

**MINUTES**  
**Regular Scheduled Board Meeting**  
**October 18, 2018**

**FINAL**

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on December 13, 2017 at 104 Fairlane Drive, Lafayette, LA 70507. A quorum of members were present. Board members present were: Secretary/Treasurer, Karl Kleinpeter, and board members JulieAnn Harris, Craig Prejean, Judith Halverson, Dr. Meredith Warner, Phillip Page and Kathryn Brittain. Advisory Committee Members present were Ryan Usner, Nick Butler, and Tyra Mitchell. Charlotte Martin, Executive Director, Jessica Alwell, Assistant Executive Director, Stephanie Boudreaux, Compliance Officer, and board attorneys, Courtney P. Newton, George Papale were present.

Secretary/Treasurer Kleinpeter called the meeting to order at 4:03 pm.

The board reviewed the agenda. JulieAnn Harris moved to approve the agenda as written. Judith Halverson seconded the motion. The board voted and unanimously approved the agenda.

The board members reviewed the minutes. Phillip Page moved to approve the minutes as written. JulieAnn Harris seconded the motion. The board voted and unanimously approved the minutes.

## **OFFICER REPORTS**

### Executive Director Report

Mrs. Martin updated the board on the progress of the Rules Revision. There was no public hearing requested.

Mrs. Martin requested the assistance of two board members in annual review of license renewal questions. Members Kathryn Brittain and JulieAnn Harris volunteered to review.

Mrs. Martin presented the board with the Legislative Audit AUP and explained findings.

Mrs. Martin requested the board review a license reinstatement application for Darian Robinson. The board considered the applicants PEAT results which met the qualifications of rule. The board determined that the applicants CEUs will be reviewed by the CEU committee. The board agreed that the applicant would be reinstated contingent upon the receipt of the remaining application components.

### Treasurer's Report

Secretary/Treasurer Kleinpeter presented on August 2018 financials. As of August 31, 2018, cash in the bank totaled \$238,377.45 in the checking and savings accounts at Farmer's Merchant Bank. Total Income totaled \$27,319.83 and ordinary expenses totaled \$51,092.88.

The Certificates of Deposit at Business First Bank totaled \$1,001,631.95. CD #054 earned interest of \$473.65 in August. The ending balance as of 8/31/2018 was \$485,403.11. CD #111 earned \$153.41 interest in August. The ending balance as of 8/31 was \$516,228.84.

Craig Prejean moved to approve the Treasurer's Report. Judith Halverson seconded the motion. The board voted and unanimously approved the Treasurer's Report.

Mrs. Martin and Secretary/Treasurer Kleinpeter updated the board on the research for the board's reserve fund. The board agreed to have Mrs. Martin research other investment options in addition to those recommended by Iberia Bank.

## **COMMITTEE REPORTS**

### LTF:

The board appointed board member Phillip Page and Advisory Committee Member Tyra Mitchell to the Legislative Taskforce.

### CEU Committee:

The CEU Committee reported that 81 courses were reviewed since the last board meeting and 79 courses were approved. Of the 79 courses approved, 38 courses were traditional/on-site, 38 were web-based courses, and 3 were Hybrid (live and online) courses. Of the 79 courses approved, 73 were clinical in nature, 4 were administrative in nature, and 2 were ethics in nature. The average turn-around time for approval was 4.5 days.

Mrs. Martin updated the board regarding two live Jurisprudence seminars held in New Orleans and Shreveport. It was reported that 86 licensees attended the New Orleans seminar and 57 licensees attended the Shreveport seminar.

### Jurisprudence Exam Review Committee

JulieAnn Harris updated the board that the faculty at LSU-Shreveport has agreed to partner with the board to review and improve the new Jurisprudence exam questions in order to make certain that all questions are academic in nature and accurately assess licensees' knowledge of the rules.

## **LEGAL REPORT**

Mrs. Newton presented a draft letter to the Attorney General regarding setting a fee for the PT Licensure Compact and the sharing of social security numbers and/or date of birth.

Phillip Page motioned to request an Attorney General opinion asking if the Louisiana Physical Therapy Board has the legal authority to set and charge a fee for granting a compact privilege under Act No. 524 of the 2018 Regular Legislative Session enacting La R.S. 37:2405 relative to the PT Licensure Compact. Kathryn Brittain seconded the motion. The board voted and unanimously agreed.

