

LOUISIANA PHYSICAL THERAPY BOARD

January 14 & 15, 2015

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, January 14, 2015 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 and Dr. Gerald Leglue, MD. Advisory committee members present were Eugene Noel and Wayne Campbell. Charlotte Martin, Executive Director; Sirwana Granger, Assistant 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.

Chairman Al Moreau welcomed Sirwana Granger, newly hired Assistant Executive Director for the Louisiana Physical Therapy Board. He also introduced representatives from the Louisiana Physical Therapy Association, Cristina Faucheux, Government Affairs Committee Chairperson and Becky Leger, Ethics Committee.

Review of the Agenda

Chairman Moreau asked the members of the board to review the agenda. The agenda was restructured to for nominations and elections to be the first order of business, and to move the Legislative Taskforce Update to follow the Chairman’s Report.

Special Orders

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.

Approval of Minutes

Secretary/Treasurer Landry reviewed the minutes from the December 2014 board meeting. The board voted and the minutes were unanimously approved.

Chairman’s Report

Chairman Moreau provided the board with proposed 2015 Jurisprudence Calendar. All Jurisprudence Seminars are held on Thursday from 6:00pm – 8:00pm. The dates for 2015 are as follows: 2/12 – Mandeville; 3/5 – Shreveport; 4/23 – New Orleans; 7/16 – Shreveport; 8/6 – Lake Charles; 8/27 – Lafayette; 9/17 – Baton Rouge; 10/22 – New Orleans; 11/5 – Alexandria; 12/10 – Monroe.

Chairman Moreau discussed with the board the opportunity to provide the Jurisprudence Seminar at the LPTA spring and fall meetings. The board voted in favor of holding a seminar during these two meetings.

Chairman Moreau discussed the policy for board members to receive credit for attending or presenting a jurisprudence seminar. Danny Landry motioned to create a policy to give board members who attend jurisprudence but do not receive per diem to receive credit for continuing education. Kristina Lounsberry seconded the motion. The board voted and unanimously approved.

Chairman Moreau reported that the new format of the jurisprudence seminar, which includes an hour-long town hall meeting component, has been successful. The Baton Rouge seminars held this way doubled in attendance and would have easily surpassed this number if the venue would have accommodated the capacity needed on that date. The response from licensees has been positive. The next jurisprudence seminar is scheduled for Thursday, January 15, 2015 in Lafayette, La.

Chairman Moreau discussed the importance of board members to provide an accurate and consistent response to licensees at all times. He announced that he will be presenting at the Lafayette Jurisprudence seminar and all future seminars because of the need for a consistent message to be sent to the public. Chairman Moreau stated that if he is unable to present, then Danny Landry will present as is his duty as the other officer of the board.

Chairman Moreau asked Beth Austin to report to the board on the LSU Shreveport interviews of graduating class that was held on January 5, 2015. Beth asked that the staff update the presentation to add an interactive component and to add information about supervision ratios to the presentation.

Chairman Moreau reported that in the coming months the board will be presenting at several more school interviews for graduating classes and currently Danielle Linzer in the office is in the process of finalizing the schedule. For the interview at Louisiana College, Secretary/Treasurer Danny Landry will present.

Chairman Moreau reminded the board of who will be attending the Federation of Associations of Regulator Boards (FARB) Form that will be held from Thursday, January 22 through Sunday, January 25, 2015: Secretary/Treasurer Danny Landry, Board Member Beth Austin, Executive Director Charlotte Martin and Attorney Courtney Newton.

Legislative Task Force Update

Chairman Moreau noted that the board is mandated to promulgate a Rule regarding telehealth as part of the Board's duty. He asked Attorney Courtney Newton to work with board members on language that can be voted on at the February board meeting. Secretary/Treasurer Landry recommended that the board review the language from the Louisiana State Board of Medical Examiners for consistency, As well as language from the FSBPT Model Practice Act 5th Edition & APTA's Position Statement on Telehealth.

Chairman Moreau updated the board on the meeting that he, Secretary/Treasurer Danny Landry, Attorney Courtney Newton, Executive Director Charlotte Martin, and LPTA's Governmental Affairs Committee chairperson Cristina Faucheux had with Senator Mills regarding questions

and concerns about moving forward with the Patient Access Resolution. All board member questions were answered by Senator Mills and reported to the board by Chairman Moreau. Chairman Moreau stated to the board that it is the recommendation of the Legislative Task Force to move forward with the Patient Access Resolution. The board voted on moving forward with drafting language for a Resolution for board review and another vote prior to submitting the Resolution. The board voted and approved with Chairman Al Moreau, Secretary/Treasurer Danny Landry, Don Cassano, Beth Austin and Gerald Leglue in favor. Sue Bartol and Kristina Lounsberry were opposed.

Secretary/Treasurer's Report, Danny P. Landry

Secretary/Treasurer Landry reported the cash in the bank for the month of December 2014 totaled \$54,337.37. He reported that the income for December 2014 totaled \$12,165.46 and expenses totaled \$54,218.30. The two Certificates of Deposit at the Bank of Montgomery totaled \$714,405.48 at the end of December. One Certificate of Deposit totaled \$200,752.01 in December and did mature on December 18, 2014. The other Certificate of Deposit totaled \$513,653.47 at the end of December and will mature on March 27, 2015. The CD totaling \$200,752.01 will be transferred to Lakeside Bank where the interest rate is 4.5% as compared to the 2.5% interest rate at the Bank of Montgomery. The Business Savings account at Chase Bank was \$202,539.51 at the end of December.

Executive Director's Report

Executive Director Charlotte Martin reported changes in staff since the previous board meeting. Ashley Richard, Administrative Coordinator 3 resigned effective January 31, 2014 and Sirwana Granger, Assistant Executive Director was hired effective January 5, 2015. At this time, Mrs. Martin reported that the position for Administrative Coordinator 3 will remain vacant.

Executive Director Martin reported that the Governor's Report was finalized and submitted and she distributed copies to all board members for review. The board members provided feedback for improvements in next year's annual report.

Executive Director Martin reported that the winter 2015 newsletter was finalized and mailed to all licensees.

Executive Director Martin reported that the staff is continuing to finalize the Board Member Orientation Handbooks and the deadline for completion is prior to the next board meeting.

Executive Director Martin reported that five physical therapists were licensed since the last board meeting, all obtaining licensure through reciprocity. One physical therapist assistant was licensed through reciprocity. All candidates for licensure complete a post-examination survey through FSBPT. The overall satisfaction rating for all jurisdictions on the question "How satisfied were you with the processing of your application by the state in which you applied for licensure?" was 83.33%. In Louisiana, the rating for this quarter (quarter four) was 98.41%. In 2014, the first quarter rating was 92%, the second quarter rating was 92.31%, and the third quarter rating was 91.30%.

Mrs. Martin reported that one foreign-educated physical therapist applicant is attempting to apply through reciprocity. Mr. Domes was interviewed by Sue Bartol. Ms. Bartol reported her concerns to the board, which included her revelation that Mr. Domes had not worked for the period of time required for licensure by reciprocity and he would need a provisional license to practice in Louisiana. Ms. Bartol recommended that the Board revise the application for licensure to include dates of employment at each place of employment to prevent this from being an issue in the future. The board asked that the staff gather information and bring him in before the board prior to licensing.

Reports of Special Committees

Kristina Lounsberry reported on behalf of the Continuing Education Committee. Since the last board meeting, 37 clinical courses and 2 administrative courses were approved by the board.

Mrs. Lounsberry presented a Course Sponsor application from Institute for Brain Potential for the course titled Calming and Overactive Brain. The board discussed the classification of this course and whether or not it should be approved by the board. The board reviewed the course and determined that it will be approved for 6 hours, as applied.

Charlotte Martin reported that several licensees are asking for a “late” exception to Rule §193.G.b. that licensees must submit the application for course or activity approval within 90 days of completion. The board determined that all late considerations will be denied, unless hardship can be proven. The only exception to CEUs that will apply are found in Rule §198 Exemptions from CEU Requirements. Mrs. Martin will issue a letter to all individuals who have submitted course approval applications for individuals whose course was completed more than 90 days prior to applying for an approval.

Special Orders

Chairman Moreau reviewed the application for Advisory Committee nominees. Since the nominees have no competitors, Mr. Moreau asked Charlotte Martin to obtain at least one competitor for each of the open positions prior to the board nominating any Advisory Committee members for 2015.

Unfinished Business

Sue Bartol reported on the correspondence update from Lucy Slade. Slade originally wrote, “I was curious if you were able to discuss at board meeting the issue regarding my license after Hurricane Katrina. Remember it was because check was lost in mail and initially was on list as renewed and then Jan 5th hospital was notified that I wasn't current. You were going to see if it could be expunged from my record.” The board consulted legal and determined that the board cannot expunge this public record.

Sue Bartol reported on research that she conducted since the last board meeting related to Sheila Crockett's question: I'm wondering if a PTA can perform manual lumbar traction on a patient or is that limited to the physical therapist? The board reviewed Secretary/Treasurer Danny Landry's

response and agreed that it is an appropriate response. Charlotte Martin will send the letter to Mrs. Crockett.

The board reviewed the status of licensees that are currently being monitored by the board and are following Consent Orders.

New Business

Correspondences, Charlotte Martin

Brent Robertson, PT (Lic #08652) asked, "I am looking to teach a fitness class (Geri-Fit) at senior living facilities and in the home (both group and one on one). It is an evidence-based strength training program geared toward geriatric patients. It has been recognized by the National Council on Aging as an evidence-based program and, just this past April, the CDC placed Geri-Fit on its Future Possibility List (Tier 4). I plan to soon be a licensed and certified Geri-Fit instructor. I plan to offer these classes to patients at discharge (who will benefit) and to the public to improve/ maintain their strength as they age. My questions are as follows:

- 1) If the program is not advertised as being taught by a physical therapist and only as a Geri-Fit fitness class, would participants be considered "wellness" clients?
- 2) Can I utilize PTAs, PT technicians and personal trainers who are Geri-Fit certified instructors to teach the class? Would direct supervision and/or a PT need to be onsite when these classes are held for any of the above mentioned personnel?" Al Moreau will call Mr. Robertson.

The board recessed at 11:30pm

The board meeting reconvened at 9:00am on Thursday, January 15, 2015. A quorum of members was present. Chairman Al Moreau, Treasurer/Secretary Danny Landry, Kristina Lounsberry, Elizabeth "Beth" Austin, Dr. Gerald Leglue and Don Cassano. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present. Sue Bartol was not present.

Hearing

A hearing was conducted on Rebecca Seymour, License #07641R. Minutes of the hearing are included in the comprehensive transcript of the hearing.

The meeting was adjourned at 5:00pm.

Recap of Motions:

Danny Landry motioned to create a policy to give board members who attend jurisprudence but do not receive per diem to receive credit for continuing education. Kristina Lounsberry seconded the motion. The board voted and unanimously approved.

LOUISIANA PHYSICAL THERAPY BOARD

February 25 & 26, 2015

Approved

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, February 25, 2015 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 Dr. Gerald Leglue, MD. Advisory committee members present were Althea Jones, Eugene Noel and Wayne Campbell. Charlotte Martin, Executive Director; Sirwana Granger, Assistant Executive Director; George Papale, General Counsel; and Courtney P. Newton, Attorney were also present.

The meeting was called to order at 6:45 p.m.

Chairman Al Moreau welcomed members of the public and members of the LPTA who were present.

Review of the Agenda

Chairman Moreau asked the members of the board to review the agenda. The agenda was accepted as written.

Approval of Minutes

Secretary/Treasurer Landry reported on the minutes from the January 2015 board meeting. The board reviewed the minutes and voted to approve them as written. The vote was unanimously approved.

Special Programs

George Lovecchio, Executive Director of the Wholesale Drug Distributor Board presented to the Board on drug supply chain integrity, including counterfeit medicine and devices, regulation, Title II Drug Supply Chain Security (DSCS), and 21st Century Cures. The board agreed to post information on the Board’s website and include a slide in the traveling Jurisprudence seminar presentation regarding drug supply chain integrity to provide information to physical therapy licensees on the matter.

Reports of Officers and the Board Office

Chairman’s Report

Chairman Al Moreau, III reported to the Board that Susan Bartol resigned from her position as Board Member effective January 20, 2015. He expressed regret of her departure and board members agreed.

Mr. Moreau reported on the Board of Elementary and Secondary Education (BESE) Serious Sports Injury Rule. Chairman Moreau, Executive Director Charlotte Martin and Attorney Courtney Newton met with the Louisiana State Board of Medical Examiners (LSBME) President Dr. Dawson, Executive Director Dr. Mouton and Attorney Philip Bergeron. Chairman Moreau reported that at the conclusion of the meeting, it was the opinion of both parties that physical therapists have a place on the sidelines. It is also the opinion of both parties that physical therapists should not practice outside the scope of their practice on the sidelines or in any setting.

It is within the scope of practice for physical therapists to perform an evaluation to determine whether an individual has an injury or can return to play; if an injury needs to be treated with physical therapy intervention; or if the individual is in need of medical attention. If the injury is serious and in need of medical attention outside the scope of practice of the physical therapist, the physical therapist is to refer that individual to a medical doctor. Cristina Faucheax, Louisiana Physical Therapy Association's (LPTA) Government Affairs Chairperson reported that the LPTA received a statement in writing from BESE stating that the rule should not exclude Physical Therapists.

Chairman Moreau updated the board on jurisprudence seminars since the last board meeting. The Jurisprudences were held in Lafayette on January 15, 2015 with 122 attendees and in Mandeville/Covington on February 12, 2015 with 49 attendees.

Treasurer's Report

Secretary/Treasurer Landry reported the cash in the bank for the month of January 2015 totaled \$26,275.42. He reported that the income for January 2015 totaled \$15,981.89 and expenses totaled \$43,454.01. The two Certificates of Deposit at the Bank of Montgomery totaled \$714,666.24 at the end of January. One Certificate of Deposit totaled \$200,794.64 in January and did mature on December 18, 2014 but was automatically renewed. The other Certificate of Deposit totaled \$513,871.60 at the end of January and will mature on March 27, 2015. The CD totaling \$200,794.64 will be transferred to Lakeside Bank (with a small early withdrawal fee) where the interest rate is 0.45% as compared to the 0.25% interest rate at the Bank of Montgomery. The \$513,871.60 CD will also be moved to Lakeside for a better interest when it matures in March. The Business Savings account at Chase Bank was \$202,544.49 at the end of January.

Executive Director's Report

Executive Director Charlotte Martin met with a CPA in Lafayette to discuss assisting the Board with the creation of a 5 year budget. He reviewed the financials and recommended that the Board amend the current budget, then Mrs. Martin will work with Secretary/Treasurer Danny Landry to create a one year budget for 2016. At that time, his firm would be able to use next year's budget to project a five year plan.

There is a mandatory training required for board members and state staff: Sexual Harassment. The Board will complete this training at a board meeting in calendar year 2015. Mrs. Martin reminded the Board that the other two mandatory requirements are Ethics training and Personal Financial Disclosures.

The Board Office has received 374 Renewals to date. There are some renewal applications with CEU issues that are being resolved prior to processing. The office staff has confirmed that licensees are not delinquent on student loans prior to processing applications. The office staff has also been working with Department of Child and Family Services (DCFS) to confirm that licensees are not delinquent on child support, but this process is slowing the renewal processing time. The office staff hopes to be able to process applications much more quickly in the month of March, now that the DCFS process is in place.

Charlotte Martin and Courtney Newton attended a CLE offering of the BAR to learn about the rules-making process for the state of Louisiana. The presenter was State Register Editor, Catherine Brindley.

Charlotte Martin, Courtney Newton, Danny Landry and Elizabeth “Beth” Austin attended the FARB training in Tucson, AZ and were able to bring information back to the board regarding national topics in regulation and in physical therapy. Mrs. Martin reminded the Board that FARB is offering a training in Louisiana for \$300 per person, but they will need a minimum of 20 individuals to attend. The LPTB is one of three boards that is currently interested in bringing the FARB training to Louisiana.

The state issued a purchase order number for the purchase of the website upgrade. The order will need the Board’s signature, since the Chief Information Officer of the Office of Technology Services (OTS) of the Department of Administration in the State of Louisiana, Richard “Dickie” Howze has delegated to the Louisiana Physical Therapy Board the authority to serve for and act on behalf of the CIO as his duly appointed designee as the procuring authority for all Information Technology related procurements. The board will move forward with creating a timeline with Covalent Logic for 3 to 6 months for completion. The need for a website is now an emergency situation because the company that hosts the website informed the Board that they are retiring the server where the website is housed and Microsoft no longer supports the most recent operating system for compatibility with the website. Additionally, the renewal form is built on an Access database, which is not meant for multiple entries, which is causing the website to not function during the renewal period.

Don Cassano moved for the board to authorize signatures of the purchase order or for the purchase of software and maintenance services from Covalent Logic upon approval by Covalent Logic of the inclusion of terms and agreements into the contract. Dr. Leglue seconded the motion. The board voted and the motion was unanimously approved.

Peak Media is working on a professional services contract for less than \$50,000 for the creative portion of the project. The additional \$200,000 will be billable directly to the Board for media buys. This will allow the Board to move forward with the PSA in a timely manner.

Kristina Lounsberry moved to request a legal opinion from the Attorney General if the profession of physical therapy falls under the definition of “industry” as it applies to La R.S. 39:1554.D.(8)¹. Elizabeth Austin seconded the motion. The board voted and the motion was unanimously approved.

The board received a quote for offsite storage to store licensee files. The storage will provide a solution to the Board’s current dilemma of filing space, as well as the need for all files to be

¹ La.R.S. 39:1554D(8) provides that contracts awarded by an agency for the benefit of an industry, payment of which comes from that industry, are exempt from the requirements of this chapter provided that any such contract is awarded through a competitive process. The “requirements of this chapter” reference is related to the RFP requirements for contracts above the amount of \$50,000. A competitive process is not defined, but an AG opinion states that in a competitive process an organization must receive at least two quotes for service.

stored in a fireproof, flood-proof and confidential space. The group provides space for LHC home health, PHI, Inc., and Laborde law firm. The staff has called references for the company to ensure that they are satisfactory.

