



KENTUCKY BOARD OF PHYSICAL THERAPY NEWSLETTER

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January 2010

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Federation of State Boards of Physical Therapy Richard McDougall Award

Congratulations to Nancy Brinly for receiving the Federation of State Boards of Physical Therapy Richard McDougall Award!



This Long Term Service Award named after one of Kentucky's most noted physical therapists, Richard McDougall (Mac), was established in 2002. Due to Mac's unstinting devotion to the Federation of State Boards of Physical Therapy for 20 years, this award requires the recipient to have been actively involved in Federation activities during the past ten years and make a significant contribution of volunteer time, talent, and service to the mission of the Federation.

Nancy Brinly was awarded this recognition at the Annual meeting in October by Dargan Ervin, President. She has been involved with the Federation since 1989, and her accomplishments to the Federation include:

- Worked on at least ten committees and seven task forces during her time with the Federation.
- One of the founding members of the Administrative Staff Committee which evolved into today's Council of Board Administrators.
- Member of the CEO Search Committee that decided to hire Bill Hatherill in 1998...
- Participated in Federation Summits.
- Received the 1996 President's Award, 1998 Outstanding Service Award, and was acknowledged by the Council of Board Administrators for her length and depth of service to board administrators in 2000.

Nancy served as Executive Director for the Kentucky Board of Physical Therapy from October 1978 until her retirement in August 2000. Nancy, this is an award you richly deserve!

KENTUCKY BOARD OF PHYSICAL THERAPY
Coming to an area near you!

We have had feedback from licensees across the state, and as a result, the Kentucky Board of Physical Therapy has tabled moving forward with the legislative process to make changes in KRS 327. Our main reason for not moving forward is the lack of intended communication with our licensees regarding both the justification and intent of these changes. To rectify this, we will be holding Board meetings throughout the state. We believe that more communication between you, the licensee, KPTA and our Board will be very beneficial in this regard. We hope you will attend a meeting in your area. The tentative schedule is:

March 18, 2010	Louisville – Regular Board meeting
May 20, 2010	Lexington
July 22, 2010	Eastern Kentucky
September 16, 2010	Western Kentucky
November 18, 2010	Northern Kentucky
To be announced	Louisville information session

CONTINUED COMPETENCY CREDITS

To facilitate your attendance at these sessions, we are offering continued competency credits (free of charge!) to those attending the meetings. Please visit <http://pt.ky.gov> for a complete listing of the updated sites and times for the meetings.

Minutes of the meetings held throughout the state will be posted on our website. Since we recognize that attending a Board meeting during the day may present a hardship for some licensees, we will also hold town forums throughout the year as we move forward with the proposed KRS 327 changes.

Licensing Fees

The Kentucky Board of Physical Therapy is a self-supporting state agency governed by the Commonwealth of Kentucky. The Board is a separate and distinct entity from any professional association.

The main purpose of the Board is to protect the public by administering the Physical Therapy Practice Act and regulating the physical therapy profession.

The Board is self-supporting and receives no general fund tax dollars. It is funded solely through fees assessed for licensing its professionals.

Because the General Assembly depleted the Board's Restricted Agency Fund by transferring \$175,000 to the General Fund in June, 2009, this has made it very difficult to meet the board's operating expenses for the 2010-12 Biennium Budget. License renewal fees have been \$50 a year/ \$100 biennial since 1997. We are now finding it necessary to propose raising fees in order to meet budget. The proposed fees are as follows:

	<u>Present Fee</u>	<u>Proposed Fee</u>
Initial Licensure	\$170.00	\$200.00
Reinstatement	\$150.00	\$180.00
Renewal	\$100.00	\$130.00
*IPTPC	\$ 20.00	\$ 20.00
Verification	\$ 15.00	\$ 20.00
Billfold License	\$ 10.00	\$ 15.00
Wall Certificate	\$ 20.00	\$ 25.00

