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

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

**May 2, 2014
9:00 a.m.**

10
11 **Members Present:** Gary Gray, PT, Chair
12 Shari Waldie, PT, Vice Chair
13 Melinda Rodriguez, PT, Secretary
14 Harvey Aikman, PT
15 Kathleen Luedtke-Hoffman, PT
16 Jeffrey Tout, PT
17 René Peña, Public Member
18 Philip Vickers, Public Member

19
20 **Counsel:** Kara Holsinger, Assistant Attorney General

21
22 **Staff:** Karen Gordon, PT Coordinator
23 John Maline, Executive Director
24 Mark Turek, Chief Investigator
25 Cindy Machado, Licensing Manager
26 Lea Weiss, Asst. Licensing Manager

27
28 **Guests:** Paul Hardin, TPTA
29 Barbara Sanders, PT, TPTA
30 Stacey Mather, TPTA
31 Amber Townsley, TPTA

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- 34 1. Call to order
35 2. Public comment
36 3. Approval of minutes from the January 17, 2014 meeting in Austin.
37 4. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary
38 matters, performance measures, ongoing projects, agency personnel matters, and other agency
39 business.
40 5. Investigation Committee Report and consideration by the Board of the following items
41 A. Review and possible action on Agreed Orders for case #: 13335; 13412; 14020; 14022;
42 14036; 14052; 14061; 14078; 14083; 14132; 14133; 14155; and 14170.
43 B. Discussion and possible action on the Investigation Committee Meeting of April 4, 2014.
44 C. Discussion and possible action on investigative activities to date.
45 6. Discussion and possible action on adopting changes to §325.1, Elections and §329.3, Temporary
46 Licensure for Examination Candidates.
47 7. Rules Committee Report and discussion and possible action by the Board on the following items:
48 D. Discussion and possible action on proposing changes to §341.6, License Restoration, regarding
49 restoration procedures for PTAs and verification of licenses.
50 E. Discussion and possible action on proposing changes to §329.2, Licensure by Examination,
51 regarding NPTE eligibility changes.
52 F. Discussion and possible action on proposing changes to §329.1, General Licensure
53 Requirements and Procedures, regarding allowing new licensees to work on the basis of
54 website verification of licensure.

- 1 G. Discussion and possible action on proposing changes to §343.1, Definitions, regarding
2 streamlining the process of filing a complaint.
3 H. Discussion and possible action on proposing changes to §322.1 Provision of Services regarding
4 making changes to the reevaluation requirements and the role of the PTA in the Discharge.
5 I. Discussion and possible action regarding addition of questions/answers to the Jurisprudence
6 Exam.
7 8. Education Committee Report and discussion and possible action by the Board on the following
8 items:
9 D. Discussion and possible action on the TPTA Continuing Competence Approval Program
10 (CCAP) report.
11 E. Discussion and possible action on proposing changes to §341.3, Qualifying Continuing
12 Competence Activities including credit for clinical instructors for PT and PTA students and
13 criteria for manuscript and journal reviews.
14 F. Discussion and possible action on proposing changes to §329.5, regarding FSBPT exam
15 eligibility requirements and remediation of general education deficiencies.
16 G. Discussion and possible action regarding addition of questions/answers to the Jurisprudence
17 Exam.
18 9. Vision Committee Report and discussion and possible action by the Board on the following items:
19 D. Discussion and possible action regarding the Federation of State Boards of Physical Therapy,
20 including discussion of the Annual Meeting in San Francisco, September 18-20, 2014 and
21 Federation changes to NPTE eligibility requirements.
22 E. Discussion and possible action on telehealth/teletherapy.
23 F. Discussion and possible action on the effect of the Affordable Care Act on healthcare in Texas
24 including enforcement issues due to increased violations.
25 10. Discussion and possible action on the Board Coordinator's report.
26 11. Board Chair's report concerning any item listed on the agenda and on events that have occurred
27 between this meeting and the Board's last meeting.
28 12. Discussion and possible action on long-term planning for future meetings, including future meeting
29 dates and agenda items.
30 13. Adjournment
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33 **1. Call to order**

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35 Mr. Gray called roll and determined that a quorum existed. He called the meeting to order at 9:15 a.m.

