



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

AGENDA
October 19, 2016

- 2:00pm** Informal Conference 2016-I-008 (AB) Patrick Cook
- 4:00pm** **Call to Order**
Approve Agenda
Approve Minutes
- 4:10pm** **Executive Session**
Discuss sensitive information related to discipline and attorney client privileged information.
- 4:40pm** **Officer Reports**
Chairman's Report
Secretary/Treasurer's Report
Executive Director's Report
- 5:00pm** **Committee Reports**
LTF Report
CEU Committee
 Course sponsor recommendations
 Fraud Course Offerings
- 5:30pm** **Legal Report**
Complaint Summary
Mood-altering substances
Other Legal Business
- 6:30pm** **New Business**
Correspondences
Advisory Committee Members Discussion
NPTE Appeal Request
Rules Revision Plan
- 7:30pm** **Old Business**
CE Policy
Dry Needling Updated Forms
- 7:30pm** **Disciplinary Exit Interview: Samuel Forester**
- 7:45pm** **Public Comment**
- 8:00pm** **Adjourn**

Louisiana Physical Therapy Board MINUTES

Regular Scheduled Board Meeting October 19, 2016

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on October 19, 2016 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members were present. Board members present were: Secretary/Treasurer, Don Cassano, and board members Elizabeth “Beth” Austin, Kristina Lounsberry, Patrick Cook, and Craig Prejean. Advisory Committee Members present were Nick Butler and Ryan Usner. Charlotte Martin, Executive Director; board attorneys, Courtney P. Newton and George Papale were also present.

Secretary/Treasurer Don Cassano called the meeting to order at 4:04pm.

AGENDA AND MINUTES REVIEW

The board reviewed and approved the agenda. Beth Austin moved to approve the minutes as amended. Kristina Lounsberry seconded the motion. The board voted and unanimously approved.

EXECUTIVE SESSION

Secretary/Treasurer Don Cassano motioned to move into Executive Session pursuant to La R.S. 42:16 for the purposes of discussing investigating proceedings regarding allegations of misconduct and attorney client-privileged information. The Board voted and all were in favor to move into Executive Session.

The board members exited Executive Session.

The board members decided to request a specific test for monitored licensee David Watkins at his next selection.

OFFICER REPORTS

Chairman’s Report

There was no chairman’s report.

Secretary/Treasurer’s Report

At the end of August, cash in the bank totaled \$295,036.37. Total Income for August 2016 totaled \$19,097.24 and ordinary expenses totaled \$41,334.71. The two Certificates of Deposit total \$602,595.44. Both CDs are invested with Business First Bank. One CD earned \$293.58 in interest in August and matures May 6, 2017. The other CD earned accrued interest of \$287.50 during August and will mature February 2017.

As requested at the September board meeting, Mrs. Martin reported on the number of licensees who did and did not renew their license in 2015 and 2016. In 2015, 1888 licensees renewed and 34 individuals did not renew. In 2016, 2357 licensees renewed and 177 did not renew. Of the 177 who did not renew in 2016, 135 of those did renew in 2014 and three licensees did not renew due to revocation.

Executive Director's Report

Mrs. Martin informed the board members that 18 license applications were approved since the last board meeting. Of those one was a PT new graduate, 16 were PT by reciprocity and one was a PTA by reciprocity.

Mrs. Martin asked the board members to review the job description of board officers and recommend any changes prior to the December board meeting. Changes, if any, will be presented at the December board meeting for vote.

FARB Forum will be held in January. Mrs. Martin encourages anyone who is interested in attending to contact her expressing this information so the Board can make a determination if the budget will allow for out-of-state conference travel.

Mrs. Martin notified the Board that the LPTA Lafayette District chair has contacted the board office requesting presence at a district meeting that will be held on October 25, 2016 in Lafayette. Mrs. Martin will attend to answer questions related to changes to the Practice Act following the 2016 legislative session.

Mrs. Martin reminded the Board that the only jurisprudence seminar scheduled before the next board meeting will be held in Metairie on October 27, 2016. Kristina Lounsberry offered to attend as the board representative.

Mrs. Martin presented a list of proposed dates for 2017 board meetings.

Mrs. Martin asked the board members to consider contracting with FSBPT as a reporting agent to the National Practitioner Databank. The board members discussed and determined that the number of entries performed by staff does not warrant delegation of this service at this time.

Mrs. Martin informed the board members of the national practitioner databank reporting guidelines and discussed minor "clean-up" of entries from the past, as early as 2002. Since the board files were audited in 2014 and all records were determined by HRSA to be accurate, the board members determined that it is not necessary at this time to review all entries historically and consider edits.

COMMITTEE REPORTS

LTF (Legislative Task Force) Update

The Legislative Task Force discussed current board priorities as potential items for legislative action in 2017. Kristina Lounsberry moved to allow the Legislative Task Force to pursue education and research on the following items:

1. Foreign-trained PTA license,
2. Public Board Member,
3. Adopting language similar to the Louisiana State Board of Social Worker Examiner Practice Act in response to the FTC vs. N.C. Board of Dentistry Supreme Court ruling, and
4. Clean up rules and statute on CEU fees.

The motion was seconded by Elizabeth Austin. The board voted and unanimously approved.

The board members reviewed the draft report of the Senate Concurrent Resolution 65 committee. The board members determined that there is no need to provide a statement from the board at this time.

CEU Committee

The CEU Committee reported that 56 courses were approved since the last board meeting. Of the 56 courses approved, 35 were traditional and 21 were web-based. The category of the course approval includes 51 clinical courses, 4 administrative courses, and 1 was approved as either Administrative or Ethics. The average turnaround time for approval was eight (8) days.

