

PRACTICE ACT

PHYSICAL THERAPY PRACTICE ACT
Louisiana Revised Statutes 37:2401-37:2424

CHAPTER 29. LOUISIANA PHYSICAL THERAPY PRACTICE ACT

§2401. Short title

This Chapter may be cited as the "Louisiana Physical Therapy Practice Act".

§2402. Purpose and intent

A. This Chapter is enacted for the purpose of protecting the public health, safety, and welfare, and to provide for state administrative control, supervision, licensing, and regulation of the practice of physical therapy in Louisiana.

B. It is the intent of this Chapter that only individuals who meet and maintain prescribed standards of competence and conduct may engage in the practice of physical therapy as authorized by this Chapter. This Chapter shall be liberally construed to promote the public interest and to accomplish the purposes stated herein.

§2403. Physical therapy board; composition

A. The Louisiana Physical Therapy Board, hereinafter referred to as the "board", is hereby created within the Department of Health and Hospitals. The board shall be domiciled in Lafayette Parish.

B. The board shall consist of seven members who shall be appointed by the governor as follows:

(1) Two members shall be physical therapists who possess an unrestricted license to practice physical therapy and who have been practicing in the state for no less than three years.

(2) One member shall be a physical therapist who possesses an unrestricted license to practice physical therapy and has been practicing in the state for no less than three years and shall be appointed from a list of names submitted by the Louisiana Hospital Association.

(3) Two members shall be physical therapists who possess an unrestricted license to practice physical therapy and have been practicing in the state for no less than three years and shall be appointed from a list of names submitted by the Louisiana Physical Therapy Association.

(4) One member shall be a physical therapist assistant who possesses an unrestricted license to assist in the practice of physical therapy as a physical therapist assistant and who has been practicing in the state for no less than three years.

(5) One member shall be a physician who possesses an unrestricted license to practice medicine in the state and who specializes in the practice of orthopedic surgery or the practice of physiatry and shall be appointed from a list of names submitted by the Louisiana State Medical Society.

C. The term of each board member shall be three years; however, initial board appointments may be for less than three years in order to establish staggered terms. Each appointment by the governor shall be submitted to the Senate for confirmation.

D. Any vacancy occurring in the membership of the board shall be filled in the same manner as the original appointment.

E. The governor may remove any member of the board for misconduct, incompetence, or neglect of duty.

F. No person shall be appointed to the board if they have served for more than two consecutive three year terms.

§2404. Board meetings; quorum; officers; compensation

A. The board shall meet at least semiannually, on a date and at a time and place as it may designate, which shall include at least a meeting in January of each year to elect a chairman and secretary-treasurer from its membership. All meetings shall be held at the call of the chairman or at a call of a quorum of members upon not less than ten days written notice, unless such notice is waived. The presence of any member at any such meeting of the board shall constitute a waiver of notice thereof by such member. Notice shall comply with the provisions of R.S. 42:7.

B. Any four members of the board shall constitute a quorum for any business before the board.

C. Each board or committee member shall be entitled to a per diem of one hundred fifty dollars for attendance at board meetings or other official board approved business or activities, plus reimbursement of actual expenses reasonably necessary for attending board or committee meetings or for representing the board or participating in an official board approved activity. Board employees shall be entitled to reimbursement of actual expenses reasonably necessary for participating in or carrying out an official board approved activity.

§2405. Powers and duties of the board; limitation

A. The responsibility for enforcement of the provisions of this Chapter is hereby vested in the board, which shall have all the powers, duties, and authority specifically granted by or necessary for the enforcement of this Chapter, including:

(1) Establishing rules and procedures for granting licenses, and the requirements therefor, to persons governed by this Chapter, including imposing limitations as to the number of times an examination may be taken and the conditions upon which reexamination may be had, which conditions shall be determined by the board.

(2) Issuing licenses to those possessing the necessary qualifications therefor, and taking appropriate administrative action to regulate the practice of physical therapy in the state.

(3) Adopting a seal which shall be affixed to all licenses.

(4) Adopting rules necessary for the efficient operation of the board in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

(5) Keeping a record of all meetings of the board.

(6) Publishing and making available a register of all persons licensed under this Chapter, including the name and current address of each licensee.

(7) Updating its records annually.

(8) Establishing by rule the standards of practice.

(9) Reporting annually to the governor and to the presiding officer of each house of the legislature on the condition of the practice of physical therapy in the state, making recommendations for improvement of the practice of physical therapy or the operation of the board, and submitting a record of the proceedings of the board during the year, together with the names of all physical therapists and physical therapist assistants to whom the board issued licenses during the year.

B. The board may:

(1) Authorize any member of the board to make any affidavit necessary for the issuance of any injunction or other legal process authorized under this Chapter.

(2) Employ counsel to carry out the provisions of this Chapter, if the fees of the counsel and the costs of all proceedings, except criminal prosecutions, are paid by the board out of its own funds.

(3) Employ inspectors, special agents, and investigators.

(4) Issue subpoenas to require attendance, testimony, and the production of documents to enforce the laws and rules relative to the practice of physical therapy and to secure evidence of violations thereof.

(5) Employ an executive director and necessary clerical assistance to carry out the administrative work of the board, fix the compensation thereof, and incur other necessary expenses.

(6) Administer oaths in the taking of testimony upon any matters appertaining to the duties of the board.

(7) Establish requirements for continuing education by licensees and continuing education course review and approval as the board deems appropriate.

(8) Seek injunctive relief to prohibit any person from practicing physical therapy as defined in this Chapter without being licensed as provided herein.

(9) Issue cease and desist orders to licensees and other persons or entities who are engaged in any activity, conduct, or practice constituting a violation of any provision of this Chapter or board rule. As to licensees, in addition to the injunctive relief provided for in this Chapter, the failure to comply with a cease and desist order may also be made the basis of disciplinary action.

(10) Conduct disciplinary proceedings pursuant to the provisions of the Administrative Procedure Act and impose sanctions on the practice of licensees who have violated this Chapter, the rules of the board, or standards of practice. Sanctions may be imposed by means of voluntary consent orders or by decisions of the board.

(11) Require that all costs of board proceedings relating to a specific disciplinary case, including the members' per diem and expenses, the cost of investigators, stenographers, attorney fees, and other reasonably associated costs be reimbursed to the board as a part of a consent order or board decision in that proceeding.

(12) Adopt by rule a Patients' Bill of Rights.

(13) Appoint licensees or members of the public as Advisory Committee members or to other committees which may be deemed useful in meeting the responsibilities of the board.

(14) Adopt by reference all or part of the following codes, guides, and standards of the American Physical Therapy Association: Code of Ethics, Guide for Professional Conduct, Standards of Ethical Conduct for the Physical Therapist Assistant, and Guide for Conduct of the Physical Therapist Assistant, except when such are in conflict with this Chapter or the rules of the board.

C. The board shall not have authority to expand the practice of physical therapy.

§2406. Immunity from personal liability; boards and others; confidentiality

A. There shall be no liability on the part of and no action for damages against:

(1) Any member of the board, its agents, employees, attorneys, or any member of a committee appointed or designated by the board, for any action undertaken or performed by such person within the scope of the duties, powers, and functions of the board or such committee when such person is acting without malice and in the reasonable belief that the action taken by him is warranted.

(2) Any person or health care entity providing information or reports to the board, its agents or employees, or to a committee appointed or designated by the board, without malice and in the reasonable

belief that such information is accurate, including information or reports required by the provisions of R.S. 37:1745.14. Such immunity from liability shall additionally be in accordance with the provisions of R.S. 37:1745.16.

B. Information or reports concerning or relating to improper conduct by or the impairment of a licensed physical therapist or physical therapist assistant provided to the board or gathered by the board through investigation, including in compliance with the provisions of R.S. 37:1745.14, shall be, in accordance with the provisions of R.S. 37:1745.15, confidential.

§2407. Practice of physical therapy defined

A. When used in this Chapter, the following words and phrases shall have the following meaning, unless the context clearly indicates otherwise:

(1) "Initial physical therapy evaluation" means the physical therapy assessment and resulting interpretation of a patient's condition through use of patient history, signs, symptoms, objective tests, or measurements to determine neuromusculoskeletal and biomechanical dysfunctions to determine the need for physical therapy. The conclusions of such initial physical therapy evaluation may be reported to the patient and may be used to establish treatment goals. The results of an initial physical therapy evaluation or physical therapy consultation shall be reported to the referring or treating physician, dentist, chiropractor, or podiatrist.

(2) "Physical therapist" includes equally physiotherapist, physical therapist, and P.T. and is a person who is a graduate of an accredited school of physical therapy, which school, at the time of graduation was approved by the Commission on Accreditation in Physical Therapy Education or the board and who practices physical therapy as defined in this Chapter.

(3) "Physical therapist assistant" includes equally physical therapist assistant, physiotherapist assistant, and P.T.A., and is a person who is a graduate of an accredited school of physical therapist assisting, which school, at the time of graduation, was approved by the Commission on Accreditation in Physical Therapy Education or the board. A physical therapist assistant 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.

(4) "Physical therapy", noun and adjective, means equally physiotherapy and physical therapy.

(5) "Practice of physical therapy" is the health care profession practiced by a physical therapist licensed under this Chapter and means the holding out of one's self to the public as a physical therapist and as being engaged in the business of, or the actual engagement in, the evaluation and treatment of any physical or medical condition to restore normal function of the neuromuscular and skeletal system, to relieve pain, or to prevent disability by use of physical or mechanical means, including therapeutic exercise, mobilization, passive manipulation, therapeutic modalities, and activities or devices for preventative, therapeutic, or medical purposes, and further shall include physical therapy evaluation, treatment planning, instruction, consultative services, and the supervision of physical therapy supportive personnel, including physical therapist assistants.

B. As used in this Chapter, "physical therapy" does not include the use of roentgen rays and radium, isotopes, and ionizing radiation for diagnostic and therapeutic purposes.

C. In seeking and receiving reimbursement for services, an initial physical therapy evaluation as defined in this Chapter shall be considered a physical therapy diagnosis and shall not constitute the practice of medicine.

D. Words used in one gender apply also to the other, except as otherwise clearly indicated by the context.

§2408. License required; limitations

A. No person shall practice, or in any way hold himself out, or designate himself, as a physical therapist or a physical therapist assistant unless licensed by the board.

B. A person employed as a physical therapist or a physical therapist assistant by the United States government, or any department, agency, or bureau thereof, shall not be required to obtain a license under the provisions of this Chapter. However, such person may engage in the practice of physical therapy outside the course and scope of such federal employment only after obtaining a license in accordance with this Chapter.

C. A license issued pursuant to this Chapter does not authorize the diagnosis of disease.

§2409. Qualifications for license; physical therapists

To qualify for a license as a physical therapist, an applicant shall:

- (1) Be at least twenty-one years of age.
- (2) Be a citizen of the United States or have obtained legal authority to work in the United States, and have proper documentation evidencing this fact.
- (3) Be of good moral character.
- (4) Have paid all fees required by this Chapter.
- (5) Have graduated from a school of physical therapy, which school, at the time of such graduation, was approved by the Commission on Accreditation in Physical Therapy Education or the board.
- (6) Pass an examination to the satisfaction of the board as provided for in R.S. 37:2414.

§2410. Qualifications for license; foreign graduates

A graduate of a school of physical therapy outside of the United States may qualify for a license as a physical therapist upon compliance with the provisions of R.S. 37:2409(1), (2), (3), and (4), as well as with the following provisions:

- (1) Presents in person his original diploma or facsimile, with English translation, from the physical therapy school from which he was graduated, together with a letter of recommendation from the dean or any other senior administrator of that school.
- (2) Provides indisputable proof of identity as specified by the board and a valid social security number.
- (3) Presents proof of certification or licensing as a physical therapist in the country where he completed his education.
- (4) Demonstrates in a personal interview his ability to read, write, speak, and understand English fluently.
- (5) Obtains from the board a provisional license to engage in supervised clinical practice under the direction and supervision of a physical therapist licensed under this Chapter. The period of supervised clinical practice shall be for at least six months but not more than eighteen months, based on full-time employment, except that the board, in its discretion, may accept part-time employment during the periods of time set forth above as compliance with the requirements for supervised clinical practice.
- (6) Presents written evidence satisfactory to the board that he has completed the required period of supervised clinical practice, that he is competent to practice physical therapy, and that he has passed the examination as provided for in R.S. 37:2414.

§2411. Qualifications for license; physical therapist assistant

To be qualified for a license as a physical therapist assistant, an applicant shall:

- (1) Be at least nineteen years of age.
- (2) Be of good moral character.
- (3) Have paid all fees required by this Chapter.
- (4) Have graduated from an accredited school of physical therapist assisting, which school, at the time of such graduation, was approved by the Commission on Accreditation in Physical Therapy Education or the board. However, the board shall not require an applicant to have completed a course of training in excess of that required for an associate degree.
- (5) Pass an examination to the satisfaction of the board as provided for in R.S. 37:2414.

