

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

A. 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

A. 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.(1) 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.

(2)(a) For the treatment of a condition within the scope of physical therapy, other than under the circumstances provided for in Subsection C of this Section, a physical therapist may implement physical therapy treatment with or without a prescription or referral of a person licensed to practice medicine, surgery, dentistry, podiatry, or chiropractic if the physical therapist meets one of the following criteria:

- (i) The physical therapist has a doctorate degree in physical therapy from an accredited institution.
- (ii) The physical therapist has five years of licensed clinical practice experience.

(b) If, after thirty calendar days of implementing physical therapy treatment pursuant to this Paragraph, the patient has not made measurable or functional improvement, the physical therapist shall refer the patient to an appropriate healthcare provider. The board shall take appropriate disciplinary action against any physical therapist who fails to refer a patient pursuant to this Paragraph.

(3) No physical therapist shall render a medical diagnosis of a disease.

(4)(a) The provisions of this Section shall not be construed to have any effect on the provisions of R.S. 23:1121 or R.S. 23:1203.1

(b) The provisions of this Section shall not be construed to have any effect on the monetary limit provided for in R.S. 23:1142.

C. Physical therapy services may be performed without a prescription or referral under any of 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) Notwithstanding any provision of law or rule to the contrary, the supervision requirements of a physical therapist assistant shall only be the following:

(a) It is the responsibility of each physical therapist to determine the number of physical therapist assistants he can supervise safely; however, in no case shall the number of individuals supervised by a physical therapist exceed five individuals, nor exceed the following limitations as to supervised personnel:

(i) No more than four physical therapist assistants or technicians or any combination thereof.

(ii) No more than two provisional licensees.

(iii) No more than five students.

(b) A supervising physical therapist is responsible for and shall participate in the patient's care.

(c) A supervising physical therapist shall be readily accessible by beeper or telephone and available to the patient by the next scheduled treatment session upon request of the patient or physical therapist assistant.

(d) 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.

(e) A supervising physical therapist shall hold documented conferences with the physical therapist assistant regarding the patient. The physical therapist is responsible for determining the frequency of the conferences consistent with accepted standards of practice; however, such conferences shall occur at least every sixth treatment day or every thirty days, whichever occurs first.

(f) A supervising physical therapist shall treat and reassess the patient at least every sixth treatment day or every thirty days, whichever occurs first.

(g) A supervising physical therapist shall treat the patient for his final treatment session when feasible and write a discharge summary.

(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.

(4) Notwithstanding any rule or regulation to the contrary, for the purposes of supervision of physical therapist assistants by a physical therapist, a nursing home as defined by R.S. 40:2009.2(1) shall not be defined as a place of residence or as a home health setting. Any rule or regulation to the contrary shall be null and void. Supervision requirements for a physical therapist assistant performing treatments in a nursing home shall be consistent regardless of whether the patient is in a skilled or non-skilled nursing bed.

§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

A. 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

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LIV. Physical Therapy Board
Subpart 1. Licensing and Certification

Chapter 1. Physical Therapists & Physical Therapist Assistants
Subchapter A. Board Organization

§103. Board Domicile

- A. The domicile of the board is Lafayette, Louisiana.

§105. Meetings

A. Meetings. Meetings of the board shall be held at least six times a year to transact business. Regular meetings shall be scheduled by the board in advance and the date and time of such meetings posted on the board website. Special meetings may be called by the chairman of the board, or at the request of five members of the board.

B. Location. Unless otherwise noticed, board meetings shall be held at the board office in Lafayette. The board may meet at other locations as determined by the board with notice of such location posted at least five days prior to the meeting date. The location of the meeting shall not be changed after such notice is given without reasonable notice of such change provided to all board members and to others who have requested such notification.

C. Notice. Notice of all meetings of the board shall be posted at the board office, on the board website and in any other manner prescribed by the Administrative Procedure Act or Open Meetings Law.

D. Quorum. Any four members of the board shall constitute a quorum for any business before the board. A majority vote of those present in a meeting is required for passage of a motion before the board.

E. Open Meetings. All board meetings and hearings shall be open to the public. The board may, in its discretion and according to law, conduct any portion of its meeting in executive session, closed to the public and may request the participation in such executive session of staff members or others as may be needed for consideration of the business to be discussed in executive session.

F. Attendance. Board members are expected to attend a minimum of 80 percent of the regularly scheduled meetings, special meetings, open forums and 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 by the board for good cause. Notification of an expected absence shall be submitted to the board office as early as possible prior to the commencement of the meeting.

G. Rules of Order. The most current edition of Robert's Rules of Order shall govern all proceedings of the board unless otherwise provided by board rules or policy.

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

§107. Officers

- A. The officers of the board shall be a chairman and secretary-treasurer.

B. The chairman shall preside at all board meetings and shall, when available, represent the board at official functions.

- C. The secretary-treasurer shall act in place of the chairman when the chairman is not present or available.

D. The secretary-treasurer shall oversee board finances and present financial reports to the board as requested and shall review and advise on board investments as directed by the board.

E. Officers of the board shall be elected annually at a meeting to be held during the month of January and shall serve a one-year term or until the election of their successors. An officer elected to a position vacated before the end of its term shall serve only for the remainder of that term.

§109. Committees

A. Special Committees. Board committees are working bodies created and appointed by the board to assist in carrying out specific board functions. Such committees shall report to the board with recommendations on those issues which have been delegated to the committee for exploration.

B. Advisory Committee. The board may appoint an Advisory Committee not to exceed nine members to assist in the review of applicants qualifications for licensure; conduct applicant interviews; review continuing education activities and courses; and other duties deemed necessary by the board.

§111. Compensation

A. Per diem, as authorized by La. R.S. 37:2404, shall be paid to board members and committee members for each day during which they are attending regular or called board meetings, attending to official business of the board, or attending a board related or board sanctioned conference or activity, including travel days to and from these meetings, conferences, and related board activities. Per diem does not negate reimbursement for meals, lodging, and other expenses incurred as a result of these meetings, conferences, and related activities.

§113. Finances

A. Self Funding. The board shall be a self-sustaining body and shall generate sufficient revenues from fees and assessments to maintain effective and efficient operations.

B. Administrative Costs. Board orders in disciplinary proceeding may require the Respondent to reimburse the board for travel, meals, per diem, the cost of investigators, stenographers, attorneys, and other reasonably associated costs in order to recoup expenses attributable to a specific disciplinary case.

C. Budget. The board shall adopt an annual operating budget at a meeting which will allow timely filing with Division of Administration schedules.

D. Special Funds. The board may receive and expend funds in addition to its annual or biennial receipts, from parties other than the state, when the following conditions are met.

1. Such funds are awarded for the pursuit of a specific objective which the board is authorized to accomplish by this Chapter, or which the board is qualified to accomplish by reason of its jurisdiction or professional expertise.

2. Such funds are expended for the pursuit of the objective for which they are awarded.

3. Activities connected with or occasioned by the expenditures of such funds do not interfere with the objective performance of the board's duties and responsibilities, and do not conflict with the exercise of the board's powers as specified by this Chapter.

4. Such funds are identified in the budget.

5. Periodic reports are made to the board concerning the receipt and expenditure of such funds.

E. Travel Expenses. Board members, committee members and employees shall be entitled to reimbursement of actual expenses reasonably necessary for attending board or committee meetings or for representing the board or participating in board-approved activities. The board shall adopt policies to provide guidance to the executive director in determining "reasonable" expenses.

§115. Applicable Laws

A. Board procedures and operations shall adhere to the Administrative Procedures Act, La. R.S. 49:950 and following; the Open Meetings Law, La. R.S. 42:4.1 and following; the Public Records Act, La. R.S. 44:1 and following; and other state and federal laws to which board activities are subject.

§117. Executive Director

A. The Board shall appoint an Executive Director to carry out the administrative work of the board and shall designate the duties and responsibilities of the Executive Director in a job description for that position.

§119. Affiliations

A. The board may join and pay dues to such professional organizations and associations organized to promote the improvement of standards of practice in physical therapy or to advance and facilitate the operation of the board as an entity. In participating in such organizations or associations, the board may accept reimbursement of conference fees and travel expenses as are available generally to organizational members of those organizations or associations.

§121. 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 Practice Act, La. R.S. 37:2401 and following, and/or the board's rules, Title 46:103 and following.

1. A request for a 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 petition 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 his concern.
2. The petition shall be considered by the board within a reasonable period of time taking into consideration the complexity of the issues raised and the board's meeting schedule.
 3. The declaratory statement of the board in response to the petition shall be in writing and sent to the petitioner at the last address furnished to the board and shall be made available on the board website.

Subchapter B. General Provisions

§123. Definitions

A. As used in this Title, the following terms and phrases, defined in the Practice Act, La. R.S.37:2401–2424, shall have the meanings specified here.

Active Status—the current state of a license which classifies the licensee as holding a current and valid license and being in good standing.

Administrative Complaint—a sworn statement of allegations prepared by board counsel and filed with the board which includes a statement of the matters asserted and reference the particular Sections of the statutes and rules involved, the filing of which initiates a contested disciplinary proceeding.

American Physical Therapy Association—APTA

Applicant—a person who has applied to the board for a license 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 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.

Board—the Louisiana Physical Therapy Board (formerly the Louisiana State Board of Physical Therapy Examiners) created by La. R.S. 37:2403 within the Louisiana Department of Health and Hospitals, acting through its members as a body or through its executive director and staff carrying out the rules, policies and precedents established by the board.

Board Order—a final decision of the board issued in a contested proceeding or in lieu of such proceeding, which may include findings of fact and conclusions of law, separately stated.

CAPTE—the Commission on Accreditation of Physical Therapy Education

Client—a person seeking or receiving information, education and/or recommendations for activities related to wellness and preventive services including conditioning, injury prevention, reduction of stress, or improvement in fitness.

Clinical Instructor—a PT or a PTA supervising a student pursuing a career in the physical therapy profession.

Clinical Supervisor—a PT selected with approval of the board with at least three years of clinical experience who directly supervises the licensee in the clinical environment.

Confidentiality—all records of a PT or PTA who has successfully completed or is actively participating in the non-disciplinary alternative program shall not be subject to public disclosure, and shall not be subject to discovery in legal proceedings except as required by federal and state confidentiality laws and regulations. The records of a PT or PTA who fails to comply with the program agreement or who leaves the program without enrolling in an alternative program in the state to which the practitioner moves, or who subsequently violates the Louisiana Physical Therapy Act or the board rules, shall not be deemed confidential except for those records protected by federal and state confidentiality laws and regulations.

Consultative Services—when a PT provides information, advice, or recommendations with respect to physical therapy, but does not undertake to provide or supervise physical therapy treatment. Consultative Services can be provided to the public or to other health care providers without referral or prescription.

Contact Hour—60 minutes of continuing education instruction.

Contested Case—a disciplinary proceeding in which the legal rights, duties, or privileges of a Respondent are to be determined by the board after an opportunity for an adjudicative hearing.

Continuing Education—education beyond the basic preparation required for entry into the profession and directly related to the performance and practice of physical therapy. Courses and activities shall meet the content criteria set forth in §195.

Continuous Supervision—where the Supervising PT of Record is physically present in the same treatment area to provide observation and supervision of the procedures, functions and practice rendered by a PT or PTA student or PT technician.

CWT—the Coursework Tools for Foreign Educated PTs (CWT) were developed by the FSBPT as a standardized method to evaluate the educational equivalence of foreign educated PTs. Each CWT reflects the minimum general and

professional educational requirements for substantial equivalence at the time of graduation with respect to a US first professional degree in physical therapy.

Criminal History Record Information—information collected by state and federal criminal justice agencies on applicants and licensees consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision, and release, but does not include intelligence for investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.

Disciplinary Action—the imposition of a sanction by the board which may include reprimand, probation, suspension, or revocation of a license, and other appropriate requirements.

Discharge Summary—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 Supervising PT of Record.

Documented Conferences—as used in La. R.S. 37:2418F(2)(e), see Patient Care Conference definition.

Dry Needling—a physical intervention which utilizes filiform needles to stimulate trigger points in a patient's body for the treatment of neuromuscular pain and functional movement deficits. Dry Needling is based upon Western medical concepts and does not rely upon the meridians utilized in acupuncture and other Eastern practices. A physical therapy evaluation will indicate the location, intensity and persistence of neuromuscular pain or functional deficiencies in a physical therapy patient and the propriety for utilization of dry needling as a treatment intervention. Dry needling does not include the stimulation of auricular points.

Foreign Educated PT Applicant—a person whose education as a PT was obtained in a program not accredited by CAPTE.

FSBPT—the Federation of State Boards of Physical Therapy

Good Moral Character—as applied to an applicant or licensee means the aggregate of qualities evidenced by past conduct, social relations, or life habits, which actually provide persons acquainted with the applicant or licensee a basis to form a favorable opinion regarding his ethics and responsibility to duty. In addition, to achieve and maintain Good Moral Character, an applicant or licensee shall provide accurate, complete and truthful information to the board and shall not, at any time, commit any act or omission which provides a basis for disciplinary actions or violations under La. R.S. 37:2420 or La. R.S. 37:2421.

Graduated, Graduation or Graduate – having completed all requirements, including clinical experience, at a CAPTE accredited program for physical therapists or physical therapist assistants. If an educational program certifies that the degree is assured and will be conferred at a later date, an applicant will be considered to have graduated and become a graduate.

