

# Louisiana Physical Therapy Board

## MINUTES Regular Scheduled Board Meeting March 22, 2018

### APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on March 22, 2018 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members were present. Board members present were: Chairman Patrick Cook, Secretary/Treasurer, Karl Kleinpeter, and board members Kristina Lounsberry, JulieAnn Harris, Craig Prejean, Judith Halverson, and Meredith Warner. Advisory Committee Members present were Phillip Page, Chris Franks, and Ryan Usner. Charlotte Martin, Executive Director; board attorney, Courtney P. Newton, Stephanie Boudreaux, Compliance Officer, and Jessica Alwell, Assistant Executive Director were present.

Chairman Patrick Cook called the meeting to order at 4:00 pm.

The board reviewed the agenda. Chairman Cook moved to amend the agenda to add the Jurisprudence Exam Review Committee report in Committee reports. The board members voted and unanimously approved the agenda as amended.

The board members reviewed the minutes. Chairman Cook moved to approve the minutes as written. Secretary/Treasurer Karl Kleinpeter seconded the motion. The board voted and unanimously approved the minutes.

Chairman Cook motioned to move into Executive Session pursuant to La R.S. 42:16 for the purposes of discussing investigating proceedings regarding allegations of misconduct. Secretary/Treasurer Kleinpeter seconded the motion. The board members were all in favor to move into Executive Session.

The board exited Executive Session.

Chairman Cook moved to accept the consent order for Edwin Salutillo (Case 2017-I-038). Judith Halverson seconded the motion. The board voted and unanimously accepted the consent order.

Chairman Cook moved to accept the essay submitted by Emanuel Antunez (Case 2017-I-036) as required by his consent orders. Craig Prejean seconded the motion. The board voted and unanimously accepted the essay.

Kristina Lounsberry moved to accept the essay submitted by Steven Schwab (Case 2017-I-032) as required his consent orders. JulieAnn Harris seconded the motion. The board voted and unanimously accepted the essay.

Chairman Cook moved to deny the essay submitted by Angela Archer (Case 2017-I-023) as required by her consent orders. Kristina Lounsberry seconded the motion. The board voted and unanimously denied the essay.

Chairman Cook moved to approve the workplace request submitted by Emanuel Antunez (Case 2017-I-036). Craig Prejean seconded the motion. The board voted and unanimously approved the workplace request.

Kristina Lounsberry moved to accept Angela Archer's (Case 2017-I-023) Evaluation Report. Craig Prejean seconded the motion. The board voted and unanimously accepted the evaluation report.

JulieAnn Harris moved to approve the fulfillment of the suspension requirement for Garret Woods (Case 2017-I-021). Craig Prejean seconded the motion. The board voted and unanimously agreed to transition Mr. Woods' license status from suspension to probation.

Kristina Lounsberry moved to approve the workplace request for Garret Woods (Case 2017-I-021). JulieAnn Harris seconded the motion. The board voted and unanimously approved the workplace request.

JulieAnn Harris moved to authorize the LPTB staff to change Daniel Henning's license status, both on the Board website and in response to public inquiry, from "probation" to "inactive". This change in public license status is not intended to alter the terms and conditions of Mr. Henning's Consent Order. Craig Prejean seconded the motion. The board voted and unanimously approved.

## **NEW BUSINESS**

Mrs. Martin requested that the board review the documents related to the Recovering Physical Therapist Program (RPTP). Kathie Pohlman, Program Manager for the Recovering Physical Therapy Program attended the meeting to respond to questions.

Chairman Cook moved to accept the Program Manager Job Description as written. Kristina Lounsberry seconded the motion. The board voted and unanimously accepted the document.

Chairman Cook moved to accept the Program Manager Assessment Tool as written. Craig Prejean seconded the motion. The board voted and unanimously accepted the motion.

JulieAnn Harris moved to accept the Participation Agreement Terms and Conditions as written. Judith Halverson seconded the motion. The board voted and unanimously accepted the motion.

Chairman Cook moved to accept RPTP Manager Kathie Pohlman's recommended changes to the RPTP program. Harris seconded the motion. The board voted and unanimously accepted the motion.

Chairman Cook made a motion to set a minimum number of drug and alcohol tests per year for RPTP participants. JulieAnn Harris seconded the motion. The board voted and unanimously accepted the motion.

Chairman Cook made a motion to set the participation length of the RPTP to a minimum of five years. Craig Prejean seconded the motion. The board voted and unanimously accepted the motion.

Chairman Cook moved to accept the Recognized Treatment Providers list with the provision that the board will review the list annually, at minimum, and will not review individual Treatment Provider requests. Craig Prejean seconded the motion. The board voted and unanimously accepted the motion.

## **OFFICER REPORTS**

### Chairman Report

Chairman Patrick Cook presented on duties of the board and the current legal structure.

