



*State of Louisiana*  
*Department of Health and Hospitals*  
***Louisiana Physical Therapy Board***  
*104 Fairlane Drive, Lafayette, Louisiana 70507*

*337/262-1043 FAX 337/262-1054*

AGENDA

**Thursday, July 24, 2014**

- 9:30am Call Meeting to Order
- 9:35am Approve Minutes
- 9:45am Reports  
Chairman's Report  
Secretary/Treasurer's Report  
Executive Director's Report
- 11:00am Legal Report  
Rules Change Update  
Rule §187.C.
- 12:00pm Unfinished Business  
Correspondences  
Task Tracker: June 2014
- 1:00pm Monitoring Consent Orders  
Ashley Wilkinson's Essay  
Ryan Roussel's Essay  
Policy Discussion: Discipline for violation of Consent Order
- 2:00pm New Business
- 3:30pm Adjournment
- 4:00pm Informal Conference for Case #2012-I-027

\*The board will include a Public Comments section to the agenda upon arrival of members of the public.

## **LOUISIANA PHYSICAL THERAPY BOARD**

Minutes - Approved

July 24, 2014

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Thursday July 24, 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. Wayne Campbell, Advisory Committee Member, Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

The meeting was called to order at 9:45am. Suggested edits were proposed and the board approved for the minutes from the board meeting held June 18 and 19, 2014. Charlotte Martin will revise the minutes and post them to the website.

### **Chairman's Report**

Chairman Moreau asked the board to vote on which company they would prefer to enter into a contract with for the Public Service Announcement contract. The board voted by majority in favor of the Russo Group. Chairman Moreau sought legal counsel from attorney Newton regarding the competitive process. Newton reported that, after speaking with Michael Vallon at the Attorney General's office, there is no definition of a competitive process. He confirmed with Newton that the board may make a selection and contract for services as long as the selection is made with at least two or more quotes with which the board compares and discusses. Charlotte Martin will contact both MESH and the Russo Group and inform them of the decision.

Chairman Moreau discussed upcoming conferences that the board will be involved in and are attending. The FSBPT Leadership Issues Forum will be held August 2 and 3 in Alexandria, Va. LPTB attendees will be Secretary/Treasurer Landry and Executive Director Charlotte Martin. The FSBPT will reimburse the board for the cost of both to attend. The American Physical Therapy Association (APTA) state forum and reviewed the agenda with the board. Secretary/Treasurer Landry and Executive Director Charlotte Martin will be attending this conference in Seattle in September. Secondly, he mentioned the Federation of State Boards of Physical Therapy (FSBPT) Annual Meeting to be held in San Francisco in September. Chairman Moreau is the voting Delegate for Louisiana and Secretary/Treasurer Landry will be the alternate Delegate for Louisiana for the FSBPT. The FSBPT will fund the Administrator (Mrs. Martin), the Delegate (Chairman Moreau) and the alternate Delegate (Secretary/Treasurer Landry). All board members have a hotel reserved for the conference, with the exception of Dr. Leglue. Board members and Charlotte Martin will attend this conference and the board staff will register board members when registration comes available. The third conference discussed by Chairman Moreau is the Federation of Association of Regulatory Boards (FARB) Forum to be held in January 2015. Board members are to contact Mrs. Martin with a determination if they plan to attend or not in the coming months. Chairman Moreau also discussed the FARB Regulatory Law conference in October and the board determined that it would be worthwhile to send attorney Newton and Mrs. Martin. Secretary/Treasurer Landry mentioned to the board that the Citizen

Advocacy Center (CAC) annual meeting will be held in October. He requested that the board review the agenda and determine if the board should be represented at that meeting. The board will review the agenda and make a determination at a later date.

Chairman Moreau discussed an AG Opinion that was released regarding term limits. This opinion was reviewed by attorney Newton for the board and in her response she mentioned that the board must notify nominating agencies of vacancies on the board. Since Jerry Jones, Jr.'s at large term is currently expired, Chairman Moreau asked if the board should have notified Boards and Commissions. The board determined that a policy with detailed procedure including a timeline shall be written and approved by the board in the near future. Mrs. Martin will contact Boards and Commissions to discuss timing of confirmation notices that are sent to appointees and discuss the process of board appointments.

The board discussed the importance of giving newly appointed board members information right away and not to wait until the first board meeting that they attend. The board requested that the staff provide information to newly appointed board members as quickly as possible after appointment.

The board also discussed the need for a binder to be created for hearings, so as to have reference materials available at the time of the hearing as a resource when making decisions. Sue Bartol and Mrs. Martin will work together to create a binder that is appropriate for the next formal hearing.

The board requested that the staff provide information on the board website and in the Jurisprudence presentation for licensees to understand the process of nominating themselves or someone else to a board. Mrs. Martin will post this to the board website and update the Jurisprudence presentation.

