

**Louisiana Physical Therapy Board
Minutes**

Wednesday, January 27, 2016

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Thursday, January 27, 2016 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members were present. Board members present were: Chairman, Al Moreau, III, Secretary/Treasurer, Don Cassano, and board members Danny Landry, Kristina Lounsberry, Elizabeth "Beth" Austin, Dr. Gerald Leglue and Patrick Cook. Advisory Committee members Christopher Franks and Eugene Noel were present. Charlotte Martin, Executive Director; Board Attorneys, Courtney P. Newton and George Papale were also present.

2:00pm Informal Conference 2015-I-016 (AM)
3:00pm Informal Conference 2015-I-003 (WA)

Chairman Al Moreau, III called the meeting to order at 4:00p.m.

Agenda (review and amendment 1)

The board members reviewed the agenda. Chairman Moreau motioned to amend the agenda to begin the Federation of State Boards of Physical Therapy (FSBPT) licensure compact presentation through webinar first, prior to reviewing the December Minutes. The Board members were all in favor and unanimously approved the agenda as revised.

Special Programs – Compact Webinar with Federation of State Board of Physical Therapy (FSBPT)

Mark Lane

Ten jurisdictions, at minimum, must pass legislation prior to the Compact Commission forming. FSBPT informed the Board that, although several states are interested, the likelihood of ten jurisdictions passing legislation in 2016 is not planned and they will continue to send updates on the probability of ten states passing legislation in 2017.

The Board determined that they will not move forward with attempting legislative action to approve the Compact in 2016. The board members requested that the Executive Director and board members research the need for physical therapists in rural areas and communicate with surrounding states to be aware of their intentions with regards to the compact and their future legislation to determine if the Compact is needed to be seriously considered in 2017 for the welfare of the public.

Agenda (amendment 2)

Chairman Moreau motioned to amend the agenda to remove the hearing scheduled at 11am on Thursday, January 28, 2016 due to a proposed consent order and to add Correspondences to New Business. The Board members were all in favor and unanimously approved the agenda as revised.

Minutes

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

Executive Session

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

The Board exited Executive Session.

Al Moreau motioned to approve Ashley Wilkinson's voluntary surrender of license agreement with the Board. Kristina Lounsberry seconded the motion. The Board unanimously accepted Ashley Wilkinson's Voluntary Surrender of License.

Beth Austin motioned to approve Rebecca Seymour's Consent Order with the Board, as amended, and upon agreement of amendments by Ms. Seymour. Dr. Gerald Leglue seconded the motion. The Board unanimously accepted Rebecca Seymour's Consent Order, as amended to include restrictions on the workplace setting and notification requirements to employers. Following Ms. Seymour's agreement to the amendments. The Board authorized Courtney Newton to amend the Consent Order and board member Danny Landry and Mrs. Martin to review and approve the Consent Order prior to Mrs. Newton presenting amendments to Mrs. Seymour.

Beth Austin motioned to have legal draft a response to the proposed 2016 NPTE policies and have Kristina Lounsberry and Al Moreau review and approve and to be sent with the chairman's signature to FSBPT. Dr. Gerald Leglue seconded the motion. The board voted and unanimously approved the motion.

Agenda (amendment 3)

Chairman Moreau motioned to amend the agenda to move the Medication Review discussion with Dr. Suzanne Tinsley, originally scheduled at 9:30pm, to before the Chairman's Report. The Board members were all in favor and unanimously approved the agenda as revised.

Medication Review: Dr. Tinsley (Old Business)

Dr. Tinsley is a current faculty member at LSU Health Science Center in Shreveport. Among other topics, she teaches pharmacology to physical therapy students in the doctoral program at LSU. The Board asked her to attend the Board meeting to share her expertise and knowledge on the Commission on Accreditation in Physical Therapy Education (CAPTE) standards currently in place regarding the education of doctorate students in the physical therapy program and provide an expert opinion on Medication Review questions presented by Ms. Meyers. Dr. Tinsley reviewed of the letter sent to Sarah Meyers on March 27, 2014 and revised and sent to Ms. Meyers on May 29, 2015 with the Board response to questions related to medication review. Following the discussion, the board members requested that Dr. Tinsley review and provide revisions to a draft statement from the Board that attorney Mrs. Newton suggested the Board post to the board website for all licensees in response to the topic of Medication Review in the profession. The statement will be reviewed and approved at the February 2016 board meeting.

