After discussion, the Board authorized staff to respond that while dry needling is within the scope of practice of physical therapy, dry needling in wound care is not included in the interpretation of the scope of practice. Dry needling for the purposes of wound care would be considered an integumentary system treatment which is not currently within the scope of practice of physical therapy.

- (b) KBPT staff brought a reinstatement application before the Board for review. Staff reported that the applicant's credential lapsed on 03/31/2017, and the applicant submitted results of the Practice Exam and Assessment Tool (PEAT) from FSBPT.

**Action taken:** Following discussion, Mr. Cook made a motion to approve the reinstatement application with the understanding that six months of supervised clinical practice must be completed. The motion was seconded by Mr. Kleinert, which carried.

### **APTA KY Liaison Report**

Dr. Kuperstein reported that APTA-KY has a meeting scheduled with KMA on August 13, 2024, to discuss the proposed changes to the Practice Act. Additionally, Dr. Kuperstein reported that the Fall Conference will be held at the University of Kentucky on 09/27-28/24.

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

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

## **Reports and Other Business**

### **Executive Director's Report**

#### **Financial Report**

Mr. Curley offered a report that addressed the Board's finances for the end of the 2024 Fiscal Year.

**Action taken:** No action taken.

#### **Regulation Amendments**

Mr. Curley discussed several regulation amendments including one on Artificial Intelligence. Mr. Curley requested that the Board create a Regulatory Taskforce to review potential regulation updates.

**Action taken:** After discussion, the Board agreed to create a Regulatory Taskforce to include Mr. Cook, Mr. Kleinert, Ms. Thompson, Mr. Curley, and Mr. Poynter.

**Conferences and Meetings Relating to Physical Therapy**

The Board reviewed the following schedule of upcoming conferences:

- (a) FSBPT – Annual Meeting & Delegate Assembly  
(10/29-11/1/24 – Cedar Rapids, IA)  
(Ms. Lutz, Ms. Ogle, Ms. Carper and Mr. Curley – KBPT representatives)

**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 Mr. Kleinert, which carried. The lists are attached to these minutes.

**New Business**

Mr. Curley requested that the Board authorize the purchase of drinks for the Road Show meetings.

**Action taken:** After discussion, Mr. Cook made a motion to authorize the purchase of drinks for the Road Show meetings. The motion was seconded by Ms. Thompson, which carried.

**Board Member Per Diems and Expenses**

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

**Adjournment**

Ms. Carper made the motion to adjourn the meeting at 1:38 p.m., seconded by Ms. Ogle, which carried.

Respectfully submitted,



Stephen Curley  
Executive Director