### **Secretary/Treasurer's Report**

Secretary/Treasurer Landry presented the cash in the bank for the month of June 2014 totaled \$293,158.83. He reported that the income for June 2014 totaled \$11,080.20 and expenses totaled \$52,570.80. He noted the variances in budget versus actual in certain categories and requested that there be a more close estimation in the FY2015 budget. CDs at the Bank of Montgomery totaled \$712,868.28 at the end of June. The Business Savings account at Chase Bank was \$202,508.95. The board discussed the line item "other fees" and asked Mrs. Martin to include a footnote listing all fees that this includes to provide a reference in the future.

The FY2015 budget was presented to the board. The board adopted the FY2015 budget and voted to approve the budget as submitted by the Executive Director, Charlotte Martin. All were in favor, none opposed. The board determined that the OPEB line item be covered by cash available in the Certificate of Deposit; however this money will remain in the CD to gain interest. The balance sheet will be labeled to reflect this.

Secretary/Treasurer proposed to the board that the office obtain a board credit card. Mrs. Martin shared with the board that the legislative auditor was instructed to advise agencies against obtaining a credit card because of the history of abuse; however, he recommends that the LPTB

get a credit card because it is unreasonable for the Executive Director to reserve hotel rooms for all board members on her personal credit card. Al Moreau motioned to apply for a board credit card so the Executive Director is not using a personal credit card for business transactions. The credit card will get a maximum credit card limit of \$10,000 with an option to increase the limit with a board resolution. Jerry Jones, Jr. seconded the motion. The board voted on the motion and it passed unanimously. The board credit card will be paid off monthly and should have no monthly, yearly and/or membership fee.

Secretary/Treasurer Landry reported to the board that the Legislative Audit of 2014 went well. Mrs. Martin noted that the auditor has requested additional information and so far there are no red flags. She will continue to provide information to him and will let the board know if there is any issue that comes up.

### **Executive Director's Report**

Executive Director, Charlotte Martin reported that several Recovering Physical Therapy Program agreements have been signed since the last board meeting. She reported that she had a meeting with representatives from Palmetto Addiction Recovery Center regarding their extensive evaluation and treatment services. Mrs. Martin will schedule time in the agenda during the August board meeting to hear from representatives of Palmetto, the State Office of Addictive Disorders, and possibly other substance abuse evaluators and addictionologists that may be of service to the board in its efforts to protect the public.

Mrs. Martin reviewed licensees who are in violation of the CEU Audit. The board determined that no disciplinary action is required for Richard Bunch, Nettie Desselle, and Sheilah Emnance. The board determined that with Jason Bland, the exception applies due to hardship; however, further investigation is needed. Mrs. Martin will investigate further and contact Mr. Bland to discuss. The board requested that Mrs. Martin draft a CEU Audit policy for the board to approve at the August meeting.

Mrs. Martin reported to the board that since the last board meeting the board has approved fifty-eight (58) total CEU courses. All 58 courses approved are Clinical Hours and of those, fourteen (14) are "live" and forty-four (44) are web-based.

Mrs. Martin reported to the board that since the last board meeting the board has licensed thirty-two (32) PTAs by examination, one (1) PTA by reciprocity, five (5) PTs by reinstatement, and eight (8) PTs by reciprocity. Two (2) applicants are pending approval: Breanne Parks and David Conerly. Jerry Jones, Jr. motioned to approve the application of Breanne Parks pending further verification of licensure in other states. Jerry Leglue seconded the motion. The board voted on the motion and it passed unanimously. George Papale explained to the board that at this time, the investigative committee on the case of David Conerly has recommended to refuse the reinstatement application for David Conerly. An administrative complaint will be sent to the board prior to the next board meeting and a hearing will be scheduled for the last board meeting. Board accepts the recommendation of the investigative committee. Jerry Jones, Jr. motioned that the board expresses its intent to deny the application for reinstatement of David Conerly and to offer him a hearing on all issues related to application and any pending complaint at the next board meeting. Al Moreau seconded the motion. The board voted on the motion and it passed

unanimously. George Papale confirmed with the board that the hearing will be held Thursday, August 21, 2014 beginning at 9:00am.

Mrs. Martin reported to the board that she received a satisfaction survey from the FSBPT with registration processing by Louisiana. The question to licensee applicants read "How satisfied were you with the processing of your application by the state in which you applied for licensure?" The average nationally was 86.95% and Louisiana received a 92% in the first quarter and a 92.31% in the second quarter of the year.

Mrs. Martin reviewed the upcoming Traveling Jurisprudence calendar with the board and discussed who would be presenting on which dates and in which cities. The board requested that Mrs. Martin attend all Jurisprudence Courses, so the licensees can begin to meet her and she continue to develop a strong knowledge base of the Practice Act and Rules and Regulations.

Mrs. Martin shared with the board the FSBPT request for information recently. The questionnaire will be emailed to the board members for feedback and input on responses to the questions asked about Louisiana.

