



State of Louisiana
Department of Health and Hospitals
Louisiana Physical Therapy Board
104 Fairlane Drive, Lafayette, LA 70507
(337) 262-1043 FAX (337) 262-1054

August 21, 2013

- 5:00 Informal Conference 2013I015
5:30 Informal Conference 2013I007
6:30 Call Meeting to order
6:35 Meeting with Brian Soignier and Clark Leblanc; McCloud, Trahan, Sheffield PT
7:00 June Board Meeting Minutes
7:00 Reports
Chairman's Report
 ➤ FSBPT Leadership Forum Report
Treasurer's Report
 ➤ June 2013 actual vs. budget
 ➤ July 2014 actual vs. budget
 ➤ Securities – June 2013
 ➤ Securities – July 2014
Executive Director's Report
7:45 Unfinished Business
 ➤ Task Tracker for June 2013
8:30 Monitoring Disciplined Therapists Report
9:00 Correspondence
 ➤ Discharge of patient based on attendance policy
 ➤ Stroke education
 ➤ Expiration of Referrals
 ➤ supervision with telehealth
 ➤ Dry Needling course question
 ➤ Lowery Request Dry Needling

Recess

August 22, 2013

- 9:00 Letter from the Medical Board
10:00 Legal
11:00 New Business
11:30 Statutes, Rules and Regulations Issues
 ➤ Dry Needling language
11:45 Board Monthly Call Discussion
12:00 Adjournment

LOUISIANA PHYSICAL THERAPY BOARD

August 21 & 22, 2013 ACCEPTED

An Informal Conference was held for Case #2013I015.

An Informal Conference was held for Case #2013I007.

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, August 21, 2013, at 104 Fairlane Drive, Lafayette, LA 70507. Donna "Dee" Cochran, Chairman called the meeting to order at 6:30 p.m. A quorum of members was present. Board members present were: Donna "Dee" Cochran, Jerry Jones, Jr., Kristina Lounsberry, Al Moreau, III, Danny Landry, and Gerald Leglue. New Board Member Elizabeth Austin was unable to attend. Cheryl Gaudin, Executive Director, George Papale, general counsel and Courtney P. Newman, attorney were also present.

Meeting with Michael Sheffield, Brian Soignier, Maisie Meaux Hargett of McCloud, Trahan, and Sheffield Physical Therapy (MTS). Mr. Hargett who is an attorney was also present. The group met with the Board to make a plea regarding the late renewal of Maisie Meaux Hargett providing documentation for the board review. Cheryl Gaudin asked to be excused as she was a patient of MTS. Motion was made by Danny P. Landry, seconded by Gerald Leglue, "Following due consideration of all of the issues presented by representatives of MTS and consideration of the purpose and intent of Rule 187 (C), prior uniform enforcement of the rule and the advice of legal counsel, I move that the Board enforce Rule 187 (C) in regard to lapsed license of Maisie Meaux Hargett." All in favor were Donna "Dee" Cochran, Al Moreau, III, Danny P. Landry, Gerald Leglue, Kristina Lounsberry, and Jerry Jones, Jr. No one opposed the motion. Mr. Papale will respond to their counsel.

ADOPTION OF MINUTES OF PREVIOUS MEETING

Minutes of the June Board meeting were accepted as written.

CHAIRMAN'S REPORT

Ms. Cochran reported on the FSBPT Leadership Forum attended by she and Cheryl Gaudin. Issues discussed will be presented at the FSBPT Annual Meeting to be held in San Antonio in October. Board Members attending the Annual Meeting are Donna "Dee" Cochran as Delegate, Danny P. Landry as Alternate Delegate, Kristina Lounsberry, Elizabeth Austin, and Cheryl Gaudin.

TREASURER'S REPORT

Cash on hand for the month of June was \$1,240,516.29. Receipts for June totaled \$20,759.10 and expenses totaled \$33,419.51.

Cash on hand for the month of July was \$1,214,248.67. Receipts for July totaled \$13,847.59 and expenses totaled \$47,482.92.