Two policies were presented to the board for review: Dry Needling and Continuing Education. In the continuing education policy, it is clearly stated that board members can receive 2 hours credit for attending or presenting a jurisprudence seminar if they do not receive a per diem.

Legal Report

Secretary/Treasurer Danny Landry presented the language of the draft Rule on Telehealth. He reported to the Board that he has been in discussion with the national American Telehealth Association and American Physical Therapy Association for appropriate language. He has also included the Louisiana Physical Therapy Association's Rules and Regulations task force members in the discussion. The Board was impressed with the language and determined that Mr. Landry will review additional information and bring a revised Rule draft to the board meeting in March 2015 for further review.

The Board closed for Executive Session to discuss the Consent Orders from Investigative Case #s 2014I009, Art Prado and 2014I011, Robyn Alleman.

The Board exited Executive Session.

The board voted to approve Art Prado's Consent Order if the licensees agree to amendments discussed in Executive Session. Kristina Lounsberry was opposed. All other board members were in favor. Courtney Newton will present the amended Consent Orders to Mr. Prado to obtain a signature prior to obtaining a Board signature.

The board voted to approve Robyn Alleman's Consent Order if the licensees agree to amendments discussed in Executive Session. The board voted and unanimously approved. Courtney Newton will present the amended Consent Orders to Mr. Prado to obtain a signature prior to obtaining a Board signature.

Special Committees

CEU Committee

Executive Director Charlotte Martin reported that there were 56 continuing education courses approved since last board meeting. Of the approved courses, 33 were traditional "live" clinical courses and 23 were web-based clinical courses.

Mrs. Martin presented a CEU request for consideration of courses taken over 90 days ago from licensee Pam Janssen. The request was denied. Mrs. Martin presented a CEU exemption for personal hardship from licensee Jason Bland. The Board asked for more information before making a determination. Mrs. Martin presented a CEU exemption request for one credit hour of dry needling from licensee Jessica Yanta Huffman. The request was denied, Mrs. Huffman needs 50 hours of dry needling coursework to practice in Louisiana. Mrs. Martin presented a CEU request for exemption from the live coursework requirement due to personal hardship from licensee Kristen Shelton. The request was granted. Mrs. Martin presented a request to consider

APTA coursework taken between January and March in 2013 for the purposes of renewing in 2015 from licensee Ronnie Wagley. The board denied the request. All continuing education must have been taken between April 1, 2013 and March 31, 2015 for renewing in 2015.

Declaratory Statement Review

The board discussed revised responses to the following two Declaratory Statements on the topic of “Practice Issues”

Statement 1: Initial evaluation and treatment - *Can a supervising PT come into a SNF, evaluate a patient (part A or B), then have the PTA complete the remainder of the treatment?*

The board voted unanimously to revise the original answer to this question, which read, *“The PT must perform the first visit in its entirety to include the evaluation and treatment. The PT must also perform the entire treatment on re-evaluation.”*

The board will need to get a legal opinion prior to publishing the revised answer to statement 1 above. The board moved to add this item to “Old Business” on the March 2015 agenda.

Statement 2: Direct Access - *Patient diagnosis and subsequent treatment - With regards to the use of limited direct access in an outpatient private practice setting, what documentation is required as proof of previous diagnosis to treat the patient?*

The board voted unanimously to revise the original answer to this question, which read, *“The patient’s diagnosis can be established by a number of methods, but must have been made by a Health Care Provider (physician) within the previous 90 days. Bills, copies of the physicians note stating the diagnosis, and insurance papers with associated diagnosis codes from the physician’s office are all acceptable means of establishing a diagnosis. Please note that once a plan of care has been established, this must be provided to the Health Care Provider within 15 days of initiation of treatment. Please refer to section 2410 D of the Louisiana Physical Therapy Practice Act for a full explanation.”*

The board voted unanimously to update the answer to statement 2 above with revised language as follows, *“The Board’s Opinion is that the patient’s diagnosis can be established by a number of methods, but must have been made by a Health Care Provider within the previous 90 days. Please note that once a plan of care has been established, this must be provided to the Health Care Provider within 15 days of initiation of treatment.”* And the board will include references to the applicable PT Board Rules.

Christopher L. Moore, MOT, LOT asked the Board if the following Declaratory Statement (#25) is still current,

“Skilled Nursing Facility - PTA Supervision - 1) Is a nursing home with skilled beds considered a skilled nursing facility? 2) If a nursing home with skilled beds is licensed as a skilled nursing facility, what level of supervision is required for the PTA by supervising PT for Part (B) Medicare patients?” 1) A nursing home with skilled beds is

not considered a skilled nursing home facility except for the skilled beds. For physical therapy supervision purposes, the skilled beds would require the periodic supervision of a physical therapist assistant as set forth in 321.A (2) of the Boards Rule. The non-skilled beds would require the periodic supervision set forth in Rule 321.A (3)

2) With regards to the level of supervision, please refer to the Boards Response to Question #1 above. Again, periodic supervision regarding skilled beds is set forth in 321.A (2). In comparison, the supervision for non-skilled beds is set forth in Rule 321.A (3). Additionally, it is the Boards understanding that skilled facilities do not have Part (B) Medicare as skilled beds.”

The board determined that the Declaratory Statement (#25) is not current. The board staff will remove this Declaratory Statement from the website.

The Board recommended identifying all Declaratory Statements with the statement, “this is the exception, not the Rule” and have those removed. They decided that Rules should be followed or Rules should be revised. There are no exceptions to the Rules.

Legislative Task Force

Chairman Moreau provided an update to the Board on the meetings that he has attended in relation to the Patient Access Resolution that Senator Mills is authoring this legislative session. The Board reviewed the language and voted unanimously to approve sending the Resolution Draft to Senator Mills’ office. The Board will finalize the list of committee members for the Resolution at the next board meeting.

Al Moreau,III moved to allow the Legislative Task Force to be able to complete and choose a committee for the study resolution on patient access and to move forward with the final Resolution language. Elizabeth Austin seconded the motion. The board voted and the motion was approved unanimously.

Representative Mike Huval has expressed interest in authoring a Bill for the Louisiana Physical Therapy Board to be added to the list of exempted organizations included on La.R.S. 37:21, which creates a statute of limitations for the prescriptive period on investigating complaints.

Mr. Moreau informed the Board of the upcoming public hearing on Recreational Therapy that will be held March 31, 2015 and recommended that a member of the LPTB Legislative Task Force, a LPTB board member, or a LPTB advisory committee member who is a practitioner of physical therapy attend. Cristina Fauchaux, LPTA Government Affairs chairperson and practitioner of physical therapy informed the board members that she will be attending the hearing.

Mr. Moreau informed the board of a software that is available, which would drastically reduce the time that the Legislative Taskforce takes in reviewing legislative activity that can potentially impact the regulation of the practice of physical therapy. The board reviewed the quote from the vendor and approved the purchase for a one year subscription for one user.

New Business

Correspondences

Judd Patterson asked, "The question that I would like to pose to the board at the February meeting deals with Physical Therapists being able to take evaluate and treat referrals / orders from LIP's including MD's, PA's, DO's and NP's. Once the "PT eval and treat" referral / order is received that the PT is within his scope of practice to evaluate the patient, establish a plan of care and begin treatment without any further orders from the LIP. This question primarily deals with the acute care / inpatient setting."

The Board suggested that Mr. Patterson submit an official request for a Declaratory Statement and they will issue a response.

Eric Cedor asked, "Our clinic is inside of a health club, and we have members that would prefer to pay us a cash fee for services rendered (specifically manual therapy and dry needling). Are we still required to have a physician referral to provide these services in a cash-based system? If so, is this a restriction imposed by the board or by state law?"

Don Cassano will draft a response.

Christian Bourgeois asked, "I am opening my own outpatient physical therapist clinic and I am trying to determine what agency has jurisdiction over outpatient physical therapy clinics to see what type of inspections and licenses I need to open the doors. I already have an occupational license with Ascension Parish, but I'm not sure if I need some type of state license above and beyond my occupational license and my state PT license. Any help would be greatly appreciated.

The board determined that no additional paperwork is needed to provide to the board for businesses. Mrs. Martin will respond.

Aliza Rudavsky asked, "1. I am a licensed PT in good standing in the state of Washington since 2012 however this past September I put my license on "inactive" status as I am living in Australia temporarily. I will be moving to Louisiana in August and wanted to know what the best way is to get my license to practice there? Is there any reciprocity because of my good standing in WA? Do I have to activate my WA license in order to get the reciprocity? I won't be practicing in WA, just in LA. 2. In Australia I have my license as a physiotherapist and have been practicing here. I have been able to do on-site treatment for performing artists at musical theater shows (backstage before the show) and am contracted out by the theater company. I know a lot of ATCs and PTs do side-line treatment at sporting events and in my mind, backstage treatment is similar. What are the laws about backstage and side-line evaluation and treatment in LA? My understanding is evaluation is OK without a referral but treatment requires a referral from an MD, are there any specific rules or exceptions for side-line or backstage treatment?" The Board asked Mrs. Martin to reply to her first question stating that there is no issue with her applying through Reciprocity as long as her license in WA is in good standing.

The board asked Mrs. Martin to forward Ms. Rudavsky the declaratory statement pertaining to PT and sports to her second question.

Advisory Committee Nominees

The Board reviewed resumes of nominees to the Advisory Committee that will serve the southwest and northwest regions of the state, replacing outgoing committee members Kevin Touchet and Armafe Veneracion, respectively. The Board also reviewed the resumes of nominees to the Advisory Committee that will serve as the foreign trained positions on the committee. The Board requested to interview the applicants at the next board meeting. The Board reviewed the resume of Ryan Usner, PTA who was the sole contender for the PTA position on the committee and who the board members met at the January board meeting, and again as he volunteered at the Mandeville/Covington traveling jurisprudence seminar. The Board voted unanimously to appoint him to the committee.

Board Meeting Recommendations

Secretary/Treasurer Landry recommended to the Board to add board meetings throughout the year to get more business completed. He recommended traveling hearings, so they do not coincide with board meetings and reduce the amount of time allowed for monthly board meetings. He also recommended a board retreat in the coming year to discuss important issues facing the practice of physical therapy that can be harmful to the public and/or cause issue for the regulation of the practice of physical therapy.

Old Business

Monitoring Consent Orders

The Board reviewed Emmanuel Adeyanju's essay that was submitted by the deadline specified in his Consent Order. The Board approved his essay as it is written. The Board office will send him notice of approval.

The Board voted unanimously to go into Executive Session to discuss sensitive information pertaining to monitoring licensees.

The Board recessed at 1:30am.

The board meeting reconvened at 8:00am on Thursday, February 26, 2015. A quorum of members was present. Chairman Al Moreau, Treasurer/Secretary Danny Landry, Kristina Lounsberry, Elizabeth "Beth" Austin, Dr. Gerald Leglue and Don Cassano. Charlotte Martin, Executive Director, George Papale, General Counsel, Courtney P. Newton, Attorney, Assistant Attorney General John Morris and Certified Court Reporter Kim Taylor were also present.

Old Business (continued)

The Board voted unanimously to go into Executive Session to discuss sensitive information pertaining to the findings of fact from the hearing in January for licensee Rebecca Seymour. John Morris, Assistant Attorney General was present in Executive Session to provide legal advice to the Board.

The Board exited Executive Session. Chairman Moreau moved to accept the findings of fact as stated with the revisions made through executive session to accurately reflect the record. The board voted and unanimously approved.

The board meeting was adjourned at 10:00am.

Recap of motions:

Don Cassano moved for the board to authorize signatures of the purchase order or for the purchase of software and maintenance services from Covalent Logic upon approval by Covalent Logic of the inclusion of terms and agreements into the contract. Dr. Leglue seconded the motion. The board voted and the motion was unanimously approved.

Kristina Lounsberry moved to request a legal opinion from the Attorney General if the profession of physical therapy falls under the definition of “industry” as it applies to La R.S. 39:1554.D.(8). Elizabeth Austin seconded the motion. The board voted and the motion was unanimously approved.

Al Moreau,III moved to allow the Legislative Task Force to be able to complete and choose a committee for the study resolution on patient access and to move forward with the final Resolution language. Elizabeth Austin seconded the motion. The board voted and the motion was approved unanimously.

LOUISIANA PHYSICAL THERAPY BOARD

March 25 & 26, 2015

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, March 25, 2015 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 Dr. Gerald Leglue, MD. Advisory committee members present were Armafe 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 4:00pm by Chairman Al Moreau.

Chairman Moreau welcomed members of the public, members of the LPTA and those who would be interviewing for the Advisory Committee positions during the meeting.

Review of the Agenda

Chairman Moreau asked the members of the board to review the agenda. The agenda was accepted as written.

Approval of Minutes

Secretary/Treasurer Landry reported on the minutes from the February 2015 board meeting. The board reviewed the minutes and Chairman Moreau moved to approve the minutes as written. The Board voted and the minutes were approved.

Reports of Officers and the Board Office

Chairman’s Report

Chairman Moreau reported that the Attorney General’s Office released an AG opinion that dry needling is within the scope of practice for physical therapy. The board asked Mrs. Martin to post a link to the AG Opinion on the board website and to send an email blast to all licensees notifying them that this opinion has been released. The board asked the LPTA representatives to add a link of the AG Opinion to their website.

Chairman Moreau updated the board on a meeting that he, Executive Director Charlotte Martin and Attorney Courtney Newton attended with representatives of LPTA, BESE and the Louisiana Department of Education regarding physical therapists practicing at school sponsored athletic events. The Department of Education and BESE agree that physical therapists should not be excluded from practicing on the sidelines. They informed the representatives of the Board and LPTA that they would appreciate input from healthcare professionals when writing policy, since they are experts in education and not in healthcare. The Board determined that they will move forward with meetings with LHSAA regarding changes to the serious sports injury definition and will continue meetings with the Department of Education and BESE after the language is finalized for that definition.

Treasurer's Report

Secretary/Treasurer Landry reported the cash in the bank for the month of February 2015 totaled \$32,646.34. He reported that the income for February 2015 totaled \$99,009.50 and expenses totaled \$61,369.00. The two Certificates of Deposit at the Bank of Montgomery totaled \$714,927.09 at the end of February. One Certificate of Deposit totaled \$200,837.27 in February and did mature on December 18, 2014 but was automatically renewed. The other Certificate of Deposit totaled \$514,089.82 at the end of February and will mature on March 27, 2015. The Business Savings account at Chase Bank was \$202,549.14 at the end of February.

Executive Director's Report

Executive Director Charlotte Martin reported that Sirwana Granger attended the State Civil Service HR Training Workshop on 3/9/2015 in Baton Rouge.

Mrs. Martin reported that the Board had a booth at the LPTA Spring Symposium and Mrs. Granger and Mrs. Linzer from the board office were both present at the conference. The licensees had a positive response to the board's customer service and the direction that the board is headed overall.

Mrs. Martin reported to the board that performance evaluations for all contracts of fiscal year 2013 – 2014 are overdue. She was made aware of this and is working to remedy the situation with the office of state procurement as soon as possible.

Mrs. Martin updated the board that the architecture firm who produced the architectural plans on the new proposed office building has sent their invoice to the board office. The board attorney, Courtney Newton, will work with Mrs. Martin, to confirm that the percentage of the project that is being invoiced is accurate and completed. The confirmation will then allow the board office to issue a check to be signed by the Secretary/Treasurer and sent to the architecture firm for final payment of the invoice.

Mrs. Martin updated the Board that the Department of Health and Hospitals hosted a training for the new e-system for filing contracts. The training was held on 3/25. Mrs. Martin was unable to attend due to a conflict with the board meeting. She will attend the makeup session and will begin entering contracts in the online system as soon as possible for next fiscal year.

Mrs. Martin updated the board on the contract for the Public Service Announcement. Submitting a contract for \$50,000 for professional services and the remaining amount to be invoiced directly to the board is no longer going to be an option for the board because it would be considered an attempt to avoid the RFP process with the state. Mrs. Martin will work with attorney Courtney Newton to submit an Attorney General's Opinion on whether or not physical therapy is an "industry" according to the applicable law that exempts those with self-generated funds from the RFP process.

Mrs. Martin updated the board on the website upgrade. Covalent Logic estimates that the project will be completed by the end of May 2015.

The board is adopting a policy regarding those who wish to have a refund on their renewal application after they submit the fee. The board determined that if the staff has reviewed the renewal packet, the licensee will receive a 75% refund upon request to rescind the renewal application. If the renewal packet has not been reviewed by staff, the licensee will receive a 100% refund upon request to rescind the renewal application.

Mrs. Martin reminded the Board that the FSBPT 2015 Board Member and Administrator Training will be held from 6/12 – 6/14/2015. The Chairman and Secretary/Treasurer expressed interest in attending.

Mrs. Martin reported the following upcoming events, to occur prior to the next board meeting:

- Mrs. Martin and Chairman Moreau will be meeting with the Speaker of the House of Representatives Chuck Kleckley for the state of Louisiana as an introductory meeting and to inform him of the Resolution that will be filed this year.
- New Orleans Jurisprudence will be held 4/23/2015 from 6pm – 8pm in Metairie
- LSU New Orleans Interviews for the graduating class will be held 4/24/2015

Our Lady of the Lake Interviews for the graduating class will be held 4/27/2015

Legal Report

Secretary/Treasurer reviewed the revised language of the Telehealth Rule draft with the Board. The board noted that it is **GREAT!** However it needs more information regarding the jurisdiction of licensees practicing via Telehealth. Secretary/Treasurer Landry will consider the comments of the board and revise the Rule draft to be reviewed at the April board meeting.

Executive Director Martin discussed the DHH Rule for Home Health Minimum Standards and how it is much more restrictive to licensees than the Board's current language of the Practice Act and Rules. Specifically, it states that the PT/PTA face-to-face conference must occur every 6th visit or once a week, whichever occurs first. The Board Rules state that the patient care conference must occur every 6th visit or every 30 days, whichever occurs first. Chairman Moreau moved to have the board attorney Courtney Newton write a letter to DHH informing them of the Board Rules and formally asking them to change their Rule. The board voted and approved unanimously.

