



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

AGENDA
Regular Board Meeting
January 16, 2020

- 2:00 pm** **Call to Order**
Approve Minutes*
Approve Agenda*
- 2:15 pm** **Special Program**
SSA Consultants
- 3:15 pm** **Executive Session**
Discuss sensitive information related to discipline and attorney client privileged information. To finalize the Order of the hearings from the December Administrative Hearings (C. Russell, M. Peak, and B. Landry).
- 4:45 pm** **Officer Reports**
2020-2021 Budget
- 5:30 pm** **Legal Report**
- 6:30 pm** **Committee Reports**
- 6:45 pm** **Unfinished Business**
Participation Agreement Template Language
- 7:00 pm** **New Business**
- 7:15 pm** **Public Comment**
- 7:30 pm** **Adjourn**

*Public Comment

Public comment is requested prior to each vote (La. R.S. 42:14)

A public comment period shall be held during each board meeting. Persons desiring to present comments shall notify the executive director of the board prior to the beginning of the meeting. However, to assure that an opportunity is afforded to all persons who desire to make comments, the chairman shall inquire at the beginning of the meeting if there are additional persons present who wish to comment. The chairman shall allot the time available for the public comments in an equitable manner among those persons desiring to comment. Each person making public comments shall identify himself and the group, organization, company, or entity he represents, if any. (Louisiana Physical Therapy Board Rule §105.H.)

Louisiana Physical Therapy Board

MINUTES

Regular Scheduled Board Meeting & Administrative Hearing January 16, 2020

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on January 16, 2020 at the Louisiana Physical Therapy Board, 2110 W Pinhook Rd, Suite 202, Lafayette, LA 70508. A quorum of members was present. Board members present were: Chairman Karl Kleinpeter, Secretary/Treasurer, Judith Halverson, and board members Phillip “Phil” Page, Kathryn “Katie” Brittain, and Dr. Meredith Warner. Charlotte Martin, Executive Director; Jessica Alwell, Assistant Executive Director; Stephanie Boudreaux, CEU Specialist; and Attorneys James R Raines and Celia Cangelosi were present. Public member Rudy Gomez of SSA Consultants was present.

Chairman Karl Kleinpeter called the meeting to order at 2:10 pm.

Phil Page moved to approve the agenda. Secretary/Treasurer Judith Halverson seconded the motion. The board voted and the agenda was unanimously approved.

The board reviewed the minutes from the December board meeting. Phil Page moved to accept the December 2019 minutes as written. Secretary/Treasurer Halverson seconded the motion. The board voted and unanimously approved.

SPECIAL PROGRAM

SSA Consultants representative Rudy Gomez presented the board with the final draft of Findings and Recommendations regarding Crisis Communications Engagement. Phil Page moved to accept the report as written. Secretary/Treasurer Halverson seconded the motion. The board voted and unanimously approved.

Phil Page moved to enter into Executive Session to finalize finding of facts and conclusions of law for license applicant Marshall Peak, PTA applicant to discuss professional competence, character, or physical/mental health pursuant to La R.S. 42:17 which provides justification for discussion during Executive Session. Katie Brittain seconded the motion. The board moved into Executive Session.

Phil Page moved to exit Executive Session. Dr. Warner seconded the motion. The board exited Executive Session.

Secretary/Treasurer Halverson moved that the board accepts the findings of fact and conclusions of law regarding the hearing held on December 12, 2019 on Marshall Peak. The members present were Karl Kleinpeter, Judith Halverson, Kathryn Brittain, Phillip Page, and Dr. Meredith Warner. Dr. Warner has read the transcript. Katie Brittain seconded the motion. The board voted and unanimously approved to accept Marshall Peak’s order.

Phil Page moved to enter into Executive Session to finalize the findings of fact and conclusions of law for Brant Landry, Louisiana physical therapy license #06617 to discuss his character, professional competence, or physical and/or mental health, which provides justification for discussion during Executive Session pursuant to La R.S. 42:17. Katie Brittain seconded the motion. The board moved into Executive Session.

Phil Page moved to exit Executive Session. Katie Brittain seconded the motion. The board exited Executive Session.

Secretary/Treasurer Halverson moved that the board accepts the findings of fact and conclusions of law regarding the hearing held on December 12, 2019 on Brant Landry. The member's present were Karl Kleinpeter, Judith Halverson, Kathryn Brittain, Phillip Page, and Dr. Meredith Warner. Dr. Warner has read the transcript. The board approved the chair to sign the order. Katie Brittain seconded the motion. The board voted an unanimously approved Brant Landry order.

OFFICER REPORTS

Chairman Report

Chairman Kleinpeter did not have a report at this meeting.

Secretary/Treasurer Report

Cash in the bank totaled \$466,313.23 in the checking and savings accounts at Farmer's Merchant Bank. Total Income totaled \$38,690.00 and ordinary expenses totaled \$60,838.81.

The Certificates of Deposit at Business First Bank totaled \$991,746.38. CD #054 earned 543.54 interest and the ending balance was \$492,811.77. CD #045 is on a 12-month certificate term at a 1.3% interest rate. The CD will mature on 05/25/2020.

CD #025 earned interest of \$1,082.53 and the ending balance was \$498,934.61. CD #025 is on a 12-month certificate term at a 2.56% interest rate. The CD will mature on 12/18/2019.

Secretary/Treasurer Halverson presented the FY 2020-21 budget to the board. Phil Page moved to approve the annual budget as presented at the board meeting on January 16, 2020 for fiscal year 2020-2021. Katie Brittain seconded the motion. There was no public comment. The board voted and unanimously approved.

Executive Director Report

Mrs. Martin updated the board regarding the Compact Privilege holder Nigelle Williams (CP000902T). Ms. Williams completed her Jurisprudence requirement and is now compliant with Louisiana's requirements.

Phil Page moved that based upon the updated information of Compact requirements, the board takes no action against Ms. Williams on her Compact privilege.

Mrs. Martin updated the board that Compact Privileges Issued for Louisiana are as follows: 10 new compact privileges purchased since the last meeting with the total privileges purchased in Louisiana at 55.

Mrs. Martin presented the licensing report. Between December 2, 2019 and January 10, 2020, 7 licenses were issued. Of the 7 licenses issued, 6 were PTs receiving a license in Louisiana for the first time. One was a PTA reinstating a lapsed license.

Mrs. Martin reported the current complaint summary of activity that occurred since the last meeting:

Currently Open (Licensees)	16
Currently Open (Non-Licensees)	0
Complaints Received	4
Informal Conferences	0
Hearings Scheduled	0
Appeals	1
Proposed Consent Order	0
Closed Cases	1

Mrs. Martin updated the board on the status of the Legislative Auditor Performance Audit: Open.

The board advised that they would like HUB Enterprises to conduct upcoming monitoring visits that are due on disciplined licensees. The board will review the report of the monitoring visits at the next board meeting.

LEGAL REPORT

Mr. Raines facilitated a training on investigations using a mock case.

COMMITTEE REPORTS

CEU Committee

The CEU committee reported that 163 courses were reviewed since the last board meeting. Of these reviewed courses 163 were approved. Sixty-eight of the courses were traditional (live) and 91 were web-based (online), and 4 were hybrid-based (live and online). Of the 163 courses that were approved, 152 were clinical, 9 were administrative and 2 were Ethics. The average time for approval was 5.2 days.

LTF

Chairman Kleinpeter gave a brief update on relevant topics from the legislature.

Opioid Prevention

Katie Brittain updated the board on a committee meeting held on January 13, 2020.

UNFINISHED BUSINESS

Changes to the Participation Agreement Template were not ready for review and were moved to the next board meeting.

Secretary/Treasurer Halverson updated the board on a follow up conversation she had with the licensee who had asked the question “Can a PT technician perform transfers and transport of a patient without a clinician of any sort present? Is it within the scope of physical therapy to make recommendations for discharge for equipment and location?”

NEW BUSINESS

The board reviewed a request from a licensee for reimbursement for the license verification fee after the wrong address was mistakenly entered by the licensee “I am requesting a \$43 reimbursement for the previous verification form.” The board members discussed and denied the request.

The board reviewed a request from a licensee seeking an exemption from the CEUs hours required for the 2020 license renewal. “I am requesting a one-time [exception] to the rule concerning [exception] of continuing education hours completed just prior to receiving my Louisiana license through reciprocity from Texas. I am requesting that the hours from the 7 remaining courses, totaling 16.5 hours’ worth of CEUs, be accepted in place for my 7 hours that will be still remaining after I take the 2 hours ethics course and Jurisprudence exam.” The board members discussed and agreed that the individual’s request did not meet the requirements of an exception (LAC 46: LIV§198) to the rule based upon personal hardship.

The board reviewed a question asking “I am a physical therapist in the home health setting. Are PTs and/or PTAs allowed to perform PT/INR if training is done by the nursing director?” The board members discussed and agreed that clarification is needed before a response can be sent to this licensee. Katie Brittain will request clarification and bring more information to the next board meeting.

The board reviewed a question asking “I have a colleague that works at a public tag agency. He is asking if PTs are allowed to fill out the application for temporary/permanent handicap tags. The policy from the office of motor vehicles states that “a person licensed by the Louisiana State Board of Physical Therapy Examiners” can fill out the Certification of Mobility Impairment form. Can we do this?” The board members discussed and agreed that clarification is needed before a response can be sent to this licensee. Katie Brittain will request clarification and bring more information to the next board meeting.

PUBLIC COMMENT

No public comment.

Phil Page moved to adjourn the meeting. Katie Brittain seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 6:48 pm.



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

AGENDA
Regular Board Meeting
February 20, 2020

- 9:00 am** **Public Hearing for Rules**
- 2:00 pm** **Call to Order**
Administrative Hearing: Reinstatement Applicant Carla Russell
- 3:00 pm** **Review of Agenda & Minutes**
- 3:15 pm** **Kathie Pohlman, Manager Recovering Physical Therapy Program (RPTP)**
- 4:15 pm** **Officer Reports**
- 5:00 pm** **Committee Reports**
- 5:15 pm** **Unfinished Business**
- 5:30 pm** **New Business**
Correspondences
- 5:45 pm** **Consideration of Interim Consent Agreement, Jose Garcia, Case 2018-I-036.**
- Discussion in executive session pursuant to LAC 46:LIV §105 D and La. R.S. 42:17A(1) for discussion of the character, professional competence, or physical or mental health of a person.
- 6:30 pm** **Legal Report**
- 6:55 pm** **Public Comment**
- 7:00 pm** **Adjourn**

*Public Comment

Public comment is requested prior to each vote (La. R.S. 42:14)

A public comment period shall be held during each board meeting. Persons desiring to present comments shall notify the executive director of the board prior to the beginning of the meeting. However, to assure that an opportunity is afforded to all persons who desire to make comments, the chairman shall inquire at the beginning of the meeting if there are additional persons present who wish to comment. The chairman shall allot the time available for the public comments in an equitable manner among those persons desiring to comment. Each person making public comments shall identify himself and the group, organization, company, or entity he represents, if any. (Louisiana Physical Therapy Board Rule §105.H.)