### Treasurer's Report

Secretary/Treasurer Kleinpeter presented December 2017 Financials. As of December 31, 2017, cash in the bank totaled \$108,458.46 in the checking and savings accounts at Farmer's Merchant Bank. Total Income totaled \$30,457 and ordinary expenses totaled \$44,283.93. The Certificates of Deposit at Business First Bank totaled \$785,135.34. CD #534 ending balance as of 12/31/2017 was \$303,432.72. CD #054 earned interest of \$454.89 in December. The ending balance as of 12/31/2017 was \$481,702.62.

Secretary/Treasurer Kleinpeter presented January 2018 Financials. As of January 31, 2018, cash in the bank totaled \$89,397.02 in the checking and savings accounts at Farmer's Merchant Bank. Total Income totaled \$23,376 and ordinary expenses totaled \$53,553.07. The Certificates of Deposit at Business First Bank totaled \$785,605.84. CD #534 ending balance as of 1/31/2018 was \$303,432.72. CD #054 earned interest of \$470.50 in January. The ending balance as of 1/31/2018 was \$482,173.12.

Secretary/Treasurer Kleinpeter presented the 2018-19 fiscal year budget to the board. JulieAnn Harris motioned to approve the 2018-2019 fiscal year budget. Chairman Cook seconded the motion. The board requested public comment. There was no public comment. The board voted and unanimously accepted the motion.

Chairman Cook moved to authorize the Executive Director, Secretary/Treasurer and Chairman to determine the amount needed for reserve, checking, and savings and to determine the CD amount that should be invested at the end of the 2018 renewal period (April 30, 2018) when the current CD matures (May 2018). Craig Prejean seconded the motion. The board voted and unanimously approved.

The board requested that Mrs. Martin work with Secretary/Treasurer Karl Kleinpeter to write a policy for the board's reserve fund to be presented at the next board meeting.

The board authorized the Executive Director to work with the Secretary/Treasurer to present a plan for moving the board office. The proposed plan will be reviewed at the June 2018 board meeting.

#### Executive Director Report

Mrs. Martin reported that 24 license applications were approved since the last board meeting from January 22, 2018 to March 22, 2018. Mrs. Martin reported the average time for licensure is 33 days.

Mrs. Martin informed the board that licensee Anna Cavell's Supervised Clinical Practice is complete and received a satisfactory review from her supervisor. The board previously authorized Mrs. Martin to change Ms. Cavell's license status to active from temporary upon satisfactory completion of her Supervised Clinical Practice as required by the Board. Mrs. Martin notified the board that Ms. Cavell's license status was changed to active at the time of completion.

Mrs. Martin presented that an applicant disclosed a felony offense from 1978 on her license application; however the background check report confirming the felony conviction from Louisiana State Police has not been received at the board office at this time. Mrs. Martin requested a board decision on whether to approve her license application upon receipt of the background check report. The board moved to authorize Mrs. Martin to review the official La State Police background check when it arrives at the board office and if the criminal charge is not listed as a felony, to issue an unencumbered license to the applicant. If it is listed as a felony, the board will take up the discussion at the next board meeting.

Mrs. Martin presented the board with Disciplinary Action Guidelines. Chairman Cook moved to accept the Disciplinary Action Guidelines. Judith Halverson seconded the motion. The board voted unanimously accepted the motion.

#### **COMPLAINT SUMMARY**

Mrs. Martin reported the current complaint summary of activity that occurred since the last meeting:

Appeals:	1
Complaints Received:	8
Informal Conferences:	1

Consent Orders Accepted:	1
CRPTP:	1
Agreement to Abstain:	2
Closed:	1
<u>Hearings Scheduled:</u>	<u>1</u>
<b>Total Open Investigations:</b>	<b>9</b>

The board reviewed complaints submitted to the board on individuals not licensed by the Louisiana Physical Therapy Board. The board authorized the staff to follow the procedure dictated by La R.S. 37:2422.A. when responding to complaints when the complaint alleges title protected terms being used by unauthorized individuals. The staff is not authorized to issue actual cease and desist orders from the board to individuals who do not resolve the issue with their licensing board, to those who are unlicensed, nor to anyone who is in violation of the Practice Act and/or Rules of a violation that does not involve title protected terms.

The board authorized the staff to randomly audit 10% of the licensee population during the upcoming annual CE audit. The board authorized the staff to send a letter to licensees who are non-compliant with their Continuing Education requirements, but who can show evidence of completing 30 hours of continuing education. For individuals who have no proof of completing 30 hours of continuing education, the board authorized Mrs. Martin to form an investigative committee to review the matter for consideration of disciplinary action.

The board discussed the licensing procedure for military or military spouse applicants. The board authorized the staff to issue temporary licenses to military or military spouse applicants after receiving verification of their most recent jurisdiction of license, confirming that the applicant's active license in that jurisdiction is in good standing, as well as a background check affidavit stating that the applicant is free of criminal convictions. The applicant's temporary license status will change to permanent status once the board office receives verification from all states where the applicant holds a license. Mrs. Martin will present a written policy or review at the June board meeting for the board to approve and review annually.

The board voted to change the next board meeting date to Wednesday, June 6, 2018.