The Board was presented with the end of year report of budget vs. actual. It was noted although George Papale has a three year contract with a cap of \$180,000.00, the annual amount paid to Mr. Papale was \$72,000. This amount was over the \$60,000 annual limit by \$12,000. This was due to the resignation of Glenn Ducote, previous general counsel, early in the fiscal year and Mr. Papale became general counsel to the board. Mr. Papale employed the legal services of Courtney P. Newton increasing the amount paid for legal services performed during the current calendar year being paid through the contract of George Papale. The Board entered a contract with Ms. Newton for legal services which became effective July 1, 2013. It was suggested the contract of Mr. Papale should be increased to \$100,000 for the last year of his three year contract. Motion was made by Kristina Lounsberry, seconded by Danny P. Landry, "The Board moves to amend the contract of George Papale to increase the cap on the third year of his three year contract to \$100,000." All in favor were Kristina Lounsberry, Danny P. Landry, Donna "Dee" Cochran, Gerald Leglue, Jerry Jones, Jr., and Al Moreau, III. No one opposed the motion. Cheryl Gaudin will

prepare the amendment to the contract for board signature.

EXECUTIVE DIRECTOR REPORT

An update was provided regarding the progress of the architect contract with Kirby Pecot. DHH Contract Management is still asking for additional information which Cheryl Gaudin has been providing upon request.

MONITORING DISCIPLINED THERAPISTS

STATUTE, RULES, AND REGULATIONS

CORRESPONDENCE

Lindsay Escoyne, PTA reported working for an outpatient clinic at Regional Medical Center of Acadiana and questioned if a PTA can make the decision to discharge a patient solely based on non-compliance with their attendance policy. Escoyne understands a PTA can't write the discharge, but questions if it is ok for the PTA to make that decision, then let the treating PT know. Also, can the PTA forward a letter to a MD renewing a script for a patient even if a reassessment is not due. Danny P. Landry will draft the response to Escoyne.

Karen Vandersypen, PT, DPT, PCS reported the hospital where she is employed is asking the physical therapists to go the patient's room with stroke triggers and leave stroke education information. The hospital wants the PT to get the patient or a family member to sign the document to be placed in the patient's chart. Vandersypen believes this request is beyond the PTs scope of practice because that would be inferring a medical diagnosis. Providing this information is without the doctor's consent. The hospital is making this mandatory for even a diagnosis of syncope because it is a stroke trigger. Vandersypen indicated she is uncomfortable going in a patient's room and leaving stroke information without a medical diagnosis by a physician of a stroke. Vandersypen faxed a copy of the document the hospital is expecting the PT to leave in the room and have the patient sign. Donna "Dee" Cochran will contact Vandersypen and report after review of the document, it was decided the PT could provide this information to patients.

Julie White from the Shreveport VA Medical Center reported the facility is planning to use telehealth audio and visual technology to connect clinicians, including therapists to patients at offsite settings including outlying clinics in rural areas where access is limited and in the home. New technology brings new questions: (1) Could evaluations ever be accomplished by video? Say for gait to determine assistive device if there is someone onsite for physical assistance? (2) If another person is needed to assist patient physically say for transfers and therapist is watching by video, would that other assistant be required to be a PTA or could it be a nursing person trained in patient handling? Al Moreau, III will draft a response to White.

Tricia Holifield, PTA Clinical Director at Lewy Physical Therapy reported Danny Lewy attended a Dry Needling Course Level 1, Aug 5th 2012. Lewy has only completed and documented 120 educational episodes. Since it has now been over a year since completion of DN Level 1, is he allowed to continue to perform his educational treatment episodes? Cheryl Gaudin will respond the board suggested he attend DN Level 1 again as a way to gain certification allowing him to provide only those techniques he learned in Level 1.

Beau Lowery, PT, ATC, SCS who is employed by the New Orleans Saints, reported he was in receipt of a copy of the June 18, 2013 letter from the La State Board of Medical Examiners to the La Physical Therapy Board requesting an amendment to and/or deletion of published rules authorizing physical therapists to perform "dry needling". Lowery is requesting the position of the board with regards to this request. Cheryl Gaudin will respond with the statement provided to the La State Board of Medical Examiners drafted by Lindsey Hunter of the Attorney General's Office.

