



Communiqué

May 2016

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Physical Therapy Board

Gary Gray, PT, Chair
Shari Waldie, PT, Vice Chair
Jeff Tout, PT
Harvey Aikman, PT
Barbara Sanders, PT, PhD
Liesl Olson, PT
Daniel Renya, Public Member
Philip Vickers, Public Member
Glenda Clausell, Public Member

Next Board Meeting

August 12, 2016
333 Guadalupe
Suite 2-510
Austin, TX 78701

Board Receives Favorable Opinion from AG

On November 9, 2015 the Texas State Board of Acupuncture Examiners (TSBAE) requested an opinion from the Attorney General's Office regarding the practice of trigger point dry needling by physical therapists. The questions which were initially posed by the TSBAE were :

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?*

The AG's Opinion Committee changed the query to:

1. *Whether licensed physical therapists are authorized to practice trigger point dry needling.*

The PT Board submitted a legal brief and exhibits to the Texas Attorney General's Opinion Committee in response to the TSBAE's request on December 10, 2015 which supported the Board's opinion that trigger point dry needling is within the scope of practice of a physical therapist in the State of Texas.

THE GOOD NEWS! On May 9, 2016, The Attorney General issued a favorable opinion supporting the PT Board's authority to determine that trigger point dry needling is within the scope of practice of physical therapy.

To read the AG opinion KP-0082, click the link below:

<https://texasattorneygeneral.gov/opinions/opinions/51paxton/op/2016/kp0082.pdf>

Board Actions April 2016

At it's April 29th meeting, the PT Board adopted an amendment to **§329.2. Licensure by Examination.**

Additionally, the Board proposed an amendment to **§322.1. Provision of Services** and proposed a **Rule Review** as required by §2001.039 of the Government Code. (See page 5 for details)

**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 Sunset staff has **completed the first phase of the Sunset process** which involved extensive research and analysis of the function and performance of the Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE), the Texas Board of Physical Therapy Examiners (TBPTE), and the Texas Board of Occupational Therapy Examiners (TBOTE) in order to evaluate the need for, performance of, and improvements to the agency. The process involved numerous interviews with both board members and agency staff, attendance at board and committee meetings by the Sunset staff, and requests for additional data that was not included in the agency's *Self Evaluation Report*.

At the conclusion of this phase in a review, the Sunset staff compiles a report that identifies problem areas and makes specific recommendations for positive change, either to the laws governing an agency or in the form of management directives to agency leadership. The ***Sunset Staff Report*** regarding the review of ECPTOTE, TBPTE, and TBOTE has been published.

Highlights of the report include the following Key Recommendations:

- **Continue the Texas Board of Physical Therapy Examiners and Texas Board of Occupational Therapy Examiners under the administration of the Executive Council of Physical and Occupational Therapy Examiners until 2029.**
- **Adopt the Physical Therapy Licensure Compact**
- **Provide clear statutory authority for licensure by endorsement**
- **Discontinue the registration of physical and occupational therapy facilities** and temporarily authorize the boards to **expunge facility-related administrative violations** from a licensee's record
- **Remove the boards' authority to delegate to other entities the responsibility of approving continuing education and continuing competence** while clarifying their authority to preapprove course providers
- **Require the boards to conduct fingerprint-based criminal background checks** of licensure applicants and licensees

To read the ***Sunset Staff Report***, please visit this link:

<https://www.sunset.texas.gov/reviews-and-reports/agencies/texas-board-physical-therapy-examiners>

You can provide comments about the ***Sunset Staff Report***, including the recommendations that you support or oppose, and any alternative or new recommendations for the agency by completing a ***Public Input Form*** at:

<https://www.sunset.texas.gov/input-form>

The next phase of the Sunset review is the **Deliberation Phase** during which the Sunset Advisory Commission conducts a public hearing to take testimony on the staff report and the agency overall. The Commission will then meet at a later date to vote on which changes to recommend to the full Legislature.

Public hearings are tentatively scheduled for **June 23-24, 2016**. The exact date and time for the ECPTOTE, TBPTE, and TBOTE hearing have not been announced.