Board Attorney, Courtney Newton presented a draft letter for the board to send out to licensees who failed to renew their license in 2015. The board reviewed the letter and unanimously approved it as written. The letter will be sent on May 1, 2015 to all licensees who did not renew their license with an expiration date of April 30, 2015.

Mrs. Newton provided a draft response to Judd Patterson's Declaratory Statement request regarding a physician's order for "eval and treat." Chairman Moreau moved to accept the response as written. The board voted and unanimously approved. Mrs. Newton will work with the Declaratory Statement Committee (Danny Landry, Kristina Lounsberry and Beth Austin) to combine this declaratory statement with an existing declaratory statement on the website, in an effort to reduce duplication and possible confusion.

Mrs. Newton reported that Robyn Alleman signed the amended Consent Order. Art Prado has not signed the amended Consent Order and Mrs. Martin is having a difficult time reaching him. It appears that he is being cooperative, but Mrs. Martin and Mrs. Newton will work together to get a signature from him as quickly as possible or to move in emergency action.

Mrs. Newton stated that she will be reporting on North Carolina State Board of Dental Examiners verses the Federal Trade Commission in detail at the April board meeting. She provided a brief overview for the board in terms of what the case was about and why the ruling may be of interest to the LPTB. She recommended that the Board create a policy on all cease and desist letters, so that prior to submitting a letter they must ask for a neutral party opinion as to whether or not a cease and desist would be appropriate.

Mrs. Newton provided two standard clause drafts for the Board to use for consistency when writing Consent Orders and Board Orders. The clauses cover supervision and drug/alcohol abuse terms and are meant to be stock language that can be revised at the time of the Order. The board accepted the language and asked that it be added to the hearing binder reference guide.

Chairman Al Moreau presented a correspondence from licensee Susan Bartol, PT asking for a legal opinion on licensee's privacy rights in sharing email addresses. The legal team asked that we move this item to the April meeting agenda. The board voted and unanimously approved to readdress this question in April. They also advised the board to include a "preferred mail" and "mailing list" and "email list" option on the new website for better documentation of what licensees want in terms of where mail should be delivered.

Chairman Al Moreau asked for a legal opinion on Rule 335.A.2. Legal reviewed the Rule and stated that if the physical therapist states that the Tech is to do what the PTA tells the Tech to do that day, then the Tech is following orders of the physical therapist. Chairman Moreau asked if the physical therapist must be on the premises. It is the opinion of the legal counsel that the physical therapist must be on the premises unless the tech is assisting the PTA for safety purposes.

Advisory Committee Nominee Interviews

The board interviewed nominees for the **vacant** Advisory Committee positions. The Advisory Committee can consist of up to nine members. Currently the Board wishes to fill a position with a foreign trained licensee, as well as to have representation in the northwest and southwest regions of Louisiana to fill vacancies. Nominees include the following licensees: foreign-trained nominees are Jeroen Staarman and Robert Montanaro; northwest region nominees are Jeremy Dye and Steve Allison; and the southwest region nominees are Chris Franks, Scott Duplechin, Raymond Prince and Tad Landry. Scott Duplechin was not present.

Chairman Al Moreau moved to enter into Executive Session for individual interviews of each nominee of the Advisory Committee. Dr. Gerald Leglue seconded the motion. The board voted and unanimously approved to go into Executive Session.

EXECUTIVE SESSION

Chairman Al Moreau moved to exit Executive Session for individual interviews of each nominee of the Advisory Committee. Dr. Gerald Leglue seconded the motion. The board voted and unanimously approved to exit Executive Session.

Reports of Special Committees

CEU Committee

Mrs. Martin suggested that licensees may not understand fully how to know if a course is board-approved by the LPTB. The board asked that the staff send out a mass email to all licensees notifying them that all board-approved courses are listed on the board website.

Mrs. Martin asked the board for clarification on the CEU Course review process and for an interpretation of Rule 193.C., “proposed continuing education courses shall be submitted to the board for approval in advance of presentation.” The Board ruled that if a course has been approved by the LPTB in prior years (i.e.; 2010, 2011, 2012) and then the course sponsor failed to submit an application in a subsequent year (i.e. 2013, 2014) then it would be reasonable to assume that the board would have approved the course in the subsequent years had an application been submitted with the same course content and speaker qualification. The legal team had an opinion that corroborated this thought process. However, if a course sponsor has never submitted for approval in the state of Louisiana, the board staff and CEU committee should only review applications in the current calendar year (January – December). Course applications that are currently being submitted by course sponsors for licensees who took courses during the renewal cycle (years 2013 and 2014) for courses that were never approved by the board will not be reviewed.

Mrs. Martin presented information from Course Sponsor, “Lone Star” with a supporting letter to the board and supporting documentation. The course sponsor stated that a 2013 course application was submitted to the Board but was never processed. The board stated that if he can produce a canceled check to show proof of this, then he will be permitted to submit a new application to be processed by the CEU committee.

Mrs. Martin presented a CEU Exemption Request and Email Exchange from licensee Sharon Toups, PT. The board reviewed the request of the licensee and determined that she was not in compliance with her CEUs and does not qualify for an exemption under Rule 198.

Declaratory Statement Review Committee

The board reviewed and approved language of the answer to the question in the declaratory statement in the category “Practice Issues” as it was discussed at the February Meeting, “Can a supervising PT come into a SNF, evaluate a patient (Part A or B) then have the PTA complete the remainder of the treatment?”

The board reviewed the revisions to the Declaratory Statements found in “Scope of Practice” listed as item #26¹ and #53². The board voted and unanimously approved the answer to the

declaratory statement question #26 as revised. The board asked the Mrs. Newton combine her declaratory statement draft for Judd Patterson and the statement #53 under “Scope of Practice” to prevent duplication and confusion.

Legislative Task Force (LTF) Update

Chairman Moreau provided to the board an update on the meetings that he and Executive Director Charlotte Martin have been attending on the upcoming Patient Access Resolution Meetings. He informed the Board that the Board has provided Senator Mills’ office with a draft of the Resolution and the LTF is working on the final edits, including the final list of committee members. The meetings that were attended since the last board meeting include meetings with representatives from BlueCross BlueShield of Louisiana, the Louisiana Department of Insurance, the Louisiana State Board of Chiropractic Examiners, and Medicaid. Secretary/Treasurer Danny Landry, Mrs. Martin and Advisory Committee member Patrick Cook also met with the Chairman of the House of Representatives Health and Welfare Committee Scott Simon. Chairman Moreau and Mrs. Martin have meetings scheduled prior to the next board meeting with the Commissioner of Insurance, the Speaker of the House Chuck Kleckley, and the Chairman of the Senate Health and Welfare Committee David Heitmeier.

Mrs. Martin notified the Board that she and Advisory Committee Member Patrick Cook have both completed the Legiscon Training. The LTF members will also receive training and login access to the website.

Chairman Moreau updated the board on the Bill that will be submitted to the legislature this session by Representative Huval to add the LPTB to a list of boards exempt under La. R.S. 37:21 to remove the statute of limitations on the Board for investigating complaints that could potentially prevent the Board from protecting the public.

Chairman Moreau reviewed the draft of the midterm Governor’s Report to be submitted to the legislature by the board. Mr. Moreau moved to accept the midterm Governor’s Report with changes that will be completed and approved by the Legislative Task Force. The board voted and unanimously approved.

New Business

Secretary/Treasurer Danny Landry shared information regarding the Medicare HHC Star Rating Methodology with the Board.

Mr. Landry presented the motions for the House of Delegates for the American Physical Therapy Association so the Board is informed of what will be discussed and debated upon the floor of the House of Delegates at this year’s APTA’s HOD Conference.

Correspondences

Steve Allison, PT asked the board to reconsider his request to allow PTs licensed in Louisiana to be allowed to sit for the National Registry Exam in order to perform physical exams for the U.S. Department of Transportation. Mr. Allison brought detailed information for the board to review, including peer state board approvals in Texas and Arkansas for PTs to perform these physicals. The board asked for a legal opinion on the matter. The legal team advised the board that it would

be within the scope of physical therapists' practice to perform physical exams for the Department of Transportation. The board asked legal to issue a letter be reviewed at the last board meeting and distributed to Elaine Papp at the Department of Transportation in response to their previous request for a board opinion on the matter. The board voted to change the board's opinion of physical therapists being able to perform DOT physicals, as long as the delegation of certain tasks would be prohibited and clearly indicated. The board voted and unanimously approved.

Tanyia Tregre, PT asked if the board has a recommended form for use in the PT/PTA weekly conference. The board advised that they do not have a recommended form. The board asked Mrs. Martin to respond.

Old Business

The board reviewed the draft response to Eric Cedar's question issued in the correspondences during the February 2015 meeting and approved it as it is written. Mrs. Martin will send the response on board letterhead to Mr. Cedar with the board's signature.

Chairman Al Moreau moved to enter into Executive Session to discuss monitoring consent orders. Kristina Lounsberry seconded the motion. The board voted and unanimously approved.

The board voted to exit Executive Session

The board ~~members meeting~~ **meeting was adjourned recessed** at 10:00pm.

The board meeting reconvened at 8:30am on Thursday, March 26, 2015. A quorum of members was present. Chairman Al Moreau, Treasurer/Secretary Danny Landry, Kristina Lounsberry, Elizabeth "Beth" Austin, Dr. Gerald Leglue and Don Cassano. Advisory Committee members Armafe Veneracion and Wayne Campbell were present. Charlotte Martin, Executive Director, George Papale, General Counsel, Courtney P. Newton, Attorney, Assistant Attorney General John Morris and Certified Court Reporter Kim Taylor were also present.

Thursday, February 26, 2015

Election of Advisory Committee Members

The board voted on the nominees who were interviewed for the Advisory Committee positions. The board voted for the foreign-trained Advisory Committee member and accepted Robert Montanaro; the board voted for the northwest region Advisory Committee member and accepted both Jeremy Dye and Steve Allison; and the board voted for the southwest region and accepted Chris Franks. The board also voted to add Raymond Prince to the Legislative Taskforce as a public member.

Hearing

A hearing was held regarding the licensee Stacey Andrus, License Number A6598. Minutes of the hearing were taken by a certified court reporter.

Chairman Al Moreau moved to enter into Executive Session to deliberate on the evidence provided by the Respondent and Counsel. Dr. Leglue seconded the motion. The board closed for Executive Session.

Exit executive session to take a vote on the Hearing Panel decision.

LOUISIANA PHYSICAL THERAPY BOARD

April 30, 2015

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Thursday, April 30, 2015 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 Dr. Gerald Leglue, MD. Advisory committee members present were Armafe Veneracion and Wayne Campbell. Charlotte Martin, Executive Director; Sirwana Granger, Assistant Executive Director; George Papale, General Counsel; and Courtney P. Newton, Attorney were also present. Cristina Faucheaux from the LPTA was listening to the meeting via teleconference.

The meeting was called to order at 9:30am by Chairman Al Moreau.

Review of the Agenda

Chairman Moreau asked the members of the board to review the agenda. The agenda was accepted as written.

Approval of Minutes

Secretary/Treasurer Landry reported on the minutes from the March 2015 board meeting. The board reviewed the minutes and Chairman Moreau moved to approve the minutes as amended. The Board voted and the minutes were adopted.

Reports of Officers and the Board Office

Chairman’s Report

Chairman Moreau reported that nine (9) members are currently assigned as Advisory Committee members. Those members include Eugene Noel, PT; Althea Jones, PT; Wayne Campbell, PT; Nicholas Butler, PT; Patrick Cook, PT; Robert Montanaro, PT; Chris Franks, PT; Jeremy Dye, PT; and Ryan Usner, PTA,.

Chairman Moreau discussed establishing subcommittees to assist Board members and administrative staff on an as needed basis. An example of this subcommittee would be to assist with application evaluations for foreign graduates. Another proposed subcommittee is to assist with monitoring of licensees in Recovery Physical Therapy Program (RPTP). After discussion, the board determined that subcommittees should be made up of a minimum of one board member, the executive director, and advisory committee members.

Treasurer’s Report

Secretary/Treasurer Landry reported the cash in the bank for the month of March 2015 totaled \$257,651.84. The savings totaled \$202,554.45. He reported that the income for March 2015 totaled 330,524.07 and expenses totaled \$312,468.68, which included \$57,325 paid to Covalent Logic for the website upgrade. The board voted and unanimously approved to move \$100,000.00 from checking to savings.

Executive Director's Report

Executive Director Martin reported to the board that seven (7) Physical Therapists were licensed via (reciprocity), one (1) Physical Therapist Assistant was licensed as a new graduate and (3) through Reciprocity.

Executive Director Martin reported that she is working with Covalent Logic on a mobile website version, along with Don Cassano as the board member on the website committee. Mrs. Martin shared the mobile site link with the board for review and suggestions. Mrs. Martin also reported that the current timeline for completion has an end date for July 2015; however Mrs. Martin is in discussion with Covalent Logic and suggested that the board should be flexible with the timeline to ensure optimal capabilities with the upgrade. The board agreed.

Executive Director Martin reported that Covalent Logic has agreed to extract data from the old database on May 1, 2015 that will allow the staff to run several reports on current data in an Excel spreadsheet format. The data will be used in conjunction with the CEU Audit, to clean up the database records, and for reporting on and notifying licensees who failed to renew their license in 2015. The Board requested that Mrs. Martin inquire about Covalent Logic's hourly rate prior to approving the extraction of the list.

The architecture plans for the design of the new building for the board office were presented to the Board for review. The review was conducted by Chairman Moreau and Dr. Leglue in the presence of the Board. The Board voted and approved the plans met the 60% completion requirement previously agreed upon for payment. The amount invoiced was \$29,247.60. Executive Director Martin informed the Board that a check would be generated for the Secretary/Treasurer Landry's signature.

Mrs. Martin asked the board for clarification for the staff regarding the review of applications for those who are applying in Louisiana via reciprocity. The question is: Would Louisiana license an applicant who has failed the NPTE or NPTAE more than 4 times prior to getting licensed in another jurisdiction? The scenario in question has more to do with those who may have taken the exam several years ago and have been practicing with a license in good standing. Legal provided the opinion that the Board refer to the Practice Act as it relates to determining if a potential licensee has exceeded allotted number of times to sit for exam. It was also discussed that effective 2016 the FSBPT will limit the lifetime attempts to pass the exam to six (6) attempts. The board determined that if there is an applicant who has failed more than 4 times and has a license, the board will need to review the application and make a determination at that time. The staff should bring the matter before the board for review. As the Rule reads, a licensee will not be licensed in Louisiana with more than 4 attempts on the examination.

Executive Martin recommended that the September 2015 Jurisprudence scheduled for Baton Rouge be cancelled. This recommendation would result in a cost savings to the Board. The Board is scheduled to present the Jurisprudence at the Fall LPTA Symposium. The Board voted and approved to move forward with cancelling the event. The board asked Mrs. Martin to contact the LPTA to reconfirm that the JP seminar will be offered to attendees free of charge.

Mrs. Martin reminded the board of important dates in May 2015, which include:

- PTA graduating class interviews at Our Lady of the Lake - May 4, 2015
- PTA graduating class interviews at Bossier Parish Community College - May 5, 2015
- Deadline for Board Member Financial Disclosure – May 15, 2015
- Board Meeting – May 27, 2015
- Hearing – May 28, 2015

Additionally, Mrs. Martin reminded the Board that they are to complete the online Ethics course for the Ethics Board by the end of the calendar year.

Mrs. Martin informed the Board that the current laptop situation is causing administrative difficulties in the office. Dr. Gerald Leglue motioned to purchase two laptop computers for office use. Kristina Lounsberry seconded the motion. The board voted and unanimously approved.

Old Business

In response to correspondence with frustrated licensees, the board discussed references to “face-to-face” and “physically present” in the Practice Act and Rules pertaining to the PT/PTA patient care conference. The board determined that the rule is very restrictive given today’s current telecommunications. PTs and PTAs should continue to engage in actual face-to-face interaction until the Rule is changed. Mrs. Martin noted that the DHH Rule for minimum standards in home health does state “face-to-face” in the language, so if the Rule is changed for the PT Board the Board should make note that this requirement may still remain in effect within the home health setting.

Licensee Patrick Cook asked the board to reconsider the previously issued response to a question submitted by Sarah Myers asking for guidance on the scope of practice as it relates to medication review. The board reviewed the APTA’s policy statement as well as the educational component and FSBPT’s and other research articles to determine a response to the licensee. Legal counsel advised the board that practitioners should not advise patients on medications and refer to use of APTA’s statement as it relates to this matter. George Papale is revising the response to Ms. Myers and will present it at the next board meeting for review.

Legal counsel asked the board for authorization to complete three drafts for approval, to be approved by board members (less than three, so there is not a quorum) outside the board meeting. The three items are as follows: 1) the letter to Elaine Papp regarding physical therapists being permitted to perform DOT physicals, 2) the AG opinion request on if physical therapy is considered an industry, and 3) the letter from Board to DHH Home Health Standards asking DHH to change the Rule of weekly face-to-face conferences to “every thirty days” to reflect the requirement in all other healthcare settings. The board agreed.

The board voted to move the legal opinion on licensees’ privacy rights in sharing email addresses to the next board meeting agenda. All present were in favor and the vote was approved.

Legal Report

Courtney Newton reported that the hearing scheduled for April 2015 has been granted a continuance and will not be heard this month.

Secretary/Treasurer Landry discussed the progress of the Telehealth Rule and the board determined that they have received adequate input from outside sources and will begin moving in a direction to finalize the Rule at upcoming board meetings.

Reports of Special Committees

CEU Committee

Declaratory Statements were reviewed but will be discussed at the next board meeting.

Chairman Moreau reported to the board on behalf of the Legislative Task Force. He updated the board on recent meetings to finalize the list of the committee for the Resolution to study the potential impact of increased access to physical therapy services. He reported to the board both on the status of this Resolution and on the status of the Bill to revise 37:21, both are still moving forward through the House and Senate without significant opposition. The Board also discussed a Bill that could potentially impact the way that the board licenses military applicants and their spouses. The Board is watching this Bill to see how it will impact the practice of licensing these applicants and will advise legislators if there are any threats to public safety in terms of what this Bill will require.

