



KENTUCKY STATE BOARD OF PHYSICAL THERAPY NEWSLETTER

Email: KYBPT@ky.gov

Web Site: <http://pt.ky.gov>

Fall 2006

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NEW BOARD APPOINTMENT

Governor Ernie Fletcher has announced a new appointment to the Kentucky State Board of Physical Therapy to serve for a term expiring December 3, 2009. Welcome to Peggy Block, PT, MSPT, from Paducah.

Peggy is a 1974 graduate of the University of Kentucky, receiving her Masters from the University of Indianapolis in 1996. Peggy has been with the Physical Therapist Assistant program at Paducah Community College (now West Kentucky Community and Technical College) since 1990, becoming the Coordinator and Academic Coordinator of Clinical Education in 1992, and continues in these positions today.

Peggy has two children ages 19 and 23. She likes to kayak, raft, camp, backpack, and ride mountain bikes with her husband, Frank.

Congratulations Peggy

In recognition of her extraordinary efforts, the Federation of State Board of Physical Therapy (FSBPT) has named Peggy as a member of The Academy of Advanced Item Writers. Peggy has developed more than 60 questions that were approved and entered into the National Physical Therapy Exam (NPTE) item bank. Peggy was recognized at the annual meeting of the FSBPT in Portland, Oregon as a volunteer item writer who has made a consistent, lasting contribution to both the quality and quantity of the NPTE item bank.

Farewell Tina Volz!

Tina Volz, P.T.'s Board term has expired. Tina has been an outstanding Board member, having been appointed by the Governor January 11, 2002. She served on the Complaint Committee and as Board Chair, and was instrumental in implementing Continuing Education. We will all miss Tina, and wish her well in future pursuits. Thanks Tina for your many contributions to the Board!

Open Book Tutorial (Jurisprudence Exam) Mandated by law to be completed before March 31, 2007

FACT: Kentucky has 2,600 active physical therapists
FACT: Only 506 PTs have taken the Open Book Tutorial (JE)
FACT: Kentucky has 1,403 active physical therapist assistants
FACT: Only 286 PTAs have taken the Open Book Tutorial (JE)
CONCLUSION: 3,211 still need to complete the JE

There are only 3 months left before renewal begins.

What are you waiting on?

Go to <http://pt.ky.gov>

A Message From the Chair:

Recently, the Kentucky State Board of Physical Therapy (KSBPT) revisited the issue of the utilization of controlled substances during the course of physical therapy practice in the state of Kentucky. Often, there is confusion over what the law states regarding this matter. Although there is no prohibition regarding the use of appropriate controlled substances by KRS 327 or KAR 201 Ch.22, which govern the practice of physical therapy in Kentucky, physical therapists *are prohibited* by federal and state law from dispensing controlled substances (e.g. Dexamethasone) from a common container for general use in the treatment of a patient. It *is lawful* for physical therapists to use controlled substances in the treatment of a patient when the substance has been appropriately prescribed to the individual and the administration of the substance is utilized from an individually labeled container for only that patient. This has been recently reaffirmed by the KSBPT and the Kentucky Board of Pharmacy.

Although the acquisition of individually labeled containers of controlled substances seems burdensome to practical patient care, and even more so as we progress toward true autonomy of practice, it is nonetheless important to remain compliant with any law that may affect the practice of physical therapy. I encourage every individual to fully understand how not only the Physical Therapy Practice Act affects your practice, but to understand the implications that may be involved by knowingly or unknowingly violating other contemporary laws, such as those found in federal and state pharmacy laws. You, as an individual practitioner, regardless of position or employment, are responsible for compliance and for your license to practice physical therapy. However, we, at the KSBPT, will always strive to ensure you are informed and unencumbered in your practice as much as possible.



Troy L. Grubb, PT
Chairman, KSBPT

<http://pt.ky.gov>

Have you visited our website? There is a wealth of information on this site for credential holders and the general public. Please visit the website frequently for updated information.