For further information about the Sunset process, please visit the Sunset Advisory Commission's website at <https://www.sunset.texas.gov>

Disciplinary Actions

The following disciplinary actions were ratified at the April 29, 2016 Board Meeting:

- (1) **Cherry Navarro, PT #1239000 (Garland)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. ***Board Order required eight (8) hours of community service.***
- (2) **Ryan Allen, PTA #2065089 (Bowie)** - 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) **Aaron Pierson, PT #1194973 (Allen)** - 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.***
- (4) **Jorge Guerrero, PT #1151221 (San Antonio)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. ***Board Order required sixty (60) hours of community service.***
- (5) **Kara Daugherty, PT #1094266 (San Antonio)** - 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 ninety (90) days.***
- (6) **Allison Terrill, PTA #2043941 (Providence Village)** - failed to properly renew her license; insufficient number/type 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.***
- (7) **Katie Schoenholz, PT #1149729 (St. Charles, IL)** - failed to properly renew her license; insufficient number/type 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.***
- (8) **Jezzar Erfe, PT #1072759 (San Antonio)** - failed to properly renew his license; insufficient number/type 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.***
- (9) **Gayathri Ravi, PTA #2116447 (Dallas)** - 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 his license for thirty (30) days.***
- (10) **Ebony Howe, PTA #2072597 (Allen)** - 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.***
- (11) **Andrea Leal, PT #1166268 (Austin)** – practiced in a detrimental manner by failing to accurately record treatment notes; documenting treatment notes that were incomplete, inaccurate and untimely. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. ***Board Order suspended her license for thirty (30) days.***

Disciplinary Actions, cont.

(12) Roberto Hernandez, PT #1072999 (Eagle Pass) - 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 his license for sixty (60) days.**

(13) Michael Morano, PTA #2087427 (Tyler) - practiced in a detrimental manner by treating a patient beyond the plan of care; therefore practicing beyond the scope of his license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for thirty (30) days.**

(14) Marco Zanin, PT #1084689 (Corpus Christi) - practiced in a detrimental manner by having an inappropriate (non-sexual) relationship with a patient under his care. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for thirty (30) days.**

(15) Christine Tucker, PT #1093383 (San Antonio) – previously had her license indefinitely suspended for practicing in a detrimental manner by taking prescription medication from a patient under her care. Violation of Section 453.351 of the Act. **Board Order reinstates her license to practice.**

Board Member News



PT Board Chair, Gary Gray presents a token of appreciation to outgoing member, Melinda Rodriguez.

Melinda Rodriguez, PT, DPT of San Antonio has completed her term on the Texas Board of Physical Therapy Examiners, and has been **appointed by Governor Greg Abbott to the Statewide Health Coordinating Council (SHCC)**. The Council ensures health care services and facilities are available to all Texans through health planning activities. Based on these planning activities, the SHCC makes recommendations to the governor and the legislature through the Texas State Health Plan (TSHP).

Ms. Rodriguez was appointed to the PT Board by Governor Rick Perry in 2005 to a vacated position and was reappointed in 2009. She served as the Board's Secretary and has served as a member of the Board's Education, Rules & Practice, and Investigation Committees during her tenure. She is the director of business development for Access Quality Therapy Services and an assistant laboratory professor at the University of Texas Health Science Center at San Antonio.

Ms. Rodriguez is being replaced by Liesl Olson, PT of Lubbock.

Our loss is the Statewide Health Coordinating Council's gain.

Best Wishes, Melinda!

Proposed/Adopted Rules

The Board took the following rulemaking actions at the **April 29, 2016 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. The proposed rule will be published in a future issue of the *Texas Register* available at www.sos.state.tx.us/texreg/index.shtml.

Adopted Rule - to be effective May 23, 2016:

§329.2. Licensure by Examination – The amendment is adopted to enable an applicant who has reached the 6-time lifetime limit or 2 very low scores on the National Physical Therapy Examination (NPTE) a means of requesting that the Board appeal on their behalf to the Federation of State Boards of Physical Therapy (FSBPT).