The board discussed the fact that currently there are not very many options of courses on fraud available to disciplined licensees. The board recommends documentation and billing courses as an alternative to fraud courses if fraud coursework is required in a board order or consent order of a disciplined licensee.

Rick E. Schroeder, President of PTcourses.com requested that the board consider recommendations for new continuing education course approval fees. The Continuing Education sponsor fees are set by Rule and changing the fee structure would require a rule change through the rulemaking process. The board members discussed the time and thought put into this valuable contribution. Mrs. Martin will respond to Mr. Schroeder thanking him for this information and assuring him that the board will take these recommendations under consideration during the next Rules revision process.

LEGAL REPORT

Board Attorney, Courtney Newton provided an update on

Complaint Summary

Current Investigations: 8

Complaints Received in Month: 1

Informal Conferences in Month: 2

Hearings Scheduled: 2

Consent Order/Voluntary Surrender: 1 (consent order offered to one of the licensees scheduled for a hearing)

Closed Cases: 3 (dismissed)

Galen M. Hair, attorney at law requested clarification on the term “mood-altering substances.” The board requested that Mrs. Newton respond to Mr. Hair asking what he thinks mood-altering substances should be considered when considering licensees who are disciplined for a history of substance abuse.

Mrs. Newton informed the board members of a correspondence exchange that has recently occurred with one of the laboratories that was used for drug and alcohol testing. A monitored licensee who is currently in a Consent Order agreement with the Board tested at a lab and the report from the lab had two clerical errors, which resulting in the Board considering the result invalid for the purpose of screening the applicant for alcohol or drugs. The board determined that for the protection and safety of the disciplined licensee moving forward, this lab shall not be considered as a valid testing facility by the Board.

Mrs. Newton presented a draft DUI/DWI policy for the board to review. The board members asked Mrs. Newton to edit the policy and present a second draft of the DUI/DWI policy at the December board meeting for approval.

Mrs. Newton asked Mrs. Martin to provide information to the board members on the Louisiana State Policy Rap Back program. This is a program is allowed by law and is used by many other licensing agencies. The program enters any applicant who submits to a background check for the Board into a system where the Board will be notified of arrests if any occur in the future. The board members requested that Mrs. Martin research the program and provide information regarding the details of the report that is submitted to the board in the Rap Back program at the next board meeting. Mrs. Martin will also determine if the report can be submitted on convictions only, as opposed to reporting on all arrests.

NEW BUSINESS

The board members reviewed the Advisory Committee member nominees for 2017. Mrs. Martin informed the board members that another news blast will be emailed to the licensees requesting resumes from interested individuals. Applicants will be screened and finalists will be interviewed by at least one board member prior to voting in December.

The board members reviewed a NPTE appeal request from a test taker who is requesting to sit for the examination for the eighth attempt. The candidate was not a candidate for Louisiana in any previous attempt on the NPTE. In Louisiana, candidates are limited to four attempts by Rule §171. The Board will not submit an appeal to FSBPT on behalf of this candidate.

The board members reviewed the Rules Revision plan created by Mrs. Martin and determined that revising Rules is a priority of the Board in the coming year. Mrs. Martin will revise the details of the plan and present next steps at the next board meeting for Board approval.

Correspondences

An applicant who is applying for reinstatement in Louisiana requested a waiver for the CE requirements, or the ability to take coursework online for the requirements of Rule §187.F. The board determined that the applicant must comply with Rule §187.F. and complete the requirements of Rule§194 as directed by the Rule.

A licensee asked if there will be accommodations made regarding continuing education requirements for renewals for licensees in the flooded areas. The Board discussed the request and compared the flood situation to historical precedents set by previous Boards. The Board determined that licensees in the flooded areas may apply for a hardship exemption due to natural disaster found in Rule §198. The board members asked Mrs. Martin to post notice on the homepage news of the website recommending that flood victims request a hardship exemption. Each exemption will be considered individually by the Board.

A marketing firm representative inquired about incentive packages for patients and referring practitioners. The board members discussed the inquiry and determined that a health law attorney would be more appropriate to provide advice and judgement on creating policies. The board members asked Mrs. Martin to respond with this recommendation, and to recommend reviewing the APTA Code of Ethics and the Louisiana Physical Therapy Board Rule §369 as they relate to the inquiry.

OLD BUSINESS

The board members reviewed and approved the Continuing Education Policy.

The board members reviewed and approved the updated Dry Needling forms.

EXIT INTERVIEW OF DISCIPLINARY ACTION: SAM FORESTER

Sam Forester, PT successfully completed the terms of his consent order and has ended his probationary period. Mr. Forester attended the board meeting exit interview, as is requested of disciplined licensees.

PUBLIC COMMENT

Danny Landry, PTA expressed his interest in the Rules revision process and asked the Board if he should submit a formal request for Rules to be revised that are concerning. The Board reviewed the Rules that will be priority for discussion in the next year and determined that the Rules that Mr. Landry has most interest in seeing edited are on the list.

Danny Landry, PTA asked about the Continuing Education dates and times listed on the Board website. Mrs. Martin explained that the Board office staff updates the approved courses and allows course sponsors to update dates/times when courses are offered. If course sponsors do not update their course listing on the board website through their portal, then some offerings (date/time/location) may not be listed, although the course is approved for the calendar year. Mrs. Martin recommended that the Board office staff send regular notice to course sponsors reminding them to update courses on the website and having more communication with course sponsors moving forward.

Secretary/Treasurer Cassano motioned to adjourn the meeting. Kristina Lounsberry seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 7:30pm.