



February 2018

Communiqué

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Physical Therapy Board

Harvey Aikman, PT, Chair
Barbara Sanders, PT, Vice Chair
Liesl Olson, PT, Secretary
Gary Gray, PT
Jeff Tout, PT
Daniel Renya, Public Member
Philip Vickers, Public Member
Glenda Clausell, Public Member

Next Board Meeting

April 13, 2018
333 Guadalupe, Suite 2-510
Austin, TX 78701

PT Compact to Begin Issuing Privileges

The PT Compact Commission continues to work on **establishing the various systems necessary to issue Compact Privileges** with anticipated rollout sometime in the first half of 2018.

In order to **purchase and maintain a Compact Privilege**, a licensee must meet each of the following requirements:

- Hold a current, valid PT or PTA license in their home state of residence;
- Cannot have any active encumbrances or any disciplinary action against any license for a period of two (2) years;
- The home state of residence must be a member of the PT Compact; and
- The state where a Compact Privilege is being sought must be a member of the PT Compact.

The **Compact Commission has set a fee of \$45, and the Texas fee of \$50** was adopted by the Executive Council of Physical Therapy & Occupational Therapy Examiners on February 9, 2018 to be effective March 1, 2018. This fee will be added to the Compact fee for licensees from other member states to obtain a Compact Privilege to practice in Texas. If a Texas licensee whose home state is Texas wishes to obtain a Compact Privilege in another member state, they must pay the Compact fee plus the fee established by that state.

Updated information is available online through the following:
www.ptcompact.org and www.ptot.texas.gov/page/Compact

Update on Criminal Background Checks

In order to comply with a statutory amendment to the PT Practice Act made during the 85th Legislative Session regarding criminal background checks, **the PT Board and staff are developing rules and procedures to implement fingerprinting as part of the requirement for all new applicants for licensure and licensees as part of their renewal process.** An effective date has yet to be determined. Information regarding this rollout and the procedures to follow will be updated on the Board's website at www.ptot.texas.gov, will be disseminated through the email list, and will appear in upcoming editions of the *Communiqué*.

Continuing Competence Renewal Requirement

Due to an increasing number of phone calls and emails pertaining to the continuing competence (CC) renewal requirement, a review of the **PT Rules §341.2. Continuing Competence Requirements** and **§341.3. Qualifying Continuing Competence Activities** seems to be in order.

Each licensee is required to complete CC activities during their two-year renewal period prior to beginning the renewal process, including the **new TX Jurisprudence Assessment Module (TX JAM)**. **PTs must complete a total of 30 continuing competence units (CCUs); PTAs must complete a total of 20 CCUs.** CCUs may be obtained at any time during the renewal period. During the transition to birth month, the renewal period could be anywhere from one (1) to eleven (11) months greater than two (2) years. See PT Rules §341.2.(c).

The PT Board has adopted **a variety of activities that qualify for CCUs**. These go beyond the traditional continuing education courses and conferences and include other activities in categories such as college or university courses publications; manuscript/grant review; grant proposal submission; teaching/presentation; advanced training, certification and recognition; and professional membership and service as long as they are pertinent to physical therapy. **Section 341.3 of the PT Rules** contain descriptions of the different activities that qualify and the amount of CCUs that can be claimed for each during a renewal period.

All activities used for renewal purposes **must be approved specifically to meet Texas' renewal requirements**. The Texas Physical Therapy Association (TPTA) currently administers the **Continuing Competence Approval Program (CCAP)** with oversight from the PT Board. CCAP is a process that is a peer review for approval of courses and providers of continuing competence activities. Approval of continuing education courses/conferences can be obtained in the following ways:

- by the provider/sponsor,
- by the licensee who attended the offering, or
- by an Accredited Provider (all of the PT related courses/conferences are automatically approved under their Accredited Provider Number).

Additionally, the PT Board has designated **a number of activities that do not need to go through the approval process** and have been assigned a standard approval number. **For a listing of the CC activities that are pre-approved vs those that require approval, see the Table on page 6.**

Licensees must **maintain original CC activity completion documents for four (4) years** after their license expiration date. In other words, once you fill out the CC Activity Summary and complete the renewal process, keep your CC documents in a secure place in case you are audited or the PT Board requests them for some other reason. See PT Rules §341.2.(e). **aPTitude** is a free resource provided by the Federation of State Boards of Physical Therapy (FSBPT) that allows PTs and PTAs to upload and maintain their records of continuing competence and can be accessed at <https://pt.fsbpt.net/aPTitude/public/info/licensee>.

