



*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**

**October 20, 2010**

- 6:30 Call Meeting to order
- 6:35 Minutes of October board meeting
- 6:45 Reports
  - Chairman's Report
  - Treasurer's Report
    - July 2010 actual vs budget
    - Securities
  - Executive Director's Report
- Candidate satisfaction with board
- 7:45 Monitoring Disciplined Therapists Report
- 8:30 Rules and Regulations Update

Recess for evening

**October 21, 2010**

- 8:15 Legal
- 8:30 Meeting with Bryan Hicks
- 9:00 Meeting with Ron Robertson
- 9:30 Meeting with Catherine Nelson
- 10:30 Unfinished Business
  - Task Tracker
  - Correspondence
    - Dual Supervision of a PT student
    - Question about Supervision
    - Medicaid patients
    - Medicaid Question Danos
    - Presentation to Third year Students in January 2011
    - Prolotherapy Injections
    - PTA conducting screens
    - PTA joint mobilization
    - PTA question
    - safety question
    - wellness services
    - CBT Comments
    - renewal of license Abel
- 11:30 New Business
- 12:00 Lunch
- 1:00 Board monthly call discussion
  - Eddie Himel – dry needling – carried over to December meeting
- 2:15 Investigation Summary Reports (one-on-one meetings)
- 3:30 Adjournment

## LOUISIANA PHYSICAL THERAPY BOARD

October 21 & 22, 2010

ACCEPTED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, October 21, 2010, at 104 Fairlane Drive, Lafayette, LA 70507. Dan Wood, Chairman called the meeting to order at 6:30 p.m. A quorum of members was present. Board members present were: Dan Wood, Jerry Jones, Jr., Teresa Maize, Donna "Dee" Cochran, Dr Gerald Leglue, and Danny Landry. Cheryl Gaudin, Executive Director, Glenn Ducote, General Counsel, and George Papale, attorney were present. Advisory Committee Member B. Craig Lowery was present.

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

Minutes of the September 2010 board meeting were accepted as written.

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

Dan reported to members who did not attend the Federation of State Boards of Physical Therapy Annual Meeting in Denver the update on the breach in the National Physical Therapy Exam. Due to pressure from jurisdictions, the Federation is developing an NPTE-I will be administered only to graduates of physical therapy programs from the Philippines, India, Egypt, and Pakistan. The NPTE-I will be offered twice in 2011.

Al Moreau, Jr. forwarded his resignation as member of the board due to personal health and business reasons. Al Moreau's term expires in April 2011.

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

Cash on hand for the month of September 2010 was \$872,622.26. Receipts for September 2010 totaled \$17,922.29 and expenses totaled \$52,018.13.

Motion was made by Danny Landry, seconded by Gerald Leglue, to accept the Treasurers Report.

### ***EXECUTIVE DIRECTOR REPORT***

Cheryl Gaudin reported she is interested in volunteering her time to a committee of the Federation of State boards of Physical Therapy. Specifically, Gaudin would like to serve on the Exam Administration Committee or the Foreign Educated Committee. Motion was made by Teresa Maize, seconded by Danny P. Landry; "That the board support Cheryl Gaudin, Executive Director to participate/attend Federation meetings of a committee appointment." All in favor is Teresa Maize, Danny Landry, Donna "Dee" Cochran, Jerry Jones, Jr., Dan Wood, and Dr. Gerald Leglue. No one opposed the motion.

FSBPT conducts a satisfaction survey via computer with each candidate upon completion of the National Physical Therapy Examination. Survey questions include satisfaction with staff of the jurisdiction in which the candidate applied for a license. In Q1, staff received a satisfaction rating of 79%; in Q2, staff received a satisfaction rating of 88%; and in Q3, staff received a rating of 88.42%.

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

A special meeting was scheduled for November 2 at the Community Health Center in Alexandria, LA. The meeting was scheduled for 6 p.m. to review the final version of the proposed rule language. If the final version is approved by the board, staff will move forward with the process according to the Administrative Procedures Act.

Discussion was held regarding the public hearing scheduled for January 26, 2011 in New Orleans. Each board member will respond to specific issues selected. Teresa Maize selected continuing education; Donna "Dee" Cochran selected foreign educated physical therapist and wellness; Danny Landry selected PTA supervision and clinical instruction; Jerry Jones, Jr. has dry needling; and Dan Wood selected license renewal and PT supervision.

Staff will contact the Federation of State Boards of Physical Therapy and request a statement addressing the National Physical Therapy Exam breach to be available at the public hearing.

### ***NEW BUSINESS***

Beth Wilkins, PTA Advisory Committee Member faxed a letter of resignation as an Advisory Committee Member effective January 1, 2011. Beth indicated she has enjoyed working with this board, but due to personal constraints and rural positioning it is difficult to devote the time necessary to the position requirements.

