

Louisiana Physical Therapy Board

MINUTES Regular Scheduled Board Meeting March 15 – 16, 2019

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on March 15 and 16, 2019 at the Louisiana Immersive Technologies Enterprise (LITE) Center, 537 Cajundome Blvd, Lafayette, LA 70506. A quorum of members were present. Board members present were: Chairman Julie Ann Harris, Secretary/Treasurer, Karl Kleinpeter, and board members Judith Halverson, Phil Page, Kathryn “Katie” Brittain, Craig Prejean, and Dr. Meredith Warner. Advisory Committee Members present were Tyra Mitchell on both days and Chris Franks on March 16th only. Charlotte Martin, Executive Director; Jessica Alwell, Assistant Executive Director; Danielle Linzer, Licensing Analyst; and Stephanie Boudreaux, Compliance Officer were present.

Chairman Julie Ann Harris called the meeting to order at 2:00 pm.

The board members unanimously approved the agenda as written.

The board members reviewed the minutes from the January board meeting. Craig Prejean moved to approve the minutes with one typographical correction. Phil Page seconded the motion. The board voted and unanimously approved the minutes.

Secretary/Treasurer 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.

Secretary/Treasurer Karl Kleinpeter moved to remove the language, “Respondent shall not provide physical therapy treatment to anyone under the age of eighteen (18)” from the Board Order draft for licensee Sacha Comeaux. Judith Halverson seconded the motion. The board members (Phil Page, Craig Prejean and Katie Brittain) voted unanimously in favor of the edit.

Phil Page moved to approve the Board Order draft for licensee Sacha Comeaux with changes discussed during Executive Session, which resulted from the administrative hearing held on February 28, 2019. Judith Halverson seconded the motion. The board members (Secretary/Treasurer Karl Kleinpeter, Craig Prejean and Katie Brittain) voted unanimously to approve the order.

MINIMUM DATA SET

Phil Page provided a presentation to the Board regarding the Physical Therapy Minimum Data Set (PTMDS). The PTMDS is consistent set of data elements to be collected on all licensees at regular intervals in order to understand workforce needs related to access to healthcare. A set of questions is recommended by the Federation of State Boards of Physical Therapy (FSBPT) for use by all jurisdiction physical therapy licensing boards for consistency when comparing data regionally and nationally. If FSBPT administers the survey questionnaire, there is no cost to the LPTB at this time for implementation and the FSBPT provides raw data to the LPTB that can be used to run reports or share data with other agencies. The board also considered what other states are currently collecting this

data and discussed the benefits of having a consistent survey questionnaire amongst jurisdictions when comparing workforce data.

The board determined that the collection of information is a regulatory concern because the public should have easy access to information related to physical therapy workforce in Louisiana and the LPTB should have the ability to answer workforce related questions posed by public, policy makers, etc. regarding workplace settings, geographic location, and shortages within the profession. It was determined that the LPTB is the most appropriate organization to collect this information because the licensing board has the best access to information related to physical therapists and physical therapist assistants.

No public comment.

Phil Page moved to partner with the FSBPT to implement the PTMDS in Louisiana as a voluntary survey to be completed anonymously by licensees. Katie Brittain seconded the motion. The board voted an unanimously approved.

Katie Brittain offered to update the Louisiana Physical Therapy Association on the Board's plan to implement the PTMDS, provide the purpose for collecting the data and answer any questions from the Association.

The board discussed requesting to the legislature to add the following language to the Practice Act (La. R.S. 37:2405.B.): *Have the authority to determine and collect, at the time of new licensure and licensure renewal, a core set of data elements deemed necessary for the purpose of workforce planning. The data elements shall be used to create and maintain a health care workforce database. The Board may enter into agreements with a private or public entity to establish and maintain the database, perform data analysis, and/or prepare reports concerning the physical therapy workforce. The Board shall promulgate rules to perform duties pursuant to this act.* The board requested the Katie Brittain initiate the discussion with legislators and report to the legislative task force prior to and during the 2019 legislative session.

No public comment.

EDUCATION AND OUTREACH: OPIOID PREVENTION

Katie Brittain provided a presentation to the board regarding an Opioid initiative of the Board. The board members reviewed current initiatives and recommendations in Louisiana, as well as American Physical Therapy Association recommendations.

The board determined that the Opioid Committee of the Board should propose one or two initiatives at the next board meeting and consider what type of education and outreach the board could focus on in terms of licensees with addiction, consumers of physical therapy services, and to those licensees without an addiction. The initiative(s) will be proposed to the board at the next board meeting with a proposed budget for implementation to be considered as a line-item in the budget for 2019-2020 to be considered part of a category of "Education and Outreach" to be budgeted annually. The committee is urged to consider how to use resources that are already available and can be modified and how to incorporate the message in initiatives that already exist with the board, such as the traveling jurisprudence and the newsletter.

