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**Texas Board of Physical Therapy Examiners
Board Meeting**

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

**July 27, 2018
9:00 am**

11
12 **Members Present:** Harvey Aikman, PT, DPT, Chair
13 Barbara Sanders, PT, PhD
14 Liesl Olson, PT
15 Jeff Tout, PT
16 Daniel Reyna, Public Member
17 Philip Vickers, Public Member
18 Glenda Clausell, Public Member
19

20 **Members Absent:** Gary Gray, PT
21

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

24 **Staff:** John Maline, Executive Director
25 Karen Gordon, PT Coordinator
26 Mark Turek, Chief Investigator
27 Michael Briscoe, Licensing Manager
28 Ralph Harper, Accounting Manager
29

30 **Guests:** Craig Tounquet, Texas Physical Therapy Association (TPTA) ED
31 Lindsey Green, TPTA Staff
32 Kathleen Manella, TPTA Liaison
33 Tony Domenech, Program Director – DPT Program, University of St.
34 Augustine - Austin
35

36
37 Agenda items listed under several committee reports begin with the letter D intentionally. No items have been
38 omitted from the board agenda.
39

- 40 1. Call to order
41 2. Discussion and possible action on excusing board member absences.
42 3. Public comment
43 4. Approval of minutes from the April 13, 2018 meeting.
44 5. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary matters,
45 performance measures, ongoing projects, agency personnel matters, and other agency business.
46 6. Investigation Committee Report and consideration by the Board of the following items:
47 A. Review and possible action on Agreed Orders for case #: 18028; 18082; 18118; 18183; 18211;
48 18222; 18235; 18249; 18290; 18301; 18307; 18308; 18315; 18322 and 18329.
49 B. Discussion and possible action on the Investigation Committee Meeting of July 10, 2018.
50 C. Discussion and possible action on investigative activities to date.
51 7. Discussion and possible action on adopting CHAPTER 348. PHYSICAL THERAPY LICENSURE
52 COMPACT.
53 8. Rules & Practice Report:
54 D. Discussion and possible action on proposing changes to §329.1. General Licensure Requirements
55 And Procedures. pursuant to SB 317 amendments to Sec. 453.215, Occupations Code during the
56 85th Legislative Session.
57 E. Discussion and possible action on proposing changes to §341.1 Requirements for Renewal., §341.6.
58 License Restoration., §341.8. Inactive Status., and §341.9. Retired Status; Performing Voluntary
59 Charity Care. pursuant to SB 317 amendments to Sec. 453.255, Occupations Code during the 85th