Hali Bearden submitted a Remediation Plan of Action to the board, in accordance with Rule §171. The board approved her Remediation Plan unanimously.

The board reviewed a correspondence from Marcos McGovern: *I am a home health physical therapist. We have a patient that has avascular necrosis and general debility. The patient has been receiving PT and progress has plateaued. The caregiver for the patient wants PT to continue to maintain stretch and current level. It is my understanding that there needs to be a reasonable expectation for functional gains to qualify for PT. Is that correct?* The board will issue a response to Mr. McGovern.

The board reviewed a correspondence from Erin Clark: *I spoke with Danielle yesterday regarding the regulations for retaking my exam, and she informed me that you were out of the office. I have taken, and failed the NPTAE 4 times in Louisiana. Is it at this point possible for me to apply and take the exam in Texas, and then apply for reciprocity in LA once I have passed.(5th attempt)?* The letter that all licensees receives states that passing the exam in another state after the 4th attempt will not qualify an applicant for licensure in the state of Louisiana. Mrs. Martin will respond to Ms. Clark.

The board reviewed a correspondence from Tonja Latham: *I have a question concerning standing orders for therapy. Is it appropriate for all patients being admitted into a facility to have standing therapy orders? Is it an ethical concern if they are admitted with the orders regardless of the patient's current functional status, potential and medical involvements? Our facility is trying to establish policies and procedures. Any information that you can provide*

would be greatly appreciated. The board will issue more details to a response that was drafted and Mrs. Martin will send a response.

The board reviewed a correspondence from Hannah Amoroso: *What paperwork do I need to file with the Board in order to start a private practice in Louisiana?* There is no additional paperwork required by the Board. Mrs. Martin will respond accordingly.

The board reviewed a correspondence from Jane Lyles: *I am writing to inquire about a PT accepting verbal orders to adjust medication for a home health patient. Recently, a physical therapist working in a home health setting phoned a nurse who was the case manager for a patient that she and the PT shared. The PT was phoning to report sudden onset edema in the patient's legs. The nurse asked the PT if she herself had phoned the MD to discuss the concerns, and the PT replied that she was phoning the nurse instead due to the fact that in the event the md requested med changes, the PT was not allowed to accept the verbal orders. The nurse felt as though the PT would be better suited to communicate with the md due to the fact that she had witnessed the change first hand. In light of the fact that PTs are able to be the only discipline in on a home health case, the following question is posed, "Is it within the practice of PT to accept verbal orders to increase or decrease medicine doses and then adjust the electronic medical record and then send it along for signature?"* The board determined that it is that it is NOT within the scope of practice for a PT to receive verbal orders regarding medication changes. The scope of PT practice allows for verbal orders for physical therapy evaluation and treatment to be received by the PT, or verbal orders for topicals or legend drugs used in the direct practice of physical therapy. The PT can phone the MD to report first hand objective information to the MD and then direct the MD to the nurse or case manager for any necessary changes regarding medications. Mrs. Martin will respond accordingly.

Executive Session:

The board voted to go into executive session to discuss sensitive information related to the monitoring of disciplined licensees.

The board exited executive session. Chairman Moreau moved to accept the monitoring plan as discussed during executive session. The board voted and unanimously approved.

The board meeting was adjourned at 4:00pm.

LOUISIANA PHYSICAL THERAPY BOARD

May 27, 2015

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, May 27, 2015 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 Dr. Gerald Leglue, MD. Advisory committee members present were Wayne Campbell, Chris Franks, and Ryan Usner. Charlotte Martin, Executive Director; Gabrielle Bellow, Student Worker; George Papale, General Counsel; and Courtney P. Newton, Attorney were also present. Members of the public included Cristina Fauchaux from the LPTA and Mitchell Guidry, a student of physical therapy.

The meeting was called to order at 8:12am by Chairman Al Moreau.

Review of the Agenda

Chairman Moreau asked the members of the board to review the agenda. The agenda was accepted as written.

Approval of Minutes

Secretary/Treasurer Landry reported on the minutes from April 2015 board meeting. The board reviewed the minutes and a change in the “Legal Report” was made to add the word “hearing”. Chairman Moreau moved to approve the minutes as amended. The Board voted and the minutes were approved.

Reports of Officers and the Board Office

Chairman’s Report

Chairman Moreau reported that the board was invited to attend the Chiropractic Examiner Board meeting on June 4, 2015 beginning at 9:00am to discuss the potential study Resolution on increasing patient access to physical therapy services and other collaborative efforts. He and Mrs. Martin will attend.

Chairman Moreau delivered an update on the Louisiana Orthopaedic Association meeting on May 14, 2015 in Alexandria, LA. Chairman Moreau, Mr. Cassano and Mrs. Martin met with representatives to discuss the potential study Resolution on increasing patient access to physical therapy services along with any concerns.

Chairman Moreau discussed changing the July board meeting date from July 30, 2015 to July 22, 2015 with no hearing. The Board voted and approved the date change.

Chairman Moreau reminded the board of the protocol for requesting administrative support. Any and all request for administrative support will go through Mrs. Martin and not directly to staff members.

Chairman Moreau discussed the Board’s protocol on the policy for approving applicants who meet the Rule but not the criteria on forms. Some documents that are required for board interviews are not supporting Rule. The Board agreed that the Rules on applications and interviews should be reviewed and recommendations for changes should be made to the Board. The Board also agreed that all current forms and policies should be reviewed, as well, and recommendations for changes should be presented to the Board. Don Cassano and Kristina Lounsberry agreed to participate in the review of these items and present recommendations to the Board and to participate with the review of these items for the website.

Chairman Moreau clarified PT supervision of PTAs in Rule §333 to ensure consistent messaging. The 50% rule no longer exists in Rule.

Chairman Moreau clarified physical therapy technician supervision in Rule §335. A physical therapist must be present at all times. Rule §335.A.3 is a “stand alone”, for patient safety a PTA assist a patient without a PT present, but not for treatment.

Chairman Moreau discussed Rule §123 as it pertains to the definition of Clinical Supervisor. The definition read that a clinical supervisor must have three years of experience. If a clinical supervisor is the same thing as a supervisor of a provisional licensee in a clinic, the supervising PT must have three years of experience to supervise a provisional licensee; however a new graduate is allowed to supervise a student as a Clinical Instructor. Chairman Moreau also discussed inconsistencies of Rules regarding clinical supervision. Legal Counsel, George Papale recommended that the Board follow the Practice Act for the time being, which is not consistent with the Rule and does not require any specified length of time that a supervisor must have practiced prior to supervising a foreign-trained licensee, nor a CAPTE graduate pending examination. The Board directed the board staff to no longer require that supervisors have specific practice experience time prior to qualify as a supervisor. Mrs. Martin will notify Danielle Linzer, Licensing Analyst of the change which will take effect immediately.

Treasurer’s Report

Secretary/Treasurer Landry reported

Executive Director’s Report

Executive Director Martin reported to the board an idea for an electronic verification system. The board agreed it will take less time, and is a more efficient way for licensees to receive verifications.

Executive Director Martin reported that the staff is ready to move forward with the implementation background checks on new applicants. The board will begin conducting state background checks on all licensees who list a Louisiana residence on their application. If licensees do not have a residency in Louisiana, the board will begin by conducting a federal background check.

Executive Director Martin provided an update on the website. The website update and maintenance is moving forward.

Executive Director Martin reported the newsletter will be sent out before the next board meeting. Chairman Moreau will review the draft.

Executive Director Martin discussed the rules revisions plan. The Advisory Committee members are currently looking at different Rules to provide recommendations to the Board.

Executive Director Martin reported on upcoming staff changes that will taking place. She confirmed that by the next board meeting the temporary help that was hired during the renewal period will be finished. The Assistant Executive Director, Sirwana Granger will be leaving her position. Mrs. Martin recommended hiring a professional staff position whose primary duties would be to oversee compliance of the monitored licensees and continuing education, such as the dry needling certification compliance. The board agreed that filling this position and then hiring an Assistant Executive Director would be effective.

Legal Report

Attorney Courtney Newton reported that she and Secretary/Treasurer Danny Landry attended the Federation of Associations of Regulatory Boards (FARB) Louisiana Comprehensive Regulatory Training (CRT) that was held in Baton Rouge, Louisiana on May 20, 2015. Newton suggested that every board's website should have a clearly articulated statement as to what their board is on the home page, including the purpose of the board and their mission. She recommended that the board read their mission statement into the minutes at the beginning of every meeting moving forward to begin the meeting. She discussed recusal vs. abstaining from a vote. If a member recuses, they should leave the room and not voice an opinion. When abstaining from a vote an individual may not contribute to the conversation either and she recommended that those who wish to abstain also leave the room during the discussion. Mrs. Newton recommended having retired board members trained and being used as investigators on complaints and in disciplinary matters. Mrs. Newton reported that individuals should keep the same license number for history purposes. Mrs. Newton stated that Dale Atkinson does not recommend revoking a license and offering the option for the licensee to reapply. He recommends long-term suspension in lieu of revocation. Newton discussed the application and denial process in detail with the board and provided recommendations from FARB. Secretary/Treasurer Landry continued the report on FARB. He recommended that Regulatory Boards meet with other Regulatory Boards regularly to discuss issues pertaining to practice and public protection. He spoke with an individual who informed him of a Legislative Consultant who has been hired by other boards during the legislative session and suggested that the board keep her contact information on file if ever needed. Landry stated that there was discussion regarding the importance of "Board Retreats" and that they are not a violation of open meetings. Landry advised that FARB strongly suggests that Boards be aggressive in outreach to the general public. He recommended that the Board advertise during PT month in October to express the importance of verifying that those who are performing physical therapy are listed on the board website as an active licensee. He also readdressed the idea to have a voluntary fee included in the application process to fund advertising that will promote public protection and inform the public of physical therapy regulation. Landry addressed areas of concern regarding the application for licensure after reviewing the application at FARB.

Courtney Newton reported that on the cases that she has worked on since the last board meeting, there was closure of 4 confidential complaints that did not result in public disciplinary action, as well as the drafting of 2 consent orders that have been presented to licensees for review.

Newton updated the board on licensees' privacy rights in sharing email addresses. There is no direct case law in Louisiana that she has found, so Newton will continue research.

George Papale discussed the revised the Sarah Myers medication review letter. The board reviewed and approved the letter as written. Mrs. Martin will send the updated letter to Myers, as well as posting to the website.

Newton discussed a letter that was circulated to all Attorney General in all states related to the North Carolina State Board of Dental Examiners as an open letter of inquiry and request for documents. She also informed the board that the Citizen's Advocacy Center has a seminar specifically on the NC Dental Case. She recommends staying abreast of the conversation but does not believe it is necessary for attendance.

Reports of Special Committees

CEU Committee

The CEU Committee approved a total of 36 courses. There was a total of 34 clinical courses approved. Out of the 34 clinical courses, 23 were traditional, 10 were web based, and 3 were home study. There was 1 traditional, administrative course approved. There was 1 web based, ethics course approved. No courses were denied and the average turn-around time for course approval was 5 days.

- The Learning and Training Center, Evaluation and Treatment of Patients with Neurodegenerative Demyelinating Diseases, Traditional
- Wound Care Education, Skin and Wound Management Course, Traditional
- Summit Professional Education, Autism and Sensory Processing Disorder, Traditional
- Summit Professional Education, Oppositional, Uncooperative, and Aggressive Behavior, Traditional
- Education Resources, Inc., Linking Play to Function, Traditional
- Education Resources, Inc., Neuroplasticity and Pediatric Intervention-Children's Brains, Traditional
- Cross Country Education, Lymphedema & Complete Decongestive Therapy, Traditional
- EDUCATA, Orthopedic Edema Management- A Case Study, Online
- EDUCATA, Fall Prevention-What's All the Fuss Over Falls?, Online
- Louisiana Occupational Therapy Association, Recovering Function in the Hemiplegic Upper Extremity Using NDT Handling Strategies, Traditional
- Therapy Network Seminars, Core Stabilization: Facilitation and Training, Traditional
- Academy of Spinal Cord Injury Professionals, 2015 ASCIP Educational Conference, Traditional
- Interim LSU Hospital, Transporting Children with Special Health Care Needs on School Buses, Traditional
- Education Resources, Inc., Advanced BPPV, Online
- Education Resources, Inc., What to do when it's not BPPV: Challenging Vestibular Disorders Including Post Concussion Syndrome, Online
- www.physicaltherapy.com, Gait Examination and Evaluation in Patients with Neurological Disorder, Online
- www.physicaltherapy.com, Recycle Bin Boogie- Move with Recyclables, Online
- Cross Country Education, Learn to Move, Move to Learn- Evidence Based Neuroscience Foundations in Sensory Processing Disorder-on demand, Online
- Trauma and Critical Care Foundations, Trauma, Critical Care, and Acute Care Surgery, Traditional
- Orlando Orthopedic Center Foundation, 2015 11th Annual Cutting Edge Concepts in Orthopedics and Sports Medicine Seminar, Traditional
- Select Medical, Concussion Rehab, Traditional
- Cross Country Education, Effective Prevention & Treatment of Running Injuries, Traditional
- Cross Country Education, Assessing & Treating Progressive Neurological Diseases, Traditional
- Cross Country Education, Fueling Fitness & Peak Performance, Online
- Rocktape, Performance Movement Techniques, Traditional
- St. Tammany Parish Hospital, Helping Patients and Families Journey Through the Final Stages of Life, Traditional
- Performance Health, TheraBand Kinesiology Taping and CLX Exercise Methods, Traditional
- Institute of Advanced Musculoskeletal Treatments, Dynamic Taping, Traditional

- IndeFree Association, Advanced Clinical and Business Skills Course for Physical and Occupational Therapists, Traditional
- www.physicaltherapy.com, The Spine in Sport: Considerations for the Athlete, Online
- www.physicaltherapy.com, The Shoulder in Sports, Online
- www.physicaltherapy.com, The Ankle: Functional Anatomy, Pathophysiology, & what to do about it, Online
- www.physicaltherapy.com, Evidence-Based Rehabilitation of the Knee, Online
- www.physicaltherapy.com, Diagnosis and Treatment of Athletic Hip Joint Injuries, Online
- MedBridge Education, Ethics for Rehabilitation Professionals, Online
- Summit Professional Education, Evidence Based Rehab Strategies for Joint Replacement, Traditional

Re-elections for the CEU Committee will be held in January. Advisory Committee Members Chris Franks and Jeremy Dye have recently been added to the CEU Committee to help Beth and Kristina with the review and approval process. Trainings for both were held prior to this board meeting and both Advisory Committee members have started reviewing courses.

The CEU Committee discussed the course “Integrative Health Conference and Biomodulator Training Program” that was submitted by an individual for course approval. The board determined that more information is needed before approving the course. Mrs. Martin will request the actual course agenda from the licensee who attended the course.

Declaratory Statements

The Board reviewed the following declaratory statements:

1. Advance Practice Registered Nurse and Physician Assistant/ Referrals - Can a prescription for physical therapy be signed by a "nurse practitioner"?
2. APRN - Referral - Is it required for nurse practitioners to have referrals for physical therapy co-signed by a physician? Additionally, what is the care for PTA on this issue?

The board agreed to remove both questions from the declaratory statements as they exist and under the heading “Advance Practice Registered Nurse and Physician Assistant Referrals” provide the following response:

The Physical Therapy Board has taken the position that an advanced practice registered nurse (APRN) has the legal authority to make a referral for physical therapy to a physical therapist. Likewise, the Board has taken the position that a physician assistant can refer a patient for physical therapy. There is no need for a co-signature from the attending physician with regards to the referral for physical therapy from a physician assistant or an APRN. A physician assistant and an APRN have the authority from their respective regulatory boards to make physical therapy referrals if internal protocol is established and complied with between the physician and these healthcare professionals.

The Physical Therapy Board's legal position as set forth in this letter with regards to physician assistants and advanced practice registered nurses is based upon its interpretation of La R.S. 37:2418 of the Louisiana Physical Therapy Practice Act which requires that physical therapy be implemented upon the prescription or referral of a person licensed to practice medicine. Based upon the laws allowing physician assistants and advanced practice registered nurses to refer for physical therapy enables the Board to legally and logically extend the term "license to practice

medicine" in Section 2418B to extend to those healthcare professionals to whom such authority is legally delegated.

Reference: Rule 341.A.1: A prescription or referral is a written request for physical therapy signed by a healthcare provider lawfully authorized to make such request which may initially be a verbal order but must be later confirmed in writing. The verbal order shall be documented by the PT in the patient's record. If the verbal order is not confirmed in writing, then the PT shall send a written communication requesting a written prescription or referral to the prescribing practitioner within fifteen days of commencement of treatment or by the fifth treatment session, whichever occurs first. A copy of the written communication to the prescribing or referring practitioner must be maintained in the patient's record.

Legislative Task Force

The Senate Resolution (SCR 19) to study patient access was heard and was moved through committee with two additional amendments to add more committee members, now bringing the total of committee members to twenty-five (25). The Board discussed if this is a manageable group to perform a study and determined that it is more important to have all parties heard at the table than to worry about the size of the group. House Bill (HB 247) has also moved through committee favorably. Both will be heard on the floor of the House and Senate, respectively, prior to the next board meeting.

Chairman Moreau shared a posting in the Louisiana Register regarding changes to Recreational Therapy law. The board asked that Patrick Cook attend the hearing for Recreational Therapy on June 25, 2015 at 9:30am, if available. Mrs. Martin will contact Mr. Cook and confirm.

Chairman Moreau updated the board that the Chiropractic Bill (SB 56) was heard in the House on May 27, 2015 and was not passed.

Secretary/Treasurer Landry informed the board that licensed massage therapists are inquiring about starting to use kinesiotaping.

Secretary/Treasurer Landry informed the board of a recent article that was published by the FSBPT regarding licensure portability.

Chairman Moreau advised that, after the session, the board report to the legislature on what the PT board is currently doing as well as things that have been done. This will be a similar concept to the mid-term governor's report that was sent to the legislature. Don Cassano and Mrs. Martin will work on this report to be sent out to the legislature. Mrs. Martin will also send a personal note to the legislators that she has met this session.