Phillip Page motioned to request an Attorney General opinion asking if the board is allowed to share the social security numbers and/or date of birth with the Compact Commission as required under Act No 534 of the 2018 Regular Legislative Session enacting La R.S. 37:2405 relative to the PT Compact as the unique identifier requested by law and related rules. Kathryn Brittain seconded the motion. The board voted and unanimously agreed.

Mrs. Newton presented a policy for contracting services to the board. The board reviewed the policy. Phillip Page motioned to accept the policy as written. Craig Prejean seconded the motion. The board voted and unanimously accepted the policy.

Mrs. Newton presented a policy for purchasing and disbursements to the board. The board reviewed the policy. Phillip Page motioned to accept the policy as written. Judith Halverson seconded the motion. The board voted and unanimously accepted the policy.

Mrs. Newton provided the board with an update regarding her recent attendance at FARB RLS.

Mrs. Newton provided the board with a refresher on the Open Meetings Law.

### **OLD BUSINESS**

Mrs. Martin updated the board regarding the investigative process with recommendations moving forward.

Mrs. Martin informed the board that a letter to the FBI was sent.

### **NEW BUSINESS**

Mrs. Martin presented proposed dates for 2019 board meetings. The board agreed to schedule seven board meetings in 2019, including one planning retreat in the first quarter of the year. The board meeting schedule will be posted on the board website.

The board reviewed a list of potential Advisory Committee Members. The board agreed to have Kathryn Brittain assist Mrs. Martin in reviewing final applicants for consideration at the next board meeting.

Mrs. Martin requested nominations for election of a new Chairman. Secretary/Treasurer nominated JulieAnn Harris. Judith Halverson seconded the motion. The board voted unanimously for JulieAnn Harris to serve as Chairman.

### **PUBLIC COMMENT**

No public comment.

JulieAnn Harris motioned to move into Executive Session pursuant to La R.S. 42:16 for the purposes of discussing investigating proceedings regarding allegations of misconduct. The board members were all in favor to move into Executive Session.

The board exited Executive Session.

Karl Kleinpeter moved to adjourn the meeting. Judith Halverson seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 9:00 pm.

POLICY  
**CONTRACTING FOR SERVICES**

Original Date: October 10, 2018

**POLICY**

The policies of the Louisiana Physical Therapy Board (“Board”) with regard to contracting for services are:

1. To comply with all applicable provisions of the Louisiana Procurement Code (La. R.S. 39:1551 *et seq.*), the Louisiana Administrative Code Title 34, Part V, and all other applicable laws.
2. To provide for increased public confidence in the procedures followed by the Board.
3. To ensure the fair and equitable treatment of all persons who deal with the Board.
4. To ensure that contracts for services provide quality services to accomplish Board objectives in a cost-effective manner.
5. To implement and monitor controls and safeguards over contracts for services.

**SCOPE & STRUCTURE**

Contracting for services is essential to ensure that the Board is able to fulfill its legislative mandate under La. R.S. 37:2402 to protect the public health, safety, and welfare and to provide for state administrative control, supervision, licensing, and regulation of the practice of physical therapy. To ensure fiscal responsibility for the expenditure of public funds, the Board shall conduct a cost/benefit analysis to determine those services that can be provided by Board staff and those services, professional or otherwise, that require contracts with third-parties. The cost/benefit analysis shall also analyze whether contracting for services is the most cost efficient manner for accomplishing the Board’s objectives. Only after the cost/benefit analysis establishes a need to enter into a contract with a service provider should the Board proceed.

**DEFINITIONS**

“Competitive Negotiation” means to negotiate for a contract through a request for proposals process or any other similar competitive selection process [La. R.S. 39:1556 (8)].

“Consulting services” include, but are not limited to, management, finance (banking services), planning, data processing (IT), advertising, public relations, personnel, accounting [La. R.S. 39:1556 (10)].

“Negotiation” means the formulation of a contract through discussions [La. R.S. 39:1556 (34)].

“Personal services” include, but are not limited to, photographer, writer, handwriting analyst, court reporter, expert witness, and private investigator [La. R.S. 39:1556 (37)].

