

LOUISIANA PHYSICAL THERAPY BOARD

April 30, 2015

FINAL

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Thursday, April 30, 2015 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members was present. Board members present were: Chairman Al Moreau, III, Secretary/Treasurer Danny P. Landry, Don Cassano, Jr., Kristina Lounsberry, Elizabeth “Beth” Austin, and Dr. Gerald Leglue, MD. Advisory committee members present were Armafe Veneracion and Wayne Campbell. Charlotte Martin, Executive Director; Sirwana Granger, Assistant Executive Director; George Papale, General Counsel; and Courtney P. Newton, Attorney were also present. Cristina Faucheaux from the LPTA was listening to the meeting via teleconference.

The meeting was called to order at 9:30am by Chairman Al Moreau.

Review of the Agenda

Chairman Moreau asked the members of the board to review the agenda. The agenda was accepted as written.

Approval of Minutes

Secretary/Treasurer Landry reported on the minutes from the March 2015 board meeting. The board reviewed the minutes and Chairman Moreau moved to approve the minutes as amended. The Board voted and the minutes were adopted.

Reports of Officers and the Board Office

Chairman’s Report

Chairman Moreau reported that nine (9) members are currently assigned as Advisory Committee members. Those members include Eugene Noel, PT; Althea Jones, PT; Wayne Campbell, PT; Nicholas Butler, PT; Patrick Cook, PT; Robert Montanaro, PT; Chris Franks, PT; Jeremy Dye, PT; and Ryan Usner, PTA,.

Chairman Moreau discussed establishing subcommittees to assist Board members and administrative staff on an as needed basis. An example of this subcommittee would be to assist with application evaluations for foreign graduates. Another proposed subcommittee is to assist with monitoring of licensees in Recovery Physical Therapy Program (RPTP). After discussion, the board determined that subcommittees should be made up of a minimum of one board member, the executive director, and advisory committee members.

Treasurer’s Report

Secretary/Treasurer Landry reported the cash in the bank for the month of March 2015 totaled \$257,651.84. The savings totaled \$202,554.45. He reported that the income for March 2015 totaled 330,524.07 and expenses totaled \$312,468.68, which included \$57,325 paid to Covalent Logic for the website upgrade. The board voted and unanimously approved to move \$100,000.00 from checking to savings.

Executive Director's Report

Executive Director Martin reported to the board that seven (7) Physical Therapists were licensed via (reciprocity), one (1) Physical Therapist Assistant was licensed as a new graduate and (3) through Reciprocity.

Executive Director Martin reported that she is working with Covalent Logic on a mobile website version, along with Don Cassano as the board member on the website committee. Mrs. Martin shared the mobile site link with the board for review and suggestions. Mrs. Martin also reported that the current timeline for completion has an end date for July 2015; however Mrs. Martin is in discussion with Covalent Logic and suggested that the board should be flexible with the timeline to ensure optimal capabilities with the upgrade. The board agreed.

Executive Director Martin reported that Covalent Logic has agreed to extract data from the old database on May 1, 2015 that will allow the staff to run several reports on current data in an Excel spreadsheet format. The data will be used in conjunction with the CEU Audit, to clean up the database records, and for reporting on and notifying licensees who failed to renew their license in 2015. The Board requested that Mrs. Martin inquire about Covalent Logic's hourly rate prior to approving the extraction of the list.

The architecture plans for the design of the new building for the board office were presented to the Board for review. The review was conducted by Chairman Moreau and Dr. Leglue in the presence of the Board. The Board voted and approved the plans met the 60% completion requirement previously agreed upon for payment. The amount invoiced was \$29,247.60. Executive Director Martin informed the Board that a check would be generated for the Secretary/Treasurer Landry's signature.

Mrs. Martin asked the board for clarification for the staff regarding the review of applications for those who are applying in Louisiana via reciprocity. The question is: Would Louisiana license an applicant who has failed the NPTE or NPTAE more than 4 times prior to getting licensed in another jurisdiction? The scenario in question has more to do with those who may have taken the exam several years ago and have been practicing with a license in good standing. Legal provided the opinion that the Board refer to the Practice Act as it relates to determining if a potential licensee has exceeded allotted number of times to sit for exam. It was also discussed that effective 2016 the FSBPT will limit the lifetime attempts to pass the exam to six (6) attempts. The board determined that if there is an applicant who has failed more than 4 times and has a license, the board will need to review the application and make a determination at that time. The staff should bring the matter before the board for review. As the Rule reads, a licensee will not be licensed in Louisiana with more than 4 attempts on the examination.

Executive Martin recommended that the September 2015 Jurisprudence scheduled for Baton Rouge be cancelled. This recommendation would result in a cost savings to the Board. The Board is scheduled to present the Jurisprudence at the Fall LPTA Symposium. The Board voted and approved to move forward with cancelling the event. The board asked Mrs. Martin to contact the LPTA to reconfirm that the JP seminar will be offered to attendees free of charge.

Mrs. Martin reminded the board of important dates in May 2015, which include:

- PTA graduating class interviews at Our Lady of the Lake - May 4, 2015
- PTA graduating class interviews at Bossier Parish Community College - May 5, 2015
- Deadline for Board Member Financial Disclosure – May 15, 2015
- Board Meeting – May 27, 2015
- Hearing – May 28, 2015

Additionally, Mrs. Martin reminded the Board that they are to complete the online Ethics course for the Ethics Board by the end of the calendar year.

Mrs. Martin informed the Board that the current laptop situation is causing administrative difficulties in the office. Dr. Gerald Leglue motioned to purchase two laptop computers for office use. Kristina Lounsberry seconded the motion. The board voted and unanimously approved.

