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Texas Board of Physical Therapy Examiners

**RULES AND PRACTICE
Committee Meeting**

**333 Guadalupe, Suite 2-510
Austin, Texas 78701**

**January 25, 2018
3:00 pm**

13 **Members Present:** Gary Gray, PT, Chair
14 Harvey Aikman, PT
15 Philip Vickers, Public Member
16

17 **Members Absent:** Jeff Tout, PT
18

19 **Staff:** John Maline, Executive Director
20 Karen Gordon, PT Coordinator
21 Mark Turek, Chief Investigator
22 Michael Briscoe, Licensing Manager
23

24 **Legal Counsel:** Kara Holsinger, Assistant Attorney General
25

26 **Guests:** Stacey Mather, Texas Physical Therapy Association (TPTA) Staff
27 Kathleen Manella, TPTA Liaison
28

29 **Agenda**
30

- 31 A. Call to order.
32 B. Public comment.
33 C. Approval of minutes from the October 12, 2017 meeting.
34 D. Discussion and possible action on proposing changes to §329.1. General Licensure Requirements and
35 Procedures. pursuant to SB 317 amendments to Sec. 453.215, Occupations Code during the 85th
36 Legislative Session.
37 E. Discussion and possible action on proposing changes to §341.1 Requirements for Renewal., §341.6.
38 License Restoration., §341.8., Inactive Status., and §341.9. Retired Status; Performing Voluntary
39 Charity Care. Pursuant to SB 317 amendments to Sec. 453.255, Occupations Code during the 85th
40 Legislative Session.
41 F. Discussion and possible action on proposing changes to §344.1. Administrative Fines and Penalties.
42 pursuant to SB 317 amendments to Sec. 453.3525 and Sec.453.402(b), Occupations Code during the
43 85th Legislative Session.
44 G. Discussion and possible action on proposing changes to §343.6. Other Grounds for Denial of a
45 License or Discipline of a Licensee. Pursuant to SB 317 amendments to Sec. 453.215 and
46 Sec.453.255, Occupations Code during the 85th Legislative Session.
47 H. Discussion and possible action on proposing the addition of §344.2. Record of Disciplinary Action;
48 Expungement. pursuant to SB 317 amendments to Sec. 453.357, Occupations Code during the 85th
49 Legislative Session.
50 I. Discussion and possible action on adding new CHAPTER 348. PHYSICAL THERAPY LICENSURE
51 COMPACT. pursuant to SB 317 addition of Subchapter K to Chapter 453, Occupations Code during
52 the 85th Legislative Session.
53 J. Discussion and possible action on proposing changes to §322.1. Provision of Services, regarding
54 adding (f) Telehealth.

- 1 K. Discussion and possible action on future meeting dates and agenda items.
- 2 L. Adjournment.

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6 **A. Call to Order**

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8 Gary Gray called the roll and determined a quorum was present. He called the meeting to order at 3:01
9 p.m.

10

11 **B. Public comment**

12

13 There was no public comment.

14

15 **C. Approval of minutes from the October 12, 2017 meeting**

16

17 Motion: To approve the minutes as submitted.

18 Made by: Harvey Aikman

19 Second: Philip Vickers

20 Motion passed unanimously.

21

22 **D. Discussion and possible action on proposing changes to §329.1. General Licensure**
23 **Requirements and Procedures. pursuant to SB 317 amendments to Sec. 453.215, Occupations**
24 **Code during the 85th Legislative Session.**

25

26 Mr. Turek updated the Committee on the progress of implementing Criminal Background Checks through
27 fingerprinting. He reported that staff is undergoing training, that there will need to be added security
28 measures in place, that the estimated cost will be \$37.00, and that there will be a 6 months advance notice
29 for applicants and licensees renewing their license. Proposed rules will be forthcoming at a later meeting.

30

31 **E. Discussion and possible action on proposing changes to §341.1 Requirements for Renewal.,**
32 **§341.6. License Restoration., §341.8. Inactive Status., and §341.9. Retired Status; performing**
33 **Voluntary Charity Care. pursuant to SB 317 amendments to Sec. 453.255, Occupations Code**
34 **during the 85th Legislative Session.**

35

36 See remarks under Agenda Item D.

37

38 **F. Discussion and possible action on proposing changes to §344.1. Administrative Fines and**
39 **Penalties. pursuant to SB 317 amendments to Sec. 453.3525 and Sec.453.402(b), Occupations**
40 **Code during the 85th Legislative Session.**

41

42 Mr. Turek reported that the Investigations Department continues to work on a schedule of disciplinary
43 action for both the PT and OT Boards. Proposed rules will be forthcoming at a later meeting.

44

45 **G. Discussion and possible action on proposing changes to §343.6. Other Grounds for Denial of a**
46 **License or Discipline of a Licensee. Pursuant to SB 317 amendments to Sec. 453.215 and Sec.**
47 **453.255, Occupations Code during the 85th Legislative Session.**

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49 See remarks under Agenda Item D.

50

51 **H. Discussion and possible action on proposing the addition of §344.2. Record of Disciplinary**
52 **Action; Expungement. pursuant to SB 317 amendments to Sec. 453.357, Occupations Code**
53 **during the 85th Legislative Session.**

54

1 Mr. Turek reported that a test case had been expunged and that the process for the disciplinary action to
2 be removed from the database, website, and HIPD took approximately 6 weeks. The staff will be working
3 on expunging the remainder of the applicable cases in the coming months.
4

5 **I. Discussion and possible action on adding new CHAPTER 348. PHYSICAL THERAPY LICENSURE**
6 **COMPACT. pursuant to SB 317 addition of Subchapter K to Chapter 453, Occupations Code**
7 **during the 85th Legislative Session.**
8

9 Mr. Aikman reported that there are six (6) Compact member states whose licensees will be eligible to apply
10 for practice privileges to other member states beginning April 1, 2018, including Texas. He also reported
11 that there are several states that are having difficulty obtaining their Originating Agency Identification (ORI)
12 Number from the Federal Bureau of Investigation (FBI) which will delay their licensees from being eligible to
13 apply for practice privileges.
14

15 **J. Discussion and possible action on proposing changes to §322.1. Provision of Services,**
16 **regarding adding (f) Telehealth.**
17

18 The Committee reviewed SB 1107 and the Texas Medical Board’s recently amended rules on telehealth,
19 and discussed the different provisions that should be included in rule pertaining to physical therapy
20 intervention via telehealth. The Committee directed the PT Coordinator to solicit stakeholder input regarding
21 whether or not a physical therapist assistant should be allowed to participate in telehealth and to prepare
22 draft rules for telehealth for presentation at the next meeting.
23

24 **K. Discussion and possible action on future meeting dates and agenda items.**
25

26 The next committee meeting was set for April 12, 2018 in Austin with potential proposal of Rules
27 amendments as indicated in Agenda Items D., E., F., G., H., I., and J.
28

29 **O. Adjournment.**
30

31 Motion: To adjourn the meeting.
32 Made by: Harvey Aikman
33 Second: Philip Vickers

34 Motion passed unanimously.
35

36 Mr. Gray adjourned the meeting at 4:38 p.m.
37

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39 **Date reviewed by the Committee:** 4/12/2018
40 **Action taken by the Committee:** approved as submitted