## **REVIEW CORRESPONDENCE**

Russ Gunter, PT, DPT requested clarification of supervision of a student internship at his facility. Dan Wood will respond to Russ Gunter.

Seth Harper, PTA inquired if the supervisor for a PTA temporary permit holder has to be on the same floor in direct view of the PTA while he is treating patients. Staff will respond providing reference to §305.A. Continuous Supervision.

Kelly Bernard, PT inquired if it is within the scope of practice act AND ethical to render ONLY therapeutic exercise to a Medicaid patient if they cannot afford out-of-pocket expense of other treatments? What if I offer privately-insured patients one-on-one treatment but exclude Medicaid patients from the same one-on-one quality care based on their lower level of insurance reimbursement? Staff will respond suggesting contact be made to a Medicaid Representative for an in-service with the facility.

Todd Danos, Director of Physical Therapy at East Jefferson General Hospital asked the board to address patient care and Medicaid billing issues. Staff will suggest contact be made with a Medicaid Representative for an in-service with the facility.

Paula Click-Fenter, PT, DPT contacted the board to schedule the board Group Interview with the LSU Shreveport physical therapy graduating class. Donna "Dee" Cochran will speak with Paula Click-Fenter to determine a date for the presentation.

Amy Sudduth, PT Outpatient Therapy Coordinator at Willis Knighton Health System inquired if the use of Prolotherapy Injections fall within the PT scope of practice. Staff will respond to Sudduth that Prolotherapy Injections are not within the scope of practice for physical therapy.

Cody Meaux questioned the ability of a PTA to perform "screens" in a nursing home. The "screen" template was forwarded to the board for review and response. At the request of the board, George Papale, attorney for the board drafted a response to be forwarded by staff.

Kevin Hebert requested a follow up on a statement posted on the board's website which addressed whether or not PTAs are allowed to perform peripheral joint mobilization and bill for those services. The Declaratory Statement in question is listed under the folder "Practice Issues". The statement indicates the board is in the process of conducting research with regards to this issue. Glenn Ducote will draft a Declaratory Statement to be forwarded to Kevin Hebert by staff.

Donna du Bois, MPH, RN from OCC ministry reported concerns of the use of wheelchairs being used in place of walkers in the nursing home due to accidents she has seen. Is a wheelchair a safe or appropriate substitute for a walker when a patient has balance issues rather than weakness issues? Would it be appropriate for a nursing home to have a policy that wheelchairs not be used unless the physical therapist assessed the patient as safe to use the wheelchair as a walker and then care plan this? Staff will respond suggesting Donna du Bois discuss this issue with risk management.

Susan Giglio, PT reported she has been approached by a spa to do wellness massages in the evenings and on weekends. As a PT am I allowed to do this? This service would be provided on a cash basis, insurance would not be billed, and I would not market myself as a PT. I would only be offering massages. Staff will respond to Giglio that it is within the scope of practice for her to offer and bill for such massage services.

Lisa Schuler, PT Rehab Services at Ochsner Foundation Hospital requested clarification of meetings between PT and PTA, 6<sup>th</sup> visits, and transfer of care of patients. The board tabled this question to be revisited at the November board meeting.

The Federation of State Boards of Physical Therapy forwarded candidate comments who sat for the National Physical Therapy Examination during the months of July, August, and September 2010.

Shawn Abel, PTA wrote to the board for a decision regarding his license renewal application. Abel indicated he was unable to complete continuing education due to illness in 2009. The board requested staff contact Abel and obtain a release from his physician and request a copy of his medical records.

### **TASK TRACKER**

Cheryl Gaudin responded to Nickie Wolfe, LOTR, Therapy Resource Manager, LHC Group with clarification of Act 139 PTA Supervision. It was reported that Act 139 is the statute language and the language in the board's declaratory statement regarding case conferencing (face to face or not), the discharge/final treatment (discretionary for PT or not), as well as the language of the PT's availability to the PTA/patient is clarification of the Act.

Cheryl Gaudin responded to Ashley Smith that the Louisiana Physical Therapy Board regulates the practice of physical therapy. This board does not address reimbursement issues.

Cheryl Gaudin responded to Holly Domingue, LOTR Director of Rehab Medicine at Our Lady of Lourdes RMC questions regarding face-to-face conferences and 6<sup>th</sup> visits by the physical therapist. The intention of the face-to-face conference between the PT and PTA is to communicate and exchange information regarding the patient's care.

Cheryl Gaudin reported to Stephen W. Brittain that PTs are not allowed to perform or interpret EMG studies in Louisiana. A copy of the response from the La Medical Board which the board received previously regarding this subject was forwarded to Brittain.

Jerry Jones, Jr. contacted Donald Hanks and Shawn Heinen to discuss the evaluation/skills checklist submitted regarding Maria Bautistas' competency skills.

