



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

June 13, 2012

- 6:30 Call Meeting to order
- 6:35 Meeting with ABS Design, Contractor
- 7:15 Meeting with Monty Warren, Beau Box
- 7:45 April Board Meeting Minutes
- 8:00 Devon Nolan request to address board/Dry Needling issue
- 8:20 Reports
 - Chairman's Report
 - Treasurer's Report
 - ⇒ March 2012 actual vs. budget
 - ⇒ Securities
 - ⇒ P&P Expense Reimbursement
 - Executive Director's Report
 - ✓ Proposal for new Telephone system
 - ✓ Website/database
- 8:45 Rules and Regulations Implementation Issues
- 9:30 New Business

Recess

June 14, 2012

- 8:30 Meeting with Miciotto CM & Sons, Contractor
- 9:30 Legal
 - Corrected Opinion Letter Lobbying
- 10:00 Board Monthly Call Discussion
- 10:30 Unfinished Business
 - Task Tracker
 - Correspondence
 - Clarification of face to face
 - discharge summaries
 - FW Request for Reconsideration Urgent Matter
 - Provisional licensees
 - brace practice act question
 - Contractures
 - PT for early steps
 - evals reevals billing DRG
 - PT PTA supervision
 - Palmetto Policy Statement
 - board question
 - Physical Therapy Telemedicine Pilot in Louisiana
 - physician self-referral
 - Request for Participation in Research Study Physical Therapists and Physical Therapist Assistant Board Members
 - Splinting
 - Wholesale Drug Board letter
 - needle electrical stim and scope of practice

- discharge summaries
 - Arizona bill
 - licensure for foreign educated
 - Peru Mission Trip
- 1:15 Monitoring Disciplined Therapists Report
- 2:00 Investigation Summary Reports (one-on-one meetings)
- 3:00 Adjournment

LOUISIANA PHYSICAL THERAPY BOARD

June 13, 2012

ACCEPTED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday and Thursday, June 13 & 14, 2012, at 104 Fairlane Drive, Lafayette, LA 70507. Jerry Jones, Jr., Chairman called the meeting to order at 6:30 p.m. on Wednesday, June 13th. 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, Glenn Ducote, attorney, George Papale, attorney were present.

ADOPTION OF MINUTES OF PREVIOUS MEETING

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

The May meeting was cancelled due to a lack of quorum.

6:35 Meeting with ABS Design, Contractor and Monty Warren, Beau Box. The board met with Monty Warren and the owner of ABS Design to discuss a Design/Build for the new office. During the meeting, Glenn Ducote reported state regulations would not allow for a Design/Build. Monty Warren stated he knew of a contact who dealt with state agencies that built their own buildings and would make contact for additional information. Armed with new information regarding the Design/Build issue, the board decided to cancel the meeting scheduled for Thursday morning with Miciotto CM & Sons, Contractor.

Devon Nolan, PT, DPT requested time on the agenda to make an appeal regarding the issue of practice for a minimum of two years prior to being eligible to provide the Dry Needling technique. Ms Nolan was requesting a waiver as Dry Needling was included in the physical therapy academic program she recently completed. The board determined they are bound by the rules recently adopted and could not provide a waiver specifically for Ms. Nolan.

CHAIRMAN'S REPORT

Two contracts were professional services were approved by the board, HUB Enterprises, Inc. and Elaine Richard, CPA. Staff will follow through with requirements to obtain DHH approval for these contracts for FY 2012/13.

TREASURER'S REPORT

Cash on hand for the month of April was \$910,915.04. Receipts for April totaled \$14,730.63 and expenses for the month of April totaled \$32,788.72.

Cash on hand for the month of May was \$954,287.48. Receipts for May totaled \$19,211.76 and expenses totaled \$25,458.25.

Motion was made by Teresa Maize, seconded by Gerald Leglue: "To move \$200,000 from the Board checking account to the Commercial Savings account." All in favor were Teresa Maize, Gerald Leglue, Jerry Jones, Jr., Donna "Dee" Cochran, Al Moreau, III, and Danny P. Landry. No one opposed the motion.

Teresa Maize proposed changes to the Board Policy & Procedure Expense Reimbursement. The change would include the requirement to arrange for flight no less than 21 day in advance of departure to obtain a reasonable rate. A limit of \$500 plus applicable taxes was set. If renting a vehicle was more cost effective than cab fare, the traveler would be required to arrange for the vehicle rental at the same time the flight arrangements were made.

Teresa Maize indicated June is the last month of the fiscal year and asked that all expense reimbursement requests and billing statements be submitted in a timely manner to close out the books for end of year.

