

1 **Texas Board of Physical Therapy Examiners**

2
3 **Board Meeting**
4 **Telephonic**

5
6 **July 24, 2020**
7 **9:00 am**
8

- 9
- 10 **Members Present:** Harvey Aikman, PT, DPT, Chair
11 Barbara Sanders, PT, PhD, Vice Chair
12 Liesl Olson, PT, Secretary
13 Manuel "Tony" Domenech, PT, DPT
14 Melissa Skillern, PT, DPT
15 Kathryn Robe, PT, DPT
16 Glenda Clausell, Public Member
17 Donivan Hodge, Public Member
18 Jacob Delgado, Public Member
19
- 20 **Legal Counsel:** Rosalind Hunt, Assistant Attorney General
21
- 22 **Staff:** Ralph Harper, Executive Director
23 Karen Gordon, PT Coordinator
24 Amy Carter, Chief Investigator
25 Karissa Rodriguez, Licensing Manager/RMO
26 Randy Glines, Staff Services Officer
27
- 28 **Guests:** Craig Tounget, ED - Texas Physical Therapy Association (TPTA)
29 Lindsey Green, TPTA Staff
30 Kathleen Manella, TPTA Liaison
31 Christopher Smith, Budget & Policy Advisor - Office of the Governor
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33 The meeting of the Texas Board of Physical Therapy Examiners was held by telephonic conference call, as
34 authorized under Texas Government Code section 551.125 and the Governor's March 16, 2020 suspension
35 of certain provisions of the Texas Open Meetings Act.

- 36
- 37 1. Call to order
 - 38 2. Roll call for members
 - 39 3. Roll call for public participants
 - 40 4. Excusing board member absences.
 - 41 5. Public comment
 - 42 6. Minutes from the April 24, 2020 meeting
 - 43 7. Executive Director's Report concerning fiscal and budgetary matters, performance measures, ongoing
44 projects, agency personnel matters, and other agency business
 - 45 8. Investigation Committee Report concerning:
46 A. Agreed Orders for case #: 20083, 20124, 20234, 20236, 20249, 20250, 20251, 20252, 20269,
47 20270, 20283, 20299, 20303, 20311, 20315, 20316, 20331, 20343, 20345, 20351, and 20375
48 B. Number of cases reviewed, Agreed Orders issued, informal conferences, and other investigative
49 matters discussed during the Investigation Committee of June 22, 2020
50 C. Recommendation to amend 22 Texas Administrative Code (TAC) §344.1 regarding changes to the
51 Schedule of Sanctions
52 D. Performance measures, on-site investigation visits, school presentations, and other investigative
53 activities that have occurred between this meeting and the Board's last meeting.
 - 54 9. Recommendation to amend 22 Texas Administrative Code (TAC) §329.5 regarding changes to the
55 minimum standards of the Test of English as a Foreign Language (TOEFL) as proof of English language
56 proficiency for the foreign-trained applicant
57

- 1 10. Final adoption of the following:
 - 2 A. Amendments to §341.1 Requirements for Renewal, §341.6. License Restoration, §341.8. Inactive
 - 3 Status, and §341.9. Retired Status; Performing Voluntary Charity Care, pursuant to the provisions in
 - 4 HB 2059 during the 86th Legislative Session which mandated the addition of human trafficking
 - 5 training for physical therapists and physical therapists assistants as a requirement for license
 - 6 renewal
 - 7 B. Re-adoption of the rules in the following chapters of the PT Board Rules as required by §2001.039 of
 - 8 the Government Code: Chapter 321, Definitions; Chapter 322, Practice ; Chapter 323, Powers and
 - 9 Duties of the Board; Chapter 325, Organization of the Board; Chapter 327, Compensation; Chapter
 - 10 329, Licensing Procedure; Chapter 335, Professional Title; Chapter 337, Display of License; Chapter
 - 11 339, Fees; Chapter 341, License Renewal; Chapter 342, Open Records; Chapter 343, Contested
 - 12 Case Procedure; Chapter 344, Administrative Fines and Penalties; Chapter 346, Practice Settings
 - 13 for Physical Therapy; and Chapter 348, Physical Therapy Licensure Compact
- 14 11. Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program (CCAP) report
- 15 12. Requests for appeal to re-take the FSBPT National Physical Therapy Examination (NPTE)
- 16 13. Federation of State Boards of Physical Therapy (FSBPT) virtual meetings: Leader Issues Forum (LIF) on
- 17 July 22, 2020 and Annual Meeting on October 22 and 24, 2020
- 18 14. Personnel matters regarding the appointment, employment, compensation, evaluation, reassignment,
- 19 and duties of the Executive Director of the Executive Council of Physical Therapy and Occupational
- 20 Therapy Examiners
- 21 15. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing
- 22 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX Jurisprudence
- 23 Assessment Module statistics, PT Compact statistics, and other events concerning the practice of
- 24 physical therapy.
- 25 16. Board Chair's report concerning meetings attended since last Board meeting, correspondence received
- 26 on behalf of the Board, and other events concerning the practice of physical therapy.
- 27 17. Long-term planning for future meetings, including future meeting dates and agenda items
- 28 18. Adjournment

