



*State of Louisiana*  
*Department of Health and Hospitals*  
*Louisiana Physical Therapy Board*

104 Fairlane Drive, Lafayette, LA 70507  
(337) 262-1043 FAX (337) 262-1054

**March 22, 2012**

- 8:00 Call Meeting to order
- 8:15 February Board Meeting Minutes
- 8:30 Reports
  - Chairman's Report
    - LA SB 191
  - Treasurer's Report
    - ⇒ Feb 2012 actual vs. budget
    - ⇒ Securities
  - Executive Director's Report
- 9:30 Rules and Regulations Implementation Issues
- 10:00 New Business
- 10:15 Legal
  - Synergy PT issues
  - Synergy PT issues 1
- 11:15 Unfinished Business
  - Task Tracker
  - Correspondence
    - Assuming Care
    - Clarification Request
    - FACE BOOK COMMENT
    - Face to Face Documentation
    - Please clarify
    - Questions
    - Therapy Time
    - Inquiries from Shreveport meeting
    - Meeting topic question
    - Change of employer and address
    - Question
    - Question for the Board
    - Question regarding student supervision
    - Jurisprudence meeting Houma
    - Face to Face conferences!
- 1:00 Board Monthly Call Discussion
- 1:15 Monitoring Disciplined Therapists Report
- 2:00 Investigation Summary Reports (one-on-one meetings)
- 3:00 Adjournment

## LOUISIANA PHYSICAL THERAPY BOARD

March 22, 2012 Accepted

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Thursday, March 22, 2012, at 104 Fairlane Drive, Lafayette, LA 70507. Jerry Jones, Jr., Chairman called the meeting to order at 8:00 a.m. on Thursday. A quorum of members was present. Board members present were: Jerry Jones, Jr., Teresa Maize, Al Moreau, III, Donna "Dee" Cochran, Dan Wood, Gerald Leglue and Danny Landry. Cheryl Gaudin, Executive Director, Glenn Ducote, attorney, George Papale, attorney were present. Advisory Committee Member Wayne Campbell was present.

### ***ADOPTION OF MINUTES OF PREVIOUS MEETING***

Minutes of the February 2012 board meeting were accepted.

### ***CHAIRMAN'S REPORT***

Senate Bill 191 authored by Senator Claitor: "**HEALTH/HOSPITALS DEPT:** Abolishes the Louisiana Board of Massage Therapy and moves its functions to the Louisiana Physical Therapy Board." The board was informed of this bill and discussed how to proceed and/or what action they should take. A committee of the board to deal with legislative issues was assigned consisting of Jerry Jones, Jr., Al Moreau, III, and Glenn Ducote. Al Moreau, III, Cheryl Gaudin, and Glenn Ducote met with Senator Claitor to discuss the Office of Inspector General Report and inquire as to the administrative, legal, and financial costs that would affect the board if this bill passed. The committee would follow this bill and others and attempt to obtain more information.

The jurisprudence course scheduled for Thursday, March 22<sup>nd</sup> was postponed to March 27<sup>th</sup> due to a forecast of heavy rains, flooding, and thunderstorms.

### ***TREASURER'S REPORT***

Cash on hand for the month of February 2012 was \$1,015,691.14. Receipts for February 2012 totaled \$9,152.25 and expenses totaled \$55,845.53.

After review of the board securities, motion was made by Teresa Maize, seconded by Al Moreau, III: "To withdraw \$150,000 from the proceeds of CD 8010823 and open a new CD with the remaining proceeds. The new CD will be for a period of 6 months." All in favor were Jerry Jones, Jr., Teresa Maize, Gerald Leglue, Al Moreau, III, Donna "Dee" Cochran, Dan Wood, and Danny Landry. No one opposed the motion.

### ***EXECUTIVE DIRECTOR REPORT***

The February 28<sup>th</sup> jurisprudence course held in Shreveport had 160 attendees. The March 1<sup>st</sup> course held in Alexandria had 220 attendees. The March 6<sup>th</sup> course presented in Shreveport had 150 attendees. The March 13<sup>th</sup> course presented in Monroe had 175 attendees. The March 15<sup>th</sup> course presented in New Orleans had 412 attendees. The March 20<sup>th</sup> course presented in Houma had 83 attendees.

### ***MONITORING DISCIPLINED THERAPISTS***

Glenn Ducote will write to Kim Licausi requiring him to rewrite his essay.

Dan Wood conducted a monitor visit with Dwayne Hogan and Cole Padgett.

Staff will request Anna Smith conduct a monitor visit with Matthew Sliming and Miles Becnel.

Contact Amy Stewart for an update of her whereabouts and if she is practicing in the state of Louisiana.

Staff will contact Dwayne Hogan and Catherine Nelson to schedule a meeting with the board for the April board meeting.