36
37 **2. Public comment**

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39 There was no public comment.

40
41 **3. Approval of minutes from the January 17, 2014.**

42
43 *Motion: To approve the minutes as corrected.*

44 *Made by: Jeff Tout*

45 *Second: Sharie Waldie*

46 *Motion passed unanimously.*
47

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

51
52 Mr. Maline reported on the following:

- 53
 - Personnel changes
 - Agency budget and fiscal status
 - Performance Measures54
55

- Issues with new website rollout and server crash.
- Executive Council actions

5. Investigation Committee Report and consideration by the Board of the following items

A. Review and possible action on agreed orders for case # 13335, 13412, 14020, 14022, 14036, 14052, 14061, 14078, 14083, 14132, 14133, 14155, 14170.

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

13335	14052	14133
14020	14061	14155
14022	14078	
14036	14083	

D. Discussion and possible action on the Investigation Committee Meeting of April 04, 2014

Mr. Turek reported that the Committee reviewed 114 cases, held 5 informal conferences, and issued 13 Agreed Orders.

E. Discussion and possible action on investigative activities to date

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

Mr. Gray recessed the meeting from 10:30 to 10:53 am.

6. Discussion and possible action on adopting changes to §325.1, Elections, and §329.3 Temporary Licensure for Examination Candidates

Motion: To adopt changes to §325.1, Elections, as proposed.
Made by: Melinda Rodriguez
Second: Harvey Aikman

Motion passed unanimously.

There were no comments or discussion on this proposal.

Motion: To adopt changes to §329.3, Temporary Licensure for Examination Candidates, as proposed.
Made by: Kathleen Luedtke-Hoffman
Second: Philip Vickers

Motion passed unanimously.

There were no comments or discussion on this proposal.

7. Rules Committee Report and discussion and possible action by the Board on the following items

D. Discussion and possible action on proposing changes to §341.6, License Restoration, and on restoration procedures for PTAs

1 Mr. Gray brought forth a motion from Committee to amend §341.6, License Restoration, by
2 reinserting the requirement for verification of all licenses previously held and adding supervised
3 clinical practice as an option of demonstrating continued competency for both PTs and PTAs
4 restoring a license. (See Attachment 1)
5

6 Motion: To propose changes to §341.6, License Restoration, as submitted.
7 Made by: Committee
8 Second: none required
9 Motion passed unanimously.

10
11 There were no comments or discussion on this proposal.

12
13 **E. Discussion and possible action on proposing changes to §329.2, Licensure by**
14 **Examination, regarding NPTE eligibility changes**
15

16 Mr. Gray reported that the Committee noted that this item was also on the Education Committee's
17 agenda and decided that further discussion and action on this item was best suited for the
18 Education Committee.

19
20 **F. Discussion and possible action on proposing changes to §329.1, General Licensure**
21 **Requirements and Procedures, regarding allowing new licensees to work on the basis of**
22 **website verification of licensure.**
23

24 Mr. Gray brought forth a motion from Committee to amend §329.1, General Licensure Requirements
25 and Procedures, which would allow individuals approved for their Texas license to begin work once
26 their licensure could be verified on the website instead of having them wait until they received their
27 paper license via mail. (See Attachment 2)
28

29 Motion: To propose changes to §329.1, General Licensure Requirements and Procedures, as
30 submitted.
31 Made by: Committee
32 Second: none required
33 Motion passed unanimously.
34

35 There were no comments or discussion on this proposal.

36
37 **G. Discussion and possible action on proposing changes to §343.1, Definitions, regarding**
38 **streamlining the process of filing a complaint.**
39