30

31 **1. Call to order**

32

33 Dr. Aikman called the meeting to order at 9:07 a.m.

34

35 **2. Roll call for members**

36

37 Dr. Aikman called roll and determined that a quorum existed with all Board members present.

38

39 **3. Roll call for public participants**

40

41 The following public participants introduced themselves: Craig Tounget, Texas Physical Therapy

42 Association (TPTA) Executive Director; Lindsey Green, TPTA Staff; Kathleen Manella, TPTA

43 Liaison; and Christopher Smith, Budget & Policy Adviser – Office of the Governor

44

45 **4. Excusing Board member absences**

46

47 There were no member absences to excuse.

48

49 **5. Public Comment**

50

51 There was no public comment.

52

53 **6. Minutes from the April 24, 2020 meeting.**

54

55 Motion: To approve the minutes as submitted.

56 Made by: Barbara Sanders

57 Second: Glenda Clausell

58 Motion passed unanimously.

59

60

1 **7. Executive Director's Report concerning fiscal and budgetary matters, performance**
2 **measures, ongoing projects, agency personnel matters, and other agency business.**
3

4 Mr. Harper gave the Executive Director's Report that included the following:
5

- 6 • Post-payment audit by State Auditor's Office concluded, final report to be published in near
7 future;
- 8 • Budget cuts in response to Governor's mandated 5% cut to 2020 – 2021 biennium budget;
- 9 • Air conditioner in server room went out, exploring feasibility of transitioning to DIR cloud
10 server;
- 11 • Financial reports including revenue/expenses for FY 2020 as of June 30, 2020;
- 12 • Strategic Plan 2021 – 2025 completed and posted to website;
- 13 • Performance Measures for 3rd Quarter FY 2020;
- 14 • Texas Workforce Commission Personnel Policies and Procedures Systems (PPPS) Audit to
15 begin September 1, 2020;
- 16 • Texas Facilities Commission (TFC) request for funds for moving expenses into the new
17 George H. W. Bush State Office Building;
- 18 • Awaiting instructions for the 2022 – 2023 Legislative Appropriation Request (LAR)
19

20 **8. Investigation Committee Report concerning:**

- 21 **A. Agreed Orders for case #s:** 20083, 20124, 20234, 20236, 20249, 20250, 20251, 20252,
22 20269, 20270, 20283, 20299, 20303, 20311, 20315, 20316,
23 20331, 20343, 20345, 20351, and 20375
24

25 The Board ratified the following Agreed Orders: #s 20083, 20234, 20249, 20250, 20251, 20252,
26 20283, 20299, 20311, 20315, 20316, 20331,
27 20343, 20345, 20351, and 20375
28

29 **B. Number of cases reviewed, Agreed Orders issued, informal conferences, and other**
30 **investigative matters discussed during the Investigation Committee Meeting of**
31 **June 22, 2020.**
32

33 Ms. Carter reported that the Committee reviewed 156 cases, held 2 informal conferences, and
34 issued 21 Agreed Orders with 15 being accepted.
35

36 **C. Recommendation to amend 22 Texas Administrative Code (TAC) §344.1 regarding**
37 **changes to the Schedule of Sanctions**
38

39 Ms. Carter reviewed the changes to the Schedule of Sanctions.
40

41 Motion: To approve the proposed changes to the Schedule of Sanctions.
42 Made by: Investigation Committee
43 Second: None required
44

45 Motion passed unanimously.
46

47 **D. Performance measures, on-site investigation visits, school presentations, and other**
48 **investigative activities that have occurred between this meeting and the Board's last**
49 **meeting**

50 Ms. Carter reported on performance measures, on-site investigation visits, and school
51 presentations since the last meeting.
52
53
54
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2 **9. Recommendation to amend 22 Texas Administrative Code (TAC) §329.5 regarding**
3 **changes to the minimum standards of the Test of English as a Foreign Language**
4 **(TOEFL) as proof of English language proficiency for the foreign-trained applicant**
5

6 Motion: To approve the updated minimum standard of the TOEFL.
7 Made by: Barbara Sanders
8 Second: Liesl Olson

9 *Motion passed unanimously.*
10

11 **10. Final adoption of the following:**

12 **A. Amendments to §341.1 Requirements for Renewal, §341.6. License Restoration,**
13 **§341.8. Inactive Status, and §341.9. Retired Status; Performing Voluntary Charity**
14 **Care, pursuant to the provisions in HB 2059 during the 86th Legislative Session**
15 **which mandated the addition of human trafficking training for physical therapists**
16 **and physical therapists assistants as a requirement for license renewal**
17