For example, you can find:

- Credential Search – to check if someone is licensed
- Jurisprudence Review Course (22 minutes)
- Jurisprudence Exam
- The Practice Act – Laws and Regulations
- Opinions of the Board
- Approved Continued Competency Courses
- Information on how to get a course approved
- Complaint forms and procedures
- Board history
- Current Board members
- Calendar
- Links to APTA, KPTA, FSBPT and more
- Listing of physical therapy boards across the USA
- Newsletters listing Disciplinary Actions

If you can't find what you are looking for on the website, please call the board office at (502)429-7140 or email us at KYBPT@ky.gov Becky and Donna will be happy to assist you.



Top 10 Ways to Lose your License or Certificate

- 1. Substance abuse**
 - Excessive use of alcohol
 - Abusive use of controlled drugs
 - Impairment by mental, physical, or other condition that impedes competent practice
 - * Contact the Impaired Physical Therapy Practitioners Committee (IPTPC) PACE program for confidential help at <http://pt.ky.gov/complaints/> or (502)749-8385
- 2. Insufficient documentation and record keeping**
 - Failure to perform an initial evaluation before providing treatment
 - Failure to complete an assessment of the patient and reassessments at the frequency mandated according to the requirements in 201 KAR 22:053, Section 4(3)
 - Failure to include the treatment, frequency/duration, and measurable goals in the treatment plan
 - Failure to document in the progress notes the patient's current treatment, any adverse response to treatment; and data obtained by all objective tests performed.
 - * Presumption: If it isn't in the records, it did not happen!
- 3. Unlicensed practice**
 - Failure to renew yet continue practicing
 - Failure to obtain license or certificate before engaging in direct patient care in Kentucky
 - Inappropriate delegation of duties to unlicensed personnel
 - Continuing to practice on a temporary permit and engaging in direct patient care after failing the exam
- 4. Substandard patient care (Negligence)**
 - Failure to develop an appropriate treatment plan
 - Practicing beyond the scope of the credential holder's training, expertise and experience.
 - Care provided by a PTA that is inconsistent with the plan of care
 - Failure to reassess according to the requirements in 201 KAR 22:053, Section 4 (3)
 - Providing inappropriate treatment for the patient's diagnosis
- 5. Patient abuse – gross negligence or gross incompetence**
 - Hitting a patient
 - Neglecting a patient
 - Verbally abusing a patient
- 6. Fraud and material deception in the practice of physical therapy**
 - Falsely reporting or changing treatment dates to obtain reimbursement
 - Engaging in fraud or material deception in the delivery of the professional service
 - Billing for services not provided
 - Advertising physical therapy services in a false or misleading manner
- 7. Unethical behavior**
 - Failing to respect the rights and dignity of all patients
 - Failing to report to the Board any violation of KRS Chapter 327 or 201 KAR Chapter 22 within thirty days
 - Failing to report to the Board any civil judgment or claim made against a credential holder relating to their physical therapy practice within thirty days.
 - Continuing physical therapy services beyond the point of reasonable benefit to the patient, unless the patient consents in writing
- 8. Boundary violations and sexual misconduct or contact**
 - Any sexual relationship with a patient of yours or any patient of the facility where you provide physical therapy
 - Inappropriate speech or touching
 - Inappropriate gestures, comments, photographs, posters, cartoons
 - Sexual harassment including inappropriate sexual or offensive language
- 9. Professional misconduct and criminal conviction**
 - Forging patient or staff signatures
 - Creating false medical records or reports
 - Criminal conviction in any state of any felony, or of any misdemeanor which affects the credential holder's ability to continue to practice competently and safely (other than moving violations not involving alcohol or drug impairment)
 - Failing to pay child support
 - Defaulting on student loans
 - Obtaining or attempting to obtain a credential by fraud or material deception
 - Making a false statement to the Board on any of the renewal application questions
- 10. Standards of Practice – performance of substandard patient care by the credential holder or persons working under his/her supervision**
 - Failure to refer the patient to another professional when the treatment or service is beyond the credential holder's scope of practice
 - Failure to explain the plan of care to the patient or the patient's family
 - Failure to disclose in writing to each patient any financial interest or compensation or other value to be received by the referral source for services provided by the credential holder
 - Failure or refusal to obey any lawful order or administrative regulation of the Board

