



KENTUCKY BOARD OF PHYSICAL THERAPY

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Andy Beshear
Governor

Stephen Curley
Executive Director

DRAFT - MINUTES OF MEETING - DRAFT **September 21, 2023**

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

A meeting of the Kentucky Board of Physical Therapy was called to order by the Board's Chair, Peggy Block, at 10:02 a.m. on Thursday, 09/21/23, at Madisonville Community College 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 07/13/23 Board meeting.

Action taken: Following review and discussion, Ms. Lutz made a motion to approve the minutes of the Board meeting of 07/13/23, as drafted. The motion was seconded by Mr. Kleinert, 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. Lutz, which carried.

Subsequently, Mr. Cook 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.

2021 Complaint Committee

C2021-147: The Complaint Committee reported that this case is ongoing and is scheduled for a hearing at the Board office on 11/08-09/23.

Action taken: No action taken.

2022 Complaint Committee

C2022-13: The Complaint Committee reported that this case involves an individual that practiced without a Kentucky credential or Compact Privilege. The individual had a counteroffer at the July Board meeting that the Board rejected and authorized Board Counsel to adhere to the original terms of the proposed settlement agreement. Mr. Poynter reported that the individual has signed the proposed settlement agreement.

Action taken: Following discussion, the Complaint Committee recommended and moved to accept the proposed settlement agreement. The motion was seconded by Mr. Kleinert, which carried.

BIC2022-19: 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. Mr. Poynter reported that the credential holder has requested to voluntarily surrender their credential.

Action taken: Following discussion, the Complaint Committee recommended and moved to authorize Board Counsel to draft a proposed settlement agreement of voluntary surrender. The motion was seconded by Ms. Ogle, which carried.

C2022-22: The Complaint Committee reported that this case involves a credential holder who allegedly committed boundary violations.

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 Mr. Cook, which carried.

2023 Complaint Committee

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

Action taken: No action taken.

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, at the July Board meeting the Board voted 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. Board staff reported that the credential holder had signed a voluntary IPTPC agreement.

Action taken: After discussion, the Complaint Committee recommended and moved to close this case. The motion was seconded by Mr. Profitt, 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 involves a credential holder who practiced on a lapsed credential, and at the May meeting the Board voted to issue a settlement agreement with specified terms. Board staff reported that the credential holder had signed the proposed settlement agreement.

Action taken: The Complaint Committee recommended and moved to accept the proposed settlement agreement. The motion was seconded by Ms. Ogle, which carried.

R2023-12: The Complaint Committee reported that this case involves a credential holder who practiced on a lapsed credential, and at the July meeting the credential holder requested that the Board reconsider the proposed settlement and the associated fine. During the July meeting the Board voted to adhere to the terms of the proposed settlement agreement. Additionally, Board staff reported that the credential holder requested the Board amend the language of the settlement agreement to include an Alford plea.

Action taken: After discussion, the Complaint Committee recommended and moved to authorize Board Counsel to amend the proposed settlement agreement to include an Alford plea. The motion was seconded by Mr. Kleinert, which carried.

R2023-13: The Complaint Committee reported that this case involves a credential holder who practiced on a lapsed credential, and at the May meeting the Board voted to issue a settlement agreement with specified terms. Board staff reported that the credential holder had signed the proposed settlement agreement.

Action taken: The Complaint Committee recommended and moved to accept the proposed settlement agreement. The motion was seconded by Mr. Cook, which carried.

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 is ongoing.

Action taken: No action taken.

BIC2023-17: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

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.

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

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.

BIC2023-20: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

BIC2023-21: 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 Mr. Profitt, which carried.

BIC2023-22: The Complaint Committee reported that this case involves an examination applicant who answered "yes" to question 8 on the examination application indicating that she/he has been convicted of a misdemeanor.

Action taken: After discussion, the Complaint Committee recommended and moved to authorize Board Counsel to draft a Conditional Grant of Credential and Settlement Agreement with specified terms. The motion was seconded by Mr. Cook, which carried.

C2023-23: The Complaint Committee reported that this case involves a credential holder who allegedly provided substandard care.

Action taken: After discussion, the Complaint Committee recommended 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 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. Monitoring reports were submitted by the Board-appointed monitor and considered by the Board for Ms. Ramsey.

Additionally, Mr. Curley requested that the Board appoint a monitor to Ms. Johnnie Caldwell.

