



*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

AGENDA

**April 27, 2011**

- 5:00 Case #2010I019 Informal with Jerry Jones, Jr.
- 5:30 Case #2010I019 Informal with Jerry Jones, Jr.
- 6:30 Call Meeting to order
- 6:35 Substantive Rules Public Hearing
- 7:30 Minutes of March board meeting
- 7:40 Reports
  - Chairman's Report
    - Meeting with Senator McPherson
    - Conference call with LPTA leadership
    - LPTA meeting
    - BD Member Timesheet
    - Property purchase negotiation
  - Treasurer's Report
    - January 2011 actual vs budget
    - Securities
  - Executive Director's Report
    - Newsletter
    - Governor Annual Report
- 8:30 Monitoring Disciplined Therapists Report
- 9:00 Rules and Regulations Update
- Recess for evening

**April 28, 2011**

- 8:30 Legal
  - Opinion Letter Cassius Ekhaton
- 9:30 Unfinished Business
  - Task Tracker
  - Correspondence
    - CLEAR 2011 Annual Educational Conference and Training Programs
    - 2011 FSBPT Delegate and Administrator Credentialing
    - NPTE Fee Increase Effective January 1 2013
    - 2011 FARB Attorney Certification Seminar
    - concussions
    - Question about PTA rights
    - Veneracion resume and letter of interest
    - Regulation of Medical Equipment
    - referrals from psychologists
    - Question
    - Supplements
    - CBA comments
- 10:15 New Business
  - Suggested Advisory names
  - Continuing Education Policy
- 10:30 Meeting with Sheryl Townsend

11:00 Board monthly call discussion  
11:30 Investigation Summary Reports (one-on-one meetings)  
12:00 Adjournment  
  
1:00 Case #2011I010 Informal Conference with Dan Wood

# LOUISIANA PHYSICAL THERAPY BOARD

April 27 & 28, 2011

DRAFT

5:00 The Investigative Committee for case #2010I019 and case #2011I019 met.

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, April 27, 2011, at 104 Fairlane Drive, Lafayette, LA 70507. Jerry Jones, Jr., Chairman called the meeting to order at 6:30 p.m. A quorum of members was present. Board members present were: Jerry Jones, Jr., Teresa Maize, Al Moreau, III, Donna "Dee" Cochran, Dan Wood, Gerald Leglue and Danny Landry. Cheryl Gaudin, Executive Director, Glenn Ducote, attorney, and George Papale, attorney were present. Advisory Committee Members Allison Roux and Dionne Francois were in attendance.

At 7:09 pm proceedings for the Substantive Rules Public Hearing began. Those present and wishing to speak were Bland O'Connor, Greg Leblanc, Kinta Leblanc, Paul Hildreth, Lisa George, and Jane Eason. Written comments were reviewed and oral testimony was accepted. A court reporter was present to record and transcribe the proceedings.

## ***ADOPTION OF MINUTES OF PREVIOUS MEETING***

Minutes of the March 2011 board meeting were accepted as written.

## ***CHAIRMAN'S REPORT***

Jerry Jones, Jr. reported the outcome of the meeting with Senator McPherson and the conference call with LPTA President Greg Leblanc.

The board sponsored a booth at the Louisiana Physical Therapy Association Spring Meeting held at the Lafayette Hilton and Towers. Teresa Maize and Cheryl Gaudin manned the booth to respond to questions regarding proposed legislation. Jerry Jones, Jr. and Danny Landry attended the continuing education course sponsored by LPTA. Teresa Maize, Jerry Jones, Jr., Danny Landry and Cheryl Gaudin attended the business luncheon.

Danny Landry reported discussion at the LPTA Board of Directors meeting to appoint a Task Force to address direct access. Mr. Landry informed the LPTA BOD the board had previously decided to appoint a task force to address direct access and suggested the two organizations work together in making appointments to a single task force.

Staff forwarded a board member timesheet for review. Tasks that do not take more than 30 minutes to complete could be recorded on the form to accumulate two hours of work which could be used toward a per diem for board work. Motion was made by Dan Wood, seconded by Danny P. Landry; "To accept the board member timesheet to monitor monthly activity. Board and Committee Members must submit a minimum of 2 hours of board related activity to be compensated for a per diem."

A proposal from Sam Robertson Realty for purchase of the building and property was reviewed. The proposal for purchase of the property was \$280,000. Motion was made by Dan Wood, seconded by Donna "Dee" Cochran; "The board will secure the services of a licensed realtor to negotiate the purchase of the current location the board is renting, and to counter the offer to purchase the property at \$225,000. The purchase offer would include mineral rights." All in favor were Dan Wood, Donna "Dee" Cochran, Jerry Jones, Jr., Teresa Maize, Danny Landry, Gerald Leglue, and Al Moreau, III. No one opposed the motion.