Louisiana Physical Therapy Board

MINUTES Regular Scheduled Board Meeting February 20, 2020

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on February 20, 2020 at the Louisiana Physical Therapy Board, 2110 W Pinhook Rd, Suite 202, Lafayette, LA 70508. A quorum of members was present. Board members present were: Chairman Karl Kleinpeter Secretary/Treasurer Judith Halverson, and board members Phillip “Phil” Page, Kathryn “Katie” Brittain, and Julie Ann Harris. Advisory Committee Members present were Marie Vazquez, Chris Franks, Jason Douglas, Jon Jeremy Dye, Shaina Goudeau, Ben McRae, and Michael Hildebrand. Charlotte Martin, Executive Director; Jessica Alwell, Assistant Executive Director; and Attorneys Celia Cangelosi and Kelsey Clark were present.

Chairman Karl Kleinpeter called the meeting to order at 2:05 pm.

PUBLIC HEARING

Chairman Kleinpeter moved to enter Executive Session. Phil Page moved to exist Executive Session. Julie Ann Harris seconded the motion.

Secretary/Treasurer Halverson moved with respect to the findings of fact, that the board adopt the Proposed Findings of Fact with the following modifications:

- accept paragraphs 1-2;
- modify paragraph 13 by adding the sentence: “only one of the letters was from an individual meeting the requirements of Rule §187.E.6;
- accept paragraph 12-23 as written;
- modify paragraph 24 to designate it as paragraph 24 and add a new paragraph 24b as follows: “Carla Russell thereafter relapsed on meth and has had no treatments since the relapse”;
- accept paragraph 25-28 as written;
- modify paragraph 29 to designate it as paragraph 29a and add a new paragraph 29b “The report of Carla Russell’s May 2019 evaluation at Palmetto Addiction Recovery Center indicates that Ms. Russell suffers with opioid use disorder, severe depressive disorder, not otherwise specified, and with substance induced endogenous and situational features, among other medical issues, one of which is endometriosis”;
- accept paragraph 30-40 as written.

Phil Page seconded the motion. The board voted and unanimously approved.

Secretary/Treasurer Halverson moved in the matter of the proposed conclusions of law, that the board accept the proposed conclusions of law with the following changes:

- strike paragraph 1, 2, 6, and 7;
- add a new paragraph 1 written as follows: La R.S. 37:2420A(5) Been habitually intemperate or abused controlled dangerous substances as defined by federal or Louisiana law;
- add a new paragraph 2: LAC 46:LIV §351.A(2) and (3)A as used in R.S. 37:2420A(5) of the Practice Act, “habitually intemperate means: (2) the ingestion, self-administration, or other use of legally controlled substances or medication which affect the central nervous system, other than pursuant to and used in

accordance with a lawful prescription and/or medical advice; and (3) repeated excessive use or abuse of any mood altering or mind altering substance that may negatively impact the ability of a licensee to safely practice physical therapy;

- In lieu of paragraph 8, add a new paragraph 6 to read as follows: “Ms. Russell’s application shows that she does not meet the qualifications of being reinstated as a physical therapist assistant because she has been habitually intemperate and abused controlled dangerous substances as defined by federal or Louisiana law and has not displayed good moral character”.

Phil Page seconded the motion. The board voted and unanimously approved.

Secretary/Treasurer Halverson moved that the board propose the following order:

- It is ordered, adjudged and decreed that the application made by Carla Russell for reinstatement of her Louisiana physical therapist assistance license, License number A6364 is denied pursuant to La R.S. 37:2420.A(5), habitual intemperance or abuse of controlled dangerous substances as defined in LAC 46:LIV §351.A(2) and (3), and for failure to display good moral character.

Phil Page seconded the motion. The board voted and unanimously approved.

Phil Page moved to approve the agenda. Katie Brittain seconded the motion. The board voted and the agenda was unanimously approved.

The board reviewed the minutes from the January board meeting. Phil Page moved to accept the January 16, 2020 minutes as written. Katie Brittain seconded the motion. The board voted and unanimously approved.

Secretary/Treasurer Halverson moved to accept the minutes as amended. Phil Page seconded the motion. The board voted and unanimously approved of the amendments.

SPECIAL PROGRAM

Recovery Physical Therapy Program Manager Kathie Polhman presented the board with the process for selecting treatment facilities and reviewed board-recognized facilities. Ms. Pohlman presented the RPRP report since the last board meeting. The board reviewed and finalized Participation Agreement terms.

Secretary/Treasurer Halverson moved to recognize the Provider List presented by Kathie Pohlman. Julie Ann Harris seconded the motion. The board voted and unanimously approved.

Secretary/Treasurer Halverson moved that the board approves the Confidential Recovering Physical Therapy Program Terms and Conditions of Participation. Julie Ann Harris seconded the motion. The board voted and unanimously approved.

OFFICER REPORTS

Chairman Report

No chairman report.

Secretary/Treasurer Report

As of December 31, 2019, cash in the bank totaled \$415,638.71 in the checking and savings accounts at Farmer’s Merchant Bank. For the month of December 2019, income totaled \$20,643.00 and ordinary expenses totaled \$53,488.88.

As of December 31, 2019, the Certificates of Deposit at Business First Bank totaled \$993,322.85. CD #054 earned 526.58 interest and the ending balance was \$493,338.35. CD #054 is on a 12-month certificate term at a 1.3% interest rate. The CD will mature on 05/25/2020.

CD #025 earned \$1,049.89 interest and the ending balance was \$499,984.50. CD #025 is on a 12-month certificate term at a 1.75% interest rate. The CD will mature on 12/18/2020.

Executive Director Report

Mrs. Martin presented the licensing report. Between January 10, 2020 and February 13, 2020, 27 licenses were approved.

Mrs. Martin reported the current complaint summary of activity that occurred since the last meeting:

Currently Open (Licensees)	16
Currently Open (Non-Licensees)	0
Complaints Received	1
Informal Conferences	0
Hearings Scheduled	0
Appeals	0
Proposed Consent Order	1
<u>Closed Cases</u>	<u>0</u>
Total Open Investigations:	16

Mrs. Martin presented the monitoring report of licensees who are currently being monitored by the board.

Mrs. Martin presented the board with the letter from applicant Isabelle Omijie requesting reinstatement of their license number after passing the NPTE on their fifth attempt. The board moved this item to unfinished business for the March board meeting.

Mrs. Martin presented the board with the draft of the 2019 Governor's report. The board members approved the governor's report as written.

COMMITTEE REPORTS

CEU Committee

The CEU committee reported that 133 courses were reviewed since the last board meeting. Of these reviewed courses 133 were approved. Seventy-four of the courses were traditional (live) and 49 were web-based (online), and 9 were hybrid-based (live and online). Of the 133 courses that were approved, 127 were clinical, 4 were administrative and 2 were Ethics. The average time for approval was 5.25 days.

LTF

Secretary/Treasurer Kleinpeter gave a brief update on all current topics in legislature.

Education and Outreach

The committee set the next committee meeting for the evening of March 19, 2020 after the regularly scheduled board meeting.

UNFINISHED BUSINESS

The board reviewed the question from the prior meeting regarding whether PTs are allowed to fill out the application for temporary/permanent handicap tags. The board discussed information gathered since the last meeting and

determined that yes, a PT may fill out the application if it is within that licensee's personal scope of practice, meaning they have the relevant education and training.

NEW BUSINESS

The board reviewed a question from a licensee, as follows, "With an Inactive license status, may a PT provide the following services? I would not establish a PT Evaluation or plan of care and I will not call myself a physical therapist.

- Providing in-service/consulting to businesses, such as hair salons or dental offices, on posture, body mechanics and general exercises to assist professionals in their workplaces, i.e.; dental offices, hair salons, etc. to protect overuse of key areas of injury. I will present the information to the employees of those establishments who provide services to their clients.
- Providing private consultation for posture, post-partum and wellness activities. A release form from MD and or consent form would be included when indicated. I would offer services to those individuals who would benefit from advice on general exercises, posture tips, and wellness activities (examples: post-partum, those with normal aging changes that could benefit from a few tips) to assist them in their daily lives.

After careful consideration, the board determined that as long as you do not hold yourself out to the public as a physical therapist you are allowed to offer these services (La R.S. 37: §2407.A.(5)).

The board reviewed a question asking "In our electronic model (EMR system) the PT student is set up like a medical resident. The student documents and signs the note, thus officially placing the note in the medical record. The CI is required to review/edit and co-sign the note but it can be several hours before review and co-sign is complete. During this gap in time, anyone reading the patient's medical record is reading the student PT note and assuming all documentation is correct and accurate. Here are my concerns: If the student does not make appropriate assessments or recommendations this could cause confusion to the medical team and incorrect initiation of the discharge plan. The PT student has on professional degree or licensure but is training under a license PT. A medical resident has a medical degree and a limited professional license. I am in the process of petitioning my new company's IT department to modify the flow of student signatures but I need the opinion of the PT board on this matter to help get the change initiated. So, I am asking the board's opinion and if there is anything in the PT rules and regulations that addresses this."

The board members discussed and stated on the record that documentation by a student must be co-signed by the Supervising PT of Record or Supervising PTA (LAC 46: LIVE §341.E.). This Rule exists for this very reason. A note cannot be considered complete without a co-signature of the supervisor. A PT student who is satisfying supervised clinical education requirements related to his physical therapy education shall use the letters "S.P.T." in connection with his name while participating in this program. A PTA student who is pursuing a course of study and is satisfying supervised clinical education requirements related to his physical therapist assisting education shall use the letters "S.P.T.A." in connection with his name while participating in this program (LAC 46:LIV §323.B). By using these letters behind this signature stamp in the EMR, those who are reading the record should be trained to know that this is a signature of a student and is not considered a valid note until it is co-signed by a PT or PTA.

The board members reviewed a question from Gretchen Duplantis requesting continuing education approval of courses to be used to fulfill the requirements of her board order and to request that she take the live jurisprudence in May of 2020. The board members carefully reviewed the course list and determined that the courses are

appropriate and can be used for the purpose of fulfilling the Order requirement. The board members reviewed her request to take the live jurisprudence in May 2020 and determined that she need to follow her Order, which states that Respondent shall, during each year of probation, complete 2 hours of live jurisprudence in addition to the 30 hours of board-approved continuing education. They did not grant the exception that she requested.

The board reviewed a question from a licensee asking “Recently, I have received an email from my employer about training videos for Regain Memory 360 program and administering this program to patients. I have read through our practice act, but cannot find anything about it in there. I was wondering if the board has any answers regarding whether physical therapists can even partake in this program.”

The board discussed the question and determined that it is within the scope of practice for physical therapy to administer this program to patients. However, only physical therapists who have the knowledge, skill, education and training to do this competently should perform this program. The board members referenced the definition of physical therapy in La R.S. 38: 2407.A.(5) and Rule (LAC 46: LIV 303.C).

