



September 2015

Communiqué

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Next Board Meeting

November 13 - 14, 2015

Vintage Villas
4209 Eck Lane
Austin, TX

84th Legislature Highlights

A variety of legislation was introduced during the 84th Legislative Session, some that would have had a profound impact on the Executive Council, the PT Board, and the regulation of physical therapy. Two bills that didn't quite make it to the finish line were **HB 1263** which was the *Patient Access to Physical Therapy Bill*, and **HB 4113** which would have added the State Board of Examiners for Speech-Language Pathology and Audiology to the Executive Council.

Several other bills that passed through the legislative process, were signed by the governor, and became effective September 1st contained mandates for agencies that issue occupational licenses. The bills relevant to the PT Board included:

SB 807 which relates to waiving the occupational license application and examination fees for military service members, military veterans, and military spouses.

SB 1307 which relates to the extension of certain license renewal deadlines for military service members.

HB 763 which relates to petitioning the board for adoption, amendment, or repeal of rules.

At its August 28th meeting, the PT Board proposed rules to implement these mandates. A summary of these proposed rules along with other adopted and proposed rules can be found on page 5 of this issue.

Sunset Process Begins for ECPTOTE

The Executive Council of Physical Therapy & Occupational Therapy Examiners (ECPTOTE) and its two component Boards have begun the Sunset review process. Sunset is the assessment of the continuing need for a state agency to exist and is determined by answering the basic question of ***“Do the agency’s functions continue to be needed?”*** The current date that this agency will be abolished unless legislation is passed to continue its functions is September 1, 2017.

The Executive Council was created by the 73rd Legislature in 1993 to administer and enforce the Physical Therapy Practice Act and the Occupational Therapy Practice Act. This legislation merged the administrative functions of the Texas Board of Physical Therapy Examiners and the Texas Advisory Board of Occupational Therapy under the Executive Council, while keeping the rule and decision-making authority of the two boards intact. The same legislation changed the Texas Advisory Board of Occupational Therapy to the Texas Board of Occupational Therapy Examiners; i.e., it converted the advisory board to a regular licensing board.

As a result of the Sunset review process in 1993, the two governing statutes of the Physical Therapy Board and Occupational Therapy Board were to continue until 2005. Agencies typically undergo review once every 12 years. However, the 78th Legislature postponed the agency’s Sunset review until 2009, the 80th Legislature postponed it until 2013, and the 82nd Legislature postponed it further until 2017.

A **Sunset Self-Evaluation Report (SER)** has been submitted to the Sunset Commission by ECPTOTE and identifies problems, opportunities, and issues that need to be addressed during this Sunset review. Sunset Commission staff will be conducting an introductory meeting and a general overview meeting with agency staff on Friday, October 9th. This begins the Sunset Commission staff review which will culminate in the publishing of a staff report of findings and recommendations at the end of April or beginning of May 2016.

During this phase of the review, interested parties and stakeholders can provide input to the Sunset Commission staff regarding the necessity of continuing the Texas Board of Physical Therapy Examiners under the Executive Council for public protection by ensuring that individuals issued and renewing a PT or PTA license meet the standards to practice physical therapy and that facilities that offer physical therapy do so with only qualified practitioners. To learn more about the Sunset process, to provide comments to the Sunset Commission staff, and to view the ECPTOTE Sunset SER, please visit 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 August 28, 2015 Board Meeting:

- (1) **Dianna King, PTA #2008249 (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 required thirty (30) hours of community service.***
- (2) **Pablo Meilicke, PT #1200481 (Farmers Branch)** – 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 sixty (60) hours of community service.***
- (3) **Amanda Tarver, PT #1202212 (Harleton)** – practiced in a facility not properly registered with the board. 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) **Cassandra Wickham, PT #1198678 (Rockwall)** – 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 twenty-one (21) days.***
- (5) **Farhan Ali, PTA #2080018 (Richmond)** – 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 thirty (30) days.***
- (6) **Joel Mietus, PT #1108892 (Round Rock)** – 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 forty-five (45) days.***
- (7) **Margaret Drewyor, PTA #2092743 (Groveton)** – 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 forty-five (45) days.***
- (8) **Rachel O'Bryon-Stafford, PT #1194470 (Porter)** – practiced in a detrimental manner by failing to accurately record treatment notes; documenting treatment notes for treatment 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 twenty-one (21) days.***
- (9) **Diana Wyatt, PTA #2046449 (Benbrook)** – practiced in a detrimental manner by failing to accurately records treatment notes; documenting treatment notes for treatment on a date or time 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.***
- (10) **Amanda Joiner, PTA #2080163 (Austin)** – practiced in a detrimental manner by abandoning her position without providing sufficient prior notice. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. ***Board Order suspended her license for ten (10) days.***

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Disciplinary Actions, cont.