HIPDB—Healthcare Integrity and Protection Data Bank—the Secretary of the U.S. Department of Health and Human Services, acting through the Office of Inspector General (OIG), was directed by the Health Insurance Portability and Accountability Act of 1996 to create the Healthcare Integrity and Protection Data Bank (HIPDB) to combat fraud and abuse in health insurance and health care delivery. The HIPDB is primarily a flagging system that may serve to alert users that a comprehensive review of a practitioner's, provider's, or supplier's past actions may be prudent. The HIPDB is intended to augment, not replace, traditional forms of review and investigation, serving as an important supplement to a careful review of a practitioner's, provider's, or supplier's past actions.

Impairment or Impaired—impairment or impaired means a condition that causes an infringement on the ability of an individual to practice, or assist in the practice, of physical therapy with reasonable skill and safety to patients. Impairment may be caused by, but is not limited to, alcoholism, substance abuse, addiction, mental and/or physical conditions.

Informal Conference—a meeting held pursuant to La. R.S. 49:961.C with a Respondent and an Investigative Committee of the board to determine whether a disciplinary case should proceed.

In Good Standing—describes a person who holds a current, valid license from the board and who has no pending or active disciplinary actions or sanctions against that license. The board is the ultimate arbiter of whether a licensee is in good standing at a given time.

Investigative Committee—the panel designated by board policy to investigate complaints and to conduct Informal Conferences in disciplinary matters, typically composed of one or more board members, the executive director, investigator and legal counsel.

Jurisprudence—the body of law applicable to the practice of physical therapy in Louisiana including the Practice Act and the rules promulgated by the board.

Jurisprudence Examination—an open book examination made up of multiple choice and/or true/false questions covering information contained in the Practice Act and board rules.

Legend Drug—any drug intended for use by humans which carries on its label any of the following: "caution: Federal law prohibits dispensing without a prescription", "Rx," or "Rx only."

Legend Device—any device intended for use by humans which carries on its label "Rx," "Rx Only," or a statement that federal law restricts the device to sale by or on the order of a licensed healthcare practitioner.

Letter of Concern—a statement placed in the permanent record maintained by the board for a licensee who has been brought to the board for questionable conduct but whose actions have not been found to merit disciplinary action. A letter of concern shall not be reportable to HIPDB and shall not be published with board disciplinary actions.

License—the lawful authority of a PT or PTA 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.

Louisiana Physical Therapy Practice Act—Practice Act

Minimal Standards of Acceptable and Prevailing Physical Therapy Practice—include, but are not limited to, those set forth in the Code of Ethics and related documents of APTA.

Moral Turpitude—baseness, vileness, or dishonesty of a high degree and contrary to community standards of justice, honesty, or good morals.

Notice—a statement of the intended date, time, place, and nature of a meeting or hearing, and the legal authority and jurisdiction under which a hearing is to be held. Notice may include a formal complaint filed to initiate a contested disciplinary proceeding.

NPTE—the National Physical Therapy Examination administered by the FSBPT.

On Premises—the Supervising PT of Record is personally present in the treating facility and immediately available to the treatment area.

Participate—as used in La. R.S. 37:2418F(2)(b) means that a Supervising PT of Record assumes responsibility for the care which he and those under his supervision provide to patients, provides appropriate treatment and that, at a minimum, the PT will:

- a. perform the initial evaluation and document the patient's plan of care;
- b. treat and reassess the patient at least every sixth treatment day or every 30 days, whichever occurs first;
- c. treat the patient for the final treatment session unless the patient is physically unavailable; and
- d. write the discharge summary.

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

Patient Care Conference—a meeting between a PTA who is providing patient care and the PT supervising that care to discuss the status of patients. This conference shall be conducted where the PT and PTA are both physically present at the same time and place.

Per Diem—compensation to a board member or committee member for each day during which he is attending regular or called board meetings, attending to official business of the board, or attending a board related or board sanctioned conference or activity, including travel days to and from these meetings, conferences, and related board activities.

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

Physical Therapist—a person licensed by the board who is a graduate of a CAPTE accredited program with a minimum of a bachelor's degree or a foreign-educated PT who has been granted a license pursuant to the Practice Act.

Physical Therapist Assistant—a person licensed by the board who is a graduate of an associate degree program in physical therapist assisting accredited by CAPTE or who was granted licensure pursuant to the Practice Act.

Physical Therapy Evaluation—the written documentation of physical and cognitive findings, objective tests and measurements, patient history, pertinent medical diagnosis, signs, symptoms, and the PT's interpretation of such findings, as well as goals and a treatment plan or program as defined in §123. The initial physical therapy evaluation shall be documented and signed by the PT performing the evaluation within seven days after performing the evaluation. An initial physical therapy evaluation shall not be documented or signed by a PTA or any other personnel.

Physical Therapy Technician—a worker not licensed by the 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.

Physiotherapy—physical therapy.

Practice Setting—unless otherwise defined, the physical location where patient care is performed or client services provided. Practice setting may also refer to the type of organization which provides physical therapy services, such as an outpatient clinic, hospital, nursing home, rehab facility, school or the delivery of home healthcare.

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

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

Progress Note—written documentation of the patient's subjective status, changes in objective findings, and progression to or regression from established goals.

Provisional License—a temporary license issued to a PT or PTA graduate applicant pending results of a fixed-date examination, to a foreign-graduate PT applicant pending completion of the supervised clinical practice as required by §137, or to a PT licensed elsewhere and working temporarily in Louisiana as part of an education seminar or athletic event under the provisions of §147.

PT—physical therapist

PTA—physical therapist assistant

Reassessment or Reevaluation—written documentation which includes all elements of a progress note as well as the interpretation of objective findings compared to the previous evaluation with a revision of goals and treatment plans as indicated.

Reciprocity—the acknowledgment and licensure by the board of a PT or PTA licensed by another state pursuant to procedures established by the board.

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

Reprimand—a form of censure by the board of a licensee for violation of the Practice Act or Rules.

Respondent—a licensee who is the subject of an informal complaint or an administrative complaint alleging violation of the Practice Act or board rules.

Revocation—the withdrawal of a license issued by the board, terminating the right and privilege of practicing physical therapy in Louisiana.

RPTP—the Recovering Physical Therapy Program adopted by the board.

RPTP Agreement—a document approved by the board containing provisions which identify requirements for successful participation in the RPTP, including, but not limited to, evaluation, treatment, after care, testing, monitoring, supervision reports, meeting attendance, and practice restrictions.

RPTP Compliance—conforming to the requirements of the Recovering Physical Therapist Program Agreement.

State—Any state of the US, the District of Columbia and Puerto Rico.

Student—a person who is pursuing a course of study leading to a degree in physical therapy or physical therapist assisting from a professional education program certified by CAPTE and approved by the board, and who is pursuing supervised clinical education requirements related to his physical therapy education.

Summary Suspension—the suspension of a license by emergency board action which requires a licensee to immediately cease practice pending disciplinary proceedings provided by law.

Supervising PT of Record— The PT who performs the initial evaluation and establishes a plan of care for a patient or a PT who has most recently reevaluated or treated the patient.

Suspended License—restricting the licensee's privilege to practice physical therapy or physical therapist assisting for a specified period of time.

Topical Agents/Aerosols—medications used in physical therapy treatment which are applied to the skin and obtained over-the-counter, by prescription or order, or from a licensed distributor.

Treatment Plan or Program—documentation created by a PT specifying the measurable goals, specific treatments to be used and the proposed duration and frequency of treatment; is an integral component of a PT evaluation and must be completed by the PT prior to delegating appropriate treatment to a PTA or PT technician.

Treatment Record—the written documentation of each patient visit which includes specific treatment and/or any equipment provided which shall be signed or initialed by the Supervising PT of Record or PTA.

When Feasible—as used in La. R.S. 37:2418F (2)(g), means whenever the patient is still physically available to receive treatment and assessment.

Wound Debridement—patient care provided by a PT, provisionally licensed PT, or student PT, which removes non-living tissue from pressure ulcers, burns and other wounds as part of wound management, including but not limited to, sharps debridement, debridement with other implements or agents and application of topical agents including enzymes.

Written Record of Physical Therapy—documentation including the prescription or referral (if it exists), the initial evaluation, treatment notes, notes of patient care conferences, progress notes, reevaluations or reassessments, and patient status at discharge documenting the complete course of patient care.

§125. Additional Definitions

A. As used in La. R.S. 37:2418 C. (1) (2) (3) (4) (5), the following words and phrases shall have the following meaning.

Child or Children—an individual or individuals under the age of 21 years.

Patient—An individual receiving treatment through physical therapy services for a diagnosed condition or conditions.

Plan of Care—a Treatment Plan or Program as defined in §123, and incorporating the documentation standards provided for in §341.

Subchapter C. Graduates of American Physical Therapy Schools and Colleges

§127. Scope of Subchapter

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

§129. Qualifications for License, Provisional License

- A. To be eligible for a license as a PT, an applicant shall:
1. be at least 21 years of age;
 2. be of good moral character as defined in these rules;
 3. have paid all fees required by the board;
 4. be a citizen of the US or possess valid and current legal authority to reside and work in the US duly issued by the US immigration authorities under and pursuant to the Immigration and Nationality Act (66 Stat.163) and duly promulgated regulations;
 5. possess a minimum of a bachelor's of science degree in Physical Therapy and have completed an academic education from a school duly accredited by CAPTE; as set forth in §175.
 6. have achieved a passing score on the NPTE as set forth in §169; and
 7. furnish the board with his social security number.
- B. To be eligible for a license as a PTA, an applicant shall:
1. be at least 19 years of age;
 2. be of good moral character as defined in these rules;
 3. have paid all fees required by the board;
 4. have graduated from a physical therapist assistant program accredited by CAPTE; as set forth in §175;
 5. have achieved a passing score on the NPTE as set forth in §169;
 6. be a citizen of the US; and
 7. furnish the board with his social security number.
- C. The burden of satisfying the board as to the qualifications and eligibility of an applicant for licensure is 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.
- D. To be eligible for a provisional license as a PT or PTA, a CAPTE graduate applicant shall possess all of the qualifications for license in this section except §129.A.6.

§131. Procedural Requirements

A. In addition to the substantive qualifications specified in §129, to be eligible for a license, an applicant shall satisfy the procedures and requirements for application provided by §§149–153 of this Chapter and, if applicable, the procedures and requirements for examination approved by the board as set forth in §§155–161 of this Chapter.

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

A. Graduation from an approved school is among the qualifications requisite to physical therapy or physical therapist assistant licensure as provided by §129.A.5 for American graduates, and §129.B.4 and §145 for reciprocity applicants. This qualification is 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 for Higher Education Accreditation, the US Department of Education, CAPTE, or their successors, shall be concurrently considered approved by the board.

Subchapter D. Graduates of Foreign Physical Therapy Schools

§135. Scope of Subchapter: Definition

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

B. As used in this Subchapter, the term foreign graduate means a person whose education in physical therapy was obtained outside the US in a program not accredited by CAPTE.

§137. Qualification for License, Provisional License

A. To be eligible for a provisional license as a PT, a foreign graduate shall:

1. possess all of the substantive qualifications for license specified by §129 of this Chapter, except for §129.A.5;
2. have successfully completed a physical therapy education curriculum that is substantially equivalent to the requirements for PTs educated in U.S. physical therapy schools. Using a course work evaluation tool approved by the board, as required by §139.D, an approved credentials evaluation service shall determine the substantial equivalence of the applicant's education. Such education shall include no less than 150 total semester-hour credits including no less than 90 semester-hours credits of physical therapy education and no less than 60 semester-hour credits of general education;

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

4. have acceptable documentation, with notarized English translation, that he has met the requirements to practice physical therapy in the country of education and is in good standing with, the physical therapy licensing or certifying agency in his country of education;

5. possess valid and current legal authority to reside and work in the US duly issued by US immigration authorities under the pursuant to the Immigration and Nationality Act (66 Stat.163) and duly promulgated regulations; and

6. furnish the board with his/her social security number. A provisional license to practice as a physical therapist in the State of Louisiana will not be issued until submission of a copy of the social security card.

B. The burden of satisfying the board's requirements and qualifications for licensure as a foreign graduate is upon the applicant. An applicant shall not be deemed to possess required qualifications unless the applicant demonstrates and evidences such qualifications in the manner satisfactory to the board.

C. To be eligible for a full license as a PT, a foreign graduate applicant shall possess all of the qualifications for license in this section and must have completed at least six months of approved supervised clinical practice as required in §331.

§139. Licensing Procedures for Foreign Educated Applicants

A. A foreign educated PT applicant must complete the license application process set forth in §137 if applying for licensure by examination or, as set forth in §145, if applying for licensure by reciprocity.

B. The board will issue a license only after the applicant is physically present in the US and has met all requirements for licensure.

1. To meet the requirements of §137.A.6 the applicant shall obtain a work visa to reside and seek employment in the US issued by the federal immigration authorities, produce the original, and provide a copy of the work visa to the board.

C. Designated Representative Letter

1. An applicant may designate a person as a representative by providing a written authorization to the board which includes the name, telephone number, and address of the person stating that the person will be the designated representative for the applicant.

2. This authorization must be notarized by a notary of the country in which the applicant resides and sent directly to the board. A copy of the notarized authorization shall be sent to the designated representative by the applicant.

3. A designated representative may obtain confidential information regarding the application.

4. The authorization to represent an applicant will be valid until the applicant receives his provisional license or the board is notified in writing by the applicant that the designated representative has been terminated or replaced. An applicant may have only one designated representative at any time.