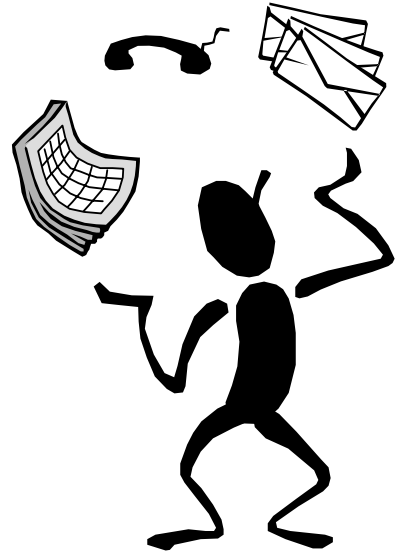
* IPTPC will be added to Reinstatement and Renewal Fees

These fees are proposed changes only, which still must go through the notice and comment rulemaking of the General Assembly in order to amend the applicable administrative regulation to update these fees.

What are you waiting on!

Yes, you have another whole year before you will need to renew your credential. That may seem a long way off, but don't get caught at the last minute scrambling to get the following requirements completed for renewal:

- Complete the two hour HIV/AIDS course. Fax or mail in your certificate when completed.
- Complete the two hour Jurisprudence Exam.
- Continued competency courses that are three hours or more must be approved by the KPTA, APTA, physical therapy licensing boards and other health professional licensing boards. Acceptable credits must be earned in the current biennium only, April 1, 2009 through March 31, 2011. Review the regulation for continued competency, 201 KAR 22:045.
- Get the Continued Competency Tracking Form off the web, <http://pt.ky.gov> for your use.
- Do **not** send your continued competency certificates to the Board office except for the HIV/AIDS certificate.



IS YOUR HIV/AIDS COURSE DUE???

Did you receive a bright blue reminder card when you renewed or reinstated your Kentucky credential? If so, **you** are required to complete a two (2) hour HIV/AIDS course during this biennium. Only courses approved by Kentucky Cabinet for Health and Family Services (CHFS) are acceptable. The link for approved courses may be found on the Board's website at <http://pt.ky.gov>.

Mail or fax a copy of the certificate to the Board office upon completion. The HIV/AIDS course may be used for continued competency under Category 2.

NEW JURISPRUDENCE EXAM AVAILABLE

The Kentucky Open Book Jurisprudence Exam (JE) is on the Board's website. This exam is mandatory for license renewal and counts for two contact hours toward continued competency. All licensees and certificate holders are required to take the new JE before March 31, 2011. Don't procrastinate! Do it now!! How can you tell if you have taken the JE this biennium? Go to <http://pt.ky.gov> and click on the JE. If you have already taken it, you will see "Congratulations" and you can download your certificate. If it goes to the exam, you still need to complete it.

What's On Our Website?

- 1) Two new Declaratory Opinions:
 - a) Discharge Summaries
 - b) First steps Program – Evaluation
- 2) The new Jurisprudence Examination
- 3) HIV/AIDS Course Information
- 4) Continued Competency Requirements & Information
- 5) Tracking Form for Continued Competency
- 6) Physical Therapy Practice Act
- 7) Search for a Licensee

Take a look...go to <http://pt.ky.gov>

Disciplinary Actions June 2009 – January 2010



The following is a summary of disciplinary actions taken by the Board since the last Newsletter was published. It is intended as a summary for informational purposes only. All information is believed to be accurate. However, complete terms of each disciplinary action are contained in the Board's records. Monetary amounts paid to the Board may reflect the investigative costs and not necessarily the scope and severity of the violation(s).

Tracey L. Miles (Hutchins), PTA-A02045

Date: 9/17/2009

Alleged Violations: KRS 327.070(2)(m) and 201 KAR 22:053 § 5(2)

Final Action: Settlement Agreement - Admits to violating KRS 327.070(2)(m) for being impaired by reason of a mental, physical, or other condition that impedes the Respondent's ability to practice competently; and 201 KAR 22:053 § 5(2) by failing to document progress notes, which are written or typed, signed and dated by the person rendering treatment. Suspended for 2 years – fully probated, terms and conditions of probation including IPTPC participation, \$500 fine, \$500 administrative costs, a Board approved continuing education course of at least 12 hours, and personally appear before the Board.