(11) Alejandro Saenz, PT #1162808 (Dallas) – practiced in a detrimental manner by failing to supervise and maintain the supervision of aides during the treatment of his patients and practicing in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. ***Board Order suspended his license for one hundred and seventy-five (175) days.***

(12) Jarrett Watkins, PTA #2086653 (Denton) – practiced in a detrimental manner by 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 suspended his license indefinitely.***

Continuing Competence Corner

Did you know that all continuing competence (CC) activities that you claim for your renewal requirement must be approved through the Continuing Competence Approval Program (CCAP) administered by the Texas Physical Therapy Association (TPTA) for the Texas Board of Physical Therapy Examiners (TBPE)?

Did you know that failure to complete approved CC activities during your renewal period can result in disciplinary action by the PT Board?

How to insure that your CC activities are approved:

- Prior to taking a continuing education course, check the course publicity for one of the following statements :

"This activity has been approved by the Texas Board of Physical Therapy Examiners for (number) CCUs for PTs and PTAs."

or

"This activity is offered by the Texas Board of Physical Therapy Examiners Accredited Provider # (number) and provides (number) CCUs for PTs and PTAs licensed in Texas."

and for the ethics/professional responsibility requirement

"This activity has been approved by the Texas Board of Physical Therapy Examiners for (number) CCUs toward the ethics and professional responsibility requirement for PTs and PTAs."

- After taking a course, check your completion certificate for one of the following statements:

"This activity has been approved by the Texas Board of Physical Therapy Examiners, approval # (number), for (number) CCUs for PTs and PTAs."

or

"This activity is offered by the Texas Board of Physical Therapy Examiners Accredited Provider # (number) and provides (number) CCUs for PTs and PTAs licensed in Texas."

and for the ethics/professional responsibility requirement

"This activity has been approved by the Texas Board of Physical Therapy Examiners, approval # (number), for (number) CCUs toward the ethics and professional responsibility requirement for PTs and PTAs."

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Proposed/Adopted Rules

The Board took the following rulemaking actions at the **August 28, 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 were published in the September 25, 2015 issue of the *Texas Register*.

Adopted Rules - to be effective September 20, 2015:

§341.6 License Restoration - The amendment transitions renewal of a restored license to birth-month expiration to be consistent with the conversion to birth-month expiration for all renewals; and eliminates the options for demonstration of competency for military spouses seeking to restore a license as the section is no longer as inclusive as the expanded options for demonstration of competency in (d)(E), and adds new language which mirrors existing language in §329.6(c) for issuance of a license to a military spouse and which will allow for expediting the restoration of licensure.

Proposed Rules:

§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.

Executive Council: §651.1. Occupational Therapy Board Fees and §651.2. Physical Therapy Board Fees - The amendments would increase the renewal fees for licensees and facilities by \$5. The new funds will be classified as appropriated receipts. The funds would be earmarked for instituting a program to mass email documents to licensees, facilities, and interested stakeholders, that in the past they could only obtain by visiting the agency web site. Typical items emailed to licensees would include quarterly board newsletters, license renewal notices, practice act and rule changes, and similar items of interest to the regulated population.

Continuing Competence Corner, cont.

- If the CC activity is not an approved course, check to see if it is a pre-approved activity with a standard approval number:
 - Post-professional PT or PTA bridge courses
 - PT/PTA program course development (first time for faculty including adjunct)
 - PT/PTA program course presentation (first time for guest lecturer)
 - Clinical Instructor
 - Specialty Examination
 - APTA Certification for Advanced Proficiency for the PTA
 - Residency or Fellowship
 - Supervision of a resident or a fellow
 - FSBPT Practice Review Tool
 - APTA Membership
 - Board/committee/task force service for APTA & components or FSBPT or TBPTE
 - CCAP Reviewer
 - NPTE Item-writer
 - Manuscript Reviews (from approved list)
 - Grant Reviews (from approved list)

- If the CC activity is not an approved course or on the pre-approved activity list, you must submit an application for continuing competence approval and receive the approval letter prior to the expiration date of your license for the CCUs to count toward your renewal requirement. Applications are available at www.tpta.org under the *Cont Competency* tab.

Remember, it is your responsibility to make sure that:

- **you have the total number of required CCUs - PT = 30 CCUs, PTA = 20 CCUs, with a minimum of 2 CCUs of Ethics/Professional Responsibility specifically approved to meet the ethics and professional responsibility requirement,**
- **the courses/activities are approved through the CCAP, and**
- **each course/activity was completed during the renewal period.**

Refer to §341.3. Qualifying Continuing Competence Activities of the PT Rules for the complete listing of acceptable CC activities.