- 1 Legislative Session.
- 2 F. Discussion and possible action on proposing changes to §344.1. Administrative Fines and Penalties.
- 3 pursuant to SB 317 amendments to Sec. 453.3525 and Sec.453.402(b), Occupations Code during
- 4 the 85th Legislative Session.
- 5 G. Discussion and possible action on proposing changes to §343.6. Other Grounds for Denial of a
- 6 License or Discipline of a Licensee. pursuant to SB 317 amendments to Sec.453.215 and Sec.
- 7 453.255, Occupations Code during the 85th Legislative Session.
- 8 H. Discussion and possible action on proposing the addition of §344.2. Record of Disciplinary Action;
- 9 Expungement. pursuant to SB 317 amendments to Sec. 453.357, Occupations Code during the 85th
- 10 Legislative Session.
- 11 I. Discussion and possible action on proposing changes to CHAPTER 322. PRACTICE, regarding
- 12 adding §322.5. Telehealth.
- 13 9. Education Committee Report:
- 14 D. Discussion and possible action on the Texas Physical Therapy Association (TPTA) Continuing
- 15 Competence Approval Program (CCAP) report.
- 16 E. Discussion and possible action on developing a Request for Proposal (RFP) for outsourcing
- 17 continuing competence activities approval.
- 18 F. Discussion and possible action on amending §341.2. Continuing Competence Requirements
- 19 regarding the references to the selection of an appropriate organization to approve continuing
- 20 competence activities.
- 21 G. Discussion and possible action on changes to the TX Jurisprudence Assessment Module (TX JAM).
- 22 H. Discussion and possible action on a requests for appeal to re-take the FSBPT National Physical
- 23 Therapy Examination (NPTE).
- 24 I. Discussion and possible action on a request for a continuing competence requirement waiver.
- 25 J. Discussion and possible action on a request for review of education equivalency from a foreign
- 26 educated applicant.
- 27 K. Discussion and possible action on issues related to physical therapy entry-level education and
- 28 continuing competence.
- 29 10. Vision Committee Report:
- 30 D. Discussion and possible action regarding the Federation of State Boards of Physical Therapy,
- 31 including recent Leadership Issues Forum (LIF) and motions and election of officers at the Annual
- 32 Meeting in Reston, Virginia, October 25-27, 2018.
- 33 E. Discussion and possible action regarding issues impacting the physical therapy profession.
- 34 11. Discussion and possible action on the Board Coordinator's report concerning any item listed on the
- 35 agenda and on events that have occurred between this meeting and the Board's last meeting.
- 36 12. Discussion and possible action on the Board Chair's report concerning any item listed on the agenda and
- 37 on events that have occurred between this meeting and the Board's last meeting.
- 38 13. Discussion and possible action on long-term planning for future meetings, including future meeting dates
- 39 and agenda items.
- 40 14. Adjournment
- 41
-
- 42

43

44 **1. Call to order**

45

46 Dr. Aikman called roll and determined that a quorum existed. He called the meeting to order at 9:04

47 a.m.

48

49 **2. Discussion and possible action on excusing board member absences.**

50

51 Motion: To excuse the absence of member Gary Gray.

52 Made by: Glenda Clausell

53 Second: Liesl Olson

54 Motion passed unanimously.

55

56 **3. Public comment**

57

58 There was no public comment.

59

60 **4. Approval of minutes from the April 13, 2018 meeting.**

61

1 Motion: To approve the minutes as submitted.
2 Made by: Liesl Olson
3 Second: Glenda Clausell
4 Motion passed unanimously.
5

6 **5. Discussion and possible action on Executive Director's Report concerning fiscal and**
7 **budgetary matters, performance measures, ongoing projects, agency personnel matters,**
8 **and other agency business.**
9

10 Mr. Maline gave the Executive Director's Report which included the following:

- 11 • Agency budget and fiscal status for FY 2018 to date;
- 12 • Preparations for the FY2020/2021 Budget Cycle, Legislative Appropriations Request (LAR);
- 13 • Submission of Strategic Plan;
- 14 • Performance Measures;
- 15 • Employee Status; and
- 16 • Appointment Status.

17
18 **6. Investigation Committee Report and consideration by the Board of the following items:**
19

- 20 **A. Review and possible action on Agreed Orders for case #s:** 18028; 18082; 18118;
21 18183; 18211; 18222; 18235; 18249; 18290; 18301; 18307; 18308; 18315; 18322 and
22 18329.
23

24 The Board reviewed and ratified the following Agreed Orders presented by Mr. Turek: 18082;
25 18118; 18183; 18211; 18222; 18249; 18301; 18307; 18308; 18315; 18322 and 18329.
26

27 **B. Discussion and possible action on the Investigation Committee Meeting of July 10,**
28 **2018.**
29

30 Mr. Turek reported that the Committee reviewed 159 cases and issued 15 agreed orders. There
31 were no informal conferences scheduled.
32

33 **C. Discussion and possible action on investigative activities to date.**
34

35 Mr. Turek reported on performance measures, on-site investigation visits, and school presentations
36 since the last meeting. He also provided an update of the ongoing SB 317 issues of fingerprinting,
37 expungement of facility registration violations, and the disciplinary action matrix.
38

