

Communiqué



8 Tips for Protecting Your License

Most PTs and PTAs will never experience being investigated and disciplined by the Board. However, a steady percentage of the licensee population WILL go through this process. Sometimes people intentionally violate the law – instigating a sexual relationship with a patient, for example, or ignoring supervision requirements in order to generate more billable time – but many times people break the rules out of carelessness or ignorance. Regardless of the reason, licensees are held responsible for their actions, and for knowing the Act and rules that establish the framework for practice. Intentional acts and carelessness carry the same penalty.

1. **Read the Rules** – It is your responsibility to know what the rules are. If you aren't familiar with them, you can download a copy free from the web, at <http://www.ecptote.state.tx.us/pt/rules.html>. Make sure you look at the recently amended rules as well as the rules in the April 2009 complete edition of the rules. If you don't want to print the rules out yourself, you can buy a copy from us using the order form at www.ecptote.state.tx.us.
2. **Keep Good Records** – Investigations often involve review of patient records. Document what you do and when you do it – and don't document something you haven't yet done! It should be possible for the Board to review the patient files and have a reasonably clear understanding of what you did and why. The medical record should include the referral, the evaluation, the plan of care, notes regarding each treatment, the reevaluation(s), and the discharge summary. A record is not complete if those items are not included.
3. **Know Your Limits** – The rules state that it is the responsibility of each PT and/or PTA to determine the number of PTAs and/or aides he or she can supervise safely. To make that determination requires knowledge of the skills and abilities of the people you must supervise. Equally, you are responsible for only accepting the number of patients you can safely treat. If you accept a larger case load or more supervision than you can handle, you will be held accountable.
4. **Respect Personal Boundaries** – PTs and PTAs often are very physical with their patients. It is up to you to maintain a proper professional relationship with your patients, which includes appropriate language and conversation. Make sure you tell your patients what you are doing and why as you work with them.
5. **Renew Your License on Time** – If you practice with an expired license, you can expect disciplinary action. Your license expires at the end of the same month every two years. You can renew within the three months prior to expiration without losing anything. Mark your calendar and do it early if possible.
6. **Check Your CE Before You Renew Your License** – Avoid disciplinary action as a result of the CE audit; make sure your CE meets the requirements before you renew. Check the amount and the date range, and ALWAYS check the TPTA website to verify the approval number.
7. **Renew Your Facility Registration on Time** – You may not be responsible for sending in the facility renewal, but you may face discipline if you work in a facility that doesn't renew on time. Take care of your license by knowing when the registration expires, and making sure the renewal takes place.
8. **Don't Assume** – If the proper course of action is not clear, and the rules do not give you the guidance you need, contact the Board BEFORE you make that decision. You cannot undo a violation of the law.



Disciplinary Action Taken by the Board On November 20, 2009

Practiced with an Expired License

Russell Paine, PT #1038016 (Houston) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required eight (8) hours of community service.**

Dawn Dylla, PT #1053718 (Poth) – 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.**

Susan Krucher, PT #1020261 (Dallas) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required forty-five (45) hours of community service.**

Deborah Lee, PT #1113769 (Houston) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required sixty (60) hours of community service.**

Failed the CE Audit

Tracy Buxkemper-Bright, PTA #2008009 (Friendswood) – failed the CE audit; insufficient board 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.**

Charlene Gaubis, PT #1172508 (Tucson, AZ) – failed the CE audit; insufficient board approved hours taken during renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required sixty (60) hours of community service.**

Harm to a Patient

Edna Vijil, PT #1093219 (El Paso) – practiced in a detrimental manner 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.**

John Gerlach, PTA #2034940 (Pearland) – practiced in a detrimental manner by allegedly removing a pain patch from a patient without her consent or permission. Violation of §453.351 of the Act. **Board Order**

suspended his license for forty-five (45) days.

Inaccurate Documentation

Eric Sanchez, PTA #2055329 (Midland) – practiced in a detrimental manner by failing to accurately record treatment notes. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license for sixty (60) days.**

Practiced in an Unregistered Facility

Jennifer Coyle, PT #1153490 (Round Rock) – practiced in a facility that was not properly registered with the board. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Drug-related Detrimental Practice

Cristian Olivares, PT #1146221 (Dallas) – practiced in a manner detrimental to the public health and welfare by failing a pre-employment drug screen. Violation of §453.351 of the Act. **Board Order required seventy-five (75) hours of community service.**

Inappropriate Sexual Contact

Eli Ramos, PT #1171189 (San Antonio) – practiced in a detrimental manner by having inappropriate sexual contact with a patient as the result of the patient/client relationship. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license for thirty (30) days.**

Sergio Herrera, PTA #2022549 (El Paso) – practiced in a detrimental manner by allegedly engaging in sexual contact with a client; resulting in his arrest for Aggravated Sexual Assault. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license indefinitely.**

Gary Gray, PT, Chair

Midland

Term expires Jan. 31, 2011

Shari Waldie, PT, Vice Chair

Fredericksburg

Term expires Jan. 31, 2013

Melinda Rodriguez, PT, DPT, Secretary

San Antonio

Term expires Jan. 31, 2015

Karen L. Gordon, PT

Port O'Conner

Term expires Jan. 31, 2013

Frank W. Bryan, Jr.

(Public Member)

Term expires Jan. 31, 2013

Kevin Lindsey, PT, MBA

Mission

Term expires Jan. 31, 2015

Phillip B. Palmer, PT, PhD

Abilene

Term expires Jan. 31, 2011

René Peña, CPA

(Public Member)

El Paso

Term expires Jan. 31, 2015

Daniel Reyna, CPA

(Public Member)

Waco

Term expires Jan. 31, 2011

PT RULE UPDATE

The Board took the following rulemaking actions at the November 20, 2009 meeting:

Adopted amendments to:

- i **§347.1, (Facility) Definitions** – *regarding the elimination of the definition of a “portable facility”*
- i **§329.5, Licensing Procedures for Foreign-Trained Applicants** – *regarding a number of changes for this type of applicant*

Adopted new rule:

- i **§329.7, Exemptions to Licensure** – *regarding the conditions under which a person may practice physical therapy in Texas without a license, and which of those conditions requires notification of the board*

Proposed Amendments to:

- i **§329.6, Licensure by Endorsement** – *regarding the elimination of specific score requirements for the national exam if taken prior to the adoption of the criterion-referenced scoring*
- i **§347.4, Requirements for Registered Facilities** – *regarding the elimination of the categories of primary and additional facilities*
- i **§347.9, Renewal of Registration** – *same as above*
- i **§347.15, Disciplinary Action** – *same as above*

The full text of all proposed and adopted rules is available at <http://www.ecptote.state.tx.us/pt/rules.html>.

If you would like to comment on these proposed rules, please send your written comments to nhurter@mail.capnet.state.tx.us, or 333 Guadalupe, Suite 2-510, Austin, TX 78701.