The PT Board conducts an **audit of a random sample of licensees quarterly** to determine compliance with continuing competence requirements. Failure to complete the required number of approved CCUs, failure to maintain accurate documentation, or failure to respond to a request to submit documentation for an audit within 30 days of the date on the request, could result in disciplinary action by the PT Board. See PT Rules §341.2.(g).

The PT Board's website has a page devoted to the CC requirement at <http://www.ptot.texas.gov/page/cc-ce>.

More information about the CCAP process including approval applications and a list of Accredited Providers is available at www.tpta.org under the CCUs tab.

A pdf of the current PT Rules is available at <http://www.ptot.texas.gov/page/act-and-rules>

Disciplinary Actions

The following disciplinary actions were ratified at the January 26, 2018 Board Meeting:

- (1) Bentley Goodman, PTA #2022481 (Houston)** – failed to properly renew his license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required fifteen (15) hours of community service.***
- (2) Jeffrey Harrison, PT #1138998 (Abilene)** - failed to properly renew his license; insufficient number/type 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.***
- (3) Mary Baudendistel McMahon, PT #1057099 (Bandera)** – 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) Tanisha Chambers, PTA #2056430 (Houston)** - practiced in a detrimental manner by inaccurately documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended her license to practice for thirty (30) days.***
- (5) Namphuong Pham, PTA #2077020 (Dallas)** - practiced in a detrimental manner by fraudulently documenting treatment notes. 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.***
- (6) Socorro Ceballos, PTA #2108011 (El Paso)** - practiced in a detrimental manner by viewing the medical records of a patient without their consent –a HIPAA violation. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended her license to practice for thirty (30) days.***
- (7) Dominique Garcia, PTA #2121175 (Houston)** - practiced in a detrimental manner by failing to properly transport a patient in a wheelchair –resulting in injury to the patient. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended her license to practice for thirty (30) days.***
- (8) Jacob Brawner, PTA #2118065 (Denison)** – previously had his license suspended indefinitely for using drugs to an extent that affected his professional competence. Violation of Section 453.351 of the Act. ***Board Order reinstated his license to practice - with conditions for the next 24 months.***

Proposed/Adopted Rules

The Board took the following rulemaking actions at the January 26, 2018 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. The adopted rules were published in the February 9, 2018 issue of the Texas Register available at www.sos.state.tx.us/texreg/index.shtml.

Proposed Rules: There were no new proposed rules.

Adopted Rules: effective 3/01/2018

§322.4. Practicing in a Manner Detrimental to the Public Health and Welfare. The amendment as adopted includes violating the Physical Therapy Compact rules as practicing in a manner detrimental to the public health and welfare with possible disciplinary action.

Chapter §323. Powers and Duties of the Board. The addition of new sections of 323.5. Negotiated Rulemaking and 323.6. Alternative Dispute Resolution was adopted in order to comply with statutory amendments to the Physical Therapy Practice Act made during the 85th Legislative Session regarding establishing a policy on Negotiated Rulemaking and Alternative Dispute Resolution.

§325.1. Elections. The amendment was adopted in order to comply with a statutory amendment to the Physical Therapy Practice Act made during the 85th Legislative Session regarding the designation of the presiding officer of the board by the governor.

§325.7. Board Member Terms. The amendment was adopted in order to comply with statutory amendments to the Physical Therapy Practice Act made during the 85th Legislative Session regarding excused absences of a board member.

§329.2. Licensure by Examination. The amendment was adopted in order to comply with a statutory amendment to the Physical Therapy Practice Act made during the 85th Legislative Session regarding the compliance of the security and copyright of the National Physical Therapy Examination and reporting of any known violations.

§341.2. Continuing Competence Requirements. The amendment was adopted in order to comply with a statutory amendment to the Physical Therapy Practice Act made during the 85th Legislative Session regarding the use of a Request for Proposal process in selecting an appropriate organization to approve continuing competence activities.