EXECUTIVE DIRECTOR REPORT

Cheryl Gaudin worked with Office of Telecommunication Management to obtain two proposals from state contract vendors to replace the existing 20 year old telephone system. Black Box and Preferred provided a presentation of the functionality of their proposals for telephone equipment. After listening to both presentations, staff chose the Toshiba brand by Preferred over the Black Box equipment due to functionality differences.

Motion was made by Teresa Maize, seconded by Danny P. Landry, "Approve the purchase of a new Toshiba telephone system and Polycom equipment." All in favor were Teresa Maize, Gerald Leglue, Jerry Jones, Jr., Donna "Dee" Cochran, Al Moreau, III, and Danny P. Landry. No one opposed the motion.

Cheryl Gaudin discussed an assignment to have the web page rewritten in a more common language as the board was experiencing difficulty locating and contracting a web programmer who worked with ColdFusion. Contact was made with two vendors who only wanted to work with the webpage as long as we engaged them for database services as well. More research would be done to bring a solution to the board.

Cheryl Gaudin reported she was contacted by Maggie Donahue, President of the Federation of State Boards of Physical Therapy and told she was to be awarded the McDougall Long Time Service Award at the upcoming FSBPT Annual Meeting in Indianapolis, IN.

MONITORING DISCIPLINED THERAPISTS

Staff contacted Cole Padget regarding submission of Celebrate Recovery forms. Padget complied and forwarded the requirements as indicated in his Consent Agreement.

Staff will contact Joseph Heath Clampit to request he attend the August board meeting.

Staff will contact Anna Smith and request she monitor Kim Licausi.

RULES AND REGULATIONS IMPLEMENTATION

NEW BUSINESS

Teresa Maize will contact Susan Welsh to discuss the possibility of developing an Ethics course for the board to be available on the board's website for licensees.

The meeting was recessed at 10:30 pm.

The meeting was reconvened at 8:30 am. June 14th. 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, Glenn Ducote, attorney, George Papale, attorney were present.

LEGAL

Motion was made by Teresa Maize, seconded by Al Moreau, III; "Approval of the Consent Order for Adam LaFleur with the following provisions: (1) to include a psychological evaluation post the suspension, (2) restriction from practicing in a home health environment during his probation time, and (3) require Adam Lafleur reimburse for patient care visits not completed." All in favor were Teresa Maize, Gerald Leglue, Jerry Jones, Jr., Donna "Dee" Cochran, Al Moreau, III, and Danny P. Landry. No one opposed the motion.

Motion was made by Danny P. Landry, seconded by Jerry Jones, Jr., "To dismiss the new complaint against Shelly Sonnier, PTA and write a Letter of Concern addressing particular areas identified in the new complaint that could present a liability issue for Sonnier." All in favor were Teresa Maize, Gerald Leglue, Jerry Jones, Jr., Donna "Dee" Cochran, Al Moreau, III, and Danny P. Landry. No one opposed the motion.

Motion was made by Teresa Maize, seconded by Donna "Dee" Cochran; " To accept the

recommendation to write a Letter of Concern for Bryan Hicks with stipulations of completing the Ethics & Professionalism Course offered by CEU World and write an essay of no less than 750 words. The Ethics course must be completed within 60 days." All in favor were Teresa Maize, Gerald Leglue, Jerry Jones, Jr., Donna "Dee" Cochran, Al Moreau, III, and Danny P. Landry. No one opposed the motion.

Motion was made by Donna "Dee" Cochran, seconded by Teresa Maize, "To accept the terms of the proposed Consent Agreement for David Watkins as presented." All in favor were Teresa Maize, Gerald Leglue, Jerry Jones, Jr., Donna "Dee" Cochran, Al Moreau, III, and Danny P. Landry. No one opposed the motion.

George Papale, legal counsel, provided the board with a Corrected Opinion Letter on Lobbying.

CORRESPONDENCE

Katie Blanchard emailed a scenario requesting clarification. A p.r.n. PTA works in the hospital setting 1-2 weekends a month. Is this PTA required to have a face to face with the PT on record if on visit 1-4, or does the full time PTA face to face with the PT following visit 5 (or do both have to occur)? 2) Same scenario as above except a PT will see the pt following the weekend p.r.n. PTA and prior to a fifth visit. Does a face to face have to occur in this situation? Teresa Maize will draft a response to Blanchard.

Sara W. Borne, PT asked for clarification of what information must be contained in the discharge summary. The facility is revising its documentation forms and wants to be in compliance with facility requirements and La Physical Therapy Practice Act and Rule requirements. There has been some conflict among staff members as to what info has to be included in the discharge summary. Staff will respond to Sara Borne.

