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

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

**October 24, 2014  
9:00 a.m.**

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11 **Members Present:** Gary Gray, PT, Chair  
12 Shari Waldie, PT, Vice Chair  
13 Melinda Rodriguez, PT, DPT, Secretary  
14 Harvey Aikman, PT  
15 Kathleen Luedtke-Hoffman, PT, PhD  
16 Jeffrey Tout, PT  
17 Daniel Reyna, Public Member  
18 René Peña, Public Member  
19 Philip Vickers, Public Member  
20

21 **Counsel:** Kara Holsinger, Assistant Attorney General  
22

23 **Staff:** John Maline, Executive Director  
24 Karen Gordon, PT Coordinator  
25 Mark Turek, Chief Investigator  
26 Sherry Grimes-Brock, Assistant Licensing Manager  
27

28 **Guests:** Paul Hardin, TPTA ED  
29 Barbara Sanders, PT, TPTA Liaison  
30 Stacey Mather, TPTA Staff  
31 Amber Townsley, TPTA Staff  
32 Melanie Krog, TPTA  
33 Jennifer Hopgood, OAG  
34  
35

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- 36 1. Call to order  
37 2. Public comment  
38 3. Approval of minutes from the July 25, 2014 meeting in Austin.  
39 4. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary  
40 matters, performance measures, ongoing projects, agency personnel matters, and other agency  
41 business.  
42 5. Investigation Committee Report and consideration by the Board of the following items  
43 A. Review and possible action on Agreed Orders for case #: 14062; 14207; 14208; 14276;  
44 14294; 14304; 14319; 14328; 14330; 14338; and 14348.  
45 B. Discussion and possible action on the Investigation Committee Meeting of September 19,  
46 2014.  
47 C. Discussion and possible action on investigative activities to date.  
48 6. Executive Session pursuant to §551.074 of the Government Code regarding the appointment,  
49 employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director  
50 of the Executive Council of Physical Therapy and Occupational Therapy Examiners.  
51 7. Rules Committee Report and discussion and possible action by the Board on the following  
52 items:  
53 D. Discussion and possible action on proposing changes to §341.6, License Restoration,  
54 regarding procedures for licenses expired for five years or more.  
55 E. Discussion and possible action on proposing changes to §329.6 Licensure by  
56 Endorsement, regarding Provisional Licensure.

- 1 F. Discussion and possible action on proposing changes to §329.3, Temporary Licensure for  
2 Examination Candidates, regarding provision for individuals restoring a Texas license  
3 through supervised clinical practice.
- 4 G. Discussion and possible action on proposing changes to §322.1 Provision of Services  
5 regarding making changes to the reevaluation requirements
- 6 H. Discussion and possible action on proposing changes to §341.1 Requirements for  
7 Renewal, regarding changing renewal date to birth month.
- 8 I. Discussion and possible action on proposing changes to §341.9 Retired Status, regarding  
9 requirements for return to active practice.
- 10 J. Discussion and possible action regarding addition of questions/answers to the  
11 Jurisprudence Exam.
- 12 8. Education Committee Report and discussion and possible action by the Board on the following  
13 items:
  - 14 D. Discussion and possible action on the TPTA Continuing Competence Approval Program  
15 (CCAP) report.
  - 16 E. Discussion and possible action on proposing changes to §341.3 Qualifying Continuing  
17 Competence Activities, including criteria for approving continuing education activities and  
18 awarding CCUs for supervision/mentorship of a resident or fellow.
  - 19 F. Discussion and possible action on proposing changes to §329.2, Licensure by  
20 Examination, including revising additional education requirements for re-examination, low  
21 score policy, and letter of weakness/plan for remediation.
  - 22 G. Discussion and possible action on proposing changes to §329.5, Licensing Procedures for  
23 Foreign-Trained Applicants, including changes to the Test of English as a Foreign  
24 Language (TOEFL) score reporting, utilization of the current Coursework Tool (CWT) for  
25 examination applicants, and utilization of the PTA CWT.
  - 26 H. Discussion and possible action on a request for waiver of humanities course requirement  
27 from Shubhanshu Saxena, PT.
  - 28 I. Discussion and possible action regarding addition of questions/answers to the  
29 Jurisprudence Exam.
- 30 9. Vision Committee Report and discussion and possible action by the Board on the following  
31 items:
  - 32 D. Discussion and possible action regarding the Federation of State Boards of Physical  
33 Therapy, including discussion of the Annual Meeting in San Francisco, September 18-20,  
34 2014.
  - 35 E. Discussion and possible action on telehealth/teletherapy.
  - 36 F. Discussion and possible action on the effect of the Affordable Care Act on healthcare in  
37 Texas.
  - 38 G. Discussion and possible action on Criminal Background Checks.
  - 39 H. Discussion and possible action on Sunset Review, 2017.
- 40 10. Discussion and possible action on the Board Coordinator's report.
- 41 11. Discussion and possible action on the Board Chair's report concerning any item listed on the  
42 agenda and on events that have occurred between this meeting and the Board's last meeting.
- 43 12. Discussion and possible action on long-term planning for future meetings, including future  
44 meeting dates and agenda items.
- 45 13. Adjournment