Gina M. Brumley (Saylor), PTA –A01440

Date: 9/17/2009

Alleged Violations: KRS 327.070(2)(a) (g) and (h)

Final Action: Settlement Agreement - Acknowledges violating KRS 327.070(2)(a) (g) and (h) one count each for indulgence in excessive use of alcoholic beverages or controlled substances, one count obtained or attempted to obtain a license by fraud or material representations or making any false statement to the Board, and one count engaging in fraud or material deception in the delivery of professional services. Suspended for 5 years - fully probated, terms and conditions of probation including IPTPC participation and restriction on practice setting, \$4,750 costs, \$500 fine, and a Board approved continuing education course of at least 12 hours.

Lawrence P. Tatem, PT-004681

Date: 1/21/2010

Alleged Violations: KRS 327.070(2)(b)(k) and 201 KAR 22:053 § 2(3)(8), §4(3)(k) and §5(4)(a) (b)

Final Action: Settlement Agreement - Admits to violating 201 KAR 22:053 § 2(3) by engaging in or permitting or attempting to engage in or permit the performance of substandard care; 201 KAR 22:053 § 2(8) by failing to disclose in writing to each patient any financial interest, compensation received by the referral source; ; 201 KAR 22:053 § 4(3)(k) by failing to perform and documents reassessments; and 201 KAR 22:053 §5(4)(a) and (b) by failing to perform and document discharge summaries. Probation for 3 years with monitoring of practice, \$2,000 fine, \$4,000 administrative costs, a Board approved continuing education course of at least 6 hours, and personally appear before the Board.

Permanently Revoked

Connie Rinckel, PT-003945--Alleged Violation: KRS 327.070(2)(a)

Immediate and Temporary Suspension and Reinstatement

Amy Farmer, PT-003918—Alleged Violation: KRS 327.070(2)(a). Temporarily reinstated with terms and conditions.

The following violated KRS 327.070(2)(g) by failing to obey an administrative regulation 201 KAR 22:045

“Continued Competency Requirements and Procedures.” A Settlement Agreement with Voluntary Surrender of License as if Suspended was agreed upon by the following:

Roy Allan Asuncion, PT-005117

Judith M. Robertson, PTA-A00152

The following violated KRS 327.070(2)(g) by failing to obey an administrative regulation 201 KAR 22:045

“Continued Competency Requirements and Procedures” and KRS 327.020(1)or (3) by practicing physical therapy on a lapsed license for non renewal. Practicing on a lapsed license was disciplined by the Board with a \$250.00 cost plus a fine of \$100.00 for each day a violation occurred. Continued Competency deficiencies were disciplined by the Board with a \$250.00 cost plus a fine of \$60.00 per hour of deficiency for Physical Therapists and \$40.00 per hour of deficiency for Physical Therapist Assistants.

Daniel W. Headrick, PT-003054

Angeline Moser, PT-001193

Patrick Christopher Myers, PT-004097

Ann Rushing Raymond, PT-002018

George Spencer Sickles, PT-004746

The following violated KRS 327.070(2)(g) by failing to obey an administrative regulation 201 KAR 22:045 “Continued Competency Requirements and Procedures.” Continued Competency deficiencies were disciplined by the Board with a \$250.00 cost plus a fine of \$60.00 per hour of deficiency for Physical Therapists and \$40.00 per hour of deficiency for Physical Therapist Assistants.

Roxanne A. Baumert, PTA-A00858
Roger Lee Behrman, PT-003301
Laurence N. Benz, PT-001366
Shannon M. Burke, PTA-A02306
Adrick D. Caesar (Harrison), PT-004337
Jennifer D. Chiles, PT-004497
Amy N. Daddysman, PTA-A02218
Scott C. Dembowski, PT-004667
Mark F. Elkin, PT-001759
Kathleen Galloway, PT-005354
Julee L. Gordon, PTA-A01012
Keith E. Grewe, PT-002062
Audra Anissa Hall, PT-003066
April L. Hecker, PT-005306
Rebecca M. Hsu, PT-004841
Charles S. Jacinto, PT-001477
Julia A. Massey, PTA-A00698