Martha L. Ellis, Case Manager, GoffWilson forwarded a letter to Cheryl Gaudin directed to Glenn Ducote, attorney for the Board, requesting prompt reconsideration of a previous decision rendered by the board regarding applicant for Louisiana licensure Ms. Alma Grace Masamayor. After review and discussion of the request, the board determined their previous decision would stand. Glenn Ducote was assigned the task of responding to GoffWilson.

Dionne Francois, PT Director of Physical Medicine at Lake Charles Memorial Hospital stated in the past a PT could be approved to supervise two new graduates under a temporary permit. With the new Provisional license, can a PT supervise two provisional licensees who split their day between acute care and outpatient rehab? The provisional licensees will only have one employer, just two supervisors. The board agreed to allow one PT to supervise two provisional licensees. Staff will respond to Francois and list this issue to be addressed with new rule changes.

Matt Pokorny, PT, DPT, OCS, ATC indicated a worker's compensation patient was referred by an MD specifically to provide a sacroiliac brace and fit her for it. The authorization was obtained for the insurance company and ordered the brace. After fitting and dispensing the brace to the patient, the Mississippi-based Worker's Compensation Company was billed. The CPT Code L0621 which I thought was the most appropriate code was used for the billing yet the insurance company denied the claim because the adjustor stated, "In the state of Louisiana, it is not within a PT's scope of practice to fit or provide the equipment." Staff will respond to Pokorny it is within the scope of practice for a PT to apply orthotics. However, the board can't address the issue of coding.

Kevin Bias, PT, MS, M.Ed an outpatient ortho clinician is now practicing in a SNF setting as the full-time supervising/treating therapist and has been asked to begin a contracture management program. Bias reported he was unable to find documented gold standard research that states ROM deficits from contractures can be improved with physical therapy. Bias stated to his employer that since he is an evidenced based practitioner, he cannot treat contractures. The employer wants him to start ordering AO for patients, fitting them, checking the patient on the hour, and educating CNA's on schedules, donning, and doffing and billing for his time to the

patient. 1. Is there evidence that proves PT can reverse ROM deficits from contractures? 2. Do SNF facilities throughout the state have contracture management programs as described in the last sentence above? 3. Is my time billable and of course legal to perform in a SNF setting? Al Moreau will draft a response and forward to all for review.

Michele Walker, PT could treat children without a referral with diagnosis of developmental delay? Ms. Walker works in the Early Steps program and sees kids after assessment according to their plan of care which is the IFSP (individualized family service plan). Should the PT send the evaluation to the doctor within 15 days of first seeing the baby? Donna "Dee" Cochran will draft a response to Ms. Walker.

Kim Licausi, PT works in an acute care PT setting posed several questions to the board.

- (1. In the acute care setting, are initial evaluations and /or PT re-evaluations timed as for other charges to reflect the 8 minute rule i.e. 8-22 minutes evaluation 1, 23-37 evaluation 2 etc or is the evaluation and/or re-evaluation charge not timed?
- (2. Can the initial evaluation charge in the acute care setting bill for anything other than PT/patient evaluation time i.e. documentation or treatment?
- (3. Are patients and insurance companies including Medicare actually billed or charged for the initial PT evaluation i.e. do clinics/hospitals receive financial reimbursement for the initial PT evaluation? (I've had some clinicians say yes others no)
- (4.) Does the PT initial evaluation & plan of care have to be completed (including the written documentation component) before PT can start billing for treatment charges?
- (5.) When can a PT in the acute care setting legally & ethically begin billing for treatments after doing an evaluation or reevaluation in the acute care setting?
- (6.) In the acute care setting is it usual & customary to assign units of productivity to the initial evaluation & any billable reevaluation? If so, how many units are usually assigned?
- (7.) Any good sources of info on how DRGs work in the acute care setting? I'm particularly curious as to the relationship between how the number of units of service "billed" affects the total reimbursement paid out. Teresa Maize will draft a response to Licausi.

Kim Licausi, PT posed additional questions regarding PT/PTA supervision. 1. When weekend only PTs at a clinic see patients that the PTAs can't see, can those patients be seen the following Monday prior to another regular PT treating the patient & subsequently hands the patient to the PTA? 2. Are PTAs allowed to see patients previously seen by a PT who is not on site or readily available by telephone, email etc., but has 1 or more other PTs readily available in the clinic? 3. May a PT assign another PT's patients to a PTA for treatment when the assigning PT has never seen the other PT's patients and that other PT is not readily available for contact/communication? Let's say the patients assigned are not @ the 6th visit. Is the PTA in this situation allowed to treat solely based on the plan of care and PT documentation in the chart or would he/she need a PT/PTA conference before any provided treatment? Teresa Maize will draft a response to Mr. Licausi.