40 Mr. Gray brought forth a motion from Committee to amend §343.1, Definitions, which would allow a
41 more expeditious procedure for filing a complaint against a licensee of the Board. (See Attachment
42 3)
43

44 Motion: To propose changes to §343.1, Definitions, as submitted.
45 Made by: Committee
46 Second: none required
47 Motion passed unanimously.
48

49 There were no comments or discussion on this proposal.

50
51 **H. Discussion and possible action on proposing changes to §322.1 Provision of Services**
52 **regarding making changes to the reevaluation requirements and the role of the PTA in the**
53 **Discharge.**
54

55 Mr. Gray reported that the TPTA is in the process of gathering documentation for review by their
56 Payment Policy Committee and will have a report for the July meeting. He also reported that the

1 Committee discussed the role of the PTA in assisting with the discharge of a patient and in assisting
2 with the preparation of the Discharge Summary. No action was taken on either issue.
3

4 **I. Discussion and possible action regarding addition of questions/answers to the**
5 **Jurisprudence Test.**
6

7 Mr. Gray reported that the Committee discussed reviewing the current questions/answers of the JP
8 Exam for accuracy as several changes to the Rules have been made over the last several years.
9 He also reported that the Committee will be using a synopsis of each new rule to formulate new
10 questions/answers at the July meeting. No action was taken on this issue.
11

12 **8. Education Committee Report and discussion and possible action by the Board on the**
13 **following items**
14

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

18 Dr. Luedtke-Hoffman reported that the Committee reviewed and approved the CCAP report, and
19 made the following decisions:

- 20 • Agreed to relocating the procedural components of the Memorandum of Understanding to the
21 CCAP Policy and Procedure Manual;
- 22 • Discussed the results of a survey of PTA programs regarding length of clinical rotations;
- 23 • Agreed that faculty of developing PT/PTA programs qualify for CC credit for course development
24 if the program has achieved Candidate for Accreditation status;
- 25 • Agreed to establishing a list of qualifying journals/institutions for manuscript review and grant
26 review with pre-approval numbers for CC credit. Journals/institutions not on pre-approval list
27 would need to be submitted for approval;
- 28 • Discussed questions posed by two CCAP reviewers regarding self-study accountability and
29 inclusion of evidence based criteria as a requirement for CC approval. The Committee decided
30 to discuss possible changes to the criteria that continuing education programs must meet for
31 approval at the next meeting.
32

33 **E. Discussion and possible action on proposing changes to §341.3, Qualifying Continuing**
34 **Competence Activities**
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36 Dr. Luedtke-Hoffman brought forth a motion from the Committee to amend §341.3 Qualifying
37 Continuing Competence Activities, to revise the length of clinical rotations for clinical instructors
38 (CI) CC credit, and to revise criteria for manuscript and grant reviews to include establishment of
39 pre-approved lists. (See Attachment 4)
40

41 *Motion: To propose changes to §341.3, Qualifying Continuing Competence Activities, as*
42 *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

50 **F. Discussion and possible action on proposing changes to §329.5, regarding FSBPT exam**
51 **eligibility requirements and remediation of general education deficiencies**
52

53 Dr. Luedtke-Hoffman reported that the Committee discussed the revisions that need to be made to
54 §329.5 when the FSBPT implements changes to the eligibility requirements in 2016, and discussed
55 upcoming changes to the utilization of the CWT, TOEFL score reporting, and method of counting

1 general education credits for FEPT credential reviews. She also reported that the Committee took
2 no action, but agreed to discuss the issues again at the next meeting.

3
4 **G. Discussion and possible action regarding addition of questions/answers to the**
5 **Jurisprudence Exam.**

6
7 Dr. Luedtke-Hoffman reported that the Committee discussed reviewing the current
8 questions/answers of the JP Exam for accuracy as several changes to the Rules have been made
9 over the last several years, and that the Committee will be formulating new questions/answers at
10 the July meeting.