The board reviewed a question from a PTA asking “Can I walk a patient a few feet (3’-5’) with a rolling walker with focus on weight shifting and short small effective steps while strengthening BUE’s to address a “transfer training with turn” STG Goal in the plan of care? The patient is a BBK ON o2 no precautions (she actually can walk 5’ min/mod asst) but there’s no gait goal. Plus I DID NOT document or charge for gait training. I just charged “Therapeutic activity” because I was working on the fundamentals of a safe effective transfer with a BBK and weight shifting is a big part of her learning to transfer.” The board members discussed and determined that a physical therapist assistant assists in the practice of physical therapy and works under the supervision of a physical therapist by performing such patient-related activities assigned by a physical therapist which are commensurate with the physical therapist assistant’s education, training, and experience (La R.S. 37:2407.A.(3)). A person licensed as a physical therapist assistant shall perform treatment only under the direction and supervision of a liensed physical therapist. The duties assigned to the physical therapist assistant shall be commensurate with the physical therapist assistant’s education, training, and experience (La R.S. 37 §2418.F(1)). The physical therapist is responsible for and shall participate in the patient’s care and a physical therapist assistant’s duties shall not include interpretation or implementation of referrals or prescriptions, performance of evaluations, or the determination or major modification of treatment programs (La R.S. 37: §2418.F(2)b. and d). It is advised that when a physical therapist assistant has a question about the delegated care of a patient the question is best addressed by the Supervising PT of Record who has the most information about the patient and can best answer the question. The level of responsibility assigned to a PTA is at the discretion of the Supervising PT of Record who is ultimately responsible for the care provided by the PTA (LAC 46: LIV §333.B.(1)).

The board members reviewed a question from a licensee asking, “Does the Board require a PT to note specific therapeutic exercises and/or therapeutic activities in a POC, or is it sufficient to simply note therapeutic exercise and/or therapeutic activities?” The board members reviewed this question and agreed that it is sufficient to simply note therapeutic exercise and/or therapeutic activities.

The board members reviewed a question from a license asking, “Is it within the scope of practice for a PTA to autonomously select therapeutic exercises or therapeutic activities to work on specific therapeutic goals specified in a PT POC?” The board members reviewed this question and agreed that it is within the scope of practice for a PTA to select therapeutic exercises or activities when working on the specific therapeutic goals specified in the physical therapist’s plan of care.

Attorney Celia Cangelosi presented the board with the interim consent agreement signed by Jose Garcia. Katie Brittain moved to approve the interim consent agreement. Julie Ann Harris seconded the motion. Secretary/Treasurer abstained from voting. The board voted and approved.

PUBLIC COMMENT

No public comment.

Phil Page moved to adjourn the meeting. Katie Brittain seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 7:00.



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

AGENDA
Regular Board Meeting
March 16, 2020

- 6:00 pm** **Call to Order**
- 6:05 pm** **Review of Agenda & Minutes***
- 6:15 pm** **Officer Reports***
- 6:45 pm** **Unfinished Business***
- 7:00 pm** **New Business***
Live CEU Requirement for 2020 Renewal
- 7:30 pm** **Committee Reports***
- 7:45 pm** **Public Comment**
- 8:00 pm** **Adjourn**

***Public Comment**

Public comment is requested prior to each vote (La. R.S. 42:14)

A public comment period shall be held during each board meeting. Persons desiring to present comments shall notify the executive director of the board prior to the beginning of the meeting. However, to assure that an opportunity is afforded to all persons who desire to make comments, the chairman shall inquire at the beginning of the meeting if there are additional persons present who wish to comment. The chairman shall allot the time available for the public comments in an equitable manner among those persons desiring to comment. Each person making public comments shall identify himself and the group, organization, company, or entity he represents, if any. (Louisiana Physical Therapy Board Rule §105.H.)

Louisiana Physical Therapy Board

MINUTES Regular Scheduled Board Meeting March 16, 2020

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on March 16, 2020 Franciscan Missionaries of Our Lady University in Baton Rouge, LA and by WebEx. A quorum of members was present. Board members present were: Chairman Karl Kleinpeter Secretary/Treasurer Judith Halverson, and board members Phillip “Phil” Page, Kathryn “Katie” Brittain, and Dr. Meredith Warner. Advisory Committee Members present was Tyra Mitchell. Charlotte Martin, Executive Director and Attorney James “Jim” Raines were present.

Chairman Karl Kleinpeter called the meeting to order at 6:13 pm.

Phil Page moved to approve the agenda. Katie Brittain seconded the motion. There was no public comment. The board voted and the agenda was unanimously approved.

The board reviewed the minutes from the February board meeting. Katie Brittain moved to accept the February 20, 2020 minutes as written. Phil Page seconded the motion. There was no public comment. The board voted and unanimously approved.

OFFICER REPORTS

Chairman Report

No chairman report.

Secretary/Treasurer Report

As of January 31, 2020, cash in the bank totaled \$349,044.01 in the checking and savings accounts at Farmer’s Merchant Bank. For the month of January 2020 income totaled \$25,911 and ordinary expenses totaled \$44,944.18.

As of January 31, 2020, the Certificates of Deposit at Business First Bank totaled \$994,610.73. CD #054 earned 544.72 interest and the ending balance was \$493,883.07. CD #054 is on a 12-month certificate term at a 1.3% interest rate. The CD will mature on 05/25/2020.

CD #025 earned \$743.16 interest and the ending balance was \$500,727.66. CD #025 is on a 12-month certificate term at a 1.75% interest rate. The CD will mature on 12/18/2020.

Executive Director Report

Mrs. Martin presented the licensing report. Between February 13, 2020 and March 13, 2020, 8 licenses were issued.

Mrs. Martin reported the current complaint summary of activity that occurred since the last meeting:

Currently Open (Licensees)	16
Currently Open (Non-Licensees)	0
Complaints Received	2
Informal Conferences	2

Hearings Scheduled	0
Appeals	0
Proposed Consent Order	0
Closed Cases	2

Mrs. Martin presented the monitoring report of licensees who are currently being monitored by the board.

Mrs. Martin presented the board with the all contracts expiring June 30, 2020. Phil Page moved to approve a renewed contract with Champagne & Co in the amount of \$10,000 for accounting consulting, Kathie Pohlman in the amount of \$30,000 as the manager of the Recovering Physical Therapy Program to provide guidance on impaired licensees referred to the Board, and E Solutions Group in the amount of \$10,000 for IT services. Judith Halverson seconded the motion. There was no public comment. The board voted and unanimously approved.

COMMITTEE REPORTS

CEU Committee

The CEU committee reported that 69 courses were reviewed since the last board meeting. Of these reviewed courses 69 were approved. Thirty-nine of the courses were traditional (live) and 27 were web-based (online), and 3 were hybrid-based (live and online). Of the 69 courses that were approved, 63 were clinical, 1 was administrative and 2 were Ethics. The average time for approval was 3.5 days.

LTF

Chairman Kleinpeter gave a brief update that the legislative session is delayed due to the COVID-19 virus.

Rules Revision Committee

Phil Page reported that he and Mrs. Martin met about the Rules revision and the next step is to finalize the Rules on the investigative process before bringing the rules to the board for consideration.

Education and Outreach

The committee canceled their committee meeting on March 19, 2020 and has put the committee meeting on hold.

UNFINISHED BUSINESS

Mrs. Martin presented the board with the letter from applicant Isabelle Omijie requesting reinstatement of their license number after passing the NPTE on their fifth attempt. Judith Halverson moved to issue a license to Ms. Omijie in accordance with Rule 145.B. and in keeping with the FSBPT Exam limitation of six attempts to the exam. Phil Page seconded the motion. Tyra Mitchel commented from the public that she believes that this is good licensing decision for Louisiana. The board voted and unanimously approved.

NEW BUSINESS

Phil Page moved, in response to the Governor's Proclamation # JBE 2020-27, to extend the deadline for renewing in 2020 (30) days to May 30, 2020. Those who renew in March, April and May will be subject to the 2-year renewal fee, but not the late renewal of license fee (LAC 46: LIV 501.A(9)). Licenses not renewed by 11:59pm CST on 5/30/2020 11:59pm for the 2020 renewal cycle will become expired on 5/30/2020. Further, to comply with state and federal recommendations in response to COVID-19, the Louisiana Physical Therapy Board is allowing online courses to substitute for live courses during the 2020 renewal period. Dr. Warner seconded the motion. There was no public comment. The board voted and unanimously approved.

The board decided to cancel the April and May Jurisprudence seminars.

The board discussed disciplined licensees who are required to attend a live Jurisprudence and determined that they will not be penalized for not fulfilling the live Jurisprudence requirement for the renewal period 2020.

The board instructed Mrs. Martin to direct all questions from participants in the Recovering Physical Therapy Program to Kathie Pohlman at this time who are concerned about meeting live A/A and N/A meetings, counseling sessions, presenting at drug test facilities, and any other questions related to their compliance with the program.

Mrs. Martin asked the board to consider the expiration date of Provisional Licensees who are scheduled for the National Physical Therapy Examination in April. The provisional licenses are issued for 90 days and current provisional license holder expiration dates are in May and June. The board is aware of the concern and determined that they will monitor the situation and discuss this topic at the April board meeting depending on how the COVID-19 pandemic progresses.

No public comment.

Phil Page moved to adjourn the meeting. Katie Brittain seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 7:43pm.



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

AGENDA
Regular Board Meeting
April 16, 2020

LOCATION:

Webex Link: [Click Here](#)

Meeting number (access code): 625 823 476

Meeting password: mM9Gupz8mF2 (66948798 from phones and video systems)

- 2:30 pm** **Call to Order**
Review of Agenda & Minutes*
- 2:45 pm** **Officer Reports***
- 3:00 pm** **Committee Reports***
- 3:15 pm** **New Business***
COVID-19 Considerations
- 4:00 pm** **Unfinished Business***
- 4:30 pm** **Adjourn**

*Public Comment

Public comment is requested prior to each vote (La. R.S. 42:14)

A public comment period shall be held during each board meeting. Persons desiring to present comments shall notify the executive director of the board prior to the beginning of the meeting. However, to assure that an opportunity is afforded to all persons who desire to make comments, the chairman shall inquire at the beginning of the meeting if there are additional persons present who wish to comment. The chairman shall allot the time available for the public comments in an equitable manner among those persons desiring to comment. Each person making public comments shall identify himself and the group, organization, company, or entity he represents, if any. (Louisiana Physical Therapy Board Rule §105.H.)

Louisiana Physical Therapy Board

MINUTES Regular Scheduled Board Meeting April 16, 2020

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on April 16, 2020 by Webex and Zoom video conferencing platforms. A quorum of members were present. Board members present were: Chairman Karl Kleinpeter, Secretary/Treasurer Judith Halverson, and board members Dr. Meredith Warner, Phil Page, and Kathryn “Katie” Brittain. Advisory Committee Members present were Michael Hildebrand, Marie Morgan, Ben McRae, and Shaina Goudeau. Charlotte Martin, Executive Director; Jessica Alwell, Assistant Executive Director; Danielle Linzer, Licensing Analyst; and Stephanie Boudreaux, Compliance Officer were present. Board attorney James “Jim” Raines was present. Members of the public present were Craig Prejean, PTA, J.D. Boudreaux, PT and Mary Kidder, PT.

Chairman Karl Kleinpeter called the meeting to order at 2:35 pm.

The board members reviewed the agenda. Phil Page moved to accept the agenda as written. Secretary/Treasurer Judith Halverson seconded the motion. The board voted and unanimously approved the agenda.

The board members reviewed the minutes from the March board meeting. Phil Page moved to approve the minutes. Secretary/Treasurer Halverson seconded the motion. The board voted and unanimously approved the minutes.

OFFICER REPORTS

Chairman’s Report

No chairman’s report.

