

# Louisiana Physical Therapy Board

## MINUTES Regular Scheduled Board Meeting August 29, 2019

### APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on August 29, 2019 at the Louisiana Physical Therapy Board, 2110 W Pinhook Rd, Suite 202, Lafayette, LA 70508. A quorum of members were present. Board members present were: Chairman Julie Ann Harris, Secretary/Treasurer, Karl Kleinpeter, and board members Judith Halverson, Phillip “Phil” Page, Kathryn “Katie” Brittain, and Dr. Meredith Warner. Advisory Committee Members present were Jason Douglas and Jeremy Dye. Charlotte Martin, Executive Director; Jessica Alwell, Assistant Executive Director; and Attorney Celia Cangelosi were present. Members of the public present were representatives from Comit Developers, Ayodeji Famuyide, PT, and Karen LeBlanc, Emily Dixon, Denise Brown, and Misty Perry with the Legislative Auditor Office.

Chairman Julie Ann Harris called the meeting to order at 11:34 am.

Judith Halverson moved to approve the agenda as written. Dr. Warner seconded the motion. The board voted and unanimously approved the agenda.

The board members reviewed the minutes from previous board meetings. Secretary/Treasurer Kleinpeter moved to accept the May 16, 2019 special board meeting minutes as written. Katie Brittain seconded the motion. The board voted and unanimously approved.

Katie Brittain moved to accept the May 21, 2019 special board meeting minutes as written. Dr. Warner seconded the motion. The board voted and unanimously approved.

Katie Brittain moved to accept the May 30, 2019 regular board meeting minutes as written. Dr. Warner seconded the motion. The board voted and unanimously approved.

Katie Brittain moved to accept the June 14, 2019 special board meeting minutes as written. Dr. Warner seconded the motion. The board voted and unanimously approved.

Dr. Warner moved to accept the June 27, 2019 minutes from the administrative hearing as written. Secretary/Treasurer seconded the motion. The board voted and unanimously approved.

### SPECIAL PROGRAM

The board participated in a special program regarding the current website update and the steps taken thus far since the project’s inception. Dr. Warner moved to create a committee to review and research a new developer company to take over the project. Judith Halverson seconded the motion. The board voted and unanimously approved. Board members Katie Brittain, Karl Kleinpeter, and Dr. Warner agreed to participate on the committee.

### PUBLIC COMMENT

Mr. Famuyide commented on the need to consider security of data and looking toward the future in regards to the continued development of board website improvements.

At the request of the licensee, Ayodeji Famuyide the board discussed the terms of his ending disciplinary order with the board in open session. Secretary/Treasurer Kleinpeter moved to change Mr. Famuyide's license status from probation to active due to satisfactory completion of his order. Katie Brittain seconded the motion. The board voted an unanimously approved.

## **PUBLIC COMMENT**

Mr. Famuyide thanked the board for their help during his probationary period.

Judith Halverson moved to move into Executive Session pursuant to La R.S. 42:16 for the purposes of discussing investigating proceedings regarding allegations of misconduct. Katie Brittain seconded the motion. The board members were all in favor to move into Executive Session.

The board exited Executive Session.

Phil Page moved to approve Cierra Bush's appeal letter and allow her to seek licensure in Louisiana due to documentation related to an undiagnosed medical condition when attempting to pass the NPTE. Judith Halverson seconded the motion. The board voted an unanimously approved.

Katie Brittain moved to deny Adam Lafleur's request to average work hours for the months of May and June and not extend the period of his probationary period due to working less hours than agreed upon in his Consent Order. Phil Page seconded the motion. The board voted and unanimously approved.

## **OFFICER REPORTS**

### Chairman Report

Chairman Harris presented the board with guidance provided by the Federation of State Medical Boards regarding education and outreach partnership opportunities in response to reports of sexual misconduct by physical therapists. Phil Page moved to authorize staff to have conversation with partners and report to the board. Katie Brittain seconded the motion. The board voted and unanimously approved.

Chairman Harris presented the board with the question of whether burnout is a regulatory issue. The board members determined that more research is needed before the board will determine if burnout is or is not a regulatory issue.

Chairman Harris informed the board of an upcoming board member and advisory committee member vacancies. The board authorized staff to send mass emails to licensee's information all of the upcoming vacancies.

Chairman Harris informed the board of upcoming professional conferences. Secretary/Treasurer Kleinpeter moved to approve Jessica Alwell to attend ASHRM's Annual Meeting in Lafayette in September. Phil Page seconded the motion. The board voted and unanimously approved.

Phil Page moved to approved Mrs. Martin to attend the Executive Leadership program at CLEAR in September. Dr. Warner seconded the motion. The board voted and unanimously approved.