11
12 **9. Vision Committee Report and discussion and possible action by the Board on the following**
13 **items**

14
15 **D. Discussion and possible action regarding the Federation of State Boards of Physical**
16 **Therapy (FSBPT), including discussion of the Annual Meeting in San Francisco, September**
17 **18-20, 2014 and Federation changes to National Physical Therapy Examination (NPTE)**
18 **eligibility requirements.**

19
20 Mr. Peña reported that the Committee recommends Kathleen Luedtke-Hoffman, PT and Harvey
21 Aikman, PT as delegate and alternate delegate respectively to the FSBPTE Annual Meeting in San
22 Francisco.

23
24 Mr. Peña also reported that the NPTE eligibility requirements item was also on the Education
25 Committee's agenda and decided that further discussion and action on this item was best suited
26 for the Education Committee.

27
28 **E. Discussion and possible action on telehealth/teletherapy**

29
30 Mr. Peña reported that the TPTA had established a Telehealth Task Force to gather and provide
31 information to the TBPTE for their consideration. The Task Force Chair will be Daniel Renderio,
32 PT, DSC, OCS who is the Director of Occupational and Physical Therapy for the Army's Warrior
33 Transition Unit at Fort Hood, and that he expects that the task force will begin meeting by June.

34
35 He also reported that the Federation's Ethics & Legislation Committee will be researching and
36 developing guidance for member boards regarding PT performed via telehealth.

37
38 **F. Discussion and possible action on the effect of the Affordable Care Act on healthcare in**
39 **Texas including enforcement issues due to increased violations.**

40
41 Mr. Peña reported that there is too little known about the effects of the Affordable Care Act at this
42 point to determine whether or not the Board will see a potential increase in enforcement issues.

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

46
47 Ms. Gordon reported that the transition from Board member to PT Board Coordinator had been a
48 fairly smooth one. She also reported on upcoming projects of updating the PT Act and the PT
49 Rules pdfs and developing a CC Audit Tool.

50
51 **11. Board Chair's report concerning any item listed on the agenda and on events that have**
52 **occurred between this meeting and the Board's last meeting.**

53
54 Mr. Gray announced that he would be making new committee assignments.

1 **12. Discussion and possible action on long-term planning for future meetings, including future**
2 **meeting dates and agenda items**
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5 The Board confirmed the next meeting date as July 25th, and set October 17th in Galveston for the
6 following meeting.
7

8 **13. Adjournment**
9

10 *Motion: To adjourn the meeting.*
11 *Made by: Kathleen Luedtke-Hoffman*
12 *Second: René Peña*
13 *Motion passed unanimously.*
14

15 Mr. Gray adjourned the meeting at 12:00 p.m.
16

17
18 **Date reviewed by the Board:** 07/25/2014
19 **Action taken by the Board:** Approved without correction
20

1 **Attachment 1**

2
3 The Texas Board of Physical Therapy Examiners proposes amendments to §341.6, regarding License
4 Restoration. The amendments expand the requirements licensees must meet before restoring or
5 reinstating a Texas license that has been expired one year or more.

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

9 Mr. Maline has also determined that for each year of the first five-year period these amendments are in
10 effect the public benefit will be to encourage more PTs and PTAs whose licenses have expired to return
11 to the workforce if they are in Texas. Mr. Maline has determined that there will be no costs or adverse
12 economic effects to small or micro businesses, therefore an economic impact statement or regulatory
13 flexibility analysis is not required for the amendment. There are no anticipated costs to individuals who
14 are required to comply with the rule as proposed.

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

19 The amendments are proposed under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter
20 453, Texas Occupations Code, which provides the Texas Board of Physical Therapy Examiners with
21 the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

23 §341.6. License Restoration.

24 (a) The board may reinstate a license that has been expired one year or more through the process of
25 restoration if certain requirements are met.

26 (b) Duration. The original expiration date of a restored license will be adjusted so that the license will
27 expire two years after the month of restoration.