Secretary/Treasurer’s Report

As of February 29, 2020, cash in the bank totaled \$483,669.66 in the checking and savings accounts at Farmer’s Merchant Bank. Total Income totaled \$20,643.00 and ordinary expenses totaled \$53,488.88.

The Certificates of Deposit at Business First Bank totaled \$995,900.31. CD #054 earned 545.32 interest and the ending balance was \$494,428.39. CD #054 is on a 12-month certificate term at a 1.3% interest rate. The CD will mature on 05/25/2020.

CD #025 earned \$744.26 interest and the ending balance was \$501,471.92. CD #025 is on a 12-month certificate term at a 1.75% interest rate. The CD will mature on 12/18/2020.

Executive Director’s Report

Mrs. Martin presented the licensing report. Between March 14, 2020 and April 9, 2020, 9 licenses were approved.

Mrs. Martin reported the current complaint summary of activity that occurred since the last meeting:

Currently Open (Licensees)	17
Currently Open (Non-Licensees)	0
Complaints Received	1
Informal Conferences	0

Hearings Scheduled	0
Appeals	0
Proposed Consent Order	0
<u>Closed Cases</u>	<u>0</u>
Total Open Investigations:	17

Mrs. Martin presented the monitoring report of licensees who are currently being monitored by the board.

Mrs. Martin notified the board of a call with the Louisiana Department of Health's (LDH) regarding updating healthcare worker guidelines during COVID-19.

COMMITTEE REPORTS

CEU Committee

The CEU committee reported that 83 courses were reviewed since the last board meeting. Of these reviewed courses 83 were approved. Fifteen of the courses were traditional (live) and 66 were web-based (online), and 2 were hybrid-based (live and online). Of the 133 courses that were approved, 83 were clinical, 0 were administrative and 0 were Ethics. The average time for approval was 3.5 days.

LTF

No update.

Rules Revision

No update.

Education & Outreach

No update.

NEW BUSINESS

The board reviewed the issue of the impending expiration 5 provisional licenses during the cancellation of the April NPTE dates. Phil Page moved to extend the provisional license for the 5 licensees for an additional 90 days. Secretary/Treasurer Halverson seconded the motion.

Public member J.D. Boudreaux asked if it was the responsibility of the 5 provisional licensees to contact the board office to request the extension. The board clarified that office staff would contact the provisional licensees directly.

The board voted and unanimously approved the motion.

The board reviewed the request from an out of state licensee to receive an extension past the current extended date of May 30, 2020 to renew their license. The board discussed and denied the request.

UNFINISHED BUSINESS

No unfinished business was discussed.

PUBLIC COMMENT

No public comment.

Phil Page moved to adjourn the meeting. Secretary/Treasurer Halverson seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 4:15pm.

JOHN BEL EDWARDS
GOVERNOR



CHARLOTTE F. MARTIN, M.P.A.
EXECUTIVE DIRECTOR

State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

AGENDA
Regular Board Meeting
May 14, 2020

LOCATION:

Zoom Link: [Click Here](#)

Meeting password: 396710

- 2:30 pm** **Call to Order**
Review of Agenda & Minutes*
- 2:40 pm** **Officer Reports***
- 3:00 pm** **Committee Reports***
- 4:00 pm** **New Business***
COVID-19 Considerations
- 5:00 pm** **Adjourn**

*Public Comment

Public comment is requested prior to each vote (La. R.S. 42:14)

A public comment period shall be held during each board meeting. Persons desiring to present comments shall notify the executive director of the board prior to the beginning of the meeting. However, to assure that an opportunity is afforded to all persons who desire to make comments, the chairman shall inquire at the beginning of the meeting if there are additional persons present who wish to comment. The chairman shall allot the time available for the public comments in an equitable manner among those persons desiring to comment. Each person making public comments shall identify himself and the group, organization, company, or entity he represents, if any. (Louisiana Physical Therapy Board Rule §105.H.)

Louisiana Physical Therapy Board

MINUTES Regular Scheduled Board Meeting May 14, 2020

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on May 14, 2020 by Zoom. A quorum of members was present. Board members present were: Chairman Karl Kleinpeter Secretary/Treasurer Judith Halverson, and board members Phillip “Phil” Page, Kathryn “Katie” Brittain, and Dr. Meredith Warner. Advisory Committee Members present was Ben McRae, Michael Hildebrand, Marie Vazquez Morgan, and Jeremy Dye. Charlotte Martin, Executive Director; Jessica Alwell, Assistant Executive Director; Danielle Linzer, Licensing Analyst; Stephanie Boudreaux, CEU Specialist/Compliance Officer; and Attorney James “Jim” Raines were present.

Chairman Karl Kleinpeter called the meeting to order at 2:36 pm.

Phil Page moved to approve the agenda. Dr. Warner seconded the motion. The board voted and the agenda was unanimously approved.

The board reviewed the minutes from the April board meeting. Phil Page moved to accept the April 2020 minutes as written. Secretary/Treasurer Judith Halverson seconded the motion. The board voted and unanimously approved.

OFFICER REPORTS

Chairman Report

No chairman report.

Secretary/Treasurer Report

As of March 31, 2020, cash in the bank totaled \$683,119.77 in the checking and savings accounts at Farmer’s Merchant Bank. Total Income totaled \$133,380.00 and ordinary expenses totaled \$41,070.31

As of March 31, 2020, the Certificates of Deposit at Business First Bank totaled \$997,108.30. CD #054 earned \$510.70 interest and the ending balance was \$494,939.09. CD #054 is on a 12-month certificate term at a 1.3% interest rate. The CD will mature on 05/25/2020.

CD #025 earned \$697.29 interest and the ending balance was \$502,169.21. CD #025 is on a 12-month certificate term at a 1.75% interest rate. The CD will mature on 12/18/2020.

Executive Director Report

Mrs. Martin presented the licensing report. Between February 13, 2020 and March 13, 2020, 5 licenses and 8 provisional licenses were issued. Two licenses were reinstated.

Mrs. Martin reported the current complaint summary of activity that occurred since the last meeting:

Currently Open (Licensees)	18
Currently Open (Non-Licensees)	0
Complaints Received	1

Informal Conferences	0
Hearings Scheduled	0
Appeals	0
Proposed Consent Order	0
Closed Cases	1

Mrs. Martin presented the monitoring report of licensees who are currently being monitored by the board.

Mrs. Martin updated the board members on the status of the performance audit with the Louisiana Legislative Auditors' office and shared a draft manager's response.

COMMITTEE REPORTS

CEU Committee

The CEU committee reported that 42 courses were reviewed since the last board meeting. Of these reviewed courses 42 were approved. Five of the courses were traditional (live) and 36 were web-based (online), and 1 was hybrid-based (live and online). Of the 42 courses that were approved, 40 were clinical, 2 were administrative and 0 were Ethics. The average time for approval was 2 days.

The board reviewed the drafted instructions for submitting evidence with CEU approval applications to help licensees and course sponsors understand how to comply with the policy already in place.

The board reviewed updates to the post-graduate coursework form. The updates were approved.

The CEU committee presented the board with a Wound Care 101 course recommended for denial. The course was denied on the basis of not meeting the criteria for course length.

Education and Outreach

The committee presented the board with updates of their recent meetings and a review of their current work, including identifying stakeholders and scope of the committee.

LTF

Chairman Kleinpeter gave a brief update of the 2020 legislative session and the bills the committee is tracking.

NEW BUSINESS

The board reviewed a correspondence from a licensee requesting additional time to submit a legal name change to the board due to issues with obtaining appropriate documentation during the COVID-19 pandemic. The board approved for the licensee to take more time to acquire their documentation.

The board reviewed a correspondence from a licensee, as follows:

“Over the years, I have been asked numerous times by attorneys in depositions about my qualifications as a PT to provide a diagnosis and to provide an opinion about medical causation. I think the position statement published by APTA, Diagnosis by Physical Therapists, HOD P06-12-10-09, and the Louisiana PT Practice Act provides a clear foundation of a PT's qualifications to provide a diagnosis within our scope of practice. In my opinion, PTs are also qualified to provide an opinion about medical causation within our scope of practice. However, I would like the Board's opinion on this issue.”

The board discussed and determined that the licensee should consult the Practice Act for scope of practice.

The board reviewed a request from a PT student to waive the mailing list fee. The Education and Outreach Committee proposed waiving the fee as the list will be used for academic purposes of research and not for profit or monetary gain. The board agreed and approved of waiving the fee.

The board reviewed questions from a licensee asking “I have a continuing education subscription (live webinar, home study, and in-person formats included) that expires December 2020. I satisfied all requirements and renewed my license for 2020 in March. I want to get all my continuing education hours for 2022 before my subscription expires in December 2020.

1. Will the board please make an extension to allow online courses to satisfy the live course requirements for 2022 renewals?
2. And, at a minimum, will the board allow live webinars to satisfy the in-person, live course requirements?”

The discussed and agreed that no changes will be made to renewal requirements for 2022 at this time.

The board reviewed a request from a course sponsor asking “Due to these extenuating circumstances directed by the federal government, will the board be extending the approval timeline from 2020 until 2021? If not, are we able to get a refund for these courses in order to resubmit for 2021?” The board discussed and agreed to allow the course to be removed from 2020 approvals and instead approved for 2021 with the agreement from the course sponsor that no changes will have been made to the course content.

The board reviewed a request from a course sponsor asking if the board would allow a course originally approved for live instruction would be allowed to be changed for live webinar format without having to pay an additional course review fee. The board discussed agreed that the format could be changed without requiring an additional fee.

No public comment.

Phil Page moved to adjourn the meeting. Judith Halverson seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 5:26pm.



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

AGENDA
Regular Board Meeting
June 18, 2020

Pursuant to Governor's Proclamation Number 75 JBE 2020, all state agencies, boards and commissions, and local political subdivisions of the state shall continue to provide for attendance at essential governmental meetings via teleconference or video conference and such attendance shall be allowed during the pendency of this emergency. All efforts shall be made to provide for observation and input by members of the public.

LOCATION:

Zoom Link: [Click Here](#)

- 1:30 pm** **Call to Order**
Review of Agenda & Minutes*
- 1:45 pm** **Officer Reports***
- 2:00 pm** **Odie Hughes, Exit Interview**
- 2:15 pm** **Committee Reports**
LTF
CEU
Rules
Education & Outreach
- 3:00 pm** **New Business**
- 4:00 pm** **Unfinished Business**
- 4:30 pm** **Adjourn**

*Public Comment

Public comment is requested prior to each vote (La. R.S. 42:14)

A public comment period shall be held during each board meeting. Persons desiring to present comments shall notify the executive director of the board prior to the beginning of the meeting. However, to assure that an opportunity is afforded to all persons who desire to make comments, the chairman shall inquire at the beginning of the meeting if there are additional persons present who wish to comment. The chairman shall allot the time available for the public comments in an equitable manner among those persons desiring to comment. Each person making public comments shall identify himself and the group, organization, company, or entity he represents, if any. (Louisiana Physical Therapy Board Rule §105.H.)

Louisiana Physical Therapy Board

MINUTES Regular Scheduled Board Meeting June 18, 2020

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on June 18, 2020 by Zoom video conferencing. A quorum of members were present. Board members present were: Chairman Karl Kleinpeter, Secretary/Treasurer Judith Halverson, and board members Dr. Meredith Warner, Phil Page, and Kathryn “Katie” Brittain. Advisory Committee Members present were Tyra Mitchell, Charlotte Martin, Executive Director; Jessica Alwell, Assistant Executive Director; Danielle Linzer, Licensing Analyst; and Stephanie Boudreaux, Compliance Officer were present. Board attorney James “Jim” Raines was present. Members of the public present were Odie Hughes and Cristina Fauchaux.