Motion was made by Jerry Jones, Jr., seconded by Teresa Maize, "in view of the supervision report of Ma Lourdes Bautista, we recommend that Ms Bautista follow up with Alphonso Betonio, PT in Alexandria for one week to evaluate her competency level regarding communication and practice skills." All in favor is Teresa Maize, Danny Landry, Donna "Dee" Cochran, Jerry Jones, Jr., Dan Wood, and Dr. Gerald Leglue. No one opposed the motion.

Motion was made by Jerry Jones, Jr., seconded by Donna "Dee" Cochran, "contingent upon a satisfactory report from Mr. Alfonso Betonio, PT on Ma Lourdes Bautista's competence, the Executive Director may designate a clinical supervisor in a practice setting chosen by the Executive Director for further supervised clinical practice." All in favor is Teresa Maize, Danny Landry, Donna "Dee" Cochran, Jerry Jones, Jr., Dan Wood, and Dr. Gerald Leglue. No one opposed the motion.

### **MONITORING DISCIPLINED THERAPISTS**

Beth Wilkins, PTA Advisory Committee Member conducted a monitor visit with Ron Robertson on August 25<sup>th</sup>. Mr. Robertson was contacted to meet with the board at this meeting regarding the monitor visit. There appeared to be confusion on Mr. Robertson's part about the length of his probation time addressed in his Consent Order with the board.

Beth Wilkins, PTA Advisory Committee Member provided a report on the monitor visit she conducted in April and October of this year. It was noted that Ms. Stewart had not yet reported to the Board her new employment which is a violation of her consent order with the Board. A random review of charts for compliance with 6<sup>th</sup> visit supervision and face-to-face documented meetings with her supervising PT were noted as being in compliance.

Beth Wilkins, PTA Advisory Committee Member conducted a monitor visit with Sheryl Townsend to determine 6<sup>th</sup> visit supervision by a PT. Sheryl Townsend is in compliance with her Consent Order with the Board.

Sheryl Townsend forwarded certificates of attendance for the Ethics and Documentation courses she completed as required by her consent order. Ms. Townsend reported she has not worked the months of June, July, or August and inquired if her probationary time was complete or is the probationary time extended. According to her consent order, Townsend must work a minimum of 20 hours per week for her probationary time to run. The board extended Ms Townsend's probationary time by four months which will begin to run from the date of

new employment. Staff will report the board's decision to Ms Townsend.

The meeting was recessed for the evening.

The board meeting reconvened at the Board office located at 104 Fairlane Drive, Lafayette, LA 70507 at 8:30 a.m. A quorum of members was present. Board members present were: Dan Wood, Teresa Maize, Donna "Dee" Cochran, Dr Gerald Leglue, and Danny Landry. Glenn Ducote, General Counsel and George Papale, Attorney was present. Advisory Committee Members B. Craig Lowery was present.

8:30 Bryan Hicks met with the board to discuss the conclusion of his probationary time. Bryan Hicks thanked the board for the guidance and allowing him to continue to practice physical therapy while getting his life back on track.

9:00 At the request of the board, Ron Robertson met with the board to discuss a recent monitor visit. Ron Robertson reported to the board representative who conducted the monitor visit that his term of probation in which monitoring was required was ended. Mr. Robertson had legal counsel present when he met with the board and indicated he had read the Consent Order and realized action was required on his part to change the terms of the Consent Order.

9:30 At the request of the board, Catherine Nelson met with the board to discuss her lack of compliance with terms of her Consent Order with the board. Ms. Nelson continues to report she has paid the administrative costs assessed in the terms of her consent order, however, she has not provided proof of such payment. Ms. Nelson was required to bring to the meeting the \$1,000 administrative payment or proof of such payment to the board. Ms. Nelson paid the \$1,000 in cash and was provided a receipt for the payment.

## **OTHER BUSINESS**

### **LEGAL**

George Papale attended the FSBPT Annual Meeting and was asked to attend the session on Telehealth. Mr. Papale reported on the session and indicated he did not think this was an issue that required immediate consideration to address, but telehealth will be an issue the board will need to address in the future.

Glenn Ducote also attended the FSBPT Annual Meeting, reported on a session which addressed evaluation of complaints to determine disciplinary sanctions. A format for a form was presented which Mr. Ducote recommended the board adapt for use by the Investigative Committee. George Papale and Cheryl Gaudin also attended this session.

At the request of the board, Glenn Ducote researched the issue of physical therapists treating patients with referrals from out of state physicians. Ducote's research indicated that physical therapists can treat patients with out-of-state referrals.

The Board recessed to conduct one-on-one review of complaints with individual board members.

Meeting was adjourned at 3:00 p.m.

Submitted by  
Cheryl Gaudin