



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

January 15, 2014

- 6:30 Call Meeting to order
- 6:35 Meeting with SSA Consultants
 - December Board Meeting Minutes
 - Special Board Meeting Minutes
- 6:45 Reports
 - Chairman's Report
 - Treasurer's Report
 - November 2013 actual vs. budget
 - Securities – November 2013
 - December 2013 actual vs. budget
 - Securities – December 2013
 - Executive Director's Report
 - Lease No 09-0337 - Expiration date 05 31 14 with no option to renew
- 7:00 Unfinished Business
 - Task Tracker for December 2013
- 7:30 Executive Session
- 8:15 Monitoring Disciplined Therapists Report
- 8:00 New Business
 - Board Officer elections
 - Advisory Term
- 8:30 Correspondence
 - Dept of Transportation
 - Dry Needling Consent Form
 - Physical therapy and functional maintenance program
 - Questions on vital signs IRFS billing autonomy
 - LPTA Spring Meeting March 14-16 Exhibitor Prospectus
 - Education of home care assistance
 - 2014 FSBPT Budget

Recess

January 16, 2014

- 8:30 Legal
 - FW Article regarding Boards
- 9:00 Board Monthly Call Discussion
- 9:15 Statutes, Rules and Regulations Issues
- 9:30 Adjournment

LOUISIANA PHYSICAL THERAPY BOARD

January 15 & 16, 2014

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, January 15 & 16, 2014, at 104 Fairlane Drive, Lafayette, LA 70507. Al Moreau, III, acting chairman, called the meeting to order at 6:30 p.m. A quorum of members was present. Board members present were: Al Moreau, III, Jerry Jones, Jr., Kristina Lounsberry, Elizabeth "Beth" Austin, Sue Bartol and Gerald Leglue. Cheryl Gaudin, Executive Director, George Papale, General Counsel and Courtney P. Newton, attorney was also present.

ADOPTION OF MINUTES OF PREVIOUS MEETING

Minutes of the December Board meeting were accepted as written.

Minutes of the December Special Meeting were accepted as written.

CHAIRMAN'S REPORT

TREASURER'S REPORT

CDs at the Bank of Montgomery total \$711,091.87 at the end of November. The Business Savings account at Chase Bank had \$302,381.07. Cash on hand for the month of November was \$1,099,249.23. Receipts for November totaled \$6,681.45 and expenses totaled \$31,828.62.

CDs at the Bank of Montgomery total \$711,342.96 at the end of December. The Business Savings account at Chase Bank had \$304,462.41. Cash on hand for the month of December was \$1,077,534.33. Receipts for December totaled \$12,909.25 and expenses totaled \$35,566.30.

EXECUTIVE DIRECTOR REPORT

Theresa Thibodeaux, Lease Management at the Division of Contracts and Procurement Support contacted the board office regarding the upcoming expiration of the lease with Mark Garber which did not include a renewal option. Ms Thibodeaux requested a letter stating our request for a new lease in our current location. The letter must include the purpose of our request for a short term lease is due to pending construction of a new location, and indicating the lessor agreed to a one year lease with 2 three month renewal options. To process the request for a new lease, the board must also include a proposal from the lessor, a floor plan identifying offices that each individual is assigned to and a completed RL-2A form.

Cheryl T. Gaudin negotiated the terms for a new lease with Mr. Garber. Mr. Garber will provide a proposed lease letter to be forwarded to Division of Contracts and Procurement Support. Ms. Gaudin will prepare the required paperwork for submission to the Division of Contracts and Procurement Support.

**UNFINISHED BUSINESS
TASK TRACKER**

Sarah Myers emailed the board indicating she reviewed the LAPT board's website's "scope of practice" page for information regarding medication management and was unable to find specific information addressing her question. *In* a home health setting, is it within a physical therapist's scope of practice to 1) assist in filling the patient's medication planner? 2) call the pharmacy or doctor to request a refill for an empty bottle? 3) educate the patient on side effects, medication interactions, and medication purposes? 4) instruct the patient on dosage/frequency? 5) take medications from bottles or planner and hand to patient per their medication schedule? and 6) handle the medication bottles each visit to ensure medications have been filled, taken, and no changes have occurred since the last visit? George Papale drafted letter and will send to Danny Landry for review.

Al Moreau, III contacted Matt Slimming, PT to discuss his question regarding the Board's statement on the 10th visit reassessment.



Lonnie Henderson reported working in a SNF that also offers outpatient therapy services to discharged residents and other appropriate residents in the community. This SNF is unique in that it also has an assisted living facility section where some of our SNF residents discharge. Some of these residents return to their gym to receive outpatient therapy services and are able to bring themselves to therapy. A resident was recently discharged the SNF to the ALF and then returned to the facility as an outpatient. This resident, however, is not able to negotiate between the two facilities well enough to bring herself safely to our gym. The family was advised, at length, that it is their or the patient's responsibility to bring the resident to therapy, as she is considered an "outpatient." Otherwise, Home Health therapy may be a better option. The ALF Director stated to the family and the company's CEO that staff cannot be responsible for taking the resident to therapy and it was suggested that our staff be responsible for transfer of the resident to and from our gym for her therapy services. This mandate was also approved by our company's CEO. The ALF and the SNF is owned by the same company but different entities. The two facilities are connected by a corridor. Is it appropriate and/or legal for a therapist or therapy tech employed by a SNF to transfer an ALF resident to and from our facility for outpatient therapy services? This was assigned to Jerry Jones.

The Board went into Executive Session to discuss a confidential issue that was attorney-client privileged information and attorney work product.

The Board came out of Executive Session.

STATUTE, RULES, AND REGULATIONS

NEW BUSINESS

As per La. R.S. 37:2404.A, election of officers was held. Al Moreau, III was elected Chairman and Danny P. Landry was re-elected Secretary/Treasurer.

Anna Smith Bentz reported to the board that she would like to resign her Advisory Committee Position effective January 31, 2014. Mrs. Bentz agreed to assist the board with interviews of new applicants until a new Advisory Committee Member could be appointed for the New Orleans area.

Cheryl T. Gaudin was asked to forward a letter to Althea Jones, PT and Marc Cavallino, PT to inquire if they would like to be considered for the appointment. If interested, they would be considered at the February board meeting for appointment.

CORRESPONDENCE

Elaine M. Rapp, RN MSN, COHN-S CM with the U.S. Department of Transportation requested clarification on the following question: "Does the scope of practice for a PT permit him/her to conduct the testing and physical examination of body systems required on an enclosed Medical Examination Report, determine if the driver is physically qualified to drive a CMV in interstate commerce, and complete the Medical Examiners Certificate?" Kristina Lounsberry will draft a response for board review at the February board meeting.

Julie Ann Harris reporting she is practicing dry needling and her patient's are denying the consent form. If she included a check box that states "denied copy of consent form" for the patient to initial, would that be okay in terms of our practice act? Al Moreau will call for clarification.

Ashley Winfrey, PT who is employed at CHRISTUS Health, requested clarification of a statement posted on the board website. The question was in regards to a Functional Maintenance Program which asked for clarification of the role of PT's AND rehab techs, in a Functional Maintenance Program. An LTAC facility is starting a FMP. The Board responded that such a program should not be associated with therapy at all. Supervisors at the facility are asking the therapists to: assess pts for FMP (don't we need a clearly defined order in the chart?); assign FMP pts to rehab techs (techs that work in the OT and PT dept). The Board responded that once a patient is discharged from therapy, any maintenance program should be carried out entirely by nursing staff. The supervisor

maintains that rehab techs can carry out an FMP program (ROM, OOB) because they would be under the supervision of nursing at that time. How can this be delineated? Should the job description be changed, or the person carrying out the FMP should be a designated member of the nursing staff? Kristina Lounsberry was assigned.

The Board would like to inform you that you may screen a patient for the need for physical therapy, however, any recommendations that require the establishment of goals and treatment plans would constitute physical therapy treatment or services. A PT may evaluate a patient to establish a Functional Maintenance Program as PT intervention, which would include an evaluation, establishment of goals, and a treatment plan. As such, a specific order would be required in order for the therapist to establish the goals and treatment plan (s), and to provide supervision and reassess the appropriateness of the FMP for the patient. Once the FMP is established and the program can be provided strictly for maintenance, the patient should be discharged from physical therapy. If the PT has determined as results of an evaluation or screening that the patient would not benefit from PT intervention, then an order would not be required. The provision of maintenance services for patients no longer requires skilled physical therapy intervention and would be provided by non-therapy personnel.

The Board has no recommendations for the delineation of the rehab techs roles between therapy service and nursing service. This delineation should be outlined in personnel policy and procedure. However, it is imperative that a FMP which is no longer a Physical Therapy intervention be clearly identified as such including that personnel assigned to and or supervised by Physical Therapist not perform the FMP.

Ms. Winfrey's questions were: (1.) Does this mean that a physical therapist cannot recommend a FMP (strictly for maintenance) based on a screen (even if obvious that pt is not a candidate for Physical therapy intervention upon admission to facility)? And if PT can recommend/establish FMP (to be performed by other personnel) would there need to be an order by MD to begin FMP. (2.) If pt receiving PT intervention is discharged secondary to meeting goals or plateaus with lack of further progress, can that PT recommend and establish FMP for pt (to be performed by other personnel) without an order from MD? (3.) Rehab techs should not assist with FMP (if not receiving Physical Therapy intervention) even if administration changes their title to mobility techs instead of rehab techs. This has been a recommendation at my site? Or is it, that regardless of title, that the tech/techs under physical therapy supervision should not be involved with FMP (unless pt receiving physical therapy intervention)?

Kim Licausi, PT posed 3 questions based on the following scenario. An IRF has a policy (verbally stated by 2 supervising PTs & 1 staff DPT) that PTs are not to take vital signs on the patients being treated unless the patient is symptomatic. The PTs stated that it took away from treatment time for the patients & that taking vital signs is the nurse's job. My position is that these patients are sick and should be monitored @ least before & after exercise & when warranted during the treatment session. I believe my position regarding the taking of vital signs is also similar to the position taken by the APTA & La PT Board. Since a PT is not allowed to take vital signs on asymptomatic patients @ the IRF above, I had the following questions: (1.) If an asymptomatic patient were to code or collapse during the PT session and no vital signs were taken by the PT per department policy, would that treating PT be at a greater liability risk for not monitoring the patient properly especially in light of the APTA & LA PT Board's position on the taking of vital signs? (2.) Does a supervisor (PT or otherwise) have the right to demand (or even threaten disciplinary action) a treating PT to do something that seems contrary to best available evidence & professional guidelines? Would a supervising PT that did so be in violation of any ethical or La PT Board rule or regulation? From the APTA Code of Ethics: Principle 3A. Physical therapists shall demonstrate independent and objective professional judgment in the patient's/clients best interest in all practice settings. Principle 7A. Physical therapists shall promote practice environments that support autonomous and accountable professional judgments. 3. If a PT were to monitor the patient's vital signs per best available evidence & professional guidelines and was disciplined by the employer for having done so, what recourse, if any, would the disciplined PT have? Sue Bartol was assigned to this.



Additional questions Mr. Licausi had were: (1.) Am I wrong to be concerned about billing practices that I'm asked to do if I'm not sure they are correct? Recently I was told that PTs should just treat patients & not be concerned about how the PT patients are billed. Again from the APTA Code of Ethics: Principle 7E. Physical therapists shall be aware of charges and shall ensure that documentation and coding for physical therapy services accurately reflect the nature and extent of the services provided. What repercussions (LA PT Board or otherwise) might there be for a PT who did not adhere to Principle 7E and/or to a PT who encouraged another PT not to adhere to Principle 7E? (2.) Could the La PT Board provide me with their definition of skilled PT? My definition of skilled PT apparently is different from other PTs. I'm especially interested in how patients can be "billed" as having skilled PT for the time an unlicensed tech treats them in an IRF setting. That techs treatment time goes towards the 900 minute weekly skilled treatment time IRF requirement. (3.) Under what conditions can the time a patient is riding a bike or Nustep be "billed" toward the 900 min IRF requirement?

LPTA mailed an Exhibitor Prospectus for their Spring Meeting. Al Moreau, III asked Ms Gaudin to complete the paperwork and pay the \$500 fee for a booth at the LPTA Spring Meeting.

Rachel Henderson, PT posed the following scenario: "I am a home care PT. I was contacted by the family of a prior patient. This patient is an involved Neuro pt with 24 hr sitters that I saw previously in home care. She is now discharged from all PT. She is receiving OT and ST on an outpatient basis. The family is requesting that I come in to do a training/education session with all of the sitters to get everyone on the same page with regards to ROM, stretching, and positioning. They have spoken to their physician who is on board with writing an order for this. The patient also has a standing frame, and they would like me to train the sitters in placing the patient in this device as well if allowed. My question is this within my scope of practice and are there restrictions as to what I may and may not instruct the sitters on? Sue Bartol was assigned to this.

The Federation of State Boards of Physical Therapy provided the La PT Board with their Budget for 2014.

The meeting was recessed at 10:30 pm.

The meeting was reconvened at 8:30 am on Thursday, January 16, 2014. A quorum of members was present. Board members present were: Al Moreau, III, Jerry Jones, Jr., Kristina Lounsberry, Elizabeth "Beth" Austin, Sue Bartol and Gerald Leglue. Cheryl Gaudin, Executive Director, George Papale, General Counsel and Courtney P. Newton, attorney was also present.

LEGAL

George Papale reported a continuance in the Hargett Formal Hearing because the board has not received notice of Pro Tem Board Member appointments for that case. Cheryl Gaudin is working with Boards and Commissions to provide documentation to assist their office in making the appointments only for this specific case.

MONITORING DISCIPLINED THERAPISTS

BOARD MEMBER MONTHLY CALLS

The meeting was recessed at 10:00AM





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

February 19, 2014

- 5:30 Informal Conference Case #
- 6:00 Meeting with Veeters/Cochran
- 6:30 Call Meeting to order
- 6:30 Rudy Gomez and Paul Laperouse with SSA Consultants to address board regarding interview questions and procedures and potential candidates for the Executive Director position
- 6:45 Interview C. Martin
- 8:00 Interview K. Sewell
- 9:30 Interview G. Gormanous
- Recess

February 20, 2014

- 8:00 Interview A. Trappey
- 8:30 Discuss interviewed applicants for Executive Director position
- 10:30 Legal
- Steps for investigating a case – Papale
 - Open Meetings Presentation - Newton
 - Presentation on ethics, lobbying, etc. – Papale/Newton
 - Presentation discussing the FTC v. North Carolina Board of Dentistry - Newton
- 11:30 Adjournment
- 12:00 Informal Conference Case # 2014I003/Lounsberry

LOUISIANA PHYSICAL THERAPY BOARD

February 19 & 20, 2014 APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, February 19 & 20, 2014, at 104 Fairlane Drive, Lafayette, LA 70507. The meeting was called to order at 6:30 p.m. A quorum of members was present. Board members present were: Danny Landry, Jerry Jones, Jr., Kristina Lounsberry, Elizabeth "Beth" Austin, Gerald Leglue, and Sue Bartol. Advisory committee members present were Armafe Veneracion and Wayne Campbell. Cheryl Gaudin, Executive Director, George Papale, General Counsel and Courtney P. Newton, attorney was also present.

Informal Conference 2013I025

ADOPTION OF MINUTES OF PREVIOUS MEETING

CHAIRMAN'S REPORT

The Chairman called the meeting to order and discussed the process of interviews for the new Executive Director. Rudy Gomez and Paul Laperouse with SSA Consultants addressed the board regarding interview questions and procedures.

Interviews were conducted with Charlotte Martin, Angela Trappey, Kenyetta Sewell and Greg Gormanous. A decision was reached to discuss candidates and make a formal offer to Charlotte Martin.

TREASURER'S REPORT

Motion by Kristina Lounsberry, seconded by Dr. Gerald Leglue to transfer signature authority on CD Accounts held at Bank of Montgomery from present signatories to Danny P. Landry and Al Moreau, III. Motion voted in and unanimously approved.

EXECUTIVE DIRECTOR REPORT

Discussed amending the budget to allow for amending the contract to Courtney Newton, Attorney for the board. Will discuss and vote next meeting.

UNFINISHED BUSINESS

TASK TRACKER

STATUTE, RULES, AND REGULATIONS

NEW BUSINESS

CORRESPONDENCE

Kristina Lounsberry drafted a response to Elaine M Papp and the US Department of Transportation, regarding whether or not the scope of practice in LA allows him/her to perform a physical exam to medically certify a driver as physically qualified to drive a commercial motor vehicle in interstate commerce.

LEGAL

George Papale, Attorney to the Board presented educational talk and "steps for investigating a case". Courtney Newton presented education on ethics, lobbying and discussed a response from the Medical Board. Discussed info letter regarding same to licensees.

Informal Conference held for case 2013I003

Discussed the cleanup Bills.



MONITORING DISCIPLINED THERAPISTS

BOARD MEMBER MONTHLY CALLS

The meeting was recessed at 11:50 A.M.