Chairman Karl Kleinpeter called the meeting to order at 1:34 pm.

The board members reviewed the agenda. Phil Page moved to accept the agenda as written. Dr. Warner seconded the motion. The board voted and unanimously approved the agenda.

The board members reviewed the minutes from the May board meeting. Phil Page moved to approve the minutes. Dr. Warner seconded the motion. The board voted and unanimously approved the minutes.

OFFICER REPORTS

Chairman’s Report

No chairman’s report.

Secretary/Treasurer’s Report

As of April 30, 2020, cash in the bank totaled **\$742,497.01** in the checking and savings accounts at Farmer’s Merchant Bank. Total Income totaled **\$69,292.78** and ordinary expenses totaled **\$70,677.07**.

As of April 30, 2020, the Certificates of Deposit at Business First Bank totaled \$998,401.20. In April, CD #054 earned \$546.49 interest and the ending balance was \$495,485.58. CD #054 is on a 12-month certificate term at a 1.3% interest rate. The CD will mature on 05/25/2020.

In April, CD #025 earned \$746.41 interest and the ending balance was \$502,915.62. CD #025 is on a 12-month certificate term at a 1.75% interest rate. The CD will mature on 12/18/2020.

Executive Director’s Report

Mrs. Martin presented the licensing report. Between May 13, 2020 and June 10, 2020, 65 licenses were approved.

Mrs. Martin reported the current complaint summary of activity that occurred since the last meeting:

Currently Open (Licensees)	21
Currently Open (Non-Licensees)	1
Complaints Received	3
Informal Conferences	3

Hearings Scheduled	0
Appeals	0
Proposed Consent Order	0
<u>Closed Cases</u>	<u>0</u>
Total Open Investigations:	21

Mrs. Martin presented the monitoring report of licensees who are currently being monitored by the board.

Mrs. Martin presented an amended background check policy to the board. The policy was amended in order to be in compliance with FBI guidelines. Secretary/Treasurer Halverson moved to approve the policy as amended. Katie Brittain seconded the motion. The board voted and unanimously approved the amended policy.

EXIT INTERVIEW

The board conducted an exit interview for monitored licensee Odie Hughes. Mr. Hughes presented his statement to the board regarding his time being monitored under his board order.

COMMITTEE REPORTS

LTF

The committee informed the board that regular session has ended and that the legislature has entered a special session.

CEU Committee

The CEU committee reported that 67 courses were reviewed since the last board meeting. Of these reviewed courses 65 were approved. Thirteen of the courses were traditional (live) and 49 were web-based (online), and 3 were hybrid-based (live and online). Of the 65 courses that were approved, 63 were clinical, 1 were administrative and 1 were Ethics. Two courses were denied for not meeting the one-hour requirement. The average time for approval was 4 days.

The board discussed an inquiry from a course sponsor regarding the fee waiver for approving a distance learning course that had been approved for 2020 as a live course offering, but the live course offering attendance is negatively impacted due to COVID-19. Secretary/Treasurer Halverson moved that the Louisiana Physical Therapy Board waives application fees for course sponsor needing to convert an already approved live course to a distance learning course for the year 2020 due to the impact that COVID-19 has had on expected attendance and registration. Phil Page seconded the motion. The board voted and unanimously approved.

The CEU committee introduced discussion regarding the requirement in Rule 194.C., which requires a minimum of 15 hours of live CEU hours for license renewal in the year 2021 due to the continued impact of COVID-19. The board moved to discuss this in "Unfinished Business" at the July board meeting and requested that Attorney Jim Raines research the board's authority to waive the live CEU renewal requirement in 2021 due to the COVID-19 pandemic.

Rules Revision

No update.

Education & Outreach

The Education & Outreach Committee will have a meeting to discuss the Legislative Auditor's performance audit recommendations to the Board and determine if there are priorities that the committee should focus on for the second half of 2020 in response to the report.

NEW BUSINESS

The board discussed the request to extend provisional licenses for PTA's who were unable to complete their clinical rotations prior to the deadline to be made eligible for the July test dates for the NPTE. These graduates will not be able to take the NPTE until October 6, 2020. Because board rule allows for a 90 day provisional license and the test must fall within the 90 days, the earliest issuance of a provisional license for those testing in October is July 8, 2020. The program is requesting that the board issue a provisional license prior to July 8, 2020 to allow graduates to go to work sooner.

Under the authority granted on Executive order JBE 75 2020, Secretary/Treasurer Halverson moved that any request for a provisional license for individuals who intend to register for the October 2020 exam be granted to physical therapist assistant graduates who meet all requirements for licensure. The provisional licenses issued prior to July 8, 2020 shall expire on October 6, 2020. Any provisional license granted on or after July 8th shall be for 90 days. Katie Brittain seconded the motion. The board voted and unanimously approved.

The board reviewed a letter from Mr. Daniel Henning, a former licensee who surrendered his license prior to completing his board order. Mr. Henning requested that the board consider him for inclusion in the Recovering Physical Therapy Program (RPTP) in order to show his commitment to his recovery prior to the 2023 date when he will be eligible to apply for reinstatement of his license per his surrender agreement. The board discussed and no action was taken at this time.

UNFINISHED BUSINESS

The board reviewed the Legislative Auditor's Performance Evaluation report recommendations. The board moved to review a proposed action plan at the July board meeting in Unfinished Business.

PUBLIC COMMENT

No public comment.

Phil Page moved to adjourn the meeting. Secretary/Treasurer Halverson seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 4:35pm.



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

AGENDA
Regular Board Meeting
September 24, 2020

Pursuant to Governor's Proclamation Number 75 JBE 2020, all state agencies, boards and commissions, and local political subdivisions of the state shall continue to provide for attendance at essential governmental meetings via teleconference or video conference and such attendance shall be allowed during the pendency of this emergency. All efforts shall be made to provide for observation and input by members of the public.

LOCATION:

Zoom Link: [Click Here](#)

2:00 pm **Call to Order**
Review/Approve Agenda

Disciplinary Hearing in the matter of Gretchen Duplantis, (2020-I-006)
Executive Session (In accordance with La. R.S. 42:17(A)(1), the Board will go into executive session for the purpose of discussing the character, professional competence or physical or mental health of the licensee.)

4:30 pm **Consideration of Consent Order in the matter of B.T., 2020-I-013**
Executive Session (In accordance with La. R.S. 42:17(A)(1), the Board will go into executive session for the purpose of discussing the character, professional competence or physical or mental health of the licensee.)

5:25 pm **Review Minutes Draft from Board Meeting held on September 3, 2020**

5:30 pm **New Business**
NPTE Eligibility Policy
Interim Officer Election
Interim Officer Appointments

6:30 pm **Public Comment**

7:00 pm **Adjourn**

*Public Comment

Public comment is requested prior to each vote (La. R.S. 42:14)

A public comment period shall be held during each board meeting. Persons desiring to present comments shall notify the executive director of the board prior to the beginning of the meeting. However, to assure that an opportunity is afforded to all persons who desire to make comments, the chairman shall inquire at the beginning of the meeting if there are additional persons present who wish to comment. The chairman shall allot the time available for the public comments in an equitable manner among those persons desiring to comment. Each person making public comments shall identify himself and the group, organization, company, or entity he represents, if any. (Louisiana Physical Therapy Board Rule §105.H.)

Louisiana Physical Therapy Board

MINUTES

Regular Scheduled Board Meeting September 3, 2020

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on September 3, 2020 by Zoom. A quorum of members was present. Board members present were: Chairman Karl Kleinpeter Secretary/Treasurer Judith Halverson, and board members Phillip “Phil” Page, John Marius, Meredith Warner, and Oday Lavergne. Advisory Committee Members present was Ben McRae, Michael Hildebrand, and Tyra Mitchell. Charlotte Martin, Executive Director; Jessica Alwell, Assistant Executive Director; Danielle Linzer, Licensing Analyst; Stephanie Boudreaux, CEU Specialist/Compliance Officer; and Attorney James “Jim” Raines were present. Members of the public present were Tomas Bryant, Cristina Faucheux, Paul Lamothe, Mac Barrient, Monica Neal, James Sutton, JD Boudreaux, and Sarah Prejean.

Chairman Karl Kleinpeter called the meeting to order at 12:33 pm.

Secretary/Treasurer Halverson moved to approve the agenda. Phil Page seconded the motion. The board voted and the agenda was unanimously approved.

The board reviewed the minutes from the June board meeting. Phil Page moved to accept the June 2020 minutes as written. Secretary/Treasurer Judith Halverson seconded the motion. The board voted and unanimously approved.

Phil Page moved to enter Executive Session. Secretary/Treasurer seconded the motion. The board voted and unanimously approved to enter Executive Session.

Phil Page moved to exit Executive Session. Secretary/Treasurer seconded the motion. The board voted and approved to exit Executive Session.

Secretary/Treasurer Halverson moved to accept the consent order for Ryan Nogot with technical amendments. Phil Page seconded the motion. The board voted and unanimously approved.

UNFINISHED BUSINESS

Oday Lavergne moved to change Odie Hughes license status from probation to active. Phil Page seconded the motion. The board voted and unanimously approved.

The board discussed the renewal requirements for the 2021 renewal period. Jim Raines, General Counsel, advised that the authority set forth in the Governor’s proclamation 111-JBE-2020, Section 6(V) provides that the Executive Director may temporarily suspend, waive, or amend a board rule or regulation that would prohibit, limit, or interfere with the licensing of healthcare professionals that are necessary to address the declared public health emergency. The Governor has instructed that “all departments, commissions, Boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this event.” 111-JBE-2020, Section 11. Phil Page moved to allow the Executive Director to temporarily suspend Rule 194.C., which would not require a maximum number of hours for live course requirements for 2021 renewals. Oday Lavergne seconded the motion. The board voted and unanimously approved.

The board discussed that live Jurisprudence attendance is a requirement included in some current board orders. Secretary/Treasurer Halverson moved to allow the requirement of a live Jurisprudence on board orders to be fulfilled by attend a live Louisiana Physical Therapy Board webinar offering. Phil Page seconded the motion. The board voted and unanimously approved.

The board reviewed the Louisiana Legislative Auditor Action plan and the Disciplinary Action Posting Policy. Oday Lavergne moved to accept the policy as written. Secretary/Treasurer Halverson seconded the motion. The board voted and unanimously approved the policy.

The board conducted an exit interview for Tomas Bryant. Oday Lavergne moved to change Mr. Bryant's license status from probation to active effective September 24, 2020. Phil Page seconded the motion. The board voted and unanimously approved.

OFFICER REPORTS

Chairman Report

No chairman report.

Secretary/Treasurer Report

As of May 31, 2020, cash in the bank totaled \$867,176.27 in the checking and savings accounts at Farmer's Merchant Bank. Total Income totaled \$87,142.00 and ordinary expenses totaled \$42,649.05.