## ***RULES AND REGULATIONS IMPLEMENTATION***

### ***NEW BUSINESS***

George Papale, attorney for the board suggested an amendment to La. R.S. 37:2410(5). The suggestion is to delete the period (.) after the word Chapter I the first sentence and adding "and the board shall have the discretion to specify the content of the supervised practice and the qualifications of the clinical supervisors by rule." Additionally, amend La R.S. 37:2410 (5) by deleting the word "six" following the word "least" in the second sentence and replacing source with the word "three". Papale also suggested amending La. R.S. 37:2410 (4) to add "through appropriate testing" and following the word "demonstrate" and before the word "in". Motion was made by Teresa Maize, and seconded by Donna "Dee" Cochran to amend the practice act at the appropriate time. All in favor were Jerry Jones, Jr., Teresa Maize, Gerald Leglue, Al Moreau, III, Donna "Dee" Cochran, Dan Wood, and Danny Landry. No one opposed the motion.

Motion was made by Donna "Dee" Cochran, seconded by Danny P. Landry; "To amend La. R.S. 37:2420.A.(1) to replace the period (.) after the word "practice" at the end of the sentence with a comma (,) and add "or which person has aided and/or abetted any such violations by any act or omission". This action would be taken at the appropriate time. All in favor were Jerry Jones, Jr., Teresa Maize, Gerald Leglue, Al Moreau, III, Donna "Dee" Cochran, Dan Wood, and Danny Landry. No one opposed the motion.

### ***LEGAL***

John Wilson, Goff Wilson law firm representing Synergy Care, Inc. requested In light of the recently adopted rules for physical therapists, Synergy Care, Inc.'s newly arrived foreign-trained physical therapists were having a very difficult time in trying to obtain a provisional license to begin practicing. John Wilson indicated Synergy as well as the four identified physical therapists have invested a tremendous amount of time and resources to come to the US and work in the field. The immigration process is a very lengthy and arduous process. Three of the four physical therapists are currently in the US. The request is for these four physical therapists to be given a special consideration and grandfather them under the previous Physical Therapists rules as they started the process before the current rules were adopted and were pre-approved for licensure pending an interview with a Board's representative. John Wilson indicated the financial cost to Synergy for not allowing it to continue to process those PTs that have been in the 'pipeline' for (in some cases) years is huge, and the humanitarian toll is excruciating – these PTs have given up everything they own to come to the US, they are here in some cases with their families, and they have nowhere else to return to. After discussion, motion was made by Al Moreau, III "that the Board would allow the following applicants to continue pursuit of licensure under the old rules: Farah Joan Candol (Caballero), Aubrey Rubia, Ruel Oga. This is based on the fact that they have passed the national examination." All in favor were Jerry Jones, Jr., Teresa Maize, Gerald Leglue, Al Moreau, III, Donna "Dee" Cochran, Dan Wood, and Danny Landry. No one opposed the motion.

Celia Cangelosi, attorney wrote to the board questioning rules addressing Legend Drugs and Legend Devices. In question is where in the rules are legend drugs and legend devices defined?

### ***CORRESPONDENCE***

Lisa James, PT posed a question to the board regarding staff covering acute care areas on the weekends. On Monday mornings the full time staff PT's go through and read each plan of care for all of the new evals done on the weekends by PRN or outpatient therapist who help cover. If the staff PT's agree with the plan of care based on the assessment, they type a statement that they agree with the care plan and assume responsibility for the pt's care. If for any reason they don't agree with the care plan based on the written assessment, they assign the patient to themselves and go see the patient for a reassessment. Will this suffice in relieving the weekend therapist of their supervision responsibility? This is also done when a PT from one acute facility assists in picking up evals at another facility that is very busy on a particular day. Does this meet the standard? On Monday, there are more evals waiting to be seen so it would be virtually impossible for all of the patient's to get the necessary care if the staff PT's have to go back and reassess all

of the patient's seen over the weekend. Teresa Maize will draft a response to Lisa James.

Lynn Wollman, Tri-State Physical Therapy reported staff therapists who attended the Jurisprudence Meeting held in Shreveport needed clarification on two points made during the meeting.

1. Regarding the PT/PTA Patient Care Conference, is it required that the meeting note be signed by the PT and the PTA. We have EHR and have a software problem in that there is only one signature possible at this point for each note. We would like clarification on this before we go to the expense to make this change.
2. Regarding the attendance of a conference in which many classes are available, such as APTA CSM, it is understood that verification of attendance hours is now required. Since this has not been required in the past what would the outcome be if a therapist were audited after attending a conference in Feb 2012?

Teresa Maize will draft a response to Lynn Wollman.

Eric Bunyog, PT employed at Autumn Leaves Nursing & Rehabilitation Center, LLC posed a question regarding documentation of the 6<sup>th</sup> visit / face to face conference. Is the PT required to continue writing and documenting the face to face conference with the PTA if the PT is in the building 100% of the time treating patients in the gym? The PT and PTA communicate every day and make adjustments to the treatment plan as deemed appropriate. Staff will respond to Bunyog that he must continue to document the face to face conference.

Cristina Fauchaux, PT asked the board to review a declaratory statement posted on the website which addressed prescriptions prescribed for a duration of 3 times per week for 3 weeks. After review, the board will remove this statement from the web.