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

February 26, 2014

6:00 Call Meeting to order

6:05 Reports

Chairman's Report

- Introduction of the new Executive Director: Charlotte F. Martin
- Board meeting procedure and structure/responsibility of the board.
- Policy: In the absence of a permanent executive director all inquiries first go to attorneys to be reviewed. If the matter is urgent, the attorney will immediately contact the chair. If the matter is not urgent, the matter will be discussed at the next board meeting and the chair will assign the inquiry to a board member. Once the inquiry is answered, it will be sent to the attorney for review. The chair will approve all inquiry responses before they are mailed.
- Update on Lease No 09-0337 - Expiration date 05 31 14 with no option to renew

Treasurer's Report

- Request for the amendment of the contract for Courtney Newton
- January 2014 actual vs. budget
- Securities - January 2014
- CD Resolution - Papale

Executive Director's Report

- Licensing and renewals: Update
- Continuing Education: Update
- Policy question: Procedures for answering questions related to the Practice Act
- Office Update: Banking, Security, IT/Website

6:30 Legal

- Robert Martin - Papale
- Open Meetings Presentation - Newton
- Presentation discussing FTC v. North Carolina Board of Dentistry - Newton

7:00 Unfinished Business

- Task Tracker for December 2013

7:30 Monitoring Disciplined Therapists Report

- Monitoring Consent Orders

8:00 New Business

- Advisory Appointment for New Orleans area

8:30 Correspondence

- CMS Transmittal 175
- Re Further Research

- Dry Needling Training
- goal setting documentation questions
- Jimmo versus Sebelius
- Physical Therapists' Scope of Practice
- plan of care questions
- Question regarding PTA supervision and discharge summaries
- RE Jurisprudence Course

9:00 Adjournment

LOUISIANA PHYSICAL THERAPY BOARD

February 26, 2014

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in special session on Wednesday, February 26, 2014, at 104 Fairlane Drive, Lafayette, LA 70507. The meeting was called to order at 6:30 p.m. A quorum of members was present. Board members present were: Chairman Al Moreau, Treasurer/Secretary Danny Landry, Jerry Jones, Jr., Kristina Lounsberry, Elizabeth "Beth" Austin and Sue Bartol. Advisory committee member present was Wayne Campbell. Charlotte Martin, Executive Director, George Papale, General Counsel and Courtney P. Newton, Attorney was also present.

ADOPTION OF MINUTES OF PREVIOUS MEETING

Minutes of the January and February Board meetings were accepted as written.

CHAIRMAN'S REPORT

Al Moreau introduced the new Executive Director, Charlotte Martin and the LPTB staff members Ashley Richard and Danielle Linzer to the board.

Chairman Moreau reviewed the board procedure and structure of board meetings, as well as the board policy for inquiries in the absence of a permanent executive director.

Chairman Moreau reported to the board that the Lease for the current building is under review and needs approval from the state. The board should hear back in two or more weeks from the state. The board office will remain at the current location: 104 Fairlane Dr., Lafayette, LA 70507 under a renewed lease agreement.

Chairman Moreau discussed the importance of all board letters to be signed either by the Chair or the Executive Director. It is decided that all letters should be signed by the Executive Director, unless otherwise noted.

TREASURER'S REPORT

Motion by Kristina Lounsberry, seconded by Jerry Jones to amend the contract for attorney Courtney Newton from a maximum of \$30,000 to not exceed \$80,000 for the remainder of the contract. Motion voted in and unanimously approved.

Treasurer Landry presented the cash in the bank for the month of January 2014 totaled \$34,963.53. He reported that the income for January 2014 totaled \$11,742.31 and expenses totaled \$38,308.92.

CDs at the Bank of Montgomery total \$711,602.52 at the end of January. The Business Savings account at Chase Bank had \$302,475.16.

Treasurer Landry reported that the board will begin drafting the mandatory annual report to the Governor for this fiscal year.

Treasurer Landry discussed with the board having an exhibitor's booth and introducing the new executive director at the upcoming spring meeting for the LPTA.

EXECUTIVE DIRECTOR REPORT

Executive Director, Charlotte Martin reported on the status of renewals for 2014: 243 renewals including 178 PT renewals and 65 PTA renewals. Mrs. Martin updated the board on the upcoming Jurisprudence special session to be held in Lafayette on March 6th to be held in the board conference room. Treasurer Landry will be presenting at the Jurisprudence.

Mrs. Martin confirmed the office policy with the board: questions related to the Practice Act will not be answered by staff members, unless the answer can be referenced and cited. Any question

that cannot be referenced and cited must be approved board members prior to responding during this time of transition of executive leadership.

Mrs. Martin noted that the previous executive director's name is being printed on wallet cards renewed or issued before February 24, 2014. Licenses issued or renewed on or after February 24, 2014 will have the new executive director's name referenced on the wallet card.

Mrs. Martin recommended that the board extend the contract for the current CPA to provide additional financial support during this period of transition. Motion by Kristina Lounsberry, seconded by Jerry Jones to pursue a change in the CPA, Elaine Richard, contract to begin monthly review with a maximum expenditure of \$6,000 per year.

LEGAL

George Papale, Attorney to the Board address the question from Robert Martin, aspiring PT in regards to the board's confirmation that he will be approved for licensure after successfully completing an accredited program. The legal counsel to the board and the board agree that a determination cannot be made in advance of his application for licensure. At that time, his application will be reviewed and it will be determined if he will be able to be licensed.

Courtney Newton requested to move the presentations: "Open meetings" and "FTC v. North Carolina Board of Dentistry" to a future board meeting agenda.

UNFINISHED BUSINESS

TASK TRACKER for January 2014

MONITORING DISCIPLINED THERAPISTS

NEW BUSINESS

Motion by Kristina Lounsberry, seconded by Susan Bartol to select Althea Jones to the advisory committee. Charlotte Martin will notify Althea Jones of the appointment.

Secretary/Treasurer Landry reported on a recent FARB meeting in Austin, TX.

Secretary/Treasurer Landry reported on the APTA's CSM meeting in Las Vegas. NV.

Chairman Moreau discussed consideration for the board to send the new executive director to the FSBPT's Board Member and Administrator training in Alexandria, VA this coming June.

CORRESPONDENCE

BOARD MEMBER MONTHLY CALLS

Board meeting was adjourned at 10:15pm.

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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 19, 2014

6:30 Call Meeting to order

Approval of draft minutes from February 26, 2014 board meeting

6:35 Reports

Chairman's Report

- Professional Development and Conferences

Treasurer's Report

- February 2014 actual vs. budget
- February 2014 balance sheet
- February 2014 securities

Executive Director's Report

- Licensing and renewals: Update
- Clarification: Practice Act & Rules
- IT Support & Website Redesign
- SSA Meeting Update

6:50 Legal

- Legislative Session 2014

8:00 Old Business

- Task Tracker February/March 2014
- Monitoring Consent Orders

9:00 Correspondences

10:00 New Business

11:00 Adjourn

LOUISIANA PHYSICAL THERAPY BOARD

March 19, 2014

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, March 19, 2014, at 104 Fairlane Drive, Lafayette, LA 70507. The meeting was called to order at 6:30 p.m. A quorum of members was present. Board members present were: Chairman Al Moreau, Treasurer/Secretary Danny Landry, Jerry Jones, Jr., Kristina Lounsberry, Elizabeth "Beth" Austin Dr. Gerald Leglue, and Sue Bartol. Advisory committee member present was Wayne Campbell. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

ADOPTION OF MINUTES OF PREVIOUS MEETING

Minutes from the February Board meeting approved as written.

CHAIRMAN'S REPORT

Al Moreau introduced and welcomed the Government Affairs Committee Chair of the Louisiana Physical Therapy Association, Cristina Fauchoux.

Chairman Moreau discussed the LPTA Spring Meeting, mentioned that the Board booth was a success. Danielle from the board staff attended the booth, along with a few board members and Charlotte Martin. The LPTA also recognized Charlotte Martin at the general meeting.

Chairman Moreau discussed the upcoming FSBPT Board and Administrator Training. A motion by Secretary/Treasurer Danny Landry for the Executive Director Charlotte Martin to attend the FSBPT Board and Administrative Training Course June 6 -8, 2014 was voted in and unanimously approved.

TREASURER'S REPORT

Treasurer Landry presented the cash in the bank for the month of February 2014 totaled 120,726.61. He reported that the income for February 2014 totaled \$74,615.14 and expenses totaled \$85,561.97

CDs at the Bank of Montgomery total \$711,862.18 at the end of February. The Business Savings account at Chase Bank was \$202,484.64.

EXECUTIVE DIRECTOR'S REPORT

Executive Director, Charlotte Martin reported on the status of renewals for 2014: 856 renewals.

Mrs. Martin requested clarification on three points of the practice act & rules:

What is the application refund policy for individuals who decide to withdraw their application from Louisiana because they cannot sit for the exam in April? The board responded: The board will grant a refund.

Provisional License Clarification: If an applicant has taken the exam and failed, can they apply for a provisional license? The board responded: yes, as long as they have never applied for a provisional license before. The provisional license is a one-time license granted for 90 days.

If the applicant has finished all didactic requirements of the PT program, but has not finished "terminal clinical education experiences" can they sit for the exam? The board responded: "no" because they have not completed all educational requirements to graduate.

Mrs. Martin updated the board on IT support and hardware needs. A motion by Secretary/Treasurer Danny Landry to approve an IT contract not to exceed \$15,000 in upfront hardware and setup cost and \$2,000 a month in monthly support fees was voted in and unanimously approved.



Mrs. Martin updated the board on SSA Consultant discussions since the February board meeting. SSA, Covalent Logic (the website design company) and Charlotte Martin met in Baton Rouge to discuss a website redesign proposal from Covalent Logic, as well as moving forward with the final organizational assessment from SSA.

LEGAL

Courtney Newton, Attorney presented Bills filed for legislative session 2014 mentioning Bills that could potentially impact the practice and regulation of Physical Therapy if moved forward.

OLD BUSINESS
TASK TRACKER

Cherry Aquino-De Lara, PT, DPT has a question regarding PTA supervision and discharge summaries. **Kristina Lounsberry drafted a final response that was sent from the Board.**

Lannie Herndon asked if it is ok for the therapist or staff to retrieve a patient from the ALF and bring them to the outpatient therapy facility. **Jerry Jones sent a response directly.**

Mike Conlin asked about the two year requirement of practice before undertaking education and training in dry needling. **Jerry Jones sent a response directly.**

Mary Beth Churbock suggested that the board consider offer two Lafayette Jurisprudence Courses, or offering the course at a larger venue to accommodate all who wish to attend. **The board sent a response.**

Rachel Henderson asked if it is within the scope of practice for PTs to do a training/education session with sitters to get everyone on the same page with regards to ROM, stretching, and positioning. And, if so, are there restrictions as to what I may and may not instruct the sitters on? **Sue Bartol drafted a response and it was sent by the Board.**

Lannie Herndon asked if it is ok for the therapist or staff to retrieve a patient from the ALF and bring them to the outpatient therapy facility. **Jerry Jones sent a response directly.**

Kim Licausi asked a question regarding Goal Setting. **Beth Austin drafted a response and it was sent out by the Board.**

Kim Licausi is trying to get the board's opinion on how the settlement of the Jimmo versus Sebelius case affects the practice of PT in Louisiana, especially for the acute care setting. **Beth Austin drafted a response and it was sent out by the Board.**

Kim Licausi has questions involving the PT plan of care. **Beth Austin will call Kim Licausi.**

Mildred Moore asked: Are face to face documentations required if my PTA treats the patient less than 5 times in a row? If a face to face continues to be required, is the computer documentation with my electronic signature only, sufficient? **Beth Austin drafted a response and it was sent by the Board.**

Sarah Myers asked, in regards to a home health setting, is it within a physical therapist's scope of practice to 1) assist in filling the patient's medication planner? 2) call the pharmacy or doctor to request a refill for an empty bottle? 3) educate the patient on side effects, medication interactions, medication purposes? 4) instruct the patient on dosage/frequency? 5) take medications from bottles or planner and hand to patient per their medication schedule? and 6) handle the medication bottles each visit to ensure medications have been filled, taken, and no changes have occurred since the last visit? **George Papale drafted a response and it was sent by the Board Office.**

Matt Slimming PT requested further clarification regarding the Board's statement addressing 10th visit reassessment. **Al Moreau called Mr. Slimming to respond to his question.**



Jason Cargill inquired about providing a service of Nexalin Technology in his clinic to be used as treatment of relief from anxiety, depression, and insomnia for which it is FDA approved. This would simply be a service provided in his clinic and not for the use of as a Physical Therapy modality. **Kristina Lounsberry drafted a response and it was sent by the board.**

Ashley Winfrey asked questions regarding a Functional Maintenance Program. **Kristina Lounsberry drafted a response and it was sent by the Board.**

Todd S. Danos would like the PT Board to render a comment regarding the recently released CMS Transmittal 175. **Sue Bartol drafted a response and it was sent by the board.**

Corina Herndon, PTA requested the board's position on PTAs carrying out the POC for serial casting and total contact casting physical therapy treatments, such as cast removal and recasting with proper training? **Danny Landry drafted a response. Be consistent with all language throughout. .**

MONITORING DISCIPLINED THERAPISTS

Monitoring Disciplined Therapists – Charlotte Martin is working on a streamline process for monitoring disciplined therapists. The board briefly discussed the inability to contact two licensees who are being monitored. Add case numbers of two licensees.

NEW CORRESPONDANCES

Lori Matherne asked the board regarding HIPAA compliance. **The board responded.**

Judd Patterson asked for clarification regarding "evaluate and treat" and the need for further approval from a physician. **The board responded.**

Megan Penick asked a question regarding SOC and ROC if nursing is in the home. **The board responded.**

Nickie Wolf asked, provided that the PTA is trained and competency assessed, may the PT delegate performance of the PT/INR test with coag monitor device to a PTA? **The board responded. Be consistent with language.**

Samantha Theimann asked a question regarding speech therapists performing patient screens. **Al Moreau will call her to discuss.**

Beth Wilkins, PTA is requesting clarification regarding therapists supervising CNAs in the field. **Sue Bartol is drafting a response.**

Marcy Linxwiler informed the board that a Chiropractic Clinic has been advertising PT services. **Charlotte Martin called the Chiropractic Clinic and they do not have a PT on staff. Charlotte Martin will draft a letter to be sent to the Chiropractic Board, to be reviewed at the next board meeting.**

NEW BUSINESS

A motion by Secretary/Treasurer Danny Landry to approve funding up to \$250,000 for a Louisiana Physical Therapy Public Service Announcement was voted in and unanimously approved. Who seconded the motion?

BOARD MEMBER MONTHLY CALLS

Board meeting was adjourned at 10:40pm.



Motions Passed: Recapture

FSBPT Board/Administrator Training

A motion by Secretary/Treasurer Danny Landry for the Executive Director Charlotte Martin to attend the FSBPT Board and Administrative Training Course June 6 -8, 2014 was voted in and unanimously approved.

IT Support

A motion by Secretary/Treasurer Danny Landry to approve an IT contract not to exceed \$15,000 in upfront hardware and setup cost and \$2,000 a month in monthly support fees was voted in and unanimously approved.

PSA

A motion by Secretary/Treasurer Danny Landry to approve funding up to \$250,000 for a Louisiana Physical Therapy Public Service Announcement was voted in and unanimously approved. Who seconded the motion.





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

104 Fairlane Drive, Lafayette, Louisiana 70507
337/262-1043 FAX 337/262-1054

Special Meeting Agenda
April 10, 2014

Location:

Louisiana Physical Therapy Board Conference Room
104 Fairlane Drive, Lafayette, LA 70507

Agenda:

- | | |
|--------|---|
| 4:00pm | Welcome
Call to Order |
| | Legislative Session 2014
Overview/Background |
| 4:30pm | Legislative Committee 2014
Roles/Responsibilities
Limitations
Board Discussion |
| 5:30pm | License Renewals
Handling renewals after the March deadline/before the April expiration |
| 6:00pm | Other Board Business/Discussion
Public records request: update
Task force: Non-board members |
| 7:00pm | Adjournment |

LOUISIANA PHYSICAL THERAPY BOARD

April 10, 2014 Accepted

Proceedings for the Louisiana Physical Therapy Board, taken in special session on Thursday April 10, 2014 at 104 Fairlane Drive, Lafayette, LA 70507. The meeting was called to order at 4:00 p.m. A quorum of members was present. Board members present were: Chairman Al Moreau, Treasurer/Secretary Danny Landry, Jerry Jones, Jr., Kristina Lounsberry, Elizabeth “Beth” Austin, and Sue Bartol. Also present were Charlotte Martin, Executive Director and Courtney P. Newton, Attorney. Board Member Dr. Gerald Leglue was not present.

Legislative Session 2014

An overview/background was provided about the forming of the Louisiana Physical Therapy Board Legislative Task Force. It was discussed if there should be a Legislative Task Force for a regulatory board. The Practice Act calls for the board to be involved in the protection of the public. The Legislative Task Force is also necessary for the board to remain updated on the changes in statute that will impact the regulation and practice of physical therapy. It was determined that it is necessary at this time for the board to remain involved as an information and educational source when needed in legislature. The Legislative Task Force serves to provide an efficient and timely response to urgent matters during the legislative session. At any time, three board members (maximum) are able to serve on the Legislative Committee, so there will be no quorum.

Courtney Newton and Danny Landry updated the board on meetings involving the Athletic Trainers Bill. Courtney Newton continued to discuss each Bill that might impact the practice of physical therapy and/or regulation of the practice. Al Moreau discussed his involvement with Physical Therapy Day at the legislature and the meetings that followed.

Legislative Task Force

Roles/responsibilities and limitations of the Legislative Task Force were discussed. Sue Bartol expressed concerns of the board being viewed as spearheading legislative action or being considered a legislative watchdog. The board and legal counsel agreed with Sue Bartol that this is not the role of the board and is not the intention of the Legislative Task Force. The responsibility of the Legislative Task Force is to respond to pressing issues that can impact regulation and/or the practice of physical therapy that need be addressed immediately without time for a quorum. The Legislative Task Force has responsibilities to be involved because the Practice Act calls for the board to be involved in the protection of the public.

Kristina Lounsberry motioned to give the Legislative Task Force the power to 1) Monitor legislative activity; 2) consult and direct legal counsel; 3) educate the public and interested parties on board issues, policies and practices of physical therapy; and 4) attend meetings and functions as deemed appropriate. The Legislative Task Force is granted authority to act on any newly filed Bill until the next scheduled Board meeting at which time the board will vote on continued action. All action by the LTF shall be reported at regular scheduled board meetings. Jerry Jones seconded the motion. The board voted and it was passed. The motion was opposed by Sue Bartol.

License Renewals

The Board Members discussed handling renewals after the March deadline/before the April expiration, since CEUs earned in April count toward the next renewal period. The board is enacting a policy to perform a CEU audit on anyone who takes CEUs in April toward renewals.