The meeting was recessed at 10:30 pm.

The meeting was reconvened at 8:30 am on Thursday, August 22, 2013. A quorum of members was present. Board members present were: Donna "Dee" Cochran, Jerry Jones, Jr., Kristina Lounsberry, Al Moreau, III, Danny Landry, and Gerald Leglue. Cheryl Gaudin, Executive Director, George Papale, general counsel and Courtney P. Newman, attorney were also present. Cristina Fauchaux, Louisiana Physical Therapy Association (LPTA) Governmental Affairs was also in attendance.

NEW BUSINESS

LEGAL

Lindsay Hunter, attorney from the AGs office was scheduled to meet with the board to discuss a request from the La State Board of Medical Examiners. Hunter was unable to attend the meeting due to an illness. Courtney P. Newton spoke with Hunter by telephone and led the discussion regarding the request from the Medical Board. The Board reviewed the response drafted by Lindsey Hunter and agreed to forward to the LA State Board of Medical Examiners and copy the La Drug Wholesale Board. Ms. Hunter reported the Medical Board requested a lunch meeting with representatives of the PT Board at a neutral location. The board voted to have Donna "Dee" Cochran and Cheryl Gaudin attend the luncheon meeting with Courtney P. Newton. Cristina Fauchaux reported LPTA was reviewing strategy for efforts for next year's legislative session.

George Papale provided Adam Lafleur's psychological evaluation report. The evaluation was required by his Consent Order prior to consideration for reinstatement of his physical therapy license. Lafleur's license had been on suspension for a period of one year. After review of the report, motion was made by Kristina Lounsberry, seconded by Jerry Jones, Jr., "To reinstate the license of Adam Lafleur". All in favor were Kristina Lounsberry, Jerry Jones, Jr., Donna "Dee" Cochran, and Gerald Leglue. Danny P. Landry and Al Moreau III opposed the motion.

George Papale presented the results of the investigation of James Coleman Padgett and the proposed revised consent order. After discussion, motion was made by Kristina Lounsberry, seconded by Jerry Jones, Jr., "To accept the revised Consent Order on James Coleman Padgett." All in favor were Jerry Jones, Jr., Kristina Lounsberry, Donna "Dee" Cochran, Al Moreau, III, Danny P. Landry, and Gerald Leglue. No one opposed the motion.

OTHER BUSINESS

UNFINISHED BUSINESS TASK TRACKER

Kristina Lounsberry drafted a response to Roger Martin, PT in response to questions posed regarding a "standing order" and the PT determining when an evaluation is necessary and appropriate.

Danny P. Landry drafted a response to Lloyd Vale, PT responding to his question if a therapist should assess and complete a functional limitation report as Medicare FLR mandates on every tenth (10th) visit and should the PT or PTA treat the patient on the tenth visit FLR assessment.

Danny P. Landry drafted a response to Elizabeth Madden, RN Clinical Educator at Ochsner Home Health, Kenner clarifying that a PT practicing in a home care work setting can perform a PT/INR test on a patient using a coag monitor device once the therapist is provided with proper training and passes a competency test.

Al Moreau, III drafted a response to Krystal Hart, Analagic Healthare who asked if it is considered within the scope of practice for a PT, DPT, MSPT, NPT to prescribe electrotherapy products (specifically TENS and Mstim) and orthotics for home use, without a supervising MD Rx. The response indicated it is within the scope of practice for a PT practicing in Louisiana to distribute DME such as orthotics and Tens/muscle stim units without the prescription of a physician if used for wellness and prevention. If these products are being used for the treatment of a musculoskeletal disorder that is considered treatment and not wellness/prevention, then a

prescription would be necessary unless the patient meets criteria described La R.S. 37:2418 and §307.

BOARD MEMBER MONTHLY CALLS

The meeting was recessed at 11:30 a.m.