Regulation Changes

To clarify the continued competency requirements, 201 KAR 22:045 has been amended effective 9/1/06 and is included below. Look on our website at <http://pt.ky.gov> for the Practice Act in its entirety.

201 KAR 22:045. Continued competency requirements and procedures.

RELATES TO: KRS 327.010(1), (2), 327.070

STATUTORY AUTHORITY: KRS 327.040(10)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(10) authorizes the board to promulgate administrative regulations establishing a measure of continued competency as a condition of license renewal. This administrative regulation establishes continued competency requirements and procedures.

Section 1. Definitions.

- (1) "Contact hour" means the number of hours spent participating in an activity;
- (2) "Continued competency" means a planned learning experience relating to the scope of physical therapy practice in KRS 327.010(1) whether the subject is intervention, examination, research, documentation, education, or management of health care delivery systems.
- (3) "Practice in the field of physical therapy" means direct patient care, management of patient care, or teaching in a physical therapy educational program.

Section 2.

- (1) A credential holder applying for renewal shall have completed the continued competency requirements established in subsections (2) and (3) of this section during the preceding renewal period. Continued competency shall be based on contact hours awarded.
 - (a) For a physical therapist, the board shall require thirty (30) contact hours as a condition of licensure renewal. These hours shall be obtained as follows:
 1. Two (2) hours shall be awarded for the successful completion of an open book tutorial provided by the board on current physical therapy laws and administrative regulations per biennium;
 2. At least eighteen (18) hours shall be earned from Category 1 described in subsection (2) of this section; and
 3. No more than ten (10) hours may be earned from Category 2 described in subsection (3) of this section.
 - (b) For a Physical Therapist Assistant, the board shall require twenty (20) contact hours as a condition of renewal. These hours shall be obtained as follows:
 1. Two (2) hours shall be awarded for the successful completion of an open book tutorial provided by the board on current physical therapy laws and administrative regulations per biennium;
 2. At least ten (10) hours shall be earned from Category 1 described in subsection (2) of this section; and
 3. No more than eight (8) hours may be earned from Category 2 described in subsection (3) of this section.
- (2) Category 1 continued competency shall be any of the following:
 - (a) Completion of courses, seminars, workshops, symposia, or home study courses consisting of at least three (3) contact hours that have been approved by KSBPT or its designee;
 - (b) Completion or auditing of an accredited postsecondary educational institution credit course,
 1. Twelve (12) contact hours shall be awarded for each semester credit hour completed; and
 2. Eight (8) contact hours shall be awarded for each quarter credit hour completed;
 - (c) Presentation of continuing education courses, workshops, seminars, or symposia that have been approved by KSBPT or its designee;
 - (d) Authorship of a presented scientific poster, scientific platform presentation or published article undergoing peer review, but not more than ten (10) contact hours per event with a maximum of two (2) events per biennium;
 - (e) Teaching a physical therapy or physical therapist assistant credit course if that teaching is not the primary employment of the credential holder, but not more than twenty (20) contact hours per biennium;
 - (f) Certification or recertification of clinical specialization within the scope of physical therapy practice. Twenty-eight (28) contact hours shall be awarded per biennium;
 - (g) Completion of a clinical residency program, but not more than five (5) contact hours for each week of residency with a maximum of twenty-eight (28) contact hours per program per biennium;
 - (h) Engaging in the practice of physical therapy as defined by KRS 327.010(2) at least 1000 hours per biennium. Five (5) contact hours shall be awarded per biennium;