1 **1. Call to order**

2  
3 Mr. Gray called roll and determined that a quorum existed. He called the meeting to order at 9:20  
4 a.m.

5  
6 **2. Public comment**

7  
8 There was no public comment.

9  
10 **3. Approval of minutes from the July 25, 2014.**

11  
12 *Motion: To approve the minutes as corrected.*  
13 *Made by: Shari Waldie*  
14 *Second: Harvey Aikman*  
15 *Motion passed unanimously.*  
16

17 **4. Discussion and possible action on Executive Director's Report concerning fiscal and**  
18 **budgetary matters, performance measures, ongoing projects, agency personnel matters,**  
19 **and other agency business**

20  
21 Mr. Maline reported on the following:

- 22 • Personnel changes
- 23 • Agency budget and fiscal status
- 24 • Performance Measures
- 25 • Upcoming legislative session

26  
27 **5. Investigation Committee Report and consideration by the Board of the following items:**

28  
29 **A. Review and possible action on agreed orders for case #s:**  
30 **14062; 14207; 14208; 14276; 14294; 14304; 14319; 14328; 14330; 14338; and 14348.**

31  
32 The Board reviewed and approved the following Agreed Orders presented by Mr. Turek:

33 14207 14304 14328  
34 14330 14338 14348  
35

36 **B. Discussion and possible action on the Investigation Committee Meeting of September**  
37 **19, 2014.**

38  
39 Mr. Turek reported that the Committee reviewed 78 cases and held 2 informal conferences.

40  
41 **C. Discussion and possible action on investigative activities to date**

42  
43 Mr. Turek reported on performance measures and on the number of investigations and school visits  
44 completed since the last meeting.

45  
46 **6. Executive Session pursuant to §551.074 of the Government Code regarding the**  
47 **appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of**  
48 **the Executive Director of the Executive Council of Physical Therapy and Occupational**  
49 **Therapy Examiners.**

50  
51 Mr. Gray called the meeting into Executive Session at 10:30 a.m.

52  
53 Mr. Gray called the meeting back into Open Session at 10:41 a.m. The Board took no action.

54  
55  
56 **7. Rules Committee Report and discussion and possible action by the Board on the**  
57 **following items:**

1  
2 **D. Discussion and possible action on proposing changes to §341.6, License Restoration,**  
3 **regarding procedures for licenses expired for five years or more.**  
4

5 Mr. Aikman brought forth a motion from Committee to amend §341.6. License Restoration by  
6 establishing a timeframe for completion of supervised clinical practice for restoring a Texas license  
7 that has been expired for one to five years, and clarifying the application requirements for a new  
8 license if an applicant is not eligible for restoration. (See Attachment 1)  
9

10 *Motion: To propose changes to §341.6. License Restoration, as submitted.*  
11 *Made by: Committee*  
12 *Second: None required*  
13 *Motion passed unanimously.*  
14

15 There were no comments or discussion on this proposal.  
16

17 **E. Discussion and possible action on proposing changes to §329.6, Licensure by**  
18 **Endorsement, regarding Provisional Licensure.**  
19

20 Mr. Aikman brought forth a motion from Committee to amend §329.6. Licensure by Endorsement by  
21 eliminating the requirement of a two year work history for provisional licensure in order to comply  
22 with legislative changes during the 83rd Legislature. (See Attachment 2)  
23

24 *Motion: To propose changes to §329.6. Licensure by Endorsement, as submitted.*  
25 *Made by: Committee*  
26 *Second: None required*  
27 *Motion passed unanimously.*  
28