Katie Brittain asked the board to consider issuing a Call to Action for course sponsors to create coursework related to this topic that could be considered for continuing education course approval and encouraged by the board to take. As an incentive for course sponsors to respond to the Call of Action, Katie recommended that the Board consider waiving the fee for application review for those course sponsors who submit courses on the subject.

No public comment.

The meeting recessed at 5:02pm.
The meeting reconvened at 8:30am.

BUDGET

The Board reviewed the 2019-2020 and 2020-2021 proposed budget, as well as budget projections through 2032-2033. Secretary/Treasurer Karl Kleinpeter, Chairman Julie Ann Harris and Charlotte Martin will present a draft budget for approval at the next board meeting, as well as an amended 2018-2019 budget for consideration.

COMPETENCE

Judith Halverson provided a presentation to the board regarding the topic of Continuing Competence, including a comparison of LA to the following states: TX, GA, AR, MS and OK. The Board looked at the language of the Practice Act and determined that La R.S. 37:2402 allows the board to shift in the direction of encouraging activities that are more related to competence. The board considered their current requirements related to continuing education and the value of shifting toward continuing competence.

The board determined that the Continuing Education Committee of the board should consider what a shift in focus from continuing education to continued competence would entail and provide a recommendation to the board. As a first step, the Committee is asked to review Rule language of TX and GA and recommend changes to language in the current board Rules and present those changes to the board at the next board meeting for consideration of a Rule change. As a second step, the committee is asked to consider changing the terminology and messaging to licensees. The board members encouraged the committee to explore opportunities to educate Louisiana licensees on the topic of competency, as well as risks and supports of burnout. The committee is also tasked with exploring opportunities that may encourage licensees to consider self-assessments for their practice and creating a plan that caters to the individualized competency needs of that licensee.

Chairman Julie Harris moved to require that all PT board members take the self-assessment tool oPTION at the expense of the board and for Craig Prejean to take the PEAT as a self-assessment tool for PTAs at the expense of the board to be discussed by the entire board regarding these self-assessment tools being board-approved for licensees in LA. Judith Halverson seconded the motion. The board unanimously approved.

BOARD ACTION

Chairman Julie Ann Harris provided a presentation to the board regarding the topic of board actions, including a review of the actions taken on violations in the last five years, the categories of violations and recidivism rates regarding licensees who were subject to board action due to a violation of the practice act and board rules. The board also reviewed the Confidential Recovering Physical Therapy Program participants and those who have not been able to remain in compliance with their participation agreement in the past five years.

The board determined that reviewing board actions is a regulatory issue because the board has a duty to protect the public from real, perceived, or potential harm as a result of violating the practice act and/or board rules. The Board determined that board action in response to a violation should not be too lenient, failing to deter potential offenders, or too restrictive, leading to fewer reports of violation. However, consistency and transparency are important in the application of remediation and discipline. The board action guidelines that the board uses provide consistency, but are flexible to allow the board to consider variables and provide board discretion in making decisions.

The board members decided to include information in the live Jurisprudence presentation regarding violations in the last five years to provide an awareness to licensees of the types of violations that exist and provide better

information regarding the Recovering Physical Therapy Program since substance abuse is a significant category of violation.

The board members also considered the current terms of consent orders and board orders and requested that the Continuing Education Committee review case law and malpractice data as it relates to individuals who are suspended and return to work without re-entry to the profession (continuing education requirements or a self-assessment tool) prior to returning to work.

The board members considered editing the term of the consent order language moving forward to not require that the licensee work at least 20 hours per week during the probation period. It is the intention of the board that the licensee who is disciplined work during the probationary period. The term language will be revised to state that the licensee works an aggregate of 80 hours per month or 20 hours a week on average per month and a disclaimer will be added “at the discretion of the board” this time period can be reviewed and considered on a case by case basis.

The board members considered the term of consent orders and board orders that requires licensees to submit an essay. The board asked Charlotte Martin to draft a questionnaire for licensees to complete instead of the essay requirement and to consider a title for the document to be used in the order. The board will review the draft questionnaire for consideration at the next board meeting.

Dr. Warner moved to request an Attorney General Opinion asking if the Louisiana Physical Therapy Board has the authority to impose a fine or civil penalty. Katie Brittain seconded the motion. The board voted and unanimously approved.

Chairman Julie Harris moved to adjourn the meeting at 12:00pm. Craig Prejean seconded the motion. The board unanimously approved.