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Texas Board of Physical Therapy Examiners

**RULES AND PRACTICE
Committee Meeting**

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

**July 20, 2017
3:00 pm**

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

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

23 **Legal Counsel:** Kara Holsinger, Assistant Attorney General

25 **Guests:** Kathleen Manella, PT, PhD, Texas Physical Therapy Association (TPTA) Liaison
26 Stacey Mather, TPTA Staff

28 **Agenda**

- 29
- 30 A. Call to order.
- 31 B. Public comment.
- 32 C. Approval of minutes from the April 20, 2017 meeting.
- 33 D. Discussion and possible action on proposing changes to §325.7. Board Member Terms. pursuant to
34 SB 317 amendments to Sec. 453.056 (a), Occupations Code during the 85th Legislative Session.
- 35 E. Discussion and possible action on proposing changes to §325.1. Elections. pursuant to SB 317
36 amendments to Sec. 453.058, Occupations Code during the 85th Legislative Session.
- 37 F. Discussion and possible action on proposing changes to §329.1. General Licensure Requirements and
38 Procedures. pursuant to SB 317 amendments to Sec. 453.215, Occupations Code during the 85th
39 Legislative Session.
- 40 G. Discussion and possible action on proposing changes to §341.1 Requirements for Renewal. and
41 §343.6. Other Grounds for Denial of a License or Discipline of a Licensee. pursuant to SB 317
42 amendments to Sec. 453.255, Occupations Code during the 85th Legislative Session.
- 43 H. Discussion and possible action on proposing changes to §344.1. Administrative Fines and Penalties.
44 pursuant to SB 317 amendments to Sec. 453.3525 and Sec.453.402(b), Occupations Code during the
45 85th Legislative Session.
- 46 I. Discussion and possible action on proposing the addition of §344.2. Record of Disciplinary Action;
47 Expungement. pursuant to SB 317 amendments to Sec. 453.357, Occupations Code during the 85th
48 Legislative Session.
- 49 J. Discussion and possible action on adding new CHAPTER 348. PHYSICAL THERAPY LICENSURE
50 COMPACT. pursuant to SB 317 addition of Subchapter K to Chapter 453, Occupations Code during
51 the 85th Legislative Session.
- 52 K. Discussion and possible action on proposing changes to §322.1. Provision of Services, regarding
53 adding (f) Telehealth.
- 54 L. Discussion and possible action on two letters from licensees regarding the ethics/legalities of

1 requiring a clinic and its employees to utilize only one specific treatment methodology and tools for
2 soft tissue mobilization.

3 M. Discussion and possible action on future meeting dates and agenda items.

4 N. Adjournment.

7
8 **A. Call to Order**

9
10 Gary Gray, Chair called the roll and determined a quorum was present. He called the meeting to order at
11 3:00 p.m.

12
13 **B. Public comment**

14
15 There was no public comment.

16
17 **C. Approval of minutes from the April 20, 2017 meeting**

18
19 Motion: To approve the minutes as submitted.

20 Made by: Harvey Aikman

21 Second: Jeff Tout

22 Motion passed unanimously.

23
24 **D. Discussion and possible action on proposing changes to §325.7. Board Member Terms.**
25 **pursuant to SB 317 amendments to Sec. 453.056 (a), Occupations Code during the 85th**
26 **Legislative Session.**

27
28 The Committee reviewed the rule changes necessitated as a result of the statute amendment that will be
29 effective September 1, 2017. The Committee will bring forward a proposed rule change at the October
30 2017 meeting.

31
32 **E. Discussion and possible action on proposing changes to §325.1. Elections. pursuant to SB 317**
33 **amendments to Sec. 453.058, Occupations Code during the 85th Legislative Session.**

34
35 The Committee reviewed the rule changes necessitated as a result of the statute amendment that will be
36 effective September 1, 2017. The Committee will bring forward a proposed rule change at the October
37 2017 meeting.

38
39 **F. Discussion and possible action on proposing changes to §329.1. General Licensure**
40 **Requirements and Procedures. pursuant to SB 317 amendments to Sec. 453.215, Occupations**
41 **Code during the 85th Legislative Session.**

42
43 Mr. Turek reported on the procedure for implementing fingerprinting as a requirement for initial licensure
44 and renewal which involves securing an Originating Agency Identification (ORI) Number from the Federal
45 Bureau of Investigation and filing paperwork with the Texas Department of Public Safety. Proposed rules
46 will be forthcoming at a later meeting.

47
48 **G. Discussion and possible action on proposing changes to §341.1 Requirements for Renewal. and**
49 **§343.6. Other Grounds for Denial of a License or Discipline of a Licensee. pursuant to SB 317**
50 **amendments to Sec. 453.255, Occupations Code during the 85th Legislative Session.**

51
52 See remarks under Agenda Item F.

53
54 **H. Discussion and possible action on proposing changes to §344.1. Administrative Fines and**

1 **Penalties. pursuant to SB 317 amendments to Sec. 453.3525 and Sec.453.402(b), Occupations**
2 **Code during the 85th Legislative Session.**
3

4 Mr. Turek reported that the Investigations Department is working on a schedule of disciplinary action for
5 both the PT and OT Boards. Proposed rules will be forthcoming at a later meeting.
6

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

10
11 Kara Holsinger, Assistant Attorney General stated that she is investigating the timeline for implementing
12 expungement of practicing in an unregistered facility disciplinary actions.
13

14 **J. Discussion and possible action on adding new CHAPTER 348. PHYSICAL THERAPY LICENSURE**
15 **COMPACT. pursuant to SB 317 addition of Subchapter K to Chapter 453, Occupations Code**
16 **during the 85th Legislative Session.**
17

18 Mr. Aikman reported on the inaugural meeting of the Compact which was held June 14, 2017, that he was
19 elected as a Member-At-Large on the Executive Board and will be serving on the Rules Task Force, and
20 that the anticipated rollout of the compact privileges for licensees is sometime during the first half of 2018.
21

22 **K. Discussion and possible action on proposing changes to §322.1. Provision of Services,**
23 **regarding adding (f) Telehealth.**
24

25 The Committee reviewed SB 1107 that amended Occupations Code Title 3. Subtitle A. Chapter 111.
26 Telemedicine and Telehealth and agreed to discuss with possible proposed rules at the January 2018
27 meeting.
28

29 **L. Discussion and possible action on two letters from licensees regarding the ethics/legalities of**
30 **requiring a clinic and its employees to utilize only one specific treatment methodology and tools**
31 **for soft tissue mobilization.**
32

33 The Committee discussed two letters from licensees regarding the ethics/legalities of requiring a clinic and
34 its employees to utilize only one specific treatment methodology and tools for soft tissue mobilization. It was
35 revealed that the licensees and their facilities were involved in a lawsuit and upon advice from legal
36 counsel, the Committee decided not to respond with an opinion.
37

38 **M. Discussion and possible action on future meeting dates and agenda items.**
39

40 The next committee meeting was set for October 12, 2017 in Austin with potential proposal of Rules
41 amendments as indicated in Agenda Items D. and I.
42

43 **N. Adjournment.**
44

45 Motion: To adjourn the meeting.
46 Made by: Philip Vickers
47 Second: Harvey Aikman

48 Motion passed unanimously.
49

50 Mr. Gray adjourned the meeting at 4:10 p.m.
51

52
53 **Date reviewed by the Committee:** 10/12/2017

54 **Action taken by the Committee:** approved as submitted.