



December 2015

Communiqué

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Physical Therapy Board

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Shari Waldie, PT, Vice Chair
Melinda Rodriguez, PT, DPT,
Secretary
Jeff Tout, PT
Harvey Aikman, PT
Barbara Sanders, PT, PhD
Philip Vickers, Public Member
Daniel Renya, Public Member

Next Board Meeting

January 29, 2016
333 Guadalupe
Suite 2-510
Austin, TX 78701

Renewal Fees to Increase in 2016

As the cost of printing and mailing notifications from the Board to the growing number of licensees and facilities has become prohibitive, ECPTOTE will be implementing a program to mass email documents to licensees, facilities, and interested stakeholders sometime in early 2016. In order to fund the program, the Executive Council proposed and adopted a license and registration renewal fee increase which will become effective 1/01/2016. Typical items that will be emailed once the program is up and running include quarterly board newsletters, license/registration renewal notices, practice act and rule changes, and similar items of interest to the regulated population.

The new renewal fees appear below. All other fees remain the same.

Physical Therapy Board Fees

Active License Renewal

Physical Therapist -- \$248

Physical Therapist Assistant -- \$184

Facility Registration Renewal -- \$220

Please make sure that the Board has your current email address. Changes to your contact information can be made online at www.ptot.texas.gov by clicking on the *Change Contact Info* under *Looking for?*



Board Actions November 2015

At it's November 13-14 meeting, the PT Board proposed amendments to **§341.3. Qualifying Continuing Competence Activities** and **§341.6. License Restoration**.

Additionally, the Board adopted all of the amendments that were proposed at the August 28, 2015 meeting.

Summaries of proposed and adopted rules are available on page 5.

**The Sunset Review of the
Executive Council of Physical Therapy and Occupational Therapy Examiners
Texas Board of Physical Therapy Examiners
Texas Board of Occupational Therapy Examiners**

The mission and performance of the Executive Council of Physical Therapy and Occupational Therapy Examiners (executive council), Texas Board of Physical Therapy Examiners (physical therapy board), and Texas Board of Occupational Therapy Examiners (occupational therapy board) are under review by the Legislature as required under the Texas Sunset Act. The Act provides that the Sunset Commission, composed of legislators and public members, periodically evaluate a state agency to determine if the agency is still needed and to explore ways to ensure that the agency's funds are well spent. Based on the recommendations of the Sunset Commission, the Texas Legislature ultimately decides whether an agency continues to operate into the future.

The Sunset review involves three steps. First, Sunset Commission staff will evaluate the executive council and the physical therapy and occupational therapy boards and issue a report in April 2016 recommending solutions to problems found. A month or so later, the Sunset Commission will meet to hear public testimony on the agency and the recommendations of the Sunset staff. Based on public input and the Sunset staff report, the Sunset Commission will adopt recommendations for the full Legislature to consider when it convenes in January 2017. Please refer to the Sunset Commission website or call the office for updated information on specific dates for these meetings.

Through the Sunset review, every Texan has the opportunity to suggest ways in which the mission and operations of the executive council and the physical therapy and occupational therapy boards can be strengthened. If you would like to share your ideas about the executive council and these two boards, please send an email to the address below, use the comment form on the Sunset Commission website, or contact Erick Fajardo of the Sunset staff. **Suggestions are preferred by December 14, 2015**, so they can be fully considered by the Commission staff.

Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711
512/463-1300
Fax: 512/463-0705
Email: sunset@sunset.state.tx.us

Information about the Sunset process, Sunset Commission meetings, and how to receive Sunset Commission email updates is available at: www.sunset.texas.gov

Renewal Reminder

For those PTs and PTAs who have not renewed their license during the transition period to birth-month renewal, your current expiration date has NOT changed.

You need to timely renew your license with all of your required continuing competence and a passing score on the JP Exam. Your new birth-month expiration date will be automatically calculated after you complete the renewal process and will be effective for the following renewal period.