The Board received a mailing from Palmetto providing their Policy Statement. No response is required.

Raymond Prince, PT asked if a PT with a provisional license under supervision can practice physical therapy in home health in an assisted living facility while the supervising PT is practicing at the same location. Al Moreau will draft a response to Mr. Prince.

Mireya Zapata, Regional Director, Activism & Long Term Services at National Multiple Sclerosis Society, is considering funding a pilot project in Louisiana that would connect persons living with Multiple Sclerosis in rural parts of the state with health care professionals that have expertise in treating multiple sclerosis. Multiple sclerosis is life-long, unpredictable and often disabling disease of the central nervous system. Physical therapy is an important part of health care delivery for persons living with multiple sclerosis as it can greatly improve a person's independence and quality of life by improving movement and function and relieving pain.

Physical therapy can help with balance problems, lack of coordination, fatigue, pain, immobility, and weakness. Zapata is asking if there are any prohibitions, either in the Louisiana Physical Therapy Practice Act or in other sections of Louisiana statute, that would prohibit physical therapists licensed in Louisiana from delivering physical therapy services via telemedicine to persons living with multiple sclerosis in rural communities in Louisiana. Also what steps the board would recommend if they chose to proceed with such a pilot or how one would go about expanding the scope of the Act to allow PTs to practice via telemedicine. Staff was asked to contact Mireya Zapata to make a presentation to the board.

John Ware, PT asked if a physician can write a referral for themselves. Staff will respond to Mr. Ware that he can accept the self-referral.

Tina Gualdo, PT emailed the board requesting Participation in a Research Study she is conducting for her PhD.

Sherie Callihan, PT asked if it is legal for a PT to recommend splinting equipment after doing a screening on a Nursing Home Patient or does a full evaluation need to be done before the recommendations are provided? Jerry Jones, Jr. will draft a response to Ms. Callihan.

Pam Janssen, PT requested clarification of placing a needle to do stimulation to the posterior tibial nerve as part of the process for e-stim for incontinence and overactive bladder is within the scope of practice act using the URGENT PC neuromodulation system is within the scope of practice. The needle is similar to an acupuncture needle. It is not used to inject or withdraw anything. There is one needle and one surface electrode used. Can I set this system up by inserting needle and use it? Al Moreau, Jr. will draft a response to Ms. Janssen.

Laura Bryant, Med., PT, Program Director at Bossier Parish Community College PTA Program forwarded a link to the Arizona PT site which indicated plans to address the NPTE fixed date testing. Louisiana has already addresses the issue.

Yoel Trenk recruits foreign educated physical therapists to bring to the United States. With the new rule changes, Trenk inquired about the process which included the letter for immigration purposes. The letter for immigration purposes is provided after required documentation has been received but the applicant has not yet applied for and been issued a Social Security Number or legal immigration rights. Upon review of the current template used for immigration purposes, attorneys for the board were assigned the task of review and editing the template letter.

Russ Gunter, PT, DPT reported a medical mission trip to Peru and asked if the board could forward details to all licensees. The board determined we are unable to comply with his request.

OTHER BUSINESS

UNFINISHED BUSINESS

TASK TRACKER

Teresa Maize responded to Joy Helgerson, PT Regional Vice President of Operations at TherEX regarding their company drafting a company policy of their interpretation of the rules to distribute to their employees.

Staff registered Jerry Jones, Jr. as Delegate to the Federation of State Boards of Physical Therapy Annual Meeting, Teresa Maize as Alternate Delegate and Cheryl Gaudin as Administrator.

Al Moreau, III contacted James Dunning, DPT, MSc Manipulation Therapist, FAAOMPT, MAACP, MMACP (UK), requesting course seminar descriptions for DN-1 and DN-2 on the topic of dry needling followed by an online examination. Dunning indicated course participants would be awarded 54 hours of continuing education in dry needling after completion of DN-1 and DN-2.

Danny P. Landry, drafted the response to J. Parrish Tadlock, PTA who asked for clarification of

documentation of ambulation of a patient.

Contact Nicholas Butler regarding CLEAR NCIT Basic Training offering in Austin in May.

Glenn Ducote provided a copy of a response to Cecelia Congelosi, attorney for the Wholesale Drug Board in response to her request regarding a list of "legend devices and topical legend drugs which are employed in the delivery of physical therapy".

BOARD MEMBER MONTHLY CALLS

The meeting was adjourned at 5:00 pm.