§2412. License reciprocity

In its discretion, the board may waive examination, and may license an applicant who is licensed and in good standing under the laws of another state, territory, or district, if the requirements for licensing of physical therapists or physical therapist assistants were, at the date of licensing therein, substantially equal to the requirements then or subsequently in force in Louisiana, and if the state, territory, or district from whence the applicant comes accords a similar licensing privilege without examination to licensees under this Chapter.

§2413. Application for license

A. An applicant for a license as a physical therapist or a physical therapist assistant shall file a written application on forms provided by the board, together with the required license fee. In addition to meeting all other application requirements provided by this Chapter or board rules the applicant shall present evidence satisfactory to the board of his qualifications as required under this Chapter.

B. In order to determine an applicant's suitability for licensing, the board may require applicants for initial licensure to furnish a full set of fingerprints to facilitate a criminal background investigation. The board shall submit it to the Federal Bureau of Investigation for a national criminal history background check. The Louisiana State Police shall report the result of the criminal history background check to the board which may use that information to determine the applicant's moral character and suitability for licensing.

C. In addition to the fees authorized by this Chapter, the board may require the applicant to reimburse the board or the law enforcement agency for the expense of fingerprinting and facilitating the criminal background check.

§2414. Examination

The board shall provide for the examination of applicants for licensing as physical therapists or physical therapist assistants under such terms and conditions as it may determine. The examination shall test the applicant's knowledge of such subjects as the board may deem useful in determining the applicant's fitness to practice physical therapy and may include demonstrations and written and oral tests.

§2415. Issuance of license; updating contact information

A. If an applicant meets the requirements of this Chapter, the board shall issue the applicant a license to practice physical therapy.

B. Each licensee is responsible for reporting a name change and changes in business and home address, telephone numbers, and e-mail address to the board within thirty days of such change.

§2416. Emergency Exemptions

No license is required by this Chapter under the following circumstances:

- (1) A physical therapist who is licensed in a jurisdiction of the United States and who enters this state to provide physical therapy during a declared local, state, or national disaster or emergency. This exemption applies for no longer than sixty days following the declaration of the emergency. In order to be eligible for this exemption the physical therapist shall notify the board of his intent to practice within the state.
- (2) A physical therapist licensed in a jurisdiction of the United States who is forced to leave his residence or place of employment due to a declared local, state, or national disaster or emergency and as a result of such displacement seeks to practice physical therapy. This exemption applies for no more than sixty days following the declaration of the emergency. In order to be eligible for this exemption the physical therapist shall notify the board of his intent to practice within the state.
- (3) A physical therapist assistant who is licensed in a jurisdiction of the United States and is assisting a physical therapist engaged specifically in activities related to Paragraphs (1) and (2) of this Subsection.

§2417. License renewal

A. A license issued under the provisions of this Chapter shall be renewed by its holder in accordance with the rules of the board.

B. Any license not renewed in accordance with the rules of the board shall automatically expire at the end of its term, after which the licensee shall not practice in Louisiana.

C. An expired license may be reinstated upon application to the board by the licensee with a satisfactory explanation for the failure to renew and the payment of both the renewal fee and reinstatement fee. The denial of such application is subject to review by the courts.

§2418. Authority to practice as a physical therapist or physical therapist assistant

A. A physical therapist or physical therapist assistant licensed in Louisiana is authorized to practice physical therapy as defined in this Chapter. A physical therapist is responsible for managing all aspects of the physical therapy care of each patient.

B. Without prescription or referral, a physical therapist may perform an initial evaluation or consultation of a screening nature to determine the need for physical therapy and may perform physical therapy or other services provided in Subsection C of this Section. However, implementation of physical therapy treatment shall otherwise be based on the prescription or referral of a person licensed to practice medicine, surgery, dentistry, podiatry, or chiropractic.

C. Except as to an initial evaluation or consultation, as provided in Subsection B of this Section, physical therapy services may be performed without a prescription or by referral only under the following circumstances:

- (1) To a child with a diagnosed developmental disability pursuant to the child's plan of care.
- (2) To a patient of a home health care agency pursuant to the patient's plan of care.
- (3) To a patient in a nursing home pursuant to the patient's plan of care.
- (4) Related to conditioning or to providing education or activities in a wellness setting for the purpose of injury prevention, reduction of stress, or promotion of fitness.
- (5) To an individual for a previously diagnosed condition or conditions for which physical therapy services are appropriate after informing the health care provider rendering the diagnosis. The diagnosis shall

have been made within the previous ninety days. The physical therapist shall provide the health care provider who rendered such diagnosis with a plan of care for physical therapy services within the first fifteen days of physical therapy intervention.

D. Nothing in this Chapter shall be construed to create liability of any kind for the health care provider rendering the diagnosis pursuant to Paragraph (C)(5) of this Section for a condition, illness, or injury that manifested itself after such diagnosis or for any alleged damages as a result of physical therapy services performed without a prescription or referral from a person licensed to practice medicine, surgery, dentistry, podiatry, or chiropractic.

E. Physical therapy services performed without a prescription or referral from a person licensed to practice medicine, surgery, dentistry, podiatry, or chiropractic shall not be construed to mandate coverage for physical therapy services under any health care plan, insurance policy, or workers' compensation plan or circumvent any requirement for preauthorization of services in accordance with any health care plan, insurance policy, or workers' compensation plan.

F.(1) A person licensed under this Chapter as a physical therapist assistant shall perform treatments only under the direction and supervision of a licensed physical therapist. The duties assigned to the physical therapist assistant shall be commensurate with the physical therapist assistant's education, training, and experience.

(2) 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.

(3) A physical therapist assistant shall in no way hold himself out to be a physical therapist and shall make known to patients his title as a licensed physical therapist assistant.

§2419. Use of titles and terms; restrictions

A. The board shall determine by rule the appropriate use of professional credentials by licensees.

B. No person or business entity, its employees, agents, or representatives shall use in connection with that person's name or the name or activity of the business, the words "physical therapy", "physical therapist", "physiotherapy", "physiotherapist", "registered physical therapist", "licensed physical therapist", "doctor of physical therapy", the letters "PT", "DPT", "LPT", "RPT", or any other words, abbreviations, or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied, unless such services are provided by or under the direction of a physical therapist licensed pursuant to this Chapter.

C. No person or business entity shall advertise or otherwise promote another person as being a "physical therapist" or "physiotherapist" unless the individual so advertised or promoted is licensed as a physical therapist under this Chapter. No person or business entity shall offer, provide, or bill any other person for "physical therapy" or "physiotherapy" unless the individual performing those services is licensed pursuant to this Chapter.

D. A physical therapist assistant shall use the letters "PTA" immediately following his name to designate licensure under this Chapter.

E. No person shall use the title "physical therapist assistant", the letters "PTA", or any other words, abbreviations, or insignia in connection with that person's name to indicate or imply, directly or indirectly, that

the person is a physical therapist assistant unless the person is licensed as a physical therapist assistant pursuant to this Chapter.

§2420. Disciplinary actions

A. After due notice and hearing, the board may refuse to license any applicant, or may refuse to renew the license of any person, or may restrict, suspend, or revoke any license upon proof that the person has:

- (1) Practiced physical therapy in violation of the provisions of this Chapter, the rules of the board, or standards of practice.
- (2) Attempted to or obtained a license by fraud or misrepresentation.
- (3) Committed repeated acts of negligence or incompetence in the practice of physical therapy.
- (4) Been convicted of a felony in the courts of any state, district, territory, or country. Conviction, as used in this Paragraph, shall include a plea or verdict of guilty, an admission or finding of guilt, or a plea of nolo contendere.
- (5) Been habitually intemperate or abused controlled dangerous substances as defined by federal or Louisiana law.
- (6) Had his license to practice physical therapy revoked or suspended, or has had other disciplinary action taken against him, or has had his application for a license refused, revoked, or suspended by the authorities of another state, district, territory, or country.
- (7) Been found guilty of unprofessional conduct or sexual misconduct, including but not limited to departure from, or failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice, in which proceeding actual injury to a patient need not be established.
- (8) Engaged directly or indirectly in the division, transferring, assigning, rebating, or refunding of fees received for professional service with a referring practitioner or any relative or business associate of that referring practitioner. However, nothing in this Paragraph shall be construed as prohibiting the members of any properly organized business entity recognized by law and comprised of physical therapists from dividing that amount of fees received for professional services among themselves as they determine by contract necessary to defray their joint operating expenses.

B. Any action of the board taken under this Section shall be subject to notice requirements and hearing, adjudication, and appeal proceedings in accordance with the rules adopted by the board and the Administrative Procedure Act.

C. Refusal to grant a license for failure to pass the licensing examination required by the board shall not require notice and a hearing.

§2421. Violations; penalties

A. No person shall:

- (1) Sell or falsely obtain or furnish any physical therapy diploma or license, or aid or abet therein.
- (2) Practice physical therapy without a lawfully issued, current, and valid license, except as otherwise provided in this Chapter.
- (3) Use in connection with his name any designation tending to imply that he is a licensed physical therapist or a physical therapist assistant unless duly licensed to practice under the provisions of this Chapter.

B. Any person who, or legal entity which, commits or assists in the commission of any violation listed in Subsection A of this Section, or any legal entity which knowingly employs a person who engages in, or which

legal entity otherwise facilitates or assists in the unlicensed practice of physical therapy shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than six months, or both, and, in addition, a board licensee may have his license restricted, suspended, or revoked by the board. Each violation shall constitute a separate offense, and, for such additional violations, at the discretion of the court, such person or legal entity may be subject to a fine of not less than five hundred dollars or imprisonment of not less than six months, or both.

§2422. Cease and desist orders; injunction; attorney fees; costs

In addition to or in lieu of the criminal penalties or administrative remedies or sanctions provided in this Chapter or board rule, the board may issue an order to any licensee or other person or entity engaged in any activity, conduct, or practice constituting a violation of any provision of this Chapter or board rule, other than a person holding a license as a health care provider from another Louisiana licensing board, directing such person or entity to forthwith cease and desist from such activity, conduct, or practice. Such order shall be issued in the name of the state of Louisiana, under the official seal of the board. With regard to a person licensed as a health care provider by another Louisiana licensing board, notification of suspected violations of this Chapter or of board rules shall be sent to the director of the board which issued a license to that person for review and response to the Louisiana Physical Therapy Board from that licensing board.

B. If the person or entity to whom the board directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice within three business days from receipt of such cease and desist order, the board, through its proper officer or agent, may seek and cause to issue in any court of competent jurisdiction and venue a writ of injunction, including a temporary restraining order, enjoining any such person or entity from engaging in the proscribed activity, conduct, or practice.

C. In a suit for an injunction, the board may demand of the defendant reasonable attorney fees, associated investigative and administrative expenses, and the costs of court. The judgment for attorney fees, expenses, and costs may be rendered in the same judgment in which the injunction is made absolute.

D.(1) Upon proper showing by the board that such person or entity has engaged in any activity, conduct, or practice prohibited by this Chapter or board rule, the court shall issue a temporary restraining order enjoining the person or entity from engaging in such unlawful activity, conduct, or practice pending the hearing on a preliminary injunction, and, in due course, a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity, conduct, or practice complained of, all without the necessity of the board having to give bond as ordinarily required in such cases.

(2) A temporary restraining order, preliminary injunction, or permanent injunction issued pursuant to this Section shall not be subject to being released upon bond.

E. The trial of the proceeding for injunction shall be summary and by the judge without a jury.

§2423. Exemptions; prohibitions

A. This Chapter does not restrict a person licensed under any other law of this state from engaging in the profession or practice for which that person is licensed if that person does not represent, imply, or claim that he is a physical therapist or a provider of physical therapy.

B. A person who is not licensed as a physical therapist or a physical therapist assistant in accordance with this Chapter may be employed in a hospital, institution, clinic, physician's office, or athletic training room to administer treatment under the direction and supervision of a licensed physician; however, the treatment administered shall not be identified as physical therapy, and further provided that such person administering such treatment shall not hold himself out, nor be held out by others as a physical therapist or physical therapist assistant.

C. No provision in this Chapter shall preclude either physical therapists or other health care providers from billing for or being reimbursed for physical medicine procedures, therapy treatments, or physical modalities which they are licensed to perform and which fall within their respective scope of practice.

D. Physical therapists may not profess to provide "spinal manipulation" or "spinal adjustment" or use these terms for advertising purposes. However, this Chapter shall preclude other health care providers from professing the practice of physical therapy and from the use of the terms "physical therapy", "P.T.", or "physiotherapy" for advertising purposes unless licensed under this Chapter.

