



Communiqué

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Inside This Issue

- 1 PT Board Survives Sunset Intact
- 3 Disciplinary Action
- 4 Physical Therapy Licensure Compact
- 5 Waldie Recognized for Service
- 5 New Renewal Requirement
- 5 PT Board Meeting Highlights
- 5 Proposed/Adopted Rules

Physical Therapy Board

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

Next Board Meeting

October 13, 2017
333 Guadalupe, Suite 2-510
Austin, TX 78701

PT Board Survives Sunset Intact

Despite a favorable Sunset Advisory Commission (Commission) Staff Report which included a recommendation of continuation of the Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) with its two autonomous boards for twelve (12) years, supportive testimony during the public hearing, and published decisions from the Commission that concurred with the recommended continuation, the Chair of the Commission and the Commission Director pulled the recommendation at the Commission Decision Meeting on August 22, 2016 pending the completion of the **Health Licensing Consolidation Project**. This not only delayed the completion of the PT Board's Sunset Review and filing of the Sunset Bills for the 85th Legislative session but also added another layer of written response and hearings before the Commission could make their final recommendation as to the fate of the Texas Board of Physical Therapy Examiners (PT Board).

The published **Health Licensing Consolidation Project (HLCP)** report stated a goal of achieving a more streamlined, cost efficient process for licensing and enforcement by transferring the regulatory functions of nine small health licensing agencies to the Texas Department of Licensure and Regulation (TDLR). Included in the recommended transfer was the PT Board. Each transferred board would be relegated to an advisory board of the TDLR with final approval of all recommended rule additions and changes in the hands of the seven-member TDLR Commission appointed by the Governor. The same Commission that also approves rule additions and changes for tow truck drivers, cosmetologists, licensed breeders, and used auto part recyclers, just to name a few.

The **ECPTOTE response to the HLCP report** included pull quotes from the original Sunset Staff report that touted the agency as "...a stable, well-run agency, with an experienced, capable staff..." and "...provides a synergy that benefits the regulations." and concluded that "Without achieving cost savings or improving the quality of regulation, the justification for such a transfer and the upheaval it would cause is greatly diminished." Additionally, the inclusion of a cost effectiveness comparison of the ECPTOTE performance measure results with those of TDLR showed that ECPTOTE was more efficient in all metrics.

Cont' from page 1

At its January 11, 2017 Decision Meeting, the **Sunset Advisory Commission recommended to continue the Executive Council of Physical Therapy & Occupational Therapy Examiners, the Texas Board Physical Therapy Examiners, and the Texas Board of Occupational Therapy Examiners in the same structure until 2029 instead of transferring to the Texas Department of Licensing and Regulation.** This recommendation to the 85th Legislature was included in the agency's Sunset Bills, Senate Bill 317 (SB 317) and House Bill 4069 (HB 4069) which included the addition of **SUBCHAPTER K. PHYSICAL THERAPY LICENSURE COMPACT.**

After passing both the Senate and the House, **Governor Greg Abbott signed Senate Bill 317 (SB 317) on Friday, June 9th .** The legislation addresses issues differently from current law by:

- Continuing ECPTOTE, TBPTE, and TBOTE for 12 years until 2029.
- Adopting the Physical Therapy Licensure Compact.
- Providing clear statutory authority for licensure by endorsement.
- Clarifying that occupational therapy assistants licensed in other states may practice in this state temporarily under the same conditions as occupational therapists.
- Removing provisions prescribing educational requirements beyond completion of an accredited program or substantially equivalent to an accredited program.
- Clarifying statutes to reflect current standards and conditions.
- Requiring the boards to adopt rules relating to the approval of continuing competence or continuing education courses inclusive of a request for proposal and bid process and implement that process within 12 months, and no less than once every four years thereafter.
- Requiring the boards to conduct fingerprint-based criminal background checks of licensure applicants and licensees.
- Requiring the boards to develop a disciplinary matrix.
- Removing outdated, subjective standards as criteria for foreign-trained licensure applicants.
- Applying the standard Sunset across-the-board requirements to ECPTOTE, TBPTE, and TBOTE.
- Makes necessary changes to ensure two Sunset recommendations are fully reflected to remove outdated language relating to coursework, fieldwork, and examination requirements for TBPTE and TBOTE.