Phil Page moved for the board to pay for board members and staff members to attend either the basic or specialized CLEAR trainings in Baton Rouge in December. Judith Halverson seconded the motion. The board voted and unanimously approved.

Phil Page moved for the board to pay for board members and staff members to attend a CLEAR training in December. Dr. Warner seconded the motion. The board voted and unanimously approved.

Secretary/Treasurer Kleinpeter moved for the board to pay for all board members and staff members to attend CLEAR's Allegations of Sexual Misconduct training in Baton Rouge. Judith Halverson seconded the motion. The board voted and unanimously approved.

Katie Brittain moved for the board to pay for Mrs. Martin and one board member to attend FARB Forum in January 2020. Phil Page seconded the motion. The board voted and unanimously approved.

Phil Page moved that the board pay for all board members to attend the FSBPT Annual Meeting in Oklahoma City. Secretary/Treasurer seconded the motion. The board voted and unanimously approved.

#### Secretary/Treasurer Report

The board reviewed the FY 2019-2020 budget. Phil Page moved to approve the budget. Judith Halverson seconded the motion. The board voted and unanimously approved.

As of May 31, 2019, cash in the bank totaled \$638,617.54 in the checking and savings accounts at Farmer's Merchant Bank. Total Income totaled \$22,805.34 and ordinary expenses totaled \$60,956.31.

The Certificates of Deposit at Business First Bank totaled \$982,137.88. CD #054 earned interest of \$462.34 in the month of May. The ending balance as of 5/31/2019 was \$489,594.36. CD #025 earned interest of \$1,034.26. The ending balance as of 5/31/2019 was \$492,543.52.

As of June 30, 2019, cash in the bank totaled \$580,802.14 in the checking and savings accounts at Farmer's Merchant Bank. Income totaled \$16,531.10 and ordinary expenses totaled \$155,056.50.

The Certificates of Deposit at Business First Bank totaled \$983,749.46. CD #054 earned interest of \$540.59 in the month of June. The ending balance as of 6/30/2019 was \$490,134.95. CD #025 earned interest of \$1,070.99 in the month of June. The ending balance as of 06/30/2019 was \$493,614.51.

As of July 31, 2019, cash in the bank totaled \$558,120.52 in the checking and savings accounts at Farmer's Merchant Bank. Income totaled \$21,203.00 and ordinary expenses totaled \$57,437.40.

The Certificates of Deposit at Business First Bank totaled \$985,311.87. CD #054 earned interest of \$523.72 in the month of July. The ending balance as of 7/31/2019 was \$490,658.67. CD #025 earned interest of \$1,038.69 in the month of July. The ending balance as of 07/31/2019 was \$490,658.67.

#### Executive Director Report

Mrs. Martin informed the board that from May 2 – August 16, 2019 101 PTs and 68 PTAs were licensed. She also informed the board that as of August 28<sup>th</sup>, there are 14 individuals who hold Compact privileges to practice in Louisiana.

Mrs. Martin presented the recommendation to the board to select one board member for the entirety of their term to serve on the License Application Review Committee. Secretary/Treasurer Kleinpeter moved to appoint Katie Brittain for the remainder of her board position term. Phil Page seconded the motion. The board voted and unanimously approved.

Mrs. Martin reviewed the monitoring of licensees who are currently monitored for disciplinary action.

The board members use a consent order check list as a guide that helps them determine what terms to include in the Consent Order when drafting. Mrs. Martin reviewed the Employer Agreement section of the current Consent Order

Checklist and recommended that the language be included in the general terms of the Consent Order and not just for those who have a boundary or substance abuse violation. The board members agreed and authorized the revision to the checklist.

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

Currently Open (Licensees)	22
Currently Open (Non-Licensees)	0
Complaints Received	12
Informal Conferences	4
Hearings Scheduled	0
Appeals	1
Proposed Consent Order	0
Closed Cases	5
<b>Total Open Investigations:</b>	<b>22</b>

Mrs. Martin reviewed all contract agreements that the board currently has with vendors. The board reviewed the list of all contracts and discussed the services. The board members requested that HUB Enterprises, a vendor that is contracted for investigative services, attend the next board meeting. The contracted CPA firm, Russell F. Champagne representative will also attend the next board meeting.

Mrs. Martin presented the board with information from attorney interviews conducted on August 23 and 24, 2019. Secretary/Treasurer Kleinpeter moved to contract with Breazeale, Sachse, and Wilson, L.L.P. with James Raines as lead general counsel, with a three-year contract not to exceed a total of \$300,000 for three years (\$100,000 per year) at the maximum allowable attorney general rate for attorneys, law clerks and paralegal staff working with the board. Phil Page seconded the motion the board voted and unanimously approved.