39 **7. Discussion and possible action on adopting CHAPTER 348. PHYSICAL THERAPY**
40 **LICENSURE COMPACT.**
41

42 Motion: To adopt CHAPTER 348. PHYSICAL THERAPY LICENSURE COMPACT.
43 Made by: Barbara Sanders
44 Second: Glenda Clausell
45 Motion passed unanimously.
46

47 See Attachment A.
48

49 **8. Rules & Practice Report:**
50

- 51 **D. Discussion and possible action on proposing changes to §329.1. General Licensure**
52 **Requirements and Procedures. pursuant to SB 317 amendments to Sec. 453.215,**
53 **Occupations Code during the 85th Legislative Session.**
54

1 Dr. Aikman reported on the progress of implementing Criminal Background Checks (CBC) through
2 fingerprinting with the projected rollout of January 1, 2019 which necessitates the rule changes in D.
3 and E.

4
5 Motion: To propose the changes to §329.1. General Licensure Requirements
6 and Procedures.

7 Made by: Committee
8 Second: None required

9 Motion passed unanimously.

10
11 See Attachment B.

12
13 **E. Discussion and possible action on proposing changes to §341.1 Requirements for**
14 **Renewal., §341.6. License Restoration., §341.8. Inactive Status, and §341.9. Retired**
15 **Status; Performing Voluntary Charity Care. pursuant to SB 317 amendments to Sec.**
16 **453.255, Occupations Code during the 85th Legislative Session.**

17
18 Motion: To propose the changes to §341.1 Requirements for Renewal., §341.6.
19 License Restoration., §341.8. Inactive Status, and §341.9. Retired Status;
20 Performing Voluntary Charity Care.

21 Made by: Committee
22 Second: None required

23 Motion passed unanimously.

24
25 See Attachment C.

26
27 **F. Discussion and possible action on proposing changes to §344.1. Administrative**
28 **Fines and Penalties. pursuant to SB 317 amendments to Sec. 453.3525 and**
29 **Sec.453.402(b), Occupations Code during the 85th Legislative Session.**

30
31 Dr. Aikman reported that the Schedule of Sanctions had been completed which necessitates a rule
32 change.

33
34 Motion: To propose the changes to §344.1. Administrative Fines and Penalties.

35 Made by: Committee
36 Second: None required

37 Motion passed unanimously.

38
39 See Attachment D.

40
41 **G. Discussion and possible action on proposing changes to §343.6. Other Grounds for**
42 **Denial of a License or Discipline of a Licensee. pursuant to SB 317 amendment to**
43 **Sec. 453.215 and Sec. 453.255, Occupations Code during the 85th Legislative**
44 **Session.**

45
46 Dr. Aikman reported that the Committee decided that no rule changes were necessary.

47
48 **H. Discussion and possible action on proposing the addition of §344.2. Record of**
49 **Disciplinary Action; Expungement. pursuant to SB 317 amendments to Sec. 453.357,**
50 **Occupations Code during the 85th Legislative Session.**

51
52 Dr. Aikman reported that the Committee took no action.

53
54 **I. Discussion and possible action on proposing changes to CHAPTER 322. PRACTICE,**
55 **regarding adding §322.5. Telehealth.**
56

1 Mr. Aikman reported that the Committee reviewed, discussed, and edited a draft of the rule
2 regarding Telehealth that was withdrawn at the April 13, 2018 Board meeting.

3
4 Motion: To recommend proposing the addition of §322.5. Telehealth.
5 Made by: Committee
6 Second: None required
7 Motion passed unanimously.

8
9 See Attachment E.

10
11 Dr. Aikman recessed the Board at 10:00 a.m.
12 Dr. Aikman called the Board back into session at 10:08 a.m.