A couple of board members indicated they would not be at the board meeting scheduled for May due to personal conflicts. After discussion, the May board meeting was moved to May 18<sup>th</sup> & 19<sup>th</sup>. Personal conflicts were also noted for the board meeting scheduled for July. The meeting date was moved to July 20<sup>th</sup> and 21<sup>st</sup>.

## ***TREASURER'S REPORT***

Cash on hand for the month of March 2011 was \$1,036,516.28. Receipts for March 2011 totaled \$10,092.56 and expenses totaled \$42,344.70.

A Commercial Savings Account was opened at Chase Bank. When the account was opened, \$300,000 was moved from the checking account into the Commercial Savings Account.

Motion was made by Donna "Dee" Cochran, seconded by Al Moreau, III: "To accept the Treasurers report as given." All in favor were Jerry Jones, Jr., Donna "Dee" Cochran, Al Moreau, III, Teresa Maize, Gerald Leglue, Danny Landry and Dan Wood. No one opposed the motion.

#### **EXECUTIVE DIRECTOR REPORT**

Staff presented a rough draft of the Annual Report to the Governor which included the information about direct access drafted by George Papale. In addition, comments were added regarding wellness client direct access. Staff will complete the report and forward to the Governor.

Staff presented for review articles for the Spring Newsletter. Donna "Dee" Cochran provided the article information stating the differences between licensure and academic degree to be included in the newsletter. Staff will prepare and forward to the printer for distribution.

#### **MONITORING DISCIPLINED THERAPISTS**

The board asked staff contact Peggy Wilson requesting she conduct a monitoring visit with Stacey Andrus.

Donna "Dee" Cochran will conduct a monitor visit with Carrie Signal.

Danny Landry will monitor Shelley Sonnier.

#### **PROPOSED RULES AND REGULATIONS/LEGISLATION**

The Board discussed written and verbal comments received at the Substantive Rules Public Hearing. Discussion surrounding the temporary permit issue will be taken up at a later time. The board decided to move forward with the process with the rules language as is and forward the report to the Oversight Committees.

#### **LEGAL**

George Papale, legal counsel to the board reported review of an application submitted by Cassius Ekhator to sit for the NPTE. Mr. Papale identified several discrepancies in the fourteen applications submitted by Mr. Ekhator. Mr. Papale presented for review by the board an opinion letter containing such discrepancies. Motion was made by Donna "Dee" Cochran, seconded by Dan Wood; "To notify Cassius Ekhator of the Board's intent to deny and disqualify his application for licensure." All in favor were Dan Wood, Donna "Dee" Cochran, Jerry Jones, Jr., Teresa Maize, Danny Landry, Gerald Leglue, and Al Moreau, III. No one opposed the motion.

George Papale reported review of an application from Jennifer Clark PTA. Ms. Clark indicated previous disciplinary action in Mississippi and Arkansas. After discussion, the board requested a meeting with Ms. Clark at the May board meeting. A substance test by submission of a hair specimen was to be requested prior to the meeting.

Glenn Ducote drafted a Cease and Decist Order for review by the board. George Papale suggested adding a place for acknowledgment by the individual the cease and decist order was addressed to. Motion was made by Dan Wood, seconded by Donna "Dee" Cochran; "Authorize issuance of a Cease and Decist Order to Mario Wilkens, Lourdes Han and Vinicio Madrigal." All in favor were Dan Wood, Donna "Dee" Cochran, Jerry Jones, Jr., Teresa Maize, Danny Landry, Gerald Leglue, and Al Moreau, III. No one opposed the motion.

The meeting was recessed at 10:05 p.m.

The board meeting reconvened on April 28, 2011. A quorum of members was present. Board members present were: Jerry Jones, Jr., Teresa Maize, Al Moreau, III, Donna "Dee" Cochran, Dan Wood, Gerald Leglue and Danny Landry. Cheryl Gaudin, Executive Director, Glenn Ducote, attorney, and George Papale, attorney were present. Advisory Committee Members Allison Roux and Dionne Francois were in attendance.

### **NEW BUSINESS**

Armafe Veneracion, PT from the Monroe area, submitted a resume with letter of interest to be appointed to the Advisory Committee. After review and discussion, motion was made by Teresa Maize, seconded by Gerald Leglue; "To appoint Armafe Veneracion, PT as an Advisory Committee Member for the two year time period to expire December 31, 2013." All in favor were Dan Wood, Donna "Dee" Cochran, Jerry Jones, Jr., Teresa Maize, Danny Landry, Gerald Leglue, and Al Moreau, III. No one opposed the motion.

Teresa Maize drafted a Continuing Education Policy to post on the board's website as indicated in proposed rules language. Suggestions and edits were solicited from other members. Upon completion of the document, motion was made by Dan Wood, seconded by Gerald Leglue; "To Copyright the continuing education state guidelines." All in favor were Dan Wood, Donna "Dee" Cochran, Jerry Jones, Jr., Teresa Maize, Danny Landry, Gerald Leglue, and Al Moreau, III. No one opposed the motion.

