

Louisiana Physical Therapy Board

MINUTES Regular Scheduled Board Meeting February 20, 2020

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on February 20, 2020 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 Karl Kleinpeter Secretary/Treasurer Judith Halverson, and board members Phillip “Phil” Page, Kathryn “Katie” Brittain, and Julie Ann Harris. Advisory Committee Members present were Marie Vazquez, Chris Franks, Jason Douglas, Jon Jeremy Dye, Shaina Goudeau, Ben McRae, and Michael Hildebrand. Charlotte Martin, Executive Director; Jessica Alwell, Assistant Executive Director; and Attorneys Celia Cangelosi and Kelsey Clark were present.

Chairman Karl Kleinpeter called the meeting to order at 2:05 pm.

PUBLIC HEARING

Chairman Kleinpeter moved to enter Executive Session. Phil Page moved to exist Executive Session. Julie Ann Harris seconded the motion.

Secretary/Treasurer Halverson moved with respect to the findings of fact, that the board adopt the Proposed Findings of Fact with the following modifications:

- accept paragraphs 1-2;
- modify paragraph 13 by adding the sentence: “only one of the letters was from an individual meeting the requirements of Rule §187.E.6;
- accept paragraph 12-23 as written;
- modify paragraph 24 to designate it as paragraph 24 and add a new paragraph 24b as follows: “Carla Russell thereafter relapsed on meth and has had no treatments since the relapse”;
- accept paragraph 25-28 as written;
- modify paragraph 29 to designate it as paragraph 29a and add a new paragraph 29b “The report of Carla Russell’s May 2019 evaluation at Palmetto Addiction Recovery Center indicates that Ms. Russell suffers with opioid use disorder, severe depressive disorder, not otherwise specified, and with substance induced endogenous and situational features, among other medical issues, one of which is endometriosis”;
- accept paragraph 30-40 as written.

Phil Page seconded the motion. The board voted and unanimously approved.

Secretary/Treasurer Halverson moved in the matter of the proposed conclusions of law, that the board accept the proposed conclusions of law with the following changes:

- strike paragraph 1, 2, 6, and 7;
- add a new paragraph 1 written as follows: La R.S. 37:2420A(5) Been habitually intemperate or abused controlled dangerous substances as defined by federal or Louisiana law;
- add a new paragraph 2: LAC 46:LIV §351.A(2) and (3)A as used in R.S. 37:2420A(5) of the Practice Act, “habitually intemperate means: (2) the ingestion, self-administration, or other use of legally controlled substances or medication which affect the central nervous system, other than pursuant to and used in

accordance with a lawful prescription and/or medical advice; and (3) repeated excessive use or abuse of any mood altering or mind altering substance that may negatively impact the ability of a licensee to safely practice physical therapy;

- In lieu of paragraph 8, add a new paragraph 6 to read as follows: “Ms. Russell’s application shows that she does not meet the qualifications of being reinstated as a physical therapist assistant because she has been habitually intemperate and abused controlled dangerous substances as defined by federal or Louisiana law and has not displayed good moral character”.

Phil Page seconded the motion. The board voted and unanimously approved.

Secretary/Treasurer Halverson moved that the board propose the following order:

- It is ordered, adjudged and decreed that the application made by Carla Russell for reinstatement of her Louisiana physical therapist assistance license, License number A6364 is denied pursuant to La R.S. 37:2420.A(5), habitual intemperance or abuse of controlled dangerous substances as defined in LAC 46:LIV §351.A(2) and (3), and for failure to display good moral character.

Phil Page seconded the motion. The board voted and unanimously approved.

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

The board reviewed the minutes from the January board meeting. Phil Page moved to accept the January 16, 2020 minutes as written. Katie Brittain seconded the motion. The board voted and unanimously approved.

Secretary/Treasurer Halverson moved to accept the minutes as amended. Phil Page seconded the motion. The board voted and unanimously approved of the amendments.

SPECIAL PROGRAM

Recovery Physical Therapy Program Manager Kathie Polhman presented the board with the process for selecting treatment facilities and reviewed board-recognized facilities. Ms. Pohlman presented the RPRP report since the last board meeting. The board reviewed and finalized Participation Agreement terms.

Secretary/Treasurer Halverson moved to recognize the Provider List presented by Kathie Pohlman. Julie Ann Harris seconded the motion. The board voted and unanimously approved.