§2424. Fees; receipts and disbursements

A. The board may establish and collect fees, which shall be deposited into the treasury of the board. The fees shall be established by rule adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and shall not exceed the schedule provided for in Subsection C of this Section.

B. All board expenses and compensation of board members and employees shall be paid out of board funds only, and shall not be charged to the state. The financial records of the board shall be subject to an annual audit.

C. Fees assessed by the board shall not exceed the following amounts:

- (1) Application fee \$400.00
- (2) Reinstatement fee \$200.00
- (3) Annual license renewal fee \$200.00
- (4) License verification fee \$50.00

RULES AND REGULATIONS

Title 46

Part LIV: Louisiana State Board of Physical Therapy Examiners

Subpart 1: Licensing and Certification

Chapter 1. Physical Therapists & Physical Therapist Assistants

Subchapter A. General Provisions

§103. Definitions

A. As used in this Chapter, the following terms and phrases, which have not already been defined in the Practice Act R.S. 37:2401-2419, shall have the meanings specified.

Applicant - a person who has applied to the Board for a license or permit to engage in the practice of physical therapy in the State of Louisiana.

Application - a written request directed to and received by the Board, upon forms approved and supplied by the Board, for a license or permit to practice physical therapy in the State of Louisiana, together with all information, certificates, documents, and other materials required by the Board to be submitted with such forms.

Good Moral Character - as applied to an applicant, means that the applicant has not, prior to or during the pendency of an application to the Board, been guilty of any act, omission, condition or circumstance which would provide legal cause under R.S. 37:2413 for the suspension or revocation of physical therapy licensure: the applicant has not, prior to or in connection with his, application, made any representation to the Board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to the application; and the applicant has not made any representation or failed to make a representation or engaged in any act or omission which is false, deceptive, fraudulent or misleading in achieving or obtaining any of the qualifications for a license or permit required by this Chapter.

License - the lawful authority of a physical therapist or physical therapist assistant to engage in the practice of physical therapy in the State of Louisiana, as evidenced by a certificate duly issued by and under the official seal of the Board.

Temporary Permit - the lawful authority of a physical therapist or physical therapist assistant to engage in the practice of physical therapy in the State of Louisiana for a designated, temporary period of time subject to restrictions and conditions specified by the Board, as evidenced by a certificate duly issued by and under the official seal of the Board. A permit is of determinate, limited duration, and implies no right or entitlement to a license or to renewal of the permit.

State - any state of the United States, the District of Columbia and Puerto Rico.

Unit of Continuing Education Credit- 10 contact hours of instruction.

Subchapter B. Graduates of American Physical Therapy Schools and Colleges

§105. Scope of Chapter

A. The rules of this Subchapter govern the licensing of physical therapists and physical therapist assistants who are graduates of physical therapy or physical therapist assistant schools located within any state.

§107. Qualifications for License

A. To be eligible for a license as a physical therapist, an applicant shall:

1. be at least 21 years of age;
2. be of good moral character as defined by the previous subchapter;
3. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the Commissioner of Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the Commissioner's regulations thereunder (8C.F.R.)

4. possess a minimum of a Bachelor's of Science degree in Physical Therapy duly issued and conferred by a physical therapy school or program accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE); and

5. have taken the physical therapy licensing examination administered by the Board and achieved a passing score, as set forth in §145.

B. To be eligible for a license as a physical therapist assistant, an applicant shall:

1. be at least 19 years of age
2. be of good moral character
3. have paid all fees
4. have graduated from an associate degree American Physical Therapy Association accredited program;

and

5. have taken the physical therapist assistant licensing examination administered by the Board and achieved a passing score, as set forth in §145.

C. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by and to the satisfaction of the board.

§109. Procedural Requirements

A. In addition to the substantive qualifications specified in §107, to be eligible for a license, an applicant shall satisfy the procedures and requirements for application provided by §§123-129 of this Chapter, and if applicable, the procedures and requirements for examination administered by the Board provided by §§131-149 of this Chapter.

§111. Approved Schools of Physical Therapy or Physical Therapist Assisting

A. Graduation from an approved school is among the qualifications requisite to physical therapist or physical therapist assistant licensure as provided by §107.A.(4) (American graduates), §107.B.(4) and §121 (reciprocity applicants). This qualification will be deemed to be satisfied if the school from which the applicant graduated was approved by the Board as of the date the applicant's degree was issued.

B. A school of physical therapy or physical therapist assisting located in any state which is currently accredited by an accrediting agency recognized by the Council on Post-secondary Accreditation or the United States Commission of Education, or their successors to accredit these programs, shall be concurrently considered approved by the Board.

C. A listing of approved schools of physical therapy and physical therapist assisting shall be kept on the file at the Board office and, periodically, amended and supplemented.

Subchapter C. Graduates of Foreign Physical Therapy Schools

§113. Scope of Subchapter: Definition

A. The rules of this Subchapter specify additional qualifications, requirements and procedures for the licensing of physical therapists who are graduates of foreign physical therapy schools.

B. As used in this Subchapter, the term foreign graduate means a graduate of a physical therapy school not located in any state.

§115. Qualification for License

A. To be eligible for a license as a physical therapist, a foreign graduate applicant shall:

1. possess all of the substantive qualifications for license specified by §107 of this Chapter, except for §107.A.(4);

2. have successfully completed his education in physical therapy that is substantially equivalent to the requirements of physical therapists educated in accredited physical therapy programs in the United States as the board, upon evaluation of the applicants educational program by an approved credentials evaluation service, deems sufficient, however, such substantially equivalent education shall be no less than a total of 120 semester hour credits which includes a minimum of 69 semester hour credits for professional education and a minimum of 42 semester hours of general education as established in a course work evaluation total approved by the board;

3. have completed at least 6 months (with a minimum of 1,000 patient care hours) of postgraduate clinical practice in Louisiana under the direction and supervision of the physical therapist authorized by the board. In order for a period of supervised clinical practice to count toward the 1,000 hours, the permittee must

comply with the following:

- a. supervised clinical practice must be with an approved supervisor and valid permit;
- b. supervised clinical practice must be for at least 3 months in any one facility; and
- c. supervised clinical practice must be documented by having the supervisor complete, in its entirety,

the clinical evaluation form developed and distributed by the Board.

4. have achieved passing scores on standardized English proficiency examinations as approved by the Board if English is not the applicant's native language;

5. have indisputable documentation (with notarized English translation) that he has passed licensure or certification requirements of and is in good standing with the physical therapy licensing or certifying agency in his country of education or home country.

B. The burden of satisfying the Board as to the qualifications and eligibility of the foreign graduate applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the Board.

§117. Procedural Requirements

A. In addition to the substantive qualifications specified in §115, to be eligible for a license, a foreign graduate applicant shall satisfy the procedures and requirements for application provided by §§123-129 of this Chapter and, the procedures and requirements for examination administered by the Board provided in §§131-149 of this Chapter.

Subchapter D. Licensure by Reciprocity

§119. Definition

A. As used in this Subchapter, licensure by reciprocity means the issuance of a license on the basis of licensure by another state pursuant to written examination.

§121. Qualifications for Licensure by Reciprocity

A. An applicant who possesses and meets all of the qualifications and requirements specified by §§107-109 of this Chapter, but who has taken the Board approved licensing exam in another state, shall nonetheless be eligible for licensing if such applicant possesses, as of the time the application is filed and at the time the Board passes upon such application, a current, unrestricted license or its equivalent issued by another state.

B. A foreign Physical Therapy graduate who meets the requirements of Subsections 115.A and 121.A and who has practiced as a licensed physical therapist in another state for at least one year, may, with acceptable documentation of clinical experience, be eligible for licensure by reciprocity as a physical therapist at the discretion of the board. Licensure under this Subsection waives the period of supervised clinical practice set forth in Paragraph 115.A.3 of these rules.

C. To be eligible for licensure under Subsections A and B, all applicants shall have met the continuing education requirements contained in the Practice Act and/or the board rules within the 12 months preceding their application.

Subchapter E. Application

§123. Purpose and Scope

A. The rules of this Subchapter govern the procedures and requirements applicable to application to the Board for licensing as a physical therapist and physical therapist assistant in the state of Louisiana.

§125. Application Procedure

A. Application for licensure shall be made upon forms supplied by the Board.

B. If application is made for licensure on the basis of examination to be administered by the Board, completed applications must be received by the Board no later than 45 days prior to the examination for which the applicant desires to sit.

C. Application for licensure by reciprocity under Subchapter D may be made at any time.

D. Application forms and instructions pertaining thereto may be obtained upon written or verbal request directed to the office of the Board. Application forms will be mailed by the Board within 5 working days of the Board's receipt of request.

E. An application for licensure under this Chapter shall include:

1. proof, documented in a form satisfactory to the Board, that the applicant possesses the qualifications set forth in this Chapter;
2. two recent photographs of the applicant; and
3. such other information and documentation as the Board may require to evidence qualification for licensure.

F. The Board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The Board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

G. Each application submitted to the Board shall be accompanied by the applicable fee, as provided in Chapter 5 of these rules.

H. The applicant for whom supervision is required must forward to the Board, on the required form, the name of the physical therapist who will supervise the clinical practice. The supervisor must be approved by the Board prior to issuance of a temporary permit.

I. After submission of a completed application, an applicant shall, by appointment, make a personal appearance before a member of the Board, or its designee, as a condition to the Board's consideration of such application.

J. To assure equal opportunity for all persons, the board will make reasonable accommodations for an applicant for licensure by examination if the applicant has a qualified disability pursuant to applicable law and is approved by the board. A request for a reasonable accommodation, with supporting documentation, must be submitted in writing to the board during the application process and within a reasonable time before administration of the examination for the board to make a decision regarding the request.

K. Every applicant shall personally sign his application for licensure and oath.

L. An application which is incomplete will be closed after six months of inactivity. At the end of this period, any application which is not completed will be considered abandoned and closed by the board and any fees paid shall not be refunded. Should the applicant re-apply after his incomplete application is closed, he shall be required to begin the process anew which includes the payment of the application fee to the board.

§127. Additional Requirements for Foreign Graduates

A. Any diploma or other document required to be submitted to the Board by a foreign graduate applicant which is not in the English language must be accompanied by a certified translation thereof in English.

B. As a condition to the board's consideration of a foreign graduate application, the board must receive a comprehensive credential evaluation certificate, based upon the Credentialing Coursework Tool, from an approved credentialing agency which includes, but is not limited to, the Foreign Credentialing Commission on Physical Therapy (FCCPT).

C. A foreign graduate must comply with §125, and more in complying with §125 I, the board-approved supervisor shall also attend the personal appearance of the applicant with a member of the board, or its designee, as a condition to the board's consideration of his application.

§129. Effect of Application

A. The submission of an application for licensure to the Board shall constitute and operate as an authorization by the application to each educational institution at which the applicant has matriculated, each state or federal agency to which the applicant has applied for any license permit, certificate or registration, each person, firm, corporation, clinic, office or institution by whom or with whom the applicant has been employed in the practice of physical therapy, each physician or other health care practitioner whom the applicant has consulted or seen for diagnosis or treatment, and each professional organization to which the applicant has applied for membership, to disclose and release to the Board any and all information and documentation concerning the applicant which the Board deems material to consideration of the application. With respect to any such information or documentation, the submission of an applicant for licensure to the Board shall equally

constitute and operate as a consent by the applicant to disclosure and release of such information and documentation and as a waiver by the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for licensure to the Board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the Board and to waive all objections as to the admissibility or disclosure of findings, reports or recommendations pertaining thereto on the grounds of privileges provided by law. The expense of any such examination shall be borne by the applicant.

C. The submission of an application for licensure to the Board shall constitute and operate as an authorization and consent by the applicant to the Board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the Board from other persons, firms, corporations, associations or governmental entities pursuant to Subsections A or B of this Section to any person, firm, corporation, association or governmental entity having a lawful, legitimate, and reasonable need therefore including, without limitation, the physical therapy licensing authority of any state; the Federation of State Boards of Physical Therapy, the Federation of State Medical Boards of the United States, the American Physical Therapy Association and any component state and county or parish medical society; federal, state, county, or parish and municipal health and law enforcement agencies, including the Louisiana Department of Health and Hospitals; and the Armed Services.

Subchapter F. Examination

§131. Designation of Examination

A. The examination approved and administered by the Board pursuant to R.S. 37:2409 shall be standardized and nationally accepted by the Federation of State Boards of Physical Therapy and/or the American Physical Therapy Association.