29 There were no comments or discussion on this proposal.  
30

31 **F. Discussion and possible action on proposing changes to §329.3, Temporary**  
32 **Licensure for Examination Candidates, regarding allowing temporary licensees to**  
33 **work on the basis of website verification of licensure.**  
34

35 Mr. Aikman brought forth a motion from Committee to amend §329.3. Temporary Licensure for  
36 Examination Candidates by establishing a new category for issuing a temporary license to  
37 restoration applicants completing supervised clinical practice, changing the supervision requirement  
38 of the temporary licensee to a physical therapist only, and allowing a temporary licensee to begin  
39 work on the basis of website verification of licensure. (See Attachment 3)  
40

41 *Motion: To propose changes to §329.3. Temporary Licensure for Examination*  
42 *Candidates, as submitted.*  
43 *Made by: Committee*  
44 *Second: None required*  
45 *Motion passed unanimously.*  
46

47 There were no comments or discussion on this proposal.  
48

49 **G. Discussion and possible action on proposing changes to §322.1 Provision of**  
50 **Services regarding making changes to the reevaluation requirements and the role of**  
51 **the PTA in the Discharge.**  
52

53 Mr. Aikman brought forth a motion from Committee to amend §322.1. Provision of Services by  
54 changing the timeframe for re-evaluation of a patient from 30 days after treatment is initiated to 60  
55 days after treatment is initiated before provision of physical therapy treatment by a physical  
56 therapist assistant or a physical therapy aide can continue. (See Attachment 4)  
57

1           *Motion:            To propose changes to §322.1. Provision of Services, as submitted.*  
2           *Made by:           Committee*  
3           *Second:           None required*  
4           *Motion passed unanimously.*

5  
6 There were no comments or discussion on this proposal.

7  
8           **H. Discussion and possible action on proposing changes to §341.1 Requirements for**  
9           **Renewal, regarding changing renewal date to birth month.**

10  
11 Mr. Aikman brought forth a motion from Committee to amend §341.1 Requirements for Renewal by  
12 establishing a conversion of license renewal dates from the current anniversary method to birth  
13 month renewal. (See Attachment 5)

14  
15           *Motion:            To propose changes to §341.1. Requirements for Renewal, as submitted.*  
16           *Made by:           Committee*  
17           *Second:           None required*  
18           *Motion passed unanimously.*

19  
20 There were no comments or discussion on this proposal.

21  
22           **I. Discussion and possible action on proposing changes to §341.9 Retired Status,**  
23           **regarding requirements for return to active practice.**

24  
25 Mr. Aikman reported that the Committee discussed updating the section to eliminate the  
26 requirement of notarization of the application and to provide options for returning to active practice.  
27 The Committee took no action and will develop language for proposal at next meeting.

28  
29           **J. Discussion and possible action regarding addition of questions/answers to the**  
30           **Jurisprudence Test.**

31  
32 Mr. Aikman reported that the Committee reviewed the questions/answers prepared by staff and  
33 approved them to be added to the online Jurisprudence Exam.

34  
35 **8. Education Committee Report and discussion and possible action by the Board on the**  
36 **following items:**

37  
38           **D. Discussion and possible action on the TPTA Continuing Competence Approval**  
39           **Program (CCAP) report.**

40  
41 Dr. Luedtke-Hoffman reported that the Committee:

- 42           • Discussed CCAP activities since the July 24, 2014 meeting;
  - 43           • Discussed a question regarding whether or not a large hospital physical therapy department  
44           could purchase an unapproved continuing education module and have it approved for all of  
45           their PT personnel. It was decided that TPTA would make the determination dependent upon  
46           who would be responsible for records maintenance and course administration.
  - 47           • Discussed a recommendation that the credit for serving as a Clinical Instructor be an  
48           accumulation of hours instead of based on a range of weeks. The Committee took no action  
49           to amend the current rule which requires consecutive weeks of service to be eligible for  
50           CCUs.
  - 51           • Discussed a recommendation that a Clinical Instructor be required to be a credentialed  
52           Clinical Instructor in order to claim CCUs for service. The Committee decided that it was not  
53           within the purview of the Board to offer CCUs to a select group of licensees who were  
54           credentialed CIs and deny the credit to those who were not credentialed when both groups  
55           were engaged in the same CC activity.
- 56

1           **E. Discussion and possible action on proposing changes to §341.3, Qualifying**  
2           **Continuing Competence Activities, including criteria for approving continuing**  
3           **education activities and awarding CCUs for supervision/mentorship of a**  
4           **resident or fellow.**