Emmett S. Mastin, PTA-A02393
Eric Michael Mooney, PT-004310
Josef H. Moore, PT-001190
Nancy Rachelle Mullins, PT-002719
Jennifer L. Murray, PTA-A02056
Robert T. Noffsinger, PT-004281
Jeffery A. Parmelee, PT-002276
Emily L. Pope Rosenberg, PT-005073
Maureen Anne Reed, PTA-A01539
Kenneth R. Rusche, PT-005227
Carmen Renee Schwartz, PTA-A01768
Ashley Elizabeth Stone, PT-004965
Jeffery Taylor-Haas, PT-005274
Alice P. Udal, PT-005097
Ruth Clark Williams, PTA-A00403
Kelly Gillman Zepf, PT-004289

Cease & Desist Orders June, 2009 through January 2010

The following is a list of violations of KRS 327.020(3) *“It shall be unlawful for any person, or for any business entity, its employees, agents, or representatives to use in connection with his or its name or business activity the words “physical therapy,” “physical therapist,” “physiotherapy,” “physiotherapist,” “registered physical therapist,” the letters “P.T.,” “L.P.T.” or any other words, letters, abbreviations or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied or to bill for physical therapy unless such physical therapy is provided by or under the supervision of a physical therapist licensed and practicing in accordance with this chapter.”*

D. Matt Ehrhard, D.C., Louisville, unlawful use of the words “physiotherapy” in office representations.

Dubin Orthopedic Center, PSC v. Board of Physical Therapy

On October 29, 2009, the Kentucky Supreme Court declined to rehear the appeal of *Dubin Orthopedic Center, PSC v. Commonwealth of Kentucky, Board of Physical Therapy*. Without explanation, the Supreme Court entered a one-sentence order denying the Board's pending Petition for Rehearing. The case is final, and no further appeals are available under state law. Dubin Orthopedic Center, PSC, had pursued this case to Kentucky's highest court after the Court of Appeals ruled unanimously in favor of the Board, only to have that ruling reversed by the Supreme Court.

The Board respectfully, but emphatically, disagrees with this interpretation, which treats the mere act of billing as being part of the “practice of medicine” otherwise exempt from all the protections of KRS Chapter 327, including the use of protected words and phrases otherwise restricted to licensed physical therapists. The Board will, of course, implement this decision as the law of the land as it applies to the billing practices of businesses which employ a physician who bill their health care services as “physical therapy.”

Board Reappointment

Congratulations to Peggy Block, PT, who was reappointed by Governor Beshear, to serve four years on the Kentucky Board of Physical Therapy. Peggy was first appointed to serve on the Board in December 2006. Her term will expire on December 3, 2013.



Sandra S. Payne, PT

We are saddened to report the death of Sandy Payne, PT, of Leitchfield, Kentucky on December 25, 2009. Sandy served as a member of the Kentucky Board of Physical Therapy from 1998 to 2005. Our condolences go to her family and many friends in the physical therapy field.

A Lower Drinking Age?

A Message from Brian Fingerson, RPh

Most alcoholics start drinking during their teen years, but the disease can also strike those who begin using alcohol at a younger age and experts say the problem often goes unnoticed.

The underage drinking rate in the U.S. has remained steady in recent years, but some research indicates that youths are starting to drink at a younger age. One study from the Partnership for a Drug-Free America concluded that about 10 percent of nine-year-olds had consumed more than a sip of alcohol. And research from the National Institute on Alcohol Abuse and Alcoholism indicates that children who begin drinking before age 15 are four times more likely to have drinking problems than those who start drinking at age 21 or later.

"A third of kids ages 12 to 17 had their first drink before 13," said Susan Foster, director of policy research for the National Center on Addiction and Substance Abuse (CASA) at Columbia University. "That's about 6.4 million kids; many more than there have been historically. Very young drinkers are a huge concern."

Young drinkers often get started with alcohol use by getting drinks from friends or family liquor cabinets. Polls have shown that youths ages 13 and up say it is easy to get alcohol from adults, and sometimes their own parents, who may themselves have drinking problems. The thinking of some parents is that it's OK for them to "teach" their children how to handle drinking by letting their children drink in the home.