If you are unsure when your license expires check the online license verification at www.ptot.texas.gov/page/look-up-a-license.

Disciplinary Actions

The following disciplinary actions were taken at the November 14, 2015 Board Meeting:

- (1) **Timothy Pembroke, PT #1190542 (Gainesville)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (2) **Blaine Marburger, PTA #2036366 (Denison)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (3) **Justin Cheung, PTA #2056117 (Houston)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended his license for seven (7) days.***
- (4) **Gerald Noterman, PT #1188351 (Conroe)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended his license for seven (7) days.***
- (5) **Shelley Sullivant, PTA #2070669 (Bossier City, LA)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended her license for seven (7) days.***
- (6) **Angelica Leal, PTA #2083391 (Mission)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended her license for fifteen (15) days.***
- (7) **Shruti Patel, PT #1230730 (Plano)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended her license for fifteen (15) days.***
- (8) **Sylwia Cook, PTA #2089527 (Bryan)** – failed to properly renew her license; insufficient number of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (9) **Laura Hoag, PT #1145787 (Dallas)** – failed to properly renew her license; insufficient number of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (10) **Jason Mileski, PT #1146420 (The Woodlands)** – failed to properly renew his license; insufficient number of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***

Disciplinary Actions, cont.

(11) **John Sanchez, PTA #2014189 (Temple)** – failed to properly renew his license; insufficient number of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service and completion of the lacking continuing education hours.***

(12) **Laura Japak, PT #1092518 (Flower Mound)** – failed to properly renew her license; insufficient number of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***

(13) **Julie Gold-Morgan, PTA #2028918 (Bowie)** – failed to properly renew her license; insufficient number of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community and completion of the lacking continuing education hours.***

(14) **Nikki Gorton, PT #1044188 (Liverpool, UK)** – failed to properly renew her license; insufficient number of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***

(15) **Liza Marie Nielsen, PTA #2090791 (San Antonio)** – failed to properly renew her license; insufficient number of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order suspended her license for thirty (30) days and required completion of the lacking continuing education hours.***

(16) **Zebulon Gardner, PTA #2093710 (Lake Placid, FL)** – failed to properly renew her license; insufficient number of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order suspended his license for thirty (30) days and required completion of the lacking continuing education hours.***

(17) **Kathryn Konke, PTA #2108605 (Valparaiso, IN)** – practiced in a detrimental manner by failing to accurately record treatment notes; documenting treatment notes for treatments on a date not rendered. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. ***Board Order suspended her license for thirty (30) days.***

(18) **Courtney Bradley, PT #1157307 (Fort Worth)** – practiced in a detrimental manner by using drugs or intoxicating liquors to an extent that affected her professional competence; resulting in her failure of a drug test and subsequent termination of her employment. Violation of Section 453.351 of the Act. ***Board Order suspended her license for thirty (30) days.***

(19) **Diana Young, PTA #2003323 (Schertz)** – practiced in a detrimental manner by allegedly taking drugs from a patient's home during treatment of that patient. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. ***Board Order to Cease and Desist from further practice until such time as she appears before the Board and conditions for safe future practice can be established.***

Proposed/Adopted Rules

The Board took the following rulemaking actions at the **November 13 – 14, 2015 Board meeting**. The full text of all proposed and adopted rules is available at: www.ptot.texas.gov/page/act-and-rules. If you would like to comment on proposed rules, please send your written comments to karen@ptot.texas.gov, or 333 Guadalupe, Suite 2-510, Austin, TX 78701. Proposed rules will be published in the December 04, 2015 issue of the *Texas Register*.

Adopted Rules - to be effective January 1, 2015:

§323.3. Adoption of Rules - The amendment is proposed per HB 763 which passed during the 84th Legislature (2015) and relates to petitioning the board for adoption, amendment, or repeal of rules.