## **COMMITTEE REPORTS**

### JP Exam Review

Phil Page moved to increase the number of questions immediately on the online Jurisprudence exam from 15 to 40 and require a 75% pass rate. Judith Halverson seconded the motion. The board voted and unanimously approved.

Secretary/Treasurer Kleinpeter moved to update the online Jurisprudence with the new scenario-based questions. Katie Brittain seconded the motion. The board voted and unanimously approved.

### CEU Committee

The board discussed CEU renewal requirements. Judith Halverson moved to discuss the CEU renewal process in September. Katie Brittain seconded the motion. The board voted and unanimously approved.

The CEU committee reported that 172 courses were reviewed since the last board meeting. Of these reviewed courses 171 were approved. Nine courses were hybrid courses (live and online), 75 of the approved courses were traditional (live) and 87 were web-based (online). Of the 171 courses that were approved, 161 were clinical, 8 were administrative and 2 were Ethics. 1 course was denied at the May board meeting. The average time for approval was 4.3 days.

### Opioid Prevention

Katie Brittain updated the board on the Opioid Committee's initiatives. Secretary/Treasurer Kleinpeter moved to approve Katie Brittain to attend the Opioid Summit being held in Slidell, LA. Phil Page seconded the motion. The board voted and unanimously approved.

Katie Brittain proposed three potential initiatives for the board as their regulatory role in the prevention of opioid use in Louisiana. Phil Page moved to approve to continue to explore the CEU initiative for opioid education for licensees. Secretary/Treasurer Kleinpeter seconded the motion. The board voted and unanimously approved.

## **SPECIAL PROGRAM**

The board was presented with a presentation on healthcare's role in the human trafficking epidemic.

## **NEW BUSINESS**

The board reviewed a question regarding whether applicants may take dry needling courses prior to obtaining licensure in Louisiana. The board reviewed LAC46:LIV311, discussed the language of the rule, received legal guidance and determined that applicants may take dry needling courses prior to obtaining licensure in Louisiana for the use in future practice but the coursework must comply with the rule.

The board reviewed a question from a licensee regarding a PTA following a nurse's plan of care in the home health setting. The board advised that PTAs must follow the PTs written plan of care. The board also advised that it cannot speak to the question of duplication of services as this is a billing issue and not within the board's jurisdiction.

The board reviewed an inquiry from a licensee regarding the supervision of PTAs during a service learning project in which physical therapy treatment is not provided. The board determined that supervision ratios do not apply for this type of screening, as treatment is not being provided. Licensed PTs and PTAs should use sound professional judgement and limit the number of students who are being supervised during client screening if the licensed PT or PTA is not able to provide support. This may vary based on the individual level of skill developed by the student at the time that they are participating in the service learning project. Considering that Franciscan University PTA program only allows one client per student, and in some cases two students per client, to participate in the fall prevention screening and a licensed PT or PTA should use professional judgement in determining how many students can participate under their supervision for the licensed PT or PTA professional to be able to verify safety of the client during the service learning outreach.

The board reviewed an inquiry from a licensee who asked about the possibility of taking online continuing education classes about pelvic pain through Herman and Wallace's online education. The board determined that online courses would be appropriate, but that if the licensee wishes to use the courses for renewal then the licensee or the course sponsor would need to apply for course approval with the board and only board-approved courses can be used for the purpose of renewal.

## **OLD BUSINESS**

The 2019 Continuing Education Audit Results were reviewed. All licensees who were audited are considered in compliance.

The board reviewed license renewal questions in preparation for the 2020 renewal period. The board recommended changes to some questions to be reviewed again at the September board meeting.

The board reviewed the Revised Licensing with Criminal Background Check History Policy. Phil Page moved to approve the policy. Katie Brittain seconded the motion. The board voted and unanimously approved.

The board reviewed of the Military Licensing Policy. The board approved the Policy as amended.

The board reviewed Compact Privilege fee and all other licensing fees for military and their spouses. Dr. Warner moved to approve future rule language to state that active duty military and active duty military spouses licensing

fees will be waived and to approve waiving the Compact privilege fee for active duty military and active duty military spouses. Secretary/Treasurer Kleinpeter seconded the motion. The board voted and unanimously approved.

**PUBLIC COMMENT**

Advisory Committee member Jeremy Dye suggested to the board that they partner with the LPTA for a joint initiative for education and outreach opportunities when opportunities are identified.

Phil Page moved to adjourn the meeting. Secretary/Treasurer Kleinpeter seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 5:12 pm.