28 (c) Persons who are currently licensed in good standing in another state, district, or territory of the U.S.
29 The requirements for restoration are:

- 30 (1) a completed restoration application form;
31 (2) a passing score on the jurisprudence examination;
32 (3) verification of Licensure from all states in which the applicant holds or has held a license; and
33 (4) the restoration fee.

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

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

- 37 (A) a completed restoration application form;
38 (B) a passing score on the jurisprudence examination;
39 (C) the restoration fee;
40 (D) verification of Licensure from all states in which the applicant has held a license; and
41 successful completion of a practice review tool and board-approved continuing competence
42 activities (PT 30 CCUs, PTAs 20 CCUs) including two CCUs of approved ethics/professional
43 responsibility activities, or passage of the national examination.

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

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

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

5 (iii) For PTs only: successful completion of a board-approved practice review tool and 30
6 CCUs of board-approved continuing competence activities;

7 (iv) For PTs only: 480 hours on-site supervised clinical practice and 30 CCUs of board-
8 approved continuing competence activities within the previous 24 months;

9 (v) For PTAs only: 320 hours on-site supervised clinical practice and 20 CCUs of board-
10 approved continuing competence activities within the previous 24 months.

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

14 (A) a completed restoration application form;

15 (B) a passing score on the jurisprudence examination;

16 (C) the restoration fee; and

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

19 (e) Military spouses. The board may restore the license to an applicant who is the spouse of a person
20 serving on active duty as a member of the armed forces of the U.S., who has, within the five years
21 preceding the application date, held the license in this state that expired while the applicant lived
22 outside of this state for at least six months. In addition to the requirements listed in subsection (c)(1)-(4)
23 of this section, the application for restoration shall include:

24 (1) official documentation of current active duty of the applicant's spouse;

25 (2) official documentation of residence outside of Texas for a period of no less than six months,
26 including the date the applicant's license expired; and

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

28 (A) verification of current licensure in good standing in another state, district or territory of the
29 U.S.;

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

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

32 (D) successful completion of a practice review tool and continuing competence activities as
33 specified by the board.

34 (f) Renewal of a restored license. To renew a license that has been restored, a licensee must comply
35 with all requirements in §341.1 of this title (relating to Requirements for Renewal).

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3 The Texas Board of Physical Therapy Examiners proposes amendments to §329.1, regarding General
4 Licensure Requirements. The amendment allows new licensees to work on the basis of website
5 verification of licensure.

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

9 Mr. Maline has also determined that for each year of the first five-year period these amendments are in
10 effect the public benefit will be clearly identified as a more expeditious procedure will be in place for
11 new licensee verification. Mr. Maline has determined that there will be no costs or adverse economic
12 effects to small or micro businesses, and therefore an economic impact statement or regulatory
13 flexibility analysis is not required for the amendment. There are no anticipated costs to individuals who
14 are required to comply with the rule as proposed.

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

19 The amendments are proposed under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter
20 453, Texas Occupations Code, which provides the Texas Board of Physical Therapy Examiners with
21 the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

23 **§329.1.General Licensure Requirements and Procedures.**

24 (a) Requirements. All applications for licensure shall include:

- 25 (1) a completed board application form with a recent color photograph of the applicant;
- 26 (2) the non-refundable application fee as set by the executive council;
- 27 (3) a successfully completed board jurisprudence exam on the Texas Physical Therapy Practice
28 Act and board rules; and
- 29 (4) documentation of academic qualifications.

30 (A) For applicants who completed their physical therapy education in the U.S., the
31 documentation required is:

- 32 (i) a transcript sent directly to the board from the degree-granting institution showing
33 enrollment in the final semester of an accredited PT or PTA program as provided in
34 §453.203 of the Act; and
- 35 (ii) a statement signed by the program director or other authorized school official,
36 notarized or with the school seal affixed, stating that the applicant has successfully
37 completed the PT or PTA program.