"The traditional thinking is that risk factors for alcohol abuse show up in adolescence," said Robert A. Zucker, Ph.D., director of the Addiction Research Center at the University of Michigan. "But, actually, they can show up earlier -- in children 9 or younger, even in preschoolers."

There is a great deal of information available on how consumption of mind or mood-altering substances can change the way the brain develops in people even on into their early to mid-twenties. The longer one delays drinking or drugging the better.

If you or someone you know exhibits signs and symptoms of substance use problems with alcohol or other drugs, you may confidentially contact Brian Fingerson, RPh at 502-749-8385 or at kyprn@insightbb.com.

The Kentucky Board of Physical Therapy has a contractual agreement with Brian Fingerson to administer the Impaired Physical Therapy Practitioners Committee (IPTPC). KRS 327:045 establishes an impaired physical therapy practitioners committee to promote the early identification, intervention, treatment, and rehabilitation of physical therapists and physical therapist assistants who may be impaired by reason of illness or of alcohol or drug abuse, or as a result of any physical or mental condition.

**Opinion and Declaratory ruling regarding Discharge Summary by the
Kentucky Board of Physical Therapy.**

November 19, 2009

Introduction.

The Board has authorized this Opinion as an Opinion and Declaratory Ruling pursuant to KRS 13A.130(3) and KRS 13A.010(2)(b) as the agency with jurisdiction to interpret the statutes and regulations governing the practice of physical therapy in the Commonwealth of Kentucky.

Question presented.

You have asked the general question of who is responsible for performing and documenting the discharge summary mandated by 201 KAR 22:053 Section 5(4)(a) and (b). You present the situation where, in an acute care setting, patients are being continually admitted and discharged at all hours of the day and night, including weekends. Over the course of the patient's admission and subsequent acute care treatment, over weekdays and weekends, it is possible for the initial evaluation to be performed by one physical therapist, ensuing daily physical therapy to be performed by a second physical therapist, and a discharge summary or final treatment to be performed by yet another physical therapist.

Analysis.

Unless there exists institutional policy that specifically designates a responsible physical therapist or physical therapist assistant for the completion of the discharge summary, the Board concludes the physical therapist who performed the initial evaluation is responsible for assuring completion of the discharge summary as defined by 201 KAR 22:053 Section 5(4)(a) and (b). The Board deems the physical therapist who first assessed the patient with an initial evaluation to be the treating physical therapist of record and thus is responsible for assuring the completion of the discharge summary.

Your practice setting and institutional policy of your employer may affect this conclusion. For example, if your employer has a written policy designating the last treating physical therapist to perform the discharge summary, then the Board would rely on the last treating physical therapist's compliance with the employer's policy. In the absence of such an employment policy and treatment protocol, the Board would default to the physical therapist who first performed the initial evaluation.

If your practice setting and institutional policy does not cover this particular situation, the Board would also look for a documented agreement in the medical record to "hand off" the patient's care to another physical therapist. This physical therapist would accept responsibility for completing the discharge summary.

The time line in which your facility processes the medical record, and the various locations it may reside does not eliminate the physical therapist's or physical therapist assistant's responsibility for documentation. The physical therapist of record, whomever that may be, is responsible for the required physical therapy documentation as mandated by law.

KY Board of Physical Therapy
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Change of Home Address, PT Worksite, or Name

Any change of address (home or work) or name must be sent to the Board within 30 days of the change according to KRS 327.040(6). For a name change, please send a copy of the legal document verifying the change. You may mail, fax, or email the information to the Board office.

Name **(Required)** _____ License/Credential No. _____

Home Address _____

Phone(_____) _____ City _____ State _____ Zip _____ County _____
Email address _____

Primary Work Facility _____

Address _____

Phone(_____) _____ City _____ State _____ Zip _____ County _____
Full/Part time _____

For PTAs only: PT Supervisor's Name & Lic. No. _____

Note: Our agency provides licensure lists for a fee to recruiters, continuing education sponsors, and other agencies. Please indicate your preferred address of public record for disclosure. If neither address is marked, the default address will be your home address.

Please use my home address _____

Please use my primary work location address _____

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