5  
6 Dr. Luedtke-Hoffman reported that the Committee reviewed the FSBPT's standards for continuing  
7 competence activities. She brought forth a motion from Committee to amend §341.3. Qualifying  
8 Continuing Competence Activities by revising the criteria for issuing CCUs for supervision or  
9 mentorship of a resident or fellow. (See Attachment 6)

10  
11           *Motion:           To propose changes to §341.3. Qualifying Continuing Competence Activities,*  
12                           *as submitted.*

13           *Made by:           Committee*

14           *Second:           None required*

15           *Motion passed unanimously.*

16  
17 There were no comments or discussion on this proposal.

18  
19           **F. Discussion and possible action on proposing changes to §329.2, Licensure by**  
20           **Examination, including revising additional education requirements for re-examination,**  
21           **low score policy, and letter of weakness/plan for remediation.**

22  
23 Dr. Luedtke-Hoffman reported that the Committee discussed the revisions that need to be made in  
24 order to comply with FSBPT changes of maximum six attempts and low score policy to the NPTE  
25 eligibility requirements which will be implemented in January 2016, and discussed eliminating the  
26 requirement for a letter of weakness and remediation for applicants failing the NPTE two or more  
27 times. She reported that the Committee took no action, but agreed to discuss the issues again at  
28 the next meeting.

29  
30           **G. Discussion and possible action on proposing changes to §329.5, Licensure**  
31           **Procedures for Foreign-Trained Applicants, including changes to the Test of English**  
32           **as a Foreign Language (TOEFL) score reporting, utilization of current Coursework**  
33           **Tool (CWT) for examination applicants, and utilization of the PTA CWT.**

34  
35 Dr. Luedtke-Hoffman reported that the Committee discussed upcoming changes to the utilization of  
36 the CWT for examination applicants and TOEFL score reporting proposed by the FSBPT as well as  
37 utilization of the PTA CWT for determining equivalency for non-accredited domestic and military  
38 PTA programs. She reported that the Committee took no action on the issues, but agreed to  
39 discuss them again at the next meeting.

40  
41           **H. Discussion and possible action on a request for waiver of humanities course**  
42           **requirement from Shubhanshu Saxena, PT.**

43  
44 Dr. Luedtke-Hoffman reported that the Committee reviewed the post-professional transcripts  
45 submitted by Shubhanshu Saxena, PT and determined there was no evidence of a course that  
46 would satisfy the humanities requirement.

47  
48           *Motion:           To recommend denying the request for a waiver of humanities course*  
49                           *requirement from Shubhanshu Saxena, PT.*

50           *Made by:           Committee*

51           *Second:           None required*

52           *Motion passed unanimously.*

53  
54           **I. Discussion and possible action regarding addition of questions/answers to the**  
55           **Jurisprudence Exam.**

1 Dr. Luedtke-Hoffman reported that the Committee submitted new questions/answers for  
2 incorporation into the Jurisprudence Exam.

3  
4 **9. Vision Committee Report and discussion and possible action by the Board on the**  
5 **following items:**

6  
7 **D. Discussion and possible action regarding the Federation of State Boards of Physical**  
8 **Therapy (FSBPT), including discussion of the Annual Meeting in San Francisco,**  
9 **September 18-20, 2014.**

10  
11 Mr. Peña reported on the motions and election results from the Delegate Assembly at the FSBPT  
12 Annual Meeting.

13  
14 **E. Discussion and possible action on telehealth/teletherapy**

15  
16 Mr. Peña reported that Ms. Deb Kendall, on behalf of the TPTA Telehealth Task Force, presented  
17 language developed by the Task Force for the Committee's consideration, and that the Committee  
18 discussed several aspects of the language including whether or not inclusion of other States would  
19 be a violation of their statutes/rules, need for clarification of PTA's role, and whether or not a  
20 statutory change would be needed. He also reported that the FSBPT's Ethics and Legislative  
21 Committee would be releasing a draft of *Telehealth in Physical Therapy Policy Recommendations*  
22 *for Appropriate Regulation* before the end of the year, and that the Committee had decided to refer  
23 the telehealth issue to the Rules & Practice Committee for its January 29, 2015 meeting.

