

5. Prior to October 15, 1991, Registrant shall not exceed the number of physical therapist assistants she is supervising at the present time.

6. From and after October 15, 1991, Registrant should reduce her supervision to either three full-time physical therapist assistants or to the full time equivalent of three physical therapist assistants.

IT IS THEREFORE ORDERED BY THE BOARD that Registrant is authorized to supervise seven physical therapist assistants currently under her supervision for a six-month period to end October 15, 1991.

IT FURTHER ORDERED that from and after October 15, 1991, Registrant shall either reduce her supervision to three full-time physical therapist assistants or to the full-time equivalent of three physical therapist assistants.

IT IS FURTHER ORDERED that this is a final order and is effective upon service upon the parties. Any party may, within 15 days after service, file a petition for reconsideration. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review.

IT IS SO ORDERED.

Dated this 9 day of May, 1991.

KANSAS STATE BOARD OF HEALING ARTS

BY: Franklin G. Bichlmeier, M.D.
Franklin G. Bichlmeier, M.D.
President

Prepared by:

Lawrence T. Buening, Jr.
General Counsel
KANSAS STATE BOARD OF HEALING ARTS
235 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 296-7413

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., hereby certify that on the 7th day of May, 1991, a true and correct copy of the above and foregoing ORDER OF LIMITATION was deposited in the United States mail, postage prepaid, to the following:

Jana J. Bieker
3704 Summer Lane
Hays, Kansas 67601

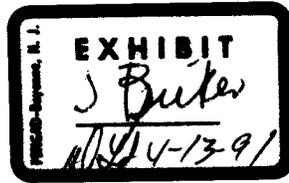
and a copy hand-delivered to:

Steve A. Schwarm
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603


LAWRENCE T. BUENING, JR.

Graham County Hospital

March 13, 1991



RECEIVED

MAR 15 1991

**KANSAS STATE BOARD OF
HEALING ARTS**

Lawrence T. Buening, JR.
General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd
Topeka, KS 66603

RE: April 13, 1991-Board of Healing Arts Meeting-Six (6) Rural Hospitals request hearing privileges concerning Jan Bieker RPT.

Dear Mr. Buening, JR:

Six western Kansas rural hospitals request the opportunity to attend the April 13 Board of Healing Arts meeting concerning our Physical Therapist.

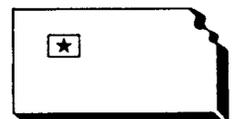
The big push within health care, across America, is to control cost and to network with each other when providing health care to rural Americans. As you may, or may not, know, we in Western Kansas have been having a terrible time in our recruitment of Physical Therapists. Even if we find one most of them do NOT want to move their families into our rural setting. With the needs of controlling costs, yet abiding within the regulations and the inability of securing necessary personnel, six hospitals have networked together to secure the services of Jan Bieker RPT. With recent legislative changes allowing us to now start treatments with a telephone call to Jan our system is working very well for all hospitals and their patients.

The following data was compiled from 1990 data:

	<u>Ness City</u>	<u>Hoxie</u>	<u>Ransom</u>	<u>Hill City</u>	<u>Dighton</u>	<u>Wakeeney</u>	<u>TOTAL</u>
CPTA HOURS	305	2080	1040	2080	130	2038	7673
PATIENT VISITS	365	1411	331	1649	33	2839	6628

Some of the visits were actually done by Jan Bieker while she was in the facilities but most were done by a CPTA. You will notice that each hospital does NOT have a full-time CPTA. If you divided 7673 hours by full-time status of 2080 hours you only have 3.69 FTE for all six hospitals. Ness City, Dighton, and Jetmore uses the same CPTA. Hill City uses two part time CPTAs which equals one FTE. Other hospitals do NOT have a busy enough department to use a full time CPTA so they share that person with other departments or hospitals.

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You will notice overall six hospitals we only see 1.158 visits per hour and even though we have seven different CPTAs within the six hospitals Jan is only supervising 3.69 FTE within our organization. Jan is doing an excellent job with our patients and works well with our physicians and CPTAs.

We understand the Board of Healing Arts has turn down prior requests for supervising more than three CPTA, however, we understand that all request have come from the urban setting. Maybe they can secure the services of Physical Therapist for their area, all we know is the Rural areas do NOT have that privilege and opportunity.

Our six hospitals request a hearing with the Board. Please advise as to the time and place of said meeting and we will have someone their to present our side of the story. Please advise as to the types of data the Board will need in order for us to secure an affirmative decision for supervising more than 3 CPTAs.

