



*State of Louisiana*  
*Department of Health and Hospitals*  
***Louisiana Physical Therapy Board***

104 Fairlane Drive, Lafayette, LA 70507  
(337) 262-1043 FAX (337) 262-1054

AGENDA

**February 23, 2011**

- 5:30 Informal Meeting case #2009I039
- 6:30 Call Meeting to order
- 6:35 Minutes of January board meeting
- 6:45 Reports
  - Chairman's Report
  - Treasurer's Report
    - January 2011 actual vs budget
    - Securities
  - Executive Director's Report
    - Ga\_FSBPT law suit
    - Maryland Board of Physical Therapy
    - LUS
    - InfoTech
    - Contracts
- 7:00 Meeting with Oday Lavergne, PT
- 7:20 Monitoring Disciplined Therapists Report
- 7:45 Rules and Regulations Update
  - Proposed rule language with edits
  - Follow up to Jan 26 Hearing

Recess for evening

**February 24, 2011**

- 8:30 Meeting with Patrick Trappey, LLC
- 9:30 Legal
- 10:00 Meeting with Lani Griffin
- 10:30 Unfinished Business
  - Ethics Course
  - Survey for licensee input
  - Task Tracker
  - Correspondence
    - Ethics Matters
    - Clarification of PT documentation on 6th visit
    - Eval and Treat
    - Indigent patients
- 11:00 New Business
- 11:30 *Board monthly call discussion*
- 12:00 Lunch
- 1:00 Investigation Summary Reports (one-on-one meetings)
- 3:30 Adjournment
- 3:00 Informal Conference, case #2008I023
- 3:30 Informal Conference, case #2010I018

**LOUISIANA PHYSICAL THERAPY BOARD**

February 23 & 24, 2011

**ACCEPTED**

Informal Meeting for case #2009I039 was cancelled.

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday, February 23, 2011, at 104 Fairlane Drive, Lafayette, LA 70507. Jerry Jones, Jr., Chairman called the meeting to order at 6:30 p.m. A quorum of members was present. Board members present were: Jerry Jones, Jr., Teresa Maize, Donna "Dee" Cochran, Al Moreau, III, Dan Wood, Gerald Leglue and Danny Landry. Cheryl Gaudin, Executive Director, Glenn Ducote, attorney, and George Papale, attorney were present. Advisory Committee Member Allison Roux was present. Visitors present were Oday Lavergne, John Doggett, Attorney; Jenny Smith, COO of Agilus Health; Wes Greylap, Attorney; Scott Fruge, PT and Jerry Allgood, PTA.

***ADOPTION OF MINUTES OF PREVIOUS MEETING***

Minutes of the January 2011 board meeting and Rules Public Hearing were edited and accepted after a change of the date on the first page to read "January 26 & 27, 2011".

***CHAIRMAN'S REPORT***

Jerry Jones, Jr. indicated it is an honor to serve as the new Chairman. As Chairman, Mr. Jones indicated that all members enjoyed the same privileges. Mr. Jones said that he would like to see an improvement in response time for assigned tasks. Jones reported board members and staff attended the FARB Annual Meeting in New Orleans in January. Most of the educational sessions addressed issues which are currently addressed in policy and procedure for the board.

The board meeting for March was moved up a week to March 16 & 17, 2011.

Staff was asked to contact Joanne Marier to inquire if she is interested in presenting a proposal to develop and present a physical therapy ethics course possibly online. The course would be offered to all physical therapist and physical therapist assistants in the state free of charge. Proposed rule language addressing continuing education will require an ethics course for renewal of license.

***TREASURER'S REPORT***

Cash on hand for the month of January was \$1,131,952.26. Receipts for January 2011 totaled \$11,269.81 and expenses totaled \$46,265.07.

The CD at Bank of Montgomery will mature on March 14<sup>th</sup>. Motion was made by Teresa Maize, seconded by Donna "Dee" Cochran; "The Executive Director will research rates available and report to the Secretary/Treasurer for decision and direction." All in favor were Teresa Maize, Donna "Dee" Cochran, Jerry Jones, Jr., Al Moreau, III, Gerald Leglue, Dan Wood, and Danny Landry.

7:00 p.m. Oday Lavergne requested a meeting with the board to discuss PTA supervision. John Doggett, Jenny Smith, and Wes Greylap were present with Mr. Lavergne. Mr. Lavergne reported his conversation with Senator Joe McPherson indicating the Senator was willing to sponsor a bill in the next session to remove the numeric restriction for PTA supervision. Mr. Lavergne referred to the Federation of State Boards of Physical Therapy Model Practice Act which is silent regarding the number of PTAs a PT could supervise in his practice.

Mr. Lavergne indicated he contacted the board to obtain public record copies of the annual Governor report and only received those that could be found. Mr. Lavergne indicated he did not find where the board addressed encroachment of the physical therapy practice, fee splitting, or direct access in those reports. Mr. Lavergne indicated if these issues would be addressed in the Governor's Annual Report this year, he would schedule a meeting for the board with Governor Jindal to review these issues. As a result of the request, the board agreed to obtain statistical data and information to address issues in the report. The annual report to the Governor is

generally forwarded in April each year. George Papale was assigned to draft the issues for inclusion in the report. Danny Landry will contact Justin Elliott to obtain statistics from APTA and provide to George Papale for review. Glenn Ducote was assigned to draft a letter of purpose and assignment for a Direct Access Task Force. The board will designate the chair of the Task Force and will identify task force members.

