

Kansas Board of Healing Arts
Physical Therapist Council Meeting
February 1 at 2:00 p.m.

- I.** Call to Order: Called to order by Dave Sanderson at 2:15 p.m.
- II.** Council members present: Dave Sanderson, PT; Brent Martin, PT; Ric Baird, PT; Dr. Steven Gould, D.C. (phone). Staff present: Kathleen Lippert, Executive Director; Tucker Poling, General Counsel; Ryan Hamilton, Assistant General Counsel; Dan Riley, Disciplinary Counsel; Reese Hays, Litigation Counsel/Licensing Administrator; Nancy Dodik, Associate Disciplinary Counsel; Nicole Schlesener, Licensing Supervisor. Also present: Leslie Adrian, FSBPT; Jennifer Kassweld, KPTA; Julie Hien.

III. Approval of Agenda:

The agenda was approved with the addition of discussion of upcoming PT conferences. (Martin/Baird, carried).

Mr. Sanderson stated he received an email from the FSBPT regarding two 2018 conferences, the first July 14-15 in Alexandria, VA, and the second October 25 in Weston, VA. FSBPT will fund expenses for one council member and one administrator. Representatives must be selected by May 1. Ms. Adrian stated FSBPT is hosting a state regulatory training seminar June 8-10. FSBPT will fund expenses for one council member and one administrator. Representatives must be selected by April 1.

- IV.** Approval of August 17, 2017 Minutes – Motion to approve minutes without changes. (Baird/Martin, carried).

V. PT Interstate Licensure Compact- Presentation by Leslie Adrian, FSBPT Director of Professional Standards.

Ms. Adrian presented information relating to the Interstate PT Compact, a bill that has been introduced this session in the Kansas Legislature. If enacted, the PT Compact permits someone with an unencumbered license in a member state to request a “Compact Privilege” in another member state.

Mr. Sanderson asked what happens when a Licensee is under investigation in another state and applies for a Compact Privilege (“CP”). Ms. Adrian stated the remote state must grant the CP, but they would know the individual is under investigation.

Mr. Sanderson asked whether a database exists to help inform CP holders of the laws of different states. Ms. Adrian stated there is no such database, but that informing CP holders of state law can be accomplished through the jurisprudence exam.

Mr. Sanderson asked whether influx of out of state PTs could take employment opportunities from Kansas PTs. Ms. Adrian stated this has not been considered, but that nationally there is a shortage of PT.

Mr. Martin asked what Kansas is required to do in order to account for the PT Compact's prohibition on requiring malpractice insurance. Ms. Adrian stated Kansas is not required to do anything; it can still require its licensees to carry malpractice insurance, but it cannot require CP holders to carry malpractice insurance. Open market will cause some CP holders to obtain malpractice insurance because certain employers and insurance companies require this.

Ms. Adrian stated Kansas was the only state she is aware of that requires malpractice insurance for PTs. She stated she is compiling this information and that it will be available in the FSBPT jurisdiction licensing reference guide located on the FSBPT website.

Ms. Lippert asked whether FBI background checks are an effective tool to prevent unqualified individuals from practicing in Kansas, when the Compact does not contain any restrictions that would prevent an individual from utilizing the CP even if the FBI background check revealed a criminal history that would require additional investigation to determine whether the applicant has the character and competence to provide physical therapy services in Kansas. Ms. Adrian stated the background check provides the home state with information that may be used to encumber a license. If a home state imposed an encumbrance, then the individual would not be eligible for the CP until the encumbrance was lifted, or two years, whichever is greater. If the home state did not create an encumbrance after reviewing the background check, then the individual would be eligible for the CP.

VI. FSBPT Jurisprudence examination; Presentation by Leslie Adrian, FSBPT Director of Professional Standards.

Ms. Adrian presented information related to the FSBPT Jurisprudence examination, an exam option available to Kansas in lieu of its current jurisprudence exam.

The exam is developed by professional test writers with input from Kansas. There is no fee to Kansas; this is paid by the licensee/applicant. The fee varies depending on the test format. The FSBPT exam is offered in two formats, a controlled testing environment, or online/on demand. The online format is becoming more popular and is the cheaper of the two at approximately \$50. CE can be given in conjunction with the exam. FSBPT receives any revenue generated by the fee.

VII. NTPE Alternative Approval Process (“AAP”), Presentation by Leslie Adrian, FSBPT Director of Professional Standards.

Ms. Adrian presented information relating to the alternative approval process for the NPTE. Currently, the state determines eligibility for the NPTE. Under the APP, the NPTE determines eligibility. Kansas still determines whether the applicant meets Kansas licensure requirements.

Kansas requires remediation after failing the NPTE three times. The APP does not require this. Kansas would need to remove this requirement if it wanted to utilize the APP.

NPTE, with state input, determines whether an applicant requires disability accommodations for the NPTE. NPTE pays any expense related to the necessary accommodations.

VIII. Discussion

Ms. Lippert asked for further input from the council regarding the PT Compact to inform her testimony during the upcoming legislative committee meeting.

Mr. Sanderson stated the specifics provided by Ms. Adrian were helpful and he had no reservations about the compact. Mr. Baird agreed with Mr. Sanderson.

Mr. Martin stated the compact was needed for relocated members of the military, and that it had the potential to benefit underserved rural areas where there were not enough KS licensed PTs.

Ms. Lippert stated the decision is ultimately the legislature and that they may have concerns because the PT compact requires KS to treat its licensees different than CP holders in regards to the malpractice insurance requirement.

Dr. Gould stated he had reservations about not requiring malpractice insurance and that KS CE requirements would not apply to a CP holder. Mr. Poling informed the council the PT Compact requires disclosure of confidential information to other states that is not currently released under our statutes.

Kathleen stated the PT Compact requires KS to allow an individual holding a CP to practice in Kansas. This relies on other states determinations for licensing and discipline, and could result in individuals practicing in Kansas that the KSBHA would otherwise not permit to practice.

Mr. Sanderson asked that the Council revisit the challenges the PT compact may present at the next Council meeting when it would be known whether the PT Compact passed in the legislature. AAP and the jurisprudence exam can also be discussed further.

3:42 PM: Recess for 10 min break

3:56 PM: The open meeting resumed

3:58 PM: Motion to recess into executive session to discuss attorney client privileged disciplinary cases until 4:15 (Baird/Martin, carried)

4:15 PM: Motion to resume the open meeting (Baird/Martin, carried)

4:16 PM: Meeting adjourned.