The Certificates of Deposit at Business First Bank totaled \$999,654.04. CD #054 earned \$529.44 interest and the ending balance was \$496,015.02. CD #054 is on a 12-month certificate term at a 0.45% interest rate. The CD will mature on 05/25/2021. CD #025 earned \$723.40 interest and the ending balance was \$503,639.02. CD #025 is on a 12-month certificate term at a 1.75% interest rate. The CD will mature on 12/18/2020.

As of June 30, 2020, cash in the bank totaled \$841,658.66 in the checking and savings accounts at Farmer's Merchant Bank. Total Income totaled \$21,287.00 and ordinary expenses totaled \$76,125.60.

The Certificates of Deposit at Business First Bank totaled \$1,000,592.21. CD #054 earned \$189.57 interest and the ending balance was \$496,204.59. CD #054 is on a 12-month certificate term at a 0.45% interest rate. The CD will mature on 05/25/2021. CD #025 earned \$748.60 interest and the ending balance was \$504,387.62. CD #025 is on a 12-month certificate term at a 1.75% interest rate. The CD will mature on 12/18/2020.

As of July 31, 2020, cash in the bank totaled \$798,953.81 in the checking and savings accounts at Farmer's Merchant Bank. Total Income totaled \$368,877.00 and ordinary expenses totaled \$53,798.23.

The Certificates of Deposit at Business First Bank totaled \$1,001,501.26. CD #054 earned \$183.53 interest and the ending balance was \$496,388.12. CD #054 is on a 12-month certificate term at a 0.45% interest rate. The CD will mature on 05/25/2021. CD #025 earned \$725.52 interest and the ending balance was \$505,113.14. CD #025 is on a 12-month certificate term at a 1.75% interest rate. The CD will mature on 12/18/2020.

Executive Director Report

Mrs. Martin presented the licensing report. Between June 11, 2020 and August 21, 2020, 74 licenses and 21 provisional licenses were issued. Two licenses were reinstated.

Mrs. Martin reported the current complaint summary of activity that occurred since the last meeting:

Currently Open (Licensees)	21
Currently Open (Non-Licensees)	0
Complaints Received	5
Informal Conferences	5
Hearings Scheduled	1
Appeals	0
Proposed Consent Order	1
Closed Cases	5

Mrs. Martin presented the monitoring report of licensees who are currently being monitored by the board.

COMMITTEE REPORTSCEU Committee

The CEU committee reported that 123 courses were reviewed since the last board meeting. Of these reviewed courses 123 were approved. Fifteen of the courses were traditional (live) and 108 were web-based (online), and 0 was hybrid-based (live and online). Of the 123 courses that were approved, 118 were clinical, 5 were administrative and 0 were Ethics. The average time for approval was 2 days.

The board received a list of approved courses.

The CEU committee reported on the 2020 Continuing Education Audit. Two-hundred forty licensees were audited. Five licensees were found to be non-compliant. Four licensees were pending response after a second notice. Two-hundred thirty-one were found to be in compliance.

The board reviewed the CEU policy.

Rules

The Rules committee updated the board that Rules §§325, 311, and 194.C are being discussed for possible updates.

Education and Outreach

The committee informed the board that the most recent committee meeting had been delayed due to Hurricane Laura. The committee intends to reschedule when all members are available.

NEW BUSINESS

The board reviewed a correspondence asking a question about supervision of a PT provisional licensee pending examination. The licensee asked if the “on premises” supervision requirement of 2 hours per day could be fulfilled remotely. “With COVID-19, it is difficult for facilities to allow an additional therapist into the facility strictly for supervision.” The board discussed and concluded that rules do not allow for a change to the supervision requirement.

The board reviewed a correspondence from a licensee who was licensed via reciprocity earlier in 2020. The licensee communicated that they were short the required number of hours in §311 to practice dry needling in Louisiana and due to COVID-19 had not been able to obtain the remaining needed hours. The licensee requested to be allowed to practice dry needling in Louisiana without fulfilling the requirement in Rule for 50 hours of live, face-to-face board-approved coursework. The board members discussed and it was determined that the licensee must follow the rule.

The board reviewed the Minimum Dataset questions (MDS) and assigned Advisory Committee member Tyra Mitchell to review the questions and to provide final review the questions to be included.

There was no public comment.

Phil Page moved to adjourn the meeting. John Marius seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 4:11pm.

Louisiana Physical Therapy Board

MINUTES

Regular Scheduled Board Meeting September 24, 2020

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on September 24, 2020 at the Louisiana Physical Therapy Board, 2110 W. Pinhook Rd, Ste 202, Lafayette, LA 70508. A quorum of members were present. Board members present were: Judith Halverson, Kathryn "Katie" Brittain, Phillip "Phil" Page, John Marius, Tyra Mitchell, and Oday Lavergne. Dr. Meredith Warner was present by remote virtual means. Charlotte Martin, Executive Director was present and members of the public were present remotely.

Secretary/Treasurer Judith Halverson called the meeting to order at 2:07 pm.

The board members reviewed the agenda, as written. Phil Page moved to approve the agenda. Oday Lavergne seconded the motion. The board voted and the agenda was unanimously approved.

Administrative hearing in the case of Gretchen Duplantis (Case #: 2019-I-002 and 2020-I-006) was heard by the board. An official transcript of the hearing is available upon request.

Oday Lavergne moved to go into executive session. Phil Page seconded the motion. The board moved into executive session.

Oday Lavergne moved to enter into regular session. Phil Page seconded the motion. The board members exited executive session and voted on the record. The official transcript of the hearing is available upon request. Oday Lavergne moved that in the matter of 2020-I-006 regarding La R.S. 37:2420.A.(6), no further discipline will be taken on that matter. Phil Page seconded the motion. The board members voted and approved the motion unanimously.

Oday Lavergne moved that in the matter of case 2019-I-002, based on the findings and conclusions of law, is that the board impose an additional one year suspension and an additional six months of supervised practice to be added to the remainder of the current suspension period for a total of four years of supervised practice and one year of suspension. Tyra Mitchell seconded the motion. The board members voted and approved the motion unanimously.

Jim Raines, General Counsel, stated that he will present the findings of fact and conclusion of law at the next board meeting.

Mr. Odinet, Hearing Officer, adjourned the hearing at 6:37pm.

Katie Brittain moved to go into executive session to discuss the matter of Benjamin Tull (Case #: 2020-I-013). Phil Page seconded. Board members moved into executive session.

The board members exited executive session. Phil Page moved that the board accept the consent order in the matter of Benjamin Tull, complaint number 2020-I-013. John Marius seconded the motion. Katie Brittain and Oday Lavergne abstained. Judith Halverson, Phil Page, John Marius, Tyra Mitchell and Meredith Warner voted in favor of accepting the consent order. The motion was approved. The approved Consent Order is available by request at the board office and available on the board website.

The board members unanimously approved the agenda as written.

New Business

Charlotte Martin presented a conflict in board-approved policy and rule that is preventing the board office staff from issuing provisional licenses and actual licenses to individuals who have completed the education to qualify for a license, but who have not been issued an official transcript due to timelines within the academic system. The board members discussed the paperwork issue and determined that the applicants do meet the qualifications for licensure. Board rule (LAC 46: LIV §123, Gradated, Graduation or Graduate) states that “if an educational program certifies that the degree is assured and will be conferred at a later date, an applicant will be considered to have graduated and become a graduate.” Board rule (LAC 46: LIV 151.B.(2) Requirements) states that “an applicant for licensure under this chapter shall include: ... (2) proof, documented in a form satisfactory to the board, that the applicant possesses the qualifications set forth in this Chapter.” Phil Page moved to use the letter from the program director to be documentation satisfactory to the board to meet the minimum education for licensure found in Board Rule (LAC 46: LIV 151.B.(2)). John Marius seconded the motion. Raven Lyons, Delgado graduate, and Devin Alphonso, Delgado graduate provided public comment in favor of the approval of this motion. Katie Brittain, Oday Lavergne, Phil Page, John Marius, Tyra Mitchell and Meredith Warner voted in favor. Judith Halverson abstained. The motion was approved.

Judith Halverson discussed with the board the need for an Interim Chairman because there is a vacancy in the Chairman position that was created when Karl Kleinpeter was not reappointed by the Governor to the board. Phil Page nominated Judith Halverson as Interim Chairman. Katie Brittain seconded the motion. The board voted unanimously approved the motion.

Judith Halverson discussed with the board the need for an Interim Secretary/Treasurer because there is a vacancy in the Secretary/Treasurer position that was created when Judith was voted as Interim Chairman. Phil Page nominated Katie Brittain as Interim Secretary/Treasurer. Oday Lavergne seconded the motion. The board unanimously approved the motion.

The board members discussed committee participation on the CE committee, Rules Revision committee, Legislative Task Force and the Education and Outreach committee.

PUBLIC COMMENT

No public comment.

Tyra Mitchell moved to adjourn the meeting. Phil Page seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 8:16pm.



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

AGENDA
Regular Board Meeting
November 19, 2020

In accordance with La. R.S. 42:17.1, members of the Board may participate by teleconference or video conference based upon the fact that there is a gubernatorially declared state of emergency and the agenda of the meeting will be limited to one or more of the following:

- (a) Matters that are directly related to the public body's response to the disaster or emergency and are critical to the health, safety, or welfare of the public.
- (b) Matters that if they are delayed will cause curtailment of vital public services or severe economic dislocation and hardship.
- (c) Matters that are critical to continuation of the business of the public body and that are not able to be postponed to a meeting held in accordance with the other provisions of this Chapter due to a legal requirement or other deadline that cannot be postponed or delayed by the public body.
- (d) Other matters that are critical or time-sensitive and that in the determination of the presiding officer should not be delayed; however, such matters shall not be considered at the meeting unless the members of the body present at the meeting approve the consideration of the matters by a two-thirds vote.

LOCATION:

Lafayette or Thursday Zoom Registration Link: [Click Here](#)

- 2:00 pm** **Call to Order**
Approve Agenda

- 2:00pm** **Applicant Hearing in the matter Robert C.**
Executive Session (In accordance with La. R.S. 42:17(A)(1), the Board will go into executive session for the purpose of discussing the character, professional competence or physical or mental health of the licensee or applicant.)

- 3:00pm** **Applicant Hearing in the matter of Taneshia J.**
Executive Session (In accordance with La. R.S. 42:17(A)(1), the Board will go into executive session for the purpose of discussing the character, professional competence or physical or mental health of the licensee or applicant.)

- 4:00pm** **Findings of Fact and Conclusions of Law: Gretchen Duplantis Decision (2020-I-006)**
Executive Session (In accordance with La. R.S. 42:17(A)(1), the Board will go into executive session for the purpose of discussing the character, professional competence or physical or mental health of the licensee or applicant.)

- 5:00pm** **Consent Order: Lee Johnson**

- 6:00pm** **Recess**

*Public Comment

Public comment is requested prior to each vote (La. R.S. 42:14)

A public comment period shall be held during each board meeting. Persons desiring to present comments shall notify the executive director of the board prior to the beginning of the meeting. However, to assure that an opportunity is afforded to all persons who desire to make comments, the chairman shall inquire at the beginning of the meeting if there are additional persons present who wish to comment. The chairman shall allot the time available for the public comments in an equitable manner among those persons desiring to comment. Each person making public comments shall identify himself and the group, organization, company, or entity he represents, if any. (Louisiana Physical Therapy Board Rule §105.H.)