- (i) Appointment to the Kentucky Board of Physical Therapy. Four (4) contact hours shall be awarded per biennium;
 - (j) Election or appointment to a position of the KPTA, APTA or Federation of State Boards of Physical Therapy (FSBPT) as an officer or committee chair. Four (4) contact hours shall be awarded per biennium; or
 - (k) Member of a committee or task force for one (1) of the organizations in Section 2(2) paragraph (i) or (j) of this administrative regulation. One (1) contact hour shall be awarded per biennium.
- (3) Category 2 continued competency shall be any of the following:
- (a) Self-instruction from reading professional literature. One (1) contact hour shall be awarded per biennium;
 - (b) Attendance at a scientific poster session, lecture, panel or symposium. One (1) contact hour for each hour of activity. A maximum of two (2) contact hours shall be awarded per biennium;
 - (c) Clinical instructor for a CAPTE approved educational program. Continued competency shall be one (1) contact hour per sixteen (16) hours of student supervision;
 - (d) Participation in a physical therapy inservice or study group consisting of two (2) or more physical therapists or physical therapist assistants. A maximum of two (2) contact hours shall be awarded per biennium;
 - (e) Participation in community service related to health care. A maximum of two (2) contact hours shall be awarded per biennium; or
 - (f) Member of the APTA. One (1) contact hour shall be awarded per year and a maximum of two (2) contact hours per biennium;
- (4) Documentation of compliance.
- (a) Each licensee shall retain independently verifiable documentation of completion of all continued competency requirements of this administrative regulation for a period of three (3) years from the end of the biennium;
 - (b) The licensee shall, within thirty (30) days of a written request from the board, provide evidence of continued competency activities satisfactory to the board; and
 - (c) Any licensee who fails to provide evidence of the continued competency activities or who falsely certifies completion of continued competency activities may be subject to disciplinary action pursuant to KRS 327.070. (eff. 9/1/06)

Continued Competency Audit Process

Several inquiries have been received at the Board office concerning continued competency. Because this is a new requirement for license renewal, many of you have questions.

First and foremost, when you earn your CE contact hours, record them on your tracking form. You can find this on our web site at <http://pt.ky.gov>. 201 KAR 22:045 Section 2(4)(a) states: *each licensee shall retain independently verifiable documentation of completion of all continued competency requirements of this administrative regulation for a period of three (3) years from the end of the biennium.* This means, YOU keep the proof of contact hours. Do not send them to the Board office unless you are audited.

The auditing process will probably take place in May, 2007. If your name is selected to participate in the audit, you will receive an audit letter with instructions on the documentation you are to send to the Board office. The documentation required will be items such as: certificate of completion, dates and names of articles read, date and place of community service or inservice with a verifiable signature, etc.

Individuals that are non-compliant with the audit requirements will be offered the right to enter into a legal agreement and the appropriate fine will be issued. If a legal agreement is not agreed upon, you will be given the right to a Board hearing.

Renewal is Coming!!!

- Renewal will be offered online beginning January 2007. We encourage everyone to take advantage of this. The renewal site is a secure system, protected by firewalls. Using any computer with Internet access, you can renew 24 hours a day, 7 days a week and receive instant notification that your renewal information has been received.
- The Board will be sending out information the first week of January with instructions on how to renew online. Renewal forms will not be mailed out this year.
- Paper renewal applications will be available on the website to download and complete to send into the Board office.
- Address changes: You can go online to change your address and work site information. In the past, the credential holder could list up to 4 worksites. Because our database continues to grow, we are only posting 2 worksites.