38 (B) For applicants who completed their physical therapy education outside of the U.S., the
39 documentation required is set out in §329.5 of this title (relating to Licensing Procedures for
40 Foreign-Trained Applicants).

41 (C) For applicants who are active U.S. military service members or veterans, any military
42 service, training or education verified and credited by an accredited PT or PTA program is
43 acceptable to the board.

44 (b) Licensure by examination. If an applicant has not passed the national licensure exam, the applicant
45 must also meet the requirements in §329.2 of this title (relating to License by Examination).

- 1 (c) Licensure by endorsement. If the applicant is licensed as a PT or PTA in another state or jurisdiction
2 of the U.S., the applicant must also meet the requirements as stated in §329.6 of this title (relating to
3 Licensure by Endorsement).
- 4 (d) Application expiration. An application for licensure is valid for one year after the date it is received
5 by the board.
- 6 (e) False information. An applicant who submits an application containing false information may be
7 denied licensure by the board.
- 8 (f) Rejection. Should the board reject an application for licensure, the reasons for the rejection will be
9 stated. The applicant may submit additional information and request reconsideration by the board. If the
10 applicant remains dissatisfied, a hearing may be requested as specified in the Act, §453.352.
- 11 (g) Changes to licensee information. Applicants and licensees must notify the board in writing of
12 changes in address of record, and residential, mailing, or business addresses within 30 days of the
13 change. For a name change at time of renewal, the licensee must submit a copy of the legal document
14 enacting the name change with the renewal application.
- 15 (h) Replacement copy of license. The board will issue a copy of a license to replace one lost or
16 destroyed upon receipt of a written request and the appropriate fee from the licensee. The board will
17 issue a new original license after a name change upon receipt of a written request, the appropriate fee,
18 and a copy of the legal document enacting the name change.
- 19 (i) A new licensee may provide physical therapy services upon online verification of licensure. The
20 Board will maintain a secure resource for verification of license status and expiration date on its
21 website.
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3 The Texas Board of Physical Therapy Examiners proposes amendments to §343.1, regarding
4 Definitions. The amendments streamline the process for filing a complaint against a licensee.

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

8 Mr. Maline has also determined that for each year of the first five-year period these amendments are in
9 effect the public benefit will be clearly identified as a more expeditious procedure will be in place for
10 filing a complaint against a licensee of this board. Mr. Maline has determined that there will be no costs
11 or adverse economic effects to small or micro businesses, and therefore an economic impact statement
12 or regulatory flexibility analysis is not required for the amendment. There are no anticipated costs to
13 individuals who are required to comply with the rule as proposed.

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

18 The amendments are proposed under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter
19 453, Texas Occupations Code, which provides the Texas Board of Physical Therapy Examiners with
20 the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

22 **§343.1. Definitions.**

23

24 The following words and terms, when used in this chapter, shall have the following meanings, unless
25 the context clearly indicates otherwise.

26

27 (1) Act--The Texas Physical Therapy Practice Act, Texas Civil Statutes, Article 4512e.

28

29 (2) Agency--The Board of Physical Therapy Examiners.

30

31 (3) APTRA--The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-
32 13a.

33

34 (4) Applicant--A qualified individual who presents application for licensure as a physical therapist or
35 physical therapist assistant or for reinstatement of a previously suspended or revoked license.

36

37 (5) Board--The members of the Board of Physical Therapy Examiners who are appointed pursuant to
38 Texas Civil Statutes, Article 4512e.

39

40 (6) Board order--A final decision of the board issued in a contested proceeding or in lieu of such
41 proceeding, which may include findings of fact and conclusions of law, separately stated.

42

43 (7) Complaint--A written sworn statement of allegations filed with the board which includes a statement
44 of the matters asserted, including any supporting documentation available, and reference to the
45 particular sections of the statutes and rules involved, the filing of which may initiates a contested case
46 proceeding.