Secretary/Treasurer Halverson moved that the board approves the Confidential Recovering Physical Therapy Program Terms and Conditions of Participation. Julie Ann Harris seconded the motion. The board voted and unanimously approved.

OFFICER REPORTS

Chairman Report

No chairman report.

Secretary/Treasurer Report

As of December 31, 2019, cash in the bank totaled \$415,638.71 in the checking and savings accounts at Farmer’s Merchant Bank. For the month of December 2019, income totaled \$20,643.00 and ordinary expenses totaled \$53,488.88.

As of December 31, 2019, the Certificates of Deposit at Business First Bank totaled \$993,322.85. CD #054 earned 526.58 interest and the ending balance was \$493,338.35. 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 \$1,049.89 interest and the ending balance was \$499,984.50. CD #025 is on a 12-month certificate term at a 1.75% interest rate. The CD will mature on 12/18/2020.

Executive Director Report

Mrs. Martin presented the licensing report. Between January 10, 2020 and February 13, 2020, 27 licenses were approved.

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

Currently Open (Licensees)	16
Currently Open (Non-Licensees)	0
Complaints Received	1
Informal Conferences	0
Hearings Scheduled	0
Appeals	0
Proposed Consent Order	1
<u>Closed Cases</u>	<u>0</u>
Total Open Investigations:	16

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

Mrs. Martin presented the board with the letter from applicant Isabelle Omijie requesting reinstatement of their license number after passing the NPTE on their fifth attempt. The board moved this item to unfinished business for the March board meeting.

Mrs. Martin presented the board with the draft of the 2019 Governor's report. The board members approved the governor's report as written.

COMMITTEE REPORTS

CEU Committee

The CEU committee reported that 133 courses were reviewed since the last board meeting. Of these reviewed courses 133 were approved. Seventy-four of the courses were traditional (live) and 49 were web-based (online), and 9 were hybrid-based (live and online). Of the 133 courses that were approved, 127 were clinical, 4 were administrative and 2 were Ethics. The average time for approval was 5.25 days.

LTF

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

Education and Outreach

The committee set the next committee meeting for the evening of March 19, 2020 after the regularly scheduled board meeting.

UNFINISHED BUSINESS

The board reviewed the question from the prior meeting regarding whether PTs are allowed to fill out the application for temporary/permanent handicap tags. The board discussed information gathered since the last meeting and

determined that yes, a PT may fill out the application if it is within that licensee's personal scope of practice, meaning they have the relevant education and training.

NEW BUSINESS

The board reviewed a question from a licensee, as follows, "With an Inactive license status, may a PT provide the following services? I would not establish a PT Evaluation or plan of care and I will not call myself a physical therapist.

- Providing in-service/consulting to businesses, such as hair salons or dental offices, on posture, body mechanics and general exercises to assist professionals in their workplaces, i.e.; dental offices, hair salons, etc. to protect overuse of key areas of injury. I will present the information to the employees of those establishments who provide services to their clients.
- Providing private consultation for posture, post-partum and wellness activities. A release form from MD and or consent form would be included when indicated. I would offer services to those individuals who would benefit from advice on general exercises, posture tips, and wellness activities (examples: post-partum, those with normal aging changes that could benefit from a few tips) to assist them in their daily lives.

After careful consideration, the board determined that as long as you do not hold yourself out to the public as a physical therapist you are allowed to offer these services (La R.S. 37: §2407.A.(5)).

The board reviewed a question asking "In our electronic model (EMR system) the PT student is set up like a medical resident. The student documents and signs the note, thus officially placing the note in the medical record. The CI is required to review/edit and co-sign the note but it can be several hours before review and co-sign is complete. During this gap in time, anyone reading the patient's medical record is reading the student PT note and assuming all documentation is correct and accurate. Here are my concerns: If the student does not make appropriate assessments or recommendations this could cause confusion to the medical team and incorrect initiation of the discharge plan. The PT student has on professional degree or licensure but is training under a license PT. A medical resident has a medical degree and a limited professional license. I am in the process of petitioning my new company's IT department to modify the flow of student signatures but I need the opinion of the PT board on this matter to help get the change initiated. So, I am asking the board's opinion and if there is anything in the PT rules and regulations that addresses this."