We "THANK" you for your continued support, understanding and cooperation in providing quality health care to Western Kansas residents.

Cordially yours,

CENTRAL HOSPITAL

Jerry Aldridge
Administrator

cc: Ness City Administrator
Dighton Administrator
Ransom Administrator
Wakeeney Administrator
Hill City Administrator
Hoxie Administrator
Tom Bell, KHA attorney
Jan Bieker RPT

P.S. Find enclosed the letters that have been submitted to your office by our organization.

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March 7, 1991

RECEIVED

MAR 11 1991

**KANSAS STATE BOARD OF
HEALING ARTS**

Kansas Board of Healing Arts
Lawrence T. Buening, Jr.
235 S. Topeka Blvd.
Topeka, KS. 66603

Dear Sir:

This is to advise you that I will not be able to attend the Board meeting on April 13, 1991. A few of the hospital administrators would like to attend the meeting though and voice their concerns over KAR 100-46-3.

I have notified all the hospitals that I consult with that I attended the Physical Therapy Examining Committee meeting and their recommendation to the Board of Healing Arts was for me to follow the Rules and Regulations of the Board of Healing Arts KAR-100-46-3 which allows no more than three physical therapy assistants to work under the direction of a physical therapist at any time, except with written consent of the Board. The committee did allow the two part time PTA's to count as one which would make the count that myself would supervise three instead of four.

Please contact Mr. Jerry Aldridge, Administrator, Graham Co. Hospital, 304 Prout St. Hill City, KS. for time and place so he may attend the April 13, 1991 Board meeting.

I will be looking forward to hear the decision of the Board.

Sincerely,

Jana J. Bicker RPT

Jana J. Bicker, RPT

000013

State of Kansas

Office of

RICHARD G. GANNON, EXECUTIVE DIRECTOR
LAWRENCE T. BUENING, JR., GENERAL COUNSEL
STEVE A. SCHWARM, LITIGATION COUNSEL
MICHELLE M. TORRES, DISCIPLINARY COUNSEL
SUSAN M. LAMBRECHT, LICENSING SUPERVISOR



Kansas State Board of Healing Arts

235 S. TOPEKA BLVD
TOPEKA, KS 66603
913 296 7413
FAX 913 296 0852

Board of Healing Arts

February 28, 1991

Jana J. Bieker, RPT
3704 Summer Lane
Hays, Kansas 67601

RE: REQUEST FOR SUPERVISION

Dear Ms. Bieker:

This is to advise of the Physical Therapy Examining Committee recommendation that will be presented to the Board of Healing Arts for consideration at the April 13, 1991 Board meeting. As you are aware, the Committee's recommendation was to follow the Rules and Regulations of the Board of Healing Arts, KAR 100-46-3 which allows no more than three physical therapy assistants to work under the direction of a physical therapist at any time, except with the written consent of the Board. The Committee did allow the two part time PTAs to count as one which would make the count that you supervise three instead of four.

Please contact Mr. Lawrence Buening, General Counsel and advise if you wish to be present at the April 13, 1991 Board meeting.

Thank you for your time in attending the Physical Therapy Examining Committee meeting. If you have any questions, please feel free to contact me.

Sincerely yours,

Susan M. Lambrecht
Licensing Supervisor

SML/gdl

000014

MEMBERS OF BOARD

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IRWIN WARMAN, D.O., ...
KENNETH G. WEDDEL, M.D., ...
RON ZOFFER, D.O., ...

January 20, 1991

Kansas Board of Healing Arts
Lawrence T. Buening, Jr.
235 S. Topeka Blvd.
Topeka, Ks. 66603

Dear Sir:

Thank you for responding to my letter of December 13, 1990. I have asked the administrator of each hospital which I consult with to help answer your questions and help explain to the Board the necessity for me to supervise more than 3 CPTA's.

I would like to inform the Board that I have 8½ years experience working as a RPT in Northwest Kansas. From 1982-1987 I worked in an 125 bed hospital that specialized in rehabilitation. I was a staff physical therapist that oversaw Home Health, Pediatric-Public School evaluations, orthopedic and rehabilitation patients. This hospital was also consulting at Ransom, Wakeeney and Hill City hospitals but then stopped in 1987 due to lack of RPT's employed by this hospital. I supervised 3 CPTA's during this time. I was also a clinical instructor to Kansas University P.T. students at this time.

