

LOUISIANA PHYSICAL THERAPY BOARD

April 16 - 17, 2014

Accepted

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday April 16, 2014 and Thursday, April 17, 2014, at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members was present. Board members present were: Chairman Al Moreau, Treasurer/Secretary Danny Landry, Jerry Jones, Jr., Kristina Lounsberry, Elizabeth “Beth” Austin, Dr. Gerald Leglue, and Sue Bartol. Advisory committee members present were Arma Veneracion and Wayne Campbell. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

The meeting was called to order at 6:50 p.m. Chairman Moreau introduced guest Cristina Fauchaux representing the Louisiana Physical Therapy Association (LPTA).

Suggested edits were proposed and approved for the minutes from the board meeting held March 19, 2014. Charlotte Martin will revise the minutes.

Chairman’s Report

Chairman Moreau reviewed meeting rules with the board, which will dictate future board meetings. All proposed board meeting agenda items from board members will be sent to the Executive Director one week in advance of the board meeting. Agenda items will be covered in full by the presenter of the topic and comments will be offered after the item has been presented completely. All board members will be given time to consider the topic for the time allowed on the agenda. If time does not allow for discussion, then the item will be moved to the next board meeting for further discussion. It was agreed that if a board member would like to make changes to the board meeting agenda during the board meeting, changes will be discussed during the “minutes” portion of the agenda and approved or not at that time by the Chairman.

Chairman Moreau suggested that the board review options for the new building. The board will discuss putting the new building on hold, and discuss topics such as financing the new building, possible leasing options, and the pros and cons of each at the May regular board meeting.

Chairman Moreau discussed the Public Service Announcement and asked the board members to research marketing companies who have successfully completed healthcare PSAs. Board members are to submit marketing company names to the Executive Director, Charlotte Martin prior to the May board meeting. These companies will be included in the list of companies approached for a bid as part of the competitive process.

Courtney Newton reviewed the response to the subpoena from the LPTB to the Louisiana State Board of Medical Examiners (LSBME).

Meeting closed for Executive Session due to attorney-client privileged information regarding dry needling.

The board decided that legal counsel should work with the Executive Director and Board Members to gather information from patients, healthcare practitioners and the public pertinent to

any negative effects that have occurred as a result of the LSBME's newsletter statement regarding the instruction to physicians to not refer patients for dry needling in physical therapy.

Al Moreau motioned to allow the legislative taskforce to make decisions and act quickly on legal issues regarding the medical board and dry needling. Will act as they feel is appropriate and is in the board's best interest and report at the next board meeting. Beth Austin seconded the motion. The board voted and it was unanimously passed.

Secretary/Treasurer's Report

Secretary/Treasurer Landry presented financial reports from the month of March 2014.

Secretary/Treasurer Landry presented the cash in the bank for the month of March 2014 totaled \$416,451.12. He reported that the income for March 2014 totaled \$362,390.16 and expenses totaled \$52,019.50. CDs at the Bank of Montgomery totaled \$712,096.80 at the end of March. The Business Savings account at Chase Bank was \$202,493.18.

The board requested that all financial statements be viewed electronically and hard copies no longer be made for board meetings.

Executive Director's Report

Charlotte Martin shared with the board that the Federal Health Resources & Services Administration has reached out to the board office to alert us that there will be an audit of the 2010, 2011 and 2012 records. As it currently stands, updates to sanctions and disciplinary action were last filed in June of 2012. Charlotte Martin and George Papale will investigate the National Practitioner Data Bank to determine if the board is required to file reports and, if so, will make sure the board is in compliance with all board reporting requirements.

Charlotte Martin reminded the board members of the deadline for completing Ethics Training (December 31st annually) and Financial Reporting (May 15th annually).

Charlotte Martin shared the final new graduate interview calendar of interview dates for all PT & PTA institutions in Louisiana. The schedule is as follows: April 30 from 1 – 4pm – LSU HSC NO (Al Moreau will present); May 5 from 1 – 4pm– OLOL BR (Al Moreau and Danny Landry will present); May 6 from 2 – 5pm– BPCC (Beth Austin will present); July 22 from 1 – 4pm – Delgado (Sue Bartol will present); and July 29 from 2 – 5pm – LA College (Kristina Lounsberry will present). The LSU Shreveport interview occurred in March and was presented by Beth Austin.

Charlotte Martin reviewed the new applicant interview forms that have been updated: Read Rules and Personal Interview. All changes were approved.

Beth Austin asked the board to review the Interview Presentation that is presented at the group interviews and provide feedback to the board on whether or not any information is missing or could be removed from the presentation. In particular, she asked if the board members could review the scenarios and decide if they should be edited.

Charlotte Martin updated the board on progress with the SSA Organizational Assessment. SSA will be ready to present a final report at the May regular board meeting. Charlotte Martin also updated the board that she will meet with SSA to provide input on the final report and provide input on the job description for the Executive Assistant on Tuesday, April 22, 2014.