47

48 (8) Contested case--A proceeding in which the legal rights, duties, or privileges of a party are to be
49 determined by the agency after an opportunity for adjudicative hearing.

50

- 1 (9) Disciplinary action--Imposition of a sanction by the board which may include reprimand, suspension,
2 probation, or revocation of a license, or other appropriate requirements.
3
- 4 (10) Executive director--The executive director of the Board of Physical Therapy Examiners.
5
- 6 (11) Licensee--A person who holds a license either permanent or temporary under the Physical
7 Therapy Practice Act.
8
- 9 (12) Moral turpitude--Baseness, vileness, or dishonesty of a high degree.
10
- 11 (13) Notice--A statement of intended date, time, place, and nature of a hearing, and the legal authority
12 and jurisdiction under which a hearing is to be held. Notice may include a formal complaint filed to
13 initiate a contested case proceeding.
14
- 15 (14) Party--Each person with a sufficient legal, economic, or other interest to be named or admitted as
16 such by the agency to a contested case proceeding before the agency.
17
- 18 (15) Probation--Each person whose license is suspended is placed on probation for the length of the
19 suspension.
20
- 21 (16) Reinstatement--The individual with a revoked license must demonstrate or supply evidence to the
22 board of his or her rehabilitation or current fitness to hold a license. Reinstatement petitions shall be
23 considered no sooner than 180 days after the revocation order becomes final and enforceable.
24
- 25 (17) Reprimand--A public and formal censure against a license.
26
- 27 (18) Respondent--A person who has been made the subject of a formal or informal complaint alleging
28 violation of the Texas Physical Therapy Practice Act or rules, regulations, or orders of the Board of
29 Physical Therapy Examiners.
30
- 31 (19) Revocation--The withdrawal or repeal of a license. Revocation is established for minimum period
32 of one year.
33
- 34 (20) Staff--The investigative staff of the Board of Physical Therapy Examiners.
35
- 36 (21) Suspension--The temporary withdrawal of a license. The board may suspend for one day or a
37 designated number of years or until a specified event occurs.
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3 The Texas Board of Physical Therapy Examiners proposes amendments to §341.3, regarding
4 Qualifying Continuing Competence Activities. The amendments revise the method of obtaining credit
5 for service as a Clinical Instructor and the method of qualifying manuscript and grant reviews for credit.

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

9 Mr. Maline has also determined that for each year of the first five-year period these amendments are in
10 effect the public benefit will be PTs and PTAs that are competent to practice. Mr. Maline has
11 determined that there will be no costs or adverse economic effects to small or micro businesses,
12 therefore an economic impact statement or regulatory flexibility analysis is not required for the
13 amendment. There are no anticipated costs to individuals who are required to comply with the rule as
14 proposed.

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

19 The amendments are proposed under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter
20 453, Texas Occupations Code, which provides the Texas Board of Physical Therapy Examiners with
21 the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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

23 **§341.3. Qualifying Continuing Competence Activities.**

24 Licensees may select from a variety of activities to fulfill the requirements for continuing competence.
25 These activities include the following:

26 (1) Continuing education (CE).

27 (A) Program content and structure must be approved by the board-approved organization, or
28 be offered by a provider accredited by that organization. Programs must meet the following
29 criteria:

30 (i) Program content must be easily recognizable as pertinent to the physical therapy
31 profession and in the areas of ethics, professional responsibility, clinical application,
32 clinical management, behavioral science, science, or risk management.

33 (ii) The content must be identified by instructional level, i.e., basic, intermediate,
34 advanced. Program objectives must be clearly written to identify the knowledge and skills
35 the participants should acquire and be consistent with the stated instructional level.

36 (iii) The instructional methods related to the objectives must be identified and be
37 consistent with the stated objectives.

38 (iv) Programs must be presented by a licensed health care provider, or by a person with
39 appropriate credentials and/or specialized training in the field.