The board discussed the need for a note to be placed on the website and in licensee communication to explicitly state that licensees will need to verify that APTA courses are approved by calling the LPTA or APTA to determine that the course is “APTA-sponsored” and not “APTA-hosted.”

Other Board Business/Discussion

The board was informed that the Louisiana State Board of Medical Examiners (LSBME) received a letter from the Louisiana Physical Therapy Board (LPTB) on April 7, 2014 requesting public records by April 10, 2014. The LPTB has not received a response from the LSBME as of yet. The purpose of the request is to determine what types of complaints the LSBME has received about PTs performing Dry Needling. Charlotte Martin will create a “General Member” on the member side of the website to upload information that all board members can have access to and review for informational purposes only, such as correspondences with the LSBME.

The Board discussed creating a task force of non-board member PTs to help identify PTs and reach out to the PT community when the board does not have enough time/resources to do so. The Board discussed revising the role/responsibilities of the Advisory Committee to fulfill this need. Charlotte Martin will work to fill the two vacant positions of the Advisory Committee and work to utilize the Advisory Committee in more meaningful ways in the future.

The Board discussed moving forward with the Executive Assistant search. Charlotte Martin is going to work with SSA to finalize the job description and begin moving forward with the search.

Adjournment

The board meeting was adjourned at 7:30pm.

State of Louisiana
Department of Health and Hospitals
Louisiana Physical Therapy Board
104 Fairlane Drive, Lafayette, Louisiana 70507
337/262-1043 FAX 337/262-1054

Informal Conferences Scheduled Prior to the Board Meeting

4:00pm – 4:30pm: Case#2012I027
4:30pm – 5:00pm: Case#2013I022
5:00pm – 6:00pm: Case#2014I001
6:00pm – 6:30pm: Case#2014I005

Board Meeting Agenda
April 16, 2014

6:30pm	Call to Order, Introduction of attendees Approve Minutes of March 19, 2014 meeting	A. Moreau
6:35pm	Chairman’s Report Meeting rules New building update Public Service Announcement Need for the ability to make a timely response to LSBME Review clarification letter from LPTA to members: Dry Needling	A. Moreau
7:30pm	EXECUTIVE SESSION Dry needling discussion Louisiana State Board of Medical Examiners’ records request response	A. Moreau
8:30pm	Secretary/Treasurer’s Report Financial Reporting Expense Report Forms samples (handout)	D. Landry
9:30pm	Executive Director’s Report Federal Health Resources & Services Admin: National Practitioner Databank Board Member Ethics Training & Financial Reporting : Deadlines New Graduate Interviews: Master Calendar of Interview Dates Updated Forms: New Applicants “ Read Rules ” and “ Personal Interview ” forms SSA Update: Progress on the Organizational Assessment & Job Description Vacant position update: Executive Assistant	C. Martin

	New website: Update	
10:30pm	Legislative Committee Update	A. Moreau
12:00am	Recess	A. Moreau

Thursday, April 17, 2014

8:00am	Legal Jurisprudence Course: Disciplinary Cases Sam Forrester: Review Essay Board member responsibilities and duties	C. Newton G. Papale G. Papale
10:00am	Old Business Task Tracker from March 2014 Monitoring of Licensee Consent Orders	C. Martin C. Martin
11:00am	New Business Advisory Board: Nominee for the Baton Rouge area New Correspondences since March 2014	A. Moreau C. Martin
12:00pm	Adjourned	A. Moreau

LOUISIANA PHYSICAL THERAPY BOARD

April 16 - 17, 2014

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday April 16, 2014 and Thursday, April 17, 2014, at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members was present. Board members present were: Chairman Al Moreau, Treasurer/Secretary Danny Landry, Jerry Jones, Jr., Kristina Lounsberry, Elizabeth “Beth” Austin, Dr. Gerald Leglue, and Sue Bartol. Advisory committee members present were Arma Veneracion and Wayne Campbell. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

The meeting was called to order at 6:50 p.m. Chairman Moreau introduced guest Cristina Fauchaux representing the Louisiana Physical Therapy Association (LPTA).

Suggested edits were proposed and approved for the minutes from the board meeting held March 19, 2014. Charlotte Martin will revise the minutes.

Chairman’s Report

Chairman Moreau reviewed meeting rules with the board, which will dictate future board meetings. All proposed board meeting agenda items from board members will be sent to the Executive Director one week in advance of the board meeting. Agenda items will be covered in full by the presenter of the topic and comments will be offered after the item has been presented completely. All board members will be given time to consider the topic for the time allowed on the agenda. If time does not allow for discussion, then the item will be moved to the next board meeting for further discussion. It was agreed that if a board member would like to make changes to the board meeting agenda during the board meeting, changes will be discussed during the “minutes” portion of the agenda and approved or not at that time by the Chairman.

Chairman Moreau suggested that the board review options for the new building. The board will discuss putting the new building on hold, and discuss topics such as financing the new building, possible leasing options, and the pros and cons of each at the May regular board meeting.

Chairman Moreau discussed the Public Service Announcement and asked the board members to research marketing companies who have successfully completed healthcare PSAs. Board members are to submit marketing company names to the Executive Director, Charlotte Martin prior to the May board meeting. These companies will be included in the list of companies approached for a bid as part of the competitive process.

Courtney Newton reviewed the response to the subpoena from the LPTB to the Louisiana State Board of Medical Examiners (LSBME).

Meeting closed for Executive Session due to attorney-client privileged information regarding dry needling.

The board decided that legal counsel should work with the Executive Director and Board Members to gather information from patients, healthcare practitioners and the public pertinent to any negative effects that have occurred as a result of the LSBME’s newsletter statement

regarding the instruction to physicians to not refer patients for dry needling in physical therapy.

Al Moreau motioned to allow legislative committee to make decisions and act quickly on legal issues regarding the medical board and dry needling. Will act as they feel is appropriate and is in the board's best interest and report at the next board meeting. Beth Austin seconded the motion. The board voted and it was unanimously passed.

Secretary/Treasurer's Report

Secretary/Treasurer Landry presented financial reports from the month of March. The Executive Director is working to resolve all discrepancies in data and will update the minutes from February and March accordingly once the financial data is accurate.

Secretary/Treasurer Landry presented the cash in the bank for the month of March 2014 totaled \$416,451.12. He reported that the income for March 2014 totaled \$362,390.16 and expenses totaled \$52,019.50. CDs at the Bank of Montgomery totaled \$712,096.80 at the end of March. The Business Savings account at Chase Bank was \$202,493.18.

The board requested that all financial statements be viewed electronically and hard copies no longer be made for board meetings.

Executive Director, Charlotte Martin distributed Expense Report Forms samples and explained the proper way for completing expense report forms provided by the state. An electronic version of the form will be sent by the Board staff to all board members and advisory members.

Executive Director's Report

Charlotte Martin shared with the board that the Federal Health Resources & Services Administration has reached out to the board office to alert us that there will be an audit of the 2010, 2011 and 2012 records. As it currently stands, complaints were last filed in June of 2012. Charlotte Martin and George Papale will investigate the National Practitioner Data Bank to determine if the board is required to file reports and, if so, will make sure the board is in compliance with all board reporting requirements.

Charlotte Martin reminded the board members of the deadline for completing Ethics Training (December 31st annually) and Financial Reporting (May 15th annually).

Charlotte Martin shared the final new graduate interview calendar of interview dates for all PT & PTA institutions in Louisiana. The schedule is as follows: April 30 from 1 – 4pm – LSU HSC NO (Al Moreau will present); May 5 from 1 – 4pm– OLOL BR (Al Moreau and Danny Landry will present); May 6 from 2 – 5pm– BPC (Beth Austin will present); July 22 from 1 – 4pm – Delgado (Sue Bartol will present); and July 29 from 2 – 5pm – LA College (Kristina Lounsberry will present). The LSU Shreveport interview occurred in March and was presented by Beth Austin.

Charlotte Martin reviewed the new applicant interview forms that have been updated: Read Rules and Personal Interview. All changes were approved. Beth Austin asked the board to review the Interview Presentation that is presented at the group interviews and provide feedback to the

board on whether or not any information is missing or could be removed from the presentation. In particular, she asked if the board members could review the scenarios and decide if they should be edited.

Charlotte Martin updated the board on progress with the SSA Organizational Assessment. SSA will be ready to present a final report at the May regular board meeting. Charlotte Martin also updated the board that she will meet with SSA to provide input on the final report and provide input on the job description for the Executive Assistant on Tuesday, April 22, 2014.

Charlotte Martin updated the board on a meeting she had with Covalent Logic to discuss the new website. She requested that the board create a list of items that they would like to see on the new website so these can be discussed with the company during the design process. Covalent Logic is currently in the research and discovery phase of the design and working with programmers to determine the capabilities then they will present a proposal to the board. The proposal will be provided to the board and, if accepted, Covalent Logic will provide a timeline to the board outlining next steps (review/testing and launch) that will ensure that the website is launched and ready before renewal season 2015. Dr. Leglue recommended that the board consider social media options for board communication and for links to be added to the board website homepage. The board and legal counsel discussed the advantages and disadvantages of this option and decided to consider this after more thought in the coming months. The board asked Charlotte Martin to research (through the internet, FSBPT and FARB) other state healthcare boards to determine which boards are using social media effectively.

Legislative Committee

Cristina Fauchaux, Courtney Newton, Danny Landry and Al Moreau shared an update of legislative bills that could directly impact the regulation and/or practice of Physical Therapy. There was discussion regarding the need for board representation at the state legislature as early as the week of April 21st to provide information and education on Bills that could impact the practice and/or regulation.

Secretary/Treasurer Landry requested the board's consideration of LPTA membership. Legal Counsel recommended that the board not have formal membership with the LPTA because of the different mission of the association (PT/PTA member-driven) and board (public protection). However, it is of the opinion of the board members and legal counsel that the board members and staff attending events and participating in activities as a guest, as well as receiving information via email and/or mail is a positive step for better communication and a good working relationship.

The board meeting broke for recess at 10:00pm.

The board meeting reconvened at 8:00am on Thursday, April 17, 2014. A quorum of members was present. Chairman Al Moreau, Treasurer/Secretary Danny Landry, Kristina Lounsberry, Elizabeth "Beth" Austin, Dr. Gerald Leglue, and Sue Bartol. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

Legal

George Papale presented to the board member their responsibilities and duties as board members and reminded the board that the collective opinion of the board will be communicated to the public, as opposed to an individual opinion that is not the majority rule, as so to not confuse the public on the board opinion. All board members represent the board at all times and to be cautious about speaking for the board or representing the board without board input.

Courtney Newton presented the new Jurisprudence Course: Disciplinary Cases that she created. The board will review the presentation and add key points to be included in the presentation that are frequently asked questions of licensees. A schedule of the 2014-15 traveling jurisprudences will be discussed at the May regular board meeting.

Old Business

Task Tracker from March 2014 was presented to the board by Charlotte Martin. Pending items from the March Meeting include:

Kim Licausi's question regarding Plan of Care. Beth Austin will call Mr. Licausi to discuss his question and provide guidance.

Marcy Linxwiler submitted a complaint about a Chiropractic Clinic advertising Physical Therapy as a service. Charlotte Martin called the clinic and asked if they have a Physical Therapist on staff. They do not, but they informed Charlotte Martin that there is a Massage Therapists who perform Physical Therapy. Charlotte Martin will draft a letter to the Executive Director of the Chiropractic Board.

Beth Wilkins sent a question regarding CNA Supervision. Sue Bartol drafted a response to be sent by the Board.

Sam Thiemann sent a question about screening. Al Moreau will call Ms. Thiemann to discuss her question and provide guidance.

Monitoring of Licensee Consent Orders

2010-I-018: Charlotte Martin delivered a report that this licensee has, in accordance with his/her Consent Order, complied with the Ethics Course requirement for renewing and was able to complete the renewal process prior to March 30th.

2012-I-013: Charlotte Martin delivered a report that this licensee, in accordance with the Consent Order, complied with the requirement to gain advance approval from the Board for settings in which to work. Licensee is in the process of applying for positions but has not yet secured a position.

2012-I-017: Al Moreau delivered a report on a monitoring visit of this licensee performed by Advisory Committee Member Wayne Campbell.

2012-I-016: Sue Bartol delivered a report on a monitoring visit of this licensee.

2012-I-028: George Papale presented the licensee's rewritten essay to conclude the consent order with the board. The board approved the essay and Charlotte Martin will work with legal counsel to close the case.

New Business

Chairman Moreau discussed a nominee from the Baton Rouge area for the Advisory Committee: Patrick Cook. Al Moreau motioned to select Patrick Cook, PT to fill one of the two vacant positions of the Advisory Committee. Sue Bartol seconded the motion. The board voted and it was unanimously passed.

The board discussed that there is one other vacant position of the Advisory Committee. Nominees are requested at this time and will be considered when brought forward to the board at a future regular board meeting.

New Correspondences

Courtney Maggio asked for board approval of her written remediation plan to sit for the NPTE in July. Sue Bartol motioned to allow Charlotte Martin, Executive Director, to approve the remediation plan submitted by Courtney Maggio to the LPTB if she meets the requirements stated in the Practice Act and Rules & Regulations (171). Al Moreau seconded the motion. The board voted and it was unanimously passed.

Randy Hernandez asked the board if a Physical Therapist can perform dry needling under wellness service and if a Physical Therapist can perform soft tissue and joint mobilizations under wellness services. Al Moreau is drafting a response for the board to review.

Sarah MacDowell asked the board I do have a question regarding MD signatures on notes. She stated that the MDs that she works with are in constant communication and they can read her documentation at any time. Is that sufficient or does there still need to be an electronic signature on initial evals, progress notes, and discharge notes? The board has determined that the law, as stated in the Practice Act and Rules and Regulations does not require a signature of a physician. This is a requirement of CMS. The board will respond.

Tiffany asked the board about a unique situation she faced with medication in a home health setting. A physician ordered her to not let a patient take blood pressure medicine for several days. She reported this to the home health agency, and to the nurse, but since she was the only caretaker on site she removed the medication for that day for the patient. The board deliberated and determined that this was a humanitarian effort and was a direct order from a doctor. The board will respond.

Candice Conerly asked the board if she is able to supervise a student. Kristina Lounsberry is drafting a response for the board to review.

Marty Walker asked if his son would be able to be licensed as a physical therapy if he has been convicted of sexual assault. The board deliberated and decided that there is no way of determining if someone will qualify for licensure until they have met qualifications for licensure. The board will respond.

Kristy Livingston asked the board if she can get certified for Thai Massage, being a licensed PT. The board deliberated and decided that there are no restrictions preventing her from getting certified in Thai massage. She also asked if PTs need a prescription to perform dry needling. The board agrees that, according to the Practice Act and Rules & Regulations, that PTs need a script for performing dry needling. The board will respond.

John DiPietro asked the board if he can provide evaluations and assessments as a PTA. The board deliberated and determined that he cannot. Danny Landry drafting a response for the board to review.

Leah Peltier asked the board if PTs can receive a referral from a Nurse Practitioner. The board deliberated and agreed that yes, PTs can receive referrals from Nurse Practitioners. The board will respond.

John-Wesley Reed, PTA asked the board whether or not he is able to be double-booked with two similar patients to enable students the opportunity to carry out a full treatment simultaneously while I am treating, as well. The board deliberated and agreed that, yes, PTs can do this. The board will respond.

Dale McPhearson asked the board about the use of a 52 modifier with regards to billing for Ultrasounds. The board deliberated and agreed that this is a question that is outside the scope of the board and should be referred to the licensee's Medicare contact. The board will respond.

Brandon Bernard asked the board a question regarding proper SNF documentation procedures. Kristina Lounsberry is drafting a response for the board to review.

Tom Pearce asked if he can take the PTA Exam without a PTA education for certification. Danny Landry is drafting a response for the board to review.

Amy Sudduth asked for clarification on a declaratory statement on the board's website that addresses PTA supervision of PT Techs. Beth Austin is drafting a response for the board to review.

Janet Parker asked the board to write a statement to the school board regarding the education level of PTs who hold one degree verses another because of salary concerns that she has within a school setting. The board will respond.

Jennifer Barker asked a question regarding re-evaluations in a home health setting. The board deliberated and agreed that this is a question that is outside the scope of the board and should be referred to the licensee's Medicare contact. The board will respond.

Audry Davis asked the board to confirm the required supervision needed for a PTA working on the weekend. Does the RPT have to be present for supervision in order for the PTA to function/treat on acute or inpatient rehab? The board deliberated and agreed that supervision standards are the same on weekdays and on the weekend. This question appears to be a payer source issue. The board will respond.

Renee Moran asked if toileting is considered an ADL/therapeutic activity. The board deliberated and decided that this question would be more appropriately answered by the APTA. The board will respond.

Other Business

Charlotte Martin presented to the board a license of reciprocity by John Berry for approval. The board has approved the issuance of a license of reciprocity.

Board Member Monthly Calls

The board meeting was adjourned at 1:00pm.

Recap of the Motions Passed

Al Moreau motioned to allow legislative committee to make decisions and act quickly on legal issues regarding the medical board and dry needling. Will act as they feel is appropriate and is in the board's best interest and report at the next board meeting. Beth Austin seconded the motion. The board voted and it was unanimously passed.

Al Moreau motioned to select Patrick Cook, PT to fill one of the two vacant positions of the Advisory Committee. Sue Bartol seconded the motion. The board voted and it was unanimously passed.

Sue Bartol motioned to allow Charlotte Martin, Executive Director, to approve the remediation plan submitted by Courtney Maggio to the LPTB if she meets the requirements stated in the Practice Act and Rules & Regulations (171). Al Moreau seconded the motion. The board voted and it was unanimously passed.



