

Louisiana Physical Therapy Board

MINUTES

Regular Scheduled Board Meeting & Administrative Hearing December 11, 2019 & December 12, 2019

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on December 11, 2019 at the Louisiana Physical Therapy Board, 2110 W Pinhook Rd, Suite 202, Lafayette, LA 70508. A quorum of members was present. Board members present were: Chairman Julie Ann Harris, Secretary/Treasurer, Karl Kleinpeter, and board members Phillip “Phil” Page, Kathryn “Katie” Brittain, and Judith Halverson. Advisory Committee Members present were Marie Vazquez. Charlotte Martin, Executive Director; Jessica Alwell, Assistant Executive Director; Stephanie Boudreaux, CEU Specialist; and Attorney James R Raines were present.

Chairman Julie Ann Harris called the meeting to order at 2:04 pm.

Judith Halverson moved to approve the agenda. Phil Page seconded the motion. The board voted and the agenda was unanimously approved.

The board reviewed the minutes from the September board meeting. Phil Page moved to accept the September 26, 2019 minutes as written. Secretary/Treasurer Kleinpeter seconded the motion. The board voted and unanimously approved.

OFFICER ELECTIONS

Phil Page nominated Secretary/Treasurer Kleinpeter to be the new chairman for 2020. Secretary/Treasurer Kleinpeter was appointed as the new chairman for 2020.

Katie Brittain nominated Judith Halverson to be the new secretary/treasurer for 2020. Judith Halverson was appointed as the new secretary/treasurer for 2020.

Phil Page moved to move into Executive Session. Judith Halverson seconded the motion. The board moved into Executive Session.

Phil Page moved to exit Executive Session. Judith Halverson seconded the motion. The board exited Executive Session.

Judith Halverson moved to accept the participation agreement as written and signed for J.S. Phil Page seconded the motion. The board voted and unanimously approved.

Phil Page moved to accept the participation agreement as written and signed for J.C. Judith Halverson seconded the motion. The board voted and unanimously approved.

The board reviewed proposed change to the board's participation agreement template and moved to continue the discussion at the January meeting.

The board conducted an exit interview for monitored licensee Ryan Roussel. The board decided that Mr. Roussel successfully completed all of the terms of his Consent Order agreement with the board. The board authorized the administrative staff of the board to change Mr. Roussel's license status from "probation" to "active" on December 17, 2019, which is the official end date of his probationary period.

The board conducted interviews to fill open Advisory committee positions for 2020. Phil Page moved to select Benjamin McRae and Michael Hildebrand to be appointed by the board to the Advisory Committee. Judith Halverson seconded the motion. The board voted and unanimously approved.

The board requested staff to send another request out to licensees to fill other Advisory Committee positions, specifically to represent either the geographic locations of Alexandria and Lafayette or workplace settings of acute care and rehab.

OFFICER REPORTS

Chairman Report

Chairman Harris notified the board of the resignations of consumer board member Melissa Cox and Advisory Committee member Nick Butler, PT.

Secretary/Treasurer Report

As of September 30, 2019, cash in the bank totaled \$484,783.75 in the checking and savings accounts at Farmer's Merchant Bank. Total Income totaled \$362,578.00 and ordinary expenses totaled \$48,774.66. Of the total income, \$335,300.00 was a debit to transfer "Unearned Revenue" received as second year renewal fees in the previous fiscal year to income in the current fiscal year. The ordinary income for the month of September 2019, excluding the "unearned revenue" accounting from the total income, is \$27,278.00

The Certificates of Deposit at Business First Bank totaled \$988,549.47. CD #054 earned interest of \$542.36 in the month of September. The ending balance as of 09/30/2019 was \$491,742.79. CD #054 is on a 12-month certificate term at a 1.3% interest rate. The CD will mature on 05/25/2020.

CD #025 earned interest of \$1,077.91. The ending balance as of 09/30/2019 was \$496,806.68. CD #054 is on a 12-month certificate term at a 2.56% interest rate. The CD will mature on 12/18/2019.

As of October 31, 2019, cash in the bank totaled \$466,492.70 in the checking and savings accounts at Farmer's Merchant Bank. Total Income totaled \$50,419.00 and ordinary expenses totaled \$73,022.95.

The Certificates of Deposit at Business First Bank totaled \$990,120.31. CD #054 earned interest of \$525.44 in the month of October. The ending balance as of 10/31/2019 was \$492,268.23. CD #054 is on a 12-month certificate term at a 1.3% interest rate. The CD will mature on 05/25/2020

CD #025 earned interest of \$1,045.40. The ending balance as of 10/31/2019 was \$497,852.08. CD #025 is on a 12-month certificate term at a 2.56% interest rate. The CD will mature on 12/18/2019

Phil Page moved to reinvest CD #025 at the maturity in the amount of the ending balance (estimated to be \$500,211.88) in a 12-month CD in Business First Bank at the best interest rate offered at that time. Judith Halverson seconded the motion. The board voted and unanimously approved.

Executive Director Report

Mrs. Martin presented the licensing report. Between September 14, 2019 and November 29, 2019, 84 licenses were issued. Of the 84 licenses issued, 37 were PTs receiving a license in Louisiana for the first time, and 44 are PTAs receiving a license in Louisiana for the first time. Two were PTs reinstating a lapsed license and 1 was a PTA reinstating a lapsed license.

Mrs. Martin updated the board on the latest meeting with Covalent Logic. The board agreed with working with Covalent Logic to address website fixes on the current website and database.

Mrs. Martin updated the board on the addition of Accessibe to the board's website in order to make the site ADA compliant for all visitors.

