



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

October 24, 2012

- 5:30 Case 2012I016 Maize
- 6:00 Case 2012I018 Jones
- 6:30 Call Meeting to order
- 6:35 August Board Meeting Minutes
- 6:45 Reports
 - Chairman's Report
 - Letter from Beth Ward
 - Chairman Letter to LPTA
 - Treasurer's Report
 - August 2012 actual vs. budget
 - September 2012 actual vs. budget
 - Securities – August & Sept
 - Executive Director's Report
 - Letters of recommendation
 - Provisional license issue
 - October PT exam score reporting
- 7:00 Meeting with Shirley Bryan, PTA
- 7:30 Rules and Regulations Implementation Issues
 - CEU Policy
 - Ethics Course
- 8:00 New Business
- Recess for the evening

October 25, 2012

- 8:30 Legal
 - Ducote Letter for Board
- 9:00 Board Monthly Call Discussion
- 9:30 Unfinished Business
 - Task Tracker
 - Newsletter/Direct Access Report
 - Correspondence
 - Practice act to forward to a practicing board member
 - Ashley Thomason - PTA - Questions (change employer info & ethics CEU course)
 - Practice act issue
 - Pharmaceuticals in the outpatient clinic
 - CBT Comments
 - DPT
 - face to face conferencing for PT PTA supervision LA
- 11:00 Monitoring Disciplined Therapists Report
 - Boyd Sexual Harassment
- 11:30 Investigation Summary Reports (one-on-one meetings)
- 12:00 Adjournment

LOUISIANA PHYSICAL THERAPY BOARD

October 24 & 25, 2012 ACCEPTED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday and Thursday, October 24 & 25, 2012, at 104 Fairlane Drive, Lafayette, LA 70507. Jerry Jones, Jr., Chairman called the meeting to order at 6:30 p.m. on Wednesday, October 24. A quorum of members was present. Board members present were: Jerry Jones, Jr., Teresa Maize, Kristina Lounsberry, Al Moreau, III, Donna "Dee" Cochran, Gerald Leglue and Danny Landry. Cheryl Gaudin, Executive Director and George Papale, general counsel to the board were present.

ADOPTION OF MINUTES OF PREVIOUS MEETING

Minutes of the August 2012 board meeting were accepted as written.

CHAIRMAN'S REPORT

Jerry Jones, Jr. received a letter from Beth Ward, President of the Louisiana Physical Therapy Association thanking him for efforts the board has made to work with LPTA. The letter to Ms Ward acknowledged the working relationship with LPTA on the recent Legislative Session and recognizing Cristina Faucheux for her role in that process.

Beth Ward also requested the board draft an article to be included in their next Bayou Bulletin issue addressing changes to renewal and continuing education. Discussion surrounded further confusing licensees as to the role of the Board versus the Association. After discussion, the board decided to offer the article printed in its recent newsletter with the caveat that it be prefaced with "printed with permission of the La Physical Therapy Board" and to include if there are questions, those questions should be directed to staff of the Physical Therapy Board.

TREASURER'S REPORT

Cash on hand for the month of August was \$841,568.89. Receipts for August totaled \$13,952.19 and expenses totaled \$57,438.34.

Cash on hand for the month of September was \$816,573.89. Receipts for September totaled \$8,736.30 and expenses for September totaled \$33,703.30.

Teresa Maize reported several changes Chase Bank is requiring the board to accept. Some of these changes are causing additional and excessive work for Cheryl Gaudin who processes accounts receivable and accounts payable. Motion was made by Al Moreau, III, seconded by Kristina Lounsberry, "To research moving banking services from Chase Bank to another bank such as Iberia Bank, Hancock Bank, etc." All in favor were Jerry Jones, Jr., Teresa Maize, Kristina Lounsberry, Danny P. Landry, Gerald Leglue, Al Moreau, III, and Donna "Dee" Cochran. No one opposed the motion. Cheryl Gaudin will research other banks services as this change in banking institutions includes the online commerce processes.

EXECUTIVE DIRECTOR REPORT

Cheryl Gaudin reported a "thread" started on the Federation of State Boards of Physical Therapy administrator list serve regarding Letters of Recommendation. It was questioned if any state had ever received a negative recommendation letter and the value of those recommendations as a result. After discussion, it was determined no applicant would ask to have a negative recommendation forwarded to the board so that reinstatement requirement would be removed during the next set of rule changes.

It was reported that the Federation of State Boards of Physical Therapy schedule release of the PTA NPTE scores for November 4th which is a state holiday. Although, Cheryl Gaudin made the Federation aware of this holiday around the country, the reporting date was not changed. The board determined that since scores are released on the internet, board staff would not work on the holiday eliminating the need for overtime pay. Scores would be forwarded as usual on November 5th.