Proposed Rule:

322.1. Provision of Services – The amendment is proposed to (d) Reevaluation and would eliminate the requirement for an onsite reexamination of the patient which implies completion of a comprehensive screening and testing process including patient history, systems review, and tests and measures and instead require direct physical therapist-to-patient interaction.

Rule Review:

The Texas Board of Physical Therapy Examiners has filed notice through the *Texas Register* of its intent to review the following chapters of Title 22, Part 16 of the Texas Administrative Code in accordance with Texas Government Code §2001.039:

Chapter 321, concerning Definitions; **Chapter 322**, concerning Practice; **Chapter 323**, concerning Powers and Duties of the Board; **Chapter 325**, concerning Organization of the Board; **Chapter 327**, concerning Compensation; **Chapter 329**, concerning Licensing Procedure; **Chapter 335**, concerning Professional Title; **Chapter 337**, concerning Display of License; **Chapter 339**, concerning Fees; **Chapter 341**, concerning License Renewal; **Chapter 342**, concerning Open Records; **Chapter 343**, concerning Contested Case Procedure; **Chapter 344**, concerning Administrative Fines and Penalties; **Chapter 346**, concerning Practice Settings for Physical Therapy; and **Chapter 347**, Registration of Physical Therapy Facilities.

The Board will consider whether the reasons for adopting the rules continue to exist, and whether these rules should be repealed, readopted, or readopted with amendments.

Renewal Reminder

For those PTs and PTAs who have not renewed their license during the transition period to birth-month renewal which began March 1, 2015, 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.

Governor Abbott Appoints Three To TX Board Of PT Examiners

On April 22, 2016, Governor Greg Abbott appointed Glenda Clausell and Liesl Olson and reappointed Harvey Aikman to the Texas Board of Physical Therapy Examiners for terms set to expire on January 31, 2021.



Glenda Clausell of Houston is a private practice attorney at Clausell Law Firm, PLLC. She is a member of the State Bar of Texas, Texas Aggie Bar Association, State Bar of Texas Pro Bono College, Houston Volunteer Lawyers Program and Texas Bar Association Section Memberships in Business Law and Real Estate, Probate and Trust Law. She also serves as the Southwest regional legal advisor for the Sigma Gamm Rho Sorority, Inc. and volunteers with the Houston Food Bank, St. Jude, and Keegan's Kitchen. She is a board member of the Gamma Sigma Charitable and Educational Foundation. Clausell received a Bachelor of Arts in history from Texas A&M University in College Station, Master of Liberal Arts with a focus in International Studies from the University of St. Thomas and a Juris Doctor with honors from Thurgood Marshall School of Law at Texas Southern University. Ms. Clausell is replacing Rene Daniel Pena of El Paso whose term expired.

Liesl Olson of Lubbock is a physical therapist and founder of Physical Therapy Associates, LP. She is a member of the American Physical Therapy Association. She serves on the executive committee and as treasurer for Ballet Lubbock, community liaison for the National Charity League and is a member of the Lubbock Symphony Guild. Olson received a Bachelor of Science in physical therapy from the University of Oklahoma Health Sciences Center. She also received an Advanced Master of Science in sports and orthopedic physical therapy from the University of Oklahoma Health Science Center. While attending the University of Oklahoma, she served as the Associate Academic Coordinator of Clinical Education and assisted in teaching in the Orthopedic and Sports curriculum. Ms. Olson is replacing Melinda Rodriguez of San Antonio whose term expired.



Harvey Aikman of Mission is owner and president of Ortho Sports Inc. He is a fellow of the American Academy of Orthopaedic Manual Physical Therapists and a Mechanical Diagnosis and Therapy Diplomate of McKenzie Institute International. He also serves as a member of the American Physical Therapy Association, Texas Physical Therapy Association and Orthopaedic Section for the American Physical Therapy Association. Aikman received a Bachelor of Arts in biology, chemistry and physics from the University of Northern Iowa and a Master of Science in physical therapy from the University of Iowa. Mr. Aikman is being reappointed.

