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Communiqué

333 Guadalupe, Suite 2-510
Austin, Texas 78701

512-305-6900
www.ptot.texas.gov

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Physical Therapy Board

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Next Board Meeting

January 15, 2021
Time and location TBD

Human Trafficking Prevention Training

The new renewal requirement of Human Trafficking Prevention Training was mandated by the Texas Legislature in 2019 with the Texas Human Trafficking Resource Center of the Health and Human Services (HHS) charged with the approval and online posting of courses that meet this requirement.

As required by law, the PT Board adopted amendments to the PT Rules to include the human trafficking prevention training as a renewal requirement that was effective September 1, 2020.

This renewal requirement pertains to the following PTs/PTAs:

- active licensees who are renewing their license either timely or late;
- individuals who are restoring their license;
- licensees on inactive status who are returning to active status; and
- licensees who are transitioning to retired status: performing voluntary charity care or renewing the status.

HHSC has now approved several courses with a list available at:

<https://hhs.texas.gov/services/safty/texas-human-trafficking-resource-center/health-care-practitioner-human-trafficking-training>.

Only courses approved by HHS qualify to meet the Human Trafficking Prevention Training renewal requirement. However, if you take a course on human trafficking that is approved for TX renewal through the Continuing Competence Approval Program (CCAP) or is provided by a TX Accredited Provider, you can apply the CCUs toward your renewal requirement but it will not meet the Human Trafficking Prevention Training requirement.

Cont. on pg. 2

Human Trafficking Prevention Training, cont. from pg. 1

Courses approved through HHS will not:

- state that the course is approved for physical therapy renewal,
- include an approval number for PTs/PTAs on the certificate of completion, or
- include the number of CCUs for completion of the course.

CCU equivalency is determined by 1 contact hour equals 1 CCU. The credit can be applied toward the total number of required CCUs for renewal.

Step-by-step instructions for entering an HHS-approved course on the Continuing Competence Activity Summary, including the standard approval number, are available during the online renewal process.

Certificates of completion for the training do NOT need to be submitted to the PT Board but should be maintained with the other documentation of CCUs in the event that you are audited or if the PT Board requests that you submit them for some other reason.

Information on the human trafficking renewal requirement is linked from the Board's website at www.ptot.texas.gov and will be updated as warranted.



Health, Wellness, and Fitness

As physical therapy licensees explore expanding their business by generating additional revenue streams, more and more questions have arisen regarding the role of health, wellness, and fitness in the practice of physical therapy. What are the implications of the licensure rules and regulations?

PT Practice Act Sec. 453.302. (c) and PT Rules §322.1. (a)(2)(B) authorize a PT to provide instructions to any person who is asymptomatic relating to the instructions being given without a referral, including instruction to promote health, wellness, and fitness.

Programs that promote health, wellness, and fitness are within the scope of physical therapy practice. When you use your knowledge, skills, and credentials as a physical therapy licensee to provide a service that is within the scope of PT practice, you are providing physical therapy services.

Interventions provided by a PT beyond the exception to referral cited above must adhere to the provisions in the PT Practice Act/Rules regarding the referral/treatment without referral requirements. Additionally, there is no other provision that provides an exception to the adherence to the Act/Rules for providing health, wellness, and fitness interventions.



*Wishing you and your family
a Safe and Healthy Thanksgiving!*

Disciplinary Actions

The following disciplinary actions were ratified at the October 09, 2020 Board Meeting:

- (1) **Travis Boyle, PT #1272798 (El Paso)** - 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.***
- (2) **James Jones Jr, PTA #2013777 (Kingwood)** - 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) **Edward Lingg, PTA #2040731 (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 license to practice for fifteen (15) days.***
- (4) **Daniel Lavoie, PT #1324746 (East Longmeadow, MA)** - practiced in a detrimental manner by abandoning position without providing sufficient prior notice. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for thirty (30) days.***
- (5) **Matthew Furnish, PT #1281730 (Dallas)** - practiced in a detrimental manner by failing to conform to the minimal standards of practice by taking inappropriate photos of a patient. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for thirty (30) days.***
- (6) **Frederick Tretasco, PTA #2152081 (Rosamond, CA)** - practiced in a detrimental manner by fraudulently documenting treatment not rendered. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for thirty (30) days.***
- (7) **Colleen Lagrone, PT #1143279 (Longview)** - practiced in a detrimental manner by fraudulently documenting and inaccurately billing for treatment rendered. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for thirty (30) days.***
- (8) **Norma McEachern, PTA #2067758 (San Antonio)** - practiced in a detrimental manner by practicing beyond the scope of PTA license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order accepted the surrender of license to practice.***