§133. Eligibility for Examination

A. To be eligible for examination by the Board, an applicant shall possess all qualifications for licensure prescribed by §107.A; provided, however, that an applicant who has completed, or prior to examination will complete, his physical therapy or physical therapist assistant education, but who does not yet possess a degree or certificate as required by §107.A.(4), or §107.B.(4) shall be deemed eligible for examination upon submission to the Board of a letter subscribed by the authorized representative of an approved school certifying that the applicant is in his last semester or term of, or has completed his academic education at such school or college, that the applicant is a candidate for a degree in physical therapy or physical therapist assisting at the next scheduled convocation of such school or college, and specifying the date on which such degree will be awarded.

§135. Dates, Places of Examination

A. Once the application process is completed, including the payment of fees, the applicant will be notified of his eligibility to schedule the examination at any approved testing service. Within 60 days from the date specified in the eligibility letter, the applicant must sit for the examination. If the examination is not taken within the referenced 60 days, the applicant is removed from the eligibility list and must begin the application process again including the payment of the examination cost to the Federation of State Boards of Physical Therapy.

§137. Administration of Examination

A. The Board's licensing examination is administered by an approved testing service and is computer based. The testing service is authorized and directed by the board to obtain positive photographic identification from all applicants appearing and properly registered for the examination; to establish and require examinees to observe an appropriate seating arrangement; to provide appropriate instructions for taking the examinations; to fix and signal the time for beginning and ending the examination; to prescribe such additional rules and requirements as are necessary or appropriate to the taking of the examination in the interest of the examinees of the examination process; and to take all necessary and appropriate actions to secure the integrity of the examination process, including, without limitation, excusing an applicant from the examination or changing an

applicant's seating location at any time during the examination.

B. An applicant who appears for examination shall:

1. present to the appropriate representative of the testing service positive personal photograph and other identification in the form prescribed;
2. fully and promptly comply with any and all rules, procedures, instructions, directions, or requests made or prescribed by the testing service; and
3. pay the site fee for the examination directly to the testing service at the time of registration with the testing service and in the amount and form prescribed by the testing service.

§139. Subversion of Examination Process

A. An applicant-examinee who engages or attempts to engage in conduct which subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in §143 of this Subchapter.

B. Conduct which subverts or undermines the integrity of the examination process shall be deemed to include:

1. refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions, or requests made or prescribed by the chief proctor or an assistant proctor;
2. removing from the examination room or rooms any of the examination materials;
3. reproducing or reconstructing, by copying, duplication, written notes or electronic recording, any portion of the licensing examination;
4. selling, distributing, buying, receiving, obtaining, or having unauthorized possession of a future, current, or previously administered licensing examination;
5. communicating in any manner with any other examinee or any other person during the administration of the examination;
6. copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination;
7. having in one's possession during the administration of the examination any materials or objects other than the examination materials distributed, including, without limitation, any books, notes, recording devices, or other written, printed or recorded materials or data of any kind;
8. impersonating an examinee by appearing for and as an applicant and taking the examination for, as and in the name of an applicant other than himself;
9. permitting another person to appear for and take the examination on one's behalf and in one's name; or
10. engaging in any conduct which disrupts the examination or the taking thereof by other examinees.

§141. Finding of Subversion

A. When, during the administration of examination, there exists reasonable cause to believe that an applicant-examinee is engaging, or attempting to engage, in subversion, action shall be taken as deemed necessary or appropriate to terminate such conduct and such conduct shall be reported to the board.

B. In the event of suspected conduct described by § 139.B. (5) or (6), the subject applicant-examinee shall be permitted to complete the examination, but shall be removed at the earliest practical opportunity to a location precluding such conduct.

C. When the board has reasonable to believe that an applicant has engaged or attempted to engage in conduct which subverts or undermines the integrity of the examination process, the board shall so advise the applicant and provide him with an opportunity for hearing pursuant to the Administrative Procedure Act and applicable rules of the Board governing administrative hearings.

§143. Sanctions for Subversion of Examination

A. An applicant who is found by the Board, prior to the administration of the examination, to have engaged in conduct or to have attempted to engage in conduct, which subverts or undermines the integrity of the examination process may be permanently disqualified from taking the examination and for licensure as a physical therapist or physical therapist assistant in the State of Louisiana.

B. An applicant-examinee who is found by the Board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process shall be deemed to have failed

the examination. Such failure shall be recorded in the official records of the Board.

C. In addition to the sanctions permitted or mandated by §143.A and B, as to an applicant-examinee found by the Board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process, the Board may:

1. revoke, suspend, or impose probationary conditions on any license or permit issued to such applicant;
2. disqualify the applicant, permanently or for a specific period of time from eligibility for licensure in the State of Louisiana; or
3. disqualify the applicant, permanently or for a specified number of subsequent administrations of the examination, from eligibility for examination.

§145. Passing score

A. The Board adopts the criterion-referenced passing point recommended by the Federation of State Boards of Physical Therapy. The passing point shall be a scaled score of 600 based on a scale ranging from 200 to 800.

§147. Restriction, Limitation on Examinations

A. An applicant having failed to attain a passing score upon taking the examination twice shall not be issued a temporary permit. Therefore, the applicant can no longer work in the capacity of a Physical Therapist or Physical Therapist Assistant and must thereafter successfully pass the examination in order to obtain a license to practice in Louisiana.

§149. Lost, Stolen, or Destroyed Examination

A. The submission of an application for examination by the Board shall constitute and operate as an acknowledgment and agreement by the applicant that the liability of the Board, its members, committees, employees and agents, and the State of Louisiana to the applicant for the loss, theft or destruction of all or any portion of an examination taken by the applicant, prior to the reporting of scores thereon by the Examination Service, other than by intentional act, shall be limited exclusively to the refund of the fees paid for examination by the applicant.

Subchapter G. Temporary Permit

§151. Temporary Permits in General

A. With respect to applicants who do not meet or possess all of the qualifications and requirements for licensure, the Board may, in its discretion, issue such temporary permits as are, in its judgment, necessary or appropriate to its responsibilities under law.

B. A temporary permit entitles the holder to engage in the practice of physical therapy in the State of Louisiana only for the period of time specified by such permit and creates no right or entitlement to licensing or renewal of the permit after its expiration.

C. A holder of a temporary permit pending examination or reexamination, whether a domestic or foreign graduate, must schedule and sit for the licensure examination prior to the temporary permit expiration date. An extension of the temporary permit will not be issued beyond the expiration date without written proof of the examination having been taken by the applicant.

D. The board may issue a temporary permit for a limited time period to a physical therapist licensed in another state, or a foreign trained physical therapist credentialed in another country, to perform physical therapy services on a patient as part of an education seminar or athletic event recognized and approved by the board. One or more temporary permits issued to the same person shall not exceed a total of 60 days in a calendar year. Such temporary permit holder shall be obligated to comply with the provisions of the Physical Therapy Practice Act of Louisiana and the board's rules regarding the practice of physical therapy in Louisiana. The temporary permit holder is obligated to obtain the temporary permit prior to his performing physical therapy services pursuant to this paragraph.

§153. Permit Pending Examination

A. An applicant who possesses all of the qualifications for licensure prescribed by §107.A of the Chapter, except for §107.A. (5), and B.5 and who has applied to the Board and completed all requirements for

examination shall be issued a temporary permit to be in effect until the Board submits the applicant's examination scores to him.

B. The physical therapist applicant holding a temporary permit requiring periodic supervision (as defined in §305.A herein) by a Physical Therapist approved by the Board. The physical therapist assistant applicant holding a temporary permit shall require continuous supervision as defined in §305.A. herein.

C. A temporary permit issued under this Section shall expire upon,

1. the tenth day following the permit holders receipt of written notice that he has failed to achieve a passing score on the licensing examination; or
2. the failure of the permit holder to appear for and take the licensing examination for which he has registered.

§155. Permit Pending Re-Examination; Examination Limit; Additional Requirements

A. An applicant who possesses all of the qualifications for licensure prescribed by §107 of this Chapter, except for Paragraphs 107.A.5 and 107.B.5, who has once failed the licensing examination, and who has applied to the board for re-examination within 10 days of receipt of written notice of failure and completed all requirements for re-examination shall be issued a new temporary permit to be effective for no more than 60 days.

B. If an applicant has failed to achieve a passing score on the required examination after three attempts, the applicant may again be examined only upon the board's approval, which approval may be conditioned upon the prior successful completion by the applicant of any additional education or clinical training prescribed by the board.

C. A physical therapist or physical therapist assistant holding a temporary permit issued under this Section may practice physical therapy only with continuous supervision as defined in Subsection 305.A.

D. A temporary permit issued under this Section shall expire upon the earliest of:

1. the expiration of the time period for which the permit was issued;
2. actual receipt by the permit holder of notice from the board that he has failed to achieve a passing score on the licensing examination;
3. the licensee's failure to claim notice of his failure, which was mailed to the licensee by certified mail, return receipt requested, within the time allowed after being notified by the United States Postal Service; or
4. failure of a permit holder to appear for and take the licensing examination within the 60 day permit period.

§157. Permit Pending Reciprocity

A. An applicant for reciprocity who has applied to take the licensing examination for the first time in another state, or has examination scores pending for licensure in that state, may be issued a temporary permit according to §151 and 153 and may practice as a physical therapist under periodic supervision or as a physical therapist assistant under continuous supervision, both as defined in §305.A and §321.B.1. until the applicant has fulfilled all requirements for licensure.

§159. Foreign Graduate Temporary Permit

A. A foreign physical therapy graduate who possesses all of the qualifications for licensure prescribed by §115 of this Chapter, except for §115.A.3, shall be issued a temporary permit to engage in supervised clinical practice under the requirements of §153.B for the purpose of fulfilling in whole or part the requirement of §115.A.3.

B. The holder of a permit issued under this Section shall not engage in the practice of physical therapy in any respect other than within the course and scope of the employment or association for which he is approved by the Board.

C. A temporary permit issued under this Section shall expire, and thereby become null and void and to no effect, on the date specified by such permit.

Subchapter H. License and Permit Issuance, Termination, Renewal, Reinstatement

§161. Issuance of License

A. If the qualifications, requirements, and procedures prescribed or incorporated by §§107-109, §§115-117,

or §121 are met to the satisfaction of the Board, the Board shall issue to the applicant a license to engage in the practice of physical therapy in the State of Louisiana.

B. A license issued by examination (under §107 of this Chapter) shall be issued by the Board within 45 days following the reporting of the applicant's licensing examination score to the Board. A license issued under any other Section of this Chapter shall be issued by the Board within 45 days following the next meeting of the Board after the application is completed in every respect.

C. A licensee shall not copy or otherwise reproduce his license or allow another person to copy or otherwise reproduce his license.

§163. Expiration of Licenses and Permits

A. Every license or permit issued by the Board under this Chapter, shall expire, and thereby become void on the last day of the calendar year in which such license or permit was issued.

B. The timely submission of an application for renewal of a license, as provided by §165 of this Chapter, shall operate to continue the expiring license in full force and effect pending issuance of the renewal license.

§165. Renewal of License

A. Every license or permit issued by the Board on or before October 1 of each year under this Chapter shall be renewed annually on or before December 31 of each year by submitting to the Board an application for renewal together with proof of continuing education on forms supplied by the Board, together with the renewal fee prescribed in Chapter 5 of these rules.

B. An application for renewal for license form shall be mailed by the Board to each person holding a license issued under this Chapter on or before the first day of November of each year. Such forms shall be mailed to the most recent address of each licensee as reflected in the official records of the Board.

§167. Reinstatement of License

A. A license which has expired may be reinstated by the Board subject to the conditions and procedures hereinafter provided.

B. A licensee who fails to timely renew his license, but applies by reinstatement on or before January 31, shall be required to complete the following:

1. the renewal application;
2. pay the renewal fee and the reinstatement fee; and
3. provide a written explanation of his failure to timely renew;
4. reinstatement pursuant to this subsection does not insulate the applicant from disciplinary action for practicing without a current license between January 1 and January 31 of the pertinent year.

C. 1. A licensee who fails to timely renew his license and applies by reinstatement postmarked after January 31, shall be required to complete the following:

- a. the application for reinstatement;
- b. pay the renewal fee and the reinstatement fee;
- c. provide a written explanation of his failure to timely renew; and
or chiropractic, podiatrists, and/or physical therapist who have knowledge of his most recent professional activities.

2. Reinstatement pursuant to this subsection does not insulate the applicant from disciplinary action for practicing without a current license between January 1 and the reinstatement date of the pertinent year.

D. To be eligible for license reinstatement under this Section, all applicants shall have met the continuing education requirements contained in the Rules within the 12 months preceding their application.

Subchapter I. Continuing Education

§169. Requirements

A. Unless exempted under §173, licensees shall successfully complete, document and report to the board at least 1.2 units, or 12 hours of acceptable continuing education credit during each calendar year.