Charlotte Martin updated the board on a meeting she had with Covalent Logic to discuss the new website. She requested that the board create a list of items that they would like to see on the new website so these can be discussed with the company during the design process. Covalent Logic is currently in the research and discovery phase of the design and working with programmers to determine the capabilities then they will present a proposal to the board. The proposal will be provided to the board and, if accepted, Covalent Logic will provide a timeline to the board outlining next steps (review/testing and launch) that will ensure that the website is launched and ready before renewal season 2015. Dr. Leglue recommended that the board consider social media options for board communication and for links to be added to the board website homepage. The board and legal counsel discussed the advantages and disadvantages of this option and decided to consider this after more thought in the coming months. The board asked Charlotte Martin to research (through the internet, FSBPT and FARB) other state healthcare boards to determine which boards are using social media effectively.

Legislative Committee

Cristina Fauchaux, Courtney Newton, Danny Landry and Al Moreau shared an update of legislative bills that could directly impact the regulation and/or practice of Physical Therapy. There was discussion regarding the need for board representation at the state legislature as early as the week of April 21st to provide information and education on Bills that could impact the practice and/or regulation.

Secretary/Treasurer Landry requested the board's consideration of LPTA membership. Legal Counsel recommended that the board not have formal membership with the LPTA because of the different mission of the association (PT/PTA member-driven) and board (public protection). However, it is of the opinion of the board members and legal counsel that the board members and staff attending events and participating in activities as a guest, as well as receiving information via email and/or mail is a positive step for better communication and a good working relationship.

The board meeting broke for recess at 10:00pm.

The board meeting reconvened at 8:00am on Thursday, April 17, 2014. A quorum of members was present. Chairman Al Moreau, Treasurer/Secretary Danny Landry, Kristina Lounsberry, Elizabeth "Beth" Austin, Dr. Gerald Leglue, Jerry Jones, Jr. and Sue Bartol. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

Legal

George Papale presented to the board member their responsibilities and duties as board members and reminded the board that the collective opinion of the board will be communicated to the

public, as opposed to an individual opinion that is not the majority rule, as so to not confuse the public on the board opinion. All board members represent the board at all times and to be cautious about speaking for the board or representing the board without board input.

Courtney Newton presented the new Jurisprudence Course: Disciplinary Cases that she created. The board will review the presentation and add key points to be included in the presentation that are frequently asked questions of licensees. A schedule of the 2014-15 traveling jurisprudences will be discussed at the May regular board meeting.

Old Business

Task Tracker from March 2014 was presented to the board by Charlotte Martin. Pending items from the March Meeting include:

Kim Licausi's question regarding Plan of Care. Beth Austin will call Mr. Licausi to discuss his question and provide guidance.

Marcy Linxwiler submitted a complaint about a Chiropractic Clinic advertising Physical Therapy as a service. Charlotte Martin called the clinic and asked if they have a Physical Therapist on staff. They do not, but they informed Charlotte Martin that there is a Massage Therapists who perform Physical Therapy. Charlotte Martin will draft a letter to the Executive Director of the Chiropractic Board.

Beth Wilkins sent a question regarding CNA Supervision. Sue Bartol drafted a response to be sent by the Board.

Sam Thiemann sent a question about screening. Al Moreau will call Ms. Thiemann to discuss her question and provide guidance.

Monitoring of Licensee Consent Orders

2010-I-018: Charlotte Martin delivered a report that this licensee has, in accordance with his/her Consent Order, complied with the Ethics Course requirement for renewing and was able to complete the renewal process prior to March 30th.

2012-I-013: Charlotte Martin delivered a report that this licensee, in accordance with the Consent Order, complied with the requirement to gain advance approval from the Board for settings in which to work. Licensee is in the process of applying for positions but has not yet secured a position.

2012-I-017: Al Moreau delivered a report on a monitoring visit of this licensee performed by Advisory Committee Member Wayne Campbell.

2012-I-016: Sue Bartol delivered a report on a monitoring visit of this licensee.

2012-I-028: George Papale presented the licensee's rewritten essay to conclude the consent order with the board. The board approved the essay and Charlotte Martin will work with legal counsel to close the case.

New Business

Chairman Moreau discussed a nominee from the Baton Rouge area for the Advisory Committee: Patrick Cook. Al Moreau motioned to select Patrick Cook, PT to fill one of the two vacant positions of the Advisory Committee. Sue Bartol seconded the motion. The board voted and it was unanimously passed.

The board discussed that there is one other vacant position of the Advisory Committee. Nominees are requested at this time and will be considered when brought forward to the board at a future regular board meeting.