5. The designated representative is not required by the board to have power of attorney for the applicant. A designated representative or power of attorney for an applicant may not sign for the applicant any document requiring the notarized signature of the applicant. Documents submitted by a designated representative or power of attorney for the applicant must be submitted in accordance with the requirements set by the Practice Act and rules. Any falsification of, or misrepresentation in, documents required for licensing submitted by a designated representative or a person with power of attorney for the applicant may result in denial of license or other penalties to the applicant.

D. Credentials Evaluation. A foreign graduate PT applicant must submit to the board a credentials evaluation of professional education and training prepared by a board-approved credentialing entity using the Course Work Tool. The board will maintain a list of approved credentialing entities on its website. The credential report must have been prepared no more than eighteen months prior to the date of the application for licensure, and must be submitted to the board directly by the credential evaluation agency. The applicant is responsible for any expense associated with the credentials evaluation.

1. The credentials evaluation must provide documentation that the applicant's education from outside a state or territory of the US is substantially equivalent to the education of a PT who has graduated from a physical therapy education program accredited by CAPTE. The evaluation must also establish that the institution at which the applicant received his physical therapy education is recognized by the Ministry of Education or an equivalent agency in that country.

2. To determine substantial equivalency, the credentialing evaluation entity shall use a Course Work Tool (CWT) adopted by the FSBPT and approved by the board.

3. To determine substantial equivalency, the entity shall use the version of the CWT in place at the time of entry by the applicant into the US.

4. To be considered substantially equivalent to the requirements established in this rule, the applicant's foreign education must contain evidence of the content and distribution of coursework identified in the appropriate coursework evaluation tool identified in Paragraph D.3 of this rule.

5. An evaluation prepared by a credentialing agency reflects only the findings and conclusion of that agency, and shall not bind the board. If the board determines that the applicant's education is not substantially equivalent to an entry-level physical therapy program accredited by CAPTE, the board will notify the applicant in writing, identifying the deficiencies.

E. If a document required by this title is in a language other than English, the applicant shall arrange for its translation into English by a translation service acceptable to the board and shall submit a translation signed by the translator attesting to its accuracy.

F. The board-approved clinical supervisor for a foreign PT graduate applicant shall attend with the applicant the personal interview scheduled with a member of the board, or its designee, as a condition for the board's consideration of the license application.

§141. Guidelines for Board-approved Education Credentialing Entities

A. The credentialing entity will review all of an applicant's post-secondary education credentials earned outside of the US. The applicant must have completed, with a passing grade of A, B, C, Pass or Credit, 60 semester hours credit or the equivalent in general education courses from an accredited institution of higher learning. This general education requirement may be met by credits earned at U.S. colleges or universities, by College Level Examination Program (CLEP) credits, or Advanced Placement (AP) according to standards of the American Council on Education. The number of credits earned by CLEP or AP may not exceed 12 semester credits.

B. The credentialing entity must attest that the institution attended by the applicant was accredited by the Ministry of Education or the equivalent in that country.

C. All foreign PT applicants must demonstrate the ability to communicate in English by achieving no less than the minimum score accepted by the board on board-approved English proficiency tests. For graduates of entry-level physical therapy programs in other foreign countries, the board may grant an exception to the English Proficiency test if the applicant holds a current license in physical therapy in another state and has been licensed in the U.S. for no less than 10 years prior to application.

D. The credentialing entity must attest that the applicant is, or was, licensed or authorized to practice in the country in which the entry-level degree in physical therapy was granted. If there is no licensure or official authorization in such country, the applicant must be eligible for unrestricted practice there. The board may waive this requirement for an applicant who is not licensed in the country of education due to a citizenship requirement of that country.

1. If the application is for licensure by examination, the license or authorization in such country must be current and in good standing at the time of application.

2. If the application is for licensure by reciprocity, and the applicant has passed the NPTE meeting Louisiana standards, the license or authorization to practice must have been in good standing at the time the license or authorization in such country expired.

E. The credentialing entity must attest that the applicant has successfully completed an educational program substantially equivalent to U.S. programs accredited by CAPTE and has earned the equivalent of no less than 90 semester hours of professional physical therapy education.

F. If the degree awarded is substantially equivalent to a degree in physical therapy as awarded by CAPTE-accredited programs in the US, the credentialing entity must use the Coursework Evaluation Tool for Foreign Educated PTs (CWT), as developed by the FSBPT when evaluating an applicant's credentials. The version of the tool used must correspond at minimum to the year the entry-level degree was awarded. Education deficiencies must be identified and must indicate the subjects and credit hours necessary to satisfy the requirements of the CWT. If the degree received by the applicant is from a CAPTE-accredited program located outside the U.S., the program is considered equivalent to a domestic CAPTE-accredited physical therapy program, and the applicant is exempt from meeting the requirements of the CWT.

§143. Procedural Requirements

A. In addition to the substantive qualifications specified in §137, to be eligible for licensure, a foreign PT applicant shall satisfy the procedures and requirements for application provided by §§149–153 of this Chapter and, the procedures and requirements for examination administered by the board provided in §§155–161.

Subchapter E. Licensure by Reciprocity

§145. Qualifications for Licensure by Reciprocity

A. Application for licensure by reciprocity under Subchapter E may be made at any time.

B. An applicant who possesses and meets all of the qualifications and requirements specified by §§129–133 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.

C. A foreign PT graduate who meets the requirements of Subsections 137.A. and 145 and who has practiced as a licensed PT in another state for at least one year, may, with acceptable documentation of clinical experience, be eligible for licensure by reciprocity as a PT at the discretion of the board. Licensure under this Subsection waives the period of supervised clinical practice set forth in Paragraph §137.A.3 of these rules.

D. To be eligible for licensure under Subsections A and B, applicants shall have met the continuing education requirements contained in the Practice Act and/or board rules within the 24 months preceding their application.

E. An applicant who has not practiced physical therapy for a period of three or more years shall be subject to these additional requirements.

1. An applicant who has not practiced physical therapy for more than three years but less than ten years shall complete the following activities to bring the applicant to the current level of physical therapy practice:

- a. various education activities, which includes a review and discussion with a mentor in the appropriate practice setting of 25 physical therapy journal articles;
- b. a remedial educational program approved by the board; and
- c. supervised clinical practice for a period designated by the board.

2. An applicant who has not practiced physical therapy for more than ten years shall be subject to these additional requirements:

- a. supervised clinical practice for a period designated by the board of no less than three months under the direct, on-site supervision of a board approved PT who has practiced no less than three years with a Louisiana license in good standing;
- b. completion of the General Practice Review Tool offered by the FSBPT and satisfactory completion of continuing education courses to bring the applicant's knowledge to current standards;
- c. a supervision agreement must be approved by the executive director before a provisional license will be issued. The supervision agreement shall be in force for the entire supervised clinical practice. The provisional licensee may only practice in those facilities and under the supervision of the PT named in the approved supervision agreement. Any changes in practice sites or supervisors must be submitted in a proposed revised supervision agreement and approved prior to the change taking place. At the end of the supervisory period, the Supervising PT of Record shall report to the board satisfactory or unsatisfactory completion of the supervision period. If an unsatisfactory supervision period is reported by the Supervising PT of Record, the Board, in its discretion, may require an additional three month supervisory period; and
- d. complete remedial courses which may be prescribed by the board.

§147. Temporary Reciprocal Provisional License

A. The board may issue a provisional license for a limited time period to a PT licensed in another state, or a foreign educated PT 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. A provisional license may not be issued to the same person for more than 60 days in a calendar year. Such provisional license holder shall be obligated to comply with the provisions of the Practice Act and the board's rules regarding his practice of physical therapy in Louisiana. The provisional license holder shall obtain the provisional license prior to providing physical therapy services in the State of Louisiana.

Subchapter F. License Application

§149. Purpose and Scope

A. The rules of this Subchapter govern the procedures and requirements for application to the board for licensing as a PT and PTA in the state of Louisiana.

§151. Requirements

A. Application for licensure shall be made upon forms supplied by the board. Application forms and instructions may be obtained from the board's website. Upon written request, an application form shall be mailed to the applicant.

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

1. a fully completed application using the form provided by the board;
2. proof, documented in a form satisfactory to the board, that the applicant possesses the qualifications set forth in this Chapter;
3. one recent passport size color photograph of the applicant taken within six months of the application date;
4. such other information and documentation as the board may require to evidence qualification for licensure and completion of the requirements for licensure; and
5. the application fees due from an applicant shall follow the fee schedule described in §501.

C. An applicant for whom clinical supervision is required must forward to the board for approval, on the required form, the name of the PT who will supervise his clinical practice. The supervisor must consent to the supervision and be approved by the board prior to issuance of a provisional license.

D. After submission of a completed application, an applicant shall, by appointment, meet personally with a member of the board, or a designee of the board, as a prerequisite to completion of the application process.

E. In addition to any other requirements established by regulation, the board may require an applicant, as a condition for eligibility for initial licensure:

1. to submit a full set of fingerprints, in a form and manner prescribed by the board;
2. to authorize the board to obtain state and national criminal history record information on the applicant;
3. to collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board for state and national criminal history record information on the applicant.

F. In accordance with the provisions and procedures prescribed by this Section, the board may request and obtain state and national criminal history record information from the Louisiana State Police and the FBI relative to any applicant for licensure whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.

G. Upon request by the board and upon the board's submission of an applicant's fingerprints, and such other identifying information as may be required, the Louisiana State Police shall conduct a search of its criminal history record information relative to the applicant and report the results of its search to the board within 60 days from receipt of any such request. The board shall pay to the Louisiana State Police a processing fee pursuant to La. R.S. 15:587 for conducting and reporting on any such search.

H. If the criminal history record information reported by the Louisiana State Police to the board does not provide grounds for disqualification of the applicant for licensure under the applicable law administered by the board, the board shall have the authority to forward the applicant's fingerprints and such other identifying information as may be required to the FBI with a request for a search of national criminal history record information relative to the applicant.

I. Any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, investigators, agents, and attorneys in evaluating the applicant's eligibility or qualification for licensure. No such information or records shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

J. 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 and instructions. 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 for consideration of an application.

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

L. To assure equal opportunity for all persons, and in accordance with the Americans with Disabilities Act, Public Law 101-336, the board shall 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. The board requires notification of an applicant's disability no later than receipt of a completed application form and fee. The notification by the applicant should include the type of accommodation required. A copy of the tests performed and the diagnosis made by a physician qualified to administer such tests must be submitted with objective documentation of the disability. Accommodations to be made by the board should be reasonable in that they should not impose undue hardship on the board. Accommodations for persons with disabilities may include accommodations that are reasonably appropriate for the

disability and are not limited to extended time for the examination, a map of the examination facility indicating wheelchair accessible entrances, elevators, restrooms, and examination rooms.

M. Every applicant shall personally complete, sign, and date his application for licensure and oath. The application must be notarized by a notary in the country in which the applicant resides and forwarded directly to the board.

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

§153. Effect of Application

A. Submission to the board of an application for licensure constitutes authorization by the applicant 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 the application. With respect to such information or documentation, the submission of an application for licensure to the board constitutes consent by the applicant for 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 be entitled to.

B. By submission of an application to the board for licensure or renewal, an applicant agrees to submit to physical, mental, or substance abuse examinations or evaluations, if, when, and in the manner directed by the executive director, and waives all objections to the admissibility or disclosure of findings, reports or recommendations to the board on grounds of privacy or privileges provided by law. The expense of any such examination or evaluation shall be borne by the applicant.

C. Submission of an application for licensure constitutes authorization 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 FSBPT, APTA and its state affiliates; federal, state, county, or parish and municipal health and law enforcement agencies, including the Louisiana Department of Health and Hospitals; and the Armed Services.

D. An applicant who submits false information may be denied licensure by the board.

E. If the board rejects an application for licensure, the reasons for the rejection shall be provided to the applicant. The applicant may submit additional information and request reconsideration by the board. If the applicant remains dissatisfied, a formal hearing may be requested.

Subchapter G. Examination

§155. Designation of Examination

A. The examination approved by the board pursuant to La. R.S. 37:2414 shall be standardized and nationally accepted by FSBPT and/or APTA.

§157. Eligibility for Examination

A. To be eligible for examination by the board, an applicant shall possess all qualifications for licensure prescribed by §129.A. However, an applicant who has completed, or will complete prior to examination, his physical therapy or physical therapist assistant education, but who does not yet possess a degree or certificate as required by §129.A.4 or §129.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 has completed all academic education at such school or college, that a degree in physical therapy or physical therapist assisting will be conferred at the next scheduled convocation of such school, and specifying the date on which such degree will be awarded.

§159. Dates, Places of Examination

A. Once the application process, including the payment of fees is completed, the applicant will be notified of his eligibility to schedule the examination with an approved testing service.

§161. 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; and to take all necessary and appropriate actions to secure the integrity of the examination process.

B. An applicant for examination shall pay the site fee for the examination directly to the testing service at the time of scheduling with the testing service and in the amount and manner prescribed by the testing service.

C. An applicant who appears for examination shall:

1. present to the appropriate representative of the testing service positive personal photographic and other identification in the form prescribed; and

2. fully and promptly comply with any and all rules, procedures, instructions, directions, or requests made or prescribed by the testing service.