13
14 **9. Education Committee Report:**

15
16 **D. Discussion and possible action on the Texas Physical Therapy Association (TPTA)**
17 **Continuing Competence Approval Program (CCAP) report.**

18
19 Dr. Sanders reported that CCAP was subject to some major unexpected technical difficulties which
20 affected processing times. The issues have been resolved but could have an effect on the
21 processing times reported in the next quarter. She also reported that the CCAP website has been
22 rebuilt to make the application process more user-friendly and final testing and fine-tuning are being
23 performed. The Committee requested that agency staff be notified of any problems with the CCAP
24 website as they depend on it for renewals and audits.

25
26 There were several action items that the Committee reviewed and discussed.

27
28 Motion: To overturn a denial of a college course application for approval.
29 Made by: Committee
30 Second: None required
31 *Motion passed unanimously.*

32
33 Motion: To include the following statement as clarification of current
34 policy:
35 "Partial credit may be given for regular inservice-type programs and large
36 conferences with concurrent programming, if the individual sessions attended
37 were completed in their entirety."
38 Made by: Committee
39 Second: None required
40 *Motion passed unanimously.*

41
42 Motion: To not adopt a policy to allow licensees the option to receive the "face value"
43 of CCUs as a course participant for a course they presented.
44 Made by: Committee
45 Second: None required
46 *Motion passed unanimously.*

47
48 Dr. Aikman called the Board into Executive Session to discuss contractual and legal issues at 10:12
49 a.m.
50 Dr. Aikman called the Board back into session at 10:29 a.m.

51
52 **E. Discussion and possible action on developing a Request for Proposal (RFP) for**
53 **outsourcing continuing competence activities approval**

54
55 Dr. Sanders reported that drafts of both Part A and Part B of the RFP have been completed and are
56 ready for publishing.

1 Motion: To approve the completed RFP for publishing.
2 Made by: Committee
3 Second: None required
4 *Motion passed unanimously.*

5
6 **F. Discussion and possible action on amending §341.2. Continuing Competence**
7 **Requirements regarding the references to the selection of an appropriate**
8 **organization to approve continuing competence activities.**
9

10 The Committee discussed amending §341.2. Continuing Competence Requirements by striking (i)
11 in its entirety.

12
13 Motion: To amend §341.2. Continuing Competence Requirements by
14 striking (i) in its entirety.
15 Made by: Committee
16 Second: None required
17 *Motion passed unanimously.*

18
19 See Attachment F.

20
21 **G. Discussion and possible action on changes to the TX Jurisprudence Assessment**
22 **Module.**
23

24 Dr. Sanders reported on information received from the Federation of State Boards of Physical
25 Therapy (FSBPT) regarding two proposals for Test Content Outline changes with the alternate
26 adding a question about the PT Licensure Compact. She also reported that she will review the new
27 items before they are included in the TX JAM.

28
29 Motion: To accept the proposed option without a question about the PT
30 Licensure Compact question.
31 Made by: Committee
32 Second: None required
33 *Motion passed unanimously.*

34
35 **H. Discussion and possible action on requests for appeal to re-take the FSBPT**
36 **National Physical Therapy Examination (NPTE).**
37

38 After review and discussion the Committee made the following recommendations:

39
40 Motion: To deny the request for an appeal to re-take the NPTE for Request H1.
41 Made by: Committee
42 Second: None required
43 *Motion passed unanimously.*

44
45 Motion: To approve the request for an appeal to re-take the NPTE for Request
46 H2.
47 Made by: Committee
48 Second: None required
49 *Motion passed unanimously.*

50
51 Motion: To deny the request for an appeal to re-take the NPTE for Request H3.
52 Made by: Committee
53 Second: None required
54 *Motion passed unanimously.*

1 **I. Discussion and possible action on a request for a continuing competence**
2 **requirement waiver.**

3
4 Motion: To grant the request for a continuing competence requirement
5 waiver.