18 Motion: To adopt amendments to the above referenced sections.
19 Made by: Melissa Skillern
20 Second: Glenda Clausell

21 *Motion passed unanimously.*
22

23 **B. Re-adoption of the rules in the following chapters of the PT Board Rules as required**
24 **by §2001.039 of the Government Code: Chapter 321, Definitions; Chapter 322,**
25 **Practice ; Chapter 323, Powers and Duties of the Board; Chapter 325, Organization of**
26 **the Board; Chapter 327, Compensation; Chapter 329, Licensing Procedure; Chapter**
27 **335, Professional Title; Chapter 337, Display of License; Chapter 339, Fees; Chapter**
28 **341, License Renewal; Chapter 342, Open Records; Chapter 343, Contested Case**
29 **Procedure; Chapter 344, Administrative Fines and Penalties; Chapter 346, Practice**
30 **Settings for Physical Therapy; and Chapter 348, Physical Therapy Licensure**
31 **Compact**
32

33 Motion: To re-adopt the above referenced rules.
34 Made by: Liesl Olson
35 Second: Donivan Hodge

36 *Motion passed unanimously.*
37

38 **11. Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program**
39 **(CCAP) report.**
40

41 Lindsey Green, TPTA Communications Manager, presented the CCAP report that included:

- 42 • Peer Review System (PRS) processing time;
 - 43 • PRS totals for approvals, denials, and pending for April – June 2020 ;
 - 44 • Types and number of issue applications;
 - 45 • CCAP staffing changes – hiring of Jalyann Foster part-time;
 - 46 • Peer Reviewers numbers and Panel categories;
 - 47 • Time-stamping during application process completed;
 - 48 • Instructions and FAQs for application process in the works;
 - 49 • Accredited Provider System (APS) Audit update;
 - 50 • New, renewed, and pending APS providers; and
 - 51 • Update to CCAP Policy Manual regarding APS company acquisitions.
- 52

53 Dr. Aikman recessed the Board at 10:08 a.m.

54 Dr. Aikman reestablished the quorum with all members present and called the Board back into
55 session at 10:15 a.m.
56

1 **12. Requests for appeal to re-take the FSBPT National Physical Therapy Examination (NPTE)**

2
3 The Board reviewed two requests for review of education equivalency.

4
5 Motion: To deem the education of the two requestors as substantially equivalent.
6 Made by: Barbara Sanders
7 Second: Liesl Olson

8 *Motion passed unanimously.*
9

10 **13. Federation of State Boards of Physical Therapy (FSBPT) virtual meetings: Leader Issues**
11 **Forum (LIF) on July 22, 2020 and Annual Meeting on October 22 and 24, 2020**

12
13 Liesl Olson reported on participating in the LIF virtual meeting that included a candidates forum.
14 She also reported that the Annual Meeting would be virtual with the educational sessions presented
15 as a virtual Webinar Series.

16
17 Dr. Aikman reordered the agenda to take up item #14 in executive session at the end of the
18 meeting.

19
20 **15. Board Coordinator's report concerning meetings attended since last Board meeting,**
21 **Continuing Competence Audit results, number of current licensees, NPTE pass/fail**
22 **statistics, TX Jurisprudence Assessment Module statistics, PT Compact statistics, and**
23 **other events concerning the practice of physical therapy.**

24
25 Ms. Gordon reported on the following:

- 26 • Meetings that she had attended since the last Board meeting;
- 27 • Acceptance of digital photos and online license verification by staff;
- 28 • CC Audit on hold;
- 29 • Total number of PTs, PTAs as of 7/15/2020;
- 30 • NPTE Pass/Fail statistics for 2020;
- 31 • New format for reporting PT Compact privileges;
- 32 • TX JAM statistics; and
- 33 • FSBPT new Board Assessment Resource.

34
35 **16. Board Chair's report concerning meetings attended since last Board meeting,**
36 **correspondence received on behalf of the Board, and other events concerning the**
37 **practice of physical therapy.**

38
39 Dr. Aikman reported that the PT Compact Annual Meeting will be a virtual meeting on October 24,
40 2020; that FSBPT had forgiven the Compact start-up debt; and that the Compact had met budget
41 for fiscal year 2019. He also thanked staff for continuing to provide all of the essential functions of
42 the agency with limited on-site staff and staff working remotely.

43
44 **17. Long-term planning for future meetings, including future meeting dates and agenda**
45 **items.**

46
47 The Board scheduled upcoming meetings as follows: October 8 – 9, 2020; January 14 – 15, 2021;
48 and April 8 – 9, 2021. Determination of whether the meetings will be held in-person or virtually will
49 be made closer to the meeting dates.

50
51 **14. Personnel matters regarding the appointment, employment, compensation, evaluation,**
52 **reassignment, and duties of the Executive Director of the Executive Council of Physical**
53 **Therapy and Occupational Therapy Examiners**

54
55 Dr. Aikman called the Board into executive session at 11:00 a.m.

56 Dr. Aikman called the Board back into regular session at 11:10 a.m.

1 **18. Adjournment**

2

3 Motion: To adjourn the meeting.

4 Made by: Tony Domenech

5 Second: Glenda Clausell

6 *Motion passed unanimously.*

7

8 Dr. Aikman adjourned the meeting at 11:12 a.m.

9

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11 **Date reviewed by the Board:** 10/09/2020

12 **Action taken by the Board:** approved as submitted