New Business

The board reviewed a correspondence from attorney Allan Placke asking if a physical therapist is allowed to make diagnoses of conditions and the cause of those conditions when those diagnoses have previously been made by a physician and transmitted to the physical therapist. The legal team at the board will review the question in detail and the board will respond.

The board reviewed a correspondence from Judd Patterson as follows: Does the board have an opinion on billing if the PT is seeing a patient and the tech is performing exercises with another patient at the same time? *I know that medicare says that you cannot bill for tech treatment. What*

about CPT guidelines? The board does not answer billing questions and requested that Mrs. Martin forward the question to the LPTA for review.

Old Business

Chairman Moreau moved to enter into Executive Session to discuss sensitive information related to monitoring consent orders, as well as the review of a consent order that is being presented to the board in relation to an investigative case (2014-I-001) on a physical therapist licensee Ayodeji Famuyide (License Number 03314F).

The board unanimously voted to come out of Executive Session. Upon exiting executive session, the board unanimously voted to present amendments to Mr. Famuyide in an effort to resolve the case with a consent order. The board moved to accept the consent order if Mr. Famuyide accepts the amendments with a suspense date-to-return of 10 days. The board moved to grant authority to Chairman Al Moreau to accept the Consent Order as amended.

The board also voted unanimously in favor of summarily suspending Ashley Wilkinson's license pursuant to a hearing due to a second failed drug and alcohol screen since signing her consent order.

The board meeting was adjourned at 10:00pm.

LOUISIANA PHYSICAL THERAPY BOARD

June 24, 2015

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, June 24, 2015 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members were present. Board members present were: Chairman Al Moreau, III, Secretary/Treasurer Danny P. Landry, Kristina Lounsberry, and Elizabeth "Beth" Austin. Advisory committee members present were Nick Butler and Ryan Usner. Charlotte Martin, Executive Director; Gabrielle Bellow, Student Worker; George Papale, General Counsel; and Courtney P. Newton, Attorney were also present. Member of the public included Cristina Fauchaux from the LPTA.

The meeting was called to order at 8:53am by Chairman Al Moreau.

Review of the Agenda

Chairman Moreau asked the members of the board to review the agenda. Chairman Moreau motioned to amend agenda to add LHC Group to address board at 10:30am in regards to the Medication Review letter from the Board, Secretary/Treasurer Landry seconded the motion. The agenda was accepted as amended.

Approval of Minutes

Secretary/Treasurer Landry reported on the minutes from May 2015 board meeting. The Board voted and the minutes were approved.

Reports of Officers and the Board Office

Chairman's Report

Chairman Moreau discussed the need for the Board to prioritize revising the Rules Revision. The board members will compile a list of all recommended revisions prior to the August board meeting.

Treasurer's Report

Secretary/Treasurer Landry reported the finances for the end of the month of May. Cash in the bank at the totals \$82,013.53. Income for May 2015 totals \$28,081.93 and expenses total \$79,653.59. The two Certificates of Deposit at Lakeside Bank total \$715,574.69. One Certificate of Deposit totaled \$514,625.19 and matures on January 15, 2016. The other Certificate of Deposit totals \$200,949.50 and matures on April 15, 2016. The Business Savings account at Chase Bank is \$302,564.57.

Executive Director's Report

Executive Director Martin reported on the number of licenses issued in June. For Physical Therapists, twenty-five (25) were licensed via Reciprocity, one (1) as a new graduate, and one (1) through reinstatement. For Physical Therapist Assistants, one (1) was licensed through Reciprocity. A total of 40 applications were issued.

Executive Director Martin introduced a new staff member, Stephanie Boudreaux. Mrs. Boudreaux is the Program Specialist A, who will be focusing on compliance.

Executive Director asked the Board if the topic for the 2015 Jurisprudence should be changed. The board discussed and agreed to keep the topic the same until 2017.

Executive Director Martin reported all contracts are due on June 30th. The board decided to not extend the architecture contract and to extend the current building lease for an additional two (2) years.

Executive Director Martin recommended educational topics for board meetings

Legal Report

Courtney Newton reported there are three (3) current investigations, two (2) cases have been dismissed, one (1) licensee has signed a consent order, and there are seven (7) cases preparing for hearing.

George Papale has one (1) case set for hearing and one (1) licensee has signed a consent order.

Newton presented a complaint flow sheet that she designed for board members to better understand how the process works. The flow sheet identifies what happens at each step and at which point items become confidential.

Newton reported on the completed AG Opinion Request related to Procurement Law and private funds received from an industry utilized for the purpose of that industry. Board voted to submit opinion request in accordance with the Board resolution dated February 25, 2015.

Newton gave a legal opinion regarding privacy rights of emails. Legally the Board may not send out electronic or regular mail utilizing Board information and/or staff on Board equipment on behalf of other entities. The Board is legally mandated to fulfill any public records request for public records and may not question the intent of the requestor.

George Papale reviewed two sample orders and discussed the quality of the board orders section to be narrative style.

Reports of Special Committees

CEU Committee

The CEU Committee approved a total of 32 courses. The average approval time for course approval was 6 days.

- Innovative Educational Services, Headaches, Online
- Louisiana Department of Health and Hospitals, Early Childhood Mental Health: Developing the Whole Child, Helping Children Soar, Traditional
- Our Lady of the Lake Regional Medical Center, Introduction to the Neuro-Integrative Functional Rehabilitation and Habilitation Approach in the Treatment and Management of Adults with Hemiplegia from Stroke or Brain Injury, Traditional
- CIAO Seminars, 3rd Annual STAR Program Connection Conference, Traditional
- Allied Health Education, Amputee Rehabilitation: The Role of the Therapist in Evaluation and Treatment of the Amputee, Traditional
- Hands-On Seminars, A Comprehensive Manual Therapy Approach for Lumbar Spine Pathology, Traditional
- Hands-On Seminars, A Comprehensive Manual Therapy Approach for Hip, Knee, and Foot Pathology, Traditional
- Baton Rouge Physical Therapist Network, Baby Steps: Building Ambulation Interventions for the 0-3 Population with Movement Dysfunction, Traditional
- MedBridge Education, Concussion in Sport, Online
- Ochsner Therapy and Wellness, Hip Arthroscopy and Rehabilitation, Traditional

- Education Resources, Inc. Intervention for Complex Feeding Disorders Infants and Toddlers, Traditional
- Louisiana Geriatrics Society, Louisiana Geriatric Society's 15th Geriatric and Gerontology Update Conference, Traditional
- North American Center for Continuing Medical Education (NACCME), Symposium on Advanced Wound Care (SAWC) Fall 2015, Traditional
- Glenwood Regional Medical Center, Conference on Healthy Aging, Traditional
- Rehab Champions Continuing Education, Lumbar Spine- Clinical Orthopedics & Manual Therapy, Traditional
- The Neuro Medical Center Rehabilitation Hospital/Our Lady of the Lake Regional Medical Center, NEURO-IFRAH Certification Course in the Treatment and Management of Adults with Hemiplegia from a Stroke or Brain Injury, Traditional
- Innovative Educational Services, Office Ergonomics- Assessment & Modification, Online
- PESI, Inc., Self Regulation in Children- Keeping the Body, Mind, and Emotions on Task in Children with Autism, ADHD, or Sensory Disorders, Traditional
- Hands-On Seminars, A Comprehensive Manual Therapy Approach for Shoulder, Elbow, and Hand Pathology, Traditional
- Postural Restoration Institute, Cervical Revolution, Traditional
- Postural Restoration Institute, Impingement and Instability, Traditional
- Postural Restoration Institute, Postural Respiration, Traditional
- Dr. Ma's Systemic Dry Needling, Dr. Ma's Systemic Dry Needling for Sport Performance, Traditional
- VHA, 2015 VHA Navigating Excellence Forum, Traditional
- Healthcare Academy, MDS Curriculum 3.0, Online
- Concentra, ADAPT Training Course, Traditional
- Cross Country Education, Effective Healthcare Leadership: Influencing Positive Change in the Workplace- Webinar, Online
- Innovative Education Services, Workplace Injuries, Online
- Summit Professional Education, Therapeutic Exercise, Online
- Summit Professional Education, Joint Replacement, Online
- Cross Country Education, Evidence Based Treatment for Hand, Wrist, and Elbow Injuries, Traditional
- www.physicaltherapy.com, General Pharmacology for the Physical Therapists, Online

DECLARATORY STATEMENT REVIEW

Two Declaratory Statements were reviewed for Board discussion.

#1: The first Declaratory Statement that was reviewed by the Board is as follows. The Board determined that the answer will be discussed again at the next board meeting prior to making revisions on the website.

Referrals: Case Manager accepting a verbal order for treatment

Original Question to be reviewed by the Board: Can a case manager who is not a nurse accept a verbal order for PT from a physician and document in the medical record and PT begin treatment?

Answer to be reviewed by the Board: The board determined it is not appropriate for a case manager who is not a nurse to accept a verbal order for PT from a physician and document in the medical record for physical therapy to begin treatment.

After discussion the board decided to change the original question on the website to be more of a general statement. The revised language for the website will be as follows:

#8: Verbal Order: Accepting a verbal order for treatment

The Revised answer will be discussed at the next board meeting.

#2: The second Declaratory Statement that was reviewed and the board determined that it is irrelevant and needs to be removed from the website:

Declaratory Statement Topic: Referrals #13: Computer Generated Order for Outpatient PT

Question (voted to be removed from the website) Can I accept a computer generated order for a PT sent to the outpatient clinic? What about physician approved protocols and standing orders?

Answer (voted to be removed from the website) In order to answer this question, we should refer to Rule 341 Documentation Standards. This rule outlines and defines what must be contained in a physical therapy medical record. A. 1 of that rule states: "A prescription or referral is a written request for physical therapy evaluation or treatment signed by a healthcare provider lawfully authorized to make such a request which may initially be a verbal order but must be later confirmed in writing. The verbal order shall be documented by the PT in the patient's record. If the verbal order is not confirmed in writing, then the PT shall send a written communication requesting a written prescription or referral to the prescribing practitioner within 15 days of commencement of treatment or by the fifth treatment session, whichever occurs first. A copy of the written communication to the prescribing or referring practitioner must be maintained in the patient's record". The Board would therefore require that you receive a faxed or mailed copy of the written order signed by the patient's physician. Although this signed order may be in a patient's inpatient chart, as an outpatient clinic, you are starting a new chart with a new episode of care. The signed physician's order will start your new chart. Secondly, you must comply with all regulatory or accrediting agency requirements (JCAHO or other) and your facility Medical Staff By-laws pertaining to proper documentation of standing orders and protocols. The Board would require that each patient chart contain the referenced protocol or order for the equipment or device provided to the patients as part of your treatment plan. In addition, the patient's payor source may impose requirements that you would want to comply with.

LEGISLATIVE TASK FORCE UPDATE

Executive Director Charlotte Martin reported that letters were sent to all Senators and Representatives thanking them for their help during this year's legislative session.

Special Programs of the Board

SSA Interview

Rudy Gomez from SSA Consultants presented a proposal to provide neutral party facilitation services for the study committee that was formed during the legislative session through Senate Concurrent Resolution 19. Rudy separated the process into 3 main options: Option 1-Facilitator Services "Front House Work",

Option 2-Committee Administration/Logistic Services “Back Shop” and Option 3-Report Development Services.

The Board considered contracting with SSA for Option 1 & 3 only and to hire a part-time coordinator to provide enough staff support to for the meeting preparation. After considering the cost of a part-time staff person from July through January, the Board realized that SSA’s services would only cost about \$2,000 more total to provide this service and would save the staff time to not train a new person. The Board ultimately determined that SSA’s proposal will save the board time and effort

Secretary/Treasurer Danny Landry motioned to accept SSA Consultants’ proposal for facilitator services for all 3 options for total not to exceed \$36,500 in connection with the committee meetings & regards to Resolution SCR 19, Chairman Al Moreau seconded the motion. The board members voted and approved the motion unanimously.

Investigator Candidate

The board interviewed Tracey Lobue to fill apart-time private investigator vacancy. The board asked Mrs. Martin to provide details of the hourly rate that was paid to the previous investigator. The Board will discuss the rate for hire at the next board meeting.

Assistant Executive Director Candidate

The board interviewed Randi Schexnayder for theAssistant Executive Director Position. Danny Landry motioned to offer Randi Schexnader the position of Assistant Executive Director not to exceed \$55,000. The motion was seconded by Al Moreau. The Board voted and approved unanimously.

The board meeting was adjourned at 4:00pm.

**Louisiana Physical Therapy Board
Minutes**

Wednesday, July 22, 2015

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, July 22, 2015 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members were present. Board members present were: Chairman Al Moreau, III, Secretary/Treasurer Danny P. Landry, Don Cassano, Kristina Lounsberry, Elizabeth “Beth” Austin, and Dr. Gerald Leglue. Advisory committee member present was Christopher Franks. Charlotte Martin, Executive Director; Gabrielle Bellow, Student Worker; George Papale, General Counsel; and Courtney P. Newton, Attorney were also present.

Chairman Al Moreau called the meeting to order at 8:15am.

The board members reviewed the agenda. Chairman Al Moreau moved to amend the agenda to begin the board meeting at 8:15am and begin the Hearing at 10:00am. The board members voted and unanimously approved. Chairman Moreau moved to remove the 3:00pm discussion with Adam Lafleur from the agenda. The board members voted and unanimously approved.

The board members reviewed the minutes and approved the minutes as amended.

Chairman’s Report

The Board discussed conferences and trainings: FARB Regulatory Law Seminar, FARB Louisiana, FARB Forum, FSBPT Administrator and Board Member training, FSBPT Annual Meeting. The board members voted and unanimously approved Courtney Newton to attend the Federation of Association of Regulatory Boards (FARB) Regulatory Law Seminar Training in Denver to be held October 1 – 4, 2015.

Secretary/Treasurer Landry recommended that the Board attend national conferences on topics of public protection that are not necessarily related to physical therapy directly, such as the Citizen Advocacy Center (CAC). George Papale advised that if there was a public member position on the Board that the dynamics of the Board would change and reminded the board members that this would take an act of legislation to amend the Practice Act. Chairman Moreau recommended that the Legislative Task Force consider adding a public member.

Secretary/Treasurer’s Report

Secretary/Treasurer Landry reported the finances for the end of the month of June. Cash in the bank at the totals \$22,272.09. Income for June 2015 totals \$14,680.55 and expenses total \$65,985.41. The two Certificates of Deposit at Lakeside Bank total \$716,226.59. One CD earned \$317.10 in interest between 06/01/2015-06/30/2015. The starting balance on 06/01/15 was \$514,804.94, with an ending balance of \$515,122.04 on 06/30/15 and matures on January 15, 2016. The other CD earned \$99.00 in interest between 06/01/2015-06/30/2015. The starting balance on 06/01/15 was \$201,005.55, with an ending balance of \$201,104.55 on 06/30/15 and matures on April 15, 2016. The Business Savings account at Chase Bank is \$302,572.51.

The board discussed the need to adopt the fiscal year budget for 2015-16 at the next board meeting, as well as the budget for 2016-17. Secretary/Treasurer Landry and Advisory Committee Member Wayne Campbell will work on both budgets with Mrs. Martin. Kristina Lounsberry motioned to authorize the Executive Director to apply for extension for the fiscal year budget to be approved in August. The motion was seconded by Elizabeth Austin. The board voted. Al Moreau, Danny Landry and Don Cassano voted in favor. Dr. Gerald Leglue abstained.

Don Cassano asked about the annual operating budget and asked the executive director to report monthly operating expenses to the board members at the next board meeting.

Executive Director's Report

Executive Director Martin reported on the number of licenses issued in June 2015. A total of 35 applications were issued:

PTA's Licensed (all new graduates)

Kristen Barre, Fallon Blank, Ariel D'Amico, Ashley Dugas, Timothy Ethridge, Lacy Goree, Matthew Johnson, Aaron Kelly, Patricia LeBlanc, Brittney McClain, Danielle Middleton, Brittany Millien, Emily Moody, Michael Napolitano, Erica Racca, Sarah Saizan, Allie Schexnayder, Tara Sturgeon, Jaz'ell Williams. **Total: 19**

PT's Licensed(all Reciprocity)

Jaclyn Arpin, Jaimie Bender, Danielle Boggs, April Brown, Johnathan Cancienne, John Durham, John Henry, Juliana Holwey, Charles Ihli, Lori Joubert, Jodi Montagnino, Taura Olsen, Kimberly Phelps, Jeanette Reisz, Natalie Ryan, Anna Sanders **Total: 16**

The board members reviewed Advisory Committee Member Robert Montanaro's recommendations for Anna Stuienberg, a foreign-trained applicant whose FCCPT report did not show substantial equivalency to CAPTE accredited programs in the United States. The board members agreed with Mr. Montanaro's recommendations and asked the staff to provide the recommendations to Ms. Stuienberg.

The board members discussed the status of the Public Service Announcement. Don Cassano asked that request details of renewing purchases and future year media buy projections from Peak Media.

Mrs. Martin provided an update to the board on the website and recommended four topics for homepage news.

Mrs. Martin provided an update on her attendance at the Ethics and Boundaries Assessment Services (EBAS) training. The board determined that the essay service is a very good option for protecting the public from unethical practitioners.

Mrs. Martin reported that in July Elizabeth Austin presented at the Shreveport Jurisprudence Seminar and recommended that the slide on medication review be removed from the presentation as to not confuse the audience or mislead them until something formal is presented by the Board. Mrs. Martin reminded the board members that a Jurisprudence Seminar will be held in Lake

Charles and in Lafayette. The Lafayette seminar will be held after the board meeting on Thursday. A postcard was mailed out to all licensees with notification of upcoming seminars.

Mrs. Martin reported that she attended the DHH Executive Director's roundtable meeting in July, which was to discuss legislative debriefing and a presentation by a technology firm, Teknaurus. In October the topic of discussion at this quarterly meeting will be to discuss banking and state compliance.

Mrs. Martin reported that she, Advisory Committee Member Robert Montanaro and Licensing Analyst 2, Danielle Linzer participated in an FCCPT webinar training to better understand the organization and their newly upgraded website.