BOARD MEETING AGENDA
MAY 2014

Wednesday, May 21, 2014

- 6:00pm Welcome/Introductions
Approve Minutes from April [Regular](#) & [Special](#) board meetings
- 6:05pm **Chairman's Report**
[Dry Needling](#) Efforts: Update
[Jurisprudence Course: Calendar/Updates](#)
[FSBPT 2014 Meetings & Events](#)
- 6:30pm **Treasurer's Report**
Monthly Financials
[Income Statement](#)
[Balance Sheet](#)
[Securities](#)
FY15 Budget Draft
- 7:00pm SSA Consultants – Final Report
- 9:00pm Adam Lafleur – Discussion with the Board
- 10:00pm Legislative Task Force: Update
[P&P Review: Advisory Committee](#)
- 10:30pm **Legal Report**
Medication Review
P&P Review: 6.5G Policy Review
- 11:00pm Recess

Thursday, May 22, 2014

- 8:00am Website Redesign: Covalent Logic presents to the board
- 9:00am **Executive Director's Report**
Licensing Analyst 2 position
Practice Act Clarification
Lapsed license reinstatement process
Provisional licensee supervision requirements
Advisory Committee: [CLEAR Conference in New Orleans](#)
PSA: Update
IT Security: Update

9:30am	New Building: Review proposed options for building vs. leasing
9:45am	Declaratory Statements: Review/Update
10:30am	Task Tracker New Correspondences
11:30am	Monitoring Consent Orders
12:00pm	Adjourned

LOUISIANA PHYSICAL THERAPY BOARD

MAY 21 – 22, 2014

APPROVED

On May 21, 2014 the regular board meeting began at 6:00pm in the conference room at Louisiana Physical Therapy Board (104 Fairlane Drive, Lafayette, LA 70507). A quorum of board members was present. Present at the board meeting were Chairman Al Moreau, PT; Secretary/Treasurer Danny Landry, PTA; Beth Austin, PT; Kristina Lounsberry, PT; Sue Bartol, PT; and Gerald Leglue, MD. Also present were Executive Director Charlotte Martin; Advisory Committee Members Patrick Cook and Wayne Campbell; Legal Counsel George Papale; Attorney Courtney Newton; and LPTA representative Christina Faucheaux.

The meeting was called to order by Chairman Moreau at 6:00pm. The board approved the minutes from the April regular board meeting and special board meeting.

CHAIRMAN'S REPORT

Chairman Moreau updated the board on dry needling efforts by the board. Courtney Newton reviewed the memo sent to the Attorney General (AG) in response to the Louisiana State Board of Medical Examiners (LSBME) request for an opinion from the AG's Office with the board.

Chairman Moreau presented jurisprudence questions on the online jurisprudence exam that have been identified as either incorrect or confusing. The board reviewed all questions/answers and discussed updates that the staff will make to the online jurisprudence exam.

Chairman Moreau shared a proposed dates and locations for the 2014-15 traveling jurisprudence schedule for a discussion. The staff will consider comments made by board members, revise the proposed schedule and bring a revised schedule to the next board meeting.

Chairman Moreau addressed the need for the board to issue a statement regarding supervision requirements for provisional licensees pending examination. The board determined that provisional licensees pending examination are allowed to work at more than one worksite; however, each worksite requires at least one supervisor. Every supervisor must meet supervisor requirements set forth in PT Rule 330.

TREASURER'S REPORT

Secretary/Treasurer Landry presented on the board financials. In April the board has \$403,143.24 in cash, \$202,498.82 in savings, and \$712,356.66 in securities.

Susan Bartol made a motion to direct Charlotte Martin to reinvest marking CD # 5012318 upon its maturation in June 2014. Kristina Lounsberry seconded the motion. The board voted and unanimously approved.

Secretary/Treasurer Landry updated the board on the draft FY2015 budget that he is working on with the Executive Director, Chairman and CPA. The draft will be presented to the board at the next board meeting.

SSA CONSULTANTS

Chairman Moreau welcomed SSA Consultants representatives Rudy Gomez, Paul Laperouse, and Anita Byrne. SSA Consultants presented their final Organizational Assessment and Operational Planning report to the board with recommendations for redesigning the current staffing model, designing and implementing a staff development system, investing in a new website, transitioning to an electronic newsletter, performing a staged review of all key work processes, explore opportunities to outsource work processes, request quarterly financial updates, develop a new operating Pro Forma, begin long-term facility needs assessment, conduct a licensee satisfaction survey, invest in board development, assess and refine advisory committee function, develop an annual performance evaluation system, and assess current guidelines/practices for board interface with staff, vendors and outside entities. SSA provided a timeline to the board as a recommended timeline for implementing these recommendations.

LEGISLATIVE TASKFORCE UPDATE

Chairman Moreau welcomed Cristina Faucheux of the Louisiana Physical Therapy Association representing Government Affairs. The Legislative Taskforce of the board presented updates on legislative activity to the board. Courtney Newton provided the Executive Director with a list of Bills to watch that, if approved, will impact the regulation of the practice.

BOARD DISCUSSION WITH ADAM LAFLEUR

Chairman Moreau introduced licensee Adam Lafleur. The board requested that Mr. Lafleur come before the board after receiving the Monitoring Visit report from the Monitoring Visit of Mr. Lafleur by Advisory Committee Member Wayne Campbell. In Mr. Campbell's report, he noted that Mr. Lafleur is employed by a school board; however, his practice resembles that of a home health practitioner. He is independent of his supervisor and working one-on-one with students in isolated rooms at school campuses. Furthermore, he is practicing in the home of disabled students. The board prohibits Mr. Lafleur from providing home health therapy, as is stated in his Consent Order. In addition to the violation of the Consent Order regarding Mr. Lafleur's practice in a home health setting, Mr. Lafleur has also spent periods of time working less than 20 hours per week. He has failed to notify the Executive Director of the periods of time when he was not regularly working full time. He must notify the Executive Director when he will not be working full time and the probationary period of his Consent Order will be extended in time accordingly.

LEGAL REPORT

George Papale presented on the topic of Medication Review. Several PTs have been contacting the board office asking if Medication Review is within their Scope of Practice. There are Medicare requirements for PTs to review medication at some level. The board determined that if a licensee feels in any way that they are not qualified to perform something asked of them that this is their responsibility to not perform that act. Licensees put themselves at risk when they perform any function that they feel they are not qualified or educated to perform. Since the level of expertise of licensee varies, the board is not going to issue a statement stating that all licensees can or cannot perform certain tasks. However, in terms of medication review, licensees are prohibited from educating patients on side effects, medication interactions, medication purposes, and instructing patients on dosages and frequency of medication use.

The board reviewed the State Civil Service 6.5G policy for the Louisiana Physical Therapy Board. The Board's policy allows the board to hire classified employees at a rate higher than the minimum rate of the position as defined by State Civil Service. Chairman Al Moreau, III made a motion for the board to adopt the new 6.5G policy. Secretary/Treasurer Danny Landry seconded the motion. The board voted and unanimously approved.

George Papale presented a signed and notarized Consent Order to the board for licensee Ashley Wilkinson, PTA. Ms. Wilkinson self-reported to the board that she had stolen controlled medication from a patient. The board voted and unanimously approved her Consent Order, stating that when the board approves her workplace setting that home health settings will not be approved.

The board discussed Informal Consent Orders to be issued to licensees who failed to renew their license and practiced with an expired license. The Executive Director will update the Informal Consent Order and the Employer form to be signed by employers verifying that the charges during the period of non-renewal will be reversed or refunded to patients who were treated by the unlicensed PT. Licensee Todd Rodrigue is currently the only licensee that the board is aware of who has practiced with an expired license this year.

The board meeting recessed at 11:00pm.

The board meeting reconvened at 8:00am. A quorum of board members was present. Present at the board meeting were Chairman Al Moreau, PT; Secretary/Treasurer Danny Landry, PTA; Beth Austin, PT; Kristina Lounsberry, PT; Sue Bartol, PT; and Gerald Leglue, MD. Also present were Executive Director Charlotte Martin; Legal Counsel George Papale; and Attorney Courtney Newton.

COVALENT LOGIC

Covalent Logic presented a proposed estimate for rebuilding the board database and designing a new website. The timeline for the website launch remains December 2014. Kristina Lounsberry made a motion to authorize the Executive Director to negotiate with Covalent Logic regarding the database upgrade database upgrade (redesign) pricing. It also authorizes Executive Director to enter into a contract with Covalent at the negotiated price not to exceed the proposed bid price. The board voted and unanimously approved.

NEW BUILDING

The board voted to put off discussions regarding the new building for one year. The vote was unanimously approved.

EXECUTIVE DIRECTOR REPORT

Executive Director Charlotte Martin proposed that the starting salary of the Licensing Analyst begin at a higher

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range than where it is currently. Chairman Al Moreau, III made a motion to start Licensing Analyst 2 position at 2nd level. Danielle Linzer will be hired for the position. Kristina Lounsberry seconded the motion. The board voted and unanimously approved.

Mrs. Martin requested that the board clarify the Practice Act and Rules and Regulations regarding reinstatement of lapsed licenses. George Papale and Mrs. Martin will update the Informal Consent Order that was used previously to be more closely aligned with Rule 187.C. The board agreed that communication needs to be as consistent as possible in both the Informal Consent Order and the letter to the employer regarding reversed charges of any patients treated during the period that the licensee was practicing with an expired license.

Mrs. Martin requested that the board clarify the Practice Act and Rules and Regulations regarding supervision of Provisional Licensees (CAPTE graduates pending examination). The board determined that provisional licensees may work at more than one worksite; however, each worksite must have at least one supervisor and all supervisors must meet supervisory requirements.

NEW CORRESPONDENCES

MONITORING CONSENT ORDERS

The board discussed Consent Orders that are currently being monitored by the board.

Board meeting adjourned at 1:00pm.

MOTIONS:

Susan Bartol made a motion to direct Charlotte Martin to reinvest marking CD # 5012318 upon its maturation in June 2014. Kristina Lounsberry seconded the motion. The board voted and unanimously approved.

Chairman Al Moreau, III made a motion for the board to adopt the new 6.5G policy. Secretary/Treasurer Danny Landry seconded the motion. The board voted and unanimously approved.

Kristina Lounsberry made a motion to authorize the Executive Director to negotiate with Covalent Logic regarding the database upgrade database upgrade (redesign) pricing. It also authorizes Executive Director to enter into a contract with Covalent at the negotiated price not to exceed the proposed bid price. Chairman Al Moreau, III seconded the motion. The board voted and unanimously approved.

Chairman Al Moreau, III made a motion to start Licensing Analyst 2 position at 2nd level. Danielle Linzer will be hired for the position. Kristina Lounsberry seconded the motion. The board voted and unanimously approved.



State of Louisiana
Department of Health and Hospitals
Louisiana Physical Therapy Board
104 Fairlane Drive, Lafayette, Louisiana 70507
337/262-1043 FAX 337/262-1054

Wednesday, June 18, 2014

- 6:00pm Reports
CHAIRMAN'S REPORT
- Ethics Course to be offered by the Board
 - Board Representatives Delivering Subpoenas
- TREASURER'S REPORT
- FY2015 Budget Review
 - Reinvestment of Securities
- EXECUTIVE DIRECTOR'S REPORT
- CEU Audit 2014
 - Consent Orders and Informal Consent Orders
 - New Applicants
 - CEUs Approved/Denied
- 7:00pm LEGAL REPORT
- FSBPT Annual Meeting: Ethics (Covered Expenses for Travel)
 - Telehealth Bill
- 8:00pm PSA PRESENTATIONS
- MESH

Thursday, June 19, 2014

- 8:00am CORRESPONDENCES
Task Tracker May 2014
- 9:00am PSA PRESENTATIONS
- The Russo Group
- 10:00am MONITORING CONSENT ORDERS
- Matt Slimming Exit Interview from Probation
 - Miles Becnel Exit Interview from Probation
- 12:00pm ADJORNEMENT

*The board will include a Public Comments section to the agenda upon arrival of members of the public.



LOUISIANA PHYSICAL THERAPY BOARD

June 18 – 19, 2014

Approved

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday June 18, 2014 and Thursday, June 19, 2014, at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members was present. Board members present were: Chairman Al Moreau, Treasurer/Secretary Danny Landry, Jerry Jones, Jr., Kristina Lounsberry, Elizabeth “Beth” Austin, Dr. Gerald Leglue, and Sue Bartol. Advisory committee members present were Patrick Cook, Althea Jones and Wayne Campbell. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

The meeting was called to order at 6:00 p.m. Chairman Moreau introduced newly appointed Advisory Committee member, Althea Jones, PT.

Suggested edits were proposed and approved for the minutes from the board meeting held May 21 and 22, 2014. Charlotte Martin will revise the minutes.

Chairman’s Report

Chairman Moreau requested that the board determine if the Ethics Course contract with Susan Welsh should be renewed for fiscal year 2015. The original contract has lapsed and the board has not received deliverables, nor has the board paid Susan Welsh for any work rendered. The board determined that the course will go on hold for now because Ethics courses are offered for free online and the board should focus on the website build as a benefit to licensees at this time.

Chairman Moreau motioned that any board member, advisory member, or investigator for the board, in addition to the board executive director and attorneys may serve, sign and issue subpoenas on behalf of the board. Jerry Jones, Jr. seconded the motion. The board voted and it was unanimously passed.

Secretary/Treasurer’s Report

Secretary/Treasurer Landry presented the cash in the bank for the month of May 2014 totaled \$354,957.60. He reported that the income for May 2014 totaled \$30,078.53 and expenses totaled \$69,619.59. Secretary/Treasurer Landry reported that a substantial payment was made to SSA Consultants in the amount of \$21,500, which attributed to the large difference in the income/expenses ratio for the month of May 2014. The two Certificates of Deposit at the Bank of Montgomery totaled \$712,608.23 at the end of March. The Business Savings account at Chase Bank was \$202,503.80.

The board reviewed a draft fiscal year budget created by the Executive Director and to be submitted to the Louisiana Division of Administration. The budget will be reviewed by the Legislative Auditor on July 7, 2014 and will be adopted by the board at the next board meeting.

The CDs invested in the Bank of Montgomery are maturing prior to the July board meeting. Both CDs will be re-invested in the Bank of Montgomery, unless the Executive Director determines that a better rate can be provided by a different bank, while still compounding monthly.



Executive Director's Report

Charlotte Martin updated the board on the CEU Audit for 2014. George Papale will draft a letter to be sent to non-compliant licensees in accordance with Rule §199.B. The response from the licensees will be brought before the board and disciplinary action will be determined by the board at a future board meeting.

The board accepted the Consent Order signed and notarized by Ryan Roussel. Kristina Lounsberry motioned to accept the consent order for Ryan Roussel. Elizabeth Austin seconded the motion. The board voted and it was unanimously passed.

Charlotte Martin presented the Informal Consent Orders of Todd Rodrigue and Laura Briggs for failure to renew by April 30, 2014. The Informal Consent Orders were ratified by the board.

Charlotte Martin updated the board on licenses issued since the last board meeting. The board approved 25 licenses through reciprocity, 6 new applicants, 2 reinstatements, and 40 provisional licenses. The board discussed two applications that are pending board approval. One was approved and one will be approved, upon receipt of more information requested by the board.

Charlotte Martin updated the board on CEU approvals since the last board meeting. The CEU Committee is made up of Elizabeth Austin and Kristina Lounsberry. Elizabeth approved 12 CEU courses since the last board meeting and Kristina approved 9. Kristina also denied 1 course. The board ratified the approvals and denials of the CEU Committee.

Legal Report

Chairman Moreau requested the legal opinion on whether or not the FSBPT can cover expenses of the board members and staff of the board at the Annual Meeting and other conferences. George Papale responded that it is not a conflict of interest for the board as a dues paying member of the professional organization. Additionally, Rule §119.A allows for the board to accept reimbursement of conference fees and travel expenses as are available generally to organizational members of such organizations.

Courtney Newton updated the board on the Telehealth Bill. Act No. 442 was signed by the Governor and will become effective August 1, 2014. The board will need to create a Rule for Telehealth to create parameters for Telehealth Practice by PT/PTAs in Louisiana. Secretary/Treasurer Landry shared American Physical Therapy Association Telehealth policy language that has recently been adopted at the recent House of Delegates Annual Conference. This language will be reviewed by Attorney Newton in consideration of proposed language in Louisiana Physical Therapy Rule.

PSA Presentation by MESH

Representatives from MESH presented a PSA presentation to the board. The board is to use this information in making a decision on which firm to choose for a contract to launch a PSA in the coming year.

The board meeting broke for recess at 10:30pm.



The board meeting reconvened at 8:00am on Thursday, June 19, 2014. A quorum of members was present. Chairman Al Moreau, Treasurer/Secretary Danny Landry, Kristina Lounsberry, Elizabeth “Beth” Austin, Dr. Gerald Leglue, Jerry Jones, Jr., and Sue Bartol. Advisory committee members present were Patrick Cook, Althea Jones and Wayne Campbell. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

Correspondences

Emery Desonier, PT, DPT asked questions regarding a PT business plan that she is developing. Kristina Lounsberry will draft a response for the board to review.

Kasey Ware, PT, DPT asked a question regarding PT/PTA treatment. Danny Landry will draft a response for the board to review.

Jessica Marloff, PT asked a question regarding medical terminology and billing. The board agreed on a response and Charlotte Martin will respond.

Robert Montanaro asked a question regarding evaluation and treatment of a minor. The board agreed on a response and Charlotte Martin will respond.

Task Tracker: May 2014

Danny Landry shared a response that he drafted for Melissa Brown. The board approved and an official letter will be sent to her from the board.

PSA Presentation by Russo

Representatives from Russo presented a PSA presentation to the board. The board is to use this information in making a decision on which firm to choose for a contract to launch a PSA in the coming year.

Monitoring Consent Orders

Charlotte Martin reported that monitoring visits have been occurring since the last board meeting and that there is nothing to report at this time regarding non-compliance.

Matt Slimming and Miles Becnel performed separate exit interviews before the board as an end to their probationary period.

Board Member Monthly Calls

The board meeting was adjourned at 12:00pm.