Mrs. Martin informed the board of the recent presentation that took place at Delgado and included the LPTA. Sue Bartol was the one who presented at Delgado and she shared her experience with the board. She said it was beneficial for the students to see the LPTA to show the differences that they have with the Board because it lets students know that the board is different. However, the board is nervous that this will cause more confusion to students. The board asked Mrs. Martin to seek feedback from the schools to determine if the LPTA presenting on the same day as the board is more or less confusing to students. The board agrees that the LPTA can remain on the calendar for the next interview scheduled at Louisiana College, then feedback needs to be provided before determining if this should be continued in the future. There was mention of building a stronger stakeholder engagement, but this should not be at the expense of the quality of the interviews at the schools, nor the traveling Jurisprudence courses.

Mrs. Martin informed the board that she is drafting new and/or editing existing policies and procedures for the board and to email them to the board members prior to the next board meeting, to be approved at the next board meeting. The policies and procedures include the following: Disciplining licensees who violate consent orders, Drug screening through Affinity, CEU Audit, CEU Review, and travel expense reimbursement. The board also discussed editing the application process policy to include background checks for applicants through reciprocity.

### **Legal Report**

George Papale discussed Rule 187 C. relating to persons who have allowed their license to lapse. Mr. Papale is concerned about uniformity and consistency of board operations as we move forward. The board discussed the importance of reimbursement to payers since services rendered were by those who were unlicensed at the time of therapy. A policy will be drafted by Mrs. Martin, in partnership with Mr. Papale to address these concerns.

Courtney Newton urged the board to submit final comments on the jurisprudence presentation so the presentation can be finalized. She addressed the question regarding supervision. The question

is related to the inconsistency found in the Practice Act (supervision ratio allows for two (2) provisional licensees) and the Rules (supervision ratio allows for only one (1) provisional licensee). Newton and Papale offered a legal opinion on the matter determining that the Rule governs until the Rule is changed because the Rule is more restrictive.

Courtney Newton reported that she is working with Charlotte Martin on a timeline for the rules change process. She requested that the board put the top 5 Rules wish list for changing needs to be submitted to the board in the next few days. The next step is to offer to licensees that they can submit suggestions for language changes in the rules by writing. The board agreed that they want licensee input on the matter and requested that this be included in the timeline, with a deadline for responses, and discussed notifying licensees of the opportunity via the LPTB newsletter, LPTA outlets and/or direct mail.

Sue Bartol presented a Consent Order for licensee Chet Sternfels. Board considered the consent order, it was acceptable with the changes to include a self-assessment tool within 6 months. Pending Chet Sternfel's agreement of this amendment, it is approved.

Courtney Newton informed the board of the Board of Elementary and Secondary Education Rule that clearly restricts Physical Therapists from working on students. Al updated the board on a meeting he had regarding this and advised that the board wait on to act on this for right now.

### **Correspondences**

Steven Churchill, PT asked about acquiring and storing legend drugs. The board provided a response and Mrs. Martin will respond to Mr. Churchill.

Keil North asked a question regarding treating a patient after discharge orders have been written on patients in an acute care setting. The board provided a response and Mrs. Martin will respond.

### **Task Tracker**

Kristina Lounsberry responded by phone to Emery Desonnier's email presented to the board at the June board meeting.

Danny drafted a response to Kasey Ware's question to the board. Board approved his response.

### **Monitoring Consent Orders**

The board reviewed Ashley Wilkinson's essay and unanimously approved it. The essay is accepted and that requirement of her Consent Order is fulfilled.

The board reviewed Ryan Roussel's essay and request that he appear before the board at the next board meeting. The essay is pending and that requirement of her Consent Order is not fulfilled.

### **New Business**

Beth Austin was asked to lecture on the Practice Act. The board determined that they are comfortable with a lecture on the Practice Act, but it should be limited to one hour and the board staff should perform the lectures, not necessarily the board members.

Secretary/Treasurer Landry confirmed that the board members received the APTA – House of Delegates motions and everyone reviewed it.

Secretary/Treasurer Landry suggested that the LTPA newsletter is another avenue to communicate with our licensees. The board mentioned advertising the traveling jurisprudence

schedule, the opportunity for nominating a new board member, and the upcoming rule making/change process.

Meeting adjourned at 2:45pm

### **Recap of Motions**

Al Moreau motioned to apply for a board credit card so the Executive Director is not using a personal credit card for business transactions. The credit card will get a maximum credit card limit of \$10,000 with an option to increase the limit with a board resolution. Jerry Jones, Jr. seconded the motion. The board voted on the motion and it passed unanimously.

Jerry Jones, Jr. motioned to approve the application of Breanne Parks pending further verification of licensure in other states. Jerry Leglue seconded the motion. The board voted on the motion and it passed unanimously.

Jerry Jones, Jr. motioned that the board expresses its intent to deny the application for reinstatement of David Conerly and to offer him a hearing on all issues related to application and any pending complaint at the next board meeting. Al Moreau seconded the motion. The board voted on the motion and it passed unanimously.