Pam Janssen, PT asked a question about the use of a needle electrode to do electrical stimulation. Al Moreau, III will draft a response.

Todd Danos, Director of Therapy Services asked if from a Physical Therapy Board standpoint, can a physician mandate that a PT see a patient for a certain timeframe? For example, can a physician state that he wants he patients seen for at least 30 min or specify that certain patients be seen for at least 30 min? The board's response is a physician can write a script as specific as he wants.

Jill G. Bugner, PT, DPT, Pediatric Physical Therapy for LA Early Steps questioned patients filming or photographing treatment with or without PTs knowledge and posting on social media. What is the physical therapist liability? Donna "Dee" Cochran will contact Bugner as the board cannot address liability issues.

Kathy Carpenter, PTA inquired when topics that were not covered at the Jurisprudence meeting would be addressed. Such topics are Finger printing/FBI background checks, Cease & Desist authority, use of PT tech in clinic, license information changes. Staff will respond if there is a specific question to forward that to the board for clarification.

Lance Lemoine, PT, DPT, OCS, FAAOMPT provided the board with documentation of a dry needling course which he completed twice. Lemoine asked if he is certified to use and bill for trigger point dry needling with the 50+ hours being from the same class, Level I taken twice. Staff will respond to Lemoine that he would be limited to the muscles taught in the course.

Kathy Kramer, PT requested clarification of PTA Supervision in the home health setting with electronic signatures. The software being utilized does not allow for two professional signatures on one entry. A solution is for each discipline to make a separate entry for the face to face, therefore both PT and PTA have signed and verified they attended the face to face meeting. Is this acceptable? Staff will respond that a separate entry by PT and PTA is acceptable as long as the entries are a few minutes apart.

J. Parrish Tadlock, PTA, CLT is the owner of a contract group for home health care services. Tadlock posed a situation to the board for clarification. The nurse manager of a home health company requested clarification on a PT note. In particular, she inquired about documenting the exact distance in feet a patient ambulated. The P.T wrote "patient increased amb". While at the home health office with their staff present, Tadlock called the PT to clarify the distance the patient ambulated. At this point the PT stated, "patient had increased ambulation distance by approximately 10 feet." Tadlock wrote on the note approximately 10 feet. Two months later the nurse manager claimed Tadlock committed fraud by writing "approximately 10 feet" on that note, and was threatened by the nurse manager that "she should have his license." Was this an act of fraud? In retrospect, the appropriate action should have been writing an addendum to clarify the original note.

Shannon Fox, PT, DPT, CCCE at LSU Health Rehabilitation Services Department indicated they work closely with the PT school in Shreveport regarding student clinical experiences. There are times that the school sends groups of level one students to the clinic for an "introduction to patient care". These students are mainly observing – little to no direct patient care by the students is involved. If there is no direct patient care, are these students considered part of 2418 – F (2) a iii "no more than 5 students". In the past the school has sent the students to us under the assumption that as long as they were "observing" then it fell more under education of the student than the PT supervision law. Please clarify. Jerry Jones, Jr. will draft a response.

Jason Ledet, PT Program Director, Rehabilitation Center of Thibodaux Regional thanked the board for presenting the jurisprudence course as it brought additional awareness to all licensees regarding the new statutes in the Practice Act. Ledet brought up a few scenarios at the jurisprudence with regards to the face to face conference. As a result of these scenarios, the board adopted a Declaratory Statement addressing the face to face conference. A copy of the Declaratory Statement will be forwarded to Ledet and will be posted to the web. Motion was made by Al Moreau, III, seconded by Donna "Dee" Cochran; "To approve the face to face declaratory statement as presented." All in favor were Jerry Jones, Jr., Teresa Maize, Gerald Leglue, Al Moreau, III, Donna "Dee" Cochran, Dan Wood, and Danny Landry. No one opposed the motion.

Kim Cox, PT, Med., Academic Coordinator of Clinical Education at Bossier Parish Community College Physical Therapist Assistant Program forwarded an Adobe fillable Clinical Instructor form for review by the board. Ms. Cox would not distribute without board approval. The form is very similar to the form developed by the board. The board's CI form is almost identical to the one submitted and requested no distribute the form other than the board. Staff will respond to Ms. Cox.

#### ***OTHER BUSINESS***

#### ***UNFINISHED BUSINESS***

#### ***TASK TRACKER***

Teresa Maize created a form to be used for documenting time as a Clinical Instructor. The form must be submitted for proof of acting as the primary CI for continuing education credit. This form will be made available from the board's website.

Staff responded to Jerry Pine that CPR certification classes do not count toward CEU requirements for license renewal.

Staff responded to Black Walker, PT that offering a posture shirt made by Evidence Based Apparel would not be a violation of the La Practice Act or Rules.

Staff responded to David Bock, PT that it is within it is within the scope of practice for a PT to perform Manual Lymphatic Drainage.

#### ***BOARD MEMBER MONTHLY CALLS***

The meeting was adjourned at 4:00 pm.

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