Old Business

In response to correspondence with frustrated licensees, the board discussed references to “face-to-face” and “physically present” in the Practice Act and Rules pertaining to the PT/PTA patient care conference. The board determined that the rule is very restrictive given today’s current telecommunications. PTs and PTAs should continue to engage in actual face-to-face interaction until the Rule is changed. Mrs. Martin noted that the DHH Rule for minimum standards in home health does state “face-to-face” in the language, so if the Rule is changed for the PT Board the Board should make note that this requirement may still remain in effect within the home health setting.

Licensee Patrick Cook asked the board to reconsider the previously issued response to a question submitted by Sarah Myers asking for guidance on the scope of practice as it relates to medication review. The board reviewed the APTA’s policy statement as well as the educational component and FSBPT’s and other research articles to determine a response to the licensee. Legal counsel advised the board that practitioners should not advise patients on medications and refer to use of APTA’s statement as it relates to this matter. George Papale is revising the response to Ms. Myers and will present it at the next board meeting for review.

Legal counsel asked the board for authorization to complete three drafts for approval, to be approved by board members (less than three, so there is not a quorum) outside the board meeting. The three items are as follows: 1) the letter to Elaine Papp regarding physical therapists being permitted to perform DOT physicals, 2) the AG opinion request on if physical therapy is considered an industry, and 3) the letter from Board to DHH Home Health Standards asking DHH to change the Rule of weekly face-to-face conferences to “every thirty days” to reflect the requirement in all other healthcare settings. The board agreed.

The board voted to move the legal opinion on licensees’ privacy rights in sharing email addresses to the next board meeting agenda. All present were in favor and the vote was approved.

Legal Report

Courtney Newton reported that the scheduled for April 2015 has been granted a continuance and will not be heard this month.

Secretary/Treasurer Landry discussed the progress of the Telehealth Rule and the board determined that they have received adequate input from outside sources and will begin moving in a direction to finalize the Rule at upcoming board meetings.

Reports of Special Committees

CEU Committee

Declaratory Statements were reviewed but will be discussed at the next board meeting.

Chairman Moreau reported to the board on behalf of the Legislative Task Force. He updated the board on recent meetings to finalize the list of the committee for the Resolution to study the potential impact of increased access to physical therapy services. He reported to the board both on the status of this Resolution and on the status of the Bill to revise 37:21, both are still moving forward through the House and Senate without significant opposition. The Board also discussed a Bill that could potentially impact the way that the board licenses military applicants and their spouses. The Board is watching this Bill to see how it will impact the practice of licensing these applicants and will advise legislators if there are any threats to public safety in terms of what this Bill will require.

Hali Bearden submitted a Remediation Plan of Action to the board, in accordance with Rule §171. The board approved her Remediation Plan unanimously.

The board reviewed a correspondence from Marcos McGovern: *I am a home health physical therapist. We have a patient that has avascular necrosis and general debility. The patient has been receiving PT and progress has plateaued. The caregiver for the patient wants PT to continue to maintain stretch and current level. It is my understanding that there needs to be a reasonable expectation for functional gains to qualify for PT. Is that correct?* The board will issue a response to Mr. McGovern.

The board reviewed a correspondence from Erin Clark: *I spoke with Danielle yesterday regarding the regulations for retaking my exam, and she informed me that you were out of the office. I have taken, and failed the NPTAE 4 times in Louisiana. Is it at this point possible for me to apply and take the exam in Texas, and then apply for reciprocity in LA once I have passed.(5th attempt)?* The letter that all licensees receives states that passing the exam in another state after the 4th attempt will not qualify an applicant for licensure in the state of Louisiana. Mrs. Martin will respond to Ms. Clark.

The board reviewed a correspondence from Tonja Latham: *I have a question concerning standing orders for therapy. Is it appropriate for all patients being admitted into a facility to have standing therapy orders? Is it an ethical concern if they are admitted with the orders regardless of the patient's current functional status, potential and medical involvements? Our facility is trying to establish policies and procedures. Any information that you can provide*

would be greatly appreciated. The board will issue more details to a response that was drafted and Mrs. Martin will send a response.

The board reviewed a correspondence from Hannah Amoroso: *What paperwork do I need to file with the Board in order to start a private practice in Louisiana?* There is no additional paperwork required by the Board. Mrs. Martin will respond accordingly.

The board reviewed a correspondence from Jane Lyles: *I am writing to inquire about a PT accepting verbal orders to adjust medication for a home health patient. Recently, a physical therapist working in a home health setting phoned a nurse who was the case manager for a patient that she and the PT shared. The PT was phoning to report sudden onset edema in the patient's legs. The nurse asked the PT if she herself had phoned the MD to discuss the concerns, and the PT replied that she was phoning the nurse instead due to the fact that in the event the md requested med changes, the PT was not allowed to accept the verbal orders. The nurse felt as though the PT would be better suited to communicate with the md due to the fact that she had witnessed the change first hand. In light of the fact that PTs are able to be the only discipline in on a home health case, the following question is posed, "Is it within the practice of PT to accept verbal orders to increase or decrease medicine doses and then adjust the electronic medical record and then send it along for signature?"* The board determined that it is that it is NOT within the scope of practice for a PT to receive verbal orders regarding medication changes. The scope of PT practice allows for verbal orders for physical therapy evaluation and treatment to be received by the PT, or verbal orders for topicals or legend drugs used in the direct practice of physical therapy. The PT can phone the MD to report first hand objective information to the MD and then direct the MD to the nurse or case manager for any necessary changes regarding medications. Mrs. Martin will respond accordingly.

Executive Session:

The board voted to go into executive session to discuss sensitive information related to the monitoring of disciplined licensees.

The board exited executive session. Chairman Moreau moved to accept the monitoring plan as discussed during executive session. The board voted and unanimously approved.

The board meeting was adjourned at 4:00pm.