The Hearing for licensee Ashley Wilkinson commenced at 10:20am. A hearing was held for violation of Ms. Wilkinson's consent order and participation agreement. After witness testimony, the Board voted to close for Executive Session. The Board came out of Executive Session and determined that the Assistant Attorney General would draft the decision for the Board to be reviewed and approved at the August Board Meeting.

The Board Meeting reconvened at 12:50pm.

The Board interviewed Candidate 1 and 2 for the Assistant Executive Director position at the board office. Candidate 2, Amanda Lafleur was selected to fill the vacancy. Chairman Al Moreau moved to allow Charlotte Martin to offer employment to Amanda LaFleur for Assistant Executive Director position with a salary not to exceed \$55,000. Secretary/Treasurer Danny Landry seconded the motion. The board voted and unanimously approved.

Legal Report

Mrs. Newton reported the Complaint Summary Report for the month of June 2015.

Newton discussed the draft letter to DHH requesting Rule Change for Minimum Standards in Home Health. The board decided to postpone submitting the letter until after the Rules revision for a comprehensive revision to be submitted.

Newton discussed the Cease and Desist Policy and possible board investigation. The Attorney General's Office has politely declined the Board's request to review all cease and desist notices prior to issuing.

Chairman Moreau motioned to move into Executive Session pursuant to La R.S. 42:16 for the purposes of discussing investigating proceedings regarding allegations of misconduct. The Board voted and all were in favor to move into Executive Session.

The Board exited Executive Session. The Board accepted the Consent Order of Pamela Hoffman Case # 2015I007 with the revision pursuant to the nature of the complaint submission. Al Moreau moved to accept the consent order for case #2015-I-007 with amended language to add that marijuana use was for recreational use and not associated with the practice of physical therapy. Elizabeth Austin seconded the motion. The board voted and unanimously approved.

Mr. Papale reported that he is working with Mrs. Newton on two hearings for the month of August.

Continuing Education Report

Since the previous board meeting, the Board approved 38 courses. The Board accepted all courses as approved. The average approval time for the month was three days.

1. www.physicaltherapy.com
Using Gait Analysis to Drive Interventions for Gait Recovery in Patients with Neurological Disorders
2. www.physicaltherapy.com
Pre and Post Op Physical Therapy Management for Patients with Breast Cancer
3. www.physicaltherapy.com
Medications in Aging Population
4. University of Wisconsin College of Health Sciences
Risk Assessment & Prevention for Workplace Injuries Part 1 Low Back & Part 2 Upper Extremity
5. Serespro
Return to Work Related Barriers when Rehabilitating Clients with Musculoskeletal Disorders
6. Senergy Medical Group
Integrative Health Conference and Biomodulator Training Program
7. Private Practice Section of APTA
PPs 2015 Annual Conference and Exhibition
8. GREAT Seminars
Safe Steps: Measuring Gait and Balance to Show Treatment Works
9. International Academy of Orthopedic Medicine-US
Diagnosis and Management of Recurrent Lumbar Spine Pain
10. Louisiana Workers Compensation Corporation
Measuring Success: Are Your Patients Getting Better?
11. Cross Country Education
Autism & Social (Pragmatic) Communication Disorder: A DSM-5 Update- Webinar
12. Replenish PDX Holistic Nutrition Lab
Holistic Nutrition Lab: Digestive Intensive
13. Institute for Natural Resources
Understanding Depression & Bipolar Disorder
14. APTA-SOWH
Pelvic Health Physical Therapy Level 2
15. RRCA (Road Runners Club of America)
RRCA Coaching Certification Program
16. CIAO Seminars
Dementia Therapy Solutions
17. RehabCare
Low Vision: Evaluation and Treatment Strategies
18. Summit Professional Education

- The Body-Brain Connection (Dynamic Brain-Based Interventions)
19. Innovative Educational Services
Brachial Plexus Injuries
 20. North American Seminars, Inc.
Advancements in the Management and Treatment of Spinal Cord Injury
 21. Peak Pilates with Mad Dogg Athletics, Inc.
Peak Pilates Comprehensive Level 1 Module 4
 22. Institute for Natural Resources
Diabetes: A Comprehensive Overview
 23. Herman and Wallace Pelvic Rehabilitation Institute
Differential Diagnosis of Chronic Pelvic Pain
 24. Herman and Wallace Pelvic Rehabilitation Institute
Sacroiliac Joint Evaluation and Treatment
 25. www.physicaltherapy.com
Advanced Electrotherapeutic Update
 26. www.physicaltherapy.com
Advanced Therapeutic Ultrasound Update
 27. www.physicaltherapy.com
So Your Patient has a Pressure Ulcer, Now What?
 28. Cross Country Education
Discover the Path to Successful Restorative Programs
 29. Cross Country Education
Successful Lymphedema Management & Complete Decongestive Theory
 30. Medical Minds in Motion
Assessment & corrective Exercise for the Spine
 31. www.physicaltherapy.com
Pharmacology Basics for the Geriatric Patient
 32. Medicvox/Atlas Medic
Maximize the Efficiency of Your Exercises: Optimization of Rehabilitation Equipment
 33. Summit Professional Education
Improving Behavior and Social Skills
 34. Neuro-Developmental Treatment Association
Treatment and Management of Clients with Brain Lesions Using NDT Handling Strategies
 35. ManeGait Therapeutic Horsemanship
Gaitway to the Brain- Build the Brain
 36. LSTEN- Region 8 PATH International Conference
Region 8 PATH Intl. Conference

Mrs. Martin asked if licensees need to submit an application for the APTA course for Ethics that is listed on the board website as approved. The Board determined that licensees do not need to submit for approval of the Ethics Course: Navigating the Regulatory Environment.

Declaratory Statements

Kristina Lounsberry moved to remove all declaratory statements with the transition to the new website. Don Cassano seconded the motion. The board voted and unanimously approved.

Legislative Task Force

Chairman Moreau provided the Board with an update on the Resolution (SCR 19). Mrs. Martin provided an update on logistics of the meeting from SSA Consultants, LLC.

New Business

Correspondences

Tim Burnell, PT asked questions related to Medicare. The board members will draft a response to the questions related directly to Rule regarding supervision and notify Mr. Burnell that the Board does not answer questions related to Billing.

Roger Martin, PT asked for clarification on Documentation Standards and the required components of an initial physical therapy evaluation in terms of e-documentation. The board asked Mrs. Martin to respond to Mr. Martin stating that this does meet the requirement if all components are in the documentation.

Paula Koonce, PT asked a question regarding a person in a wellness center. The board asked Mrs. Martin to respond to Ms. Koonce stating the Rule on physical therapy technician supervision and documentation (Rule 335).

Juan Gutierrez, PTA asked what the limitations are for PTAs on spine mobilizations according to the practice act. The Board asked Mrs. Martin to respond to Mr. Gutierrez notifying him that he is allowed to take continuing education courses on the subject but that PTAs are not allowed to perform spinal mobilizations at this time.

Shelley Foster asked about the rules concerning supervised practice. The board members will draft a response to the question to be reviewed at the August board meeting.

Becky Lege, PT asked two questions related to PTA Supervision. The Board asked Mrs. Martin to respond to Mrs. Lege's inquiries.

Old Business

LHC revisions to the letter were discussed. The board has decided to ask licensee Becky Lege to draft a statement for the board to review. George Papale and Courtney Newton will use the draft from Ms. Lege to draft language of the role of PT practice in all settings regarding medication review to be reviewed at the August board meeting.

The Board discussed the status of the Rules revision process and determined that the timeline should be extended a minimum of two to three (2-3) months due to the number of current priorities.

The Board discussed the investigator contract for Tracey Lobue. The Board interviewed Mrs. Lobue at the June board meeting and determined that she would receive the same rate as had been previously offered to contracted investigators. Mrs. Martin reported that the previous rate was \$23.50/hour not to exceed \$24,440.00 per year. Al Moreau motioned to offer Tracey Lobue

the same contract terms as Don Evans had before if her background check comes back clean. Secretary/Treasurer seconded the motion. The board voted and unanimously approved.

The meeting was adjourned at 4:30pm.

**Louisiana Physical Therapy Board
Minutes**

APPROVED

August 26 - 27, 2015

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, August 26, 2015 and Thursday, August 27, 2015 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members were present. Board members present were: Chairman Al Moreau, III, Secretary/Treasurer Danny P. Landry, Don Cassano, Kristina Lounsberry, and Elizabeth "Beth" Austin. Advisory committee members present on Wednesday were Christopher Franks and Eugene Noel. Charlotte Martin, Executive Director; George Papale, General Counsel; and Courtney P. Newton, Attorney were also present.

Informal Conference 2015-I-004

A Formal Administrative Hearing was conducted for licensee William Hooper in relation to case 2015-I-018. Chairman Moreau motioned to move into Executive Session pursuant to La R.S. 42:16 for the purpose of deliberation in this case. Kristina Lounsberry, Beth Austin, Danny Landry and Don Cassano were all in favor and moved into Executive Session. The hearing panel exited Executive Session. The hearing panel agreed to take this case under advisement and John Morris with the Attorney General's office is going to work on the report and the hearing panel will review it at the next board meeting.

Chairman Moreau motioned to move into Executive Session pursuant to La R.S. 42:16 for the purposes of discussing investigating proceedings regarding allegations of misconduct. The Board voted and all were in favor to move into Executive Session.

The Board exited Executive Session.

Chairman Al Moreau called the meeting to order at 12:00pm.

The board members reviewed the agenda. The agenda was approved unanimously.

The board members reviewed the minutes and approved the minutes as amended.

Chairman's Report

Chairman Moreau reported that the JP Seminar will be held in Lafayette on Thursday, August 27, 2015 and a reminder email has been sent to all licensees.

Secretary/Treasurer's Report

Secretary/Treasurer Landry reported the finances for the end of the month of July. Cash in the bank at the totals \$3,800.86. Income totals \$11,683.11 and expenses total \$72,279.36. The two Certificates of Deposit at Lakeside Bank total \$716,642.64 The Business Savings account at Chase Bank is \$252,579.67.

The board members reviewed the fiscal year budget for 2015-16. Secretary/Treasurer Landry and Advisory Committee Member Chris Franks worked on the budget with Mrs. Martin. Mrs. Martin reported the monthly operating expenses to the board, as requested by board member Don Cassano.

Kristina Lounsberry moved that the board move to enter into an agreement with a banking entity to provide banking services for the Louisiana Physical Therapy Board as determined by the Executive Director after conducting a competitive process and determining the best rates and services. Don Cassano seconded the motion. The board voted and unanimously approved.

Elizabeth Austin moved to amend the agenda the current agenda to move the budget adoption for FY 2015-16 to 8/27/2015 after completion of the hearing. Kristina Lounsberry seconded the motion the board members voted and unanimously approved.

The board members reviewed the legislative audit attestation that is required to be signed annually by the Board Chairman and Secretary/Treasurer. The board reviewed the attestation and attested that all information within is accurate to their knowledge, authorizing the Chairman and Secretary/Treasurer to sign on behalf of the board.

Executive Director's Report

Mrs. Martin reported that there were 50 individuals licensed since the last board meeting. Of those 45 were new graduate physical therapists, one was a physical therapist assistant through reciprocity, and four (4) were physical therapists through reciprocity. The board members ratified the list and signed the wall licenses for each licensee.

License Report August 2015

New Graduates- PT

Sarah Allen
Ryan Bermudez
Joshua Bryant
David Chessen
Brooke Constant
Caroline Crawford
Kaitlin Foley
Adam Ducoing
Elizabeth Spitz
Tyler Folse
Joel Gonzalez
Thomas Frederick
Alan Guitierrez
Brett Hernandez
Jessica Howe
Lynleigh Hughes
Stephen Jackson
Erin Kennedy

Camille Kennedy
Lisa Knecht
Amy Kidd
Brian Labruzzo
Jessica Launey
Casey LeJeune
Matthew Madere
Caitlin Naquin
Jennifer Parker
Amanda Pace
Stefan Norris
Caitlin Paskewich
Chasity Popillion
Cailidh Pedersen
Brody Patton
Katie Reboul
Kelly Quebedeaux
Benjamin Roussel
Nicholas Roger
Beau Saunier
Lauren Stone
Byrnes Tatford
Stephanie Veade
Jennifer Vaughn
Maryann Vicari
Margaret Watson
Dorothea Waltz
Total: 45

Reciprocity Applicants-PTA

William Hall
Total: 1

Reciprocity Applicants-PT

Alberta Harris
Margaret Burns
Kevin Landreneau
Elizabeth Landreneau
Total: 4

Legal Report

Ashlee York, Provisional License No. 09071 accompanied by her attorney William M. Magee presented to the Louisiana Physical Therapy Board requesting an extension of her provisional license and asked for permission to take the National Physical Therapy Examination at the

earliest date possible. After consideration the Board granted a one-time 90-day extension to the Provisional License No. 09071.

Ms. Pamela Hoffman Case #2015I007 appeared before the Board to discuss her Consent Order. This is a standard procedure to ask question to and answer questions of the Respondent.

General Counsel George Papale discussed the revisions to the Medication Review protocol board statement for physical therapists. Mr. Papale recommended that the Board create a Rule on this topic for all licensees to follow. This is a confusing topic with many implications in the home health setting. The board members agreed and will begin drafting a Rule.

Board Attorney Courtney Newton presented the response to a question related to email privacy of licensees. The board accepted the letter as written and it will be mailed to the licensee as a response to her question to the Board.**Reports of Committees**

CEU Committee

The CEU Committee provided a monthly report of approved, denied and pending courses to the Board, as well as an average approval time.

- 48 courses approved
- 1 denied
- 2 courses pending
- Average approval time is 3 days

Mrs. Martin provided an update on the 2015 annual CEU Audit, noting that licensees have a deadline of 8/31/2015 to respond. The status update at this time is as follows:

Total Number in Audit	198
Number of letters returned	1 (a letter has been sent to the corrected address)
Number of Audits Mailed In	75 returned to office
Number of Compliant	53
Number Questionable	22

Legislative Task Force

Chairman Moreau provided an update on the first Patient Access Review Committee meeting and shared the schedule of future meetings with the Board. The Patient Access Review Committee has agreed on an outline of necessary activities to complete at each meeting in order to produce a study to the legislature by the deadline specified in SCR 19.

New Business

Correspondences

Bridget Beninato, PTA asked: I am a PTA in an LTAC setting inquiring if we are essential or non-essential personnel for natural disasters. I did not find it anywhere on the website nor have I ever been considered essential in any state or setting I have been in. Can you please respond via email with the correct information at your earliest convenience? The board agreed that there are no Board Rules that relate to this matter and that this should be addressed by an internal policy within the organization.

A licensee asked the board if a physical therapist in Louisiana can receive a referral from Mexico. The Board determined that a physical therapist can receive a referral from Mexico, but in no way would this guarantee payment. It is simply not against the Louisiana Practice Act or Board Rules to accept a prescription from a different country as long as the prescription is provided by a licensed professional authorized to prescribe physical therapy services.

Marisa Chaffin asked the Board: as a Physical therapy clinician who has less than a year of clinical experience, can I be a clinical instructor for a physical therapy technician? Can I have students under my supervision for observation hours who plan to apply to a physical therapy institution in the future? Can you provide me with the information for when it is appropriate to be a clinical instructor for a PT or PTA student? The Board agreed that it is not necessary to receive board approval to supervise a student and the university would have to determine if it is appropriate for the licensee to be a supervisor of the student. The Board approves supervisors of licensees, not students.

Jennifer Bray, PT, DPT, License # 08670R asked the board: I just took Level 1 Functional Dry Needling over the weekend with Kinetacore which requires only one year experience to take the course. I have had my PT license for exactly 2 years to the date when I took the course. I didn't start practicing PT until 2 weeks after my license was issued due to my company wanting me to start on a certain pay period. Due to this, I believe I may have accidentally taken the course 2 weeks before my 2 year mark of experience. I wanted to touch base with you to determine where I go from here. Would the board still give me credit for the course as long as I wait 2 weeks before performing dry needling? Or would I have to take the course all over again? The Board determined that the licensee is not in compliance with the Rule and would need to take the course again.

Federation of State Board of Physical Therapy Leadership Issues Forum

Secretary/Treasurer Landry reported that he did attend the FSBPT Leadership Issues Forum held in Virginia in early August 2015 and he shared highlights with the board members.

Old Business

Task Tracker:

Shelley Foster, LOTR asked: I work in the SNF/nursing home setting. In referring to Subchapter C-Supervised Practice, section 341 Documentation Standards number 5 states, "Treatment Record is the written documentation of each patient visit which includes specific treatment and/or any equipment provided which shall be signed or initialed by the Supervising PT of Record or PTA. A treatment record shall be maintained only if a progress note is not written for each patient visit. A treatment record may be in the form of a checklist, flow sheet, or narrative." Does entering charges for a patient such as 15 minutes for 97110, 25 minutes for 97116, etc. meet this requirement? If not, what is required to meet the documentation standards for supervised practice? Currently we complete weekly progress notes and patients are seen somewhere between 3-5 times a week. Supervisory notes are being completed on supervisory visits. The Board approved the following response: Thank you for your inquiry. Regarding documentation standards, you cited the correct section. Subsection 341 A. 5. Charges are not adequate documentation as it does

not provide "specific treatment" information. The means as to how this treatment record is maintained is left open to the following choices: "may be in the form of a checklist, flowsheet or narrative". The charge alone does not detail treatment provided. If a checklist or flowsheet isn't available to you, a narrative SOAP note would meet the requirement.

Tim Burnell asked the following questions:

Someone recently told me that in the near future there was going to be some law changes which would dis-allow an outpatient therapy outfit to rent space from an assisted living facility (ALF), even if the rent is a reasonable amount based on comparable market analysis or fair market value. Can you confirm or deny the validity of that? The LPTB is not associated with any legislation relating to regulating where an outpatient clinic is located. Perhaps a review of the legislation could direct you to an answer.

What is the supervisory requirements (PT/PTA) for Medicare in the state of LA? Please refer to the Board Rule §333A.2., which states that the physical therapist must treat and reassess the patient at least every sixth treatment day or every 30 days, whichever occurs first.