B. Criteria of Acceptability. Acceptable continuing education activities are defined as formally organized and planned instructional experiences of at least two hours duration per sitting; with qualified instructor or

instructors; which may include board-approved home study, videotape, DVD and/or computer courses; and with objectives compatible with the professional continuing education needs of the physical therapist or physical therapist assistant. There are two types of approved courses: clinical/preventative and administrative. The entirety of the annual requirement may be comprised of approved clinical/preventative courses. A maximum of four hours of approved administrative courses will be allowed to be applied to the annual requirement. The minimum attendance requirement of two consecutive hours in duration must be maintained.

1. Continuing Education Activities Specifically Acceptable for License Renewal. Prior Board approval is recommended for all activities other than those specified under Subparagraphs a. and b. below. However, activities listed in category a. below must comply with the criteria of acceptability referenced in §169.B above. Continuing education activities which do not fit into categories §169.B.1.a. and b. below and have not been pre-approved by the Board prior to participation may or may not be acceptable to the Board as fulfilling continuing education requirements.

a. APTA (American Physical Therapy Association) accredited courses, LPTA (Louisiana Physical Therapy Association) accredited courses, APTA home study courses, or Louisiana State University Health Science Center, School of Physical Therapy, sponsored courses.

b. Post-graduate (Master's or Doctoral level) college coursework which is judged germane to the practice of physical therapy by the Board, and is conducted or sponsored by accredited institutions of higher education or by national, regional, or state professional associations or divisions or such associations.

i. One semester hour shall be equal to one unit or 10 hours of continuing education credit.

ii. One quarter hour shall be equal to .7 units or 7 hours of continuing education credit.

2. Prior Approval of Continuing Education Activities.

a. Course sponsors who desire prior approval of a course, program, or other continuing education activity shall apply for approval on a form provided by the Board to the Board at least 45 days in advance of the commencement of the activity. The Board shall approve or deny the application in writing within 30 days of the application. The application shall state the dates, subjects offered, course outline, total hours of instruction, names and qualifications of speakers and other pertinent information. The course sponsor prior approval status allows the sponsor to advertise that this particular activity has been judged acceptable for continuing education credit for license renewal in the state of Louisiana by the Board. The course sponsor is responsible for adherence to the administrative and program criteria as outlined in The CEU, Criteria and Guidelines. A copy of these criteria can be obtained by writing to the Board or to the International Association for Continuing Education and Training. A fee will be charged by the Board for Course Pre-approval.

b. Physical therapist or physical therapist assistant who desire approval of continuing education prior to participation in the activity shall submit an application to the Board on a form supplied by the Board at least 90 days in advance of commencement of the activity. The Board shall approve or deny the application in writing within 60 days of receipt of the application. The application shall state the dates, subjects offered, course outline, total hours of instruction, names and qualifications of speakers, and other pertinent information.

3. Continuing Education Specifically Unacceptable for License Renewal. However valuable for other purposes the Board will not credit the following activities as fulfilling any portion of its continuing education requirements for license renewal.

a. Presenting at Professional meeting, conferences, or conventions.

b. Teaching or Supervision

c. Holding organization offices or fulfilling editorial responsibilities (publications);

d. Participation in or attending case conferences, inservices, Grand Rounds, informal presentations,

etc.;

e. informal self-study (e.g. self-selected reading, participation in a journal club, listening to audio tapes.)

f. continuing education activities less than 2 consecutive hours in duration, or valued at less than .2 units of continuing education credit.

§171. Report Requirements

A. It is the responsibility of each licensee to assure that his continuing education hours are timely reported to the board.

B. The reporting of continuing education hours by course sponsors or licensees shall be made only on forms approved and available by the board. Forms filed by course sponsors or licensees shall be legibly printed or typewritten, and shall be completed and signed by the course sponsor or licensee.

C. Continuing education reporting forms shall be filed with the board no later than December 31 of each year.

D.1. The filing date of continuing education reporting forms, if mailed and properly addressed to the board with sufficient postage, shall be the earliest of:

- a. the legible date of the United States Postal Service postmark: or
- b. an official receipt or certificate from the United States Postal Service made at the time of mailing which indicates the date thereof; or
- c. the date of actual receipt by the board.

2. Legal holidays and days on which the office of the board is officially closed shall not extend the filing deadline specified in Subsection C hereof.

E. Original continuing education documentation, including, but not limited to, certificates of participation, signed by course instructors verifying course attendance and completion, and official college coursework transcripts shall be retained by course sponsors and licensees for a period of three years. Upon request, course sponsors and licensees shall supply the board with such documentation.

§173. Exemptions

A. Physical therapists or physical therapist assistants licensed in Louisiana are exempt from the Subchapter I continuing education requirements during the calendar year in which they graduate from a program accredited pursuant to the Practice Act.

B. Upon approval by the board of a request made in compliance with Subsection C, the board may extend the period for compliance or exempt the following from compliance with the Subchapter I continuing education requirements:

1. licensees on extended active military service for a period in excess of three months during the applicable reporting period; or
2. licensees who are unable to fulfill the requirement because of illness or other personal hardship.

C. Written requests for an exemption under Subsection B, including supporting documentation, must be received by the board at least 90 days prior to the end of the calendar year for which the exemption is sought, or immediately after the licensee becomes aware of the facts or circumstances upon which the exemption is sought, whichever is later.

§175. Noncompliance and Reinstatement

A. Noncompliance. Noncompliance shall include, in part, incomplete reports, unsigned reports, unsigned verification of course completion, failure to report a sufficient number of acceptable continuing education units, or hours as defined in §169.A, or any other matters considered to be noncompliance by the Board.

B. Notice. The Board shall serve written notice of noncompliance on a licensee that his license has lapsed by failing to renew pursuant to R.S. 37:2407. The notice will require the licensee to furnish the Board with the following within thirty (30) days after receipt of the notice of noncompliance:

- (1) A written explanation for the failure to renew; or if applicable,
- (2) An affidavit with documentary proof that the licensee has complied with the continuing education requirements, or an affidavit setting forth the reasons for failure to comply with the continuing education requirements because of illness, other personal hardship or extended active military service during the applicable reporting period and who does not engage in delivering physical therapy services.

C. Finding. If the licensee:

- (1) satisfactorily explains the failure to renew, his license may be reinstated upon payment of the renewal fee for the current year and the reinstatement fee; or
- (2) does not successfully establish compliance or acceptable exemption from compliance with continuing educational requirements, he may be required to take the licensing examination and pay the fees for examination and relicensure. Passage of the examination fulfills the continuing education requirements for the year the noncompliance occurred, but shall not be applicable for subsequent reporting periods.

D. Suspension. Any license not timely renewed, but reinstated, may be suspended by unanimous vote of the

Board, after notice and the opportunity for a hearing pursuant to the Louisiana Administrative Procedure Act and the disciplinary rules and regulations of the Board.

Subchapter J. Responsibilities

§177. Committees

A. The board may appoint committees to assist in the review of applicant's qualifications for licensure; conduct an applicant's interview to deliver a temporary permit; review continuing education requirements and activities; and other purposes deemed necessary by the Board.

§179. Board Meeting Attendance

A. Regularly scheduled meetings of the board are held once each month. Board members are required to attend a minimum of 80 percent of the regularly scheduled meetings, as well as special meetings, open forums or hearings which may be scheduled in conjunction with or separate from regularly scheduled meetings. Attendance constitutes active participation in at least 80 percent of the entire meeting. Exceptions may be granted for good cause by the board. Notification of an expected absence shall be submitted to the board office as soon as possible prior to the commencement of the meeting.

SUBPART 2.PRACTICE

Chapter 3. Practice

Subchapter A. General Provisions

§301. Scope of Chapter

A. The rules of this Chapter govern the practice of physical therapy in the state of Louisiana.

§303. Definitions

A. As used in this Chapter, the following terms and phrases shall have the meanings specified.

Board - the Louisiana State Board of Physical Therapy Examiners which shall be domiciled in Lafayette, Lafayette Parish, Louisiana.

License - the lawful authority of a physical therapist or physical therapist assistant to engage in the practice of physical therapy in the state of Louisiana, as evidenced by a certification duly issued by and under the official seal of the Board. A temporary permit is not a license.

Licensed physical therapist or P.T. - a physical therapist possessing a license issued by the Board under Chapter 1 of these rules.

Licensed physical therapist assistant or P.T.A. - a physical therapist assistant possessing a license issued by the Board under Chapter 1 of these rules.

Nursing Home - place of residence and not a health care facility.

Person - includes a natural person, partnership, corporation, association, or other entity having legal existence, unless the context requires a more limited meaning.

Practice Setting - unless otherwise defined the physical address location in which patient care is performed.

Prescription - a request for diagnostic or therapeutic physical therapy procedure or regimen subscribed by an individual lawfully authorized to make or give such order or directive.

Referral - a request for physical therapy evaluation or treatment made by an individual lawfully authorized to make such request.

State - any state of the United States, the District of Columbia, and Puerto Rico.

Student - a person who is pursuing a course of study leading to a degree as a physical therapist (SPT) or a physical therapist assistant (SPTA) in a professional education program approved by the board and is satisfying supervised clinical education requirements related to his physical therapy education.

§305. Special Definition: Practice of Physical Therapy

A. As used in the definition of *practice of physical therapy* set forth in the Physical Therapy Practice Act, and as used in this Chapter, the following terms shall have their meanings specified.

Consultative Services - providing information, advice, or recommendations with respect to physical therapy, but does not include the administration of physical therapy treatment, and therefore, can be performed without referral or prescription.

Continuous Supervision - responsible, continuous, on-the-premises observation and supervision by a licensed physical therapist of the procedures, functions and practice rendered by a physical therapy technician; student; physical therapist assistant permittee pending licensure by examination or re-examination; and physical therapist temporary permittee who has once failed the licensing examination.

On Premises - that the supervising physical therapist is personally present in the treating facility and immediately available to the treatment area.

Passive Manipulation - manipulation or movement of muscular or joints other than by the spontaneous function of the body or active effort on the part of the patient.

Periodic Supervision - as related to:

- a. *temporary permit* holders who are graduates of APTA accredited programs, shall mean:
 - i. daily face to face or phone communication between the supervising physical therapist and permit holders; and
 - ii. on premises observation of patient care in each of the permittees' practice locations, a minimum of two hours per day with a minimum total of 10 hours per week;
- b. foreign physical therapy graduates, holding a temporary permit, shall mean daily face to face communication and on premises observation of patient care in each of the permittees' practice settings for at least 1/2 of the hours worked each day until the permittee passes the licensing exam. After passing the examination, the permittee shall require on premises observation of patient care in each practice setting a minimum of one hour per day with a minimum total of five hours per week. If the permittee fails the examination on his first attempt, he shall require continuous supervision;
- c. licensed physical therapist assistants and physical therapist assistant permittees pending approval of licensure by reciprocity shall vary according to the treatment facility as outlined in §321.

Physical Therapy Evaluation - the evaluation of a patient by the use of physical and mental findings, objective tests and measurements, patient history, and their interpretation, to determine musculoskeletal and biomechanical limitations, to determine his suitability for and the potential efficacy of physical therapy and the establishment or modification of treatment goals and a physical therapy treatment program.

Physical Therapy Supportive Personnel

- a. *Physical Therapy Technician* - a worker not licensed by this board who functions in a physical therapy clinic, department or business and assists with preparation of the patients for treatment and with limited patient care;
- b. *Physical Therapist Assistant* - a person licensed by the board who is a graduate of an associate degree program in physical therapist assisting accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) or was granted licensure pursuant to R.S. 37:2403.D;
- c. the level of responsibility assigned to physical therapy supportive personnel is at the discretion of the physical therapist, who is ultimately responsible for the care provided by these individuals. Supportive personnel may perform only those functions for which they have documented training and skills. The prohibitions for physical therapy supportive personnel shall include, but not be limited to, interpretation of referrals; performance of evaluations; initiation or adjustment of treatment programs; assumption of the responsibility for planning patient care; or any other matters as determined by the board. The physical therapist shall only delegate portions of the treatment session to a technician only after the therapist has assessed the patient's status.

Preventative Services - the use of physical therapy knowledge and skills by a physical therapist to provide education or activities in a wellness setting for the purpose of injury prevention, reduction of stress and/or the promotion of fitness, but does not include the administrations of physical therapy treatment and, therefore, can be performed without referral or prescription.

Topical Agents/Aerosols - topical medications or aerosols used in wound care which are obtained over the counter or by physician prescription or order.