24  
25 **F. Discussion and possible action on the effect of the Affordable Care Act on**  
26 **healthcare in Texas.**

27  
28 Ms. Gordon reported on a session she attended during the recent FSBPT Annual Meeting in which  
29 the presenter stated that no discernable effects on the practice of physical therapy as a result of the  
30 Affordable Care Act have been reported.

31  
32 **G. Discussion and possible action on Criminal Background Checks.**

33  
34 Mr. Aikman reported on possible expansion of Criminal Background Checks to applicants for  
35 licensure and renewals.

36  
37 **H. Discussion and possible action on Sunset Review, 2017.**

38  
39 Mr. Peña reported there was no discussion on this item.

40  
41 **10. Discussion and possible action on the Board Coordinator's report**

42  
43 Ms. Gordon reported on the following:

- 44  
45
  - Attendance at FSBPT LIF in Alexandria, VA, August 2-3, 2014;
  - 46 • Attendance at FSBPT Annual Meeting, San Francisco, CA, September 19-20, 2014;
  - 47 • Attendance at TPTA Annual Meeting/Exhibit Hall, Galveston, TX, October
  - 48 • Completion of CC Audit Tool;
  - 49 • Availability of Statement of Licensure and Facility Registration online;
  - 50 • End of Fiscal Year licensing statistics.

51  
52 **11. Board Chair's report concerning any item listed on the agenda and on events that have**  
53 **occurred between this meeting and the Board's last meeting.**

54  
55 Mr. Gray presented a plaque to Kathleen Luedtke-Hoffman and thanked her for her service as a  
56 Board member and Chair of the Education Committee. He also announced that Dr. Barbara

1 Sanders, PT, PhD has been appointed to fill the vacated position on the Board effective October 25,  
2 2014.

3  
4 **12. Discussion and possible action on long-term planning for future meetings, including**  
5 **future meeting dates and agenda items**

6  
7 The Board scheduled the next meeting for January 30, 2015 in Austin and scheduled the remaining  
8 Board Meetings for the fiscal year as follows: April 24, 2015; and July 24, 2015 all to be held in  
9 Austin.

10  
11 **13. Adjournment**

12  
13 *Motion: To adjourn the meeting.*

14 *Made by: Shari Waldie*

15 *Second: Harvey Aikman*

16 *Motion passed unanimously.*

17

18 Mr. Gray adjourned the meeting at 12:03 p.m.

19

20

21 **Date reviewed by the Board:** 01/30/2015

22 **Action taken by the Board:** approved as submitted

## Attachment 1: Proposed §341.6. License Restoration

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The Texas Board of Physical Therapy Examiners proposes amendments to §341.6, regarding License Restoration. The amendments establish a timeframe for completion of supervised clinical practice for restoring a Texas license that has been expired for one to five years, and clarifies the application requirements for a new license if an applicant is not eligible for restoration.

John P. Maline, Executive Director, has determined that for the first five-year period these amendments are in effect there will be no additional costs to state or local governments as a result of enforcing or administering these amendments.

Mr. Maline has also determined that for each year of the first five-year period these amendments are in effect the public benefit will be to assure the Texas consumers of physical therapy services that physical therapists and physical therapist assistants who restore their licenses are competent to return to the workforce. Mr. Maline has determined that there will be no costs or adverse economic effects to small or micro businesses, therefore an economic impact statement or regulatory flexibility analysis is not required for the amendment. There are no anticipated costs to individuals who are required to comply with the rule as proposed.

Comments on the proposed amendments may be submitted to Karen Gordon, PT Coordinator, Texas Board of Physical Therapy Examiners, 333 Guadalupe, Suite 2-510, Austin, Texas 78701; email: karen@ptot.texas.gov. Comments must be received no later than 30 days from the date this proposed amendment is published in the *Texas Register*.

The amendments are proposed under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Texas Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

Title 3, Subtitle H, Chapter 453, Texas Occupations Code is affected by these amendments.

<rule>

### §341.6. License Restoration

(a) – (c) (No change.)

(d) Persons who are not currently licensed in another state or territory of the U.S.

