



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 September 8, 2022

Board Members: Karen Thompson, PT, Chair
Sonya Dick, PT, Chair-Elect
Peggy Block, PT
Mark Cook, PTA
Michael Kleinert, Public Member
Stephanie Lutz, PTA
Karen Ogle, 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, Karen Thompson, at 9:03 a.m. on Thursday, 09/08/2022, at the Board office and via video teleconference according to the guidance issued by Governor Beshear, pursuant to KRS 61.823 and 61.826. A quorum was present.

Ms. Thompson 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. Thompson asked the Board members to recuse themselves from both discussion and voting on any matter in which a conflict of interest exists.

Additionally, Ms. Thompson 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 07/28/22 Board meeting.

Action taken: Following review and discussion, Ms. Dick made a motion to approve the minutes of the Board meeting of 07/28/22, as drafted. The motion was seconded by Ms. Lutz, which carried.

Additionally, the Board reviewed the draft minutes of the 08/05/22 Special Board meeting.

Action taken: Following review and discussion, Mr. Cook made a motion to approve the minutes of the Special Board meeting of 08/05/22, as drafted. The motion was seconded by Ms. Block, which carried.

Civil Matters and Investigations

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

C2021-03: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2021-10: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

Mr. Kleinert recused himself from any discussion or voting pertaining to C2021-10.

C2021-11: The credential holder in this action, Mr. Bryon Cooper, appeared before the Board to review the terms of a proposed written settlement agreement. Mr. Cooper acknowledged his understanding, assent, and agreement to all the terms of the agreement.

Action taken: After providing Mr. Cooper an opportunity to have any questions addressed by the Board, the Complaint Committee recommended and moved to approve the proposed Settlement Agreement. The motion was seconded by Mr. Kleinert, which carried.

C2021-41: The Complaint Committee reported that this case involves a credential holder who allegedly committed fraud and material deception, and the Board voted at the previous meeting to offer a proposed agreement with specified terms. Mr. Poynter reported that we are awaiting a signed copy of the proposed settlement agreement.

Action taken: No action taken.

BIC2021-43: The credential holder in this action, Mr. William Goodman, appeared before the Board to review the terms of the executed Settlement Agreement approved by the Board at the July Board meeting. Mr. Goodman acknowledged his understanding, assent, and agreement to all the terms of the agreement.

Action taken: No action taken.

CE2021-61:

CE2021-80:

The Complaint Committee reported that the individuals in the two cases listed immediately above are part of the random audit and either have not completed their hours or paid their respective fines.

Action taken: No action taken.

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

BIC2022-06: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2022-08: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2022-09 The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2022-11: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2022-12: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

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

Action taken: No action taken.

BIC2022-14: The Complaint Committee reported that his case is ongoing.

Action taken: No action taken.

BIC2022-15: The Complaint Committee reported that this case involves a credential holder who has an adverse action in another jurisdiction regarding continued competency compliance. Mr. Curley reported that the credential holder has been contacted and made aware of the adverse action.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close the case. The motion was seconded by Mr. Kleinert, which carried.

BIC2022-16: The Complaint Committee reported that this case involves a credential holder who has an adverse action in another jurisdiction regarding continued competency compliance. Mr. Curley reported that the credential holder has been contacted and made aware of the adverse action.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to close the case. The motion was seconded by Ms. Lutz, which carried.

C2022-18: 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.

BIC2022-20: The Complaint Committee reported that this case involves a credential holder who allegedly failed to disclose a financial benefit.

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

BIC2022-21: The Complaint Committee reported that this case involves a credential holder who allegedly failed to respect the rights and dignity of patients.

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

IPTPC Report

Mr. Curley presented the written IPTPC report dated 08/29/22. IPTPC cases that previously have come to the attention of the Board or were discussed at length during the Complaint Committees' reports were reviewed.

Additionally, the credential holder in BIC2016-06 IPTPC's contract ended on 09/05/22, however the credential holder had a positive drug test.

Action taken: After discussion, the Board authorized Mr. Fingerson to reach out to the credential holder and offer a voluntary IPTPC contract for an additional two years.

Update on Monitoring Probations

The Board noted the following credential holders who are presently being monitored: Sabrina Pletz, PTA; Andrea Brown, PT; Taylor Ison, PT; Rebekah Green Thompson, PT; Michelle Ramsey, PT; Kendra Reynolds, PTA; Luke Carver, PTA; Jebediah Smith, PTA; and Donald Bruce Taylor, PT. Monitoring reports were submitted by the Board-appointed monitors and considered by the Board for Ms. Thompson, Ms. Ramsey, and Ms. Reynolds.

Board Discussions, Committees and Opinion Requests

FSBPT – 2022 Candidate Statements

Mr. Curley informed the Board that there are contested elections scheduled for three (3) FSBPT positions for which KBPT's voting delegate must cast a vote.

Action take: Following discussion, Mr. Cook made the motion for the Board to authorize Ms. Thompson, as the Board's voting delegate, to exercise her discretion with her vote after advisement from Ms. Dick and Mr. Curley following the presentation of additional information from FSBPT representatives

and the candidates seeking the contested positions. The motion was seconded by Mr. Kleinert, which carried.

2025 Jurisprudence Exam Item Writer Taskforce

Mr. Curley reported that the 2023-2025 Jurisprudence Exam (JE) Item Writers' Task Force, consisting of Debra Turner, Janice Kuperstein, Troy Grubb, and Stephanie Lutz, had several meetings to examine the potential questions for the next JE. Dr. Kuperstein reviewed with the Board members the item writers' list of thirty-one proposed questions.