§163. Subversion of Examination Process

A. An applicant 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 §167 of this Subchapter.

B. Conduct which subverts or undermines the integrity of the examination process includes:

1. refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions, or requests made or prescribed by representatives of the testing service;

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 current, future, 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 an applicant and taking the examination for, 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 process for other examinees.

§165. Finding of Subversion

A. When, during the administration of examination, there exists reasonable cause to believe that an applicant is engaging, or attempting to engage, in subversion of the exam process, appropriate action shall be taken to promptly terminate such conduct and to report such conduct to the board.

B. In the event of suspected conduct described by §163.B.5 or 6, the suspect applicant 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 cause to believe that an applicant has engaged in or attempted to engage in conduct which subverts or undermines the integrity of the examination process, the board shall notify the applicant and provide him with an opportunity for a hearing pursuant to the Administrative Procedure Act and applicable board rules.

§167. 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 or attempted to engage in conduct which could subvert or undermine the integrity of the examination process may be permanently disqualified from taking the examination and from licensure as a PT or PTA in the State of Louisiana.

B. An applicant who is found by the board to have engaged in or 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 §167.A and B, as to an applicant found by the board to have engaged in or 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 which has been 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 from eligibility for examination.

§169. Passing Score

A. The board adopts a criterion-referenced passing point of 600 which is based on a scale ranging from 200 to 800.

§171. Restriction, Limitation on Examinations, Additional Requirements

A. Applicants must successfully pass the examination to obtain a license to practice in Louisiana as a PT or PTA.

B. An applicant, who has failed the examination for the first time, shall have no more than two years from the date of the first examination and no more than four attempts to successfully pass the examination.

C. Applicants who have failed the examination on three occasions, shall, prior to re-application:

1. develop and submit to the board a written remediation plan for additional preparation in areas of identified weakness which shall include two or more of the following:

- a. Practice Exam and Assessment Tool (PEAT) offered by FSBPT;
- b. examination Performance Feedback Report offered by FSBPT;
- c. take a commercial licensure review course;
- d. take a board approved continuing education course;
- e. work as a technician, either as paid staff or volunteer, under the supervision of a board approved licensed PT;
- f. other board approved remediation activity;

2. enter an agreement with the board for an acceptable time table for completion of an approved remediation plan;

3. submit evidence to the board of successful completion of remediation activities with re-application and prior to the scheduling of the examination.

D. No person may be licensed by the board who has failed the examination four or more times, whether or not the examination was taken in Louisiana. Applicants who fail the examination four or more times must repeat an accredited physical therapy or physical therapist assistant education program before reapplying to take the licensing examination.

Subchapter H. Provisional License

§172. CAPTE Graduate Applicants Pending Examination

A. An applicant who has graduated from a CAPTE accredited program and met the requirements of §151 may be issued a provisional license to engage in supervised clinical practice under this Rule and §330 when NPTE testing is available only on limited fixed dates.

B. A provisional license granted pursuant to this Rule shall be issued for 90 days and shall designate board approved supervisors and a single worksite. No more than one such provisional license shall be issued to an applicant.

C. A provisional license granted pursuant to this Rule entitles the holder to engage in the practice of physical therapy in the State of Louisiana only for the specified time and creates no right or entitlement to licensing or renewal of the provisional license. The holder of a provisional license issued under this Section shall practice physical therapy only at the physical location approved by the board.

D. The holder of a provisional license pending examination must schedule the licensure examination prior to the provisional license expiration date.

E. When the NPTE is available on an "on demand" or "continuous" basis to applicants, such provisional licenses will not be issued.

§173. Foreign Graduate Provisional License

A. A foreign PT graduate who possesses all of the qualifications for licensure prescribed by §137 of this Chapter, except for §137.A.3, shall be issued a provisional license to engage in supervised clinical practice under the requirements of §331 for the purpose of fulfilling in whole or part the requirement of §137.A.3.

B. The holder of a provisional license issued under this Section shall not engage in the practice of physical therapy in any respect other than at the physical location for which he is approved by the board.

C. A provisional license issued under this Section shall expire, and thereby become null and void and of no effect, on the date specified by such provisional license.

Subchapter I. License Issuance, Termination, Renewal, Reinstatement

§175. Issuance of License

A. If the qualifications, requirements and procedures prescribed by §129 are met, the executive director shall issue to the applicant a license to engage in the practice of physical therapy in the State of Louisiana.

B. A license issued pursuant to examination shall be issued within seven days following the reporting of a passing licensing examination score to the board. A license issued pursuant to reciprocity under §145 shall be issued within seven days following satisfaction of all requirements of §145.

C. A license issued to an applicant for the first time shall be for a term of one year or two years, to be determined by the birth year of the applicant.

D. A licensee shall not copy or otherwise reproduce his license or allow another person to copy or otherwise reproduce his license. Evidence of license status may be verified from the board website.

§177. Replacement of License

A. The board may issue a license to replace a lost or destroyed license upon receipt of a written request and the appropriate fee from the licensee. The board will issue a new original license after name change upon receipt of a name change form, the appropriate fee, and a copy of the legal document enacting the name change.

§179. Expiration of Licenses

A. Licenses issued by the board shall expire, and thereby become void, on April 30 of the last year for which it is issued.

B. The timely, acknowledged receipt of a complete application for license renewal, as provided by §181, or online verification of license renewal operates to continue licensure in full force and effect pending issuance of the renewal license document.

§181. Renewal of License

A. Standard procedure for license renewal and the payment of required fees is by online application through the board website.

B. Renewal applications received by March 31 shall be assessed a renewal fee pursuant to §501. Renewal applications received after March 31 and before April 30 shall be assessed a late renewal fee, pursuant to §501, as provided by law. Renewal applications received after April 30 shall be deemed as applications for license reinstatement pursuant to §185.

C. For transitional purposes, licenses issued for 2012 shall expire on April 30, 2013.

D. For transitional purposes, renewal licenses issued in 2012 shall be for a term of one year or two years, to be determined by the birth year of the licensee. Thereafter, the term for license renewal shall be for two years. Licensees whose birth year ends in an odd number (2013, 2015 etc.) shall renew in odd-numbered years. Licensees whose birth-year ends in an even number (2014, 2016 etc.) shall renew in even-numbered years.

E. Licensees shall be notified by the board of license renewal deadlines. Upon written request, a renewal application shall be mailed to the licensee.

§183. Restrictions on License Renewal; Restoration

A. As required by La. R.S. 37:2951, the board will not renew a license if a licensee has defaulted on a loan from the Louisiana Office of Financial Assistance as per La. R.S. 37: 2951. Upon notice from the Louisiana Office of Financial Assistance that a repayment agreement has been established, the license shall be renewed.

B. The board will not renew a license if a licensee has defaulted on court ordered or Attorney General's notice of child support arrearages. Upon receipt of notification that a repayment agreement has been established, the license shall be renewed.

§185. Reinstatement of Suspended or Revoked License

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

B. Application for reinstatement of a revoked license must be made in compliance with the requirements of initial licensure in Louisiana, and shall not be heard less than three year from the revocation decision.

C. Prior to reinstatement of a license previously revoked, a hearing shall be held by the Board to afford the Respondent an opportunity to present evidence that the cause for the revocation no longer exists and to provide an opportunity for the Board to evaluate changes in the Respondent and/or the conditions which caused the revocation.

D. After evaluation, the board may:

1. deny reinstatement of a revoked license;
2. reinstate a revoked license;
3. require the satisfactory completion of a specific program or remedial education approved by the board; and
4. require monitoring of the Respondent's physical therapy practice as specified by the board.

§187. Reinstatement of Lapsed License

A. An expired license may be reinstated pursuant to the requirements set forth below.

B. A licensee who fails to timely renew his license as provided in §181 shall submit:

1. a complete reinstatement application;
2. the late renewal fee, pursuant to §501;
3. the reinstatement fee, pursuant to §501; and
4. an explanation for the failure to timely renew his license.

C. Reinstatement pursuant to this Section shall also require that applicant or his employer reimburse or reverse charges which have been made for patient treatment during the period for which the applicant did not have a current and valid license.

D. Reinstatement pursuant to this Section does not insulate the applicant from disciplinary action which the board finds appropriate for practicing without a current license after April 30 to the date of reinstatement.

E. A licensee who allows his license to lapse for reasons other than §187.B shall submit:

1. a complete reinstatement application;
2. the renewal fee, pursuant to §501;
3. the reinstatement fee, pursuant to §501;
4. pass the board's online jurisprudence examination;
5. an explanation for allowing his license to lapse;
6. two letters of character recommendation from reputable currently licensed physical therapists, physicians, dentists, podiatrists, or chiropractors; and
7. verification of licensure from all states in which the applicant has applied for or held a license/permit.

F. To be eligible for license reinstatement under this Section, an applicant shall have met the continuing education requirements pursuant to §194 within the 24 months preceding his application.

G. Any person whose license has lapsed for more than five years may apply for reinstatement of licensure upon payment of the renewal fee and the reinstatement fee under the following conditions:

1. licensee shall be subject to a three month period of supervised clinical practice;
2. licensee may only practice under the on-premises supervision of a board approved PT who has practiced no less than three years with a Louisiana license in good standing;
3. completion of the General Practice Review Tool offered by the FSBPT and satisfactory completion of continuing education courses indicated by that tool to bring the Applicant's knowledge to current standards.
4. a supervision agreement must be approved by the executive director before a provisional license will be issued. The supervision agreement shall be in force for the entire three month supervisory period. This licensee may only practice in those facilities and under the supervision of the PT named in the approved supervision agreement. Any change in practice site or supervisor must be submitted in a revised supervision agreement prior to the change taking place. At the end of the supervisory period, the Supervising PT of Record shall report to the board the satisfactory or unsatisfactory completion of the supervision period. If an unsatisfactory supervision period is reported by the Supervising PT of Record, the board, in its discretion, may require an additional three month supervisory period; and
5. completion of remedial courses which may be prescribed by the board.

§189. Reinstatement after Military Service

A. An applicant seeking reinstatement of a license which lapsed during active military service shall be required to pay a license renewal fee only, and that fee shall be proportional to the months remaining in his renewal cycle.

Subchapter J. Continuing Education

§191. Purpose

A. To be approved by the board, a continuing education course or activity as defined in §123, must contribute directly to the professional competence of the licensee and must directly relate to the skills and knowledge required to implement the principles and methods of physical therapy.

§193. Course Review Requirements

A. Courses and activities approved by the board will be posted on the board website and will indicate the hours of credit which may be earned and the classification of the course.

B. Consideration of courses or activities for approved continuing education credits shall be based on the content criteria in §195 and the administrative and program criteria as set forth in the Continuing Education Policy posted on the board website.

C. Proposed continuing education courses or activities shall be submitted to the board for approval on a form provided on the board website. Generally, courses or activities of longer duration will require more time for review than courses of short duration.

D. Courses and activities sponsored by the APTA, Louisiana Physical Therapy Association, and by any Louisiana CAPTE accredited program that meet the content criteria described in §195 are automatically approved by the board for continuing education credits toward the biennial requirements for licensees described in §194.

E. Review charge for APTA, LPTA, and Louisiana CAPTE accredited program sponsors will be waived. A fee schedule for all other course review is described in §501.

F. Courses or activities not approved by the board may generate acceptable continuing education credits for licensees under these circumstances:

1. the licensee submits an application for approval of the course or activity using the form provided on the board website;
2. the course or activity submitted for approval shall only be considered for the licensee who submits for approval;
3. in no case will such application for course or activity approval be considered during the last 60 days of the requestor's license term.

G. Course or activity sponsors may be required to submit to the board verified records of attendance and completion of a sponsored course or activity. No licensee shall receive credit for time not actually spent attending the program

§194. Biennial Requirements

A. Unless exempted under §198, licensees shall successfully complete, document and report to the board at least 30 hours of board-approved continuing education courses or activities in the biennial renewal period. No carryover of continuing education hours from one renewal period to another shall be allowed. Continuing education will be granted in the reporting period in which the academic coursework, clinical instruction, tool, residency, or fellowship is completed.

B. The four types of approved courses or activities and requirement for each are:

1. jurisprudence—a minimum of two contact hours;
2. ethics or professionalism —a minimum of two contact hours;
3. clinical/preventive —a minimum of 18 contact hours, up to six of which may be earned by completion of a board approved self assessment tool
4. administrative—a maximum of eight contact hours may be applied during each renewal period. Additional clinical/preventive hours may be substituted for administrative.

C. No more than 15 hours of continuing education submitted to the board shall be home study, internet or online courses or by other distance learning methods. This excludes the jurisprudence requirement, if taken online.

§195. Content Criteria

A. Program content must be easily recognizable as pertinent to the physical therapy profession and in the areas of ethics, professional responsibility, clinical application, clinical management, behavioral science, science, or risk management. It should contain evidence-based information related to the practice of physical therapy and clinical outcomes. Course or activity content shall address physical therapy competence and practice and shall be designed to meet one of the following goals.

1. update knowledge and skills required for competent performance beyond entry level of the PT or PTA at the time the licensee entered the profession;
2. allow the licensee to enhance his knowledge and skills;
3. provide opportunities for inter-disciplinary learning;
4. facilitate personal contribution to the advancement of the profession.

