



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 26, 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 9:00 a.m. on Thursday, 09/26/24, at the University of Kentucky 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 07/18/24 Board meeting.

Action taken: Following review and discussion, Ms. Ogle made a motion to approve the minutes of the Board meeting of 07/18/24, as drafted. The motion was seconded by Mr. Kleinert, which carried.

The Board reviewed the draft minutes of the 09/05/24 Special Board meeting.

Action taken: Following review and discussion, Mr. Kleinert made a motion to approve the minutes of the Special Board meeting of 09/05/24, as drafted. The motion was seconded by Mr. Cook, which carried.

Civil Matters and Investigations

Ms. Ogle 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 Mr. Kleinert, which carried.

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

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. Additionally, Mr. Curley reported that the credential holder signed the proposed Settlement Agreement of Voluntary Surrender of Certificate to Practice.

Action taken: Following discussion, the Complaint Committee recommended and moved to accept the proposed Settlement Agreement of Voluntary Surrender of Certificate to Practice. The motion was seconded by Ms. Carper, which carried.

2023 Complaint Committee

C2023-01: The Complaint Committee reported that this case involves a credential holder who sexually assaulted a patient. Additionally, Mr. Curley reported that the credential signed the proposed Settlement Agreement of Voluntary Surrender of License to Practice.

Action taken: Following discussion, the Complaint Committee recommended and moved to accept the proposed Settlement Agreement of Voluntary Surrender of License to Practice. The motion was seconded by Mr. Kleinert, 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 involves a credential holder who allegedly treated a patient without an evaluation. During the July Board meeting the Board voted to issue a Private Admonishment. However, Mr. Curley provided to the Board additional information regarding this case.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to rescind the Private Admonishment and authorize Board Counsel

to draft a settlement agreement with specified terms. The motion was seconded by Mr. Cook, which carried.

BIC2023-16: The Complaint Committee reported that this case involves a credential holder who allegedly committed fraud and material deception. The Board voted at the July Board meeting to issue a settlement agreement with specified terms. Mr. Curley and Mr. Poynter reported that the credential holder agreed to the proposed Settlement Agreement and informed Mr. Poynter that they would resign from their position because one of the terms of the Settlement Agreement was no home health.

Action taken: Following discussion, the Complaint Committee recommended and moved to amend the proposed Settlement Agreement to remove the no home health restriction. 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, and the review of additional circumstances regarding the credential holders' conviction the Complaint Committee recommended and moved to issue a Private Admonishment. 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.

CE2023-35

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.

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 involves a health care company that allegedly had individuals practicing physical therapy without a Kentucky credential.

Action taken: After reviewing the facts and circumstances of this case, the Complaint Committee recommended and moved to take no action. The motion was seconded by Mr. Kleinert, which carried.

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 is ongoing.

Action taken: No action taken.

BIC2024-13: The Complaint Committee reported that this case is ongoing.

Action taken: No action taken.

C2024-14: The Complaint Committee reported that this case involves a credential holder who allegedly failed to respect the rights and dignity of a patient.

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

C2024-15: The Complaint Committee reported that this case involves a credential holder who allegedly provided substandard care to a patient.

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

BIC2024-16: The Complaint Committee reported that this case involved an Adverse Action from Indiana on a credential holder. The credential holder had been convicted of a misdemeanor.

Action taken: The Complaint Committee recommended and moved to take no action at this time. The motion was seconded by Ms. Carper, which carried.

C2024-17: The Complaint Committee reported that this case involves a credential holder who allegedly failed to respect the rights and dignity of a patient.

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

BIC2024-18: The Complaint Committee reported that this case involves a credential holder who was arrested for a Felony and potentially involved alcohol or drugs.

Action taken: After reviewing the facts and circumstances of this case, Mr. Cook recommended and moved to open an investigation. The motion was seconded by Mr. Kleinert, which carried.

IPTPC Report

Mr. Fingerson presented the written IPTPC report dated 09/24/24. 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.