Action taken: After discussion, Ms. Lutz made a motion for the Board to appoint Mr. Grubb as a monitor for Ms. Caldwell. The motion was seconded by Mr. Kleinert, which carried.

Board Discussions, Committees and Opinion Requests

Imaging Taskforce

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

Action taken: No action taken.

PT Led Courses

Mr. Curley previously 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. During the July meeting, the Board determined that if the events were screenings to determine if physical therapy is needed there was no violation to the Practice Act. Additionally, the Board requested that Mr. Curley contact the company for more information regarding this matter. Mr. Curley reported that the event never took place and that he explained to the company what the Board determined at the July meeting.

Action taken: No action taken.

KBPT Meal Reimbursement

Mr. Curley reported that the FSBPT Board of Directors voted to increase travel meals reimbursement to \$25/breakfast, \$25/lunch, and \$65/dinner to begin on 10/01/2023. Mr. Curley reminded the Board that KBPT previously adopted a meal reimbursement policy that reflected that of FSBPT in July 2014.

Action taken: After a brief discussion, Ms. Ogle made a motion for the Board to adopt the updated amounts for travel meals reimbursement for Board members in accordance with FSBPT. The motion was seconded by Mr. Cook, which carried.

Leadership Issues Forum

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.

Action taken: No action taken.

FSBPT Model Practice Act Review

Mr. Curley, Ms. Lutz, and Mr. Workman of APTA-KY attended the FSBPT Model Practice Act Review on 07/17/23, in Arlington, Virginia. Mr. Curley and Ms. Lutz reported that the session was informative and that they would discuss the salient topics with the Practice Act Review Committee.

Action taken: No action taken.

Compact Privilege Verifications

Mr. Curley reported to the Board that there have been requests from individuals that have a Kentucky Compact Privilege to have the Board issue verifications and wall certificates.

Action taken: No action taken.

Staff Reports and Discussions

The Board reviewed the following staff reports:

- (a) Mr. Yang, a foreign educated applicant whose educational credential evaluation showed that he lacked several hours in clinical education requested that his practice experience in Australia be substituted for the required clinical education.

Action taken: After discussion, the Board authorized staff to respond that the regulation does not allow the Board to substitute practice experience for clinical education requirements.

- (b) Ms. Venkat, a foreign educated applicant who requested that her clinical practicum that she completed through a bridge program for her DPT be excepted in lieu of completing supervised clinical practice.

Action taken: After discussion, the Board authorized staff to respond that the regulation does not allow the Board to substitute a clinical practicum for supervised clinical practice.

- (c) Mr. Curley provided a Power Point presentation on the 2023 Continued Competency Audit for the Board to review.

Action taken: No action taken.

APTA KY Liaison Report

Dr. Kuperstein reported that APTA-KY had a successful Fall Conference. Additionally, Dr. Kuperstein reported that APTA-KY is currently preparing a submission of names for the upcoming opening Board member position, and she briefly explained the selection process.

KBPT General Counsel's Legal Report

Mr. Poynter discussed an article about a plastic surgeon in Ohio who recently had their license to practice revoked.

Reports and Other Business

Executive Director's Report

Financial Report

Mr. Curley offered a report that addressed the Board's finances for the first quarter of the 2024 FY.

Action taken: No action taken.

Administrative Regulation – 201 KAR 22:170

Mr. Curley reported to the Board that 201 KAR 22:170 is currently moving through the legislative process.

Action taken: No action taken.

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.

Administrative Regulation – 201 KAR 22:053

Mr. Curley reported to the Board that 201 KAR 22:045 is currently moving through the legislative process.

Action taken: No action taken.

Fraudulent Board Documents

Mr. Curley reported to the Board that several physical therapy boards have reported issues with fraudulent board documents being sent to licensees.

Executive Director Annual Review

Mr. Curley briefly discussed with the Board his upcoming annual review and explained the forms and process that were previously utilized last year.

Action taken: After discussion, the Board requested that Ms. Barton send the forms to Ms. Block to disseminate to staff and Board members for each to fill out. The Board will review and discuss the results at the November Board meeting.

Conferences and Meetings Relating to Physical Therapy

The Board reviewed the following schedule of upcoming conferences:

- (a) 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)
- (b) 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. 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.

Board Member Per Diems and Expenses

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

Adjournment

Ms. Ogle made the motion to adjourn the meeting at 1:44 p.m., seconded by Mr. Kleinert, which carried.

Respectfully submitted,



Stephen Curley
Executive Director