Cheryl Gaudin provided the 3 month and 6 month evaluation/Skill Checklists completed by the supervising physical therapists of Farah Candol Caballero. Several comments were made regarding the clinical competence of Ms. Caballero. One of the requirements for permanent licensure of a foreign educated physical therapist is completion of the required 1,000 supervised clinical hours with a favorable recommendation from the supervising physical therapist. Ms. Caballero's 3 month and 6 month evaluations indicated she required additional supervised clinical supervision. Ms. Caballero has since applied to Texas for a physical therapy license and been granted that license. Motion was made by Kristina Lounsberry, seconded by Al Moreau, III, "To deny licensure to Farah Candol Caballero." All in favor were Jerry Jones, Jr., Teresa Maize, Kristina Lounsberry, Danny P. Landry, Gerald Leglue, Al Moreau, III, and Donna "Dee" Cochran. No one opposed the motion. George Papale will draft a letter to Ms. Candol Caballero.

MONITORING DISCIPLINED THERAPISTS

Cheryl Gaudin made several attempts unsuccessfully to contact Shirley Bryan to schedule her for a meeting with the board at this meeting. After review of information regarding the Consent Order with Shirley Bryan, motion was made by Teresa Maize, seconded by Gerald Leglue, "George Papale construct an Administrative Complaint for Shirley Bryan, PTA for failure to comply with stipulations in the consent order signed and dated June 1, 2011." All in favor were Jerry Jones, Jr., Teresa Maize, Kristina Lounsberry, Danny P. Landry, Gerald Leglue, Al Moreau, III, and Donna "Dee" Cochran. No one opposed the motion. A Formal Hearing will be scheduled for the December meeting of the board.

Cheryl Gaudin reported forwarding appropriate paperwork to require a sample for drug testing from James Cole Padgett, Shirley Bryan, Robyn Alleman, Sarah Saenger-Ormand, and Stacey Andrus. Results of these hair sample tests have not yet been received.

Cheryl Gaudin reported David Watkins has not returned the Consent Order with the board he agreed to. Unsuccessful attempts have been made to contact Watkins by telephone and email.

It was reported Adam Lafleur had not complied with the term of his Consent Order which required him to submit an essay no later than July 13, 2012. At the direction of the board, George Papale will contact Lafleur by mail for follow-up.

RULES AND REGULATIONS IMPLEMENTATION

Teresa Maize and Donna "Dee" Cochran review continuing education courses prior to the October meeting and reported a couple of providers were using the word count method to determine contact hours for home study material. Using the word count method eliminates the need to determine if pictures and illustrations were contained on pages of the text. The board agreed to incorporate this method in its CEU Policy which will be posted on the Board website for continuing education providers.

Donna "Dee" Cochran asked the board for its input on an Ethics course she reviewed and questioned. After review of the checklist from last year, it was determined the board had approved the course and would again approve the course this year.

NEW BUSINESS

Kristina Lounsberry reported that graduates and instructors of Physical Therapy Technician programs are using the title of PTA to identify the education they are receiving. These students are receiving a certificate for physical therapy technicians but are being told they are graduating Physical Therapist Assistants. A letter will be forwarded to all Unitech Training Academy locations defining the difference in educational levels between a technician and an Associate Degree PTA.

Danny P. Landry reported he read that all state employees which included board members, are required to complete the State Ethics course.

LEGAL

George Papale reported that La. R.S. 37:2405.B(4) indicates the board may "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." This statute does not authorize the board attorney to sign subpoenas on its behalf. Motion was made by Donna "Dee" Cochran, seconded by Danny P. Landry, "To authorize George Papale to sign and issue subpoenas on behalf of the board." All in favor were Jerry Jones, Jr., Teresa Maize, Kristina Lounsberry, Danny P. Landry, Gerald Leglue, Al Moreau, III, and Donna "Dee" Cochran. No one opposed the motion.

The meeting was recessed at 10:30 pm.

The meeting was reconvened at 8:30 am. October 25. A quorum of members was present. Board members present were: Jerry Jones, Jr., Teresa Maize, Al Moreau, III, Donna "Dee" Cochran, Gerald Leglue and Danny Landry. Cheryl Gaudin, Executive Director, and George Papale, attorney were present.

CORRESPONDENCE

Terese Ford, PT has a patient who has reached a plateau and was discharged. The patient continues to have pain flair ups and benefits from occasional Ultrasound (2-4 times per month). Can PT/PTA staff perform physical medicine on this patient under the care of the MD prescription? If we provide this care, the patient will not be billed for these services. Kristina Lounsberry will draft a response.