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

AGENDA
Regular Board Meeting
November 20, 2020

In accordance with La. R.S. 42:17.1, members of the Board may participate by teleconference or video conference based upon the fact that there is a gubernatorially declared state of emergency and the agenda of the meeting will be limited to one or more of the following:

- (a) Matters that are directly related to the public body's response to the disaster or emergency and are critical to the health, safety, or welfare of the public.
- (b) Matters that if they are delayed will cause curtailment of vital public services or severe economic dislocation and hardship.
- (c) Matters that are critical to continuation of the business of the public body and that are not able to be postponed to a meeting held in accordance with the other provisions of this Chapter due to a legal requirement or other deadline that cannot be postponed or delayed by the public body.
- (d) Other matters that are critical or time-sensitive and that in the determination of the presiding officer should not be delayed; however, such matters shall not be considered at the meeting unless the members of the body present at the meeting approve the consideration of the matters by a two-thirds vote.

Location:

Lafayette or Friday Zoom Registration Link: [Click Here](#)

- 7:00am** **Reconvene**
- 7:10am** **Approve Minutes**
September Draft Minutes
- 7:15am** **Exit Interview: Adam Lafleur**
- 7:30am** **Officer Reports**
Resolution for check signatures
- 7:35am** **Officer Reports**
Treasurer's Report
- 9:30am** **Unfinished Business**
MDS questions & App questions
- 10:30am** **Unfinished Business**
T. Bryant Request – Legal Advisement
- 10:45am** **New Business**
Correspondence
- 11:30am** **Adjourn**

*Public Comment

Public comment is requested prior to each vote (La. R.S. 42:14)

A public comment period shall be held during each board meeting. Persons desiring to present comments shall notify the executive director of the board prior to the beginning of the meeting. However, to assure that an opportunity is afforded to all persons who desire to make comments, the chairman shall inquire at the beginning of the meeting if there are additional persons present who wish to comment. The chairman shall allot the time available for the public comments in an equitable manner among those persons desiring to comment. Each person making public comments shall identify himself and the group, organization, company, or entity he represents, if any. (Louisiana Physical Therapy Board Rule §105.H.)

Louisiana Physical Therapy Board

MINUTES

Regular Scheduled Board Meeting November 19 - 20, 2020

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on November 19 & 20, 2020 at the Louisiana Physical Therapy Board, 2110 W. Pinhook Rd, Ste 202, Lafayette, LA 70508. A quorum of members was present. Board members present were: Judith Halverson, John Marius, Tyra Mitchell, and Oday Lavergne. Phillip "Phil" Page, was present by remote virtual means. Kathryn "Katie" Brittain was present by remote virtual means following the two hearings, as she was recused from both. Charlotte Martin, Executive Director was present and members of the public were present remotely. Also present for administrative hearings were Robert Crochet, applicant for license; Brian Trainer, attorney representing Mr. Crochet; Kim Taylor, court reporter; Robert Odinet, hearing officer; Taneshia Aragon, applicant for reinstatement; and members of the public.

Interim Chairman Judith Halverson called the meeting to order at 2:13 pm.

The board members reviewed the agenda, as written. Oday Lavergne moved to approve the agenda. John Marius seconded the motion. The board members voted and the agenda was unanimously approved.

An administrative hearing was heard by the board for consideration of licensing Robert Crochet. An official transcript of the hearing is available upon request.

Oday Lavergne moved to enter executive session. Tyra Mitchell seconded the motion.

Oday Lavergne moved to exit executive session. Tyra Mitchell seconded the motion.

It was noted on the record that Complaint Counsel, Jim Raines, provided a copy of his Proposed Findings of Fact and Conclusions of Law to general counsel for the Board as well as counsel for Mr. Crochet.

Oday Lavergne moved to enter executive session. Tyra Mitchell seconded the motion. The board reentered executive session.

Oday Lavergne moved to exit executive session. Tyra Mitchell seconded the motion.

Tyra Mitchell moved to accept the findings of fact 1 through 23 as proposed by complaint counsel and add the following findings of fact. Twenty-four (24), the Board determines that Mr. Crochet presented himself as a credible witness. He testified he has not used or been in possession of illegal substances in the last five years. Twenty-five (25), the Board recommends that Mr. Crochet was truthful in his application by indicating "yes" to question 12 and providing a thorough explanation. Number 26, because his felony conviction is expunged, the felony conviction would not have shown on the rap sheet and would not have been visible to the Board. Number 27, in conclusion, he completed the court-appointed drug program. The Board recognizes that Mr. Crochet presents himself with the ability to maintain good moral character. Twenty-eight (28), the Board does not feel that these two felony convictions that occurred in his youth serve as grounds for denial for a PT license within Louisiana. Oday Lavergne seconded the motion. The board members voted and unanimously approved the motion.

Tyra Mitchell moved to accept the conclusion of law as presented by the complaint counsel. Oday Lavergne seconded the motion. The board members voted and unanimously approved the motion.

Tyra Mitchell moved that the board adopts the order as follows. It is ordered, adjudged, and decreed that pursuant to the evidence presented, Robert Crochet shall be made eligible for licensure as a physical therapist with the Louisiana Physical Therapy Board provided he passes the National Physical Therapy Exam. Oday Lavergne seconded the motion. The board members voted and unanimously approved the motion.

An administrative hearing was heard by the board for consideration of reinstating the license of Taneshia Jackson Aragon. An official transcript of the hearing is available upon request.

Oday Lavergne moved to enter executive session. Tyra Mitchell seconded the motion. Hearing Officer Odinet noted that the Board went into executive session.

Oday Lavergne moved to exit executive session. Tyra Mitchell seconded the motion.

Oday Lavergne moved that the Board accept the findings of fact, paragraphs 1 through 23, as presented by the prosecution. In addition, the Board adds paragraph 24 that Ms. Aragon's actions do not meet the definition of unprofessional conduct Rule §345.B.(7) because accumulative charges did not arise out of or related to the practice of physical therapy and does not constitute behavior that would put a person or property of patients at risk of harm. Number 25, Ms. Aragon presented herself well as a credible witness. Number 26, Ms. Aragon provided the Board with evidence of continuing education that meet the Louisiana requirements for continuing education. Tyra Mitchell seconded the motion. The board members voted and unanimously approved the motion.

Oday Lavergne moved that the Board accept the conclusions of law as presented by the prosecution. In addition, the Board adds citation 2 in printing of Rule §345.B.7 defining conviction of a crime constituting unprofessional conduct. Tyra Mitchell seconded the motion. The board members voted and unanimously approved the motion.

Oday Lavergne moved that the Board reinstate Ms. Aragon's Louisiana license as a physical therapist in Louisiana. Tyra Mitchell seconded the motion. The board members voted and unanimously approved the motion.

Oday Lavergne moved to enter executive session. John Marius seconded the motion. The Board entered into executive session.

Oday Lavergne moved to exit executive session. John Marius seconded the motion. The board members voted and approved of the motion.

Oday Lavergne moved to accept the Findings of Fact and Conclusions of Law regarding the Administrative Hearing held on September 24, 2020 in the matter of Gretchen Duplantis (License # 04772F) for case number 2019-I-002 and 2020-I-006 and to amend the effective date to November 19, 2020 and the original to be signed by the board chairperson on November 20, 2020. John Marius seconded the motion. The board members voted and unanimously approved the motion.

Oday Lavergne moved to go into executive session. John Marius seconded the motion. The board members voted and unanimously moved to go into executive session to discuss the Voluntary Surrender agreement of Compact Privilege Holder Lee Johnson.

Katie Brittain moved to exit executive session. Oday Lavergne seconded the motion, The board members voted and unanimously moved to exit executive session.

Tyra Mitchell moves to accept the Consent Agreement to Voluntarily Surrender the Compact Privilege of Lee Johnson (Privilege # CP000602T) as presented. John Marius seconds the motion. The board members voted and unanimously approved the motion.

Oday Lavergne moves to recess at 6:19pm. Tyra Mitchell seconds the motion. The board members voted and unanimously approved the motion.

Friday, November 20, 2020

Interim Chairman called the meeting back to order, reconvening the meeting at 7:02am.

Oday Lavergne moves to approve the September 24, 2020 board meeting minutes as drafted. Tyra Mitchell seconds the motion. The board members voted and unanimously approved the motion.

Katie Brittain moves to change the status of Adam Lafleur's physical therapy license (06409) from probation to active for successful completion of his probation period (2012-I-017). Oday Lavergne seconds the motion. The board members voted and unanimously approved the motion.

TREASURER'S REPORT

Whereas the board authorizes checks in the amount of \$2,499.99 or less to be signed by the Executive Director. Whereas checks in the amount of \$2,500.00 may need to be issued for payments and signed. Whereas appropriate auditing processes and fiduciary control over finances are a necessary function of the operations of the board office. Therefore, be it resolved that the Interim Secretary-Treasurer or Interim Chairman of the board are hereby authorized and required to co-sign business checks in the amount of \$2,500 or more. Tyra Mitchell moved to approve the resolution as stated. Oday Lavergne seconded the motion. Board members voted and unanimously approved motion.

Interim Secretary/Treasurer presented the treasurer's report.

At 9:30am, the board members voted unanimously to amend the agenda to allow the Treasurer's Report to continue to 10:00am, shifting all other items on the agenda later on the agenda but still finishing the board meeting no later than 11:30am.

Katie Brittain moved to allocate a maximum of \$850,000 to a one-time expense of finalizing the design, construction, furnishing and equipping a building on the land owned by the board for a move-in date of December 2023. Phil Page seconds the motion. The motion was withdrawn.

Katie Brittain moves to revise the Reserve Fund Policy to maintain 12 months of budgeted operating expenses, in a money market account or investment CD for board operating expenses. Tyra Mitchell seconds the motion. The board members voted and unanimously approved the motion.

Katie Brittain moves accept the proposal from SSA Consultants for an Organizational Assessment Update and documented plan at the cost of no more than \$19,000. Oday Lavergne seconds the motion. The board members voted and unanimously approved the motion.

Katie Brittain moves to invest a one-time expense, not to exceed \$20,000, for a third-party comprehensive policy review and revision of all board policies, board handbooks, and board orientation materials. John Marius seconds the motion. The board members voted and unanimously approved the motion.

Katie Brittain moves to budget board member training in the amount of \$20,000 for the 2020-2021 proposed annual budget at the time that the budget is presented to the board for approval. Tyra Mitchell seconds the motion. The board members voted and unanimously approved the motion.

UNFINISHED BUSINESS

Tyra Mitchell moves to accept the PT minimum data set questions verbatim in the survey that will be used for the Louisiana PT minimum data set survey questionnaire. Katie Brittain seconds the motion. The board members voted and unanimously approved the motion.

Tyra Mitchell moves to invest in the website development to integrate a survey tool within the Louisiana Physical Therapy Board online system for collecting workforce data and securely host and store the data **OR** to use the FSBPT survey tool and data storage system for the data collected by Louisiana license applicants for the PT minimum data set. Phil Page seconds the motion. Oday Lavergne moves to amend the motion to strike the language, “to invest in the website development to integrate a survey tool within the Louisiana Physical Therapy Board online system for collecting workforce data and securely host and store the data **OR**” from the motion. The motion now reads, “Tyra Mitchell moves to use the FSBPT survey tool and data storage system for the data collected by Louisiana license applicants for the PT minimum data set.” Tyra Mitchell seconds the motion. The board members voted unanimously in favor of the amended motion. The amended motion carries.