New Correspondences

Courtney Maggio asked for board approval of her written remediation plan to sit for the NPTE in July. Sue Bartol motioned to allow Charlotte Martin, Executive Director, to approve the remediation plan submitted by Courtney Maggio to the LPTB if she meets the requirements stated in the Practice Act and Rules & Regulations (171). Al Moreau seconded the motion. The board voted and it was unanimously passed.

Randy Hernandez asked the board if a Physical Therapist can perform dry needling under wellness service and if a Physical Therapist can perform soft tissue and joint mobilizations under wellness services. Al Moreau is drafting a response for the board to review.

Sarah MacDowell asked the board I do have a question regarding MD signatures on notes. She stated that the MDs that she works with are in constant communication and they can read her documentation at any time. Is that sufficient or does there still need to be an electronic signature on initial evals, progress notes, and discharge notes? The board has determined that the law, as stated in the Practice Act and Rules and Regulations does not require a signature of a physician. This is a requirement of CMS. The board will respond.

Tiffany asked the board about a unique situation she faced with medication in a home health setting. A physician ordered her to not let a patient take blood pressure medicine for several days. She reported this to the home health agency, and to the nurse, but since she was the only caretaker on site she removed the medication for that day for the patient. The board deliberated and determined that this was a humanitarian effort and was a direct order from a doctor. The board will respond.

Candice Conerly asked the board if she is able to supervise a student. Kristina Lounsberry is drafting a response for the board to review.

Marty Walker asked if his son would be able to be licensed as a physical therapy if he has been convicted of sexual assault. The board deliberated and decided that there is no way of determining if someone will qualify for licensure until they have met qualifications for licensure. The board will respond.

Kristy Livingston asked the board if she can get certified for Thai Massage, being a licensed PT. The board deliberated and decided that there are no restrictions preventing her from getting certified in Thai massage. She also asked if PTs need a prescription to perform dry needling. The

board agrees that, according to the Practice Act and Rules & Regulations, that PTs need a script for performing dry needling. The board will respond.

John DiPietro asked the board if he can provide evaluations and assessments as a PTA. The board deliberated and determined that he cannot. Danny Landry drafting a response for the board to review.

Leah Peltier asked the board if PTs can receive a referral from a Nurse Practitioner. The board deliberated and agreed that yes, PTs can receive referrals from Nurse Practitioners. The board will respond.

John-Wesley Reed, PTA asked the board whether or not he is able to be double-booked with two similar patients to enable students the opportunity to carry out a full treatment simultaneously while I am treating, as well. The board deliberated and agreed that, yes, PTs can do this. The board will respond.

Dale McPhearson asked the board about the use of a 52 modifier with regards to billing for Ultrasounds. The board deliberated and agreed that this is a question that is outside the scope of the board and should be referred to the licensee's Medicare contact. The board will respond.

Brandon Bernard asked the board a question regarding proper SNF documentation procedures. Kristina Lounsberry is drafting a response for the board to review.

Tom Pearce asked if he can take the PTA Exam without a PTA education for certification. Danny Landry is drafting a response for the board to review.

Amy Sudduth asked for clarification on a declaratory statement on the board's website that addresses PTA supervision of PT Techs. Beth Austin is drafting a response for the board to review.

Janet Parker asked the board to write a statement to the school board regarding the education level of PTs who hold one degree verses another because of salary concerns that she has within a school setting. The board will respond.

Jennifer Barker asked a question regarding re-evaluations in a home health setting. The board deliberated and agreed that this is a question that is outside the scope of the board and should be referred to the licensee's Medicare contact. The board will respond.

Audry Davis asked the board to confirm the required supervision needed for a PTA working on the weekend. Does the RPT have to be present for supervision in order for the PTA to function/treat on acute or inpatient rehab? The board deliberated and agreed that supervision standards are the same on weekdays and on the weekend. This question appears to be a payer source issue. The board will respond.

Renee Moran asked if toileting is considered an ADL/therapeutic activity. The board deliberated and decided that this question would be more appropriately answered by the APTA. The board

will respond.

Other Business

Charlotte Martin presented to the board a license of reciprocity by John Berry for approval. The board has approved the issuance of a license of reciprocity.

Board Member Monthly Calls

The board meeting was adjourned at 1:00pm.

Recap of the Motions Passed

Al Moreau motioned to allow legislative committee to make decisions and act quickly on legal issues regarding the medical board and dry needling. Will act as they feel is appropriate and is in the board's best interest and report at the next board meeting. Beth Austin seconded the motion. The board voted and it was unanimously passed.

Al Moreau motioned to select Patrick Cook, PT to fill one of the two vacant positions of the Advisory Committee. Sue Bartol seconded the motion. The board voted and it was unanimously passed.

Sue Bartol motioned to allow Charlotte Martin, Executive Director, to approve the remediation plan submitted by Courtney Maggio to the LPTB if she meets the requirements stated in the Practice Act and Rules & Regulations. Al Moreau seconded the motion. The board voted and it was unanimously passed.