Wound Care and Debridement - a physical therapist, physical therapist permittee or student physical therapist may perform wound debridement and wound management that includes, but is not limited to, sharps debridement, debridement with other agents, dry dressings, wet dressings, topical agents including enzymes, and

hydrotherapy. A physical therapist assistant, physical therapist assistant permittee or student physical therapist assistant shall not perform sharps debridement. The board's licensees and permittees, as well as students and supportive personnel, shall comply with the supervision requirements set forth in §321.

Written Treatment Plan or Program - written statements made by a physical therapist that specify the measurable goals, specific treatment to be used, and proposed duration and frequency of treatment. The written treatment plan or program is an integral component of a physical therapy evaluation, however, the written treatment plan or program must be completed by the physical therapist prior to delegation of appropriate treatment of a physical therapist assistant.

B. Minimal Standards of acceptable and prevailing physical therapy practice shall include but not be limited to the American Physical Therapy Association Codes of Ethics.

§306 Physical Therapy Services Without Prescription or Referral

A. These rules are intended to facilitate and implement the provisions of LSA-R.S. 37:2410 D. through D. (5)(a). They are meant as practical guidelines, while maintaining flexibility in the rendering of physical therapy services, without eliminating the opportunity for oversight and supervision.

B. As used in LSA-R.S. 37:2410 D. (1), (2) (3) and 5 (a), the following words and phrases shall have the following meaning:

Children: an individual or individuals under the age of twenty-one years.

Patient: an individual receiving treatment through physical therapy services for a diagnosed condition or conditions.

Plan of care: a Written Treatment Plan or Program as defined in rule 305, and incorporating the documentation standards provided for in rule 323 (2).

C. As used in connection with providing the services referred to in LSA-R.S. 37:2410 D. (4):

(1) The word "client" shall mean an individual seeking or receiving information, education and/or recommended activities concerning wellness and preventative services, including conditioning, injury prevention, reduction of stress or promotion of fitness.

(2) Prior to providing services, the physical therapist shall:

(a) perform an initial screening to determine whether treatment or wellness/preventative services are indicated. The therapist shall inform the individual of the screening results and make recommendations for follow-up with the appropriate health care provider if needed.

(b) assess the client's wellness/preventative services needs, and, should wellness/preventative services be indicated and desired, develop a written plan, which describes the wellness/preventative services to be rendered to the client.

D. Regarding physical therapy rendered pursuant to LSA-R.S. 37:2410 D. (5)(a):

(1) *Health Care Provider* rendering a diagnosis - are those Health Care Providers statutorily authorized to make a diagnosis.

(2) Physical therapy treatment for a diagnosed condition or conditions may be rendered after the physical therapist has documented verification that the condition has been diagnosed by a health care provider as set forth in 306 D.1 within the past 90 days.

(3) The Physical Therapist shall provide to this healthcare provider, the plan of care for physical therapy services within 15 days of this intervention as set forth in LSA -R.S. 37:2410 D. (5) (a).

Subchapter B. Prohibitions

§307. Unauthorized Practice

A. No person shall engage in the practice of physical therapy in the state of Louisiana unless he has in his possession a current license or temporary permit duly issued by the Board under Chapter 1 of these rules.

B. A physical therapist shall exercise sound professional judgment based upon his knowledge, skill, education, training, and experience, and shall perform only those procedures for which he is competent. If diagnostically or otherwise the physical therapist becomes aware of findings and/or the need for treatment which are outside the scope of the physical therapist's knowledge, experience, or expertise, the physical therapist shall notify the patient/client and refer the patient/client to an appropriate practitioner.

C. A physical therapist shall use the letters "P.T." in connection with his name or place of business to denote licensure. A physical therapist assistant shall use the letters "P.T.A." in connection with his name to denote licensure. No person shall hold himself out to the public, an individual patient, a physician, dentist or podiatrist, or to any insurer or indemnity company or association or governmental authority as a physical therapist, physiotherapist or physical therapist assistant, nor shall any person directly or indirectly identify or designate himself as a physical therapist, physiotherapist, registered physical therapist, licensed physical therapist, physical therapist assistant, or licensed physical therapist assistant, nor use in connection with his name the letters, P.T., L.P.T., R.P.T., or P.T.A., or any other words, letters, abbreviations, insignias, or sign tending to indicate or imply that the person constitutes physical therapy, unless such person possesses a current license or temporary permit duly issued by the board.

D. A physical therapy student who is pursuing a course of study leading to a degree as a physical therapist in a professional education program approved by the board as 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 physical therapist assistant student who is pursuing a course of study leading to a degree as a physical therapist assistant in a professional education program approved by the board 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.

E. A licensed physical therapist is authorized to engage in the practice of physical therapy as set forth in the Physical Therapy Practice Act and the board's rules which includes, but is not limited to, the performance of physical therapy evaluations, consultative services, wound care and debridement, the storage and administration of aerosol and topical agents, the performance of passive manipulation, and preventative services all as more fully defined in §305.

§309. Exemptions

A. The prohibitions of §307 of this Chapter shall not apply to a person employed by any department, agency, or bureau of the United States Government when acting within the course and scope of such employment, nor shall they prohibit a person from acting under and within the scope of a license issued by an agency of the state of Louisiana.

B. A student shall be exempt from licensure when pursuing a course of study leading to a degree in physical therapy or physical therapist assisting in a professional education program approved by the board and is satisfying supervised clinical education requirements related to his education.

§311. Prohibitions: Licensed or Temporary Permit Physical Therapists

A. A physical therapist shall not:

1. administer or implement any physical therapy treatment measures, procedures, or regimes except upon the prescription or referral of a physician, dentist or podiatrist licensed in any state.
2. administer or use roentgen rays, radium, isotopes, or ionizing radiation;
3. perform any procedure or function for which he is by virtue of education or training, not competent to perform. It is the responsibility of the Board to determine which procedures and functions a Physical Therapist is competent to perform; or
4. undertake to concurrently supervise more than three physical therapy technicians and/or physical therapist assistants, so that the ratio of supportive personnel to supervising licensed physical therapists is not in excess of three-to-one.

B. A physical therapist shall not abuse or exploit the physical therapy provider/patient or client relationship, or his relationship with peers or subordinates for any purpose, including for the purpose of securing personal compensation, gratification, or gain or benefit of any kind or type, any or all of which are unrelated to the provision of physical therapy services, including engaging in inappropriate sexual or inappropriately intimate conduct, which shall include, but not be limited to:

1. engaging in or soliciting a sexual or inappropriately intimate relationship, whether consensual or non-consensual, while a physical therapist or physical therapist assistant/patient or client relationship exists. Termination of the physical therapist/patient or client relationship does not eliminate the possibility that a sexual or inappropriately intimate relationship may exploit the vulnerability of the former patient/client;

2. making sexual advances, requesting or offering sexual favors or engaging in any other verbal conduct or physical contact of a sexual or inappropriately intimate nature with patients or clients; or

3. intentionally viewing a completely or partially disrobed patient in the course of treatment, if such viewing is not reasonably related to patient diagnosis or treatment under current practice standards.

§313. Additional Prohibitions: Temporary Permittees

A. An individual holding a temporary permit issued by the Board pursuant to LAC 46:LIV.151-159 of these rules shall not engage in the practice of physical therapy in the state of Louisiana other than within the scope, and consistent with the terms, conditions and restrictions, of such permit.

B. An individual holding a temporary permit issued by the Board under LAC 46:LIV.153-155 of these rules shall engage in the practice of physical therapy in the state of Louisiana only under the direction and supervision of a licensed physical therapist, which direction and supervision shall be subject to the restrictions and requirements prescribed by § 317 of this Chapter.

C. An individual holding a temporary permit issued by the Board under LAC 46:LIV.159 of these rules shall engage in the practice of physical therapy in the state of Louisiana only under the direction and supervision of, and within the course and scope of employment with, a person licensed to practice physical therapy in this state. Such direction, supervision, and employment shall be subject to the restrictions and requirements prescribed by §319 of this Chapter.

Subchapter C. Supervised Practice

§315. Scope of Chapter

A. The rules of this Subchapter prescribed certain restrictions on and requirements for supervision of physical therapists and physical therapist assistants holding temporary permits, and licensed physical therapist assistants. For purposes of this Subchapter, a physical therapist holding a temporary permit issued by the Board is sometimes referred to as "permittee" and a physical therapist assistant holding a temporary permit is referred to as a "physical therapist assistant permittee".

B. Before working in a school or home health setting, a physical therapist assistant shall have one year of supervised work experience.

§317. General Supervision Requirements for Permittees

A. A physical therapist holding a temporary permit shall engage in the practice of physical therapy only as an employee of a licensed physical therapist or a partnership of licensed physical therapists, or an employee of an individual or entity employing at least one licensed physical therapist who assumes responsibility for the supervision of such permittee.

B. A licensed physical therapist who undertakes to supervise a physical therapist holding a temporary permit under 153 or 155 of these rules shall:

1. undertake to concurrently supervise not more than two (2) permittees;
2. not have been subject, within a period of three years prior to undertaking such responsibility, to administrative action or consent order by the board which resulted in sanction to his physical therapy license. The three-year period shall commence upon satisfactory completion of the sanction;
3. assign to a permittee only such physical therapy measures, treatments, procedures, and functions as such licensed physical therapist has documented that the permittee, by education and training, is capable of performing safely and effectively;
4. be readily available at all times to provide advice to the permittee and to the patient during physical therapy treatment given by a permittee; and
5. provide and perform periodic review of the status of every patient administered to by a permittee and make modifications and adjustments in the patient's physical therapy treatment plan, including those portions of the treatment plan assigned to the permittee.

§319. Additional Supervision Requirements for Foreign Graduate Physical Therapists

A. A foreign graduate physical therapist holding a temporary permit issued under §159 of these rules shall participate in supervised clinical practice only as an employee of a licensed physical therapist or a partnership of

licensed physical therapists, or as an employee of an individual or entity employing at least one licensed physical therapist who assumes responsibility for the education, training, and supervision of such permittee.

B. A licensed physical therapist who undertakes to educate, train, and supervise a foreign graduate physical therapist holding a temporary permit under §159 of these rules shall be subject to the requirements and prohibitions specified by §317 of this Subchapter, and, in addition, shall:

1. have possessed a permanent license to practice physical therapy issued by any state for a period of not less than 18 months prior to undertaking the education, training and supervision of a permittee under this Section.

2. provide the board with a written certification, following the conclusion of a foreign graduate physical therapist's clinical training as required by §115.A.3, that the permittee has accumulated not less than 1,000 hours of actual clinical experience in the practice of physical therapy under the periodic and/or continuous supervision of the licensed physical therapist as required in §§115, 159 and 305.

§321. Supervision Requirements

A. Licensed Physical Therapist Assistant

1. The level of responsibility assigned to the physical therapist assistant pursuant to §321.A is at the discretion of the physical therapist who is ultimately responsible for the care provided by this individual.

2. In acute care facilities, rehabilitation facilities, skilled nursing facilities and out-patient facilities, the supervising physical therapist shall:

a. perform an evaluation and set up a written treatment plan on each patient prior to implementation of treatment;

b. treat and reassess the patient and document on at least every sixth treatment day, but not less than once per month;

c. treat and assess the patient at discharge and write a discharge summary;

d. be on premises weekly (any seven consecutive days) for at least one-half of the physical therapy treatment hours in which the physical therapist assistant is rendering physical therapy treatment;

e. be readily accessible by beeper or phone and available to the patient by the next scheduled treatment session upon request of the patient or physical therapist assistant.

3. In school and home health settings, the supervising physical therapist shall:

a. perform an evaluation and set up a written treatment plan on each patient prior to implementation of treatment;

b. treat and reassess the patient and document on at least every sixth treatment day but not less than once per month;

c. treat and assess the patient at discharge and write a discharge summary;

d. conduct, once weekly and document, a face to face patient care conference with each physical therapist assistant to review progress and modification of treatment programs for all patients;

e. be readily accessible by beeper or phone and available to the patient by the next scheduled treatment session upon request of the patient or physical therapist assistant.

4. In client preventative services rendered by a licensed physical therapist assistant, the supervising physical therapist:

a. shall perform an initial screening to determine if an individual qualifies for preventative services and document;

b. shall provide education or activities in a wellness setting through the establishment of a program for the purpose of injury prevention, reduction of stress and/or the promotion of fitness;

c. shall be readily accessible by beeper or mobile phone;

d. shall conduct and document a face to face conference with the physical therapist assistant regarding each client at least every 30 days commencing with the initiation of the preventative services for that client; and

e. may delegate only those functions to a physical therapist assistant for which he has documented training and skills.

B. Physical Therapist Assistant Permittee

1. The supervising physical therapist shall provide on premises, continuous supervision of the physical therapist assistant permittee pending his licensure by examination or re-examination in all practice settings.