The board members discussed and stated on the record that documentation by a student must be co-signed by the Supervising PT of Record or Supervising PTA (LAC 46: LIVE §341.E.). This Rule exists for this very reason. A note cannot be considered complete without a co-signature of the supervisor. A PT student who is satisfying supervised clinical education requirements related to his physical therapy education shall use the letters "S.P.T." in connection with his name while participating in this program. A PTA student who is pursuing a course of study and is satisfying supervised clinical education requirements related to his physical therapist assisting education shall use the letters "S.P.T.A." in connection with his name while participating in this program (LAC 46:LIV §323.B). By using these letters behind this signature stamp in the EMR, those who are reading the record should be trained to know that this is a signature of a student and is not considered a valid note until it is co-signed by a PT or PTA.

The board members reviewed a question from Gretchen Duplantis requesting continuing education approval of courses to be used to fulfill the requirements of her board order and to request that she take the live jurisprudence in May of 2020. The board members carefully reviewed the course list and determined that the courses are

appropriate and can be used for the purpose of fulfilling the Order requirement. The board members reviewed her request to take the live jurisprudence in May 2020 and determined that she need to follow her Order, which states that Respondent shall, during each year of probation, complete 2 hours of live jurisprudence in addition to the 30 hours of board-approved continuing education. They did not grant the exception that she requested.

The board reviewed a question from a licensee asking “Recently, I have received an email from my employer about training videos for Regain Memory 360 program and administering this program to patients. I have read through our practice act, but cannot find anything about it in there. I was wondering if the board has any answers regarding whether physical therapists can even partake in this program.”

The board discussed the question and determined that it is within the scope of practice for physical therapy to administer this program to patients. However, only physical therapists who have the knowledge, skill, education and training to do this competently should perform this program. The board members referenced the definition of physical therapy in La R.S. 38: 2407.A.(5) and Rule (LAC 46: LIV 303.C).

The board reviewed a question from a PTA asking “Can I walk a patient a few feet (3’-5’) with a rolling walker with focus on weight shifting and short small effective steps while strengthening BUE’s to address a “transfer training with turn” STG Goal in the plan of care? The patient is a BBK ON o2 no precautions (she actually can walk 5’ min/mod asst) but there’s no gait goal. Plus I DID NOT document or charge for gait training. I just charged “Therapeutic activity” because I was working on the fundamentals of a safe effective transfer with a BBK and weight shifting is a big part of her learning to transfer.” The board members discussed and determined that a physical therapist assistant assists in the practice of physical therapy and works under the supervision of a physical therapist by performing 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)). A person licensed as a physical therapist assistant shall perform treatment only under the direction and supervision of a liensed physical therapist. The duties assigned to the physical therapist assistant shall be commensurate with the physical therapist assistant’s education, training, and experience (La R.S. 37 §2418.F(1)). The physical therapist is responsible for and shall participate in the patient’s care and a physical therapist assistant’s duties shall not include interpretation or implementation of referrals or prescriptions, performance of evaluations, or the determination or major modification of treatment programs (La R.S. 37: §2418.F(2)b. and d). It is advised that when a physical therapist assistant has a question about the delegated care of a patient the question is best addressed by the Supervising PT of Record who has the most information about the patient and can best answer the question. The level of responsibility assigned to a PTA is at the discretion of the Supervising PT of Record who is ultimately responsible for the care provided by the PTA (LAC 46: LIV §333.B.(1)).

The board members reviewed a question from a licensee asking, “Does the Board require a PT to note specific therapeutic exercises and/or therapeutic activities in a POC, or is it sufficient to simply note therapeutic exercise and/or therapeutic activities?” The board members reviewed this question and agreed that it is sufficient to simply note therapeutic exercise and/or therapeutic activities.

The board members reviewed a question from a license asking, “Is it within the scope of practice for a PTA to autonomously select therapeutic exercises or therapeutic activities to work on specific therapeutic goals specified in a PT POC?” The board members reviewed this question and agreed that it is within the scope of practice for a PTA to select therapeutic exercises or activities when working on the specific therapeutic goals specified in the physical therapist’s plan of care.

Attorney Celia Cangelosi presented the board with the interim consent agreement signed by Jose Garcia. Katie Brittain moved to approve the interim consent agreement. Julie Ann Harris seconded the motion. Secretary/Treasurer abstained from voting. The board voted and approved.

PUBLIC COMMENT

No public comment.

Phil Page moved to adjourn the meeting. Katie Brittain seconded the motion. The board voted and unanimously approved. The board meeting was adjourned at 7:00.