



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING July 24 2008

Board Members Present: Ron Barbato, PT, Chair
Debra Turner, PT
Troy Grubb, PT
Kristie Cochrane, PT
Margaret Blain, PT
Peggy Block, PT
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 2:00 pm, Wednesday, July 23, 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 Debra Turner to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 4:00 p.m.

A meeting of the Kentucky Board of Physical Therapy Complaint Committee was called to order at 4:00 p.m., Wednesday, July 23, 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 Kristie Cochrane. Motion carried. The committee meeting adjourned at 8:10 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Ron Barbato, at 9:15 a.m., Thursday, July 24, 2008, at the Board office. A quorum was present.

Motion was made by Margaret Blain, seconded by Virginia Johnson to approve the minutes as amended of the May 15, and July 8, 2008, board meetings. Motion carried.

Complaint Committee

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

C2006-20 The Complaint Committee recommended to the full Board with the assistance of Counsel, to file a Notice of Administrative Hearing and Order. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

Kentucky Board of Physical Therapy v. Emery Chatman. Case is ongoing.



An Equal Opportunity Employer M/F/D

C2007-01 *KSBPT v. Ron Cole, PT* Case is ongoing.

BIC2008-13 Case is ongoing.

C2007-30 Case is ongoing.

C2007-96 Mediation is scheduled for August 6, 2008, in Frankfort.

C2008-02 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. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-03 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Julie Martin, D.C. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2008-07 Case is ongoing.

C2008-08 *Commonwealth of Kentucky, Board of Physical Therapy v. Paul J. Constante, D.C., P.S.C., d/b/a Dynamic Chiropractic & Rehab, et. al.*, Jefferson Circuit Court, Division Four (4), Civil Action No. 08-CI-06378 – A Verified Complaint for Injunctive Relief has been filed in the Jefferson Circuit Court by the Board. The attorney for the Respondent has contacted Mr. Brengelman, who will propose a settlement.

C2008-09 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence. The Board approved the recommendation, seconded by Troy Grubb. 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 accept the signed affidavit from Paul Tran, D.C., Champion Family Chiropractic. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2008-11 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 327.020 with a follow-up letter from the Board. The Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

BIC2008-12 Case is ongoing.

C2008-14 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 Kristie Cochrane, Debra Turner and Ron Barbato recused from voting.

C2008-15 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 Kristie Cochrane, Debra Turner and Ron Barbato recused from voting.

C2008-16 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 Margaret Blain. Motion carried. Complaint Committee members Kristie Cochrane, Debra Turner and Ron Barbato recused from voting.

C2008-17 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss case due to insufficient evidence of violating KRS 327. The Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Kristie Cochrane, Debra Turner and Ron Barbato recused from voting.

C2008-18 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss case due to insufficient evidence of violating KRS 327. The Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Kristie Cochrane, Debra Turner and Ron Barbato recused from voting.

The Board reviewed the IPTPC report submitted by Brian Fingerson.

Karen Garrett, PTA, requested Reinstatement of PTA Certificate that expired 3/31/2003 with no current license from any jurisdiction. A motion was made by Debra Turner, seconded by Peggy Block to offer two additional options for Reinstatement 201 KAR 22:040 Section 4. Option 1: Retake the NPTE; Option 2 Board approved Practice Review, and 480 hours of onsite supervision. Motion carried.

Update on Monitoring Probations

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

Kristie Cochrane was appointed monitor for Matt Jones, PT.

Board and Administrative Business

A motion was made by Peggy Block, seconded by Debra Turner, to approve the amended Board Internal Procedures 509 and 609. Motion carried.

A motion was made by Debra Turner, seconded by Margaret Blain, to file proposed legislation in the 2009 General Assembly and to notify the KPTA to request its support for the Board and this legislation.

The Board will work on ideas and questions for the 2009-11 Jurisprudence Exam. Peggy Block has volunteered to write the Exam.

Other Board Matters

A motion was made by Peggy Block, seconded by Virginia Johnson to fund Mark Brengelman to the FARB Attorney Certification seminar in Colorado Springs, in October, 2008.

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 reviewed the fiscal year financial statement ending June 30, 2008.

One guest appeared for the discussion of KRS 327 Revisions.

A motion was made by Troy Grubb, seconded by Kristie Cochrane, to adjourn the meeting at 4:10 p.m. Motion carried.

Respectfully submitted,

Rebecca E. Klusch
Executive Director