Ashley Thomason, PTA inquired how to report a change in employment and whether the board has an Ethics course posted on its website for licensees free of charge. Cheryl Gaudin will provide instruction on how to report a change of address. The ethics course is still in process, so information will be provided to Thomason to find courses approved on the board website.

Judd Patterson, LOTR, Director of Rehabilitation Services at Ochsner Medical Center Kenner wrote the board for clarification of an issue stemming from a recent citation from a CMS/DHH survey of their acute care hospital setting. One of their hospitals was cited for a PT not practicing within their scope of practice, because a physician wrote an order for "PT eval and treat". The PT evaluated the patient and established a plan of care. Treatment was initiated the next day based upon the plan that was established. The surveyor cited the hospital because the therapist did not get additional orders on specific modalities before beginning treatment. The surveyor interpretation is that treating from an eval and treat order violated La R.S. 37:2418.B. Is the PT acting within their scope of practice, receiving an order from an MD that reads "PT eval and treat" if they evaluate the patient establish a plan of care and then begin treatment? Cheryl Gaudin drafted a response which was reviewed and approved by George Papale then forwarded to Patterson.

J. Christian Armetta, SLP.D, CCC-SLP, Doctor of Speech-Language Pathology, Director of Rehab Services at Beauregard Memorial Hospital inquired about guidelines for the use of pharmaceuticals in our outpatient clinic located within Beauregard Memorial Hospital. Specifically, the question related to the storage of two physician prescribed medications: Dexamethasone and Hydrocortisone (prescription strength). Is the rehabilitation clinic allowed to store these prescriptions within the department under proper storage guidelines (i.e., locks, refrigeration, etc.)? Donna "Dee" Cochran will draft a response.

Rhonda Collins, Administrative Assistant to the Federation of State Boards of Physical Therapy forwarded comments from the 3rd quarter National Physical Therapy Exam administration. Results indicated candidates were dissatisfied with the availability of exam sites and seats as well as the speed of processing applications to sit for the examination.

An anonymous licensee forwarded a flyer which had numerous references to a licensee using the title "Dr." with his name. The flyer clearly indicated the license identified himself as a physical therapist with a Doctorate in Physical Therapy and is in compliance with the La Physical Therapy Practice Act and Rules. The board determined there was no attempt to deceive the public with

the publication.

Nickie Wolfe, LOTR, Therapy Resource Manager at LHC Group forwarded a template they wish to use to document the PT/PTA face-to-face conference. The board determined the template/form provided was acceptable to scan in to the patient record and could be incorporated by reference; however, both the PT and PTA must sign the form. Cheryl Gaudin will respond to Ms. Wolfe.

OTHER BUSINESS

UNFINISHED BUSINESS

TASK TRACKER

Cheryl Gaudin responded to Anne Melvin that while the new rules allow a license to obtain credit for developing a continuing education course and presenting that course, the requirement includes development of that course during the current renewal period.

Cheryl Gaudin responded to Nina Dubret that Rule 197.C indicates "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.

Jerry Jones, Jr responded to Sherrie Callihan, PT addressing her question about a PT recommending splinting equipment after completing a screening or evaluation on a Nursing Home Patient.

Brad Ciolino, PT reported his employer recently asked all therapists to avoid making specific recommendations regarding patients' need for SNF vs. Rehab vs. Home Health. Instead, the employer requested recommendations such as "continued therapy services" and allow Case Management (along with other disciplines) to make the determination where patients receive this "continued therapy". The concern is that this is unethical and goes against his professional obligation to the patients he treat. The board opined the employer cannot require the therapists to make specific recommendations as they do not have jurisdiction to require this action.

Ann Melvin, owner of Lagniappe Seminars asked if she could use continuing education courses she developed to count toward her continuing education requirements for renewal of license. Staff research indicated a couple of those courses were developed three to four years ago. Rule 195.B.3.a indicates "The credit will be given only for the first time the course is presented, during the renewal period;" Cheryl Gaudin responded to Ms. Melvin.

BOARD MEMBER MONTHLY CALLS

Jerry Jones, Jr. received a call from Claire Joiner Guyton who requested he draft a letter to a proposed insurance carrier addressing her disciplinary action with the board. Jones responded to her request, however, Guyton contacted the board again indicating the insurance carrier was requesting additional information. Cheryl Gaudin responded to the request.

Teresa Maize indicated she received a call regarding PT/PTA supervision and whether the PT must meet with the PTA prior to the PTA beginning treatment. Maze indicated the PTA could begin treatment of the patient as long as the Plan of Care was written.

The meeting was adjourned at 2:30 p.m.