Action taken: Following a lengthy discussion, the Board requested a list of the tentative twenty questions to be presented at the November Board meeting for final approval.

APTA Annual Conference Presentation

Mr. Curley briefly discussed his presentation at the APTA KY Fall Conference on 09/10/22 in Bowling Green, KY.

Action taken: No action taken.

OIG Exclusion Program

Mr. Curley disseminated a PowerPoint presentation from the Office of the Inspector General (OIG) on an Exclusion program that would prohibit individuals from being able to bill CMS or any other government funded healthcare program who have disciplinary actions including suspension, revocation, or surrender of a healthcare license. The OIG has requested any documentation that would include the disciplinary actions beginning on 01/01/20. Additionally, Mr. Curley informed the Board that this would not include credential holders who voluntarily surrender their credential for continued competency violations.

Action taken: No action taken.

Executive Director Annual Review

Mr. Curley disseminated two forms for the Board to review that have been utilized in the past for the Executive Directors Annual review.

Action taken: After discussion, the Board requested Mr. Curley complete a self-evaluation and to provide information on his accomplishments. Additionally, the Board would like staff feedback and requested that each staff member complete the Staff Response form, and Ms. Thompson will follow up with a telephone call with each staff member. Finally, the Board will review the results at the November Board meeting.

Staff Reports and Discussions

The Board reviewed the following staff reports:

- (a) Renee Morris, a physical therapist who sought clarification on whether a physical therapist or a physical therapist assistant would need to be licensed in Kentucky to either be an instructor or a participant to engage in activities that would demonstrate treatments on pediatric patients. Ms. Morris appeared via Zoom to address questions from the Board members.

Action taken: After discussion, the Board authorized staff to respond that the Board has no issue with individuals who are either instructors of a continued competency course or learners engaging in the demonstration of treatments as this is not practicing physical therapy, but it is an educational learning experience.

- (b) KBPT staff brought an endorsement application before the Board for review. The endorsement applicant failed to answer "yes" to question 8 on her/his application concerning being convicted of or having any pending charges for any felony, misdemeanor, or any crime in the courts of this state or any other state, territory, or county. The applicant failed to disclose charges one of which

was a drug charge. The applicant currently has a credential in Florida. Mr. Fingerson, IPTPC Chair, has reviewed the application and does not deem participation in IPTPC to be necessary.

Action taken: After discussion, Mr. Kleinert made a motion to approve the application with no restrictions. The motion was seconded by Ms. Dick, which carried.

- (c) Jeffery Short, a physical therapist who sought clarification on whether phlebotomy work is within the scope of practice of a physical therapist.

Action taken: After discussion, the Board authorized staff to respond that the practice of phlebotomy is outside the scope of practice of a physical therapist or a physical therapist assistant. If a physical therapist or physical therapist assistant has received a phlebotomy certification, then she/he would be able to perform phlebotomy under the phlebotomy certification.

- (d) KBPT staff brought documentation pertaining to Nadia Brassell's voluntary supervised practice before the Board for review. Ms. Brassell is a credential holder who was reinstated after her credential had been lapsed for ten years.

Action taken: No action taken.

- (e) KBPT staff brought a reinstatement application before the Board for review. Staff reported that the individual's credential lapsed in 2009 and she/he has not practiced physical therapy since 2007.

Action taken: After discussion, Mr. Cook made a motion that the credential holder must retake the NPTE prior to being reinstated and serve one year of voluntary supervised practice. The motion was seconded by Ms. Dick, which carried.

APTA KY Liaison Report

Dr. Kuperstein reported that Chuck Hazle who is a keynote speaker at the APTA KY Annual Conference on 09/10/22 will be presenting on Imaging.

Action taken: The Board requested Dr. Kuperstein inquire on whether it would be possible if APTA KY recorded Mr. Hazle's presentation on Imaging for the Board members on the Imaging Taskforce.

Reports and Other Business

Executive Director's Report

Taskforce Reports

Mr. Curley reported that the Telehealth and Re-Entry to Practice Taskforce have met, and he is working on scheduling dates for the Imaging, Continued Competency, and the Sexual Boundary Taskforces.

Action taken: No action taken.

Financial Report

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

Action taken: No action taken.

Administrative Regulation – 201 KAR 22:053

Mr. Curley reported to the Board that the Administrative Regulation 201 KAR 22:053 was submitted to Legislative Research Committee in August.

Action taken: No action taken

Conferences and Meetings Relating to Physical Therapy

The Board reviewed the following schedule of upcoming conferences:

- a. CLEAR – Annual Educational Conference
(09/14-17/22 – Louisville)
Ms. Block, Mr. Cook, Mr. Kleinert, Ms. Ogle, Mr. Poynter, and Mr. Curley to serve as KBPT's authorized representatives.

- b. FSBPT – Annual Meeting & Delegate Assembly
(10/27-29/22 – Orange County, CA)
Ms. Thompson, Ms. Dick, and Mr. Curley to serve as KBPT's authorized representatives.
Additionally, Ms. Thompson reported that KBPT has the opportunity to be part of a panel presentation at the Annual Meeting regarding receiving the Excellence in Regulation Award in 2021.

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

Board Member Per Diems and Expenses

Mr. Kleinert made a motion to approve per diems for Board members. The motion was seconded by Mr. Cook, which carried.

Adjournment

Ms. Block made the motion to adjourn the meeting at 2:04 p.m., seconded by Ms. Ogle, which carried.

Respectfully submitted,



Stephen Curley
Executive Director