

LOUISIANA PHYSICAL THERAPY BOARD

August 20 - 21, 2014

Approved

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday August 20, 2014 and Thursday, August 21, 2014, at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members was present. Board members present were: Chairman Al Moreau, III, Treasurer/Secretary Danny Landry, Jerry Jones, Jr., Kristina Lounsberry, Elizabeth "Beth" Austin, Dr. Gerald Leglue, and Susan "Sue" Bartol. Advisory committee members present were Eugene Noel and Wayne Campbell. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

The meeting was called to order at 6:30 p.m.

Suggested edits were reviewed and approved for the minutes from the board meeting held Thursday, July 24, 2014.

Chairman's Report

Chairman, Al Moreau, III discussed the possibility of the board no longer using Wallet Cards for licensees in the future. At present time, the board Rules mandate that the board continue to issue Wallet Cards. In the future, should this change, the board may decide that this is unnecessary. Chairman Moreau asked the Executive Director to contact Covalent Logic to get a price for the Wallet Card design and ability to generate Wallet Cards in the new database and report back to the board at the next board meeting.

Secretary/Treasurer, Danny Landry discussed license verification with the board and confirmed that the fee for verification is \$40 and it is to be charged to those who submit requests for official licensure verification.

Chairman Moreau informed the board that background checks for licensees is said to take approximately six (6) weeks. The board discussed if this is reasonable to require background checks for all applicants who are applying for Louisiana licensure through reciprocity. Kristina Lounsberry recommended that the Executive Director consult with the medical board on how they conduct the federal background check, since they are able to get it expedited. George Papale suggested contacting the Social Worker board, as well.

Chairman Moreau informed the board that LSU Shreveport has requested that the board conduct a course lecture for first year students. The purpose of the lecture is for the students to be introduced to the Practice Act and Rules and to learn about disciplinary cases that exist for those who have been in violation. LSU Shreveport has offered this course to students in past years as a special speaker's series with board members as the speakers. These board members were adjunct faculty members at LSU Shreveport. This year there are no adjunct faculty who are board members, so they are requesting that the board present on the topic and send a board member. Chairman Moreau is working with the Executive Director to design the content, then the speaker will be determined. The course will be held in November 2014.

Secretary/Treasurer's Report

Secretary/Treasurer Landry presented the cash in the bank for the month of July 2014 totaled \$206,153.78. He reported that the income for July 2014 totaled \$14,106.34 and expenses totaled, \$51,711.90. The two Certificates of Deposit at the Bank of Montgomery totaled \$713,162.62 at the end of July. The Business Savings account at Chase Bank was \$202,514.10.

Secretary/Treasurer Landry informed the board that the legislative audit and annual financial report have been completed by the legislative auditor. Secretary/Treasurer Landry recommended that the auditor post both the annual financial report and the annual audit to the state website and the board agreed. The Executive Director will notify the legislative auditor to post both so they are publically available.

The board members discussed the separate amount in business savings and recalled that the intention of setting this money aside was in anticipation of some large expenses coming through, such as the website and database redesign. The board determined that the funds should remain in the savings account for now.

Ryan Roussel: Consent Order Essay

Ryan Roussel arrived early to discuss his Consent Order Essay, so the Chairman allowed the agenda to be shifted. At the previous board meeting, the Executive Director reported to the board that Roussel's essay was submitted after the deadline put forth on his consent order. The board requested that Roussel meet before the board to understand the severity of violating the consent order. Roussel explained to the board that he was unaware that the consent order was in effect after the board meeting and that it was a misunderstanding. Chairman Moreau explained to Roussel that the Consent Order is signed and in effect and it is his responsibility to fulfill all requirements with deadlines set forth in the Consent Order. The board gave Roussel a warning.

Executive Director's Report

Executive Director, Charlotte Martin reported on CEU Audit responses since the last board meeting. Those who have taken coursework to be in compliance will be sent letters stating that they are in compliance. The board needed further discussion on the following licensees:

Marlee Early, PT requested that the board review her Continuing Education completed for the renewal period in 2014. She took courses but they were not approved by Louisiana. She has not practiced in Louisiana since the end of the renewal period, so although she is not in compliance, she is also not in violation of practice. The board determined that they would not review the courses taken and that in order to be in compliance with Louisiana, Ms. Early would need to complete all credit needed for renewal using board-approved courses. Executive Director Martin will respond to Ms. Early accordingly and report compliance or non-compliance at the next board meeting.