§343.35. Complaint Investigation and Disposition. The amendment was adopted in order to comply with a statutory amendment to the Physical Therapy Practice Act made during the 85th Legislative Session regarding the designation of staff instead of the coordinator and the executive director to provide summary data of complaints to the board so that necessary action can be taken on the complaint.

Adopted Rule by Executive Council: to be effective March 1, 2018.

§651.2. Physical Therapy Board Fees. The amendment was adopted by the Executive Council of Physical Therapy & Occupational Therapy Examiners to add a state fee of \$50.00 for individuals from other Compact states who apply for privileges to practice in Texas. If an applicant is active military or the spouse of active military or a veteran, the proposed fee is \$0.00.

New Renewal Requirement

As of June 1, 2017, individuals applying for their initial TX license and licensees who are renewing their license are required to take the PT Board's new **Texas Jurisprudence Assessment Module (TX JAM)**. The **TX JAM** replaces both the previous Jurisprudence (JP) Exam and the ethics/professional responsibility renewal requirement. An approved ethics course is no longer required for renewal, and the TX JAM has an assigned value of 2 CCUs . For more information on the **TX JAM**, click [here](#).

Birth-Month Renewal

Phase I of the transition to birth-month renewal which began on March 1, 2015 has been completed. **Licensees should now have a license expiration date that corresponds with the last day of the month in which they were born.** As no license was transitioned for less than two (2) years, some licensees gained additional months (1 – 11 mos.) on their transitional renewal period. No additional fee was assessed, and no additional CCUs are required for renewal. CCUs can be obtained at any time during the transitional renewal period, including the **TX JAM**.

Phase II of the transition is renewal by the new birth-month expiration date. If you are unsure of your new birth-month expiration date, you can **look up the status of your license through the Board's license verification system** which is available online at www.ptot.texas.gov/page/look-up-a-license.

PT Board Meeting Highlights

At it's January 26, 2018 meeting, the Board **adopted amendments to sections of the PT Rules** in order to comply with statutory changes to the Physical Therapy Practice Act made during the 85th Legislative Session and in preparation for PT Compact privileges to be issued. See page 4 for summary of adopted amendments.

The Board ratified eight **(8) 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 12-13, 2018 *July 26-27, 2018 *October 18-19, 2018 *January 17-18, 2019**

Deregulation of Facilities

The PT Practice Act was amended during the 85th Legislative Session as the result of Senate Bill 317 and included the deregulation of physical therapy and occupational therapy facilities. **The effective date of this provision is not until 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.

Until then, facility registration and renewal requirements continue unchanged. Additionally, practicing in an unregistered physical therapy facility which is not exempt remains a violation that could subject a licensee to disciplinary action.

| Pre-Approved Continuing Competence (CC) Activities (standard approval numbers*) | Continuing Competence (CC) Activities Requiring CCAP Approval |
|--|--|
| <ul style="list-style-type: none"> • PT Post-professional College courses <ul style="list-style-type: none"> ○ tDPT ○ PhD ○ ScD/DSc ○ PTA to PT bridge • Manuscript Review of publication on pre-approved list** • Grant Review for entities on pre-approved list** • First-time course development or coordination for a PT/PTA program • Guest lecturer for a PT/PTA program • Clinical Instructor • Specialty Examinations*** • Certification for Advanced Proficiency (PTA) • Residency/Fellowship • Mentorship of a Resident/Fellow • oPTion (FSBPT) • Membership in APTA • Service on board/committee/taskforce (TBPTE, FSBPT, APTA, TPTA) • Service as a CCAP reviewer • Service as an item writer for NPTE or a Specialty Examination • TX Jurisprudence Assessment Module <p>*CC Categories, CCUs, and Required Documentation **Manuscript & Grant Reviewer Pre-Approval List ***Specialty Examination Pre-Approval List</p> | <ul style="list-style-type: none"> • Continuing Education (CE) courses • Conferences with concurrent CE courses • College courses relevant to PT (not post-professional) • Publications including <ul style="list-style-type: none"> ○ Newspaper article ○ Magazine article ○ Case study ○ Book chapter ○ Research article ○ Entire article • Manuscript Review of publication not on pre-approved list • Grant Proposal • Grant Review for entities not on pre-approved list • First-time course development or coordination for other health professions • Guest lecturer for other health professions • First-time continuing education course development, presentation, or co-presentation |