2. The supervising physical therapist shall provide periodic supervision of the physical therapist assistant

permittee pending his licensure by reciprocity as set forth in §321.A.1 and 2 above.

3. A physical therapist assistant permittee shall not be supervised by a physical therapist assistant.

C. Physical Therapy Technician

1. The level of responsibility assigned to a physical therapy technician is at the discretion of the physical therapist who is ultimately responsible for the care provided by the supervised individual(s).

2. In all practice settings, during the provision of physical therapy services, the supervising physical therapist shall provide continuous, in-person supervision of the physical therapy technician.

3. A physical therapy technician may assist a physical therapist assistant only with those aspects of patient treatment which have been assigned to the physical therapy technician by a physical therapist.

4. To ensure the safety and welfare of a patient during ambulation, transfers, or functional activities, the physical therapist assistant may utilize one or more physical therapy technicians for physical assistance.

5. The supervising physical therapist shall provide continuous, in-person supervision of client preventative services rendered by a physical therapy technician as follows:

a. perform and document an initial screening to determine if an individual qualifies for preventative services;

b. establish a wellness program, including education and activities, to promote injury prevention, reduction of stress and/or fitness;

c. delegate only those functions to a physical therapy technician for which the physical therapist has documented the training and skills of the physical therapy technician;

d. be available to the technician for direct and immediate verbal clarification.

D. Student. The supervising physical therapist shall provide continuous, on-premises supervision of a physical therapy or physical therapist assistant student in all practice settings.

E. Supervision Ratio. In any day, a supervising physical therapist shall not provide supervision for more than five individuals, nor exceed the following limitations as to supervised personnel:

1. more than three physical therapist assistants and/or technicians;

2. more than two permittees; or

3. more than five students.

F. Unavailability of Supervising Physical Therapist of Record for Permittees and Students. If, for any reason, a supervising physical therapist of record cannot fulfill his supervisory obligations:

1. for less than one week, a licensed physical therapist in good standing may supervise in his stead. In such case, the substitute physical therapist is not required to be approved by the board; however, the board approved supervisor, the substitute supervisor, as well as the supervised individual(s), shall be responsible for the care provided by those supervised;

2. for one week or more, the supervising physical therapist shall send written notification to the board for approval of a new supervising physical therapist during his period of absence.

§323. Documentation Standards

A. A written record of physical therapy provided shall be kept on each patient or client served. A complete record shall include written documentation of prescription or referral, initial evaluation, treatment provided, P.T./P.T.A. conferences, progress notes, reassessment, and patient status at discharge.

1. A prescription or referral is a written request for physical therapy signed by a qualified practitioner which may initially be a verbal order but must be later confirmed in writing. The verbal order shall be documented by the physical therapist in the patient's record. If the verbal order is not confirmed in writing, then the physical therapist shall send a written communication requesting a written prescription or referral to the prescribing practitioner within 15 days of commencement of treatment or by the fifth treatment session, whichever occurs first. A copy of the written communication to the prescribing or referring practitioner must be maintained in the patient's record.

2. An initial physical therapy evaluation is the written documentation of patient history, pertinent medical diagnosis, signs, symptoms, objective tests or measurements, and the physical therapist's interpretation of such findings, as well as goals and written treatment plan or program as defined in §305. The initial physical therapy evaluation shall be documented and signed by the physical therapist performing the evaluation no later than seven consecutive days from the performance of the evaluation. An initial physical therapy evaluation shall not be documented or signed by a physical therapist assistant or other supportive personnel.

3. Progress note is the written documentation of the patient's subjective status, changes in objective findings, and progression or regression toward established goals. A progress note shall be written and signed by the attending physical therapist or physical therapist assistant and shall not be written or signed by a physical therapy technician. A progress note shall be written a minimum of once per week, or if the patient is seen less frequently, then at every visit.

4. Reassessment is the written documentation which includes all elements of a progress note as well as the interpretation of objective findings with a revision of goals and treatment plan as indicated. A reassessment must be written once per month, or if the patient is seen less frequently, then at every visit. A reassessment shall be written and signed by the attending physical therapist. A reassessment shall not be written or signed by a physical therapist assistant or other supportive personnel.

5. Treatment Record is the written documentation of each patient visit which includes specific treatment and/or any equipment provided which shall be signed or initialed by the attending physical therapist or physical therapist assistant. A treatment record shall be maintained only if a progress note is not written for each patient visit. A treatment record may be in the form of a checklist, flow sheet, or narrative.

6. P.T./P.T.A. conference is the written documentation of the face-to-face conference held to discuss the status of the patient seen in the home health or school settings.

7. Discharge Summary is the written documentation of the reasons for discontinuation of care, degree of goal achievement and a discharge plan which shall be written and signed by the attending physical therapist. A discharge summary shall not be written or signed by a physical therapist assistant or other supportive personnel. A discharge summary shall be written at the termination of physical therapy care.

B. The documentation standards set forth above do not mandate a particular format, however, a complete physical therapy record must include these elements.

C. A signature stamp shall not be used in lieu of a written signature on physical therapy patient records. Forms of electronic signatures, established pursuant to written policies and mechanism to assure that only the author can authenticate his own entry, are acceptable.

D. Documentation by a student must be co-signed by the supervising physical therapist or supervising physical therapist assistant.

Subchapter D. Disciplinary Proceedings

§325. Causes for Administrative Action

A. The Board, after due notice and hearing as set forth herein and the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., may refuse to issue a license or temporary permit, or suspend, revoke, or impose probationary conditions and/or restrictions on the license or temporary permit of a person on a finding that the person has violated the Physical Therapy Practice Act of Louisiana, R.S. 37:2401 et seq., or any of the Rules and Regulations promulgated thereto, LAC 46:LIV.301 et seq.

§327. Definitions

A. A person who "attempts to or attains a license by fraud or misrepresentations," as used in R.S. 2413.A.2 of the Physical Therapy Practice Act, means and includes a person who:

1. makes any representation to the Board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to an application for a license or temporary permit under Chapter 1 of these rules; or

2. makes any representation, or fails to make a representation or engages in any act or omission which is false, deceptive, fraudulent, or misleading in achieving or obtaining any of the qualifications for a license or permit required by Chapter 1 of these rules.

B. As used in R.S. 37: 2413.A.4 of the Physical Therapy Practice Act, a "felony" means a crime defined as such under the laws of the United States, or of any state. The term "convicted", as applied to a licensed physical therapist or physical therapist assistant, the holder of a temporary permit or an applicant for such license or permit, means that a judgment has been entered against such person by a court of competent jurisdiction on the basis of a finding or verdict of guilty or a plea of guilty or nolo contendere. Such a judgment provides cause for administrative action by the Board so long as it has not been reversed by an appellate court of competent jurisdiction and notwithstanding the fact that an appeal or other application for relief from such judgment is

pending.

C. As used in R.S. 37: 2413.A3.5 of the Physical Therapy Practice Act, "habitually intemperate" means:

1. repeated excessive use or abuse of alcohol; or
2. the ingestion, self-administration, or other use of legally controlled substances or other medications affecting the central nervous system other than pursuant to and in accordance with a lawful prescription.

D. As used in R.S. 37:2413.A.5 of the Physical Therapy Practice Act, the phrase "addicted to the use of habit forming drugs" means physiological dependence on any legally controlled substance or any other medication with a potential for inducing physiological or psychological dependence or tolerance.

E. As used in R.S. 37: 2413.A.7 of the Physical Therapy Practice Act, the term *unprofessional conduct* means:

1. departure from, or failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice in the state of Louisiana, regardless of whether actual injury to a patient results therefrom, including, but not limited to:

- a. failure to use sound professional judgment;
- b. performing procedures for which the physical therapist is not competent; or
- c. failure to inform and refer the patient/client to an appropriate practitioner, when the physical therapist becomes aware of findings and/or the need for treatment which are outside the scope of the physical therapist's competence;

2. conviction of any crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or related to the practice of physical therapy;

3. making or participating in any communication, advertisement, or solicitation which is false, fraudulent, deceptive, misleading or unfair, or which contains a false, fraudulent, deceptive, misleading or unfair statement or claim;

4. disclosure to a third-party not involved in a patient's care, without such patient's prior written consent, or information or records relating to the physical therapy provider patient relationship, except when such disclosure is otherwise required or permitted by law;

5. initiation or continuation of physical therapy services that are contraindicated or cannot reasonably result in a beneficial outcome; or

6. abuse or exploitation of the physical therapy provider/patient or client relationship for the purpose of securing personal compensation, gratification, or gain or benefit of any kind or type, any or all of which are unrelated to the provision of physical therapy services, including engaging in inappropriate sexual or inappropriately intimate conduct, which shall include, but not be limited to:

- a. engaging in or soliciting a sexual or inappropriately intimate relationship, whether consensual or non-consensual, while a physical therapist or physical therapist assistant/patient or client relationship exists;
- b. making sexual or inappropriately intimate advances, requesting or offering sexual favors or engaging in any other verbal conduct or physical contact of a sexual or inappropriately intimate nature with patients or clients; or
- c. intentionally viewing a completely or partially disrobed patient in the course of treatment if such viewing is not reasonably related to patient diagnosis or treatment under current practice standards;

7. violation of La. R.S. 37:1745 will subject a physical therapist to disciplinary action. La. R.S. 37:1745 provided in pertinent part:

...

(2) "Health care provider: means a person, partnership, or corporation licensed by the state to provide health care or professional services as a physician, chiropractor, dentist, dental hygienist, podiatrist, optometrist, physical therapist, psychologist, licensed professional counselor, registered or licensed practical nurse, pharmacist, and any officer, employee, or agent thereof acting in the course and scope of his employment.

(B). No health care provider shall offer, make, solicit, or receive payment, directly or indirectly, overtly or covertly, kind as or in-kind, for referring or soliciting patients. Payments representing a return on investment based upon a percentage of ownership are not considered a direct or indirect payment for the purposes of this Section.

F. As used in R.S. 2413.A.8 of the Physical Therapy Practice Act, the phrase "engages directly or indirectly in the division, transferring, assigning, rebating, or refunding of fees received for professional service with a referring practitioner or any relative or business associate of that referring practitioner" means the following:

1. exploitation of the physical therapy referral mechanism whereby the referring practitioner receives compensation, payment, or anything of value, including but not limited to rental fees in excess of fair market value, or any other unearned monies or value in kind, in return for the patient referral when the physician or any other referring practitioner does not have an ownership interest in the physical therapy practice at issue.

§329. Disciplinary Process and Procedures

A. The purpose of the following rules and regulations is to supplement and effectuate the applicable provisions of the Louisiana Administrative Procedure Act, R.S.49:950 et seq., regarding the disciplinary process and procedures incident thereto. These rules and regulations are not intended to amend or repeal the provisions of the Louisiana Administrative Procedure Act, and to the extent any of these rules and regulations are in conflict therewith, the provisions of the Louisiana Administrative Procedure Act shall govern.

B. A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

C. The purpose of a disciplinary proceeding is to determine contested issues of law and fact; whether the person did certain acts or omissions and, if he did, whether those acts or omissions violated the Physical Therapy Practice Act or rules and regulations of the Board of Physical Therapy Examiners; and to determine the appropriate disciplinary action.

D. Pursuant to the Health Insurance Portability Act of 1996, Public Law 104-191, the board is required to report certain information, including final adverse actions it has taken against its licensees, to the secretary of Health and Human Services of the United States for recordation in the Health Integrity and Protection Data Bank. The board may delegate an agent, such as the Federation of State Boards of Physical Therapy, to act on its behalf to report information and submit queries to the Health Integrity and Protection Data Bank as required by Federal law, as amended.

§331. Initiation of Complaints

A. Complaints may be initiated by any person or by the Board on its own initiative. A licensee or temporary permittee is obligated to report violations of the Practice Act, board's rules or the American Physical Therapy Association's Code of Ethics, Guides for Professional Conduct and Standards of Practice. Failure by a licensee or temporary permittee to report such violations to the board subjects the licensee or temporary permittee to disciplinary action.

§333. Informal Disposition of Complaints

A. Some complaints may be settled informally by the Board and the person accused of a violation, without a formal hearing. The following types of informal dispositions may be utilized:

1. Disposition by Correspondence. For complaints less serious, an agent of the Board may write to the person explaining the nature of the complaint received. The person's subsequent response may satisfactorily explain the situation, and the matter may be dropped. If the situation is not satisfactorily explained, it shall be brought before the Board for a formal or informal hearing.

2. Conference or Informal Hearing.

a. An agent or agents of the Board, may hold a conference with the person, in lieu of, or in addition to correspondence, in cases of less serious complaints. If the situation is satisfactorily explained in conference, a formal hearing is not scheduled.

b. The person shall be given adequate notice of the conference, of the issues to be discussed, and of the fact that information brought out of the conference may later be used in a formal hearing. Board members may be involved in informal hearings.