Jason Bland, PTA was determined to not be in compliance at the July board meeting. However, Executive Director Martin requested a meeting with Mr. Bland. At the meeting, he produced the certificates of completion for the coursework completed for 2014 renewal and was in

compliance. There was confusion because he sent in his 2013 certificates of completion for the audit and not his 2014 certificates of completion. He is now considered in compliance and does not need to appear before the board.

Executive Director Martin reported that the CEU Committee approved 21 courses since the last board meeting. Of those, all 21 courses were Clinical (11 traditional/10 web-based).

Executive Director Martin reported that the application for licensure and the application for renewal form questionnaire is in need of updating. The board approved Mrs. Martin's suggested edits and suggested that these edits be made available on the application that is available on the website as soon as possible.

Executive Director Martin reported that since the last board meeting, the board office has licensed 53 Physical Therapists by examination, 6 Physical Therapists by Reciprocity, and 9 Physical Therapist Assistants by Reciprocity. One PTA is pending approval by the board. Executive Director Martin requested review of the application for Breanne Parks, PTA. Breanne is licensed in four other states in good standing. She recently was arrested for a DUI, but was not convicted. She completed the DUI course and paid all penalties. The board approved the application for Breanne Parks, pending the submission of a completed application and an interview.

Executive Director Martin asked the board if they would like to make consent orders publically available on the website when the new website is launched. The board agreed.

Executive Director Martin informed the board that the Board Office will have a booth at the upcoming Louisiana Physical Therapy Association Fall Meeting. Danielle Linzer will work the booth. Mrs. Martin sent a request to the Advisory Committee members for additional support of the booth, as all board members will be out of town at the FSBPT Annual Meeting in San Francisco.

Legal Report

General Counsel, George Papale informed the board that the attorney for David Conerly requested a continuance on the hearing, which was originally scheduled for August 21, 2014. Mr. Papale asked the board's approval to move the hearing to the September board meeting. The board agreed and the hearing will be scheduled at 8:00am on September 25, 2014.

Attorney, Courtney Newton updated the board on the Attorney General opinion on Dry Needling. The AG's Office had pulled out of the review process to do further research because there was an opinion from the Tennessee Attorney General's Office. The points that the Louisiana AG's office needs to review were addressed in the memo that Mrs. Newton prepared. Mrs. Newton informed the board that the Dry Needling AG Opinion is now back in review.

Attorney Newton informed the board that the LA Register published notice of a DHH Rule (reimbursement to rehabilitation clinics). Secretary/Treasurer Landry requested that Mrs. Newton review this for legal advice to the board. Mrs. Newton reviewed it and determined that it

should be forwarded to the LPTA, since this more of a practice reimbursement issue than regulation.

Attorney Newton reported that Secretary/Treasurer Landry informed her of a discussion at the FSBPT Leadership Issues Forum regarding NPTE test limits. The lifetime limit for individuals to take the FSBPT-designed NPTE test will be changed to six times. Since the Rules state that licensees may take the test 4 times, then complete an accredited program again and then they may take the test as again, the board may want to consider changing the Rules to limit individuals to taking the test 6 times total. Otherwise, the state may have to come up with a test other than the NPTE to administer for individuals after they have taken the NPTE 6 times unsuccessfully.

Chairman Moreau reported that he has been in contact with the LPTA and there has been no progress on the BESE “Return to Play” rule.

Attorney Newton reported that the board should keep her informed of any rules or laws that they think are most pressing for the 2015 legislative session. The LPTA has not had a committee meeting to discuss this yet, but the board would like to work closely with the LPTA to be sure to show support and guidance on issues that are most pressing. The most important issue at hand right now is R.S. L.A. 3721 which limits the time that boards can take on complaints that have been submitted. Other boards have been exempt from this prescriptive period statute, but the Physical Therapy Board has not. It is simple language that can be proposed just to state that the Louisiana Physical Therapy Board is exempt from the prescriptive period. Secretary/Treasurer Landry is scheduled to discuss this matter to with the LPTA Government Affairs chair as to determine how the board will proceed.

The board discussed the Emergency Pharmacy Rule that was issued since the last board meeting regarding pharmacist compounding restrictions. This Rule is a reaction to the federal law and states that drugs have to be compounded at the pharmacy and compounded drugs must have a patient-specific prescription. This can impact the practice of physical therapy. The board determined that this is something to be aware of and adapted to in time.