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

Currently Open (Licensees)	13
Currently Open (Non-Licensees)	0
Complaints Received	2
Informal Conferences	4
Hearings Scheduled	1
Appeals	1
Proposed Consent Order	0
<u>Closed Cases</u>	<u>5</u>

Mrs. Martin presented the monitoring report of licensees who are currently being monitored by the board.

Mrs. Martin presented a drafted letter to be sent to all PT and PTA program in Louisiana clarifying the rules regarding provisional license qualifications. The board reviewed the letter and approved it to be sent to the programs.

Jessica Alwell informed the board of the non-compliance of Compact holder Nigelle Williams. Ms. Williams was determined to be non-compliant with the jurisprudence exam requirement for Compact holders. Phil Page moved to empower board staff to contact the Compact Commission to notify of non-compliant Compact applicants who did not complete the jurisprudence within 24 hours to issue a hold on their privilege. Judith Halverson seconded the motion. The board voted and unanimously approved.

LEGAL REPORT

Mr. Raines presented the board with two legal opinions regarding the topics of social media and education and outreach.

COMMITTEE REPORTS

CEU Committee

The CEU committee reported that 313 courses were reviewed since the last board meeting. Of these reviewed courses 312 were approved. One hundred two of the courses were traditional (live) and 209 were web-based (online), and 1 was hybrid-based (live and online). Of the 312 courses that were approved, 291 were clinical, 17 were administrative and 4 were Ethics. The average time for approval was 4.54 days.

The CEU committee presented the course Stress Management: Personal and Professional Solutions for Well-being for consideration. Judith Halverson moved for the course to be denied. Phil Page seconded the motion. The board voted and unanimously approved the denial.

The board discussed the current process of denying course applications and discussed whether the CEU committee must bring all course denials before the board. The CEU committee should approve and deny courses according to the board-approved CE policy. If the committee is unsure if the course meets the board-approved CEU policy criteria for approval, the committee may bring the course before the board for discussion. Judith Halverson moved to authorize the CEU committee to deny applications that do not qualify for approval based on the board-approved CEU policy. Phil Page seconded the motion. The board voted and unanimously approved.

LTF

Secretary/Treasurer Kleinpeter gave a brief update on all current topics in legislature.

Opioid Prevention

Katie Brittain requested the addition of new members to the committee. Judith Halverson was added to the committee.

NEW BUSINESS

The board reviewed requests from monitored licensees. The board determined Tomas may complete home assessments for patients while on probation. The board determined that it would be acceptable to average 80 hours worked per month for Mr. Bryant to remain in compliance with the minimum 20 hours per week requirement of his Consent Order agreement.

The board approved of Gretchen Duplantis' request to work in an inpatient and outpatient setting.

The board reviewed the board monitoring assignments for monitored licensees.

Mrs. Martin informed the board of the upcoming LPTA symposium. Katie Brittain moved to authorize the board staff to purchase a booth at the spring and fall LPTA meetings indefinitely. Phil Page seconded the motion. The board voted and unanimously approved.

The board reviewed a question asking "Can a PTA document the new meds found in a patient's home and update the med list in the clinical record?". The board members discussed and agreed that the level of responsibility delegated to the PTA is at the discretion of the PT who is ultimately responsible for the care of the patient (LAC 46: LIV §333.B(1)). The PTA performs such patient-related activities assigned by a physical therapist which are commensurate with the physical therapist assistant's education, training, and experience (La R.S. 37: §2407.A.(3)).

The board reviewed a question asking “Could you please clarify for me the board’s stance on use of billing code 97140 for dry needling?” The board members discussed and agreed that the board does not advise licensees on billing. The Board advises that licensees contact the APTA or the state chapter of the association or the payment providers for guidance.

The board reviewed a question asking “Can a PT technician perform transfers and transport of a patient without a clinician of any sort present? Is it within the scope of physical therapy to make recommendations for discharge for equipment and location?” The board discussed the questions and requested that Judith Halverson reach out to the licensee to request more information prior to giving any guidance.

The board reviewed a question asking “My question is regarding our marketing efforts to the public, and it is this: In our patient referral program to friends and family, we’re looking to include some “thank you” for our patients for the referral of a friend or family member that makes at least 3 appointments, such as a \$10 gift card to a local business, or a T-shirt with our logo, or something like that as incentive. Is this ok to do?” The board reviewed this question and asked Jim Raines, General Counsel if the board could respond. He stated that this is not something that the board can answer and advised that the licensee will need to seek advice from a healthcare attorney.

The board reviewed a question asking “I’m a bit perplexed: Tai chi and Qigong as well as cupping have enough evidence based standards for board approval? Please explain the rationale.” The board asked Mrs. Martin to send a response to the licensee notifying this licensee that the course application now requires submission of three reference articles published in peer reviewed journal(s) related to the field of physical therapy that were published within the last ten years.

The board reviewed a question asking “We just have a nursing leader reach out to our department in regards to the Mayo Clinic having PT/OT use the MIST machine for non-contact low frequency ultrasound treatments. She stated that nursing cannot bill for this service, but PT/OT can; however, I’m unsure how this is relevant as we are in the acute setting and paid on DRG. Do you have any insight into this?” The board discussed and agreed that the board does not advise licensees on billing. The board advises that licensees contact the APTA or the state chapter of the association or payment providers for guidance.

OLD BUSINESS

The board reviewed and approved the 2020 board meeting schedule.

PUBLIC COMMENT

No public comment.

Phil Page moved to adjourn the meeting. Judith Halverson seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 7:01.

PUBLIC HEARINGS

Julie Harris called the meeting to order at 8:00am on December 12, 2019. The board hearing conducted was to consider license application for Marshall Peak and Carla Russell. The board held an administrative

hearing for Administrative Case 2018I031 in the matter of licensee Brant Landry. Court transcripts are available for all three hearings upon request. The Board will consider the orders at the January meeting.