(1) A licensee whose Texas license is expired for one to five years. The requirements for restoration are:

(A) a completed restoration application form;

(B) a passing score on the jurisprudence examination;

(C) the restoration fee;

(D) verification of Licensure from all states in which the applicant has held a license; and

(E) demonstration of competency. Competency may be demonstrated in one of the following ways:

(i) reexamination with a passing score on the national physical therapy exam;

(ii) completion of an advanced degree in physical therapy within the last five years;

(iii) For PTs only: successful completion of a board-approved practice review tool and 30 CCUs of board-approved continuing competence activities within the previous 24 months;

(iv) For PTs only: 480 hours on-site supervised clinical practice completed over a continuous 12 month period and 30 CCUs of board-approved continuing competence activities within the previous 24 months;

(v) For PTAs only: 320 hours on-site supervised clinical practice completed over a continuous 12 month period and 20 CCUs of board-approved continuing competence activities within the previous 24 months.

(2) A licensee whose Texas license is expired for five years or more may not restore the license but may obtain a new license by taking the national examination again and getting a new license by relicensure. The requirements for relicensure are:

(A) a completed [restoration] application form;

(B) a passing score on the jurisprudence examination;

(C) the application [restoration] fee; and

(D) a passing score on the national exam, reported directly to the board by the Federation of State Boards of Physical Therapy.

(e) – (f) (No change.)

## **Attachment 2: Proposed §329.6. Licensure by Endorsement**

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The Texas Board of Physical Therapy Examiners proposes amendments to §329.6, regarding Licensure Endorsement. The amendment eliminates reference to a two year work history for provisional licensure in order to comply with legislative changes during the 83<sup>rd</sup> Legislature. John P. Maline, Executive Director, has determined that for the first five-year period these amendments are in effect there will be no additional costs to state or local governments as a result of enforcing or administering these amendments.

Mr. Maline has also determined that for each year of the first five-year period these amendments are in effect the public will not be adversely affected by the change. Mr. Maline has determined that there will be no costs or adverse economic effects to small or micro businesses, therefore an economic impact statement or regulatory flexibility analysis is not required for the amendment. There are no anticipated costs to individuals who are required to comply with the rule as proposed.

Comments on the proposed amendments may be submitted to Karen Gordon, PT Coordinator, Texas Board of Physical Therapy Examiners, 333 Guadalupe, Suite 2-510, Austin, Texas 78701; email: karen@ptot.texas.gov. Comments must be received no later than 30 days from the date this proposed amendment is published in the *Texas Register*.

The amendments are proposed under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Texas Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

Title 3, Subtitle H, Chapter 453, Texas Occupations Code is affected by these amendments.  
<rule>

§329.6. Licensure by Endorsement.

(a) – (c) (No change.)

(d) Provisional licensure. The board may grant a provisional license to an applicant who is applying for licensure by endorsement if there is a delay in the submission of required documents outside the applicant's control. [under the conditions listed in paragraphs (1) and (2) of this subsection.] The applicant must submit the provisional license fee as set by the executive council. [, and meet all other requirements of licensure by examination or endorsement as set by the board.] The board may not grant a provisional license to an applicant with disciplinary action in their licensure history. The provisional license is valid for 180 days, or until a permanent license is issued or denied, whichever is first. [The conditions under which the board may grant a provisional license are:

(1) The applicant is applying for licensure by endorsement, and there is a delay in the submission of required documents outside the applicant's control; or

(2) The applicant has previously held a Texas license and is currently licensed in another state that has licensing requirements substantially equivalent to those of Texas, but has not worked as a PT or PTA for the two years prior to application for a license in Texas, and must submit to reexamination to restore the Texas license as stated in §341.1 of this title (relating to Requirements for Renewal).]

### **Attachment 3: Proposed §329.3. Temporary Licensure for Examination Candidates**

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The Texas Board of Physical Therapy Examiners proposes amendments to §329.3, regarding Temporary Licensure for Examination Candidates. The amendment establishes a new category for issuing a temporary license to restoration applicants completing supervised clinical practice and allows a temporary licensee to begin work on the basis of website verification of licensure. John P. Maline, Executive Director, has determined that for the first five-year period these amendments are in effect there will be no additional costs to state or local governments as a result of enforcing or administering these amendments.

Mr. Maline has also determined that for each year of the first five-year period these amendments are in effect the public benefit will be to assure the Texas consumers of physical therapy services that physical therapists and physical therapist assistants who restore their licenses through supervised clinical practice are accountable to the Texas Board of Physical Therapy Examiners. Mr. Maline has determined that there will be no costs or adverse economic effects to small or micro businesses, therefore an economic impact statement or regulatory flexibility analysis is not required for the amendment. There is the cost of the temporary licensure fee for individuals who are required to comply with the rule as proposed.