B. Required continuing education, as defined in §123, shall include the following:

1. passage of the jurisprudence examination, which may be taken online, or attendance at a traditional board-sponsored Jurisprudence course, either of which fulfills the two hour Jurisprudence requirement;
2. a minimum of two contact hours related to ethics or professionalism;
3. a minimum of 18 contact hours of clinical/preventive courses, six of which may be a board approved self-assessment tool, or activities in increments of no less than two contact hours, including:
 - a. teaching an approved clinical/preventive course or activity. A licensee may receive two hours of credit for each contact hour approved for the course or activity, not to exceed 10 hours. This credit will be given only for the first time the course is presented, during the renewal period;
 - i. board policy regarding course approval during subsequent renewal periods will be available on the board website.
 - b. ten hours of credit for an initial certification by the American Board of Physical Therapy Clinical Specialties;
 - c. one hour of credit for every two hours spent in an approved post-professional clinical residency or fellowship, not to exceed ten hours credit;
 - d. coursework in a postgraduate physical therapy curriculum, transitional DPT program, or an accredited college or university that meets content criteria may be accepted. Courses will be credited for each satisfactorily completed hour resulting in a grade of B or higher. One semester hour shall be equal to 10 contact hours.
 - i. board policy regarding submission of materials to demonstrate completion will be available on the board website.
4. licensees may obtain credit for no more than eight contact hours for administrative courses or activities. Administrative courses or activities may include any combination of the following:
 - a. a course or activity designed to enhance skills in management of a physical therapy practice;
 - b. a maximum of five hours credit for clinical instructors serving as the primary clinical instructor for PT and PTA students or provisional licensees. One hour credit may be earned per 120 hours of clinical instruction during the renewal period. Proof of clinical instruction shall be documented on a form provided by the board and shall be signed by two of the following:
 - i. clinical instructor,
 - ii. student,
 - iii. center coordinator clinical education; or
 - iv. academic coordinator clinical education.
 - a. a maximum of five clinical hour credit during the renewal period for publication of scientific papers, abstracts, textbook chapters and poster or platform presentations at conferences relating to PT. Textbook chapter credit will be given only for the year of publication.

§197. Reporting Requirements; Audit

- A. It is the responsibility of each licensee to assure that his continuing education hours are timely reported with his license renewal application.
- B. The reporting of continuing education hours by course or activity sponsors and by licensees shall be made only on forms approved by and available from the board website. Forms filed by course or activity sponsors or licensees shall be legibly printed or typewritten, and shall be completed and verified by the course or activity sponsor or licensee. A stamp or other image provided by and imprinted by the course sponsor on course materials shall suffice for proof of completion of that continuing education activity.
- C. Continuing education activities undertaken for the purpose of license renewal shall be maintained by the licensee in a file in which records of activities are kept, including dates, subjects, duration of the program, certificates of participation and completion, and any other appropriate documentation for a period of four years after the program date. Upon request, course or activity sponsors and licensees shall supply the board with such documentation.
- D. The board shall conduct an audit of the continuing education records of a number of the licensees to be determined by the board each renewal period. The board will notify licensees who are randomly selected for audit to determine compliance with the continuing education requirements. Licensees chosen for the audit shall submit to the board by the specified date copies of all records and documentation showing completion of the continuing education courses or activities previously submitted for fulfillment of continuing education requirements.

§198. Exemptions from CE Requirements

- A. PTs or PTAs licensed in Louisiana are exempt from the Subchapter J continuing education requirements for the calendar year in which they graduate from an accredited physical therapy education program. For the second year of the licensee's renewal period, 15 contact hours must be completed and reported in keeping with the requirements of §194.

B. Upon approval by the board of a written request made in compliance with Subsection C, the board may extend the period for compliance or exempt the following from compliance with the Subchapter J. 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, natural disaster, or other personal hardship.

C. Written requests for an exemption under Subsection B, including supporting documentation, must be received by the board at least 45 days prior to the end of the renewal period 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.

1. A licensee who is a member of the armed forces reserves and called to active military service will have his CEUs prorated in proportion to the number of months of documented active duty.
2. A licensee whose license expires during a period of active military service will be given a complete waiver of continuing education requirements for the renewal period in which he is activated. Active duty military personnel shall be exempt proportionally for continuing education for months of documented active service in the renewal cycle during which active military service terminates.

§199. Noncompliance and Reinstatement

A. Noncompliance. Noncompliance with continuing education requirements includes, but is not limited to, incomplete reports, unsigned reports, unsigned verification of course or activity completion, failure to report a sufficient number of approved continuing education hours as defined in §193, or any other matters considered to be noncompliance by the board.

B. Notice. The board shall send written notice of noncompliance to a licensee stating that his license has lapsed for failure to renew pursuant to La. R.S. 37:2417. The notice shall request that the licensee furnish to the board within 30 days of receipt of the notice, the following:

1. a written explanation for failure to complete required CE; 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, natural disaster, other personal hardship or extended active military service during the reporting period and stating that he did not provide physical therapy services during that period.

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 renewal period 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 re-licensure. Passage of the examination fulfills the continuing education requirements for the year the noncompliance occurred, but shall not be applicable for subsequent reporting periods.

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. Professional Standards

A. A licensed PT is authorized to engage in the practice of physical therapy as set forth in the 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 preventive services all as more fully defined in §123.

B. A PT is responsible for managing all aspects of the physical therapy care of each patient.

C. A PT 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, during evaluation, reassessment or screening, the PT finds that treatment which is outside the scope of his knowledge, experience, or expertise is needed, the PT shall notify the patient or client and provide a referral to an appropriate healthcare practitioner.

D. Before working in a school or home health setting, a PTA shall have one year of supervised work experience.

E. A PTA may act as a Clinical Instructor for a PTA student, provided the PTA has one year of supervised work experience in the practice setting in which he will act as the Clinical Instructor for the PTA student.

§305. Practice with Prescription or Referral

A. Except as set forth in La. R.S. 37:2418.C and §307.C, physical therapy treatment shall be based on the prescription or referral of a person licensed to practice medicine, surgery, dentistry, podiatry, or chiropractic.

§307. Physical Therapy Services without Prescription or Referral

A. These rules are intended to facilitate and implement the provisions of La. R.S. 37:2418.C through C(5). 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 connection with providing wellness or preventive services referred to in La. R.S. 37:2418 C(4), the PT shall:

1. perform a screening to determine whether treatment or wellness/preventive 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;

2. assess the client's wellness/preventive services needs, and, if such services are indicated and desired by the client, develop a written plan, which describes the services to be provided to the client.

C. Regarding physical therapy treatment provided pursuant to La. R.S. 37:2418.C(5):

1. physical therapy treatment for a diagnosed condition or conditions may be provided after the PT has determined that the condition has been diagnosed within the preceding 90 days by a health care provider authorized by law to make a diagnosis.

2. the PT shall provide to the diagnosing healthcare provider, the plan of care for physical therapy services within 15 days of the physical therapy intervention, as set forth in La. R.S. 37:2418(C)(5).

§309. Early Childhood Services

A. In the provision of early childhood services through the Early Childhood Intervention (ECI) program, the PT conducts appropriate screenings, evaluations, and assessments to determine needed services to fulfill family-centered goals.

B. Subject to the provisions of this Section, the PT shall implement physical therapy services in accordance with the recommendations accepted by the Interdisciplinary Team, as stated in the Individual Family Service Plan.

C. Evaluation and reevaluation in the educational setting will be conducted in accordance with federal mandates under Part C of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1436, or when warranted by a change in the child's condition, and include onsite reexamination of the child.

§311. Treatment with Dry Needling

A. The purpose of this rule is to establish standards of practice, as authorized by La. R.S. 37:2405 A.(8), for the utilization of dry needling techniques, as defined in §123, in treating patients.

B. Dry needling is a physical therapy treatment which requires specialized physical therapy education and training for the utilization of such techniques. Before undertaking dry needling education and training, a PT shall have no less than two years experience working as a licensed PT. Prior to utilizing dry needling techniques in patient treatment, a PT shall provide documentation to the executive director that he has successfully completed a board-approved course of study consisting of no fewer than 50 hours of face-to-face instruction in intramuscular dry needling treatment and safety. Online and other distance learning courses will not satisfy this requirement. Practicing dry needling without compliance with this requirement constitutes unprofessional conduct and subjects a licensee to appropriate discipline by the board.

C. In order to obtain board approval for courses of instruction in dry needling, sponsors must document that instructors utilized have had no less than two years experience utilizing such techniques. Instructors need not be physical therapists, but should be licensed or certified as a healthcare provider in the state of their residence.

D. A written informed consent form shall be presented to a patient for whom dry needling is being considered, telling the patient of the potential risks and benefits of dry needling. A copy of a completed form shall be preserved in the patient treatment record and another copy given to the patient.

E. Dry needling treatment shall be performed in a manner consistent with generally accepted standards of practice, including sterile needle procedures and the standards of the U.S. Centers for Disease Control and Prevention. Treatment notes shall document how the patient tolerated the technique and the outcome of treatments.

§313. Transfer of Patient Care

A. A PT shall document the transfer of care of the patient, as appropriate, to another health care provider in the event of elective termination of physical therapy services by the PT.

§315. Legend Drugs and Devices

A. In providing physical therapy as authorized by law, PTs are authorized to procure from licensed distributors, store and utilize legend devices and topical legend drugs which are employed in the delivery of physical therapy.

§317. Licensee Information

A. Changes to licensee information. Applicants and licensees must notify the board in writing of any change in a residential or business address, telephone number or email address within 30 days that such change takes effect.

Subchapter B. Prohibitions

§321. Unauthorized Practice; Practice Restrictions

A. The clinical supervisor must be an APTA certified clinical instructor or, within the three years prior to serving as a supervisor, have previously served as clinical instructor for a PT student as part of a CAPTE accredited program. To be approved as a clinical supervisor, a PT shall have at least three years of clinical experience with an unrestricted license. A clinical supervisor shall not supervise more than one provisional licensee at any given time.

B. Before an individual is issued a provisional license, the applicant shall submit to the board:

1. a signed Statement of Responsibility completed by the requesting clinical supervisor;
2. a signed Statement of Placement completed by the director of physical therapy services at the practice site where the clinical supervised practice will take place which includes the name, address, and telephone number and email address for such person; and
3. a description of the types of physical therapy services provided at the site.

C. The executive director shall approve or deny a request made under §331 after assessing whether the facility provides the opportunity for a provisional license holder to attain the knowledge, skills, and attitudes to be evaluated according to the board's Clinical Performance Evaluation; and determines if the site provides a broad base of clinical experience to the provisional licensee including a variety of physical agents, therapeutic exercises, evaluation procedures, and patient physical therapy diagnoses.

1. Clinical sites are approved on a case-by-case basis.

D. A provisional licensee shall not begin practicing physical therapy until the executive director has approved the clinical supervisor and the work site, and the provisional licensee has completed the personal interview with a board representative, and has received his provisional license.

E. A provisional licensee shall complete a supervised clinical practice at a board-approved clinical site for a minimum of four hours per day, with on-premises supervision by a board-approved PT.

1. The supervised clinical practice shall consist of no less than 1,000 hours and shall be accomplished at a rate of no more than 40 hours and no less than 20 hours per week.
2. The approved clinical supervisor shall co-sign all of the provisional licensee's treatment documentation within five days of treatment.

F. Supervisor Absence. If, due to illness or continuing education, the board designated Supervising PT of Record cannot fulfill his supervisory obligations for a provisional licensee:

1. if absent for five or fewer consecutive days, another PT in good standing may supervise in his place. In such case, the substitute PT is not required to be approved by the board; however, the board designated supervisor, the substitute supervisor, and the supervised individual, shall all be held accountable for the care provided by those supervised;

2. if absent for more than five consecutive days, the Supervising PT of Record shall send a written request to the executive director for approval of a substitute supervising PT during his period of absence. The substitution can only occur once written approval is provided by the executive director to the designated supervisor.

G. Required supervised clinical practice shall be:

1. no less than 333 hours in a hospital setting;
2. no less than 333 hours in an out-patient clinic; and
3. no less than 334 hours in one or more of these practice settings: home health, extended care, rehabilitation clinic, school system, or private practice.

H. The approved clinical supervisor shall:

1. observe, assist and support the provisional licensee during the supervised clinical practice;

2. rate the provisional licensee's performance during his clinical practice using criteria in the board's Clinical Performance Evaluation, indicating the dates of observation, demonstration or discussion of each skill;

3. assess skills required for success in such setting with recommendations for improvement upon completion of a supervised clinical practice site;

4. submit the results of the supervised clinical practice to the board in a timely manner. Approval of the next clinical placement or granting of license, shall not take place until this report is received and evaluated by the executive director; and

5. continue with clinical supervision until the supervised individual receives notice of termination of supervision by issuance of permanent license.

I. A provisional licensee shall not supervise any personnel unless assistance is required to ensure the safety and welfare of the patient during ambulation, transfers, or functional activities.

§323. Use of Titles and terms; Restrictions

A. A PT shall use the letters "P.T." in connection with his name or place of business to denote licensure. A PTA shall use the letters "P.T.A." in connection with his name to denote licensure.

B. A PT student who is pursuing a course of study leading to a degree as a PT in a professional education program approved by the board and is satisfying supervised clinical education requirements related to his physical therapy education shall use the letters "S.P.T." in connection with his name while participating in this program. A PTA student who is pursuing a course of study leading to a degree as a PTA 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.

C. 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", "physical therapist assistant", "P.T.A.", "physiotherapist assistant", 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 PT licensed pursuant to the Practice Act.