### **EXECUTIVE DIRECTOR REPORT**

The board discussed the lawsuit filed against the Georgia Physical Therapy Board and the FSBPT by foreign educated physical therapists as a result of the Federation of State Boards of Physical Therapy action to limit graduates from Egypt, India, Pakistan, and the Philippines to two opportunities to sit for the NPTE during the current calendar year. The judge in the case ruled against the Georgia Physical Therapy Board requiring the board and the FSBPT to allow candidates from the four restricted countries to immediately have access to registration/eligibility to sit for the NPTE.

Staff requested moving the fast access service with AT&T to LUS fiber. Moving to fiber service provides an accelerated speed for posting data to the web and the ability to update the website more frequently than every evening. The increase in the cost from AT&T DSL to LUS fiber service is \$40 per month. The board approved the request.

Staff reported a meeting with an InfoTech in which the representative/programmer indicated they were not able to accomplish the request for website and database edits. The language and interface of the two programs is beyond the experience of their employees. InfoTech is under state contract with the board which does not allow for subcontracting. Staff will conduct a search for a company who has the knowledge and experience to do the work and report back to the board.

### **MONITORING DISCIPLINED THERAPISTS**

Staff will contact Amy Stewart for update of work status. The probation time period for Ms. Stewart will be extended for the time period she reported working prn in Arkansas.

The board requested Craig Lowery, Advisory Committee Member to conduct a monitor visit with Harold Cheffin. Staff will contact Lowery to advise and add Mr. Cheffin to the agenda for the June board meeting.

Dan Wood will schedule a monitor visit with Dwayne Hogan.

### **PROPOSED RULES AND REGULATIONS/LEGISLATION**

Senator Joe McPherson was invited to meet with the board to review and discuss the proposed rule language regarding physical therapist assistant supervision. Greg Waddell, attorney for the Senate, responded the Senator was unable to attend the meeting, but did review the proposed language and would be forwarding comments no later than Thursday morning. The board reviewed comments forwarded by Waddell on behalf of Senator McPherson. Jerry Jones, Jr. will respond to the three concerns noted by Senator McPherson, namely "Supervising PT of Record, Entire treatment by a PT, and patient physically unavailable."

Substantive changes to the proposed rule language were identified and approved by the board. The date for the second public rules hearing to address any concerns regarding the substantive rule changes is scheduled for April 27<sup>th</sup> to coincide with the board meeting. Staff will prepare the appropriate documentation to be published in the March 20<sup>th</sup> issue of the La Register.

The meeting was recessed at 10:05 pm.

The board meeting reconvened on February 24, 2011. A quorum of members was present. Board members present were: Jerry Jones, Jr., Teresa Maize, Donna "Dee" Cochran, Al Moreau, III, Dan Wood, Gerald Leglue and Danny Landry. Cheryl Gaudin, Executive Director, Glenn Ducote, attorney, and George Papale, attorney were present. Advisory Committee Member Allison Roux

was present.

## **NEW BUSINESS**

### **CORRESPONDENCE**

Amanda Burson requested clarification of documentation the PT must provide on a sixth visit in a LTC/SNF setting. Does the PT write a brief description of what treatment was provided and modification of plan of care if necessary, or must the PT write the formal weekly note on the day of the visit? Staff will respond to Ms. Burson.

David Ingram requested a statement from the board to appeal an action taken by Joint Commission. Does an order for PT Eval and Treat mean that a Physical Therapist can perform any treatment within the PT scope of practice and does a PT need a specific order for debridement or does the PT Eval and Treat order cover the debridement? Staff responded to Mr. Ingram citing La. R.S. 37:2407.A.5, §305 and §307.E. The response included the role of the PTA in wound care as wound debridement is a treatment that can only be performed by a PT.

Freddie Breaux, III PT requested a specific cite from the rules which addressed that charitable cases are legal and not in violation of any rules.

### **UNFINISHED BUSINESS**

#### **TASK TRACKER**

Dan Wood responded to Patrick Cook, PT, MPT, OCS, CSCS, Peak Performance Physical Therapy regarding his quest for clarification of the rules and regulations regarding direct access and cash based services.

Dan Wood responded to Russ Gunter, PT, DPT with clarification of supervision of a student internship at Gunter's facility.

Glenn Ducote drafted a declaratory statement to address the EPLEY maneuver. Motion was made by Teresa Maize, seconded by Al Moreau, III, "to approve the declaratory statement." All in favor were Jerry Jones, Jr., Teresa Maize, Al Moreau, III, Gerald Leglue, Donna "Dee" Cochran, Danny Landry, and Dan Wood.

Dan Wood responded to Tonya Tabor regarding consultative services with a medical referral from a physician questioning if she was liable for the services provided by the adaptive physical education teacher.

Cheryl Gaudin responded to Therapy Management regarding the denial of course prior approvals submitted for Cardiopulmonary, Contracture Management for the Elderly Population, and Incontinence Management. These courses were not denied on the basis of course content, but rather on the credentials of the course presenter.

Donna "Dee" Cochran responded to Joseph McCulloch, PhD Dean of the School of Allied Health Professions at LSU HSC regarding the application of Platelet Rich Plasma (PRP) to wounds in order to stimulate healing.

Teresa Maize responded to Errol Leblanc, Ameila Embley, Holly Domingue, and Kelly Barracco clarifying PTA supervision and 6<sup>th</sup> visits.

### **OTHER BUSINESS**

#### **BOARD MEMBER MONTHLY CALLS**

The meeting was adjourned at 3:00 p.m.

3:00 Informal Conference with case #2008I023 was held.

3:30 Informal Conference with case #2010I018 was held.

Submitted by Cheryl Gaudin