Comments on the proposed amendments may be submitted to Karen Gordon, PT Coordinator, Texas Board of Physical Therapy Examiners, 333 Guadalupe, Suite 2-510, Austin, Texas 78701; email: karen@ptot.texas.gov. Comments must be received no later than 30 days from the date this proposed amendment is published in the *Texas Register*.

The amendments are proposed under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Texas Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

Title 3, Subtitle H, Chapter 453, Texas Occupations Code is affected by these amendments.  
<rule>

§329.3. Temporary Licensure [for Examination Candidates.]

(a) [Requirements.] For examination candidates.

(1) Requirements. [To be eligible for a temporary license, the applicant must:]

(A) [(1)] meet all requirements as stated in §329.1 of this title (relating to General Licensure Requirements and Procedures);

(B) [(2)] register for the national physical therapy examination;

(C) [(3)] submit temporary licensee and supervisor [supervision] affidavits as provided by the board; and

(D) [(4)] submit fees for temporary licensure as set by the executive council.

(2) [(b)] Eligibility.

(A) The board will issue a temporary license to work in Texas to an applicant who is taking the exam for the first time.

(B) An applicant who has received a license from another state is not eligible for temporary licensure.

(C) A candidate who has taken and failed the physical therapist examination is not eligible for temporary licensure as a physical therapist assistant.

(3) [(c)] Duration.

(A) The [A] temporary license is valid until the applicant receives the score report from the board, or until the last day of the third month after the month the license is issued, whichever occurs first.

(B) The coordinator may extend the temporary license for no more than 30 days to offset an unreasonable delay in reporting the examination results to the applicant.

(4) [(d)] Failure of examination. If the applicant fails the exam, the temporary license is void and must be returned to the board when the notification of the failure is received.

(b) For restoration of license by means of Supervised Clinical Practice (SCP).

(1) Requirements.

(A) meet all requirements as stated in §341.6 (d) (1) (A) – (D) (relating to License Restoration);

(B) submit temporary license and supervisor affidavits as provided by the board; and

(C) submit fees for temporary licensure as set by the executive council.

(2) Duration.

(A) The temporary license is valid for the duration of the SCP as designated by the board;

(B) If the applicant fails to complete the SCP in the designated timeframe, the temporary license is void and must be returned to the board.

(c) [(e)] Supervision requirements. An applicant with a temporary PT license must have on-site supervision by a physical therapist with a permanent license to practice in Texas when providing physical therapy services. An applicant with a temporary PTA license must have on-site supervision by [either] a physical therapist [or a physical therapist assistant] with a permanent license to practice in Texas when providing physical therapy services.

(d) A new temporary licensee may provide physical therapy services upon online verification of licensure. The Board will maintain a secure resource for verification of license status and expiration date on its website.

#### **Attachment 4: Proposed §322.1. Provision of Services**

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The Texas Board of Physical Therapy Examiners proposes amendments to §322.1, regarding Provision of Services. The amendment changes the timeframe for re-evaluation of a patient before provision of physical therapy treatment by a physical therapist assistant or a physical therapy aide can continue.

John P. Maline, Executive Director, has determined that for the first five-year period these amendments are in effect there will be no additional costs to state or local governments as a result of enforcing or administering these amendments.

Mr. Maline has also determined that for each year of the first five-year period these amendments are in effect the public will not be adversely affected as the physical therapist will continue to hold the primary responsibility for the care rendered under his supervision. Mr. Maline has determined that there will be no costs or adverse economic effects to small or micro businesses, therefore an economic impact statement or regulatory flexibility analysis is not required for the amendment. There are no anticipated costs to individuals who are required to comply with the rule as proposed.

Comments on the proposed amendments may be submitted to Karen Gordon, PT Coordinator, Texas Board of Physical Therapy Examiners, 333 Guadalupe, Suite 2-510, Austin, Texas 78701; email: karen@ptot.texas.gov. Comments must be received no later than 30 days from the date this proposed amendment is published in the *Texas Register*. The amendments are proposed under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Texas Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

Title 3, Subtitle H, Chapter 453, Texas Occupations Code is affected by these amendments.  
<rule>

§322.1. Provision of Services.

(a) – (c) (No change.)

(d) Reevaluation.

(1) Provision of physical therapy treatment by a PTA or an aide may not continue if the PT has not performed a reevaluation: [A patient receiving treatment must be reevaluated by a PT:]

(A) at a minimum of once every 60 [30] days after treatment is initiated, or at a higher frequency as established by the PT; and

(B) In response to a change in the patient's medical status that affects physical therapy treatment, when a change in the physical therapy plan of care is needed, or prior to any planned discharge.