D. No person or business entity shall advertise or otherwise promote another person as being a "physical therapist", "physiotherapist", "P.T.", "physical therapist assistant", "physiotherapist assistant", or "P.T.A." unless the individual so advertised or promoted is licensed as a PT or PTA under the Practice Act. No person or business entity shall offer, provide, or bill any person for "physical therapy" or "physiotherapy" unless the individual performing those services is licensed pursuant to the Practice Act.

§325. Exemptions

A. The prohibitions of §321.A of this Chapter shall not apply to a person employed by any department, agency, or bureau of the US 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 physical therapy education program approved by the board and while satisfying a supervised clinical rotation related to his education.

Subchapter C. Supervised Practice

§329. Scope of Chapter

A. The rules of this Subchapter prescribe certain restrictions and requirements for supervision of physical therapists assistants, provisional licensees, technicians and students.

§330. Supervision Requirements for CAPTE Graduates Pending Examination

A. A PT holding a provisional license pending examination shall engage in the practice of physical therapy under the supervision of a board approved supervisor.

B. Supervision of a PT with a provisional license pending examination shall include:

1. daily face to face communication between the supervising physical therapist and provisional licensee;

2. on premises observation of patient care in the provisional licensee's practice location, a minimum of 2 hours per day with a minimum total of 10 hours per week; and

3. availability of the supervisor at all times to provide advice to the provisional licensee and to the patient during physical therapy treatment given by a provisional licensee.

C. A PTA holding a provisional license pending examination shall engage in the practice of physical therapy under the supervision of a board approved supervisor. The PTA applicant holding a provisional license shall receive continuous supervision as defined in §123.

§331. Foreign Graduate Supervised Clinical Practice with Provisional Licensees

A. The clinical supervisor must be an APTA certified clinical instructor or, within the three years prior to serving as a supervisor, have previously served as clinical instructor for a PT student as part of a CAPTE accredited program. To be approved as a clinical supervisor, a PT shall have at least three years of clinical experience with an unrestricted license. A clinical supervisor shall not supervise more than one provisional licensee at any given time.

B. Before an individual is issued a provisional license, the applicant shall submit to the board:

1. a signed Statement of Responsibility completed by the requesting clinical supervisor;
2. a signed Statement of Placement completed by the director of physical therapy services at the practice site where the clinical supervised practice will take place which includes the name, address, and telephone number and email address for such person; and
3. a description of the types of physical therapy services provided at the site.

C. The executive director shall approve or deny a request made under §331 after assessing whether the facility provides the opportunity for a provisional license holder to attain the knowledge, skills, and attitudes to be evaluated according to the board's Clinical Performance Evaluation; and determines if the site provides a broad base of clinical experience to the provisional licensee including a variety of physical agents, therapeutic exercises, evaluation procedures, and patient physical therapy diagnoses.

1. Clinical sites are approved on a case-by-case basis.

D. A provisional licensee shall not begin practicing physical therapy until the executive director has approved the clinical supervisor and the work site, and the provisional licensee has completed the personal interview with a board representative, and has received his provisional license.

E. A provisional licensee shall complete a supervised clinical practice at a board-approved clinical site for a minimum of four hours per day, with on-premises supervision by a board-approved PT.

1. The supervised clinical practice shall consist of no less than 1,000 hours and shall be accomplished at a rate of no more than 40 hours and no less than 20 hours per week.

2. The approved clinical supervisor shall co-sign all of the provisional licensee's treatment documentation within five days of treatment.

F. Supervisor Absence. If, due to illness or continuing education, the board designated Supervising PT of Record cannot fulfill his supervisory obligations for a provisional licensee:

1. if absent for five or fewer consecutive days, another PT in good standing may supervise in his place. In such case, the substitute PT is not required to be approved by the board; however, the board designated supervisor, the substitute supervisor, and the supervised individual, shall all be held accountable for the care provided by those supervised;

2. if absent for more than five consecutive days, the Supervising PT of Record shall send a written request to the executive director for approval of a substitute supervising PT during his period of absence. The substitution can only occur once written approval is provided by the executive director to the designated supervisor.

G. Required supervised clinical practice shall be:

1. no less than 333 hours in a hospital setting;
2. no less than 333 hours in an out-patient clinic; and
3. no less than 334 hours in one or more of these practice settings: home health, extended care, rehabilitation clinic, school system, or private practice.

H. The approved clinical supervisor shall:

1. observe, assist and support the provisional licensee during the supervised clinical practice;

2. rate the provisional licensee's performance during his clinical practice using criteria in the board's Clinical Performance Evaluation, indicating the dates of observation, demonstration or discussion of each skill;

3. assess skills required for success in such setting with recommendations for improvement upon completion of a supervised clinical practice site;

4. submit the results of the supervised clinical practice to the board in a timely manner. Approval of the next clinical placement or granting of license, shall not take place until this report is received and evaluated by the executive director; and

5. continue with clinical supervision until the supervised individual receives notice of termination of supervision by issuance of permanent license.

I. A provisional licensee shall not supervise any personnel unless assistance is required to ensure the safety and welfare of the patient during ambulation, transfers, or functional activities.

§333. Physical Therapist Responsibilities; Supervision of Physical Therapist Assistants

A. A Supervising PT of Record is responsible for and shall participate in the patient's care. Such participation by the PT shall include, at a minimum:

1. conducting the initial patient evaluation and documenting a plan of care for the patient;
2. treating and reassessing the patient at least every sixth treatment day or every 30 days, whichever occurs first;
3. treating the patient for the final treatment session unless the patient is physically unavailable; and
4. writing the discharge summary.

B. A Supervising PT of Record shall comply with the following requirements in providing patient care and in supervising PTAs.

1. The level of responsibility assigned to a PTA pursuant to §333 is at the discretion of the Supervising PT of Record who is ultimately responsible for the care provided by this PTA.

2. In all settings, the Supervising PT of Record shall:
- a. perform an evaluation and set up a treatment plan on each patient prior to implementation of treatment;
 - b. treat and reassess the patient at least every sixth treatment day or every 30 days, whichever occurs first;
 - c. treat and assess the patient for his final treatment session when feasible, as defined in §123, and write a discharge summary;
 - d. be readily accessible by beeper or telephone and available to the patient by the next scheduled treatment session upon request of the patient or PTA; and
 - e. hold a patient care conference with a PTA regarding the patient. The PT is responsible for determining the frequency of the conferences consistent with accepted standards of practice; however, such conference shall occur at least every sixth treatment day or every 30 days, whichever occurs first.

C. In a wellness setting, after conducting an appropriate screening as to suitability for wellness or preventive services, a PT may delegate the provision of client wellness or preventive services to a PTA or a technician to perform and/or assist in the implementation of wellness services.

§335. Supervision of Physical Therapy Technicians

A. The level of responsibility assigned to a PT technician is at the discretion of a Supervising PT of Record who is ultimately responsible for the care provided by the technician. Documentation of education or in-service training completed by the physical therapy technician shall be maintained in the technician's personnel file.

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

2. A physical therapy technician may assist a PTA only with those aspects of patient treatment which have been assigned to the physical therapy technician by a PT.

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

B. In a physical therapy wellness setting, after conducting an appropriate screening as to suitability for wellness or preventive services, a PT may delegate the provision of specified client wellness or preventive services to a physical therapy technician who has appropriate education, training or experience to perform and/or assist in the implementation of wellness or preventive services. The PT should be available to the technician by phone or other communications device when such assistance is being provided.

§337. Clinical Instruction of Student PTs and PTAs

A. A clinical instructor shall provide on-premises supervision to a PT or PTA student in all practice settings. A PTA may act as a clinical instructor for a PTA student in all practice settings provided that the PT supervisor of the PTA is available by telephone or other communication device.

B. A PTA can be a clinical instructor for the PTA student provided the PTA has one year practice experience.

§339. Limitation on Supervision Ratios

A. Supervision Ratio. It is the responsibility of each PT to determine the number of PTAs he can supervise safely; however, in no case shall the number of individuals supervised by a PT on any given day exceed five, nor exceed the following limitations:

1. no more than four PTAs or technicians or any combination thereof;

2. no more than one provisional licensee; or
3. no more than five students.

§341. Documentation Standards

A. A written record of physical therapy treatment shall be maintained for each patient. A complete record shall include written documentation of prescription or referral, initial evaluation, treatment(s) provided, PT/PTA conferences, progress notes, re-evaluations or re-assessments, and patient status at discharge all as defined in §123.

1. A prescription or referral is a written request for physical therapy evaluation or treatment signed by a healthcare provider lawfully authorized to make such request which may initially be a verbal order but must be later confirmed in writing. The verbal order shall be documented by the PT in the patient's record. If the verbal order is not confirmed in writing, then the PT 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 using physical and cognitive findings, objective tests and measurements, patient history, pertinent medical diagnosis, signs, symptoms, and the PT's interpretation of such findings, as well as goals and a treatment plan or program as defined in §123. The initial physical therapy evaluation shall be documented and signed by the PT performing the evaluation within seven days after performing the evaluation. An initial physical therapy evaluation shall not be documented or signed by a PTA or any other 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 only by the Supervising PT of Record or PTA and shall not be written or signed by a PT 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. Re-assessment or Re-evaluation is the written documentation which includes all elements of a progress note as well as the interpretation of objective findings compared to the previous evaluation with a revision of goals and treatment plans as indicated. A reassessment must be written at least once per month, or, if the patient is seen less frequently, then at every visit. A reassessment shall be written and signed by the Supervising PT of Record and shall not be written or signed by a PTA or other 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 Supervising PT of Record or PTA. 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. Patient Care Conference is the written documentation of the face-to-face meeting held to discuss the status of a patient. A written record of the conference shall be signed and dated by the PT and PTA and shall be entered in the patient treatment record at the time of the conference, documenting treatment recommendations and decisions made.

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 Supervising PT of Record. A discharge summary shall not be written or signed by a PTA or other personnel. A discharge summary shall be written at the termination of physical therapy care.

B. A licensee shall maintain accurate patient treatment and billing records and shall not falsify, alter, or destroy such records, the result of which would be to impede or evade investigation by the board or other lawful authorities.

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

D. 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 mechanisms to assure that only the author can authenticate his own entry, are acceptable.

E. Documentation by a student must be co-signed by the Supervising PT of Record or supervising PTA.

F. A written record of an initial screening for wellness or preventive services shall be kept along with plans for implementation of a wellness or preventive program.

Subchapter D. Disciplinary Proceedings

§343. Sanctions in Disciplinary Proceedings

A. The board, after due notice and hearing as set forth herein and in the Louisiana Administrative Procedure Act, La. R.S. 49:950 and following, may refuse to issue a license or provisional license, or may suspend, revoke, or impose probationary conditions and/or restrictions on a licensee upon finding that the licensee has violated the Practice Act, or any of the Rules promulgated by the board.

B. Board orders in disciplinary proceeding may require the Respondent to reimburse the board for travel, meals, per diem, the cost of investigators, stenographers, attorneys, and other reasonably associated costs.

C. In placing a Respondent on probation, the board may impose such additional terms, conditions and restrictions as it deems appropriate for the period of probation. The board shall specify in its order the exact duration of the probationary period. Upon finding that a Respondent placed on probation has failed to comply with the terms and conditions of the board order, the board may take such additional disciplinary action as it deems appropriate, following notice and hearing.

§345. Unprofessional Conduct

A. The board will consider any charge of conduct which fails to conform to the Practice Act, and board rules to carry out the provisions of the Act and will take appropriate action where violations are found. The rules of this Chapter complement the board's authority to deny, suspend, revoke or take such other action against a licensee, as it deems appropriate.

B. As used in La. R.S. 37:2420.A (7) of the Practice Act and in these Rules, the term unprofessional conduct includes but is not limited to:

1. departure from, or failure to conform to, the *Minimal Standards of Acceptable and Prevailing Physical Therapy Practice* in the State of Louisiana or the Code of Ethics and related documents of APTA, or the commission of any act contrary to honesty, justice, good morals, patient safety or the best interest of the patient, whether committed in the course of the licensee's practice or otherwise, 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 licensee lacks competence; or
- c. failure to inform and refer the patient or client to an appropriate practitioner, when the licensee becomes aware of findings and/or the need for treatment which are outside the scope of the PT's competence;

2. improperly delegating or supervising—a PT retains responsibility to his patient for the training, delivery and results of physical therapy services rendered to his patient. A PT shall not:

- a. delegate professional responsibilities to a person the PT knows, or has reason to know, is not qualified by education, training, experience or licensure to perform; or
- b. fail to exercise appropriate supervision over a person who is authorized to practice only under PT supervision;

3. failing to create or maintain medical record—a licensee shall create and maintain adequate and legible patient records. In addition, a licensee shall:

- a. not falsely create or alter a medical record or destroy a medical record except as authorized by law;
- b. upon receipt of proper authorization, and in conformity with R.S. 40:1299.96, make patient medical records in the PT's possession available within a reasonable period of time to the patient, the patient's representative, or another physician or licensed health care provider;
- c. make arrangements for patient access to medical records created by the licensee after relocating or closing a physical therapy practice, retiring, or being prohibited from practice by order of the board;
- d. make arrangements, or assist another PT practicing in the same group to make arrangements, for access by a patient to his medical records after the PT has left a physical therapy practice, relocated a practice to a new location, closed a practice, or retired;
- e. insure proper destruction of medical records by methods approved by state or federal authorities; and
- f. not abandon or desert medical records;

4. exercising undue influence—a PT shall exercise his professional judgment in the best interest of his patients. A licensee shall not:

- a. place his or her own financial gain over the interest and welfare of a patient in initiation or continuation of physical therapy services that are contraindicated or cannot reasonably result in a beneficial outcome; or
- b. exercise influence over a patient in such a manner as to abuse or exploit the physical therapy provider/patient or client relationship for the purpose of securing personal compensation, gratification, gain or benefit of any kind or type, unrelated to the provision of physical therapy services;

5. sexual misconduct—inappropriate sexual or intimate conduct, includes, but is not limited to sexual intimacy, contact, exposure, gratification, abuse, exploitation or other sexual behavior with or in the presence of a patient or any other individual in connection to the licensee's practice of physical therapy regardless of consent by the patient. Such conduct may be verbal, physical, visual, written or electronic, or it may consist of expressions of thoughts, feelings or gestures that are sexual or reasonably may be construed by a patient or other individual as sexual or which may reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or another individual. Sexual misconduct between a licensee and a former patient after termination of the therapist-patient

relationship may also constitute unprofessional conduct if the sexual misconduct is a result of the exploitation of trust, knowledge, influence or emotions derived from the professional relationship;

6. disruptive behavior—aberrant behavior, including but not limited to harassment, sexual or otherwise, manifested through personal interaction with employees, co-workers, hospital personnel, health care professionals, patients, family members or others, which interferes with patient care or could reasonably be expected to interfere with the process of delivering quality care or jeopardizing patient safety;

7. 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;

8. engaging in conduct which results in an arrest and the initiation of criminal prosecution, even if criminal charges are eventually lessened or dropped, when the conduct leading to the arrest can be verified and constitutes behavior which could put the person or property of patients at risk of harm from a treating licensee;

9. utilizing dry needling techniques in patient treatment without first obtaining appropriate specialized training and education as required by §311 and providing acceptable documentation of such specialized education to the board.