Recap of the Motions Passed

Chairman Moreau motioned that any board member, advisory member, or investigator for the board, in addition to the board executive director and attorneys may serve, sign and issue subpoenas on behalf of the board. Jerry Jones, Jr. seconded the motion. The board voted and it was unanimously passed.

The board accepted the Consent Order signed and notarized by Ryan Roussel. Kristina Lounsberry motioned to accept the consent order for Ryan Roussel. Elizabeth Austin seconded the motion. The board voted and it was unanimously passed.



State of Louisiana
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AGENDA

Thursday, July 24, 2014

- 9:30am Call Meeting to Order
- 9:35am Approve Minutes
- 9:45am Reports
Chairman's Report
Secretary/Treasurer's Report
Executive Director's Report
- 11:00am Legal Report
Rules Change Update
Rule §187.C.
- 12:00pm Unfinished Business
Correspondences
Task Tracker: June 2014
- 1:00pm Monitoring Consent Orders
Ashley Wilkinson's Essay
Ryan Roussel's Essay
Policy Discussion: Discipline for violation of Consent Order
- 2:00pm New Business
- 3:30pm Adjournment
- 4:00pm Informal Conference for Case #2012-I-027

*The board will include a Public Comments section to the agenda upon arrival of members of the public.

LOUISIANA PHYSICAL THERAPY BOARD

Minutes - Approved

July 24, 2014

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Thursday July 24, 2014, at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members was present. Board members present were: Chairman Al Moreau, Treasurer/Secretary Danny Landry, Jerry Jones, Jr., Kristina Lounsberry, Elizabeth "Beth" Austin, Dr. Gerald Leglue, and Sue Bartol. Wayne Campbell, Advisory Committee Member, Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

The meeting was called to order at 9:45am. Suggested edits were proposed and the board approved for the minutes from the board meeting held June 18 and 19, 2014. Charlotte Martin will revise the minutes and post them to the website.

Chairman's Report

Chairman Moreau asked the board to vote on which company they would prefer to enter into a contract with for the Public Service Announcement contract. The board voted by majority in favor of the Russo Group. Chairman Moreau sought legal counsel from attorney Newton regarding the competitive process. Newton reported that, after speaking with Michael Vallon at the Attorney General's office, there is no definition of a competitive process. He confirmed with Newton that the board may make a selection and contract for services as long as the selection is made with at least two or more quotes with which the board compares and discusses. Charlotte Martin will contact both MESH and the Russo Group and inform them of the decision.

Chairman Moreau discussed upcoming conferences that the board will be involved in and are attending. The FSBPT Leadership Issues Forum will be held August 2 and 3 in Alexandria, Va. LPTB attendees will be Secretary/Treasurer Landry and Executive Director Charlotte Martin. The FSBPT will reimburse the board for the cost of both to attend. The American Physical Therapy Association (APTA) state forum and reviewed the agenda with the board. Secretary/Treasurer Landry and Executive Director Charlotte Martin will be attending this conference in Seattle in September. Secondly, he mentioned the Federation of State Boards of Physical Therapy (FSBPT) Annual Meeting to be held in San Francisco in September. Chairman Moreau is the voting Delegate for Louisiana and Secretary/Treasurer Landry will be the alternate Delegate for Louisiana for the FSBPT. The FSBPT will fund the Administrator (Mrs. Martin), the Delegate (Chairman Moreau) and the alternate Delegate (Secretary/Treasurer Landry). All board members have a hotel reserved for the conference, with the exception of Dr. Leglue. Board members and Charlotte Martin will attend this conference and the board staff will register board members when registration comes available. The third conference discussed by Chairman Moreau is the Federation of Association of Regulatory Boards (FARB) Forum to be held in January 2015. Board members are to contact Mrs. Martin with a determination if they plan to attend or not in the coming months. Chairman Moreau also discussed the FARB Regulatory Law conference in October and the board determined that it would be worthwhile to send attorney Newton and Mrs. Martin. Secretary/Treasurer Landry mentioned to the board that the Citizen

Advocacy Center (CAC) annual meeting will be held in October. He requested that the board review the agenda and determine if the board should be represented at that meeting. The board will review the agenda and make a determination at a later date.

Chairman Moreau discussed an AG Opinion that was released regarding term limits. This opinion was reviewed by attorney Newton for the board and in her response she mentioned that the board must notify nominating agencies of vacancies on the board. Since Jerry Jones, Jr.'s at large term is currently expired, Chairman Moreau asked if the board should have notified Boards and Commissions. The board determined that a policy with detailed procedure including a timeline shall be written and approved by the board in the near future. Mrs. Martin will contact Boards and Commissions to discuss timing of confirmation notices that are sent to appointees and discuss the process of board appointments.

The board discussed the importance of giving newly appointed board members information right away and not to wait until the first board meeting that they attend. The board requested that the staff provide information to newly appointed board members as quickly as possible after appointment.

The board also discussed the need for a binder to be created for hearings, so as to have reference materials available at the time of the hearing as a resource when making decisions. Sue Bartol and Mrs. Martin will work together to create a binder that is appropriate for the next formal hearing.

The board requested that the staff provide information on the board website and in the Jurisprudence presentation for licensees to understand the process of nominating themselves or someone else to a board. Mrs. Martin will post this to the board website and update the Jurisprudence presentation.

Secretary/Treasurer's Report

Secretary/Treasurer Landry presented the cash in the bank for the month of June 2014 totaled \$293,158.83. He reported that the income for June 2014 totaled \$11,080.20 and expenses totaled \$52,570.80. He noted the variances in budget versus actual in certain categories and requested that there be a more close estimation in the FY2015 budget. CDs at the Bank of Montgomery totaled \$712,868.28 at the end of June. The Business Savings account at Chase Bank was \$202,508.95. The board discussed the line item "other fees" and asked Mrs. Martin to include a footnote listing all fees that this includes to provide a reference in the future.

The FY2015 budget was presented to the board. The board adopted the FY2015 budget and voted to approve the budget as submitted by the Executive Director, Charlotte Martin. All were in favor, none opposed. The board determined that the OPEB line item be covered by cash available in the Certificate of Deposit; however this money will remain in the CD to gain interest. The balance sheet will be labeled to reflect this.

Secretary/Treasurer proposed to the board that the office obtain a board credit card. Mrs. Martin shared with the board that the legislative auditor was instructed to advise agencies against obtaining a credit card because of the history of abuse; however, he recommends that the LPTB

get a credit card because it is unreasonable for the Executive Director to reserve hotel rooms for all board members on her personal credit card. Al Moreau motioned to apply for a board credit card so the Executive Director is not using a personal credit card for business transactions. The credit card will get a maximum credit card limit of \$10,000 with an option to increase the limit with a board resolution. Jerry Jones, Jr. seconded the motion. The board voted on the motion and it passed unanimously. The board credit card will be paid off monthly and should have no monthly, yearly and/or membership fee.

Secretary/Treasurer Landry reported to the board that the Legislative Audit of 2014 went well. Mrs. Martin noted that the auditor has requested additional information and so far there are no red flags. She will continue to provide information to him and will let the board know if there is any issue that comes up.

Executive Director's Report

Executive Director, Charlotte Martin reported that several Recovering Physical Therapy Program agreements have been signed since the last board meeting. She reported that she had a meeting with representatives from Palmetto Addiction Recovery Center regarding their extensive evaluation and treatment services. Mrs. Martin will schedule time in the agenda during the August board meeting to hear from representatives of Palmetto, the State Office of Addictive Disorders, and possibly other substance abuse evaluators and addictionologists that may be of service to the board in its efforts to protect the public.

Mrs. Martin reviewed licensees who are in violation of the CEU Audit. The board determined that no disciplinary action is required for Richard Bunch, Nettie Desselle, and Sheilah Emnance. The board determined that with Jason Bland, the exception applies due to hardship; however, further investigation is needed. Mrs. Martin will investigate further and contact Mr. Bland to discuss. The board requested that Mrs. Martin draft a CEU Audit policy for the board to approve at the August meeting.

Mrs. Martin reported to the board that since the last board meeting the board has approved fifty-eight (58) total CEU courses. All 58 courses approved are Clinical Hours and of those, fourteen (14) are "live" and forty-four (44) are web-based.

Mrs. Martin reported to the board that since the last board meeting the board has licensed thirty-two (32) PTAs by examination, one (1) PTA by reciprocity, five (5) PTs by reinstatement, and eight (8) PTs by reciprocity. Two (2) applicants are pending approval: Breanne Parks and David Conerly. Jerry Jones, Jr. motioned to approve the application of Breanne Parks pending further verification of licensure in other states. Jerry Leglue seconded the motion. The board voted on the motion and it passed unanimously. George Papale explained to the board that at this time, the investigative committee on the case of David Conerly has recommended to refuse the reinstatement application for David Conerly. An administrative complaint will be sent to the board prior to the next board meeting and a hearing will be scheduled for the last board meeting. Board accepts the recommendation of the investigative committee. Jerry Jones, Jr. motioned that the board expresses its intent to deny the application for reinstatement of David Conerly and to offer him a hearing on all issues related to application and any pending complaint at the next board meeting. Al Moreau seconded the motion. The board voted on the motion and it passed

unanimously. George Papale confirmed with the board that the hearing will be held Thursday, August 21, 2014 beginning at 9:00am.

Mrs. Martin reported to the board that she received a satisfaction survey from the FSBPT with registration processing by Louisiana. The question to licensee applicants read "How satisfied were you with the processing of your application by the state in which you applied for licensure?" The average nationally was 86.95% and Louisiana received a 92% in the first quarter and a 92.31% in the second quarter of the year.

Mrs. Martin reviewed the upcoming Traveling Jurisprudence calendar with the board and discussed who would be presenting on which dates and in which cities. The board requested that Mrs. Martin attend all Jurisprudence Courses, so the licensees can begin to meet her and she continue to develop a strong knowledge base of the Practice Act and Rules and Regulations.

Mrs. Martin shared with the board the FSBPT request for information recently. The questionnaire will be emailed to the board members for feedback and input on responses to the questions asked about Louisiana.

Mrs. Martin informed the board of the recent presentation that took place at Delgado and included the LPTA. Sue Bartol was the one who presented at Delgado and she shared her experience with the board. She said it was beneficial for the students to see the LPTA to show the differences that they have with the Board because it lets students know that the board is different. However, the board is nervous that this will cause more confusion to students. The board asked Mrs. Martin to seek feedback from the schools to determine if the LPTA presenting on the same day as the board is more or less confusing to students. The board agrees that the LPTA can remain on the calendar for the next interview scheduled at Louisiana College, then feedback needs to be provided before determining if this should be continued in the future. There was mention of building a stronger stakeholder engagement, but this should not be at the expense of the quality of the interviews at the schools, nor the traveling Jurisprudence courses.

Mrs. Martin informed the board that she is drafting new and/or editing existing policies and procedures for the board and to email them to the board members prior to the next board meeting, to be approved at the next board meeting. The policies and procedures include the following: Disciplining licensees who violate consent orders, Drug screening through Affinity, CEU Audit, CEU Review, and travel expense reimbursement. The board also discussed editing the application process policy to include background checks for applicants through reciprocity.

Legal Report

George Papale discussed Rule 187 C. relating to persons who have allowed their license to lapse. Mr. Papale is concerned about uniformity and consistency of board operations as we move forward. The board discussed the importance of reimbursement to payers since services rendered were by those who were unlicensed at the time of therapy. A policy will be drafted by Mrs. Martin, in partnership with Mr. Papale to address these concerns.

Courtney Newton urged the board to submit final comments on the jurisprudence presentation so the presentation can be finalized. She addressed the question regarding supervision. The question

is related to the inconsistency found in the Practice Act (supervision ratio allows for two (2) provisional licensees) and the Rules (supervision ratio allows for only one (1) provisional licensee). Newton and Papale offered a legal opinion on the matter determining that the Rule governs until the Rule is changed because the Rule is more restrictive.

Courtney Newton reported that she is working with Charlotte Martin on a timeline for the rules change process. She requested that the board put the top 5 Rules wish list for changing needs to be submitted to the board in the next few days. The next step is to offer to licensees that they can submit suggestions for language changes in the rules by writing. The board agreed that they want licensee input on the matter and requested that this be included in the timeline, with a deadline for responses, and discussed notifying licensees of the opportunity via the LPTB newsletter, LPTA outlets and/or direct mail.

Sue Bartol presented a Consent Order for licensee Chet Sternfels. Board considered the consent order, it was acceptable with the changes to include a self-assessment tool within 6 months. Pending Chet Sternfel's agreement of this amendment, it is approved.

Courtney Newton informed the board of the Board of Elementary and Secondary Education Rule that clearly restricts Physical Therapists from working on students. Al updated the board on a meeting he had regarding this and advised that the board wait on to act on this for right now.

Correspondences

Steven Churchill, PT asked about acquiring and storing legend drugs. The board provided a response and Mrs. Martin will respond to Mr. Churchill.

Keil North asked a question regarding treating a patient after discharge orders have been written on patients in an acute care setting. The board provided a response and Mrs. Martin will respond.

Task Tracker

Kristina Lounsberry responded by phone to Emery Desonnier's email presented to the board at the June board meeting.

Danny drafted a response to Kasey Ware's question to the board. Board approved his response.

Monitoring Consent Orders

The board reviewed Ashley Wilkinson's essay and unanimously approved it. The essay is accepted and that requirement of her Consent Order is fulfilled.

The board reviewed Ryan Roussel's essay and request that he appear before the board at the next board meeting. The essay is pending and that requirement of her Consent Order is not fulfilled.

New Business

Beth Austin was asked to lecture on the Practice Act. The board determined that they are comfortable with a lecture on the Practice Act, but it should be limited to one hour and the board staff should perform the lectures, not necessarily the board members.

Secretary/Treasurer Landry confirmed that the board members received the APTA – House of Delegates motions and everyone reviewed it.

Secretary/Treasurer Landry suggested that the LTPA newsletter is another avenue to communicate with our licensees. The board mentioned advertising the traveling jurisprudence

schedule, the opportunity for nominating a new board member, and the upcoming rule making/change process.

Meeting adjourned at 2:45pm

Recap of Motions

Al Moreau motioned to apply for a board credit card so the Executive Director is not using a personal credit card for business transactions. The credit card will get a maximum credit card limit of \$10,000 with an option to increase the limit with a board resolution. Jerry Jones, Jr. seconded the motion. The board voted on the motion and it passed unanimously.

Jerry Jones, Jr. motioned to approve the application of Breanne Parks pending further verification of licensure in other states. Jerry Leglue seconded the motion. The board voted on the motion and it passed unanimously.

Jerry Jones, Jr. motioned that the board expresses its intent to deny the application for reinstatement of David Conerly and to offer him a hearing on all issues related to application and any pending complaint at the next board meeting. Al Moreau seconded the motion. The board voted on the motion and it passed unanimously.



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Agenda
August Board Meeting

Wednesday, August 20, 2014

- 6:30pm Call Meeting to Order
 Approval of Minutes
- 6:35pm Reports
 Chairman's Report
 Secretary/Treasurer's Report
 Executive Director's Report
- 7:30pm Ryan Roussel: Consent Order Essay discussion
- 8:00pm Substance Abuse Program Presentation: Palmetto
- 8:30pm Board Discussion: Substance Abuse Program Presentations
- 9:00pm Legal Report
 New Consent Orders
 Rule Review
- Recess

Thursday, August 21, 2014

- 9:00am Unfinished Business
 Correspondences
 Task Tracker July 2014
- 10:00am Monitoring Consent Orders
- 10:30am New Business
- 11:00am Adjourned

LOUISIANA PHYSICAL THERAPY BOARD

August 20 - 21, 2014

Approved

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday August 20, 2014 and Thursday, August 21, 2014, at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members was present. Board members present were: Chairman Al Moreau, III, Treasurer/Secretary Danny Landry, Jerry Jones, Jr., Kristina Lounsberry, Elizabeth "Beth" Austin, Dr. Gerald Leglue, and Susan "Sue" Bartol. Advisory committee members present were Eugene Noel and Wayne Campbell. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

The meeting was called to order at 6:30 p.m.

Suggested edits were reviewed and approved for the minutes from the board meeting held Thursday, July 24, 2014.

Chairman's Report

Chairman, Al Moreau, III discussed the possibility of the board no longer using Wallet Cards for licensees in the future. At present time, the board Rules mandate that the board continue to issue Wallet Cards. In the future, should this change, the board may decide that this is unnecessary. Chairman Moreau asked the Executive Director to contact Covalent Logic to get a price for the Wallet Card design and ability to generate Wallet Cards in the new database and report back to the board at the next board meeting.

Secretary/Treasurer, Danny Landry discussed license verification with the board and confirmed that the fee for verification is \$40 and it is to be charged to those who submit requests for official licensure verification.

Chairman Moreau informed the board that background checks for licensees is said to take approximately six (6) weeks. The board discussed if this is reasonable to require background checks for all applicants who are applying for Louisiana licensure through reciprocity. Kristina Lounsberry recommended that the Executive Director consult with the medical board on how they conduct the federal background check, since they are able to get it expedited. George Papale suggested contacting the Social Worker board, as well.

Chairman Moreau informed the board that LSU Shreveport has requested that the board conduct a course lecture for first year students. The purpose of the lecture is for the students to be introduced to the Practice Act and Rules and to learn about disciplinary cases that exist for those who have been in violation. LSU Shreveport has offered this course to students in past years as a special speaker's series with board members as the speakers. These board members were adjunct faculty members at LSU Shreveport. This year there are no adjunct faculty who are board members, so they are requesting that the board present on the topic and send a board member. Chairman Moreau is working with the Executive Director to design the content, then the speaker will be determined. The course will be held in November 2014.

Secretary/Treasurer's Report

Secretary/Treasurer Landry presented the cash in the bank for the month of July 2014 totaled \$206,153.78. He reported that the income for July 2014 totaled \$14,106.34 and expenses totaled, \$51,711.90. The two Certificates of Deposit at the Bank of Montgomery totaled \$713,162.62 at the end of July. The Business Savings account at Chase Bank was \$202,514.10.

