

## **LOUISIANA PHYSICAL THERAPY BOARD**

September 24 - 25, 2014

APPROVED

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

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

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

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

### **CEU Audit Compliance: Kevin Bias**

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

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

### **Chairman's Report**

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

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

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

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

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

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

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

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

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

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

### **Secretary/Treasurer’s Report**

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

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

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

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

### **Executive Director's Report**

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

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

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

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

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

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

### **Presentation from Barry Lubin, M.D. MRO Affinity**

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

### **Legal Report**

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

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

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

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

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

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

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

### **Monitoring Consent Orders**

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

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

### **Policies**

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

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

## **New Business**

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

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

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

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

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

## **New Business (Continued)**

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

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

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

## **Correspondences**

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

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

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

HEARING: DAVID CONERLY

The meeting was adjourned at 2:00pm

Recap of motions:

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



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