

**PHYSICAL THERAPY EXAMINING BOARD  
SEPTEMBER 26, 2013  
MINUTES**

**PRESENT:** Shari Berry, PT; Lori Dominiczak, PT; Thomas Murphy; Jane Stroede, PTA;  
Michele Thorman, PT

**STAFF:** Tom Ryan, Executive Director; Karen Rude-Evans, Bureau Assistant

**CALL TO ORDER**

Michele Thorman, Chair, called the meeting to order at 8:30 a.m. A quorum of five (5) members was present.

**ADOPTION OF AGENDA**

**Amendments:**

- X-Ray Orders by Physical Therapists (open) – Board Discussion – insert after Item J, page 26

**MOTION:** Shari Berry moved, seconded by Lori Dominiczak, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JUNE 27, 2013**

**MOTION:** Jane Stroede moved, seconded by Shari Berry, to approve the minutes of June 27, 2013 as written. Motion carried unanimously.

**PRESENTATIONS IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS  
AGAINST LUKE W. HAYES, PT**

DLSC Attorney Kim Kluck, Respondent's Attorney Timothy Yanacheck and Luke W. Hayes, PT, appeared before the Board. This matter will be deliberated in closed session.

**LEGISLATION/ADMINISTRATIVE RULES MATTERS**

**Adoption of Rulemaking Order CR 13-007 Relating to Unprofessional Conduct and Biennial Renewal Date**

**MOTION:** Shari Berry moved, seconded by Jane Stroede, to adopt Rulemaking Order CR 13-007 relating to unprofessional conduct and biennial renewal. Motion carried unanimously.

**Executive Order 50 – Review of Position Statements**

**MOTION:** Shari Berry moved, seconded by Lori Dominiczak, to remove the position statement entitled “Can a Wisconsin Physical Therapist or Physical Therapist Assistant Do INR (International Normalized Ratio) Monitoring?” from the DSPTS website and to have Shari Berry bring proposed new language back to the next meeting. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Lori Dominiczak, to remove the position statement entitled “Are Wisconsin Physical Therapists Allowed to Provide Injections as Being Within the Scope of Their License?” from the DSPTS website and to have Shari Berry bring proposed new language back to the next meeting. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Jane Stroede, to remove the position statement entitled “May a Physical Therapist Assistant Licensed in Wisconsin Perform Joint Mobilization and Muscle Energy Techniques Under the Direct Supervision of a Licensed Physical Therapist?” from the DSPTS website and to have Shari Berry bring proposed new language back to the next meeting. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Thomas Murphy, to remove the position statement entitled “In the State of Wisconsin Can a Physical Therapist Assistant Supervise a PT Aide?” from the DSPTS website and to have Shari Berry bring proposed new language back to the next meeting. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Thomas Murphy, to remove the position statement entitled “Is Rehabilitative Ultrasound Imaging (RUSI) Considered Within the Scope of Practice for Physical Therapists Licensed in the State of Wisconsin?” from the DSPS website and to have Shari Berry bring proposed new language back to the next meeting. Motion carried unanimously.

**MOTION:** Lori Dominiczak moved, seconded by Jane Stroede, to remove the position statement entitled “Who Can Supervise a PT/PTA With a Temporary License?” from the DSPS website and to have Shari Berry bring proposed new language back to the next meeting. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Jane Stroede, to remove the position statement entitled “Can a PT/PTA With a Temporary License Have More Than One Supervising PT?” from the DSPS website and to have Shari Berry bring proposed new language back to the next meeting. Motion carried unanimously.

### **CLOSED SESSION**

Chair Michele Thorman read the motion to convene to closed session.

**MOTION:** Michele Thorman moved, seconded Shari Berry, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Shari Berry-yes; Lori Dominiczak-yes; Thomas Murphy-yes; Jane Stroede-yes; and Michele Thorman-yes. Motion carried unanimously.

The Board convened into closed session at 10:02 a.m.

### **RECONVENE INTO OPEN SESSION**

**MOTION:** Thomas Murphy moved, seconded by Shari Berry, to reconvene into open session at 12:55 p.m. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED IN CLOSED SESSION**

**REAFFIRM ALL VOTES TAKEN IN CLOSED SESSION**

**MOTION:** Shari Berry moved, seconded by Jane Stroede, to reaffirm all votes made in closed session. Motion carried unanimously.

**PROPOSED DECISION AND ORDER AND CONSIDERATION OF OBJECTIONS**

**MOTION:** Shari Berry moved, seconded by Jane Stroede, to adopt the Findings of Fact, Conclusions of Law and the Decision and Order in the matter of disciplinary proceedings, with variance (paragraph 24 stricken from the record), against **Luke W. Hayes, PT (DHA Case # SPS-12-0055, DLSC Case # 10 PHT 019)**. Motion carried unanimously. Lori Dominiczak was excused during deliberation and voting.

**PROPOSED STIPULATION(S), FINAL DECISION(S) AND ORDER(S)**

**MOTION:** Lori Dominiczak moved, seconded by Thomas Murphy, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against **Karen Jaeger, PT (13 PHT 006)**. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Jane Stroede, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against **Vincent J. Kabbaz, PT (13 PHT 005)**. Motion carried unanimously.

**PROPOSED ADMINISTRATIVE WARNINGS**

**MOTION:** Shari Berry moved, seconded by Lori Dominiczak, to issue the administrative warning in **case 12 PHT 021 (B.R.K., PT)**. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Thomas Murphy, to issue the administrative warning in **case 12 PHT 021 (M.A.P., PT)**. Motion carried unanimously.

**MOTION:** Shari Berry moved, seconded by Lori Dominiczak, to issue the administrative warning in **case 13 PHT 007 (B.L.A., PTA)**. Motion carried unanimously.

#### **RATIFICATION OF LICENSES**

**MOTION:** Jane Stroede moved, seconded by Shari Berry, to ratify the examination scores for the candidates today and to delegate to the Department the ratification of all licenses issued. Motion carried unanimously.

#### **DELEGATION OF SIGNATURES**

**MOTION:** Michele Thorman moved, seconded by Jane Stroede, to delegate to Department Staff signature authority for all documents in the matter relating to Luke W. Hayes. Motion carried unanimously.

#### **ADJOURNMENT**

**MOTION:** Thomas Murphy moved, seconded by Lori Dominiczak, to adjourn the meeting at 1:30 p.m. Motion carried unanimously.