Judith Halverson moves to accept the revised question list used on the licensing renewal form. Katie Brittain seconds the motion. The board members voted and unanimously approved the motion.

The board members received advice from General Counsel Jim Raines regarding the request that Tomas Bryant made to the board at a previous board meeting. Judith Halverson moves to deny the request of licensee Tomas Bryant (License No. 07511) to consider amending his consent order (2016-I-018) to allow him to work in the home health setting sooner than 2050. Tyra Mitchell seconds the motion. The board members voted and unanimously approved the motion.

NEW BUSINESS

The board members reviewed a correspondence from a PTA licensee who asked if PTAs can charge for what PT techs do and cervical and/or lumbar traction are within the scope of PTA practice in Louisiana. The board members discussed the inquiry and authorized Mrs. Martin to respond as follows: The Board does not advise on payment related questions, so you will need to reach out to the payment provider to determine the best answer to this question. The scope of practice of the physical therapist assistant is defined in statute as “assists in the practice of physical therapy in accordance with the provisions of this Chapter, and works under the supervision of a physical therapist by performing such patient-related activities assigned by a physical therapist which are commensurate with the physical therapist assistant's education, training, and experience.” (La R.S. 37:2407.A.(3)). Also, the Board Rule states that “the level of responsibility assigned to a PTA is at the discretion of the supervising PT of record who is ultimately responsible for the care provided by this PTA.” (LAC 46: LIV §333.B.(1)). Therefore, if the supervising PT of Record determines that the PTA should perform cervical and/or lumbar manual traction on an individual

patient, pursuant to their plan of care, and the PTA has the education, training and experience to perform such function competently, then this is appropriate and within the scope of practice of that PTA.

The board members requested that Mrs. Martin communicate the response to this question with the PTA academic programs in Louisiana to be sure that they are aware of the regulatory position on PTA scope of practice.

PUBLIC COMMENT

No public comment.

Katie Brittain moved to adjourn the meeting. Oday Lavergne seconded the motion. The board members voted unanimously in favor of the motion. The board meeting was adjourned at 11:27am.



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

AGENDA
Regular Board Meeting
December 3, 2020

In accordance with La. R.S. 42:17.1, members of the Board may participate by teleconference or video conference based upon the fact that there is a gubernatorially declared state of emergency and the agenda of the meeting will be limited to one or more of the following:

- (a) Matters that are directly related to the public body's response to the disaster or emergency and are critical to the health, safety, or welfare of the public.
- (b) Matters that if they are delayed will cause curtailment of vital public services or severe economic dislocation and hardship.
- (c) Matters that are critical to continuation of the business of the public body and that are not able to be postponed to a meeting held in accordance with the other provisions of this Chapter due to a legal requirement or other deadline that cannot be postponed or delayed by the public body.
- (d) Other matters that are critical or time-sensitive and that in the determination of the presiding officer should not be delayed; however, such matters shall not be considered at the meeting unless the members of the body present at the meeting approve the consideration of the matters by a two-thirds vote.

LOCATION:

Zoom Link: [Click Here](#)

Zoom Password: 881989

- 2:00 pm** **Call to Order**
Approve Agenda

- 2:05pm** **Approve Minutes**
November Draft Minutes

- 2:15pm** **Exit Interview: Emanuel Antunez**

- 2:30pm** **Officer Reports**
Treasurer's Report
Executive Director's Report

- 2:45pm** **Committee Reports**
CEU Committee Report
Rules Revision Report
Education & Outreach Report

- 3:30pm** **New Business**
Policy Review
Advisory Committee 2021
Application Questions – Initial, Reciprocity, Reinstatement

- 5:00pm** **Adjourn**

*Public Comment

Public comment is requested prior to each vote (La. R.S. 42:14)

A public comment period shall be held during each board meeting. Persons desiring to present comments shall notify the executive director of the board prior to the beginning of the meeting. However, to assure that an opportunity is afforded to all persons who desire to make comments, the chairman shall inquire at the beginning of the meeting if there are additional persons present who wish to comment. The chairman shall allot the time available for the public comments in an equitable manner among those persons desiring to comment. Each person making public comments shall identify himself and the group, organization, company, or entity he represents, if any. (Louisiana Physical Therapy Board Rule §105.H.)

Louisiana Physical Therapy Board

MINUTES Regular Scheduled Board Meeting December 3, 2020

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on December 3, 2020 held virtually. A quorum of members were present. Board members present were: Judith Halverson, Kathryn “Katie” Brittain, Dr. Meredith Warner, John Marius, Tyra Mitchell, and Oday Lavergne. Charlotte Martin, Executive Director and Jim Raines, General Counsel were present. Members of the public were present as well, including licensee Emanuel Antunez and Advisory Committee Members Marie Vazquez Morgan, Ben McRae, and Michael Hildebrand.

Interim Chairman Judith Halverson called the meeting to order at 2:04 pm.

The board members reviewed the agenda, as written. Tyra Mitchell moved to approve the agenda. John Marius seconded the motion. The board members voted and the agenda was unanimously approved.

The board members reviewed the minutes from the November 19th and 20th, 2020 board meeting. Oday Lavergne moved to approve the minutes. Tyra Mitchell seconded the motion. The board members voted and unanimously approved the minutes.

Exit Interview: Emanuel Antunez

Emanuel Antunez participated in an exit interview with the board members in anticipation of the successful completion of his probationary period.

Oday Lavergne moved to authorize the board staff to change the status of Emanuel Antunez’s physical therapy assistant license (A9255), from probation to active on December 28, 2020 upon successful completion of his probation period from his Consent Order, Case # 2017-I-036, which will end on December 27, 2020. Dr. Meredith Warner seconded the motion. The board members voted and unanimously approved the motion.

Officer Reports

Interim Secretary/Treasurer presented the Treasurer’s Report to the Board.

Interim Secretary/Treasurer moved to authorize the Executive Director to fund a 12-month CD in the amount of \$775,000, which reflects one year of operating expense. To fund this account, the board authorizes cash to be moved from the checking account and combined with funds from the CD that will mature on 12/18/2020. John Marius seconded the motion. The board members voted and unanimously approved the motion.

Executive Director, Charlotte Martin provided a report to the board consisting of the following updates.

- Live Jurisprudence virtual offering
 - November meeting had 116 attendees.
 - December 10 currently has 160 registered licensees.

Licenses Issued from August 21, 2020 through November 30, 2020

Total: 130

PTs: 56

- New Grads: 27
- Provisionals: 2
- Reinstatement 5
- Reciprocity: 22

PTAs: 74

- New Grads: 54
- Provisionals: 3
- Reinstatement: 1
- Reciprocity: 16

Complaints Summary

As of 11/27/2020, last reported 09/03/2020

Currently Open: 14

- Boundaries: 10
- Fraud/Billing/Documentation: 2
- Substance Abuse: 1
- Malpractice: 1

Complaints Received: 3

Informal Conferences: 7

Hearings: 1

Proposed Consent Order/Voluntary Surrender: 3

Closed Cases: 9

- Dismissed: 5
- Board Order/Suspension: 1
- Revocation: 1
- Consent Order: 2

Monitoring Report of those who are currently disciplined was provided to the board.

Committee Reports

Interim Secretary/Treasurer Katie Brittain provided the following report on behalf of the CEU committee:

Total Courses Reviewed	975		
Total Courses Approved	975		
Traditional	75	Clinical	922
Web-based	899	Administrative	41
Hybrid	1	Ethics	12

Oday Lavergne provided a report on behalf of the Rules committee.

Oday Lavergne moved to dedicate one regular scheduled board meeting in 2021 to primarily discuss Physical Therapy Board Rules. John Marius seconded the motion. The board members voted and unanimously approved the motion.

The board discussed the renewal requirements for the 2022 renewal period. Jim Raines, General Counsel, advised that the authority set forth in the Governor's proclamation 159-JBE-2020, Section 6(V) provides that the Executive Director may temporarily suspend, waive, or amend a board rule or regulation that would prohibit, limit, or interfere with the licensing of healthcare professionals that are necessary to address the declared public health emergency. The Governor has instructed that "all departments, commissions, Boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this event." 159-JBE-2020, Section 11.

Oday Lavergne moved to authorize the Executive Director to temporarily suspend Rule 194.C. through the 2022 renewal cycle, which would not require a maximum number of hours for live course requirements for 2022 renewals. John Marius seconded the motion. The board voted and unanimously approved.

The board members discussed that live Jurisprudence attendance is a requirement included in some current board orders for individuals who are renewing in 2022. Interim Chairman Judith Halverson moved to allow the requirement of a live Jurisprudence on board orders to be fulfilled by attend a live Louisiana Physical Therapy Board webinar offering. Tyra Mitchell seconded the motion. The board voted and unanimously approved.

Oday Lavergne moved to authorize Rules committee members and the Executive Director to meet with stakeholders to discuss imaging in the practice of physical therapy. There was no second to the motion. Interim Chairman Judith Halverson recommended that this topic come before the board for discussion at a later date, along with research regarding imaging as it relates to patient safety, when the Rules are discussed in detail.

Katie Brittain provided a report on behalf of the Education & Outreach committee and provided a document to the board members with a 3-phase approach to completing the initiatives identified by the committee.

New Business

Jim Raines, General Counsel, presented updates to the Board Policy Manual.

Interim Chairman Judith Halverson moved to accept the 2021 Policy manual and to authorize the executive director to work with general counsel to revise the policy related to licensing applicants who have military affiliation as revised in La R.S. 37:3651. Oday Lavergne seconded the motion. The board members voted and unanimously approved the motion.

Jim Raines, General Counsel, presented revisions to the licensure application form for initial license, reciprocity and reinstatement applicants.

Interim Chairman Judith Halverson moved to accept the revised application questions for the initial license, reciprocity and reinstatement application forms. Oday Lavergne seconded the motion. The board members voted and unanimously approved the motion.

Executive Director Charlotte Martin updated the board on the status of advisory committee members who currently hold positions that are expiring on 12/31/2020. Oday Lavergne moved to reappoint the advisory committee members whose terms are expiring 12/31/2020 for an additional 2 year term to expire on 12/31/2022. Tyra Mitchell seconded the motion. The board members voted and unanimously approved the motion.

Oday Lavergne moved to authorize the Executive Director to interview applicants who have shown interest in serving on the Advisory Committee in consideration of an appointment to the committee, which currently has two vacant positions. Tyra Mitchell seconded the motion. The board voted and unanimously approved the motion.

PUBLIC COMMENT

Executive Director Charlotte Martin asked for clarification regarding a discussion at a prior meeting that could result in revising the template of the Wall License to include only the Executive Director's signature. The board members noted that Rule 175 (LAC 46: LIV §175.A) states that "the executive director shall issue to the applicant a license to engage in the practice of physical therapy in the State of Louisiana."

Oday Lavergne moved that the board revise the Wall License certificate to include the Executive Director's signature in compliance and consistent with Board Rule. Judith Halverson seconded the motion. The board members voted and unanimously approved the motion.

Oday Lavergne moved to adjourn the meeting. Tyra Mitchell seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 4:26pm.