



February 2019

# Communiqué

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## Physical Therapy Board

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## Next Board Meeting

**April 12, 2019**

333 Guadalupe, Suite 2-510  
Austin, TX 78701

## New Fingerprinting Requirement Rollout

***Rollout for the new Criminal Background Check /Fingerprinting requirement began January 1, 2019.***

### What does this mean for licensees renewing their license?

**Current licensees who renew their license on or after January 1, 2019 will have fingerprinting as a renewal requirement** if they have not previously submitted fingerprints for the initial issuance of a license or for a prior license renewal or restoration. This includes current licensees, licensees renewing a retired status who are performing voluntary charity care, as well as individuals who are restoring their license. Licensees who are on inactive status will need to comply when reinstating to active status.

This is a **one-time only renewal requirement** and will not be repeated during subsequent license renewals.

***To avoid a delay in the renewal of your license, complete the fingerprinting process several weeks prior to your license expiration date or the date you intend to renew.***

If you renewed your license prior to January 1, 2019 even if the expiration date is afterward, you will need to comply with the requirement for your next renewal.

### What does this mean for a new licensee?

Fingerprinting will be required for any applicant for licensure either by exam or endorsement whose license is issued on or after January 1, 2019 as part of the licensure requirements. **A license will not be issued until this requirement is fulfilled.**

### What if an applicant or licensee has had to be fingerprinted for some other reason?

Previously undergoing a CBC through fingerprinting (TSA, CHL, employer, etc.) **does not exempt an applicant or a current licensee from this requirement** as other entities are not allowed to share criminal history background check results with the PT Board.

For more information about the specific procedures to follow, go to the Board's website at [www.ptot.texas.gov](http://www.ptot.texas.gov).

## Texas PT Compact Privileges Now Being Issued

Effective January 2, 2019, the PT Compact Commission began issuing **Compact Privileges for Texas**.

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

**Compact privileges are now being issued for Texas licensees to practice in another member state that is eligible to issue privileges and for licensees of other eligible member states to be able to practice in Texas.**

In addition to Texas, member states that are **actively issuing and accepting compact privileges** as of 1/02/2019 include:

- Iowa
- Mississippi
- Missouri
- New Hampshire
- North Dakota
- Oregon
- Tennessee
- Utah

Other **member states that are projected to be ready to begin issuing compact privileges in the coming months** are:

- Arizona
- Colorado
- Kentucky
- Louisiana
- Montana
- Nebraska
- New Jersey
- North Carolina
- Oklahoma
- South Carolina
- Washington
- West Virginia

Resources regarding state jurisprudence requirements, associated fees, eligibility requirements, and the process for purchasing a compact privilege are available at [ptcompact.org/resources-tools](http://ptcompact.org/resources-tools).



## PT Board Meeting Highlights

At its January 18, 2019 meeting, the PT Board **did not propose or adopt any new amendments**.

The Board ratified **fourteen (14) agreed orders** which are listed on page 3, Disciplinary Actions.

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

**\*April 11 - 12, 2019   \*July 18 – 19, 2019**

## Disciplinary Actions

The following disciplinary actions were ratified at the January 18, 2019 Board Meeting:

- (1) **Bret Coleman, PTA #2117158 (Houston)** – 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) **David Coates, PT #1024735 (Schertz)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order required sixty (60) hours of community service.**
- (3) **Natashia Brewer, PTA #2065471 (Paris)** – 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.**
- (4) **Barbara Parsons, PTA #2040640 (Willis)** – 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 to practice for fifteen (15) days.**
- (5) **Alisia Marie Juarez, PTA #2071129 (Anthony)** - failed to properly renew her license. Violation of Section 453.351 of the Act and chapters 322 and 341 of the Board Rules. **Board Order suspended her license to practice for fifteen (15) days.**
- (6) **Barbara Levendowski, PTA #2078723 (South Padre Island)** - failed to properly renew her license. Violation of Section 453.351 of the Act and chapters 322 and 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**
- (7) **Rikin Shah, PT Applicant (Troy, MI)** – failed to report prior disciplinary action taken against him by the Federation of State Boards of Physical Therapy, on his application for a license in Texas. Violation of Section 453.351 of the Act. **Board Order suspends his license to practice for thirty (30) days, upon issuance.**
- (8) **Bright Akhigbe, PT #1191980 (McKinney)** - practiced in a detrimental manner by inaccurately documenting treatment notes; documenting treatment notes for treatments not rendered on the dates documented. 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.**
- (9) **Donna Marie Jones, PTA #2058143 (Saginaw)** - practiced in a detrimental manner by having an inappropriate relationship with a patient under her care. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended her license to practice for ten (10) days.**
- (10) **Fernando Muniz-Villagra, PT #1284218 (Del Rio)** - (10) **Fernando Muniz-Villagra, PT #1284218 (Del Rio)** - practiced in a detrimental manner by agreeing to an employment offer and then failing to show up on the agreed date of employment or provide any prior notice that he would not be showing up, having accepted a job elsewhere. Violation of Section 453.351 of the Act. **Board Order suspended his license to practice for thirty (30) days.**
- (11) **Stephen Anthony Rubio, PTA #2094609 (Victoria)** - practiced in a detrimental manner by using drugs or intoxicating liquors to an extent that affected his professional competence. Violation of Section 453.351 of the Act. **Board Order reinstated his previously suspended license effective January 2019, with restrictions.**
- (12) **Justin Stromberg, PT #1168680 (Austin)** - practiced in a detrimental manner by using drugs or intoxicating liquors to an extent that affected his professional competence. Violation of Section 453.351 of the Act. **Board Order indefinitely suspended his license to practice.**
- (13) **Todd Julian Merry, PTA #2056983 (Katy)** - practiced in a detrimental manner by allegedly having inappropriate sexual contact with a patient during treatment. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order accepted the surrender of his license to practice.**
- (14) **Jessica Lauren Vass, PTA #2055770 (Lindale)** – plead guilty to two counts of Intoxication Manslaughter. Violation of Section 453.351 of the Act and Section 53.021(b) of the Texas Occupational Code. **Board Order revoked her license to practice.**

## Your Duty to Report

The mission of the Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) is to **protect the health, safety, and welfare of the people of Texas through the regulation and enforcement of the practice of physical therapy** and of occupational therapy. With that mission in mind, the PT Board's first priority is to protect the public.

### Professional and Legal Responsibility

Every PT and PTA licensee has a responsibility to act in a professional manner. Licensees also have a responsibility, a duty, to report practitioners that are incompetent, unprofessional, or unlawful. When physical therapy practitioners act outside of the legalities and normal professional standards, the public loses trust in that person or potentially the profession as a whole.

When PTs, PTAs, employers, patients, or any other entity report incidents to the Board, the complaint is investigated, and, if substantiated, appropriate action is taken. The Board may employ a variety of remedial and punitive sanctions to prevent future incidents and will work to correct the physical therapy practitioner's behavior and increase their understanding of legal and ethical decision making.

If an issue is never reported, the physical therapy practitioner can simply be fired or resign and seek employment at another facility with no consequence, potentially putting others at risk.

### When Should I Report?

It is your duty to report another licensee when you have reasonable cause to believe that person is unable to practice safely, has engaged in unprofessional conduct, violated laws or rules, or committed unethical practices. **PT Rules §322.4. Practicing in a Manner Detrimental to the Public Health and Welfare. (16) states that "failing to notify the board of any conduct by another licensee which reasonably appears to be a violation of the Practice Act and rules, or aids or causes another person, directly or indirectly, to violate the Practice Act or rules of the board" could result in disciplinary action.**

### What You Need to Do

- Look-up a licensed individual directly from the board's website, <https://www.ptot.texas.gov/page/look-up-a-license>
- Submit a complaint to the Board with as much detail as possible, <https://www.ptot.texas.gov/page/file-a-complaint>
- Provide your name and contact information to allow the Board to follow up with you. (If you wish to remain anonymous, you will need to send your complaint by mail to the Board.)
- File your report accurately and completely, including all content the agency report requires and relevant support documentation.