Action taken: After reviewing the facts and circumstances regarding Mr. Cooper's monitoring visit the Board determined a possible violation reported by the monitor. Ms. Thompson recommended and moved to open an investigation. The motion was seconded by Ms. Carper, which carried.

Board Discussions, Committees and Opinion Requests

Practice Act Review Committee

Mr. Curley updated the Board on the follow-up from the Road Shows and potential changes to the Practice Act Draft. The Board discussed giving Mr. Curley and the Board chair the authority to make changes to the draft during the legislative process.

Action taken: After discussion, Mr. Kleinert made a motion to give Mr. Curley and the Board Chair authority to make changes to the draft. The motion was seconded by Mr. Cook, which carried

Office Renovations

Mr. Curley reported that he has been in contact with Real Properties, and he has met with Jefferson Development. Mr. Curley reported that we are just waiting on the project to start.

Action taken: No action taken.

2025-2027 Jurisprudence Exam Item Writer Taskforce

Mr. Curley reported to the Board that the Jurisprudence Exam Item Writers has had three meeting thus far. Additionally, he reported that the next meeting is scheduled for October.

Action taken: No action taken.

Regulatory Review Taskforce

Mr. Curley reported to the Board that the Regulatory Review Taskforce met on 9/17/2024 and produced the first draft of potential regulation changes. Additionally, Mr. Curley reported that the next meeting is scheduled for 9/26/2024.

Action taken: No action taken.

NCIT Training

Mr. Curley reported that he had been in conversation with the Council on Licensure, Enforcement and Regulation regarding the National Certified Investigator/ Inspector Training program coming to Louisville. Mr. Curley had received some interest from other Boards around the Commonwealth regarding the program. Additionally, Mr. Curley gauged the Board members' interest in attending the training if it was presented in Louisville.

Action taken: No action taken.

FSBPT Grant Approval

Mr. Curley reported that Tyler Technology had been approved for a Grant from the FSBPT to produce an API program.

Action taken: No action taken.

Criminal Convictions & Professional Licensure

Mr. Curley reported that he had received a letter from the Governor's Office requesting information on the Board's process of reviewing and determining potential discipline regarding criminal convictions. This was for informational purposes only.

Action taken: No action taken.

Staff Reports and Discussions

The Board reviewed the following staff reports:

- (a) Deborah Taylor, sought a release of settlement terms for Donald Bruce Taylor's C2021-22 discipline.

Action taken: After discussion, Mr. Cook made a motion to deny the request for release. The motion was seconded by Ms. Thompson, which carried.

APTA KY Liaison Report

Dr. Kuperstein reported that the Fall Conference will be held at the University of Kentucky on 09/27-28/24. Additionally, Dr. Kuperstein reported on a change in the meeting dates for the KMA meeting and that APTA KY is looking at having legislators meeting in October.

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 first quarter of the 2025 Fiscal Year.

Action taken: No action taken.

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. Lutz 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.

Memorandum of Agreement - Barbering

Mr. Curley discussed Barbering's request for a MOA for legal services.

Action taken: No action taken.

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: Mr. Kleinert 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 Ms. Ogle, which carried. The lists are attached to these minutes.

New Business

Website Audit

Mr. Curley reported an Audit tool for regulatory websites created by Healthcare Regulatory Research Institute (HRRI). The tool is design to assist in determining function, navigation, and ease of use for the general public. The tool has a focus on sexual misconduct complaints.

Action taken: After discussion, the Board requested that Mr. Curley send the audit form to Ms. Lutz, Ms. Carper, Ms. Thompson, and Dr. Kuperstein to complete the audit on the Board's website.

Board Member Per Diems and Expenses

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

Adjournment

Ms. Ogle made the motion to adjourn the meeting at 12:14 p.m., seconded by Ms. Thompson, which carried.

Respectfully submitted,



Stephen Curley
Executive Director