Secretary/Treasurer Landry informed the board that the legislative audit and annual financial report have been completed by the legislative auditor. Secretary/Treasurer Landry recommended that the auditor post both the annual financial report and the annual audit to the state website and the board agreed. The Executive Director will notify the legislative auditor to post both so they are publically available.

The board members discussed the separate amount in business savings and recalled that the intention of setting this money aside was in anticipation of some large expenses coming through, such as the website and database redesign. The board determined that the funds should remain in the savings account for now.

Ryan Roussel: Consent Order Essay

Ryan Roussel arrived early to discuss his Consent Order Essay, so the Chairman allowed the agenda to be shifted. At the previous board meeting, the Executive Director reported to the board that Roussel's essay was submitted after the deadline put forth on his consent order. The board requested that Roussel meet before the board to understand the severity of violating the consent order. Roussel explained to the board that he was unaware that the consent order was in effect after the board meeting and that it was a misunderstanding. Chairman Moreau explained to Roussel that the Consent Order is signed and in effect and it is his responsibility to fulfill all requirements with deadlines set forth in the Consent Order. The board gave Roussel a warning.

Executive Director's Report

Executive Director, Charlotte Martin reported on CEU Audit responses since the last board meeting. Those who have taken coursework to be in compliance will be sent letters stating that they are in compliance. The board needed further discussion on the following licensees:

Marlee Early, PT requested that the board review her Continuing Education completed for the renewal period in 2014. She took courses but they were not approved by Louisiana. She has not practiced in Louisiana since the end of the renewal period, so although she is not in compliance, she is also not in violation of practice. The board determined that they would not review the courses taken and that in order to be in compliance with Louisiana, Ms. Early would need to complete all credit needed for renewal using board-approved courses. Executive Director Martin will respond to Ms. Early accordingly and report compliance or non-compliance at the next board meeting.

Jason Bland, PTA was determined to not be in compliance at the July board meeting. However, Executive Director Martin requested a meeting with Mr. Bland. At the meeting, he produced the certificates of completion for the coursework completed for 2014 renewal and was in

compliance. There was confusion because he sent in his 2013 certificates of completion for the audit and not his 2014 certificates of completion. He is now considered in compliance and does not need to appear before the board.

Executive Director Martin reported that the CEU Committee approved 21 courses since the last board meeting. Of those, all 21 courses were Clinical (11 traditional/10 web-based).

Executive Director Martin reported that the application for licensure and the application for renewal form questionnaire is in need of updating. The board approved Mrs. Martin's suggested edits and suggested that these edits be made available on the application that is available on the website as soon as possible.

Executive Director Martin reported that since the last board meeting, the board office has licensed 53 Physical Therapists by examination, 6 Physical Therapists by Reciprocity, and 9 Physical Therapist Assistants by Reciprocity. One PTA is pending approval by the board. Executive Director Martin requested review of the application for Breanne Parks, PTA. Breanne is licensed in four other states in good standing. She recently was arrested for a DUI, but was not convicted. She completed the DUI course and paid all penalties. The board approved the application for Breanne Parks, pending the submission of a completed application and an interview.

Executive Director Martin asked the board if they would like to make consent orders publically available on the website when the new website is launched. The board agreed.

Executive Director Martin informed the board that the Board Office will have a booth at the upcoming Louisiana Physical Therapy Association Fall Meeting. Danielle Linzer will work the booth. Mrs. Martin sent a request to the Advisory Committee members for additional support of the booth, as all board members will be out of town at the FSBPT Annual Meeting in San Francisco.

Legal Report

General Counsel, George Papale informed the board that the attorney for David Conerly requested a continuance on the hearing, which was originally scheduled for August 21, 2014. Mr. Papale asked the board's approval to move the hearing to the September board meeting. The board agreed and the hearing will be scheduled at 8:00am on September 25, 2014.

Attorney, Courtney Newton updated the board on the Attorney General opinion on Dry Needling. The AG's Office had pulled out of the review process to do further research because there was an opinion from the Tennessee Attorney General's Office. The points that the Louisiana AG's office needs to review were addressed in the memo that Mrs. Newton prepared. Mrs. Newton informed the board that the Dry Needling AG Opinion is now back in review.

Attorney Newton informed the board that the LA Register published notice of a DHH Rule (reimbursement to rehabilitation clinics). Secretary/Treasurer Landry requested that Mrs. Newton review this for legal advice to the board. Mrs. Newton reviewed it and determined that it

should be forwarded to the LPTA, since this more of a practice reimbursement issue than regulation.

Attorney Newton reported that Secretary/Treasurer Landry informed her of a discussion at the FSBPT Leadership Issues Forum regarding NPTE test limits. The lifetime limit for individuals to take the FSBPT-designed NPTE test will be changed to six times. Since the Rules state that licensees may take the test 4 times, then complete an accredited program again and then they may take the test as again, the board may want to consider changing the Rules to limit individuals to taking the test 6 times total. Otherwise, the state may have to come up with a test other than the NPTE to administer for individuals after they have taken the NPTE 6 times unsuccessfully.

Chairman Moreau reported that he has been in contact with the LPTA and there has been no progress on the BESE “Return to Play” rule.

Attorney Newton reported that the board should keep her informed of any rules or laws that they think are most pressing for the 2015 legislative session. The LPTA has not had a committee meeting to discuss this yet, but the board would like to work closely with the LPTA to be sure to show support and guidance on issues that are most pressing. The most important issue at hand right now is R.S. L.A. 3721 which limits the time that boards can take on complaints that have been submitted. Other boards have been exempt from this prescriptive period statute, but the Physical Therapy Board has not. It is simple language that can be proposed just to state that the Louisiana Physical Therapy Board is exempt from the prescriptive period. Secretary/Treasurer Landry is scheduled to discuss this matter to with the LPTA Government Affairs chair as to determine how the board will proceed.

The board discussed the Emergency Pharmacy Rule that was issued since the last board meeting regarding pharmacist compounding restrictions. This Rule is a reaction to the federal law and states that drugs have to be compounded at the pharmacy and compounded drugs must have a patient-specific prescription. This can impact the practice of physical therapy. The board determined that this is something to be aware of and adapted to in time.

Attorney Newton informed the board that she will be working with the Executive Director on drafting language to revise Rules. All board members were given an extra Rules book and asked to highlight and mark-up the hard-copy book for Mrs. Newton by the next board meeting.

The board broke for recess at 10:00 p.m.

The board meeting reconvened at 9:00am on Thursday, August 21, 2014. A quorum of members was present. Chairman Al Moreau, Treasurer/Secretary Danny Landry, Kristina Lounsberry, Elizabeth “Beth” Austin, Dr. Gerald Leglue, Jerry Jones, Jr., and Susan “Sue” Bartol. Advisory committee members present were Wayne Campbell and Eugene Noel. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

Unfinished Business

Kevin Bias, PT was not in compliance with the CEUs for the 2014 renewal period. Mr. Bias took courses to be in compliance. The courses that he took are still lacking 2 hours of Louisiana–approved Ethics and Jurisprudence courses, so he is still not in compliance. Mr. Bias also used the same courses on his 2013 and 2014 renewal form, which is considered a violation of fraud. Executive Director Martin will contact Mr. Bias and inform him of the hours lacking in compliance, ask him to take courses to be in compliance and ask him to appear before the board at the September board meeting.

The board members requested that Executive Director Martin do a broad-based communication to licensees letting them know what the enforcement will be for those who are not in compliance of CEUs during the renewal period. Mrs. Martin will finalize the CEU Audit policy for the board members to review prior to the next board meeting, and the approved final policy will be used as a guide for designing the documents for communication.

The board members discussed a board-based communication to licensees in general to provide better information. The areas of interest in this communication include the following: What CEUs are needed for the biennial renewal period; CEU Audit enforcement; Recovering Physical Therapy Program; Disciplinary process; and Renewal dates.

Correspondences

Jessica Bennett asked *“Is it within a PT scope of Practice to address a Physician order that states to ‘Titrates and Wean a patient from Oxygen?’”* The board determined that clarification is needed prior to answering this question. Beth Austin will reach out to Jessica Bennett.

Alisha Jarreau asked, *“We are concerned regarding our Medicare/Humana caseload. We would like to schedule two patients per hour staggered on the half, which at times leaves 2, possibly 3 patient being in the clinic at one time. With Medicare saying that you have to either see them one at a time, or bill for group, I feel that neither of these are appropriate and feasible. If Medicare would be paying top dollar for top dollar care I wouldn't have a problem for providing truly one-on-one care, but I just feel like I cannot also bill for group if there is no true ‘group’.”* The board discussed this question and Mr. Papale presented an answer. Mrs. Martin will draft the response for the board to review at the next board meeting.

Ginger Fleming, PTA asked, *“I was told as a PTA that I was not able to do G Codes because they were part of the evaluation and recertification. I have recently changed companies and have been asked to complete G Codes. I just need a clarification as to whether G Codes can be done by PTA’s.”* Mrs. Martin drafted a response, the board approved. Mrs. Martin will respond.

Eugene Nguyen, PT asked, *“Is there a 24-hour rule with the Board for evaluations? I have had conflicting information in home health stating that patients must be evaluated in a reasonable amount of time, or should they be evaluated within 24 hours? What is a reasonable amount of times?”* The board confirmed that the board Rules do not require a 24-hour limit on evaluating a patient. The board also determined that a reasonable amount of time is up to the professional judgment of the therapist. The 24-hour time limit might be a requirement of the payer. If so, it is in the best interest of the therapist to follow billing guidelines as they are set by the payer, if they would like to get paid. In terms of the board Rules, there is no 24 hour rule. Mrs. Martin will respond.

Monitoring Consent Orders

Executive Director Martin received a request from Adam Lafleur’s supervisor asking if he could be allowed to go into a student’s home who is home-bound to perform physical therapy treatment. The board determined that Adam Lafleur is not allowed to do home health during his probationary period and the board will not grant an exception.

Chairman Moreau requested that board members submit monitoring visits reports to the Executive Director within two weeks from the time that the visit happens. The board requested that the Executive Director send out monitoring visit forms and draft a monitoring visit policy for the board to review and approve.

New Business

Secretary/Treasurer Landry and Executive Director Martin provided an update to the board on their recent attendance at the FSBPT Leadership Issues Forum and Danny provided the board members a report of the issues discussed.

Board Member Monthly Calls

The board meeting was adjourned at 11:00am.

LOUISIANA PHYSICAL THERAPY BOARD

September 24 - 25, 2014

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday September 24, 2014 and Thursday, September 25, 2014, at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members was present. Board members present were: Secretary/Treasurer Danny P. Landry, Don Cassano, Jr., Kristina Lounsberry, Elizabeth "Beth" Austin, Dr. Gerald Leglue, and Susan "Sue" Bartol. Advisory committee members present were Nick Butler and Wayne Campbell. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

The meeting was called to order at 6:30 p.m.

Secretary/Treasurer Landry was acting chairman of the meeting. Mr. Landry introduced the newly appointed board member, Donald Cassano, Jr. who then said a few words to the board about his background and experience.

Suggested edits were reviewed and approved for the minutes from the board meeting held Thursday, August 20 and 21, 2014.

CEU Audit Compliance: Kevin Bias

Mr. Kevin Bias, PTA appeared before the board to discuss his non-compliance with the Continuing Education Audit in 2014. The board accepted his explanation for failure to submit adequate certificates of completion of continuing education for the renewal period of 2014. The board considered Mr. Bias' explanation, educated him on continuing education requirements, provided a Practice Act and Rules and Regulations booklet for him to take home and thoroughly review. The board gave Mr. Bias a warning.

Executive Director, Charlotte Martin will review the online forms provided on the board website to communicate more clearly to the licensees regarding obtaining continuing education approval.

Chairman's Report

Secretary/Treasurer Landry provided the chairman's report. He notified the board that a meeting is scheduled with Senator Fred Mills to discuss La RS 37:21 and request that he author a Bill to have the LPTB added to the list of entities who are exempt from the statute. Mr. Landry has discussed the matter with the LPTA Government Committee Chair, to be sure the board and association are clearly communicating throughout the legislative process on matters that are being discussed with representatives.

Secretary/Treasurer Landry informed the board that the LPTA has requested that the board issue a statement regarding the BESE Rule regarding Return to Play. Mrs. Martin will forward the declaratory statements that pertain to physical therapy treating athletes for the board to review and determine if it is time to update the language of any of these statements.

Secretary/Treasurer Landry reminded the board about the FARB Forum that will be held in January and requested that the board members inform Mrs. Martin if they will or will not be attending.

Secretary/Treasurer Landry provided an update to the board on the recent conference that he and Executive Director Martin attended in Seattle: APTA Policy & Payment Forum. He provided a packet of information with the actual slides from the APTA Policy & Payment Forum for the board to review. He also provided three cases on Dry Needling to Mrs. Newton to review, to be informed of national cases.

Secretary/Treasurer Landry recommended that the board co-host Town Hall Meetings starting six months from now. The purpose of the Town Hall meetings will be to allow licensees to speak up about concerns. Representatives from the board and the association should be present to be aware of the issues that licensees bring forth and to determine which issues can and should be addressed. This would not be exclusively an association event, nor an exclusive board event. The board agreed that this is a great idea and it is good timing because of the upcoming rule changes.

Secretary/Treasurer reviewed a pamphlet on the “Professional Integrity: Campaign on Compliance, Fraud and Abuse” campaign of the APTA. He also shared information on “Choosing Wisely” including the five things that the public should ask about their therapist. Mr. Landry recommended that the board provide these documents to licensees who attend traveling jurisprudences. Mrs. Martin will send a link to the board members to review and at the next board meeting it will be voted on ordering the APTA publication to be distributed to licensees at the traveling Jurisprudences.

Mrs. Martin updated the Board on the State Policy Debate that was held on Any Willing Provider Legislation during the APTA conference. She notified the board that the majority of the audience that was present at the debate voted that APTA should put out a Position Statement with regards to legislation about Any Willing Provider Legislation.

Secretary/Treasurer Landry notified the board of the national issue that PT Boards are facing with adding language about ordering imaging into their statute. Some states allow PTs to order imaging and in no state can PTs interpret imaging. The board should just be aware of this trend.

Mrs. Martin provided an update on the FSBPT Annual Meeting in San Francisco. The board agrees that the three priorities taken from the conference are as follows:

1. Background Check Implementation
2. Formalization of Disciplinary Procedures
3. Reciprocity, State Contracts and Compacts Research: Mrs. Martin will research what the Nurses are doing with the compact and how that works.

Secretary/Treasurer’s Report

Secretary/Treasurer Landry presented the cash in the bank for the month of August 2014 totaled \$192,719.98. He reported that the income for August 2014 totaled \$13,489.49 and expenses totaled, \$68,208.34. The two Certificates of Deposit at the Bank of Montgomery totaled

\$713,380.29 at the end of August. The Business Savings account at Chase Bank was \$202,518.92.

The board discussed retaining a total dollar amount equal to two months of expenses in the checking account and move the rest into savings.

Secretary/Treasurer Landry notified the board that there were errors on the Legislative Audit and amendments are needed. Mrs. Martin will send amendments to the legislative auditor for submission to the state.

Executive Director's Report

Executive Director Charlotte Martin shared the survey results of the traveling jurisprudence held in Delgado with the board. Overall, the audience was very satisfied with the course and with board member Sue Bartol as the presenter.

Mrs. Martin reviewed the calendar of events coming up and reviewed this with the board.

Mrs. Martin provided a status update to the board regarding implementation of federal background checks on new applicants.

Since the last board meeting, the board has licensed one physical therapist by examination, five physical therapists by reciprocity and five physical therapist assistants by reciprocity. The board discussed the application of Elizabeth Wagner. Ms. Wagner practiced physical therapy without a license in South Carolina for 2 weeks in 2010 for failure to timely renew. The board deliberated and determined that the board will approve the application for licensure.

Ms. Erin Clark submitted an examination remediation plan to the board to enter into an agreement in accordance with Rule §171.C.1. The board reviewed her plan and approved it.

Since the last board meeting, the board has approved 33 continuing education courses. Of these, 29 were approved in the Clinical category (21 traditional/6 web-based/2 home study), 3 were approved in the Administrative category (all traditional), and 1 was approved in the Ethics category (traditional). One course was denied because it was a public service course that does not pertain to the practice.

Presentation from Barry Lubin, M.D. MRO Affinity

Dr. Barry Lubin, MRO for Affinity Health drug screening company presented to the board regarding substance abuse issues, warning signs, and effective monitoring.

Legal Report

George Papale informed the board that he has been working with Executive Director Martin to draft a letter to the Louisiana State Board of Chiropractors, as directed by the Physical Therapy Rule §371.B.

George Papale presented to the board the issue of anonymous complaints. He advises that the board members proceed with caution in pursuing anonymous complaints. Prior to exhausting

resources of the board, the board should determine if there is independently verifiable evidence of the violation.

George Papale provided legal counsel on the question submitted by Jessica Bennett, regarding if it is within the scope of the PT practice for a PT to follow a physician's orders to titrate and wean a patient from oxygen. Board Member Sue Bartol shared a discussion she had with experts on the matter. Sue Bartol is drafting a formal response to Jessica that will be sent out from the board.

Courtney Newton presented a Hearing Process Information Packet that she prepared for the board members as reference and preparation for hearings. The board accepted it as it is with no recommended changes and were appreciative of the resource and guidance that Mrs. Newton provided.

Courtney Newton requested board members' suggested Rule revisions and highlighted rule books from board members to begin the Rules revision process.

Courtney Newton recommended that the board edit the Dry Needling language in Rule to safeguard the public during the dry needling training period that allows licensees to practice dry needling for educational purposes.

Monitoring Consent Orders

The board reviewed the essay submitted by Maisie Hargett as ordered by the board. The board moved to not accept Mrs. Hargett's essay on the grounds that it was not substantive and did not address issues of violating the practice act.