From April 1987 to May 1990 I was the physical therapist for a nursing home corporation in which I oversaw 2 nursing homes, an assisted living complex and home health. Through the nursing home I was then contracted to do physical therapy for Jetmore and Wakeeney hospitals. During this time I was asked frequently by other rural hospitals to consult for them. I decided in June 1990 to become self-employed and contract with six hospitals that had pooled their financial resources. Wakeeney hospital was in this contract. Since I already started consulting at Jetmore and knew that there was no other physical therapist willing to consult, I went ahead and agreed to be their consultant.

It is very difficult finding physical therapist to consult for area hospitals. Most physical therapy departments in larger hospitals are understaffed and smaller hospitals do not have a full physical therapy load to justify a full or part time physical therapist. At times I visit 2-3 hospitals in one day because patient load is low. I do

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feel that physical therapy should be provided for the needs of the rural population of north and southwest Kansas.

I consult at least weekly to each hospital but I,m on call 24 hours if needed to provide services the rest of the week. Each CPTA oversees the plan of care that is set up for each patient by myself. No treatments are initiated without consultation with myself.

The length of time for which I anticipate supervising more than 3 CPTA,s is indefinite. If the hospitals wish to hire another physical therapist then my contract would not be renewed. If for some reason I would change location or jobs then I would probably not be in a position to oversee more than 3 CPTA,s.

I,m concerned that the necessary physical therapy services will be jeopardized in rural Kansas if exception is not granted. I feel that in some cases these smaller hospitals will have to close their departments because it is almost impossible to find a RFT that is willing to supervise and consult. I also fear that CPTA,s will have their jobs jeopardized if departments have to close. I work with very dedicated CPTA,s who are an asset to the P.T. field.

I hope you will consider my request for written consent to supervise the following CPTA,s:

Beverly Hall

Hodgeman County Health Center
Jetmore, Kansas

Ness County District 1 Hospital
Ness City, Kansas 67560

Lane County Hospital
Box 959
Dighton, Kansas 67839

Barbara Murphy

Ness County District 1 Hospital
Ness City, Kansas 67560

Janet Schrieber

Grisell Memorial Hospital
Ransom, Kansas 67572

Kim Cunningham

Trego County Lemke Memorial Hospital
320 13th Street
Wakeemo, Kansas 67672

000016

Carolyn Long
Marle Schaben

Graham County Hospital
304 Froot Street
P.O. Box 339
Hill City, Kansas 67642

Shelly Eberle

Sheridan County Hospital
Box 167
Hoxie, Kansas 67740

Sincerely,

Jana J. Bieker RPT

Jana J. Bieker, RPT

000017

SHERIDAN COUNTY HOSPITAL
BOX 167
HOXIE, KS 67740

January 9, 1991

Mr. Lawrence T. Buening, Jr.
Kansas State Board of Healing Arts
235 S. Topeka Blvd
Topeka, KS 66603

RE: Jana J. Bieker, RPT

Dear Mr. Buening:

Registered Physical Therapists in our area are very hard to find. We contracted with Jana Bieker in cooperation with other hospitals because of the funds available to us to spend. We were going to be paying \$100.00 per hour to retain the RPT we had consulting in our facility before we hired Jana. We could not afford to retain that RPT.

Jana Bieker comes to our facility one day per week and drives a distance of 90 miles one way. The only RPT that is closer to our facility that I am aware of is the one we could no longer afford.

Our Physical Therapy Department provides a valuable service to our patients and our community. If Jana is not allowed to continue consulting in our facility, I am not sure we would be able to find another RPT that we could afford.

We would appreciate it if the Kansas State Board of Healing Arts would consent for Jana to supervise more than three (3) physical assistants. This will enable all of our hospitals to continue providing physical therapy services to our community.

Sincerely,



Joy Bretz
Interim Administrator

000018

Graham County Hospital

January 13, 1991

Lawrence T. Buening, JR.
General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd
Topeka, KS 66603

RE: Jan Bieker's request to supervise seven physical therapist assistants

Dear Mr. Buening, JR.:

I appreciate the opportunity of expressing Graham County Hospital's concerns on the above request.

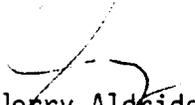
As you may, or may not, know we in Western Kansas have been having a terrible time in our recruitment of Physical Therapists. Even if we find one, which is very difficult, most of them do not want to move their families into this area. Because of the shortage of Physical Therapist the cost in securing one has increased dramatically in the last few years. One little hospital out here does not have the patient load or the financial resources it takes to maintain a Physical Therapist.