3. Settlement. An Agreement worked out between the person making the complaint and the person accused of a violation does not preclude disciplinary action by the Board of Physical Therapy Examiners. The nature of the offense alleged and the evidence before the Board must be considered.

§335. Consent Order

A. An order involving some type of disciplinary action may be made by the Board with the consent of the person. A consent order requires formal consent of a quorum of the Board. It is not the result of the Board's

deliberation; it is the Board's acceptance of an agreement reached between the Board and the person. The order is issued by the Board to carry out the parties' agreement.

§337. Formal Hearings

A. The Board of Physical Therapy Examiners has the authority, granted by R.S. 37:2413, to bring administrative proceedings against persons to whom it has issued a license to practice as a physical therapist or physical therapist assistant or any applicant requesting a license. The Board and the person accused of a violation are the parties to the proceeding. The person has the right to appear and be heard, either in person or by counsel; the right of notice, a statement of what accusations have been made; the right to present evidence and to cross-examine; and the right to have witnesses subpoenaed.

B. If the person does not appear, either in person or through counsel, after proper notice has been given, the person may be considered to have waived these rights and the Board may proceed with the hearing without the presence of the person.

C. The process of disciplinary proceeding shall include certain steps and may include other steps as follows:

1. The Board of Physical Therapy Examiners received a complaint alleging that a person has acted in violation of the Physical Therapy Practice Act. Communications from the complaining party shall be privileged and shall not be revealed to any person except when such documents are offered for evidence in a formal hearing and except those documents being subpoenaed by a court.

2. a. The complaint is investigated by the Board's agent or attorney to determine if there is sufficient evidence to warrant disciplinary proceedings. No Board member may communicate with any party to a proceeding or his representative concerning any issue of fact or law involved in that proceeding, once notice of the proceeding has been served, and said member has notice thereof.

b. A decision to initiate a formal complaint or charge is made if one or more of the following conditions exist:

i. the complaint is sufficiently serious;

ii. the person fails to respond to the Board's correspondence concerning the complaint;

iii. the person's response to the Board's letter or investigation demand is not convincing that no action is necessary;

iv. an informal approach is used, but fails to resolve all of the issues.

3. A sworn complaint is filed, charging the violation of one or more of the provisions of the Physical Therapy Practice Act and/or the rules and regulations promulgated thereto and the specific violation thereof.

4. A time and place for a hearing is fixed by the chairman or an agent of the Board.

5. a. At least twenty days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent by registered mail to the last known address of the person accused. If the mailing is not returned to the Board, it is assumed to have been received. It is the person's obligation to keep the Board informed of his whereabouts.

b. The content of the charges limits the scope of the hearing and the evidence which may be introduced. The charges may be amended at any time up to ten days prior to the date set for the hearing.

c. If the Board is unable to describe the matters involved in detail at the time the sworn complaint is filed, this complaint may be limited to a general statement of the issues involved. Thereafter, upon the person's request, the Board shall supply a more definite and detailed statement to the person.

6. Except for extreme emergencies, motions requesting a continuance of a hearing shall be filed at least five days prior to the time set for the hearing. The motion shall contain the reason for the request, which reason must have relevance to due process.

7. a. The chairman, or an authorized agent of the Board, issues subpoenas for the Board for disciplinary proceedings, and when requested to do so, may issue subpoenas for the other party. Subpoenas include:

i. a subpoena requiring a person to appear and give testimony; and

ii. a subpoena duces tecum, which requires that a person produce books, records, correspondence, or other materials over which he has control.

b. A motion to limit or quash a subpoena may be filed with the Board, but not less than seventy-two hours prior to the hearing.

8. a. The hearing is held, at which time the Board's primary role is to hear evidence and argument, and to reach a decision. Any Board member who, because of bias or interest, is unable to assure a fair hearing, shall

be recused from the particular proceeding. The reasons for the recusal are made part of the record. Should the majority of the Board members be recused for a particular proceeding, the governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding.

b. The Board is represented by its agent who conducted the investigation and presents evidence that disciplinary action should be taken against the person and/or by the Board's attorney. The person may present evidence personally or through an attorney, and witnesses may testify on behalf of the person.

c. Evidence includes the following:

i. oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition; (cost of the deposition is borne by requesting party)

ii. documentary evidence, i.e., written or printed materials including public, business or institutional records, books and reports;

iii. visual, physical and illustrative evidence;

iv. admissions, which are written or oral statements of a party made either before or during the hearing;

v. facts officially noted into the record, usually readily determined facts making proof of such unnecessary.

d. All testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

9. The chairman of the Board presides and the customary order of proceedings at a hearing is as follows:

a. The Board's representative makes an opening statement of what (s)he intends to prove, and what action, (s)he wants the Board to take.

b. The person, or her/his attorney, makes an opening statement, explaining why (s)he believes that the charges against her/him are not legally founded.

c. The Board's representative presents the case against the person.

d. The person, or her/his attorney, cross-examines.

e. The person presents evidence.

f. The Board's representative cross-examines.

g. The Board's representative rebuts the person's evidence.

h. The person surrebuts the evidence against her/him.

i. Both parties make closing statements. The Board's representative makes the initial closing statement and the final statement.

10. Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time, according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally since they become part of the record of the proceeding.

11. a. The record of the hearing shall include;

i. all papers filed and served in the proceeding;

ii. all documents and other materials accepted as evidence at the hearing;

iii. statements of matters officially noticed;

iv. notices required by the statutes or rules, including notice of the hearing;

v. affidavits of service or receipts for mailing or process or other evidence of service;

vi. stipulations, settlement agreements or consent orders, if any;

vii. records of matters agreed upon at a prehearing conference;

viii. reports filed by the hearing officer, if one is used;

ix. orders of the Board and its final decision;

x. actions taken subsequent to the decision, including requests for reconsideration and rehearing;

xii. a transcript of the proceedings, if one has been made, or a tape recording or stenographic record.

b. The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript.

12. a. The decision of the Board shall be reached according to the following process:

i. Determine the facts in issue on the basis of the evidence submitted at the hearing.

ii. Determine whether the facts in the case support the charges brought against the person.
iii. Determine whether charges brought are a violation of the Physical Therapy Practice Act or rules and regulations of the Board of Physical Therapy Examiners.

b. The vote of the Board shall be recorded. A majority vote of the Board, or a majority vote of the quorum of the Board in attendance at the hearing, shall be necessary to render a decision, unless otherwise agreed upon by the parties. Minority views may be made part of the record.

c. Sanctions against the person who is party to the proceeding are based upon the findings of fact and conclusions of law determined by the hearing. The party is notified by mail of the decision of the Board.

13. a. The Board may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party who is dissatisfied with a decision of the Board files a petition requesting that the decision be reconsidered by the Board.

b. The Board shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the Board's decision has been appealed.

c. A petition by a party for reconsideration or rehearing must be in proper form and filed within ten days after notification of the Board's decision. The petition shall set forth the grounds for the rehearing, which include one or more of the following:

- i. The Board's decision is clearly contrary to the law and evidence;
- ii. There is newly discovered evidence by the party since the hearing which is important to the issues and which the party could not have discovered with due diligence before or during the hearing;
- iii. There is a showing that issues not previously considered ought to be examined in order to dispose of the case properly; or
- iv. It would be in the public interest to further consider the issues and the evidence.

§339. Withdrawal of A Complaint

A. If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the Board judges the issues to be of such importance as to warrant completing the investigation in its own right and in the interest of public welfare.

§341. Refusal to Respond or Cooperate with the Board

A. If the person does not respond to the original inquiry within a reasonable period of time as requested by the Board, a follow-up letter shall be sent to the person by registered or certified mail, return receipt requested.

B. If the person refuses to reply to the Board's inquiry or otherwise cooperate with the Board, the Board shall continue its investigation. The Board shall record the circumstances of the person's failure to cooperate and shall inform the person that the lack of cooperation may result in action which could eventually lead to suspension or revocation of license, or other appropriate legal action under the law.

§343. Emergency Action

A. If the Board finds that public health, safety, and welfare requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined.

§345. Judicial Review of Adjudication

A. Any person whose license has been revoked, suspended or denied by the Board shall have the right to have the proceedings of the Board reviewed by the state district court having jurisdiction over the Board, provided that such petition for judicial review is made within thirty days after the notice of the decision of the Board. If judicial review is granted, the Board's decision is enforceable in the interim unless the court orders a stay.

§347. Appeal

A. A person aggrieved by any final judgment rendered by the state district court may obtain a review of said final judgment by appeal to the appropriate circuit court of appeal. Pursuant to the applicable section of the

Louisiana Administrative Procedure Act, LSA R.S. 49:965, this appeal shall be taken as in any other civil case.

§349. Reinstatement of Suspended or Revoked License

A. Application for reinstatement of a revoked license must be made in accordance with the requirements of initial licensure in Louisiana.

B. The application for reinstatement of a suspended license does not require satisfaction of the requirements for initial licensure.

C. Prior to reinstatement of a license previously revoked or suspended (except for non-payment of fees), a hearing is held before the Board to afford the applicant with the opportunity to present evidence that the cause for the revocation or suspension no longer exists and to provide an opportunity for the Board to evaluate changes in the person and/or conditions.

§351. Declaratory Statements

A. The Board may issue a declaratory statement in response to a request for clarification of the effect of the provisions contained in the Physical Therapy Practice Act, R.S. 37:2401 et seq., and/or the Rules and Regulations promulgated in accordance thereto, Title 46:103 et seq.

1. A request for declaratory statement is made in the form of a petition to the Board. The petition should include at least:

- a. the name and address of the petitioner;
- b. specific reference to the statute or rule and regulation to which the petitioner relates;
- c. a concise statement of the manner in which the petitioner is aggrieved by the rule or statute or by its potential application to her/him, in which (s)he is uncertain of its effect.

2. Said petition shall be considered by the Board within a reasonable period of time taking into consideration the nature of the matter and the circumstances involved.

3. The declaratory statement of the Board on said petition shall be in writing and mailed to the petitioner at the last address furnished to the Board.

§353. Injunction

A. The Board may cause to issue in any competent court of law a writ of injunction enjoining any person from unlawfully practicing physical therapy, until such person obtains a license pursuant to the provisions of the Physical Therapy Act, R.S. 37:2401 et seq., and/or any rules and regulations promulgated thereto. This injunction shall not be released upon the posting of a bond by the person. The provisions of R.S. 37:2416 shall further govern the use and effects of this procedure.

§355. Substance Abuse Recovery Program

A. In lieu of suspension or revocation of a license or the denial of an application for a license, to practice physical therapy or physical therapist assisting, the board may permit an applicant or licensee to actively participate in a board-approved substance abuse recovery program if:

1. the board has evidence that he applicant or licensee is impaired, which includes substance abuse;
2. the applicant or licensee has not been convicted of a felony relating to substance abuse, which includes alcohol or drug abuse, in a court of law of the United States or a court of law of any state or territory, or another county;
3. the applicant or licensee enters into a written Consent Order with the board for a license with appropriate restrictions and he timely complies with all the terms of the Consent Order, including maintaining satisfactory progress in the program and adhering to limitations on the licensee's practice imposed by the board to protect the public; and

4. as part of the Consent Order, the applicant or licensee shall sign a waiver allowing the substance abuse program to release information to the board if the applicant or licensee does not comply with the requirements of the Consent Order or the program or is unable to practice or work with reasonable skill or safety.

B. Failure to enter into a Consent Order pursuant to this Rule shall precipitate the board's right to pursue formal disciplinary action against the applicant or licensee which may result in denial, suspension, or revocation of a license to practice physical therapy or physical therapist assisting after due notice and hearing.

C. Failure to comply with the requirements of the Consent Order or the substance abuse program or the

inability to practice or work with reasonable skill or safety shall result in denial, suspension or revocation of a license to practice physical therapy or physical therapist assisting after due notice and hearing.

D. The applicant or licensee shall be responsible for any costs associated with the Consent Order and/or the substance abuse program.

SUBPART 3. FEES

Chapter 5. Fees

§501. Fees

A. The Board may collect the following fees:

1. Application.....200.00
2. Re-instatement.....75.00
3. Annual renewal of License Fee.....115.00
4. License Verification.....40.00
5. Duplicate Wall License Fee..... 50.00
6. Duplicate Wallet License Fee..... 20.00

B. The annual renewal fee provided in this Rule shall be received by the Board office prior to January 1 of each year.

C. If the annual renewal fee is received by the Board office on or subsequent to January 1, the applicant shall apply for reinstatement pursuant to §167 and shall pay the renewal fee and the reinstatement fee.

D. The board may assess reasonable charges with regards to administrative business expenses.