



*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*

**June 23, 2010**

- 6:30 Call Meeting to order
- 6:45 Minutes of May 2010 meeting
- 7:00 Meeting with Vincent L. DiCianni of Affiliated Monitors, Inc.
- 7:30 Reports
  - Chairman's Report
  - Treasurer's Report
    - Jan 2010 actual vs budget
    - Securities FY 09/10
  - Executive Director's Report
- 8:30 Rules and Regulations Update
  - Task Tracker
  - Ethics Issue James Miller
- 9:00 Unfinished Business
  - Newsletter
    - Haiti Trip 004.jpg
    - Haiti Trip 006.jpg
    - Shreveport PTs.JPG
- 9:15 New Business
  - Credentialing Delegates and Administrator for FSBPT Annual Mtg
- 9:30 Correspondence
  - New PTA proposal
  - New supervision requirements
  - Question for the Board re SB 590
  - New Supervision Rules for PTAs
  - Question for the Board Consulting
  - Therapist participation in medication review
  - Health Fair
  - wellness brochure

Recess for the evening

**June 24, 2010**

- 8:30 Legal
- 9:00 Meeting with Catherine Nelson
- 10:00 Monitoring disciplined therapists
- 10:30 Board monthly call discussion
- 10:45 Investigation Summary Reports (one-on-one meetings)
- 11:00 Work Session -- CEU review

## **LOUISIANA PHYSICAL THERAPY BOARD**

June 23 & 24, 2010

Proceedings for the Louisiana Physical Therapy Board, taken in regular session on Wednesday and Thursday, June 23, 2010, at 104 Fairlane Drive, Lafayette, LA 70507. Dan Wood, Chairman called the meeting to order on Wednesday, June 23<sup>rd</sup> at 6:30 p.m. A quorum of members was present. Board members present were: Dan Wood, Jerry Jones, Jr., Al Moreau, Jr., Teresa Maize, Donna "Dee" Cochran, Dr Gerald Leglue, and Danny Landry. Cheryl Gaudin, Glenn Ducote, general counsel and George Papale, attorney were present. Advisory Committee Member Dionne Francois was present.

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

Minutes of the May 2010 board meeting were accepted as written.

Vincent L. DiCianni of Affiliated Monitors, Inc. made a presentation to the board providing information of how Affiliated Monitors could assist the board with monitoring of disciplined licensees. The cost of monitoring would be borne by the licensee, therefore eliminating cost to the board. The hourly cost to the licensee would be \$350 per hour. The board will review the literature presented and consider use of Affiliated Monitors if the need arises on a case by case basis.

### ***CHAIRMAN'S REPORT***

Dan Wood reported receiving a call from Oday Lavergne concerning Act 139.

### ***TREASURER'S REPORT***

Cash on hand for the month of May was \$994,253.70. Receipts for May totaled \$18,911.95, and expenses totaled \$37,774.65.

Motion was made by Al Moreau, seconded by Gerald Leglue to accept the Treasurers Report.

### ***EXECUTIVE DIRECTOR REPORT***

Each meeting time is spent reviewing the progress of disciplined licensees. Cheryl Gaudin suggested a monitoring plan for disciplined licensees be established after the licensee agrees to the proposed consent agreement. This would provide the executive director and/or attorney with a schedule for carrying out the monitoring on a timely basis. Each month a report of the monitoring action for each disciplined licensee could be reported, as opposed to waiting for direction monthly. The board agreed with the suggestion. A report form will be developed for use.

A significant amount of time is spent each month reviewing continuing education courses submitted for approval of a course. A suggestion was offered that staff would forward continuing education courses to volunteer board members to be reviewed during the month. The board agreed with the suggestion and designated Teresa Maize to review courses which have been submitted online and Donna "Dee" Cochran would be forwarded those courses received by mail.

Contract proposals for the annual audit have been submitted to the Legislative Auditors Office. Proposals will be opened on Wednesday, June 30<sup>th</sup>. Cheryl Gaudin will participate as the board's representative reviewing proposals. Generally the lowest bidder is selected unless special circumstances are identified.

### ***UNFINISHED BUSINESS***

#### ***TASK TRACKER***

Contact was made with Louisiana Facility Planning and Control (FC&P) to request procedures for moving forward with the purchase of the current space leased by the board. FC & P suggested contact with the owner of the property/building to determine willingness to negotiate selling the property. Jerry Jones approved contacting the owner to discuss the issue. Cheryl Gaudin met with Patrick Trappey and concluded he was happy with the current arrangement, but would look at a proposal by the board for purchasing the property. Cheryl Gaudin will move forward with the process.

The board reviewed articles for the Summer Newsletter which included the article regarding licensees who traveled to Haiti to volunteer with the relief effort, and the article regarding Act 139 of the recent legislative session. The newsletter is ready for production and mailing.

The response drafted to James Miller's ethical question was reviewed by the board and edited. The response indicated the Louisiana Physical Therapy Practice Act authorizes a physical therapist to accept a referral from a podiatrist to treat a patient while offering the patient information regarding treating diagnosis and referral to appropriate specialist regarding the working diagnosis. The response will be forwarded to Miller.