Area hospitals are trying to keep the doors open, trying to provide quality health care for our residents, working together to provide some of the services we can't afford on our own. Six hospitals have come together and secured the services of Jan Bieker and are sharing the cost among ourselves. With the new regulation changes allowing us to now start treatment with a telephone call to Jan our system is working very well for all hospitals and their patients.

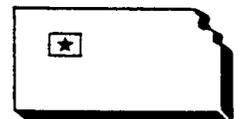
I would encourage the Kansas Board of Healing Arts to continue allowing Jan Bieker to supervise seven physical therapist assistants. She is doing an excellent job.

I thank you and our patients thank you.

Cordially yours,


Jerry Aldridge
Administrator

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Trego County-
Lemke Memorial Hospital

JANUARY 14, 1991

Kansas Board of Healing Arts
Lawrence T. Buening, Jr.
235 S. Topeka Blvd.
Topeka, Ks. 66603

Dear Sir:

Jana Bieker, R.P.T., has worked for us at Trego County Hospital since June 1990. Prior to her contract we had spent eleven months searching for a Physical Therapist. We had contacted schools, trade journals, newspapers, other hospitals and recruitment firms. We spent several thousand dollars in recruiting efforts. We offered a competitive salary and an extremely good benefit package. The Physical Therapists we interviewed weren't interested in the position we offered for basically two reasons. Our location and the size of our hospital. We were too far away from a large city, and because of our size, didn't feel like they would see enough patients to keep busy.

After approximately a year of high expense and frustration, several hospitals pooled their resources and hired a Physical Therapist. All of our physicians are pleased with the results.

Jana is a very capable therapist and is always accessible as needed. Please approve her request to supervise the increased number of assistants.

Respectfully,



James Wahlmeier
Administrator

000030

GRISELL MEMORIAL HOSPITAL

Hospital District No. 1

An Affiliate of Great Plains Health Alliance



January 9, 1991

Lawrence T. Buening, Jr.
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

To whom it may concern,

I am the administrator of a small rural hospital of 18 beds. We have on staff a C.P.T.A. with Jana Bieker, R.P.T. as our consultant.

As R.P.T.'s are hard to find in rural areas, I am asking permission for Ms. Bieker to be able to supervise the (7) seven C.P.T.A.'s in our surrounding communities and hospitals. Our patient load is at a point that I feel Ms. Bieker can handle the responsibility of several small hospitals.

Please consider giving her written consent of the Board so small hospitals can continue to offer physical therapy services to our patients.

Sincerely,

Kris Ochs

Kris Ochs
Administrator

KO/tls

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LANE COUNTY HOSPITAL

Box 969
DIGHTON, KANSAS 67839

Phone 316-397-5321

January 9, 1991

Lawrence T. Buening, Jr.
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

Dear Mr. Buening:

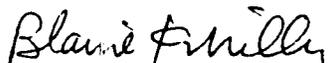
This correspondence is to provide additional support for the request of Jana J. Bieker, R.P.T., to allow for her supervision of CPTA's in excess of K.A.R. 100-4603.

Physical Therapists are next to impossible to recruit to practice or supervise in Kansas rural hospitals. Physical therapy is a critical component of our hospital swing-bed program. The number of practicing Physical Therapists is not sufficient to staff or supervise and it can be only by exception of this statute that our hospitals will be able to continue to provide this type of service.

The type of services that we must provide to our swingbed patients are rehabilitative in nature and must be available five days per week. The only way we can provide this frequency of coverage is by the use of Certified Physical Therapy Assistants. Certified Physical Therapy Assistants are difficult to recruit and if a hospital is fortunate enough to have a CPTA on staff the difficulty then becomes that of finding a RPT that is available and "willing" to provide the supervision for the CPTA.

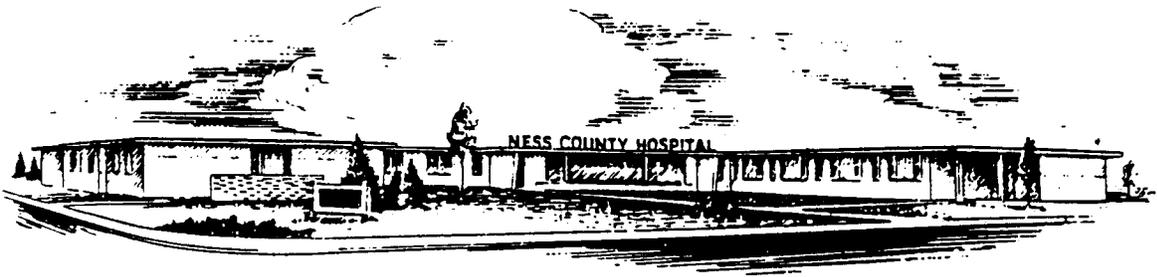
Again, we would ask for your consideration of this exception. If exception is not granted, access to physical therapy services will be denied to a significant portion of our service area. We would be unable to recruit another RPT to supervise or practice in our community. We have current knowledge of at least three hospitals in our surrounding area who have actively been recruiting for RPT's and have been unsuccessful.