Is there direct or in-direct requirements? (Does the PT need to be under the same roof as the PTA during treatment or simply be available via phone and within a reasonable distance?) Louisiana Physical Therapy Board Rule §333B.2.d. states that a physical therapist must be readily accessible by beeper or telephone and available to the patient by the next scheduled treatment session upon request of the patient or PTA.

Can the PTA perform part of the supervisory visit and the PT perform part of the same supervisory visit (as long as both parties sign the note)? No. The physical therapist will treat and reassess the patient. The PTA can then later perform a separate treatment. Sharing notes and signing the same note would be prohibited.

Can the PTA perform part of the Discharge visit and the PT perform part of the same discharge visit (as long as both parties sign the note)? No. Louisiana Physical Therapy Board Rule §333A.3. states that the physical therapist must treat the patient for the final treatment session unless the patient is physically unavailable.

Direct access/eval & treatment with no prescription: I see that it is ok to perform evaluation and treat without script according to the LAPT board website. Can you clarify the Medicare regulations for this in the state of LA please? Please refer to the Louisiana Physical Therapy Board Rule §307 for an outline of physical therapy services without a prescription or referral.

The board members recessed at 5:00pm

Thursday, August 27, 2015

7:00am Informal Conference 2012I017

A Formal Administrative Hearing was conducted for licensee Jane Wetherington in relation to case 2014-I-002. Chairman Moreau motioned to move into Executive Session pursuant to La R.S. 42:16 for the purpose of deliberation in this case. Kristina Lounsberry, Danny Landry and Don Cassano were all in favor and moved into Executive Session. The hearing panel exited Executive Session. The hearing panel agreed to take this case under advisement and John Morris with the Attorney General's office is going to work on the report and the hearing panel will review it at the next board meeting.

Budget FY 2015-16

The board members reviewed the budget. Chairman Al Moreau motioned to accept the budget as amended today. Don Cassano seconded the motion. The board voted and unanimously approved.

Chairman Moreau motioned to adjourn the meeting. Secretary/Treasurer Danny Landry seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 5:00pm.

**Louisiana Physical Therapy Board
Minutes**

Tuesday, September 29, 2015

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Tuesday September 29, 2015 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members were present. Board members present were: Secretary/Treasurer Danny P. Landry, Don Cassano, Kristina Lounsberry, Elizabeth “Beth” Austin, and Patrick Cook. Advisory committee members present were Althea Jones and Nicholas Butler. Charlotte Martin, Executive Director; Amanda Lafleur, Assistant Executive Director; Stephanie Boudreaux, Program Specialist A; Courtney P. Newton, Attorney was also present.

Chairman Al Moreau, III and Board Member Dr. Gerald Leglue were not present at the meeting.

Secretary/Treasurer Danny P. Landry called the meeting to order at 6:00pm.

The board members reviewed the agenda. Secretary/Treasurer Danny P. Landry motioned to remove Formal Administrative Hearing #2015-I-001 from the agenda for September 30, 2015. The Board voted and all were in favor. Landry motioned to add Review Consent Order for Julie Alexander to the Legal Report of the agenda. The Board voted and all were in favor. Landry motioned to amend the agenda and move into Executive Session pursuant to La R.S. 42:16 for the purposes of discussing investigating proceedings regarding allegations of misconduct. The Board voted and all were in favor to move into Executive Session.

The Board exited Executive Session.

The board members reviewed the minutes and approved the minutes as amended.

Chairman’s Report

Chairman Al Moreau was not present at the meeting, but asked Secretary/Treasurer Danny P. Landry to report on his behalf.

Landry recognized new Board Members, Patrick Cook and Kristina Lounsberry. Both were appointed by Governor Bobby Jindal on September 18, 2015. It is Cook’s first term as a Board Member and Lounsberry’s second term.

Landry reported that there was a Jurisprudence Seminar held in September at the Louisiana Physical Therapy Association’s Sports Symposium. On October 22, 2015, Jurisprudence Seminar will be held in New Orleans, La. Chairman Moreau asked if anyone would be willing and able to commit to present at the Seminar.

The Board discussed the recent Louisiana Physical Therapy Association Fall Meeting that was held in Baton Rouge, LA. Secretary/Treasurer Landry recommended that the Board be present at the Director’s Meeting, which was held in correlation with the LPTA Fall Meeting. Don Cassano

suggested that if the Board were to receive an invitation to speak at the Director's Meeting, it should accept. He recommended that unless the Board received an invitation from LPTA, we should not infringe on their meeting agenda.

Secretary/Treasurer's Report

Secretary/Treasurer Landry reported the finances for the end of the month of August. Cash in the bank totaled \$5,681.96. Income for August 2015 totaled \$21,042.93 and expenses totaled \$60,372.76. The two Certificates of Deposit at Lakeside Bank total \$717,072.60. One CD earned \$327.61 in interest between 08/01/2015-08/31/2015. The ending balance as of 8/31/2015 was \$515,766.53. The other CD earned \$102.35 in interest between 08/01/2015-08/31/2015. The ending balance as of 8/31/2015 was \$201,306.07. The Business Savings account at Chase Bank is \$202,585.64 and earned \$5.97 in interest.

The board members reviewed the Income Statement and Balance Sheet ending August 31, 2015. They also reviewed the Profit and Loss Budget Performance ending August 31, 2015. Don Cassano asked the Executive Director to report the Budget Performance at every Board Meeting.

Patrick Cook motioned to move \$100,000 from the Chase Bank Business Savings account to the Cash Checking account. The motion was seconded by Don Cassano. The Board voted and all approved.

Secretary/Treasurer Danny P. Landry and Executive Director, Charlotte Martin signed paperwork to move the checking account to Farmers Merchants Bank and Trust.

Executive Director's Report

Mrs. Martin requested clarification from the Board on Rule §147 in regard to how the staff should process applications that apply to this Rule. The Board determined that the application should be treated the same as license for reciprocity but that the staff is to specify that the expiration date is 60 days after the license is issued.

Mrs. Martin requested clarification from the Board on La R.S. 37:2410.A.5. Qualifications for license; foreign graduates. The question specifically was related to the period of supervised clinical practice. The Practice Act reads "The period of supervised clinical practice shall be for at least six months but not more than eighteen months..." An applicant requested to begin supervised clinical practice 3 years following receiving a provisional license. The Board unanimously agreed that the intention is that a licensee would begin supervised clinical practice very soon after obtaining a license and a delay of three years is not a reasonable amount of time to begin.

Mrs. Martin reported that there were 21 individuals licensed since the last board meeting. The board members ratified the list and signed the wall licenses for each licensee.

Physical Therapist (All Reciprocity)

Ashlen Bissell, Cierra Cambre, Joshua Grabert, Erin Rawson, Ashley Kinchen, Kelly Danielson, Rachel Atkins, Virginia Wilson, Joshua Schmitt, Aliza Rudavsky, Kelsey Stuart, Grace Cathrall, Colleen McBee, Alaina Cleland, Maisha Sims, Karen Juarez,

William LaHaye, Lindsey Copes, Katie Freeman, Matthew Klock, Hannah La Garde,
Total: 18 PT's

Physical Therapist Assistants (All Reciprocity)

Hannah Collier, Hannah Hurt, Lara White

Total: 3 PTA's

Mrs. Martin reported that Pamela Rice, Assistant Director of State Procurement has submitted a statement in writing that the Board is exempt from the Request for Proposals (RFP) process for the Public Service Announcement. Mrs. Martin will work with the Office of State Procurement to get approval of the contract with Peak Media and begin working on the PSA.

Mrs. Martin recommended to update the Expense Reimbursement Policy and Procedure to change the mileage reimbursement to the state rate, which is currently \$0.51. The board members voted and unanimously approved.

Secretary/Treasurer Danny P. Landry moved to amend the agenda to review the Legal Report at the end of the meeting. The board members voted and unanimously approved.

Reports of Committees

Legislative Task Force

Patient Access Review Committee, SCR 19

Don Cassano reported on the Patient Access Review Committee meetings that were held in Baton Rouge on September 23 and 24. In attendance at the meeting were Chairman, Moreau; Executive Director, Charlotte Martin; Board Member, Don Cassano; Board Member Patrick Cook; and Board Attorney Courtney Newton. Moreau presented on behalf of Healthcare Providers Service Organization (HPSO) of their findings regarding other states that have direct care patient access.

Secretary/Treasurer Danny Landry announced that he is stepping down from the Task Force and Board Member, Patrick Cook will replace position. Landry agreed to a transition meeting with the LTF to provide information and guidance to the Task Force.

CEU Committee

The CEU Committee provided a monthly report of approved, denied and pending courses to the Board, as well as an average approval time.

54 courses approved

0 denied

0 courses pending

Average approval time is 6 days

New Business

Mrs. Martin presented the Board with a list of Board Meeting Calendar dates for 2016. The Board agreed that they would review the dates and requested to add it to the agenda of the next Board Meeting to be discussed in Old Business. The dates are as follows:

January 20-21, 2016

February 17-18, 2016
March 16-17, 2016
April 20-21, 2016
May 18-19 2016
June 15-16, 2016
July 20-21, 2016
August 17-18, 2016
September 21-22, 2016
October 19-20, 2016
December 7-8, 2016

Correspondences

Advisory Committee Member, Christopher Franks, PT if he was allowed to perform a licensing interview on behalf of the Louisiana Physical Therapy Board to someone who was planning to work at the same place of employment as Franks. He also asked if he was allowed to perform an interview on behalf of the Louisiana Physical Therapy Board on a relative. The Board unanimously agreed that Martin should inform Franks that he cannot perform interviews for future and/or current co-workers, nor can he perform interviews on relatives. This would be a conflict of interest.

Kelly Rodriguez, PT, MPT, NCS asked: I am a physical therapist in an outpatient neurologic facility. I have recently in the last few months taken on a new patient who is very involved neurologically, at the request of the family. This patient has been under the care of the Neurorehab center for ~ 2 years. His original treating therapist differed in opinion with the wife of the patient in question when it came to numbers of hours in therapy per week. The PT felt he only needed 3, the wife felt 4 was necessary. So she requested another therapist, to which our management complied, placing him on my schedule. I currently share him with another therapist. We are currently seeing him in a maintenance capacity, mainly because she has threatened to 'sue' Touro if we do not continue to see him. Management has not set boundaries for this family, although the therapy team was working towards reducing his hours further. Which brings me to the current situation. The patient was admitted to the hospital one week ago, for a syncopal episode, suspected pneumonia. From the get go, the wife demanded his hours and times be saved. We have a two week policy to hold patient appointments (even in the event they are admitted to the hospital) as well as the required new prescription to return to therapy. In a conversation with our office secretary, when the wife learned of this new prescription requirement, she stated 'Well, next time I won't tell your office he was admitted to the hospital, I'll just say that he is sick and bring him in to the clinic without one.' This was brought to the attention of our management team, however they have not addressed it with the family and do not appear to be willing to have this discussion. Again, missing an opportunity to set a boundary. I plan on explaining to the family the requirements set forth by our licensure for a new prescription after an admit to the hospital or a decline in status (or at least that what I understand it to be), but I just needed advice on any other legal piece of information I can convey to this family and our management team. If they violate this requirement in the future, what is my legal recourse? I am concerned for my license!

The Board will draft a response to be reviewed at the next board meeting.

Old Business

Jennifer Grey is a licensee who asked about the dry needling course that she took prior to having practiced for 2 years. She updated the Board that the course sponsor is allowing her to audit in the second time she is taking the course and asked if that would be acceptable by the Board. The Board determined that it would be acceptable to audit the course and use that for her continuing education requirements.

Legal Report

The Board moved into Executive Session pursuant to La R.S. 42:16 for the purposes of discussing investigating proceedings regarding allegations of misconduct.

The Board exited Executive Session.

Amending Consent Order: Adam Lafleur

Board Attorney Courtney Newton will revise the Amending Consent Order as agreed. The Board voted to accept the Amending Consent Order as amended. All voted and it was unanimously approved.

Consent Order: Julie Alexander

The Board voted to accept the Voluntary Surrender of Physical Therapist Assistant License and it was unanimously approved. The Board approved a cover letter to be sent with the Voluntary Surrender of Physical Therapist Assistant license, specifying conditions that the Board agreed upon for Mrs. Alexander to complete prior to returning to the practice.

Secretary/Treasurer motioned to adjourn the meeting. Kristina Lounsberry seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 11:40pm.

**Louisiana Physical Therapy Board
Minutes**

Wednesday October 28, 2015

FINAL

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday October 28, 2015 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members were present. Board members present were: Chairman Al Moreau, III, Secretary/Treasurer Danny P. Landry, Don Cassano, Kristina Lounsberry, Elizabeth “Beth” Austin, and Patrick Cook. Advisory committee members present were Chris Franks, Jon Jeremy Dye, and Wayne Campbell. Charlotte Martin, Executive Director; Amanda Lafleur, Assistant Executive Director; Stephanie Boudreaux, Program Specialist A; Board Attorneys, Courtney P. Newton and George Papale were also present.

Board member, Dr. Gerald Leglue was not present at the meeting.

Chairman Al Moreau, III called the meeting to order at 5:00pm.

The board members reviewed and approved the agenda. Chairman Al Moreau, III motioned to move into Executive Session pursuant to La R.S. 42:16 for the purposes of discussing investigating proceedings regarding allegations of misconduct. The Board voted and all were in favor to move into Executive Session.

The Board exited Executive Session.

The Board unanimously accepted the Second Amending Consent Order for Adam Lafleur. Mr. Lafleur will be asked to appear at the December Board Meeting to discuss the agreement.

The Board unanimously accepted the Consent Order from Emily Hymel. Miss Hymel will be asked to appear at the January Board Meeting to discuss the agreement.

The Board unanimously accepted the RPTP Participation Agreement for Pam Hoffman.

The Board unanimously accepted the RPTP Participation Agreement for Robyn Alleman.

The Board voted to deny the reinstatement application of David Conerly. The board members voted unanimously in favor of denying the reinstatement application.

The Board voted to deny the 750 word essay submitted by Ayodeji Famuyide. The board members voted unanimously in favor of denying the essay.

The board members reviewed the minutes and approved the minutes as amended.

Special Programs – Q&A with Evaluator: Rick Proffitt, LAC

The Board interviewed Licensed Addiction Counselor, Rick Proffitt, President and CEO of Stages of Recovery. Stages of Recovery is an outpatient clinic in Lake Charles for individuals with addictive disorders. Mr. Proffitt currently provides initial evaluation services to licensees referred by the Board.

Ayodeji Famuyide – Interview with the Board

Ayodeji Famuyide appeared before the Board to discuss the terms he agreed to in his Consent Order and to review his 750 word essay. The Board informed Mr. Famuyide that his essay has been denied and he must submit a revised essay no later than Wednesday, November 25, 2015.

Legal Report

Board Attorney, Courtney Newton reported on the status of complaints since the last board meeting:

Dismissed Cases:	1
Submitted Complaints:	1
Open Investigations:	16

Chairman’s Report

Chairman Al Moreau noted that there is a vacancy on the Advisory Committee because Patrick Cook has been appointed to the Board. Moreau requested that the Executive Director provide geographical information indicating where the concentration of licensees are in the state. In December, Wayne Campbell (Lafayette), Gene Noel (Alexandria) and Nick Butler (Monroe) will be ending their second term as Advisory Committee Members, leaving the committee with three additional vacancies for the Board to appoint new members in January. Board members are requested to send in nominations of candidates for appointment to be considered at the December Board Meeting.

Chairman Moreau reported that Dr. Suzanne Tinsley from LSU HSC Shreveport is tentatively scheduled to speak at the December Board Meeting to discuss medication management and what is currently being taught in the DPT and PA curriculums.

An update was given by Moreau on the annual Federation of State Boards of Physical Therapy (FSBPT) meeting, which was held in October in Orlando, Florida. In attendance at the meeting was Executive Director, Charlotte Martin; Board Chairman, Al Moreau; Board Member, Kristina Lounsberry; and Board Attorney, Courtney Newton.

Moreau reported that there was a Jurisprudence Seminar held in October at the Sheraton Metairie Hotel. There were 88 licensees in attendance at the seminar. On November 5, 2015, Jurisprudence Seminar will be held at the Louisiana College in Pineville. Board member, Donald Cassano will present at the Seminar.

Secretary/Treasurer’s Report

Secretary/Treasurer Landry reported the finances for the end of the month of September 2015. Cash in the bank totaled \$81,424.54. Income for September totaled \$13,020.16 and expenses totaled \$67,094.39. The two Certificates of Deposit at Lakeside Bank total \$717,488.68. One CD earned \$317.03 in interest between 9/01/2015-9/30/2015. The ending balance as of 9/30/2015 was

\$515,083.56. The CD matures on January 15, 2016. The other CD earned \$99.05 in interest between 9/01/2015-9/30/2015. The ending balance as of 9/30/2015 was \$201,405.12. The CD matures on April 15, 2016. The Business Savings account at Chase Bank is \$52,589.72 and earned \$4.08 in interest.

The board members reviewed the Balance Sheet and Profit and Loss Statement ending September 30, 2015.

Patrick Cook motioned to allow for the transfer of funds from the Board's Certificate of Deposit to allow for Board expenditures. The amount and date of the transfer will be determined by Executive Director based on balances and current operations expenses from 12/1/15 – 3/1/16 with approval of Board officer. The motion was seconded by Al Moreau. The Board voted and all approved.

Executive Director's Report

Executive Director, Charlotte Martin reported that there were 63 individuals licensed since the last board meeting. The board members ratified the list and signed the wall licenses for each licensee.