Continued Competency

Credential holders in Kentucky may renew their credential beginning January 1, 2007 and must renew by March 31, 2007. This is the first biennium in which continuing competency is required for renewal. The contact hours must have been earned from January 1, 2005 through March 31, 2007. The breakdown of hours is listed below:

1. **Open Book Tutorial**, also known as **Jurisprudence Exam (JE)** is required to renew your credential. This will count as 2 hours towards your total continuing education hours needed. How can I take this exam?
 - A. Go to <http://pt.ky.gov> and take it online for \$10.00.
 - B. Schedule an appointment to come into the Board office. This will only be offered through December 2006, so don't wait!
 - C. Look on the website at <http://pt.ky.gov> for places throughout the state where the exam is being offered.
2. **Physical Therapists** – An additional 28 contact hours of continuing education.
 - A. Category 1 – at least 18 contact hours required; all 28 hours may be earned in Category 1.
 - B. Category 2 – no more than 10 contact hours; none is required in Category 2.
3. **Physical Therapist Assistants** – An additional 18 contact hours of continuing education.
 - A. Category 1 – at least 10 contact hours required; all 18 hours may be earned in Category 1.
 - B. Category 2 – no more than 8 contact hours; none is required in Category 2.
4. **2005 and 2006 Graduates**: New graduates have met the continuing competency hours from their educational credit hours. You are still required to take the Jurisprudence Exam if you have not already done so at your school.
5. **201 KAR 22:045 §2(2)(a)**: *Completion of courses, seminars, workshops, symposia, or home study courses consisting of at least **three (3) contact hours** that have been approved by KSBPT or its designee.* Those courses that have been taken with less than 3 contact hours before October 1, 2006, will be accepted for this biennium.
6. **How do you know if a course is approved for continued competency?**

Approved courses are posted on our website at <http://pt.ky.gov/cc>. The KY Board of Physical Therapy has an agreement with the Kentucky Physical Therapy Association (KPTA) to review and approve these courses. Applications to submit a course for approval as an individual or provider may be found on this same website.

Courses that have been approved by other PT licensing boards, APTA and its components will be accepted by Kentucky and do not have to be submitted to KPTA for approval. These courses will not be listed on our website unless they are submitted to KPTA.

Do not send any certificates or proof of continued competency unless you are audited by the Board. Retain your documentation for a period of three years from the end of the 2 year renewal cycle, which ends March 31, 2007.

Disciplinary Actions February 2006 – August 2006

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).



James Richard Roe, PT-003294

Date: 2/23/06

Alleged Violations: KRS 327.070(2)(a)

Order and Notice of Immediate, Temporary Suspension of Kentucky License issued February 23, 2006. Previously Conditional Grant of Physical Therapy License reinstated January 19, 2006. Hearing to be held.

Bruce Taylor, PT-003707

Date: 5/31/2006

Alleged Violations: KRS 327.070(2)(k).

Hearing held before the full Board. Findings of Fact, Conclusions of Law, and Final Order issued: Violation KRS 327.070(2)(k) by failing to comply with Settlement Agreement dated July 21, 2005. Probation extended one additional year, \$500 fine.

Cease & Desist Orders February through August 2006

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."*

David Zembra, Jr., D.C., Atlas Orthogonal Chiropractic, Louisville, advertising on the internet that he performs "Physical Therapy" and office personnel using the words "physical therapy" in connection with communications to the public in the chiropractic office.

Kentucky Board of Physical Therapy v. Dubin Orthopaedic Centre, P.S.C. An Opinion and Order of the Franklin Circuit Court dismissed the case brought by the Board regarding enforcement of KRS 327.020(3). An Appeal has been filed by the Board in the Kentucky Court of Appeals.

Kentucky Board of Physical Therapy
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If this newsletter has been forwarded, then the board has your wrong address!!!

CHANGE OF HOME ADDRESS, NAME, OR WORKSITE

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**) _____ Credential No. _____

Home Address _____
City State Zip County

Phone(_____) _____ Email address _____

Primary Work Facility _____

Address _____
City State Zip County

Phone(_____) _____ 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 _____

FAX NO. (502) 429-7142

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