

Louisiana Physical Therapy Board

MINUTES

Regular Scheduled Board Meeting November 19 - 20, 2020

APPROVED

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on November 19 & 20, 2020 at the Louisiana Physical Therapy Board, 2110 W. Pinhook Rd, Ste 202, Lafayette, LA 70508. A quorum of members was present. Board members present were: Judith Halverson, John Marius, Tyra Mitchell, and Oday Lavergne. Phillip "Phil" Page, was present by remote virtual means. Kathryn "Katie" Brittain was present by remote virtual means following the two hearings, as she was recused from both. Charlotte Martin, Executive Director was present and members of the public were present remotely. Also present for administrative hearings were Robert Crochet, applicant for license; Brian Trainer, attorney representing Mr. Crochet; Kim Taylor, court reporter; Robert Odinet, hearing officer; Taneshia Aragon, applicant for reinstatement; and members of the public.

Interim Chairman Judith Halverson called the meeting to order at 2:13 pm.

The board members reviewed the agenda, as written. Oday Lavergne moved to approve the agenda. John Marius seconded the motion. The board members voted and the agenda was unanimously approved.

An administrative hearing was heard by the board for consideration of licensing Robert Crochet. An official transcript of the hearing is available upon request.

Oday Lavergne moved to enter executive session. Tyra Mitchell seconded the motion.

Oday Lavergne moved to exit executive session. Tyra Mitchell seconded the motion.

It was noted on the record that Complaint Counsel, Jim Raines, provided a copy of his Proposed Findings of Fact and Conclusions of Law to general counsel for the Board as well as counsel for Mr. Crochet.

Oday Lavergne moved to enter executive session. Tyra Mitchell seconded the motion. The board reentered executive session.

Oday Lavergne moved to exit executive session. Tyra Mitchell seconded the motion.

Tyra Mitchell moved to accept the findings of fact 1 through 23 as proposed by complaint counsel and add the following findings of fact. Twenty-four (24), the Board determines that Mr. Crochet presented himself as a credible witness. He testified he has not used or been in possession of illegal substances in the last five years. Twenty-five (25), the Board recommends that Mr. Crochet was truthful in his application by indicating "yes" to question 12 and providing a thorough explanation. Number 26, because his felony conviction is expunged, the felony conviction would not have shown on the rap sheet and would not have been visible to the Board. Number 27, in conclusion, he completed the court-appointed drug program. The Board recognizes that Mr. Crochet presents himself with the ability to maintain good moral character. Twenty-eight (28), the Board does not feel that these two felony convictions that occurred in his youth serve as grounds for denial for a PT license within Louisiana. Oday Lavergne seconded the motion. The board members voted and unanimously approved the motion.

Tyra Mitchell moved to accept the conclusion of law as presented by the complaint counsel. Oday Lavergne seconded the motion. The board members voted and unanimously approved the motion.

Tyra Mitchell moved that the board adopts the order as follows. It is ordered, adjudged, and decreed that pursuant to the evidence presented, Robert Crochet shall be made eligible for licensure as a physical therapist with the Louisiana Physical Therapy Board provided he passes the National Physical Therapy Exam. Oday Lavergne seconded the motion. The board members voted and unanimously approved the motion.

An administrative hearing was heard by the board for consideration of reinstating the license of Taneshia Jackson Aragon. An official transcript of the hearing is available upon request.

Oday Lavergne moved to enter executive session. Tyra Mitchell seconded the motion. Hearing Officer Odinet noted that the Board went into executive session.

Oday Lavergne moved to exit executive session. Tyra Mitchell seconded the motion.

Oday Lavergne moved that the Board accept the findings of fact, paragraphs 1 through 23, as presented by the prosecution. In addition, the Board adds paragraph 24 that Ms. Aragon's actions do not meet the definition of unprofessional conduct Rule §345.B.(7) because accumulative charges did not arise out of or related to the practice of physical therapy and does not constitute behavior that would put a person or property of patients at risk of harm. Number 25, Ms. Aragon presented herself well as a credible witness. Number 26, Ms. Aragon provided the Board with evidence of continuing education that meet the Louisiana requirements for continuing education. Tyra Mitchell seconded the motion. The board members voted and unanimously approved the motion.

Oday Lavergne moved that the Board accept the conclusions of law as presented by the prosecution. In addition, the Board adds citation 2 in printing of Rule §345.B.7 defining conviction of a crime constituting unprofessional conduct. Tyra Mitchell seconded the motion. The board members voted and unanimously approved the motion.

Oday Lavergne moved that the Board reinstate Ms. Aragon's Louisiana license as a physical therapist in Louisiana. Tyra Mitchell seconded the motion. The board members voted and unanimously approved the motion.

Oday Lavergne moved to enter executive session. John Marius seconded the motion. The Board entered into executive session.

Oday Lavergne moved to exit executive session. John Marius seconded the motion. The board members voted and approved of the motion.

Oday Lavergne moved to accept the Findings of Fact and Conclusions of Law regarding the Administrative Hearing held on September 24, 2020 in the matter of Gretchen Duplantis (License # 04772F) for case number 2019-I-002 and 2020-I-006 and to amend the effective date to November 19, 2020 and the original to be signed by the board chairperson on November 20, 2020. John Marius seconded the motion. The board members voted and unanimously approved the motion.

Oday Lavergne moved to go into executive session. John Marius seconded the motion. The board members voted and unanimously moved to go into executive session to discuss the Voluntary Surrender agreement of Compact Privilege Holder Lee Johnson.

Katie Brittain moved to exit executive session. Oday Lavergne seconded the motion, The board members voted and unanimously moved to exit executive session.