(2) A reevaluation must include:

(A) An onsite reexamination of the patient; and

(B) A review of the plan of care with appropriate continuation, revision, or termination of treatment.

[(3) Provision of physical therapy treatment by a PTA or an aide may not continue if the PT has not performed the required reevaluation.]

(e) (No change.)

## Attachment 5: Proposed §341.1. Requirements for Renewal

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The Texas Board of Physical Therapy Examiners proposes amendments to §341.1, regarding Requirements for Renewal. The amendment establishes a conversion of license renewal dates from the current method to birth month renewal.

John P. Maline, Executive Director, has determined that for the first five-year period these amendments are in effect there will be no additional costs to state or local governments as a result of enforcing or administering these amendments.

Mr. Maline has also determined that for each year of the first five-year period these amendments are in effect the public will not be adversely affected by the conversion of renewal month. Mr. Maline has determined that there will be no costs or adverse economic effects to small or micro businesses, therefore an economic impact statement or regulatory flexibility analysis is not required for the amendment. There are no anticipated costs to individuals who are required to comply with the rule as proposed. Comments on the proposed amendments may be submitted to Karen Gordon, PT Coordinator, Texas Board of Physical Therapy Examiners, 333 Guadalupe, Suite 2-510, Austin, Texas 78701; email: karen@ptot.texas.gov. Comments must be received no later than 30 days from the date this proposed amendment is published in the *Texas Register*.

The amendments are proposed under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Texas Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

Title 3, Subtitle H, Chapter 453, Texas Occupations Code is affected by these amendments.

<rule>

§341.1. Requirements for Renewal.

(a) Biennial renewal. Licensees are required to renew their licenses every two years by the end of their birth month. [the month in which they were originally licensed.] The Board will maintain a secure resource for verification of license status and expiration date on its website.

(b) – (f) (No change.)

## **Attachment 6: Proposed §341.3. Qualifying Continuing Competence Activities**

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The Texas Board of Physical Therapy Examiners proposes amendments to §341.3, regarding Qualifying Continuing Competence Activities. The amendment aligns the criteria for claiming continuing competence credit for mentoring a fellow or resident with the criteria set by the accrediting entity, the American Board of Physical Therapy Residency and Fellowship Education.

John P. Maline, Executive Director, has determined that for the first five-year period these amendments are in effect there will be no additional costs to state or local governments as a result of enforcing or administering these amendments.

Mr. Maline has also determined that for each year of the first five-year period these amendments are in effect the public benefit will be to assure the Texas consumers of physical therapy services that physical therapists who serve as a mentor of a fellow or resident meet the requirements of the accrediting body. Mr. Maline has determined that there will be no costs or adverse economic effects to small or micro businesses, therefore an economic impact statement or regulatory flexibility analysis is not required for the amendment. There are no anticipated costs to individuals who are required to comply with the rule as proposed.

Comments on the proposed amendments may be submitted to Karen Gordon, PT Coordinator, Texas Board of Physical Therapy Examiners, 333 Guadalupe, Suite 2-510, Austin, Texas 78701; email: karen@ptot.texas.gov. Comments must be received no later than 30 days from the date this proposed amendment is published in the *Texas Register*. The amendments are proposed under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Texas Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

Title 3, Subtitle H, Chapter 453, Texas Occupations Code is affected by these amendments.  
<rule>

§341.3. Qualifying Continuing Competence Activities.

(1) – (4) (No change.)

(5) Advanced Training, Certification, and Recognition.

(A) – (C) (No change.)

(D) Supervision or mentorship of a resident or fellow in an American Board of Physical Therapy Residency and Fellowship Education (ABPTRFE) [APTA] credentialed residency or fellowship program. This activity type is automatically approved and is assigned a standard approval number by the board-approved organization.

(i) Clinical supervision of a resident [residents] for a minimum of 1500 hours or a fellow [fellows] for a minimum of 1000 hours [1 year] is valued at 10 CCUs.

(ii) Licensees may submit a maximum of 20 CCUs for this activity.

(iii) If selected for audit, the licensee must submit a copy of a letter from the credentialed residency or fellowship program confirming participation as a clinical mentor, with the length of time served as a clinical mentor.

(E) (No change.)

(6) (No change.)