“Professional Services” include, but are not limited to, lawyers, architects, engineers, land surveyors, landscape architects, and accountants [La. R.S. 39:1556(42)].

“Requests for Proposals” means all documents, whether attached or incorporated by reference, utilized for soliciting proposals in accordance with the procedures set forth in La. R.S. 39:1595 of the Louisiana Procurement Code.

## **PROCEDURE:**

For contracts for consulting services, personal services, and professional services, the Executive Director shall:

- Enforce restrictions of contracts as follows:
  1. with parties related to Board members, Advisory Committee Members, and Board staff (family and business interests);
  2. with current state employees [La. R.S. 39:1624. A (4)];
  3. with contractors not current with the filing of all applicable tax returns and reports, and in payment of all taxes, interest, penalties, and fees owed [La. R.S. 39:1624. A. (10)];
  4. For the performance of tasks which would be substantially duplicated without appropriate written justification [La. R.S. 39:1624. A. (5)].
- Request a Resolution from the Board authorizing the Executive Director to initiate a search for necessary service vendors. Such Resolution at a minimum shall contain:
  1. A description of the services needed by the Board;
  2. Required qualifications of the necessary service provider;
  3. A monetary range providing the minimum and maximum compensation amounts for contracted services;
  4. The desired start date and term of the contract;
  5. Whether hiring/contracting authority is delegated to the Executive Director, Chairman of the Board, Secretary/Treasurer, a combination thereof, or remains with the Board;
  6. Whether the Chairman of the Board, Secretary/Treasurer, or other Board member, in conjunction with the Executive Director, has the authority to sign the contract on behalf of the Board.
- Initiate Service Provider Selection:
  1. Contracts for professional and personal services may be awarded without the necessity of competitive bidding or competitive negotiation (La. R.S. 39:1494, 1620). However, when determining the most qualified service provider, the Executive Director shall utilize the following criteria in the following order (La. R.S. 39:1600. E.):
    - a) Professional and technical competence;
    - b) Technical merits of the proposal(s);
    - c) Compensation for which services are to be rendered, including fees.
  2. Consulting Services (La. R.S. 39:1621):
    - a) Contracts with a total maximum amount of compensation less than \$50,000 for a twelve-month period may be awarded without the necessity of competitive bidding or competitive negotiation.
    - b) Contracts with a total maximum amount of compensation of \$50,000 or more for a twelve-month period shall be awarded through a request for proposal process (RFP process).
  3. Contracts for telecommunications and data processing services shall be awarded through a request for proposal process (RFP process) in accordance with La. R.S. 38:2234.
  4. Request for proposal process is found in La. R.S. 39:1595. B., attached hereto as attachment "A".

- Draft the proposed contract in accordance with La. R.S. 39:1625, attached hereto as attachment “B”. In addition to those provisions outlined in La. R.S. 39:1625, contracts shall address the following:
  1. Travel requirements – PPM 49 (OR) Travel included in cost

Before any contract can be executed, the contract must be:

1. Reviewed by legal counsel and recommended for approval in writing;
2. Presented to the Board for approval and documented in the minutes.

Upon approval by the Board, the contract shall be signed by the Executive Director, one Board member (as outlined in the authorizing resolution), service provider, and two witnesses. The signed contract must be submitted for approval by outside agencies as follows:

- Legal Services – Attorney General and Office of General Counsel (La. R.S. 49:258)
- Financial Auditing Services – Legislative Auditor
- Telecommunication and Data Processing Services – Office of Telecommunications Management (La. R.S. 39:1753)

#### Existing Contracts

Upon entering into a contract, the Executive Director shall be responsible for the diligent administration and monitoring of the contract. Diligent administration and monitoring of contracts includes, but is not limited to:

1. Monitor payments to ensure they are made in accordance with the terms and conditions of the contract and in a timely manner as required by the Louisiana Constitution. Note, the Director of Operations is responsible for the administrative work to make the payment in a timely manner;
2. Ensure that services received comply with the terms and conditions of the contract;
3. Maintain all documentation pertaining to contracts in a secure location in the Board office in an organized manner; and
4. Conduct performance evaluations in a manner and at a frequency as determined by the Board unless otherwise prescribed by law.