Tyra Mitchell moves to accept the Consent Agreement to Voluntarily Surrender the Compact Privilege of Lee Johnson (Privilege # CP000602T) as presented. John Marius seconds the motion. The board members voted and unanimously approved the motion.

Oday Lavergne moves to recess at 6:19pm. Tyra Mitchell seconds the motion. The board members voted and unanimously approved the motion.

Friday, November 20, 2020

Interim Chairman called the meeting back to order, reconvening the meeting at 7:02am.

Oday Lavergne moves to approve the September 24, 2020 board meeting minutes as drafted. Tyra Mitchell seconds the motion. The board members voted and unanimously approved the motion.

Katie Brittain moves to change the status of Adam Lafleur's physical therapy license (06409) from probation to active for successful completion of his probation period (2012-I-017). Oday Lavergne seconds the motion. The board members voted and unanimously approved the motion.

TREASURER'S REPORT

Whereas the board authorizes checks in the amount of \$2,499.99 or less to be signed by the Executive Director. Whereas checks in the amount of \$2,500.00 may need to be issued for payments and signed. Whereas appropriate auditing processes and fiduciary control over finances are a necessary function of the operations of the board office. Therefore, be it resolved that the Interim Secretary-Treasurer or Interim Chairman of the board are hereby authorized and required to co-sign business checks in the amount of \$2,500 or more. Tyra Mitchell moved to approve the resolution as stated. Oday Lavergne seconded the motion. Board members voted and unanimously approved motion.

Interim Secretary/Treasurer presented the treasurer's report.

At 9:30am, the board members voted unanimously to amend the agenda to allow the Treasurer's Report to continue to 10:00am, shifting all other items on the agenda later on the agenda but still finishing the board meeting no later than 11:30am.

Katie Brittain moved to allocate a maximum of \$850,000 to a one-time expense of finalizing the design, construction, furnishing and equipping a building on the land owned by the board for a move-in date of December 2023. Phil Page seconds the motion. The motion was withdrawn.

Katie Brittain moves to revise the Reserve Fund Policy to maintain 12 months of budgeted operating expenses, in a money market account or investment CD for board operating expenses. Tyra Mitchell seconds the motion. The board members voted and unanimously approved the motion.

Katie Brittain moves accept the proposal from SSA Consultants for an Organizational Assessment Update and documented plan at the cost of no more than \$19,000. Oday Lavergne seconds the motion. The board members voted and unanimously approved the motion.

Katie Brittain moves to invest a one-time expense, not to exceed \$20,000, for a third-party comprehensive policy review and revision of all board policies, board handbooks, and board orientation materials. John Marius seconds the motion. The board members voted and unanimously approved the motion.

Katie Brittain moves to budget board member training in the amount of \$20,000 for the 2020-2021 proposed annual budget at the time that the budget is presented to the board for approval. Tyra Mitchell seconds the motion. The board members voted and unanimously approved the motion.

UNFINISHED BUSINESS

Tyra Mitchell moves to accept the PT minimum data set questions verbatim in the survey that will be used for the Louisiana PT minimum data set survey questionnaire. Katie Brittain seconds the motion. The board members voted and unanimously approved the motion.

Tyra Mitchell moves to invest in the website development to integrate a survey tool within the Louisiana Physical Therapy Board online system for collecting workforce data and securely host and store the data **OR** to use the FSBPT survey tool and data storage system for the data collected by Louisiana license applicants for the PT minimum data set. Phil Page seconds the motion. Oday Lavergne moves to amend the motion to strike the language, “to invest in the website development to integrate a survey tool within the Louisiana Physical Therapy Board online system for collecting workforce data and securely host and store the data **OR**” from the motion. The motion now reads, “Tyra Mitchell moves to use the FSBPT survey tool and data storage system for the data collected by Louisiana license applicants for the PT minimum data set.” Tyra Mitchell seconds the motion. The board members voted unanimously in favor of the amended motion. The amended motion carries.

Judith Halverson moves to accept the revised question list used on the licensing renewal form. Katie Brittain seconds the motion. The board members voted and unanimously approved the motion.

The board members received advice from General Counsel Jim Raines regarding the request that Tomas Bryant made to the board at a previous board meeting. Judith Halverson moves to deny the request of licensee Tomas Bryant (License No. 07511) to consider amending his consent order (2016-I-018) to allow him to work in the home health setting sooner than 2050. Tyra Mitchell seconds the motion. The board members voted and unanimously approved the motion.

NEW BUSINESS

The board members reviewed a correspondence from a PTA licensee who asked if PTAs can charge for what PT techs do and cervical and/or lumbar traction are within the scope of PTA practice in Louisiana. The board members discussed the inquiry and authorized Mrs. Martin to respond as follows: The Board does not advise on payment related questions, so you will need to reach out to the payment provider to determine the best answer to this question. The scope of practice of the physical therapist assistant is defined in statute as “assists in the practice of physical therapy in accordance with the provisions of this Chapter, 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)). Also, the Board Rule states that “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 this PTA.” (LAC 46: LIV §333.B.(1)). Therefore, if the supervising PT of Record determines that the PTA should perform cervical and/or lumbar manual traction on an individual

patient, pursuant to their plan of care, and the PTA has the education, training and experience to perform such function competently, then this is appropriate and within the scope of practice of that PTA.

The board members requested that Mrs. Martin communicate the response to this question with the PTA academic programs in Louisiana to be sure that they are aware of the regulatory position on PTA scope of practice.

PUBLIC COMMENT

No public comment.

Katie Brittain moved to adjourn the meeting. Oday Lavergne seconded the motion. The board members voted unanimously in favor of the motion. The board meeting was adjourned at 11:27am.