10. making or participating in any communication, advertisement, or solicitation which is false, fraudulent, deceptive, misleading or unfair in violation of board rules, or which contains a false, fraudulent, deceptive, misleading or unfair statement or claim;

11. disclosure to a third party not involved in a patient's care, of information or records relating to the physical therapy provider-patient relationship, except when such disclosure is authorized by the patient or when required or permitted by law;

12. failing to submit to physical or mental examination or for drug screening or testing at the time and place directed by the executive director pursuant to §373 or as otherwise provided in the rules;

13. failing to timely notify the board of a name change, or change in business or home address, telephone numbers or email addresses as required by La. R.S. 37:2415.B.

C. By implementing the meanings set forth in these rules, the board does not intend to restrict and reserves its authority and right to take action based upon La. R.S. 37:2405(B)(10), in any instance in which the particular facts and circumstances of a complaint, investigation or adjudication rise to a level of conduct that the board may in its discretion, finds to be unprofessional conduct.

§347. Fraud or Misrepresentation

A. A person who "attempts to or attains a license by fraud or misrepresentation," as used in La. R.S. 2420.A (2) of the Practice Act, 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 under Chapter 1 of these rules; or

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

§349. Commission of a Felony

A. As used in La. R.S. 37:2420.A (4) of the Practice Act, a "felony" is a crime defined as such under the laws of the US, or of any state. The term "convicted", as applied to a licensed PT or PTA, or an applicant for such license is a judgment 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, notwithstanding that an appeal or other application for relief from such judgment may be pending.

§351. Substance Abuse and Habitual Intemperance

A. As used in La. R.S. 37:2420.A (5) of the 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 medications which affect the central nervous system, other than pursuant to and used in accordance with a lawful prescription and/or medical advice.

B. As used in La. R.S. 37:2420.A of the Practice Act, the phrase "abused controlled dangerous substances as defined by federal or Louisiana law" means physiological or psychological dependence on any legally controlled substance or medication with a potential for inducing physiological or psychological dependence or tolerance.

C. A Respondent shall appear for drug screening and testing at the facility designated by the executive director within six hours of initial contact by the board representative sent to the telephone number or email address designated for such purposes by Respondent pursuant to §355, or as otherwise provided in the rules.

§353. Alternative to Disciplinary Proceedings

A. Under the provisions of La. R.S. 37:911 and following, the board has the authority to establish and implement Recovery programs for PTs and PTAs as an alternative to the disciplinary process. The RPTP is established to assist board licensees who have demonstrated actual or potential inability to practice physical therapy with reasonable skill and safety to patients because of the use of alcohol or drugs, because of illness, or as a result of any mental or physical condition. The goal of the RPTP is for PTs or PTAs to be treated and to return to practice in a manner which will not endanger public health, safety and welfare.

B. The purpose of the RPTP is to encourage voluntary participation of PTs or PTAs in appropriate rehabilitative medical treatment and ongoing aftercare and monitoring. When disciplinary proceedings have been initiated or could be initiated against a licensee pursuant to La. R.S. 37:2401–2424, such proceedings may be deferred or suspended to allow the licensee to participate in the RPTP.

C. Upon receipt of a complaint which involves practitioner, the executive director shall refer the practitioner for participation in the RPTP. Only PTs or PTAs whose conditions have reliable indicators for return to safe practice will be eligible for participation in the RPTP.

D. In addition to providing an alternative to discipline, the RPTP accepts licensees who have been diagnosed with a physical, and/or mental impairment, or substance abuse and/or dependency and are already subject to discipline ordered by the board.

E. The RPTP may be administered by board staff directly or the board may delegate to a qualified outside contractor the administration and operation of all or part of RPTP on such terms as it deems prudent. Such contractor shall be charged with the powers and responsibilities set forth in these rules.

F. The board shall cooperate with a contract operator of RPTP and shall act responsibly to meet its obligations under the Practice Act, board rules, RPTP agreements and contracts with outside contractors.

§355. Objectives of RPTP

A. The RPTP objectives are:

1. to ensure the health, safety and welfare of the public through a program which closely monitors practitioners whose capacity to practice physical therapy with reasonable skill and safety to patients has been, or may potentially be, compromised because of the use of alcohol or drugs, because of illness, or as a result of any mental or physical condition;
2. to promote safe physical therapy care by preventing and/or restricting the practice of the chemically, physically, and/or mentally impaired PT or PTA; and
3. to provide a structured program for PTs and PTAs seeking recovery from the impairment through a non-punitive process.

§357. Admission to RPTP as an Alternative to Disciplinary Proceedings

A. Participation in RPTP is voluntary and may be in place of formal disciplinary proceedings for licensees with no previous disciplinary action involving impairment by any licensing authority.

1. Involvement by the licensee in the non-disciplinary alternative will remain confidential as long as the licensee complies with all stipulations of the RPTP agreement.

2. Admission criteria include:

- a. a Louisiana licensed PT or PTA;
- b. a graduate of a school of physical therapy or physical therapist assisting eligible for licensure in Louisiana;
- c. a PT or PTA currently enrolled in a peer assistance/alternative program in another jurisdiction and requesting licensure in Louisiana;
- d. a voluntary request for admission to RPTP whether referred by self or other sources;
- e. addiction to or use of alcohol and/or other mood altering substances including prescription drugs, or has a physical or mental condition, which impairs or potentially impairs the ability of the practitioner to perform duties safely;
- f. has no criminal convictions or pending criminal charge that involves violence or danger to another person, or involves a crime which constitutes a threat to patient care;
- g. no diversion of chemicals for the purpose of sale or distribution;
- h. no dealing or selling of illicit drugs;

- i. no co-existing untreated physical, emotional or psychiatric problems which would impair physical therapy competency;
- j. no related practice problems involving death or significant harm to a patient; and
- k. agrees to comply with all RPTP requirements and signs the RPTP Agreement including a statement acknowledging chemical dependency or other impairment.

§359. Discretionary Authority

- A. The board may order an individual with an active disciplinary order into the RPTP as stipulated in a board order.
- B. The board may cause to be made non-confidential the records, files and information related to a successfully completed RPTP in the event that a former participant becomes the subject of a subsequent disciplinary action for violation of the Practice Act or board rules related to substance abuse and/or chemical dependency.

§361. RPTP Non-compliance

- A. When a licensee ceases to be in compliance with his RPTP Agreement, he shall be referred back to the board for regular disciplinary proceedings.

§363. Licensees Leaving the State

- A. A RPTP participant who moves from Louisiana to another state with an alternative program shall have records transferred to that program.
- B. A RPTP participant who moves to a state where there is no alternative program shall have his records transferred to the licensing board in the receiving state.

§365. Licensure of Persons with a History of Substance Abuse

- A. The board may deny a license to or discipline an applicant/respondent who has been found to have a history of substance abuse.
- B. In review of a complaint alleging intemperate use of drugs or alcohol by a respondent/applicant, the board shall consider the following evidence in determining the respondent's/applicant's present fitness to practice physical therapy:
 - 1. documentation demonstrating the degree of sobriety obtained;
 - 2. documentation showing completion of a drug or alcohol rehabilitation program;
 - 3. evidence of participation in board-accepted aftercare;
 - 4. a current status report from a drug/alcohol abuse counselor or board-accepted aftercare sponsor; and
 - 5. notarized letters of recommendation.
- C. The burden to provide the foregoing documentation to the board shall be solely at the expense of the respondent/applicant.

§367. Substance Abuse Recovery Program

- A. Licensees may be required to submit to medical evaluation by a board-approved medical professional to determine competence and possible impairment.
- B. 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 (SARP) if:
 - 1. the board has evidence that the 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 US 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 SARP 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 SARP to release information to the board and to report to the board if the applicant or licensee does not comply with the requirements of the Consent Order or the SARP or is unable to practice or work with reasonable skill or safety.
- C. Failure to voluntarily 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.
- D. Failure to comply with the requirements of the Consent Order, the SARP, or the inability to practice physical therapy competently and safely shall result in denial, suspension or revocation of a license to practice summarily or after due notice and hearing.

E. The applicant or licensee shall be responsible for all costs associated with the Consent Order, evaluation, treatment, and monitoring of the SARP.

§369. Abuse of Referrals

A. Violation of La. R.S. 37:1745 will subject a PT to disciplinary action. La. R.S. 37:1745 provides, in pertinent part: "(2) Healthcare 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."

B. As used in La. R.S. 2420 A.(8) of the 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 exploitation of the physical therapy referral mechanism so that a 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 a patient referral when the referring practitioner does not have an ownership interest in the physical therapy practice involved.

§371. Cease and Desist Orders; Injunctive Relief

A. The board may seek to issue in any competent court of law a writ of injunction enjoining any Respondent from unlawfully practicing physical therapy without a license issued pursuant to the provisions of the Practice Act, La. R.S. 37:2401 and following, and/or any rules promulgated thereto. This injunction shall not be released upon the posting of a bond by the person. The provisions of La. R.S. 37:2422 shall further govern the use and effect of this procedure.

B. The board is empowered to issue an order to any person or entity engaged in any activity, conduct, or practice constituting a violation of the statute or the rules promulgated by the board, directing that person or entity to forthwith cease and desist from such activity, conduct, or practice. If the person alleged to have violated the Practice Act or the rules is licensed by another Louisiana healthcare provider licensing board, notification of suspected violations of the Practice Act or of board rules shall be sent to the executive director of the board which has issued a license to that healthcare provider for review and response by that board to the Louisiana Physical Therapy Board.

C. If the person or entity to which the board directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice within the timeframe directed by said order, the board may seek, in any court of competent jurisdiction and proper venue, a writ of injunction enjoining such person or entity from engaging in such activity, conduct, or practice.

D. Upon proper showing by the board that such person or facility has engaged in the prohibited activity, conduct, or practice, the court shall issue a temporary restraining order prohibiting the person or entity from engaging in the activity, conduct, or practices complained of, pending the hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after a contradictory hearing, commanding the cessation of the activity, conduct, or practices determined to be unlawful by the court.

§373. Violations

A. The following conduct shall also constitute violations the Practice Act and board rules:

1. allowing another person to use a licensee's wall certificate, pocket identification card, license number, or national provider identifier for any purpose other than to identify himself as the lawful holder of those credentials;

2. practicing or enabling practice by an impaired provider, a licensee shall not:
a. engage in the practice of physical therapy while under the influence of a mood-altering substance that compromises the professional judgment or practice or has the potential to compromise the medical judgment or practice. If the board receives apparently reliable information, including but not limited to reports made pursuant to La. R.S. 37:1745.14, which information or report puts in question a licensee's or applicant's current fitness and ability to practice physical therapy with reasonable skill and safety to patients, the licensee or applicant shall submit to such physical or mental examination, evaluation, test, or drug/alcohol screen as requested by the executive director to determine the licensee's or applicant's fitness and ability to practice physical therapy with reasonable skill and safety to patients. Records of such examinations, evaluations, tests and screens shall be maintained by the board in confidence unless such records are admitted into the record of any adjudication proceeding before the board or subpoenaed by court order;

3. failing to assess and evaluate a patient's status;
4. performing or attempting to perform techniques or procedures for which the licensee is not qualified by education, experience, licensure or training;
5. delegating physical therapy functions or responsibilities to an individual lacking the license ability or knowledge to perform the function or responsibility involved;
6. causing, or permitting another person to cause, physical or emotional injury to the patient, or depriving the patient of his individual dignity;
7. providing treatment interventions that are not warranted by the patient's condition or continuing treatment beyond the point of reasonable benefit to the patient;
8. practicing in a manner which evidences the failure to perform on a continuing basis in compliance with the *Minimal Standards of Acceptable and Prevailing Physical Therapy Practice* as defined in §123;
9. providing substandard care as a PTA by exceeding the authority to perform components of physical therapy interventions selected by the Supervising PT of Record or through a deliberate or negligent act or failure to act, whether or not actual injury to any person occurred;
10. abandoning a patient without documenting the transfer of care or by inappropriately terminating the patient/practitioner relationship; or
11. documenting services provided which have not been provided as documented or billing for services which have not been provided.