Attorney Newton informed the board that she will be working with the Executive Director on drafting language to revise Rules. All board members were given an extra Rules book and asked to highlight and mark-up the hard-copy book for Mrs. Newton by the next board meeting.

The board broke for recess at 10:00 p.m.

The board meeting reconvened at 9:00am on Thursday, August 21, 2014. A quorum of members was present. Chairman Al Moreau, Treasurer/Secretary Danny Landry, Kristina Lounsberry, Elizabeth “Beth” Austin, Dr. Gerald Leglue, Jerry Jones, Jr., and Susan “Sue” Bartol. Advisory committee members present were Wayne Campbell and Eugene Noel. Charlotte Martin, Executive Director, George Papale, General Counsel, and Courtney P. Newton, Attorney were also present.

Unfinished Business

Kevin Bias, PT was not in compliance with the CEUs for the 2014 renewal period. Mr. Bias took courses to be in compliance. The courses that he took are still lacking 2 hours of Louisiana–approved Ethics and Jurisprudence courses, so he is still not in compliance. Mr. Bias also used the same courses on his 2013 and 2014 renewal form, which is considered a violation of fraud. Executive Director Martin will contact Mr. Bias and inform him of the hours lacking in compliance, ask him to take courses to be in compliance and ask him to appear before the board at the September board meeting.

The board members requested that Executive Director Martin do a broad-based communication to licensees letting them know what the enforcement will be for those who are not in compliance of CEUs during the renewal period. Mrs. Martin will finalize the CEU Audit policy for the board members to review prior to the next board meeting, and the approved final policy will be used as a guide for designing the documents for communication.

The board members discussed a board-based communication to licensees in general to provide better information. The areas of interest in this communication include the following: What CEUs are needed for the biennial renewal period; CEU Audit enforcement; Recovering Physical Therapy Program; Disciplinary process; and Renewal dates.

Correspondences

Jessica Bennett asked *“Is it within a PT scope of Practice to address a Physician order that states to ‘Titrate and Wean a patient from Oxygen?’”* The board determined that clarification is needed prior to answering this question. Beth Austin will reach out to Jessica Bennett.

Alisha Jarreau asked, *“We are concerned regarding our Medicare/Humana caseload. We would like to schedule two patients per hour staggered on the half, which at times leaves 2, possibly 3 patient being in the clinic at one time. With Medicare saying that you have to either see them one at a time, or bill for group, I feel that neither of these are appropriate and feasible. If Medicare would be paying top dollar for top dollar care I wouldn't have a problem for providing truly one-on-one care, but I just feel like I cannot also bill for group if there is no true ‘group’.”* The board discussed this question and Mr. Papale presented an answer. Mrs. Martin will draft the response for the board to review at the next board meeting.

Ginger Fleming, PTA asked, *“I was told as a PTA that I was not able to do G Codes because they were part of the evaluation and recertification. I have recently changed companies and have been asked to complete G Codes. I just need a clarification as to whether G Codes can be done by PTA’s.”* Mrs. Martin drafted a response, the board approved. Mrs. Martin will respond.

Eugene Nguyen, PT asked, *“Is there a 24-hour rule with the Board for evaluations? I have had conflicting information in home health stating that patients must be evaluated in a reasonable amount of time, or should they be evaluated within 24 hours? What is a reasonable amount of times?”* The board confirmed that the board Rules do not require a 24-hour limit on evaluating a patient. The board also determined that a reasonable amount of time is up to the professional judgment of the therapist. The 24-hour time limit might be a requirement of the payer. If so, it is in the best interest of the therapist to follow billing guidelines as they are set by the payer, if they would like to get paid. In terms of the board Rules, there is no 24 hour rule. Mrs. Martin will respond.

Monitoring Consent Orders

Executive Director Martin received a request from Adam Lafleur’s supervisor asking if he could be allowed to go into a student’s home who is home-bound to perform physical therapy treatment. The board determined that Adam Lafleur is not allowed to do home health during his probationary period and the board will not grant an exception.

Chairman Moreau requested that board members submit monitoring visits reports to the Executive Director within two weeks from the time that the visit happens. The board requested that the Executive Director send out monitoring visit forms and draft a monitoring visit policy for the board to review and approve.

New Business

Secretary/Treasurer Landry and Executive Director Martin provided an update to the board on their recent attendance at the FSBPT Leadership Issues Forum and Danny provided the board members a report of the issues discussed.

Board Member Monthly Calls

The board meeting was adjourned at 11:00am.