Mrs. Martin reviewed each monitored licensee with the board and updated the board on the monitoring plan for each. Board member Sue Bartol recommended that the board create a monitoring plan template to be used in creating a monitoring plan directly after the Consent Order is signed. She will work with Mrs. Martin on this.

Policies

The board reviewed the Continuing Education Policy and determined that more research is needed in regard to the amount of hours that will be approved for text-based coursework. Kristina Lounsberry will do research and report back to the board.

The board reviewed the CEU Audit policy and adopted it, with suggested edits.

New Business

Secretary/Treasurer Landry shared the CMS rules packet with the board, along with proposed Rules and APTA's comment on those rules.

Secretary/Treasurer Landry updated the board on the latest work of the Legislative Taskforce. The Taskforce has created directives for Advisory Committee Patrick Cook to provide guidance on research during the year and stay on top of legislative issues.

Kristina Lounsberry created the Continuing Education Steps as an easy one-page guide for licensees to understand continuing education. The one-pager will be printed and distributed at traveling Jurisprudences. It will also be printed and inserted in the newsletter for licensees to have an easy guide that is printed to hand in their office. Finally, the CE Steps easy guide will be on the new board website when launched.

The board broke for recess at 10:30 p.m.

The board meeting reconvened at 7:30am on Thursday, September 25, 2014. A quorum of members was present. Chairman Al Moreau, Treasurer/Secretary Danny Landry, Kristina Lounsberry, Elizabeth "Beth" Austin, Dr. Gerald Leglue, Don Cassano, Jr., and Susan "Sue" Bartol. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

New Business (Continued)

Board discussion regarding issuing a statement on "Return to Play." The statement was accepted as revised. Mrs. Martin will send an e-blast to licensees and print the statement for traveling Jurisprudences.

Chairman Moreau provided an update to the board regarding the Public Service announcement Contract. The board deliberated and determined that it is necessary to enter back into the discovery phase to determine the cost of creating the content for the PSA. Chairman Al Moreau moved that the resolution entered into with Russo by board action be rescinded based on the contract presented to the board by Russo. The motion was seconded by Secretary/Treasurer Landry. The motion was voted on and passed unanimously.

The board discussed a six month performance evaluation for Executive Director Charlotte Martin.

Correspondences

Steve Allison, P.T., DPT, OCS asked if it is within the scope of practice for physical therapists to perform DOT Physicals. The board discussed the question from Mr. Allison and determined that the response is similar to a response sent to the Department of Transportation earlier in 2014. Mrs. Martin will locate the response and send it to Mr. Allison to answer his question.

George Strangos requested that the board consider interviewing him for licensure via phone or skype to grant a temporary Louisiana license to him so his work can begin the credential process prior to him relocated from Arizona. The board deliberated and determined that they do not grant exceptions to individuals for telecommunications for interviews. All interviews must be performed in person. Mrs. Martin will communicate this to Mr. Strangos.

James Cottone asked if a person has exhausted/no longer qualifies for home health PT 2* denial from Insurance company; Can a PT or PTA provide "personal training/exercises "If a patient is willing to pay out-of-pocket in order to maintain strength/mobility w/o violating the LAPT laws? Sue Bartol will draft a response.

HEARING: DAVID CONERLY

The meeting was adjourned at 2:00pm

Recap of motions:

Chairman Al Moreau moved that the resolution entered into with Russo by board action be rescinded based on the contract presented to the board by Russo. The motion was seconded by Secretary/Treasurer Landry. The motion was voted on and passed unanimously.



LOUISIANA PHYSICAL THERAPY BOARD
Board Meeting Agenda

October 16, 2014

- 9:30AM **Agenda Review**
Call to Order, Al Moreau, III
- 9:35AM **Minutes**
- 9:45AM **Reports of Officers/Board Office**
Chairman's Report, Al Moreau, III
Secretary/Treasurer's Report, Danny P. Landry
Executive Director's Report, Charlotte Martin
- 10:45AM **Reports of Special Committees**
Continuing Education Committee, Elizabeth Austin
Legislative Task Force, Al Moreau, III
- 11:00AM **Reports of Legal Matters**
Attorney Reports, Courtney P. Newton
- 12:00PM Working Lunch
- 1:00PM **Special Orders** (Votes of the board. Annual business.)
Lease of the current Board Office building
Annual Performance Evaluation Tool for the Executive Director
Microsoft Publisher Software
Printing of the APTA Primer: Preventing Fraud and Abuse
- 1:30PM **Unfinished Business**
Task Tracker
Maisie Hargett Essay
Unitech PT Tech Programs
- 2:00PM **New Business**
Correspondence, Charlotte Martin
- 3:00PM **Programs**
Special Speaker: Beth Ward, President, Louisiana Physical Therapy Association
- 3:30PM **2015 Proposed Board Meeting Schedule**
- 3:45PM **Adjourned**

LOUISIANA PHYSICAL THERAPY BOARD

October 16, 2014

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Thursday October 16, 2014 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members was present. Board members present were: Chairman Al Moreau, III, Secretary/Treasurer Danny P. Landry, Don Cassano, Jr., Kristina Lounsberry, Elizabeth "Beth" Austin, Dr. Gerald Leglue, and Susan "Sue" Bartol. Advisory committee members present were Gene Noel and Althea Jones. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

The meeting was called to order at 9:33 a.m.

Review of Agenda

Chairman Moreau asked the members of the board to review the agenda and submit requests, if any, for changes. Chairman Moreau added 15 minutes to the end of the agenda for public comment. Mr. Papale requested that he be listed on the agenda next to the legal report, to be able to report on legal matters. The agenda was approved, as revised.

Approval of Minutes

Secretary/Treasurer Landry reviewed the minutes from the September 2014 board meeting. Dr. Leglue moved to accept the minutes. Kristina Lounsberry seconded the motion. The board voted and the minutes were unanimously approved.

Chairman's Report

Chairman Moreau reported that the board is still waiting on news regarding the Attorney General opinion on physical therapists practicing dry needling. It is his understanding that the Louisiana State Board of Medical Examiners (LSBME) is currently reviewing the opinion and will determine if it will or will not be released.

Chairman Moreau requested that Courtney Newton report on her recent conversation with Justin Elliot at the American Physical Therapy Association (APTA) regarding the issue of dry needling. Justin Elliot said that it is possible to do a public records request to the AG's Office.

Chairman Moreau reported that the board has not signed a contract with a company yet for the Public Service Announcement contract. The board has reviewed a revised proposal from The Russo Group, as well as a new proposal from Peak Media. Chairman Moreau proposed that Peak Media present at the next board meeting. The board discussed this and decided that Peak Media will be invited to present at the December board meeting.

Chairman Moreau discussed the current declaratory statements that are posted on the board website. George Papale advised that the board review and follow Rule §121 to be sure that the board follows the Rule in regard to Declaratory Statements. Chairman Moreau motioned to create a subcommittee of the board that will review and revise the declaratory statements to

update outdated statements. Kristina Lounsberry, Danny Landry and Don Cassano will be committee members. Chairman Moreau motioned to create a committee to address changes to declaratory statements to present language changes to the board in updating these statements. Sue Bartol seconded the motion. The board voted and the motion passed unanimously.

Treasurer's Report

Secretary/Treasurer Landry presented the cash in the bank for the month of September 2014 totaled \$163,485.68. He reported that the income for September 2014 totaled \$8,613.66 and expenses totaled, \$42,693.74. The two Certificates of Deposit at the Bank of Montgomery totaled \$713,640.64 at the end of September. The Business Savings account at Chase Bank was \$202,524.23.

Secretary/Treasurer Landry updated the board on a discussion that Mrs. Martin had with the legislative auditor following the decision at the last board meeting to submit amendments to the audit submitted to the state. The legislative auditor is willing to do the work to submit the amendments, but he recommends that the board not do this because it is a lot of work and the amendments are small in his opinion. Chairman Moreau motioned to accept the legislative audit as is, if the auditor will provide, in writing, his recommendations to not submit edits/amendments. If he will not, then the board will move forward with submitting edits/amendments to the state auditor. Secretary/Treasurer Landry seconded the motion. The board voted and the motion was unanimously approved.

Executive Director's Report

Mrs. Martin reported that nine applicants were approved for licensure through reciprocity since the last board meeting, of those six were physical therapists and three were physical therapist assistants. There were no licenses issued through examination.

Mrs. Martin reported to the board that the filing cabinets are at capacity for paper files in the office. She shared the current Records Retention Policy of the board for review and recommended that it be updated and approved, but cautioned that the board must remain in compliance with state requirements for maintaining paper files. Secretary/Treasurer Landry motioned for legal to write a policy on records retention and policy updates. Chairman Moreau seconded the motion. The board voted and the motion was unanimously approved.

Mrs. Martin reviewed the Traveling Jurisprudence upcoming calendar dates with the board to confirm who will be presenting. At Alexandria, Sue Bartol is confirmed to present. At Monroe, Beth Austin is confirmed to present.

Mrs. Martin asked for board approval for Danielle Linzer to attend the Louisiana Property Assistance Agency (LPAA) Training in Baton Rouge to ensure that the board is in compliance with state rules. Danielle assisted in the LPAA audit this year and was very involved with the meetings. Secretary Treasurer Landry motioned for Danielle Linzer to attend the LPAA training in Baton Rouge and also obtain a hotel room and rent a car for the trip. Elizabeth Austin seconded the motion. The board voted and the motion was approved unanimously.

Mrs. Martin shared with the board a letter from Vanessa Jones requesting a refund of her application fee. Ms. Jones is requesting a refund after rescinding her application because she could not complete the continuing education requirements of Louisiana in time to accept a position that was available in Louisiana. Chairman Moreau motioned to create a policy on rescinded application reimbursements, which will allow the board to prorate the fee before or after the interview occurs with the applicant. If the applicant rescinds the application prior to the interview portion of the application, they will receive a refund of 50% of the application fee. If they rescind the application after the interview they will not receive a refund. Secretary/Treasurer Landry seconded the motion. The board voted and the motion was approved unanimously.

Mrs. Martin informed the board that applicants receive a score report from the FSBPT after taking the examination that is identical to the score report that the board receives. The board then sends a letter informing the applicant of their score. Mrs. Martin suggested that this is duplicative and requested that the board create a policy for notification of score reports. Chairman Moreau motioned to create a policy on sending letters to licensees on passing/failing the NPTE and their next steps in the process. Dr. Leglue seconded the motion. The board voted and the motion was approved unanimously.

Continuing Education Committee Report

Continuing Education Committee Member Elizabeth Austin reported that since the last board meeting there have been 35 courses approved by the board. Of those, there were 33 Clinical (14 traditional/10 web-based) and 2 Administrative courses. Mrs. Austin also reported that with the new process of posting CEU applications on the members' section of the website it is now taking an average of 4 days to approve from the day the application is received.

Legislative Task Force Committee Report

Chairman Moreau updated the board on a meeting that he, Secretary/Treasurer Landry, Executive Director Charlotte Martin, and Attorney Courtney Newton attended with Senator Fred Mills. During that meeting, Senator Mills agreed to author a bill to add the LPTB to the list of exemptions in La R.S. 37:21. He also updated the board that following the meeting Courtney Newton has been in contact with Mills' legislative assistant, Chris Adams. Senator Mills has also agreed to author a Resolution for research to be conducted on the impact of Direct Access in the physical therapy profession. Courtney Newton has been in touch with Justin Elliot from the APTA to seek advice on the issue.

Chairman Moreau updated the board that there is an upcoming meeting scheduled with Senator Brown on October 29th in Baton Rouge, La. Those confirmed for the meeting are Chairman Al Moreau and Executive Director Charlotte Martin. Advisory Committee Member Gene Noel will be invited to attend, as well.

Reports of Legal Matters

General Counsel George Papale provided a debriefing session with the board on the hearing that occurred in September 2014. He recommended that the board work directly with the Assistant Attorney General and advised that the board has the final ruling. Chairman Moreau requested that George Papale prepare talking points for the next board meeting to prepare the board prior to the hearing and inform them of their role again and to answer board member questions.

Attorney Courtney P. Newton updated the board on the conference that she and Executive Director Charlotte Martin attended: the 2014 FARB Regulatory Law Seminar in Annapolis, MD. In addition to the overview of topics covered, Attorney Newton shared a few specific topics that she recommends the board consider. First, in recent discussions, the board has mentioned updating the application and renewal application questionnaire. Attorney Newton cautions the board on this in lieu of a Department of Justice opinion regarding the Louisiana Supreme Court and BAR Admissions. Secondly, Attorney Newton cautioned the Board Members on communications. She recommends that the board create a social media and communications policy both for discussion with licensees individually. She discussed utilization of the Member's Only Page verses. Board member emails and even private emails.

Attorney Newton reported to the board that she reviewed federal reporting requirements of the National Practitioner Databank, as per the request of Executive Director Charlotte Martin. Chairman Moreau motioned to get a legal opinion on reporting requirements to the National Practitioner Databank. Secretary/Treasurer Landry seconded the motion. The board voted and the motion was approved unanimously.

Attorney Newton reported that Dale Atkinson recommended issuing a final notice to those licensees who fail to renew their license and allow it to expire. Chairman Moreau motioned for Charlotte Martin to work with legal on creating two letters: one to go out to licensees after March 31st indicating that they will not be able to practice after April 30th without renewing, and a second letter to go out in April to give notice that the licensee is no longer licensed to practice in Louisiana. Kristina Lounsberry seconded the motion. The board voted and the motion was approved unanimously.

Attorney Newton discussed with the board Agreements to abstain from the practice and recommended adding language in the Agreement to Abstain that licensees must abide by the Practice Act and Rules while abstaining and that he/she must abstain from substances if that is an issue. The board agreed.

Special Orders (Votes of the board. Annual business.)

Chairman Moreau updated the board that the current lease on the building expires in May 2015 with an option to renew for 3 months and then another three months after that. Currently, Executive Director Charlotte Martin is working with a local commercial real estate agent in the Lafayette area to get an estimate on the cost of leasing another office space. This will be discussed at an upcoming board meeting.

Chairman Moreau discussed the option to use the FSBPT Annual Performance Evaluation Tool for the Executive Director for Mrs. Martin's annual evaluation. Chairman Moreau motioned to use the FSBPT Performance Appraisal tool for Charlotte Martin. All board members will complete and send to the chairman by November 3, 2014. Results will be compiled for a final meeting between the chairman and executive director. Kristina Lounsberry seconded the motion. The board voted and the motion was approved unanimously.

Chairman Moreau discussed the need for the office to have a design software available for creating marketing materials in house. Kristina Lounsberry motioned to allow the Executive Director to purchase Microsoft Publisher (one license) for office use. Dr. Leglue seconded the motion. The board voted and the motion was approved unanimously.

Chairman Moreau discussed the option for the board to order the APTA Primer: Preventing Fraud and Abuse to provide a pamphlet to hand out at traveling jurisprudences. The board voted and six were opposed, one was in favor (Secretary/Treasurer Landry) of printing the pamphlets. The board determined that they would email the link to the APTA Primer in a mass email, when that service becomes available to the board staff. The board also determined that the link will be included in the Jurisprudence Presentation and available in the board newsletter, to provide the resource and information to licensees.

Chairman Moreau shared with the board two responses from licensees regarding the Board's Official Statement on physical therapist presence on the sidelines at school-sponsored athletic events. The two responses from licensees were positive, but the concern was that licensees do not realize if they are or are not qualified/skilled/trained appropriately. The board determined that all licensees are required to know what area of physical therapy they are qualified/skilled based on their training and expertise. Chairman Moreau and Don Cassano will have phone conversations with the two licensees in response to their response to the board mass email that was sent regarding this topic.

Unfinished Business

Sue Bartol presented a draft response to James Cottone's question, "If a person has exhausted/no longer qualifies for home health or is denied insurance, can the PT or PTA provide "personal training exercises" if the patient is willing to pay out-of-pocket in order to maintain strength/mobility without violating the LPTB laws?" The board approved the response and Charlotte Martin will send the response.

Chairman Al Moreau updated the board on the status of the essay that was submitted by Maisie Hargett, as required by the board order resulting from the Administrative Complaint No. 2013-I-016. The deadline for Mrs. Hargett to submit a revised essay is October 31, 2014.

Kristina Lounsberry updated the board on her findings of the Unitech Physical Therapy Tech programs. Mrs. Lounsberry stated that after researching the matter, she believes that the Unitech programs are not misrepresenting their program through false advertising to PT Tech students and prospective students. She noted that there is a clause on their website that the board should address, which could be misleading to the public. Mrs. Martin will follow-up with the Board of Regents with an update.

New Business

CORRESPONDENCES

Rayme B. Pullen, PT, OCS asked the following question, "We are having a problem procuring dexamethasone for phonophoresis and iontophoresis. Previously, there was a local doctor who had written the prescription for the clinic. However, he has retired. We have been unable to get any other local doctor to write the orders. Wellness PT is an independently owned outpatient

clinic in Slidell, LA without any physician involvement or medical director.” Al Moreau will draft a response.

Darlene Yellin, PT asked the following question, “Could you please verify what I need to do in order to take on a private pay patient. This was a home health patient of mine, however has been discharged from the agency. Will there be any issues with a conflict of interest, even though she no longer receives any services? Also, I have been in contact with a social worker who works with young adults with mental illness. She works closely with a psychiatrist. She has asked me to see some of her patients for wellness treatments. She said that many have weight issues and muscle atrophy from medications or just from lack of motivation, secondary to their illness. Can you tell me how I can work with the patients with weight issues, in the scope of physical therapy practice? I definitely can see the debility issues, but she wants me to set up a wellness program to help motivate the less motivated patients.” Charlotte Martin will draft a response.

Adam Casborn, PTA asked the following question, “I need to have protocols for obtaining "Phonophoresis" gel. We were at one time ordering through Pharmacy in TN, now we can no longer order across state lines. We are having trouble locating a local facility to obtain the Phono gel. Is there any advice you can offer on this matter.” Charlotte Martin will forward his response to the Louisiana State Board of Wholesale Drug Distributors.