§375. Disciplinary Process and Procedures

A. The purpose of the following rules is to supplement and effectuate the applicable provisions of the Louisiana Administrative Procedure Act, La. R.S. 49:950 and following, regarding the disciplinary process and procedures. These rules are not intended to amend or repeal the provisions of the Louisiana Administrative Procedure Act, and, to the extent any of these rules 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 Respondent did certain acts or omissions and, if he did, whether those acts or omissions violated the Practice Act or board rules; and to determine the appropriate disciplinary action.

D. Pursuant to the Health Insurance Portability and Accountability 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 US for recordation in the Health Integrity and Protection Data Bank. The board may designate an agent 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 may be amended from time to time.

§377. Initiation of Complaints

A. Complaints may be initiated by any person or by the board on its own initiative. A licensee is obligated to report to his supervisor or employer, and to the board, significant violations of the Practice Act, board rules or those set forth in the Code of Ethics and related documents of APTA. Failure by a licensee to report such violations to his supervisor or employer and to the board may subject the licensee to disciplinary action.

§379. Emergency Action

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

§381. Disposition of Complaints

A. Some complaints may be settled informally by the board and the Respondent without a formal hearing. The following types of informal dispositions may be utilized:

1. Disposition by Correspondence. For less serious complaints, the executive director or legal counsel may write to the Respondent explaining the nature of the complaint received. If the Respondent's subsequent response satisfactorily explains the situation, the matter may be dropped. If the situation is not satisfactorily explained, it may be scheduled for an Informal Conference.

2. Informal Conference. An Investigative Committee of the board may conduct an Informal Conference with the Respondent. The Respondent shall be given reasonable notice to participate in the Informal Conference and provided with a description of the issues to be discussed, the possible violations of law or rules and whether admissions by Respondent in the Informal Conference may later be used in a formal hearing.

3. Consent Order. If the Respondent and the board member participating in the Investigative Committee agree on the essential facts and law arising out of the complaint and on sanctions to be imposed on the Respondent, the complaint may be resolved by a Consent Order to be presented by the participating board member or by board legal counsel for approval, amendment or rejection. If accepted by the board and the Respondent, the Consent Order shall be finalized as a board order and shall be reported to the HIPDB and published as a disciplinary action of the board.

B. An Agreement reached between a complainant and a Respondent shall not preclude disciplinary action by the board on the issues raised in the complaint brought to the board.

C. A complaint may be dismissed for the following reasons:

1. the absence of adequate, credible evidence; or
2. other reasons which the Investigative Committee believes are justification for dismissal.

D. When it is the decision of the Investigative Committee to dismiss a complaint, the complainant shall be provided with a letter explanation for dismissal of the complaint.

§383. Failure to Respond or Cooperate with the Board

A. Licensees shall cooperate with and assist the board in carrying out its duties. A licensee shall, among other matters:

1. respond or provide information or items requested, respond to a subpoena, or complete an evaluation within the time designated by the board or its staff;
2. not attempt to influence the board, its members, staff or agents by means of intimidation, falsehoods or other means prohibited by law;
3. not contact members of the board directly or through others during the pendency of a complaint in an attempt to influence the outcome of an investigation or disciplinary proceeding; and
4. not contact or attempt to contact a complainant or witness for purposes of intimidation or harassment regarding a complaint or an investigation by the board.

B. If the Respondent does not respond to the original communication from the board within ten days of a request by the board, a second letter shall be sent to the Respondent by certified mail, return receipt requested, seeking a response by a specified date.

C. If the Respondent fails to reply to the board's second request or otherwise fails to cooperate with the board, the board shall record the circumstances of the failure to cooperate and shall notify the Respondent of the date for an Informal Conference or Formal Hearing and that failure to appear and participate may result in action which could eventually lead to suspension or revocation of license, or other appropriate sanctions under the law.

§385. Monitoring of Licensees

A. A Respondent who is required by board order to provide information or perform certain acts will be monitored by a board representative to ensure that the requirements imposed by the board order are met.

B. Respondents working under a board order resulting from disciplinary proceedings shall provide to the executive director their preferred telephone and/or email address for expedited communications regarding compliance with board orders. Once designated by the Respondent, all communication regarding compliance shall be directed by board representatives to that telephone number or email address and the Respondent shall be responsible for responding to such communications within four hours of the time the message was sent to the designated telephone number or email address. Failure of the Respondent to respond to the board representative within four hours shall be grounds for disciplinary action against the Respondent. If the Respondent desires to change the designated means of communication, they shall do so in writing sent to the executive director.

§387. Formal Hearings

A. The board is authorized by La. R.S. 37:2420, to initiate administrative proceedings against persons to whom it has issued a license to practice as a PT or PTA or against any applicant requesting a license. The board and the Respondent accused of a violation are the parties to the proceeding. The person has the right to appear and be heard, either in person or through counsel; the right to 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 Respondent does not appear, either in person or through counsel, after proper notice has been given, the Respondent is deemed to have waived these rights and the board may proceed with the hearing without the presence of the Respondent.

C. Disciplinary proceedings shall include certain steps, and may include other steps as follows.

1. The board has received or originated a complaint alleging that a licensee or applicant has acted in violation of the Practice Act or board rules. The identity of a complaining party shall not be revealed to the Respondent except when such information is offered as evidence in a formal hearing, is subpoenaed by a court, or is necessary for due process purposes.

2. a. The complaint is investigated by the board's staff or attorney to determine if there is sufficient evidence to warrant disciplinary proceedings. Once the complaint is under investigation, no board member (except board members serving as members of an Investigative Committee) shall receive or review any information relevant to the subject matter of the investigation or communicate with the Respondent or his legal representative, potential witnesses, or any member of the Investigative Committee concerning any issue of fact or law relevant to the investigation. A board member who has served on the Investigative Committee shall not serve as a member of a hearing panel of the board in the adjudication of a case previously investigated by the board member.

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

i. the conduct complained of is sufficiently serious;

ii. the Respondent, through board correspondence, has been given an opportunity to show compliance with lawful requirements for the retention of his license without restriction as contemplated by La. R.S. 49:961.C, but the Respondent fails to respond, affirmatively waives the opportunity or provides an unconvincing response to the board's correspondence; or

iii. an Informal Conference is conducted, but fails to resolve all of the issues or reach a Consent Order acceptable to the board and the Respondent.

3. A sworn complaint is filed, charging the violation of one or more of the provisions of the Practice Act and/or board rules 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 20 days prior to the date set for the hearing, a copy of the charges in the form of an Administrative Complaint shall be served on the Respondent by certified mail with return receipt as well as by regular first class mail at the most current address reflected in the official records of the board, or by personal service on the Respondent. Respondent is obligated to provide current contact information to the board as required by §317. If service by certified mail is not effective or is returned unclaimed, attempted personal service does not succeed and attempted notice at Respondent's email address and telephone number also are unsuccessful, the complaint may be adjudicated by default pursuant to La. R.S. 49:955.D.

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 respondent's request, the board shall provide a more definite and detailed statement.

d. The respondent may file a written answer to the complaint within 15 days of service, admitting or denying each of the separate allegations. Any matter admitted by the respondent shall be deemed proved and established for the purpose of adjudication. In the event the respondent does not answer the complaint, all allegations will be deemed denied.

e. At any time after service of the administrative complaint, a respondent who chooses to be represented by legal counsel shall provide written notification to the board's prosecuting attorney of the name, address and telephone number of such counsel. Following receipt of proper notice of representation, all further notices, correspondence, administrative complaints, subpoenas, orders or other process shall be served on Respondent through his counsel of record.

6. Except for extreme emergencies, motions requesting a continuance of a hearing shall be filed no less than 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.

§389. Issuance of Subpoenas

A. The chairman, or an authorized agent of the board, shall issue subpoenas on behalf of the board for disciplinary proceedings and when requested to do so, may issue subpoenas for respondent.

B. Subpoenas include:

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

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

C. A subpoena requested by a respondent shall not be issued unless the respondent deposits with the board sufficient money to pay the fees and expenses to which a witness in a civil proceeding is entitled under La. R.S. 13:3671. In addition, the board shall set the amount of any additional compensation for a witness subpoenaed to testify as an expert based on the value of the time employed and the degree of skill and learning required to formulate and present an expert opinion, which additional compensation shall be paid in advance by the party requesting the subpoena for the attendance of such witness.

D. A motion to limit or quash a subpoena may be filed with the board, but not less than 72 hours before the hour set for the hearing.

§391. Conduct of Hearing

A. The hearing shall be convened by the board chair or acting board chair at the time, date and place provided in the notice to respondent, at which time the board's primary role is to receive evidence and argument, and to reach a decision. Any board member, who, because of bias or interest, is unable to provide 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 provide a quorum for the proceeding in accordance with La. R.S. 49:960B.

B. Any objection to the composition of the hearing panel or the qualifications of any member of the hearing panel shall be made and ruled on by the chair before any evidence is received.

C. The board shall be represented by its investigating board member who has conducted the investigation and by its prosecuting attorney who presents evidence to support the charges contained in the administrative complaint.

D. Respondent may present evidence personally or through an attorney, and witnesses may testify on his behalf.

E. Evidence includes the following:

1. oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition. The cost of such deposition shall be borne by the requesting party;

2. documentary evidence, such as written or printed materials including public, business or institutional records, books and reports;

3. visual, physical and illustrative evidence;

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

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

F. All testimony shall be received under oath. If the witness objects to swearing, the word "affirm" may be substituted.

§392. Order of Hearing

A. Unless respondent is notified otherwise no less than 72 hours prior to the beginning of the hearing, the order of proceedings shall be as follows:

1. the board's representative makes an opening statement of what he intends to prove, and what action is sought from the board;

2. the respondent or his attorney makes an opening statement, explaining why he believes that the charges against respondent are not legally founded;

3. the board's representative presents the evidence against the respondent;

4. the respondent or his attorney cross examines;

5. the respondent presents evidence;

6. the board's representative cross examines;

7. the board's representative rebuts the respondent's evidence;

8. the respondent surrebuts the evidence against him;

9. each party makes closing statements. The board's representative makes the initial closing statement and the final statement; and

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.

§393. Decision of the Board

A. The decision of the board shall be reached in the following manner:

1. determine the facts established by the evidence presented in the hearing;

2. determine whether the facts in the case support the charges brought against the respondent; and
3. determine whether charges brought are a violation of the Practice Act or board rules.

B. The vote of the board shall be recorded. A majority 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 respondent shall be based upon the findings of fact and conclusions of law determined by the board. The respondent shall be notified by mail of the decision of the board.

§395. Record of the Hearing

A. The record of the hearing shall include:

1. all papers filed and served in the proceeding;
2. all documents and other materials accepted as evidence at the hearing;
3. statements of matters officially noticed;
4. notices required by the statutes or rules, including notice of the hearing;
5. affidavits of service or receipts for mailing or process or other evidence of service;
6. stipulations, settlement agreements or consent orders, if any;
7. records of matters agreed upon at a prehearing conference;
8. reports filed by the hearing officer, if one is used;
9. orders of the board and its final decision;
10. actions taken subsequent to the decision, including requests for reconsideration and rehearing; and
11. 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 shall pay for the cost of the transcript.

Subchapter E. Post-adjudication Remedies

§396. Reconsideration of Decisions

A. The board may reconsider a matter which it has decided. This may involve a rehearing of the case, or a reconsideration of the case based on the existing 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. A petition by a party seeking 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 shall include one or more of the following:

1. the board's decision is clearly contrary to the law and evidence;
2. 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;
3. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly; or
4. it would be in the public interest to review and further consider the issues and the evidence.

C. The board's decision to grant or deny a requested reconsideration of its decision is final and not subject to review or appeal.

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

§397. Judicial Review of Adjudication

A. Any respondent whose license has been revoked, suspended, denied or otherwise sanctioned by the board has 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 filed within 30 days after receipt of 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.

§399. Appeal

A. A respondent 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, La R.S. 49:965, this appeal shall be taken as in any other civil case.

Subpart 3. Fees

Chapter 5. Fees

§501. Fees

A. The board may collect the following fees:

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|---------------------------------|-------|
| 1. application | \$250 |
| 2. Re-instatement | \$ 75 |
| 3. renewal of license, per year | \$140 |
| 4. License Verification | \$ 40 |
| 5. Duplicate Wall License | \$ 50 |
| 6. Duplicate Wallet License | \$ 20 |
| 7. CE review (courses <8 hrs) | \$100 |
| 8. CE review (courses 8+ hrs) | \$150 |
| 9. late renewal of license | \$400 |
| 10. licensee course review | \$20. |

B. The biennial renewal fee provided in this Rule shall be received by the board office prior to May 1 of each period.

C. If the biennial renewal fee is received by the board office on or subsequent to May 1, the applicant shall apply for reinstatement pursuant to §185 and shall pay the renewal fee and the reinstatement fee.

D. The board may assess reasonable fees with regards to administrative business expenses and services.