CONSUMER ALERT: AG Paxton Warns of Scammers Impersonating Government Entities

Over the last several months, licensees have reported receiving phone calls that have spoofed the Executive Council of Physical Therapy & Occupational Therapy (ECPTOTE) phone number that makes the call appear as if it is coming from the PT Board.

Variations of this scam include impersonating someone from the agency contacting a licensee regarding drug related charges and other felony offenses, or asking for payment of fines. The ECPTOTE does not contact licensees to demand money or personalized information, and will not accept payments over the phone.

If you are contacted and have doubt as to the legitimacy of the call, contact us at 512-305-6900.

The Office of the Attorney General has posted a Consumer Alert regarding this scam at <https://www.texasattorneygeneral.gov/news/releases/consumer-alert-ag-paxton-warns-scammers-impersonating-government-entities>.



Change Contact Info

Has your contact information recently changed?

If so, you are required to update your information within 30 days of the change.

You can submit your changes online at https://www.ptot.texas.gov/forms/public/change_contact_info.



Upcoming PT Board Meetings

The following dates have been set for the Board's upcoming quarterly meetings (subject to change):

- January 14 – 15, 2021
- April 8 – 9, 2021

On March 16, 2020, Governor Greg Abbott suspended certain provisions of the Texas Open Meetings Act so that state agencies can hold meetings by telephonic conference.

Whether or not to hold an in-person meeting or a telephonic conference will be determined closer to the meeting date with time and location available online at <https://www.ptot.texas.gov/page/meeting-dates>.

Proposed/Adopted Rules

The Board took the following rulemaking actions at the October 09, 2020 Board meeting.

Adopted Rules:

§329.5. Licensing Procedures for Foreign-Trained Applicants -the amendment is adopted to update the Test of English as a Foreign Language (TOEFL) minimum standards accepted by the board as proof of English language proficiency for a foreign-trained licensure applicant. The amendment eliminates outdated scores and adds the most recent TOEFL scores adopted by the Federation of State Boards of Physical Therapy (FSBPT).

§344.1. Administrative Fines and Penalties - the amendment is adopted to update the Schedule of Sanctions graphic by removing the sanctions for not registering a physical therapy facility and practicing in an unregistered physical therapy facility pursuant to the repeal of physical therapy facility registration and annual renewal pursuant to SB 317 during the 85th Legislative Session; and to add a range of fines that can be imposed per violation to each category of disciplinary action.

An updated pdf of the current PT Rules that includes the above adopted rules amendments is available at: <https://www.ptot.texas.gov/page/act-and-rules>

Proposed Rules:

§337.1. Display of License - the amendment is proposed to require licensees who provide physical therapy services through telehealth, home visits, or other non-traditional modes to provide information on accessing the board's online license verification system.

§337.2. Consumer Information Sign - the amendment is proposed to require licensees who provide physical therapy services through telehealth, home visits, or other non-traditional modes to provide information on directing complaints regarding non-compliance with the Texas Physical Therapy Practice Act/Rules to the Texas Board of Physical Therapy Examiners.

§341.3. Qualifying Continuing Competence Activities - the amendments are proposed to clarify the documentation required for continuing competence approval of college or university courses in paragraph (2); to update language for completion of a residency or fellowship and required hours for mentorship of a resident or fellow to align with the standards set forth by the American Board of Physical Therapy Residency and Fellowship Education (ABPTRFE) in paragraph (5)(C) and (D); and to add paragraph (7) which provides a means for licensees to claim continuing competence credit for engaging in non-work related voluntary charity care.

The proposed rules amendments are available at <https://www.ptot.texas.gov/page/act-and-rules> and will appear in the November 27, 2020 edition of the *Texas Register*.