Chairman's report

Chairman Moreau discussed the priorities of the Board at present and for the next fiscal year. Moreau was prompted to discuss priorities with the Board after being asked by the Louisiana Physical Therapy Association (LPTA) Board of Directors what the priorities of the Board will be in the next fiscal year. The Board decided to table this discussion until closer to June, when the next fiscal year will be approaching.

Secretary/Treasurer's Report

Secretary/Treasurer Don Cassano reported that cash in the bank totaled \$19,277.95. Total Income for December 2015 totaled \$21,984.08 and expenses totaled \$69,833.21. The two Certificates of Deposit at Lakeside Bank total \$718,764.68. CD #4718 earned \$317.03 in interest between 12/01/2015-12/31/2015. The ending balance as of 12/31/2015 was \$517,055.81. The CD matures on January 15, 2016. CD #4726 earned \$99.05 in interest between 12/01/2015-12/31/2015. The ending balance as of 12/31/2015 was \$201,708.87. The CD matures on April 15, 2016.

Mrs. Martin presented on the status of the budget for the rest of the fiscal year 2015-16 and the budget for fiscal year 2016-17, as requested at the December Board Meeting by the Board.

The Board requested a fiscal year comparison of expenses from 2013-14, 2014-15 and the current fiscal year. They also requested that Mrs. Martin provide a justification for proposed fee increases that will balance the operating budget. The Board decided that a fee increase will need to be combined with cuts as a solution to balance the budget.

Executive Director's Report

Mrs. Martin provided a hand-out of a compilation of all recommended changes to the Practice Act to the Board Members to review and determine if a Bill should be filed in the upcoming regular legislative session which begins in March of 2016 for changes to the Practice Act. The Board unanimously agreed that the Board will not recommend any changes to the Practice Act in 2016 through legislative action.

Mrs. Martin presented the licensing report. Martin reported that there were 13 individuals licensed since the last board meeting. The board members ratified the list and signed the wall licenses for each licensee.

Physical Therapist Assistant-Reciprocity

1. Cristin Robison

Physical Therapist Assistants

1. Gerren Davis
2. Christopher Worthington
3. Mary Daigrepoint
4. Ashley Hemby
5. Mitzi Romero
6. Denver Young

Physical Therapist- Reciprocity

1. Emily Holt
2. Samantha Maiden
3. Steven Mistretta
4. Scott Seybold
5. Jessica Brand

Physical Therapist-Reinstatement

1. William Rice

Total: 13

Mrs. Martin notified the Board that Emily Hymel, whose essay was reviewed at the December board meeting, has submitted a signed and dated essay per the request of the Board.

Legal Report

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

- 2 informal conferences scheduled
- 5 hearings scheduled
- 10 investigations active
- 10 investigations closed

Mrs. Newton educated and informed the Board Members on the dangers of lobbying and provided a memo to the board members outlining what limitations they have during legislative session as a precautionary measure as the legislative session approaches.

General Counsel, George Papale responded to the Board's request for a legal opinion posed by the Board: should LPTB be included with other exempt Boards in the Louisiana Public Records Law (La R.S. 44:4). Mr. Papale stated that La R.S. 37:2406 B. of the Louisiana Physical Therapy Board Practice Act exempts the Board from providing confidential information to the public, such as information that is gathered through investigations. He stated that the Public Records Law recognizes that within the Practice Acts of the professions there are provisions exempting agencies from the law. He recommended that the Board not make any recommendations for exempting licensee information other than what is already stated in the law, as Public Records Law serves a serious purpose of transparency of state agencies and should be considered as a law that supports public protection, safety and welfare and not the interest of the licensees/profession.