## Facility Registration and Renewal

**Facility registration and renewal requirements continue unchanged.** The effective date for deregulation of physical therapy facilities is **September 1, 2019** at which time facilities that are offering physical therapy (and/or occupational therapy) will no longer need to register or renew their registration. Practicing in an unregistered physical therapy facility which is not exempt remains a violation of the PT Practice Act/Rules that could subject a licensee to disciplinary action.

## New FAQ – PTA Techniques/Procedures

The PT Board maintains a list of both **general and practice Frequently Asked Questions (FAQs)** online at <https://www.ptot.texas.gov/faq>. If you have a question about abandonment, scope, supervision, documentation, or referral, check the FAQ page for your answer.

Recently, the Board developed an FAQ regarding what techniques and/or procedures are not allowed to be performed by a PTA.

<b>Topics</b>	<b>PT Scope of Practice</b>
Facility FAQs	Is it within the scope of PT practice to promote, provide or sell over-the-counter (OTC) vitamins or supplements to patients?
OT General FAQs	Can a PTA be a Director of Rehab, or own a company that employs PTs to provide physical therapy services?
OT Practice FAQs	Can I keep a supply of Dexamethasone (or any other drug used for Iontophoresis or Phonophoresis) in my clinic?
PT General FAQs	<b>▼ What techniques/procedures are not allowed to be performed by a PTA?</b>
PT Practice FAQs	The Texas PT Practice Act/rules do not prohibit a PTA from performing any specific technique/procedure.
PT Abandonment 1	The supervising PT holds the primary responsibility for all physical therapy care rendered under his/her supervision, and is responsible for assuring that a PTA has the competencies required to perform a technique or procedure that is delegated. Consideration should be given to the PTA's level of skill/training and experience/advanced competency, the practice setting in which the procedure is performed, the type of monitoring that might be needed, and the acuity and complexity of the patient's condition. Additionally, the PT should personally possess the skills in order to supervise the PTA.
PT Advertising 1	It would be a violation of the PT Practice Act/Rules for a PT to delegate a technique or procedure to a PTA who is not competent to perform it, and it would be a violation of the PT Practice Act/Rules for a PTA to perform or attempt to perform techniques or procedures for which they are not competent.
<b>PT Scope of Practice 8</b>	It is recommended that the rules and regulations of payer sources, i.e. Medicare/Medicaid or private insurance, be reviewed to determine if a specific technique/procedure is reimbursable if performed by a PTA as they can differ from the licensure rules/regs.
PT Supervision 7	Can a PTA fit a patient to a new assistive device, such as a wheelchair or crutches?
PT Students 1	How does a PT or PTA fit in a "Physical Medicine" setting?
PT Referrals 5	Can I provide physical therapy to animals?
PT Eval, Re-eval, Discharge 3	What is within the scope of practice of a PT or PTA in a home health setting?
PT Discharge Summary 5	
PT Display of License/Use of Title 4	
PT Documentation 6	
PT ECI and School Settings 3	
PT Medical Records & Reimbursement	
PT Home Health 3 4	

## How to Avoid Renewal Processing Delays

With several **new renewal requirements** implemented over the past several years, here are some helpful hints to assure that you are able to renew your license in a timely manner.

- **Verify your expiration date** online at <https://www.ptot.texas.gov/page/look-up-a-license>,
- Take the **TX Jurisprudence Assessment Module (TX JAM)** at anytime during your renewal period as you would other continuing competence courses, <https://www.ptot.texas.gov/page/PT-JAM>,
- Complete the **fingerprinting process** several weeks prior to your license expiration date or the date you intend to renew, <https://www.ptot.texas.gov>,
- Once you've completed all renewal requirements, renew your license **online up to three (3) months prior to your expiration date**, <https://www.ptot.texas.gov/page/renew-a-license>.

Remember, you cannot continue to provide physical therapy services beyond your license expiration date until you have completed all of the requirements for the renewal process.