

Communiqué



Governor Makes PT Board Appointments

Governor Rick Perry appointed three people to the Board on August 15th. Karen Gordon, PT, Port O'Connor was initially appointed to the Board in 2002, and has been reappointed for another six year term. Ms. Gordon is self-employed, focusing on compliance audits, peer reviews, and special projects in a variety of settings. She also spent a number of years working in a clinical setting in East Texas. The Governor also appointed Shari Waldie, PT, of Fredericksburg and Frank Bryan, Jr., of Austin. Ms. Waldie, who replaced Mary Thompson, PT, PhD, of Celina, currently works in the Early Childhood Intervention (ECI) setting in and around Fredericksburg. Previously, Ms. Waldie worked as a policy analyst for the Texas Department of Assistive and Rehabilitative Services (DARS). Mr. Bryan, one of three public members on the Board, is self-employed as a criminal defense attorney in Austin. He replaces Dora Ochoa-Rutledge, of San Antonio. The terms of all three members expire on January 31, 2013.

The Board and staff would like to thank both Ms. Ochoa-Rutledge and Dr. Thompson for their years of selfless service to the people of Texas.

PT Board Elects New Officers; Committees Set

At its November 2008 meeting, the Board elected new officers. Subsequent to that, new committee assignments were made and chairs appointed as shown below.

Karen Gordon, PT, **Chair**
Gary Gray, PT, **Vice Chair**
Melinda Rodriguez, PT, **Secretary**

Vision Committee

Gary Gray, PT – **Chair**
Frank Bryan, Public Member
Phil Palmer, PT
Melinda Rodriguez, PT

Rules and Practice Committee

Joe Spano, PT- **Chair**
Daniel Reyna, CPA - Public Member
Shari Waldie, PT

Education Committee

Phil Palmer, PT- **Chair**
Karen Gordon, PT
Frank Bryan, Public Member

Investigation Committee

Mano Mahadeva, CPA - **Chair**
Karen Gordon, PT
Shari Waldie, PT

Executive Council Representatives

Daniel Reyna, CPA, public member
Melinda Rodriguez, PT



Disciplinary Action Taken by the Board On November 8, 2008

Sexual Contact with a Patient

Brian Nietz, PT #1147538 (San Antonio) – practiced in a manner detrimental to the public health and welfare by having inappropriate sexual contact with a patient during the course of treatment. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license for one-hundred and twenty (120) days.**

Patient Injury

Josephine Dever, PT #1038396 (Carrollton) – practiced in a manner detrimental to the public health and welfare, resulting in a patient's fall and injury. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended her license for thirty (30) days.**

Practiced with an Expired License

David Bloom, PT #1069946 (Colleyville) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required sixteen (16) hours of community service.**

Daneen Marsh, PT #1058147 (Odessa) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Blaine Wieland, PT #1145530 (El Paso) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required thirty (30) hours of community service.**

James Tinkle, PTA #2014312 (Eastland) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license for forty-five (45) days.**

Samuel Joshua Espinoza, PT #1166627 (Austin) – practiced with an expired license.

Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license for forty-five (45) days.**

Failed the CE Audit

Leann Troy, PT #1132504 (Sugar Land) – failed CE the audit; insufficient number of approved hours taken during renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Roselyn Gumban, PT #1129724 (Plano) – failed the CE audit; required ethics course not taken during renewal period. Violation of Section 453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Loretta Taylor, PTA #2052329 (San Antonio) – failed the CE audit; insufficient number of approved hours taken during renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required forty-five (45) hours of community service.**

Christie Berger, PT #1015758 (Waxahachie) – failed the CE audit; insufficient number of approved hours taken during renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Elizabeth Buchanan, PT #1050953 (Glendale, CA) – failed the CE audit; insufficient number of approved hours taken during renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order suspended her license for thirty (30) days.**

Kristena Berner, PTA #2023687 (Houston) – failed the CE audit; insufficient number of approved hours taken during renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order suspended her license for fifteen (15) days.**

(continued on next page)

Beverly Stark, PTA #2015533 (Pottsboro) – failed the CE audit; **insufficient number of approved hours taken during renewal period.** Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order suspended her license for thirty (30) days.**

Sara Holzgrafe, PT #1102408 (Seguin) – failed the CE audit; **insufficient number of approved hours taken during renewal period.** Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order suspended her license for thirty (30) days.**

NOTE: The date of the disciplinary action reported in this newsletter was incorrectly entered as July 25, 2008 when it was originally issued. This newsletter has been corrected to show the Board took these actions on November 8, 2008.

PT RULE UPDATE

PROPOSED RULE AMENDMENTS

The Board is currently proposing amendments to two rules. For the full text of the amendments, go to <http://www.ecptote.state.tx.us/pt/rules.html>.

- **§329.6, Licensure by Endorsement** - concerning the submission of license verifications from all states in which an applicant has held a PT or PTA license
- **§341.6, License Restoration** - concerning the submission of license verifications from all states in which an applicant has held a PT or PTA license, and a change to the length of time a restored license is valid

If you have comments or questions about the proposed rules, please contact Nina Hurter, PT Coordinator, at nhurter@mail.capnet.state.tx.us or 512/305-6900.



If you **SEE** something, **SAY** something!

File a complaint or notify the authorities if you see violations of the rules or patient abuse

- ❖ To report violations by a **PT or PTA** - Call the Board at 512/305-6900, or use the online [Complaint Form](#) at our website.
- ❖ To report violations by **other health professionals** – Call the Health Professions Council at 512/305-8550 or call the licensing board for that profession. You can find phone numbers and web addresses for all state licensing boards at www.hpc.state.tx.us.
- ❖ To report violations by a **nursing home, home health agency, or assisted living facility** – call the Department of Aging and Disability Services (DADS) at 800/458-9858.
- ❖ To report **Medicaid provider fraud, or abuse or neglect of a Medicaid recipient**, call the Attorney General's Medicaid Fraud Control Unit at 512/463-2011 or email mfcu@oag.state.tx.us.
- ❖ To report **Medicare fraud**, call 800/HHS-TIPS (1-800-447-8477) or email HHSTips@oig.hhs.gov.
- ❖ If you suspect that an **elderly or disabled person is being abused, neglected, or exploited** and is in immediate danger, call 911 or local law enforcement. Or call the Department of Family and Protective Services, 24-hour toll-free abuse hot line at (800) 252-5400.