General Counsel, George Papale responded to the Board's request for a legal opinion: Should the LPTB be allowed access to Expunged Records in the Code of Criminal Conduct, along with other Boards listed in the Code of Criminal Procedure Article 973. Mr. Papale recommended that the Board make a request through legislative action to be added as an entity who may have access to such records, upon request, as stated in Article 973, as it would improve the Board's ability to protect the public. The Board voted against moving forward with legislative action to "clean up" this legislation in the 2016 legislative session. Kristina Lounsberry, Al Moreau and Patrick Cook voted against, Beth Austin and Don Cassano voted for, and Danny Landry abstained. The Board will consider moving forward with legislation related to this in 2017.

Agenda (amendment 4)

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

Reports of Committees

Legislative Task Force

Chairman Moreau reported on behalf of the Legislative Task Force notifying the Board that the LPTA Board of Directors requested that Don Cassano present at their annual retreat on the regulator Board's

legislative outreach efforts to educate the legislators on the final report of the Patient Access Review Committee, as well as priorities of the regulator Board in the coming fiscal year. Moreau attended the discussion via teleconference.

Continuing Education Committee

The Continuing Education Committee provided a monthly report of approved, denied, and pending course to the Board, as well as an average approval time of course. There were a total of 142 courses that were approved. Of those 142 courses, 90 were on-site courses and 52 were distance learning courses. Of the 142 total courses that were approved, 140 were of clinical type, 1 was administrative, and 1 was on ethics. There were no courses denied. It took an average of 7 days to approve a course.

The Board discussed two pending courses submitted by Course Sponsor The Upledger Institute, both titled Healing from the Core. Following thorough review of both courses, the board voted unanimously to deny the courses based on the agreement that the courses do not meet the minimum standards of content criteria outlined in Rule §195, specifically that the courses do not update knowledge and skills required for competent performance beyond entry level of the PT or PTA.

The Board discussed a pending course submitted by licensee, Michael Di Carlo titled MediCupping Therapy. Following thorough review of the course, the board voted unanimously to deny the course based on the agreement that the courses do not meet the minimum standards of content criteria outlined in Rule §195, specifically that the courses do not update knowledge and skills required for competent performance beyond entry level of the PT or PTA.

The Board reviewed the written request for a CEU exemption pursuant to Rule §198 related to personal hardship and granted Reba Thigpen (#A4614) a waiver on live coursework requirements for the 2016 renewal period. The Board unanimously agreed to grant Ms. Thigpen a waiver. Thigpen will be allowed to complete 30 hours of board-approved courses online to satisfy the CEU requirement for this renewal period only.

The board members reviewed a written request from licensee Kathryn Labbe regarding a course approval. Ms. Labbe provided supporting documentation of conversations via email between herself a course sponsor showing evidence that the course sponsor misled Labbe to believe that a course application was submitted to the LPTB in 2014. Labbe further provided documented proof of follow-up to the Course Sponsor for three months following the initial inquiry regarding the CEU application to the Board. The course sponsor then requested for approval of their course in 2015 and was approved. The board unanimously agreed to allow the course sponsor to submit a course application for the course for the year 2014, as evidenced in the email correspondences, for approval to correct the mistake of never submitting a course application as intended in 2014.

New Business

The Board requested that the Board staff send calendar invitations for all 2016 jurisprudence events and school interviews to the board members. The staff will plan to attend all and board members will try to be available to attend to answer questions related to practice scenarios.