Mrs. Martin requested the board choose emergency contacts for the staff while she is out on maternity leave starting April 6<sup>th</sup> and expected to conclude June 4<sup>th</sup>. The board chose Chairman Cook and JulieAnn Harris as emergency contacts for the staff.

## **COMMITTEE REPORTS**

### Legislative Task Force:

Chairman Cook motioned for the board to allow the LTF to make decisions on board positions during the current legislative session. Kristina Lounsberry seconded the motion. The board voted and unanimously accepted the motion.

Chairman Cook motioned to accept the draft position statement in regards to Senator Peacock's Bill to enact the Physical Therapy Licensure Compact. Kristina Lounsberry seconded the motion. The board voted and unanimously accepted the motion.

### CEU Committee:

The CEU Committee reported that 171 courses were reviewed since the last board meeting and all 171 courses were approved. Of the 171 courses approved, 92 courses were traditional/on-site and 76 were distance learning courses. Of the 171 courses approved, 161 were clinical in nature and 9 was administrative in nature, and 1 was an ethics course. The average turn-around time for approval was 3 days.

The board reviewed CEU Exemption requests and unanimously determined that John Hodge, Susan Roblow, and Calida Dunnehoo do not qualify for exemption from continuing education requirements for the 2018 renewal period based upon Rule §198. The board determined that Rebecca Leedy's request for CEU exemption from continuing education requirements for the 2019 renewal period does qualify for exemption based on Rule §198.

Judith Halverson moved to deny the Fascial Distortion Model courses (upper and lower) submitted by sponsor Jay Ferguson. Craig Prejean seconded the motion. The board reviewed the course and unanimously decided to deny the course due to lack of evidence. The board directed the staff to respond with a letter of denial indicating that the board would reconsider the request if a bibliography is sent in with an application demonstrating that this is evidence-based coursework.

A licensee submitted a request for CEU credit for a Neur-INFRAH course taken in which the course sponsor printed "this course will be submitted to the Louisiana Physical Therapy Board for 14.0 CEUs." The sponsor did not submit for course approval. The board reviewed the request and determined that the course credit would not be applied because the course sponsor did not apply for approval in the state of Louisiana and it is the responsibility of the licensees to take board-approved coursework for the purpose of license renewal based on Rule §194.

#### Jurisprudence Exam Review Committee

The board reviewed the committee plan and timeline as well as the guidelines and assessment for question scenario writing. Committee chair JulieAnn Harris recommended that Advisory Committee members review existing questions on the current Jurisprudence Exam online to determine if any might be salvageable in addition to writing new questions with the given guidelines.

The board authorized the staff to contact potential public member volunteers that have been identified and request cover letter and resumes for the committee to review and in an effort to finalize the test taker volunteer list.

The board reviewed a request from a licensee asking if, as a volunteer test taker, continuing education hours can be earned for testing draft JP exam questions. The board discussed the request and decided that volunteer test takers may receive two administrative hours to be used as CEU credit for the next renewal period. Test taker volunteers will still be required to take the new Jurisprudence exam or attend a live Jurisprudence to receive 2 hours credit to meet the Jurisprudence requirement for the renewal period based on Rule §194.

#### Rules Review Committee

The board reviewed the updated timeline for submitting the Rules Revision document. The Rules will be submitted to the State Register on April 20, 2018.

The board reviewed Rule §171 specific to the applicant attempts to the National Physical Therapy Examination (NPTE). Louisiana applicants are limited to four attempts to pass the NPTE. As the Rule is currently written, once the applicant fails the examination the first time they have no more than two years from the first attempt to complete all four attempts. The board voted unanimously to add language to this Rule that would allow the board the opportunity to review requests from applicants to extend the time period beyond two years in special circumstances. The language will be supported by policy clearly articulating circumstances that would qualify for this extension. The policy will be reviewed and approved on an annual basis.

### **LEGAL REPORT**

Mrs. Courtney Newman gave a short training presentation on Licensure Compliance Hearings.

Mrs. Newton provided a Good Moral Character document to the Board for review and recommended that new board members review the document prior to the next board meeting.

## **NEW BUSINESS**

### Correspondences

The board reviewed a question from licensee Gerard LeLeux, PT asking if continuing education taken prior to March 31<sup>st</sup> of the current renewal period could be used as credit toward the next renewal period. The board discussed the question and determined that this is not possible due to the language of Rule §194.

The board reviewed a question that asked if PTAs were allowed to perform screens in a SNF setting. The board determined that a PTA may obtain baseline information from a patient based on visual observations of the resident during normal activities, communication with nursing staff and by verbal interview of caregivers and resident. The PTAs may then provide that information to the PT and rehab team to assist in the determination of the resident's care, and if rehab services are indicated.

## **OLD BUSINESS**

Mrs. Martin requested the board consider a delegate and alternate to attend the LIF meeting being held July 14-15, 2018 as well as the FSBPT annual meeting being held on October 25-27, 2018.

## **PUBLIC COMMENT**

No public comment.

Chairman Cook moved to adjourn the meeting. Judith Halverson seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 9:54p.m.