PTA: New Graduates

Elizabeth Andress, Emanuel Antunez, Amber Buckel, Aaron Burton, Emily Buttery, Andrew Cardin, Chase Cheramie, Richard Clasen, Jenna Coco, Jene' Cormier, Jena Courville, Logan Crow, Michael Daigrepoint, Gerren Davis, Matthew Davis, Martha Diaz, Emmalea Dugas, Jill Ganey, Tabitha Gardner, Brittany Grabert, Misty Graning, Chong Han, Bradley Holstein, Lakeisha Houston, Kelsey Jones, Shane Kenney, Jennifer King, Sarah Ladner, Drew Lapoint, Erika Loucks, Scott Lucas, Dana Martin, Queenie Mccartney, Jebрил Nassar, Jayme Perkins, Kimberly Rea, Kerner Schaubhut, Taylor Stewart, Melanie Strecker, Logan Sullivan, Davani Tassin, Samantha Voinche, David Vroom, Chad Walker, Brandon Wallace, Carlissa Williams, Elizabeth Wood, Christopher Worthington, Erin Worthington, Frank Yarbrough, Samantha Young

Total: 51

PTA: Reciprocity

Nicholas Kostovich, Dusty Santman, Francis Smith

Total: 3

PT: Reciprocity

Ryan Carew, Sarah Gibson, Meghan Gill, Todd Hooks, David Kline, Patrick Ogg, Brittany McJunkins, Meghan Mieczkowski, Lisa Plackowski

Total: 9

Mrs. Martin requested clarification regarding foreign trained applicants and the process that the Board office will follow when the applicant does not fulfill the supervised clinical practice requirement within an 18 month period. It is agreed that a foreign-trained provisional licensee who does not complete clinical supervision practice within eighteen months will move into expired status at the end of the eighteen months. If the same foreign-trained individual applies for initial

licensure in Louisiana at a later date, his/her application will be reviewed by the Board at the time of applying to determine if a second provisional license will be issued to complete the requirement for clinical supervised practice..

Mrs. Martin updated the Board on the status of the website and database project.

Mrs. Martin introduced revisions to the internal board office policy and procedure regarding the notification of NPTE and NPTAE scores to initial applicants for Louisiana licensure. The proposed change allows the board staff member to notify applicants of a passing score and refer the applicant to the FSBPT for their score report. The purpose of the revision is to improve efficiencies in the board office and since FSBPT provides a score report to all test takers, notification by the board office is duplicative. However, in the Policy, the board office will continue to notify the applicant of their score for a failing score along with a letter referencing Rule §171 regarding the limitations of number of failed attempts for the NPTE and the requirements. The Board voted and unanimously approved the policy revisions.

Minor revisions to the internal board office policy and procedure regarding the annual continuing education audit were reviewed by the Board. The board members voted and unanimously approved.

Reports of Committees

Continuing Education Committee

The Continuing Education Committee provided a monthly report of approved, denied and pending courses to the Board, as well as an average approval time.

54 courses approved

3 denied

0 courses pending

Average approval time is 6 days

The Continuing Education Committee gave an update on the recent audit and the non-complaint licensees. The board members agreed on a course of action for each non-compliant licensee.

Legislative Task Force

Patient Access Review Committee, SCR 19

Chairman Moreau reported on the fourth Patient Access Review Committee meeting that was held in Baton Rouge on October 22. A request was made to the Committee by the representative from the Athletic Trainers Association for a list of all declaratory statements created and/or in the past ten years, along with board minutes associated with each.

The Legislative Task Force discussed the upcoming 2016 Regular Legislative Session with the Board.

New Business

Correspondences

A licensee asked if a PTA can see a patient after they have been hospitalized if there is no change in diagnosis. If they are diagnosed with something new (AFib), but the PT says it is fine and the plan of care will not change.

The Board referenced Rule 333.B.1, which states the level of responsibility assigned to a PTA pursuant to §333 is at the discretion of the Supervising PT of Record who is ultimately responsible for the care provided by this PTA.

Chad Asher asked how a PT goes about ending services/providing a warning to an agency if they are not paying the PTs for service. What if the PT performed an evaluation and the company did not like the results, so they asked another PT to do the evaluation and received the same results. Is it legal for the agency to delete the original record from the file?

The Board agreed that clear documentation regarding the purpose of discharge in the patient file and documentation of a warning to the agency would be appropriate and not considered patient abandonment. The board advised that it is illegal to destroy patient records and referred the question to the Department of Health and Hospitals.

Rebecca Richardson, PT asked the Board for clarification regarding skin assessments and asked if PTs should do a complete skin assessment regardless of complaints of pain, discomfort or skin breakdown. She is also being asked to assess breath sounds with the stethoscope like the lung sounds – but she does not feel competent in doing this. She asked the board if a PTA should handle medication reconciliation.

The Board referenced Rule 303.C. and suggested that if the treatment is outside the scope of her knowledge, experience, or expertise, that she shall notify the patient or client and provide a referral to an appropriate healthcare practitioner.

Michael DiCarlo, PTA asked about the therapeutic modality called “cupping” and if this can be considered within the scope of practice as a licensed PTA in the state of Louisiana. DiCarlo asked if he needs to be certified to perform this modality.

The Board stated that the treatment can be done if the PTA has the proper training to do so and referenced §2407.A.3, which defines “Physical Therapist” and Rule 333.B.1, which states the level of responsibility assigned to a PTA pursuant to §333 is at the discretion of the Supervising PT of Record who is ultimately responsible for the care provided by this PTA. The supervisor can reference Rule 303.C

Jennifer Smith wrote, “could you present to the board to make changes to PT supervision of a PTA to extend longer than every 6th visit and eliminate the face to face with both PT and PTA especially in the Home Health setting. It is not cost effective and eliminates jobs for PTA's with the frequent supervision. A PT is always available and can re-evaluate when necessary either by a face to face with the patient or activity change to POC after conference with PTA. In other states, supervision in home health is every 30 days. No face to face with PTA is required at beginning of service or during service. In a clinic setting, the PT is usually in the building or room during treatment anyway so a face to face every 6th visit does not seem necessary and is not cost effective for the clinic using PTA's.”

The board took this under advisement at the time of the future Rule Change.

Heather Record: Our Company received an update that PT's are now required to do Progress Notes every 7 days on every patient for each payer source. Prior to this ruling we were following CMS guidelines for all our disciplines which state every 10 treatment days a progress note needs to be done. We did notice that this is stated under PTA supervision on the LAPT board. We are wondering being that our company does not utilize PTA's would the PT Board consider putting that exception to the rule and allow our PT's to follow CMS guidelines. Your response in this matter would be greatly appreciated.

The Board made note of the recommendation, but determined that this is a Department of Health and Hospitals regulation that must be followed separate and apart from the Board regulation.

Lloyd Vale: Does the PT need to visit a patient after patient has been hospitalized, even just for observations reasons instead of a PTA? In a snf setting, does the PT need to see the patient after a doctor's appointment especially if it's related to the current patient's plan of care?

The board referenced Rule §333 and determined that a PT must see a patient if there are changes with the patient's status. If the physician has changed anything in the plan of care, then the PTA shall speak to the supervising PT immediately. The PT shall be readily accessible by beeper or telephone and available to the patient by the next scheduled treatment session upon request of the patient or PTA.

Old Business

Kelly Rodriguez, PT, MPT, NCS asked at the last board meeting: I am a physical therapist in an outpatient neurologic facility. I have recently in the last few months taken on a new patient who is very involved neurologically, at the request of the family. This patient has been under the care of the Neurorehab center for ~ 2 years. His original treating therapist differed in opinion with the wife of the patient in question when it came to numbers of hours in therapy per week. The PT felt he only needed 3, the wife felt 4 was necessary. So she requested another therapist, to which our management complied, placing him on my schedule. I currently share him with another therapist. We are currently seeing him in a maintenance capacity, mainly because she has threatened to 'sue' Touro if we do not continue to see him. Management has not set boundaries for this family, although the therapy team was working towards reducing his hours further. Which brings me to the current situation. The patient was admitted to the hospital one week ago, for a syncopal episode, suspected pneumonia. From the get go, the wife demanded his hours and times be saved. We have a two week policy to hold patient appointments (even in the event they are admitted to the hospital) as well as the required new prescription to return to therapy. In a conversation with our office secretary, when the wife learned of this new prescription requirement, she stated 'Well, next time I won't tell your office he was admitted to the hospital, I'll just say that he is sick and bring him in to the clinic without one.' This was brought to the attention of our management team, however they have not addressed it with the family and do not appear to be willing to have this discussion. Again, missing an opportunity to set a boundary. I plan on explaining to the family the requirements set forth by our licensure for a new prescription after an admit to the hospital or a decline in status (or at least that what I understand it to be), but I just needed advice on any other

legal piece of information I can convey to this family and our management team. If they violate this requirement in the future, what is my legal recourse? I am concerned for my license!

The following response was drafted by Board Member, Kristina Lounsberry and will be sent to Ms. Rodriguez.

After review of your scenario, we refer you to the following sections of the Practice Act and Rules:

Rule 303 (B) - A PT is responsible for managing all aspects of the physical therapy care of each patient

Rule 303 (C) - A PT shall exercise sound professional judgment based upon his knowledge, skill, education, training, and experience, and shall perform only those procedures for which he is competent. If, during evaluation, reassessment or screening, the PT finds that treatment which is outside the scope of his knowledge, experience, or expertise is needed, the PT shall notify the patient or client and provide a referral to an appropriate healthcare practitioner.

Rule 313 (A) A PT shall document the transfer of care of the patient, as appropriate, to another health care provider in the event of elective termination of physical therapy services by the PT.

Rule 345 (B) 4. Exercising undue influence - a PT shall exercise his professional judgment in the best interest of his patients. A licensee shall not:

- a. place his or her own financial gain over the interest and welfare of a patient in initiation or continuation of physical therapy services that are contraindicated or cannot reasonably result in a beneficial outcome

In conclusion, the licensed physical therapist is responsible for all care provided to a patient. Referrals, new orders, releases, etc. are obtained at the discretion of the treating therapist. Termination of services and transfer of care is also at the discretion of the treating therapist. The LA Board of Physical Therapy does not provide legal advice to licensees. Please access the Practice Act and Rules via the Board's website at www.laptboard.org or a paper copy may be requested.

Chairman Moreau motioned to adjourn the meeting. Kristina Lounsberry seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 11:30pm.

**Louisiana Physical Therapy Board
Minutes**

Thursday December 3, 2015

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Thursday December 3, 2015 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members were present. Board members present were: Chairman, Al Moreau, III, Secretary/Treasurer, Danny P. Landry, Board members, Don Cassano, Kristina Lounsberry, Elizabeth "Beth" Austin, and Patrick Cook. Charlotte Martin, Executive Director; Amanda Lafleur, Director of Operations; Board Attorneys, Courtney P. Newton and George Papale were also present.

Board member, Dr. Gerald Leglue was not present at the meeting.

Chairman Al Moreau, III called the meeting to order at 8:00am.

Agenda

The board members reviewed and unanimously approved the agenda.

Advisory Committee Member Interviews

The Board proceeded to interview applicants for Advisory Committee Member Vacancies. The Board interviewed eleven applicants from different work settings and geographical locations around the state. The Board will make the final decisions on the Committee Members at the January Board meeting.,

Minutes

The board members reviewed the minutes and unanimously approved the minutes as amended.

Special Programs – Covalent Logic

The Board met with website development company, Covalent Logic regarding the launch of Louisiana Physical Therapy Board's new website. Included in the meeting was Stafford Wood, founder of the company; Emily Dufrene, Senior Project Manager; and Sally Davis, Senior Account Manager. Covalent Logic met with the Board to train members on the site. The website is expected to be launched during the weekend following the board meeting.

Executive Session

Chairman Al Moreau, III motioned to move into Executive Session pursuant to La R.S. 42:16 for the purposes of discussing investigating proceedings regarding allegations of misconduct. The Board voted and all were in favor to move into Executive Session.

The Board exited Executive Session

The Board unanimously accepted Jane Wetherington's Voluntary Surrender of License.

The Board unanimously accepted the Essay from R Seymour, as required by her board order.

The Board unanimously accepted the Essay from Emily Hymel, as required by her consent order, subject to the essay being dated and signed.

The Board unanimously accepted the Essay from Kelly Daniels regarding her continuing education audit.

The Board accepted Ayodeji Famuyide's Essay, as required by his consent order (4 in favor, 1 against).

Chairman's report

The Board voted on board officers for 2016. The Board unanimously voted Al Moreau to be Chairman for 2016. The Board voted Don Cassano to be Secretary/Treasurer for 2016. The Board voted on the CEU Committee and decided that Elizabeth Austin and Kristina Lounsberry will remain on the committee for 2016.

The Board discussed the Public Service Announcement. The Board requested additional information about the cost of the PSA. Executive Director, Charlotte Martin will ask Peak Media to come and speak at the January Board Meeting for more information about alternative media markets.

Secretary/Treasurer's Report

Secretary/Treasurer, Danny Landry reported the finances for the end of the month of October 2015. Cash in the bank totaled \$22,929.59. Total Income for October 2015 totaled \$12,861.25 and expenses totaled \$55,516.81. The two Certificates of Deposit at Lakeside Bank total \$717,918.64. CD #4718 earned \$327.61 in interest between 10/01/2015-10/31/2015. The ending balance as of 10/31/2015 was \$516,411.17. The CD matures on January 15, 2016. CD #4726 earned \$102.35 in interest between 10/01/2015-10/31/2015. The ending balance as of 10/31/2015 was \$201,507.47. The CD matures on April 15, 2016. The Business Savings account at Chase Bank was \$52,591.01 and earned \$1.29 in interest.

Secretary/Treasurer, Danny Landry reported the finances for the end of the month of November 2015. Cash in the bank totaled \$34,253.19. Total Income for November 2015 totaled \$21,415.96 and expenses totaled \$37,101.73. The two Certificates of Deposit at Lakeside Bank total \$718,348.60. CD #4718 earned \$327.61 in interest between 11/01/2015-11/30/2015. The ending balance as of 11/30/2015 was \$516,738.78. The CD matures on January 15, 2016. CD #4726 earned \$102.35 in interest between 11/01/2015-11/30/2015. The ending balance as of 11/30/2015 was \$201,609.82. The CD matures on April 15, 2016. The Business Savings account at Chase Bank was closed and the funds were moved to checking.

The Board asked Mrs. Martin to present a budget for fiscal year 2016-17 at the January board meeting.

Executive Director's Report

Executive Director, Charlotte Martin gave an update on the 2014-15 Governor's Report.

Mrs. Martin gave a licensing report. Martin reported that there were 17 individuals licensed since the last board meeting. The board members ratified the list and signed the wall licenses for each licensee.

Physical Therapists – Reciprocity

Beaugez, Sarah

Casteix, Mary

Kloepfer, Lauren

Kovar, Jessica

Munson, Lisa

Swanson, Jessica

Stines, Megan

7 total

Physical Therapists – New Graduates

Dupont, Jules
Hughes, Andrew
Messonnier, Callie
York, Ashlee

4 total

Physical Therapist Assistants – Reciprocity

Artman, Kelsey
Brumfield, Sarah
Foster, Niki
Juneau, Justin
Sherrod, Jesse

5 total

Physical Therapists Assistants – New Graduates

Han, Chong

1 total

Reports of Committees

Legislative Task Force The Legislative Task Force provided information regarding the upcoming 2016 Legislative session. The Board decided to prioritize outreach to legislators to educate and inform them of the final report of the Patient access Review Committee.

Continuing Education Committee

The Continuing Education Committee provided a monthly report of approved, denied, and pending course to the Board, as well as an average approval time of course. There were a total of 63 courses that were approved. Of those 63 courses, 28 were traditional courses and 35 were web-based courses. Of the 63 total courses that were approved, 55 were of clinical type, 6 were administrative, and 2 were on ethics. There were a total of 3 courses that were denied. There were 2 courses that were less than 1 credit hour and 1 course that was submitted after the 90-day rule. There were 0 courses pending at the time of the board meeting. It took an average of 5 days to approve a course.

Legal Report

Board Attorney, Courtney Newton reported on the status of complaints since the last board meeting:

Open Investigations: 25

Consent Orders: 1

Newton requested to amend the agenda and present the Open Meetings Law Presentation at the January board meeting due to time constraints. The Board unanimously voted and all agreed to amend the agenda.

Newton provided an update on the status of her conversations with the attorney from FSBPT.

The Board discussed the Clean-up Bill memo created by Courtney Newton. The Board unanimously voted to approve Mrs. Newton to work on researching the Clean-up Bill related to the definition of Practitioner.

Adam Lafleur – Interview with the Board

Adam Lafleur appeared before the Board to discuss the terms he agreed to in his second amending consent order. The Board requested that Mr. Lafleur present copies of his timesheet and paycheck. In addition, the Board requested Mr. Lafleur to present letters of acknowledgement from each principle from the schools that Lafleur work in. The letters shall be on the schools' letterhead and shall acknowledge the consent orders of Mr. Lafleur.

Monitoring Visit Training

The Board discussed and acted out best practices of monitoring visits of disciplined licensees. The Board obtained legal advice regarding discussing consent orders with patients of the licensees. Board Attorney, George Papale advised that board members may talk to patients as long as it is within the scope of the consent order and that they first get permission from administration of the physical therapy location.

New Business

Correspondences

1. Steve Allison, PT provided the Board with a letter from Crystal Younger regarding Licensed Rehabilitation Counselors and Physical Therapists overlapping scopes of practice. The Board reviewed this correspondence for informational purposes.
2. Tyler Folsie, PT, DPT asked if he will be able to participate in the curriculum of the residency program since there is a dry needling course and the Louisiana Rules state that a PT must have at least two years of experience before they can be educated in dry needling. The board reviewed the correspondence and determined that he would be able to take the coursework but would not be able to use the coursework toward certification in dry needling because of the way that the Rule 311.B. is written.

Old Business

Suzanne Tinsley was not able to make it to the board meeting to discuss medication review. Miss Tinsley will be in attendance at the January board meeting.

The Board discussed the pros and cons of entering into the Physical Therapy Licensure Compact proposed by the Federation of State Boards of Physical Therapy (FSBPT). The Board requested Charlotte Martin to reach out to other states who have decided to get in to the Compact. In addition, the Board would like Mrs. Martin to request FSBPT to attend a board meeting to discuss and answer questions about the Compact as well as to obtain a fiscal impact statement.

Chairman Moreau motioned to adjourn the meeting. Danny Landry seconded the motion. The Board voted and unanimously approved. The board meeting was adjourned at 4:00pm.