#### Contract Renewals

Upon expiration of a contract, the Executive Director shall compare the services that have been provided to the contract terms and also shall perform a cost/benefit analysis to determine if renewing that contract is in the Board’s best interest.

POLICY

## PURCHASING AND DISBURSEMENTS

Original Date: October 10, 2018

### **POLICY**

The policies of the Louisiana Physical Therapy Board (“Board”) with regard to purchasing and disbursements are:

6. To comply with all applicable provisions of the Louisiana Procurement Code (La. R.S. 39:1551 *et seq.*), the Office of State Procurement Rules and Regulations, Executive Orders including Executive Order No. JBE 2017-18, and all other applicable laws.
7. To provide for increased public confidence in the procedures followed by the Board.
8. To ensure that when procuring goods and services such goods and services are obtained in a cost-effective manner and are the most appropriate to accomplish the necessary objectives.
9. To implement and monitor controls and safeguards for procurement of goods and services and disbursement of funds.

### **PURCHASING AND DISTRIBUTION**

Unless listed in the “Special Commodities” section herein, purchases and disbursements shall be made in accordance with Executive Order No. JBE 2017 – 18, attached hereto as Attachment “A”. In addition to all lawful requirements:

1. The Executive Director has the authority to approve and make purchases and disbursements not exceeding \$2,500 and within the approved Board budget.
2. Purchases and distributions between \$2,501.00 to \$5,000.00 require approval by the Chairman and Treasurer/Secretary of the Board when within the Board budget.
3. Purchases and distributions between \$5,001.00 and \$25,000.00 require a Board resolution authorizing such purchase or distribution.
4. For purchases and distributions in excess of \$25,000.00, a competitive process must be utilized. When the board has a definitive need, competitive sealed bid (ITB) process in accordance with La. R.S. 39:1594 and Rules and Regulations Section 5 must be utilized. When the Board needs to procure hi-tech acquisitions or complex services, a Request for Proposal (RFP) is utilized in accordance with La. R.S. 39:1595. A Board resolution authorizing such action is required prior to such action being initiated.

Disbursements may be made by a paper check, the Board’s business credit card, online payment, or by using the automatic bill pay feature through on online bank portal. Cash payments are prohibited. Signatory authority for paper checks is as follows:

1. The Executive Director has the authority to sign paper checks for amounts not exceeding \$2,500.00.
2. Either the Chairman of the Board or the Treasurer/Secretary has the authority to sign paper checks for amounts \$2,501.00 and greater in accordance with the procedure as provided above.

### **SPECIAL COMMODITIES**

The following are not included in Executive Order JBE 2017 – 2018. Accordingly, these categories are governed by different laws as follows:

1. Telecommunications – La. R.S. 39:1751-1755
2. Information Technology – La. R.S. 39:196 - 200
3. Printing – PPM No. 64, attachment “B”; La. R.S. 43.1 - 34
4. Labor and material project purchase \$5,000 or more
5. Vehicles
6. Elevator Maintenance
7. Used Equipment

### **EMERGENCY PROCUREMENTS**

The Executive Director may make or may authorize others to make emergency procurements when there exists an imminent threat to the public health, welfare, safety, or public property under emergency conditions as defined in accordance the La R.S. 39:1598 of the Louisiana Procurement Code.

The Executive Director shall make a written determination of the basis of the emergency that includes the facts and circumstances leading to the conclusion that such procurement was necessary as well as a written determination detailing the steps taken prior to selecting a particular contractor and the basis for the final selection. The written determination shall be included in the contract file either prior to contracting or as soon thereafter as practicable (La R.S. 39:1598.C). In addition, a record of the name and telephone number of each contractor, the amount and type of each emergency purchase, a listing of the supplies, services, or major repairs procured, and the authorization number of each contract shall be maintained in the file. At the next regularly scheduled Board meeting, the Executive Director shall present the Board with all information related to the emergency procurement for review and ratification. The record of emergency purchases for the previous fiscal year shall be submitted to the Legislature at the beginning of the Legislative session. Contact Office of State Procurement for direction.

### **PROHIBITIONS**

The Board shall not artificially divide purchases within a cost center to avoid the competitive p