6 Made by: Committee
7 Second: None required

8 *Motion passed unanimously.*

9
10 **J. Discussion and possible action on requests for review of education equivalency**
11 **from a foreign educated applicant.**

12
13 Motion: To deem the education for Request J1 as substantially equivalent.
14 Made by: Committee
15 Second: None required

16 *Motion passed unanimously.*

17
18 Motion: To deem the education for Request J2 as substantially equivalent.
19 Made by: Committee
20 Second: None required

21 *Motion passed unanimously.*

22
23 Motion: To deem the education for Request J3 as substantially equivalent.
24 Made by: Committee
25 Second: None required

26 *Motion passed unanimously.*

27
28 Motion: To deem the education for Request J4 as not substantially equivalent.
29 Made by: Committee
30 Second: None required

31 *Motion passed unanimously.*

32
33 **K. Discussion and possible action on issues related to physical therapy entry-level**
34 **education and continuing competence.**

35
36 Dr. Sanders that the recent report from the Commission on Accreditation in Physical Therapy
37 Education (CAPTE) on their accreditation actions had a high number of Texas PT and PTA
38 programs that were reaffirmed or continuing their accreditation, that Baylor University is continuing
39 their candidacy, Community College of the Air Force accreditation was withdrawn, and Brightwood
40 College had a warning of impending probationary accreditation.

41
42 **10. Vision Committee Report:**

43
44 **D. Discussion and possible action regarding the Federation of State Boards of Physical**
45 **Therapy, including recent Leadership Issues Forum (LIF) and motions and election**
46 **of officers at the Annual Meeting in Reston, Virginia, October 25-27, 2018.**

47
48 Ms. Olson reported on the recent LIF meeting that was held in Alexandria, Virginia, July 14-15,
49 2018, and noted that there was a presentation of possible By-laws amendments that will be
50 presented at the 2019 Annual Meeting, and that Texas is involved in the various Federation
51 initiatives. She also stated that the slate of officers with candidate statements and motions for the
52 Annual Meeting will be available for discussion at the next Board meeting.

53
54 **E. Discussion and possible action regarding issues impacting the physical therapy**
55 **profession.**

1 Ms. Olson reported that the Texas Physical Therapy Association had developed a list of legislative
2 initiatives that they will be working on during the 2019 Legislative Session.

3
4 **11. Discussion and possible action on the Board Coordinator's report concerning any item**
5 **listed on the agenda and on events that have occurred between this meeting and the**
6 **Board's last meeting.**

7
8 Ms. Gordon reported on the following:

- 9 • Meetings that she had attended since the last Board meeting;
- 10 • Training of Assistant Licensing Manager as backup for Compact requirements of reporting
- 11 weekly data system exports through WinSCP file transfer.
- 12 • CC Audit results;
- 13 • Total number of PTs, PTAs, and PT facilities as of 07/19/2018;
- 14 • NPTE Pass/Fail statistics for 2018 w/ breakout of % FEPT failures;
- 15 • TX JAM statistics; and
- 16 • Exam, Licensure & Disciplinary Database ratings.

17
18 **12. Discussion and possible action on the Board Chair's report concerning any item listed**
19 **on the agenda and on events that have occurred between this meeting and the Board's**
20 **last meeting.**

21
22 Dr. Aikman reminded the members that expense reports need to be turned in on a timely manner.
23 He reported that he will be running for a position on the Compact Commission Executive Board and
24 will possibly do a presentation on the Compact at the FSBPT Annual Meeting.

25
26 **13. Discussion and possible action on long-term planning for future meetings, including**
27 **future meeting dates and agenda items**

28
29 The Board scheduled meetings as follows: October 18 – 19, 2018, January 17 – 18, 2019, and April
30 11 – 12, 2019.

31
32 **14. Adjournment**

33
34 Motion: To adjourn the meeting.
35 Made by: Liesl Olson
36 Second: Glenda Clausell
37 Motion passed unanimously.

38
39 Mr. Aikman adjourned the meeting at 11:02 a.m.

40
41
42 **Date reviewed by the Board:** 10/19/2018
43 **Action taken by the Board:** approved as submitted