Barry Callihan asked the following question:, “What is the boards stance for performing PT on players after minor injuries for free of charge and no MD referral?” Kristina Lounsberry will draft a response.

Sheila Crockett asked the following question: “I was hoping you could give me some information on manual traction. I'm wondering if a PTA can perform manual lumbar traction on a patient or is that limited to the physical therapist.” Danny Landry will draft a response.

Tyler Anthony asked the following question: “The Company I work for is implementing electronic medical record keeping. The system only allows our company to issue 4 PT students to have independent accounts so that they are able to write their own notes, sign the note with their signature and the supervising PT can co-sign the note. The company has many different departments and at times there are 10 students. In the event that all the issued accounts are used, would it be legal for a student to type the note on the physical therapists account, there would be no signature by the student, but in the assessment section the supervising therapist could write that the note was co-written with the student and approved by the supervising physical therapist. Would this be an appropriate action?” Charlotte Martin will draft a response.

Rebecca asked the following question via telephone, “Is there a date that all PTs must convert to EMR?” Mrs. Martin will call her with a response.

Barbara Anglin asked the following question: “They have an employee who has progressively become less capable of performing work activities. They need to know what they can/cannot do in terms of ADA requirements.” Mrs. Martin will draft a response.

Edward Smith responded to the Official Board Statement on School Sponsored Athletic Activities. Al Moreau and Don Cassano are going to give Edward Smith a call.

Dustin Dixon responded to the Official Board Statement on School Sponsored Athletic Activities. Al Moreau and Don Cassano are going to give Dustin Dixon a call.

MONITORING CONSENT ORDERS

Mrs. Martin provided an update on all licensees who are currently being monitored by the board in a non-confidential program.

Programs

Beth Ward presented to the board on the LPTA's newly elected Ethics Committee, a free APTA course offered to non-members and members that could satisfy the board's Ethics requirement for renewals, and the Campaign on Integrity in the Profession. In attendance with Ms. Ward was Becky Lege, Ethics Committee Chair and former LPTB Board Member.

2015 Proposed Board Meeting Schedule

Mrs. Martin proposed the following Calendar of Board Meetings for calendar year 2015. All board meetings will be held from 9:30am – 3:30pm on Thursday, unless a hearing is scheduled for the month. When a hearing is scheduled for that month, board meetings will be held the Wednesday prior to the scheduled board meeting from 6:30pm – until and will recess until Thursday at the scheduled time of the hearing.

- Thursday, January 15, 2015
- Thursday, February 26, 2015
- Thursday, March 26, 2015
- Thursday, April 23, 2015
- Thursday, May 21, 2015
- Thursday, June 25, 2015
- Thursday, July 23, 2015 (might need to be moved)
- Thursday, August 20, 2015
- Thursday, September 24, 2015
- Thursday, October 29, 2015
- Thursday, December 3, 2015

Dr. Leglue motioned to adjourn the meeting. Don Cassano seconded the motion. The board voted and the meeting was adjourned at 3:45pm.



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

104 Fairlane Drive, Lafayette, Louisiana 70507
337/262-1043 FAX 337/262-1054

Special Board Meeting

DATE: Monday, November 3, 2014

Location: 104 Fairlane Dr., Lafayette, LA 70507

Time: 7:00am

Agenda

Call to Order, Al Moreau, III

Website Design Decision Making Process

Website Committee of the Board - Nominations & Appointments

Adjourned

LOUISIANA PHYSICAL THERAPY BOARD

November 3, 2014

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in special session on Monday November 3, 2014 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members was present. Board members present were: Chairman Al Moreau, Don Cassano, Jr., Kristina Lounsberry, and Susan “Sue” Bartol. Charlotte Martin, Executive Director, was also present.

The meeting was called to order at 8:00 a.m.

Chairman Al Moreau called the meeting to order. The board members discussed the contract and timeline presented to Charlotte Martin regarding the website redesign. Al Moreau motioned to allow Charlotte to make decisions regarding the board website design with Covalent Logic to keep the design moving forward without delay. Sue Bartol seconded the motion. The board voted and the motion was accepted unanimously.

The board members discussed forming a website committee to allow Mrs. Martin the opportunity to share ideas and get input prior to making final decisions. Al Moreau, III, Sue Bartol and Don Cassano, Jr. will be active members of the website committee.

The meeting was adjourned at 8:30am.



State of Louisiana
Department of Health and Hospitals
Louisiana Physical Therapy Board
104 Fairlane Drive, Lafayette, Louisiana 70507
337/262-1043 FAX 337/262-1054

December 4, 2014

- 9:30AM **Agenda Review**
Call to Order, Al Moreau, III
- 9:35AM **Minutes**
- 9:45AM **Reports of Officers/Board Office**
Chairman's Report, Al Moreau, III
Secretary/Treasurer's Report, Danny P. Landry
Executive Director's Report, Charlotte Martin
- 10:45AM **Reports of Special Committees**
Continuing Education Committee, Elizabeth Austin
Legislative Task Force, Al Moreau, III
- 11:00AM **Reports of Legal Matters**
Attorney Reports, George Papale
Attorney Reports, Courtney P. Newton
- 12:00PM Working Lunch
- 1:00PM **Special Orders**
Website Update
- 1:30PM **Unfinished Business**
- 2:30PM **New Business**
- 3:00PM **Programs**
- 3:30PM **Adjourned**

LOUISIANA PHYSICAL THERAPY BOARD

December 4, 2014

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Thursday December 4, 2014 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members was present. Board members present were: Chairman Al Moreau, III, Secretary/Treasurer Danny P. Landry, Don Cassano, Jr., Kristina Lounsberry, Elizabeth "Beth" Austin, and Susan "Sue" Bartol. Dr. Gerald Leglue, MD was absent. Advisory committee members present were Nicholas Butler and Armafe Veneracion. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

The meeting was called to order at 9:30 a.m.

Review of Agenda

Chairman Moreau asked the members of the board to review the agenda and submit requests, if any, for changes. The agenda was revised to include Advisory Committee Nominations in Special Reports. The agenda was approved, as revised.

Approval of Minutes

Secretary/Treasurer Landry reviewed the minutes from the October 2014 board meeting and the Special Board Meeting held November 3, 2014. The board voted and the minutes were unanimously approved.

Chairman's Report

Chairman Moreau provided the board with an update on the Dry Needling Attorney General Opinion Request from the LSBME. Secretary/Treasurer Danny P. Landry moved to submit a public records request from the Attorney General regarding a copy of the opinion prepared but not published in response to the request for an advisory opinion regarding physical therapy dry needling by LSBME. The motion was seconded by Elizabeth Austin. The board voted and the motion was unanimously approved.

Secretary/Treasurer Danny P. Landry moved to form a committee with the authority to request an advisory opinion regarding physical therapy dry needling in Louisiana. Attorney General Committee members include Don Cassano, Danny Landry and Al Moreau. The motion was seconded by Elizabeth Austin. The board voted and the motion was unanimously approved.

LSU HSC Shreveport Course update. Survey was sent out and the PowerPoint will be revised based on the feedback from surveys. We will reach out to New Orleans PT program and talk to them about it. Change the PTA presentation to have more interactive cues.

Treasurer's Report

October 2014

Secretary/Treasurer Landry presented the cash in the bank for the month of October 2014 totaled \$128,715.55. He reported that the income for October 2014 totaled \$17,355.20 and expenses

totaled \$85,709.88. The two Certificates of Deposit at the Bank of Montgomery totaled \$713,892.69 at the end of October. The Business Savings account at Chase Bank was \$202,529.38.

November 2014

Secretary/Treasurer Landry presented the cash in the bank for the month of November 2014 totaled \$98,170.79. He reported that the income for November 2014 totaled \$14,343.37 and expenses totaled \$38,417.94. The two Certificates of Deposit at the Bank of Montgomery totaled \$714,194.48 at the end of November. The Business Savings account at Chase Bank was \$202,534.03.

Secretary/Treasurer Landry reported that the Certificate of Deposit totaling \$200,752.01 will mature on 12/18/14. Chairman Al Moreau motioned to have a standing policy of getting three quotes for approval of certificates of deposit and choosing the best rates and terms at the time of renewal. Final decision to be made by the Secretary/Treasurer and Executive Director jointly at that time. The motion was seconded by Secretary/Treasurer Danny P. Landry. The board voted and approved the motion unanimously.

Secretary/Treasurer Landry reported that the other post-employment benefits (OPEB) line item in the budget is currently being reported on annually in the budget. The board determined that this line item in the budget needs to change monthly.

Executive Director's Report

Executive Director Charlotte Martin provided a licensing update to the board, showing how many physical therapy and physical therapy assistant licenses were issued by examination, reciprocity and foreign educated applicants.

Executive Director Charlotte Martin presented a 2015 Calendar for the board to review, including potential traveling Jurisprudence seminar dates and board meeting dates. The board requested to review this in depth and approve the calendar at the next board meeting.

Executive Director Charlotte Martin reported to the board that she is ready to begin the search for the Executive Assistant (aka Assistant Executive Director). Chairman Al Moreau motioned to begin the search for the Executive Assistant for the LPTB. Charlotte Martin will begin search after vetting candidates and will present the top three to five candidates to be interviewed by board members. The motion was seconded by Secretary/Treasurer Danny Landry. The board voted and the motion was approved unanimously.

Special Committees Report

Continuing Education Committee

Elizabeth Austin reported on the number of continuing education courses that were approved, denied and pending for the month.

Kristina Lounsberry notified the board that there is a discrepancy in the number of hours approved on a course. She recommended that Mrs. Martin send a mass email to licensees letting

them know. Mrs. Martin will wait for Kristina Lounsberry to confirm that a mass email should go out to licensees and then will send notification.

Kristina Lounsberry advised the board that there have been discrepancies in the requested approval hours for courses from Advanced CEUs. She has attempted to contact the course provider and has requested the ability to review a sample course. This has not yet been provided. Advertised hours on Advanced CEUs website are greater than those awarded by the board. This will be investigated further and a mass email will be sent to licensees with the final determination.

Executive Director Charlotte Martin asked for clarification from the board and from legal regarding Continuing Education requirements for individuals applying for licensure through reciprocity. General Counsel George Papale cautioned the board about pinpointing continuing education requirements to determine if another state is substantially equivalent to Louisiana. He recommended that the board enforce Rule §145.D. in determining that if the applicant was in good standing with the continuing education requirements of the applicants' license state for the past 24 months, then that would fulfill the requirement to meet the continuing education requirement for obtaining initial licensure in Louisiana. The board asked Mrs. Martin to communicate this to licensees who are applying/have recently applied through reciprocity.

Legislative Taskforce

Don Cassano is now added as a member of the Legislative Taskforce. The Legislative Taskforce for 2015 is made up of board members: Al Moreau, III; Danny Landry and Donald Cassano, Jr. Non-board member members of the Legislative Taskforce include Advisory Committee Member Patrick Cook, Attorney Courtney P. Newton, and Executive Director Charlotte F. Martin.

Chairman Al Moreau provided a Direct Access Resolution update to the board. Chairman Moreau scheduled a board vote for the January board meeting to determine if the board will pursue a resolution or not. Board members were asked to email Executive Director Charlotte Martin questions that they have regarding the resolution.

Chairman Al Moreau updated the board on his and Mrs. Martin's efforts to schedule a meeting with Senator Troy Brown to discuss the resolution with him. Mrs. Martin will continue to reach out to Senator Brown's office to schedule a meeting to discuss the resolution discussion with Senator Mills.

Attorney Courtney Newton updated the board on the conversation she had with Senator Mills' legislative staff member, Chris Adams. Mrs. Newton recommended that the board draft firm questions for Senator Mills prior to determine the composition of the committee.

Chairman Al Moreau reported to the board that the legislative taskforce plans to schedule a meeting with Patrick Cook, Advisory Committee member in January 2015 to provide an orientation in preparation for this year's legislative session. Chairman Moreau requested that the legislative task force members be invited to the meeting, as well as Cristina Faucheux.

Chairman Al Moreau, III welcomed Cristina Faucheux from the Louisiana Physical Therapy Association and thanked her for attending the meeting. Cristina Faucheux updated the Board on recent LPTA efforts prior to this legislative session. The LPTA is concerned that the board may impede the LPTA's efforts if the Board moves forward with a Resolution at this time. The board will vote regarding moving forward with the Resolution, or not, at the next board meeting.

Legal Reports

General Counsel George Papale discussed his conversation with Executive Director Charlotte Martin regarding Hearing Officer Expectations. The board reviewed the expectations list prepared by Mr. Papale and approved. Mrs. Martin will send the prepared expectations to the AG's office.

Chairman Al Moreau presented the final findings of fact from the David Conerly hearing held in September 2014. The board voted and accepted the findings of fact as written. Mrs. Martin will notify Mr. Conerly of the determination by the board and provide language from legal counsel on Mr. Conerly's options for appeal.

Chairman Al Moreau presented a Consent Order to be reviewed by the board on licensee Emmanuel Adeyanju, License No. 03062F. The board voted and unanimously accepted the consent order as written and signed.

Chairman Al Moreau presented an Amending Consent Order to be reviewed by the board on licensee David Watkins, License No. A4091. The Amending Consent Order includes provisions for abstaining from alcohol, in addition to controlled dangerous substances, during his probationary period. The board voted and unanimously accepted the Amending Consent Order.

Special Orders

Executive Director Charlotte Martin provided an update on the status of the upgrading of the current LPTB website. Mrs. Martin stated that the project is on hold to ensure that the LPTB is in compliance with all state requirements. Mrs. Martin and Attorney Courtney Newton met with the state contacts in the contracts division to resolve the current issues with the state contract and to continue moving forward. Mrs. Newton and Mrs. Martin are working closely with the vendor and the state to determine if the services can be approved through a purchase order, which would allow the vendor to move forward quickly, as this is considered by the LPTB to be an emergency situation. Mrs. Martin also mentioned that when working with vendors there are unexpected costs associated with the technology. Chairman Al Moreau motioned to allow Charlotte Martin to approve and pay for services performed by Covalent Logic in relation to the website outside the scope of the contract/in addition to the scope of the contract as long as the contract amount is not exceeded. Sue Bartol seconded the motion. The board voted and the motion was approved unanimously.

Executive Director Charlotte Martin provided a list of four Advisory Committee terms that will be ending December 31, 2014: Nicholas Butler, Kevin Touchet, Armafe Veneracion, and Wayne Campbell. Mrs. Martin will work on nominations to the committee for the January Board Meeting. The board discussed ways to communicate the vacancies on the committee and

determined that it should be announced at the traveling Jurisprudence seminars and included in the printed newsletter.

Unfinished Business

Kristina Lounsberry provided an update to the board regarding the website of Unitech. The Unitech advertisement for Physical Therapy Assistants is actually a link to an external website that is linked to a government site. They will have to drop the link all together because the government will not edit it from Physical Therapy Assistant to Physical Therapy Technician. Kristina Lounsberry will request the link to be removed.

Monitoring Consent Orders

Ashley Wilkinson, PTA asks if her probation period must be extended during period of working less than 20 hours prior to finding he first job after her suspension period. She requested that this be waived and her period of extension occur only if she loses a job once she gets one. The board will not grant this request.

Ashley Wilkinson, PTA asks if the board is aware of companies that help disciplined licensees find a job? The board does not know of any companies that assist disciplined licensees with finding employment.

Ashley Wilkinson, PTA asks if the board can perform hair tests instead of urine tests for testing for controlled substances and alcohol as a way to test less frequently and save on costs. The board will not grant this request.

David Watkins, PTA asks if the board will set up a credit line for his drug tests. He will enter into a payment plan with the board. The board voted and approved this request for a \$500 credit to be granted for six months, then to be repaid.

Ryan Roussel, PT asks if he can treat female patients if he is not performing physical therapy treatment. In other words, if he is doing duties similar to what a tech would be able to do can he help out in the clinic on female patients. The board will not grant this request.

Mrs. Martin reported that Todd Rodrigue and Laura Briggs, licensees who did not renew in a timeline manner and entered into an informal consent order with the board, have completed all requirements of the informal consent order. Susan Bartol provided review of the materials and determined that the requirements have been fulfilled.

Maisie Hargett, PT submitted version two of her essay requirement from her Board Order. The board approved the essay as it is written.

New Business

Correspondences

The board voted on the question: Can a PTA do an objective screen on a patient and report back to the PT to determine if the PT needs to treat the patient. Al Moreau, Danny Landry, Elizabeth Austin, Don Cassano and Kristina Lounsberry voted yes. Susan Bartol was opposed.

Sheila Crockett asked, "I'm wondering if a PTA can perform manual lumbar traction on a patient or is that limited to the physical therapist?" The board will research it further bringing in information from APTA and AOMPT.

ATC Declaratory Statements:

A Report was provided from the Special Committee made up of Kristina Lounsberry, Donald Cassano and Danny Landry. The committee reported that three statements will be released, pertaining to the following: 1) PT in Sports Medicine, 2) PT in a PT Clinic, and 3) Wellness Kristina Lounsberry motioned to accept the declaratory statements regarding "physical therapy in sports medicine," "athletic trainers in a physical therapy clinic" and "physical therapy and wellness." Al Moreau seconded the motion. The board voted and the motion was approved unanimously. The committee will revise the statements and present them to the board at the next board meeting.

Executive Session

The board voted to move into Executive Session to discuss Executive Director Charlotte Martin's performance review. All voted and approved unanimously. The board also voted to let the Advisory Members remain in the room for Executive Session. The board voted and approved unanimously.

Programs

Chairman Moreau welcomed Melissa Campbell from Peak Media and her staff to the board office. Peak Media presented to the board regarding the Public Service announcement.

The board formed a PSA committee to be made up of Chairman Al Moreau, Secretary/Treasurer Danny P. Landry, and Don Cassano, Jr.

Susan Bartol motioned to accept Peak Media as agency to develop and manage the LPTB's PSA pending the PSA committee's approval of Peak Media's proposed budget for the project. Don Cassano seconded the motion. The board voted and the motion was passed unanimously.

The meeting was adjourned at 4:07pm.