§329.1. General Licensure Requirements and Procedures - The amendment is proposed per SB 807 which passed during the 84th Legislature (2015) and relates to the waiver of initial licensure and application fees for active military service members, military veterans.

§329.6. Licensure by Endorsement - The amendment is proposed per SB 807 which passed during the 84th Legislature (2015) and relates to the waiver of application fees for active military service members, military veterans, and military spouses who apply for licensure by endorsement.

§341.20. Licensees Serving as a Military Service Member - The amendments are proposed per SB 1307 which passed during the 84th Legislature (2015) and relates to the exemption of late fees and penalty for late renewal if the licensee's failure to timely renew their license is due to serving as a military service member and provides an extension post expiration of licensure for completion of continuing competence activities .

Chapter 347. REGISTRATION OF PHYSICAL THERAPY FACILITIES - The amendments are proposed to bring synchronization between the facility registration language for both physical therapy and occupational therapy facilities which should mirror each other as both healthcare services are often provided at the same location. The amendments also provide for the online verification of registration as a means for initiating physical therapy services at a facility without having to wait for the registration certificate to arrive via mail.

§651.2. Physical Therapy Board Fees - The amendments would increase the renewal fees for licensees by \$6 for PTs and \$4 for PTAs, and renewal fees for facility registration by \$5.

Proposed Rules:

§341.3. Qualifying Continuing Competence Activities - The amendment is proposed to:

- correct a discrepancy between rule and Board adopted policy for approving a specialty examination,
- allow the Board to consider partial credit for mentoring a resident/fellow who rotates through several facilities with separate mentors, and
- add credit for item writer for ABPTS specialty examinations.

§341.6. License Restoration - The amendment is proposed per SB 1307 which passed during the 84th Legislature (2015) to add military service member and military veterans as qualifying for expediting the restoration of a license.

Acupuncture Board Seeks AG Opinion Regarding Dry Needling by PTs

On November 9, 2015, the Texas State Board of Acupuncture Examiners (TSBAE) requested an Attorney General's Opinion (RQ-0068-KP) regarding the following two questions:

1. *Is the practice of "trigger point dry needling" the practice of acupuncture as defined by Texas Occupations Code §205.001(2)?*
2. *Did the legislature intend that the practice of acupuncture be clearly encompassed under the scope of the licensure for Physical Therapists?*

It is the opinion of the PT Board that the practice of trigger point dry needling is within the scope of practice of a Physical Therapist in the State of Texas.

The PT Board is submitting a brief supporting its opinion that trigger point dry needling is within the physical therapists' scope of practice, that physical therapists performing dry needling are not practicing acupuncture, and that physical therapists performing dry needling are not practicing medicine.

Section 402.042 of the Government Code provides that the Attorney General shall issue an opinion not later than the 180th day after the date that an opinion request is received, unless before that date the Attorney General notifies the requesting person in writing that the opinion will be delayed. TEX GOV'T Code §402.042(c)(2). **The due date of the opinion has been set for May 9, 2016.**

To read RQ-0068-KP as submitted by Allen Cline, TSBAE Chairman, go to:

www.texasattorneygeneral.gov/opinions/opinions/51paxton/rq/2015/pdf/RQ0068KP.pdf

Online License/Registration Verification System

The Executive Council of Physical Therapy & Occupational Therapy Examiners maintains an online verification system of PT/PTA licensure and facility registration. The information on the website is updated every business day and is considered a secure, primary source for individual license and facility registration verification which can be used by licensees, employers, and credentialers. Features of the verification system include:

- License/registration expiration date,
- Printable Statement of Licensure/Registration and License Wallet Card, and
- Disciplinary Action.

New permanent and temporary licensees can begin work upon verification of their license status online prior to receiving their paper license in the mail. Effective January 1, 2016, new registered facilities can initiate physical therapy services upon verification of their registration status online prior to receiving their facility registration certificate in the mail. Original licenses and registrations still need to be displayed.

To check on a license or registration status, go to www.ptot.texas.gov/page/look-up-a-license.