Sincerely,



Blaine K. Miller
Area Director, Great Plains Health Alliance
Lane County Hospital

000022



Ness County Hospital District No. 2

Ness City, Kansas 67560
913-798-2291

January 11, 1991

Lawrence T. Buening
General Counsel
Board of Healing Arts
235 S. Topeka
Topeka, Kansas

Dear Mr. Buening:

This letter is in response to your decision concerning Ms. Jana J. Bieker, RPT and her being able to oversee more than three (3) pta's. It must be allowed in order for the Ness County Hospital as well as the other institutions that Ms. Bieker serves to continue meeting the health care needs of our patients.

The most recent statistics available from the Kansas Hospital Association indicate that there is a major shortage of personnel in the therapy profession. It is not a likely prospect that this will reverse in the near future. If personnel were available, the cost would probably be quite prohibitive for any small rural facility to retain their own therapist.

The facilities involved in this situation are not trying to bypass any regulation. We are serving the needs of our patients in a totally professional, efficient and quality manner. To not have Ms. Bieker able to work in this situation would mean that many persons would not receive the treatment that is vital to their health.

Thank you for your consideration. Should you desire further information, please feel free to contact me.

Respectfully,

Clyde T. McCracken
Administrator

000026

cc: Bieker

HODGEMAN COUNTY HEALTH CENTER
809 Bramley P.O. Box 367
Jetmore, Kansas 67854 Ph. 316-357-8361
Hospital and Long Term Care Unit

"Your Health Is Important To Us"

1-11-91

Kansas State Board of Healing Arts
General Counsel:

I would like to support the request of Jan Bieker, RPT to be able to supervise more than three CPTA's, as required under KAR 100-46-3.

Here in Jetmore, we are not terribly remote, but we have tried everything we can think of to get physical therapy personnel, especially a PT to supervise our assistant. In the past we have contacted therapists in Hays, Wakeeney, Larned, Great Bend, Lyons, Garden City, and Dodge City to find a therapist to supervise. Ms. Bieker has been serving us for over a year and has provided excellent coverage during this time.

As a Swing Bed Hospital, we stand to receive many patients needing physical therapy. Obviously, for us to be able to provide access for people to receive that therapy, we need to have a therapist available. It would appear there may only be a dozen or so therapists in all of Western Kansas who are available to do this. Assistants are also in short supply.

Without some flexibility in the regulation to allow this lack of personnel, access may be lost for the population of this region. Please consider this request and allow for this flexibility.

Should you have further concerns, please contact me.

Sincerely,



Gary Tiller, Administrator
Hodgeman County Health Center

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Mr. Larry Buening
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

Dec. 13, 90

RECEIVED

DEC 17 1990

**KANSAS STATE BOARD OF
HEALING ARTS**

Dear Mr. Buening

I would like the written consent of the Kansas State Board of Healing Arts to supervise the following Physical Therapy Assistants:

	<u>Employer</u>
Beverly Hall	Hodgeman Co. Health Cntr. Jetmore, KS 67854
	Lane Co. Hospital P.O. Box 969 Dighton, KS 67839
	Ness Co District #1 Hospital 312 Custer Ness City, KS 67560
Barbara Murphy	Ness Co. District #1 Hospital 312 Custer Ness City, KS 67560
Janet Schreiber	Grisell Memorial Hospital P.O. Box 268 Bansom, KS 67572
Kim Cunningham	Trego - Lemke Memorial Hospital 320 N. 13 th Wakeeney, KS 67672

000025

Carolyn Long

Graham Co. Hospital
304 W. Prout
Hill City, KS 67642

Marla Schaben

Graham Co. Hospital
304 W. Prout
Hill City, KS 67642

Shelly Eberle

Sheridan Co. Hospital
826 18th St.
Hoxie, KS 67740

I'm a self employed registered physical therapist consulting for the above mention hospitals. I supervise the physical therapy assistant on a weekly basis. If you have any further questions please contact me at (913) 625-5989.

Thank you,
Jana J. Bieker

Jana J. Bieker
3704 Summer Lane
Hays, KS 67601

000026