Changes affecting facility registration have been postponed to be effective September 1, 2019.

At its July 21, 2017 meeting, the PT Board reviewed the legislative changes to the PT Practice Act and discussed the effect that the changes will have on the PT Rules. Proposals for amendments to the PT Rules to enact the changes will begin at the October 12 – 13, 2017 meetings.

To read the enrolled version of the bill, please follow the link below:

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=85R&Bill=SB317>

To read the Sunset Staff Report with Final Results, please follow the link below:

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

Disciplinary Actions

The following disciplinary actions were ratified at the July 21, 2017 Board Meeting:

- (1) Kristy Dawn West, PTA #2053573 (Thrall)** – 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 required eight (8) hours of community service.***
- (2) Bruce Welborn, PT #1200656 (Midland)** - 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 required thirty (30) hours of community service.***
- (3) Elizabeth Floyd, PT #1250591 (Conway, AR)** - 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 required thirty (30) hours of community service.***
- (4) David Barron, PTA #2065916 (Bay Springs, MS)** - 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 required thirty (30) hours of community service.***
- (5) Kyle Sawyer, PT #1193230 (Azle)** - practiced in a detrimental manner by fraudulently documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended his license to practice for thirty (30) days.***
- (6) Jennifer Lee, PTA #2054770 (Tomball)** - practiced in a detrimental manner by fraudulently documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended her license to practice for thirty (30) days.***
- (7) Angela Marshall, PT #1177670 (Dallas)** - practiced in a detrimental manner by fraudulently documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended her license to practice for ninety (90) days.***
- (8) Leah Brady, PTA #2097702 (Katy)** – practiced in a detrimental manner resulting in injury to a patient. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended her license to practice for fifteen (15) days.***
- (9) Jacob Brawner, PTA #2118065 (Denison)** – practiced in a detrimental manner by using drugs to an extent that affected his professional competence; resulting in his failure of a drug test administered on the job. Violation of Section 453.351 of the Act. ***Board Order suspended his license to practice immediately and indefinitely, with conditions required for consideration of future reinstatement.***

