

LOUISIANA PHYSICAL THERAPY BOARD
Board Meeting Agenda

October 16, 2014

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

LOUISIANA PHYSICAL THERAPY BOARD

October 16, 2014

APPROVED

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

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

Review of Agenda

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

Approval of Minutes

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

Chairman's Report

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

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

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

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

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

Treasurer's Report

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

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

Executive Director's Report

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

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

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

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

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

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

Continuing Education Committee Report

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

Legislative Task Force Committee Report

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

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

Reports of Legal Matters

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

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

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

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

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

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

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

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

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

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

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

Unfinished Business

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

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

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

New Business

CORRESPONDENCES

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

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

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

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

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

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

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

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

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

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

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

MONITORING CONSENT ORDERS

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

Programs

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

2015 Proposed Board Meeting Schedule

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

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

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