10:30 Meeting with Sheryl Townsend to discuss her probationary status. Ms. Townsend reported her concerns about not being able to be gainfully employed because of the terms of her probation. The board reported there are other licensees with probationary terms who are gainfully employed and suggested she continue to apply for advertised positions. In review of the terms of the Consent Agreement with Ms. Townsend, the probationary time period ceases to run if Ms. Townsend is not gainfully employed for at least 20 hours per week. Therefore, an additional four months were added to her probationary time period as she has not been employed for the four month time period.

### **CORRESPONDENCE**

The Federation of State Boards of Physical Therapy requested the board designate a delegate, alternate delegate, and administrator to attend the FSBPT 2011 Annual Meeting to be held in Charlotte, North Carolina. Motion was made by Dan Wood, seconded by Donna "Dee" Cochran; "To appoint Jerry Jones, Jr. as delegate, Teresa Maize as alternate delegate, and Cheryl Gaudin as administrator representing the board at the FSBPT 2011 Annual meeting." All in favor were Dan Wood, Donna "Dee" Cochran, Jerry Jones, Jr., Teresa Maize, Danny Landry, Gerald Leglue, and Al Moreau, III. No one opposed the motion.

CLEAR forwarded an email noticing the board of the 2011 Annual Educational Conference and Investigator Training Programs scheduled. Al Moreau, III indicated he would review the available dates to attend the Basic Investigator Training Program.

The Federation of State Boards of Physical Therapy owns the National Physical Therapy Examination. A notice was received that the exam fee will increase January 1, 2013 to \$400.

A notice was received from the Federation of Association of Regulatory Boards for the upcoming Attorney Certification Seminar. The board decided not to send anyone to the seminar.

A question was posed on the FSBPT Council of Board Administrators email thread regarding concussions. North Dakota was inquiring if other jurisdictions allow PTs to make the determination to put an athlete back into a game if the athlete shows signs and symptoms of a concussion. The board determined the Louisiana Physical Therapy Practice Act prohibits a PT from making a medical diagnosis. Staff will respond to the thread.

Virginia Barrios, PTA wrote to the board to determine if she can refuse to treat a patient when the patient is verbally abusive and disrespectful to the PTA. The verbal abuse was reported to the

supervising PT and administration of the nursing home facility. At the request of administration, the PTA continued to treat the patient, but after discharging the patient due to meeting goals, the patient wanted to receive treatment again. The PT screened the patient and found no change in the condition since discharge and refused further services as there were no goals to be met. Danny P. Landry will draft a response to Ms. Barrios for staff to forward.

Mitchell Traina inquired about the scope of practice and regulation of medical equipment sold by a PT. Specifically a TENS unit issued by a PT at the request of a physician which was invoiced by an out of state vendor. Staff will respond to Mr. Traina.

John W. Ware, PT, MS, Fellow of the AAOMPT and director of Outpatient PT at LSU-HSC questioned if it within the scope of practice to accept a referral from psychologists, whether licensed as behavioral health professionals or some other terminal clinical doctorate in psychology. Staff will respond to Mr. Ware.

Kelly Ortego, PT at Laborde Occupational and Physical Therapy Center asked what documentation is required when consulting with clients that are seeing a trainer or member of a health club. No treatment will be performed and insurance would not be billed. Ms. Ortego indicated she would be consulting only. Staff will respond to Ms. Ortego.

FSBPT forwarded comments received from NPTE exam takers from Louisiana for the months of January, February, and March 2011. Satisfaction with applicants applying through Louisiana during that time period was posted at 86.9%.

## **UNFINISHED BUSINESS TASK TRACKER**

Glenn Ducote drafted a mission statement for the direct access task force as requested. After review of the content, motion was made by Dan Wood, seconded by Donna "Dee" Cochran; "To appoint Al Moreau, III as Chairman of the Physical Therapy Access Task Force. Mr. Moreau will identify individuals to serve on the task force." All in favor were Dan Wood, Donna "Dee" Cochran, Jerry Jones, Jr., Teresa Maize, Danny Landry, Gerald Leglue, and Al Moreau, III. No one opposed the motion.

## **OTHER BUSINESS**

Jerry Jones, Jr. called an Executive Session at the request of Glenn Ducote to discuss a personnel matter.

## **BOARD MEMBER MONTHLY CALLS**

Jerry Jones, Jr. reported speaking to Lisa Montaldo and her husband who is a pharmacist on several occasions regarding PTs completing the OASIS form. Mr. Montaldo has also contact the board office with concerns of a physical therapist conducting a medicine review and providing an opinion on the OASIS form. Mr. Jones suggested Mr. Montaldo contact the board office to schedule a meeting with the board either by conference call or in person.

The meeting was adjourned at 1:00 p.m.

3:00 Informal Conference with case #2011I010 was held.

3:30 Informal Conference with case #2006I028 was rescheduled.

Submitted by Cheryl Gaudin