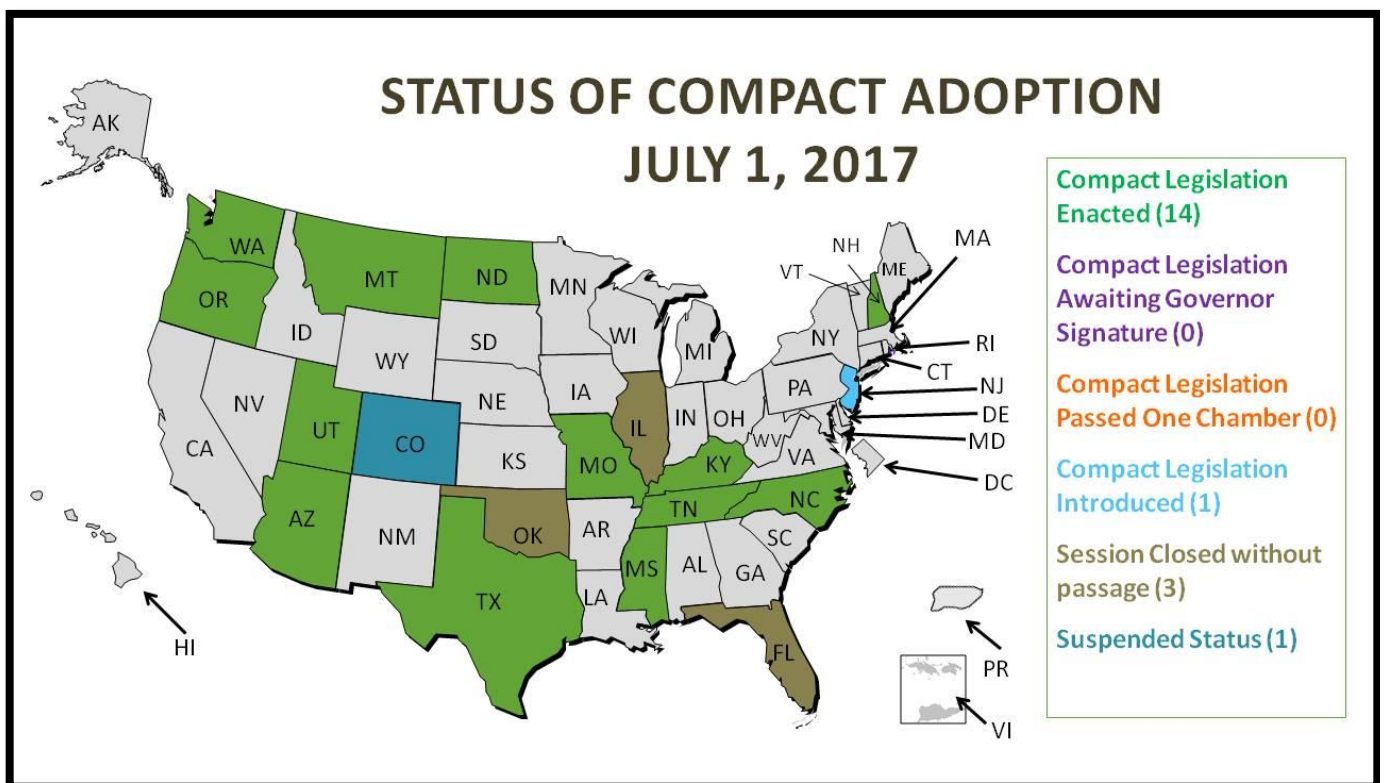
Physical Therapy Licensure Compact

The **Physical Therapy Licensure Compact (PTLC)** is a state-based solution to the challenges of interstate licensure portability for physical therapists (PTs) and physical therapist assistants (PTAs). It will improve patient access to physical therapy services by giving eligible licensees in participating states a faster, less expensive alternative to traditional licensure.

Texas joined the PTLC with the enactment of the enabling statutes in Senate Bill 317 that was signed into law by Governor Greg Abbott on June 9, 2017. The PT Board elected Chair Harvey Aikman as the delegate to the inaugural meeting of the PTLC which was held June 14, 2017 via WebEx. Mr. Aikman was elected as a Member-At-Large on the Executive Board and will be serving on the Rules Task Force.

Two task forces, Rules and Bylaws, have begun developing draft rules and bylaws that will govern the operations of the Compact. The full Compact Commission will review and adopt the rules and bylaws that will govern the PTLC from the recommendations presented by the task forces at its meeting in New Mexico this November. Anticipated rollout of compact privileges for licensees is sometime during the first half of 2018.

For updates on the progress of the Physical Therapy Licensure Compact, visit <http://www.ptcompact.org>.





Waldie Recognized for Service

Outgoing member Shari Waldie, PT was recognized for her service to the PT Board and the Executive Council at the July 21st Board meeting. Shari was appointed by Governor Rick Perry in 2008, and has served as the Vice Chairman, PT Board Representative to the Executive Council, and on various committees during her tenure. Shown congratulating Ms. Waldie is Gary Gray, Past Chairman and Harvey Aikman, Chairman of the PT Board. Her replacement has not been named by Governor Greg Abbott.

New Renewal Requirement

Beginning June 1, 2017, individuals renewing their license will be required to take the PT Board's new **Texas Jurisprudence Assessment Module (TX JAM)**. The **TX JAM** will replace both the previous Jurisprudence (JP) Exam and the ethics/professional responsibility renewal requirement. For more information, click [here](#).

PT Board Meeting Highlights

At its July 21, 2017 meeting, the Board reviewed the amendments to the PT Practice Act Title 3, Subtitle H, Chapter 453, Occupations that were passed during the 85th Legislative Session and discussed sections of the PT Rules that will be affected.

The Board ratified nine (9) **agreed orders** which are listed on page 3, Disciplinary Actions.

The following dates have been set for the **Board's 2017 - 2018 meetings** (subject to change):

* **October 12-13, 2017** * **January 25 – 26, 2018** * **April 12-13, 2018**

Proposed/Adopted Rules

There were no Adopted or Proposed Rules at the July 21, 2017 Board meeting.