Danny Landry informed the Board that he had recently traveled to Virginia for a meeting of an FSBPT committee that he serves on that is working on providing recommendations to update the Coursework Took (CWT). The CWT is a tool used to compare education/coursework that foreign trained applicants have completed to current CAPTE standards. In his meeting, he was reminded that the Commission on

Accreditation in Physical Therapy Education (CAPTE) had a request for comments on changes to accreditation standards that were made in recent years. He asked Mrs. Martin to make note that the standards are changed every five years and when an opportunity like this arises in the future he recommends that the Board take a substantial amount of time and seriousness in reviewing the standards, providing comment, and discussing how it relates to our Practice Act standards/rules and policies for foreign trained applicants.

Al Moreau motioned for Charlotte Martin to be authorized to sign contracts submitted to the state office of contracts. Don Cassano seconded the motion. The board members voted and unanimously approved the motion.

Correspondences

1. Licensee Katie Brittain, PT requested clarification on storing and selling supplies in a physical therapy private practice. She provided a series of questions regarding selling of items/supplies in a physical therapy office. The Board reviewed Ms. Brittain's question and determined that the PT Board does not regulate selling of goods, as this is not addressed in the Practice Act or Board Rules. The final recommendation is that Ms. Brittain contact the American Physical Therapy Association to determine if there are other entities that have Rules and Regulations separate and apart from the Board that would regulate the selling of these goods. The Board also recommends contacting an attorney for advice related to legal matters. Mrs. Martin will respond to Ms. Brittain.
2. Licensee Kevin Guidroz, PT requested clarification on what action a PT should take if it is realized that a PTA accidentally saw a patient for a sixth consecutive visit. The Board reviewed Mr. Guidroz's question and determined that the PT should be notified immediately and the patient should not be billed for the service. The mistake should be clearly documented and recognized.
3. Jennifer Garriga asked if there is any regulation stating when a discharge summary visit must be turned in to be put on the patient's chart. The Board discussed Ms. Garriga's question and unanimously agreed that there is no regulation stating when a discharge summary visit must be turned in and included in the patient chart. However, the board members agree that it is a violation of the Rules if the discharge summary is not included in the file, as the file is not complete. The Board asked Mrs. Martin to recommend to Ms. Garriga that she submit a complaint to the Board on her employer, if her employer is a Louisiana licensed physical therapist or physical therapist assistant.
4. Licensee Jovirick Buscar, PT requested clarification on what a therapist should do in the event that they are the only physical therapist working for an agency and have submitted their two-weeks notice to leave an agency and the agency has not found a physical therapist to replace the position. The Board discussed Mr. Buscar's situation and determined that Rule §313 Transfer of Patient Care directs a PT to document the transfer of care of the patient to another health care provider in the event of elective termination of physical therapy services by the PT. The Board asked Mrs. Martin to reply to Mr. Buscar notifying him that appropriate action would be to notify the patient that he will no longer be providing services, notify the referring health care professional that he will no longer be providing services and that the agency has not, to his knowledge, secured a physical therapist who can provide the care, then clearly document both notifications. The physical therapist is required to complete a discharge visit and write a discharge summary if he is the only therapist.

Old Business

The board members discussed advisory committee member elections and determined that at this time, due to the budget shortfall, the Board will not elect any advisory committee positions to fill vacant positions. The one area of the state that is lacking presence is the Houma/Thibodaux area and that position is being considered for a filled position. The advisory committee members who had recent terms ended will be able to continue to serve the board if requested.

Chairman Moreau motioned to adjourn the meeting. Danny Landry seconded the motion. The Board voted and unanimously approved. The board meeting was recessed at 10:40pm.

Thursday, January 28, 2016

A Formal Administrative Hearing was conducted for licensee Art Prado in relation to case number 2014-I-009.

Chairman Moreau motioned to move into Executive Session pursuant to La R.S. 42:16 for the purpose of deliberation in this case. Kristina Lounsberry, Danny Landry, Gerald Leglue, Patrick Cook and Don Cassano were all in favor and moved into Executive Session. The hearing panel exited Executive Session. The hearing panel agreed to take this case under advisement and Michael Vallan with the Attorney General's office is going to work on the report and the hearing panel will review it at the next board meeting.