### ***MONITORING DISCIPLINED LICENSEES***

All disciplined licensees requiring substance tests are scheduled for Monday, June 28<sup>th</sup>.

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

Staff suggested the board may want to consider offering a traveling jurisprudence to address proposed rules and Act 139 addressing physical therapist assistant supervision changes. This would provide licensees with the board intentions regarding proposed rule language for transparency.

### ***NEW BUSINESS***

Continuing Education Course Sponsor Prior Approval requests are asking for a second review upon denial of the course and/or additional review for the number of contact hours awarded. Motion was made by Donna "Dee" Cochran, seconded by Jerry Jones, Jr.; "Once a continuing education course has been reviewed and contact hours have been awarded or the course has been denied, no appeal to the board can be made again." All in favor of the motion were Dan Wood, Jerry Jones, Jr., Teresa Maize, Donna "Dee" Cochran, Al Moreau, Jr., Gerald Leglue, and Danny Landry. No one opposed the motion.

Notice was received from the Federation of State Boards of Physical Therapy that it is necessary to begin the Credentialing for the Delegates and Administrator for FSBPT Annual Meeting. Motion was made by Donna "Dee" Cochran, seconded by Al Moreau, Jr.; "The FSBPT Delegate representative from the board is Dan Wood who will be the voting member at the Delegate Assembly. Jerry Jones, Jr. will represent the board as the Alternate Delegate and Teresa Maize will be the second Alternate Delegate. Cheryl Gaudin will attend the Council of Board Administrators meeting and represent the board as the administrator to the annual meeting." All in favor of the motion were Dan Wood, Jerry Jones, Jr., Teresa Maize, Al Moreau, Jr., Gerald Leglue, Donna "Dee" Cochran, and Danny Landry. No one opposed the motion.

### ***REVIEW CORRESPONDENCE***

Dusti Allain questioned if the PT only has to do the 6<sup>th</sup> visit, why not change the progress note rule as well. Clarification on scope of practice issues for the PT and PTA were questioned due to Act 139. A copy of the newsletter will be mailed to Ms Allain which includes an article regarding Act 139.

Fred Thurmond, PT requested clarification regarding the new supervisory requirements under Act 139, in regards to skilled vs. non skilled requirements. A copy of the newsletter will be mailed to Mr. Thurmond which includes an article regarding Act 139.

Tina Gunaldo, PT Advisory Committee Member asked for clarification as to who will be designated as the supervising PT for a PTA as a result of Act 139? Will it be the PT who performs the initial evaluation or the 6<sup>th</sup> visit reassessment until the weekly documented conference occurs? If a contract PT is a fill-in for a day at a location and does not return until the practice needs coverage again, who is supervising the PTA and who may continue to see the patient until the weekly conference or 6<sup>th</sup> visit? Basically, who is responsible for the PTA's actions in terms of liability/patient safety? A copy of the newsletter will be mailed to Ms Gunaldo which includes an article regarding Act 139.

Amy Sudduth, PT Outpatient Therapy Coordinator at Willis-Knighton Health System requested clarification on whether the documented conferences with the PTA now apply to all settings including acute care facilities, rehab facilities, SNFs and OP facilities. This appears to be an addition to the requirement for treating and reassessing each patient on every 6<sup>th</sup> treatment visit or every thirty days, whichever occurs first. Is that the case? Also, do these new regulations which do not speak to specific settings and the amount of supervision required in each setting in any way negate the current requirements as stated in the Rules and Regulations of the Louisiana Physical Therapy Board?

Gail Pearce, PT requested clarification as to whether or not she could be a paid "consultant" in a wellness setting at a local gym. She would be making recommendations to wellness clients for an appropriate way to do

an exercise or suggest a more appropriate exercise. Pearce asked if this could be pro bono care and if this was legal under the current practice act. Glenn Ducote will draft a response to Pearce.

Amie Morway, BSRT, RN Area Rehab Director of Gentiva Health Services requested a declaratory statement as to whether the Louisiana Physical Therapy Practice Act would permit a physical therapist to perform the medication review and education that is now a part of the Medicare Home Health OASIS-C assessment documentation process. The board requested a copy of the OASIS-C form prior to responding.

Ken McKenzie, PT asked if a physical therapist could demonstrate Graston Technique on people who come to the booth at a health fair at Louisiana Athletic Club or if that would be considered treating without referral or diagnosis by physician. It would just be a quick 1-2 minute demo on the hand or forearm. Staff will respond to McKenzie there may be liability issue and suggested they ask an employee to assist in the demonstration.

**OTHER BUSINESS**  
**LEGAL**

The Board recessed to conduct one-on-one review of complaints with individual board members.

**CONTINUING EDUCATION REVIEW**

Continuing Education courses submitted for prior approval were reviewed. Staff to mail correspondence with decision on whether the course was approved and number of contact hours awarded if approved.

Meeting was adjourned at 2 p.m.

Respectively submitted,  
Cheryl Gaudin