40 (v) Program providers are prohibited from self-promotion of programs, products, and/or
41 services during the presentation of the program.

42 (vi) The participants must evaluate the program. A summary of these evaluations must be
43 made available to the board-approved organization upon request.

1 (vii) Records of each licensee who participates in the program must be maintained for four
2 years by the CE sponsor/provider and must be made available to the board-approved
3 organization upon request.

4 (B) CE programs subject to this subsection include the following:

5 (i) Live programs.

6 (I) One contact hour equals 1 continuing competence unit (CCU).

7 (II) Documentation must include the name and license number of the licensee;
8 the title, sponsor/provider, date(s), and location of the course; the number of
9 CCUs awarded, the signature of an authorized signer, and the accredited
10 provider or program approval number.

11 (III) If selected for audit, the licensee must submit the specified documentation.

12 (ii) Self-study programs – Structured, self-paced programs or courses offered through
13 electronic media (for example, via the internet or on DVD) or on paper (for example, a
14 booklet) completed without direct supervision or attendance in a class.

15 (I) One contact hour equals 1 CCU.

16 (II) Documentation must include the name and license number of the licensee;
17 the title, sponsor/provider, date(s), and instructional format of the course; the
18 number of CCUs awarded, the signature of an authorized signer, and the
19 accredited provider or program approval number.

20 (III) If selected for audit, the licensee must submit the specified documentation.

21 (iii) Regular inservice-type programs over a one-year period where individual sessions are
22 granted 2 CCUs or less.

23 (I) One contact hour equals 1 CCU.

24 (II) Documentation must include the name and license number of the licensee;
25 the title, sponsor/provider, date(s), and location of the inservice; the signature of
26 an authorized signer, and the accredited provider or program approval number
27 with the maximum CCUs granted and the CCU value of each session or group of
28 sessions specified and justified.

29 (III) Additionally, proof of attendance to any or all inservice sessions must be
30 provided so that individual CCUs earned can be calculated by the program
31 sponsor/provider for submission to the board-approved organization.

32 (IV) If selected for audit, the licensee must submit the specified documentation.

33 (iv) Large conferences with concurrent programming.

34 (I) One contact hour equals 1 CCU.

35 (II) Documentation must include the licensee's name and license number; title,
36 sponsor/provider, date(s); and location of the conference; the number of CCUs
37 awarded, the signature of an authorized signer, and the accredited provider or
38 course approval number.

39 (III) If selected for audit, the licensee must submit the specified documentation
40 and proof of attendance.

41 (2) College or university courses.

42 (A) Courses at regionally accredited US colleges or universities easily recognizable as
43 pertinent to the physical therapy profession and in the areas of ethics, professional
44 responsibility, clinical application, clinical management, behavioral science, science, or risk
45 management.

46 (i) The course must be at the appropriate educational level for the PT or the PTA.

1 (ii) All college courses in this subsection are subject to the following:

2 (I) One satisfactorily completed credit hour (grade of C or equivalent, or higher)
3 equals 10 CCUs.

4 (II) Documentation required for consideration includes the course syllabus for
5 each course and an official transcript.

6 (III) If selected for audit, the licensee must submit the approval letter from the
7 board-approved organization.

8 (B) Courses submitted to meet the ethics/professional responsibility requirement must be
9 approved as stated in §341.2 of this chapter.

10 (C) College or university sponsored CE programs (no grade, no official transcript) must comply
11 with paragraph (1)(A) of this subsection

12 (D) College or university courses that are part of a post-professional physical therapy degree
13 program, or are part of a CAPTE-accredited program bridging from PTA to PT, are
14 automatically approved and are assigned a standard approval number by the board-approved
15 organization. If selected for an audit, the licensee must submit an official transcript

16 (3) Scholarship.

17 (A) Publications. Publication(s) pertinent to physical therapy and in the areas of ethics,
18 professional responsibility, clinical practice, clinical management, behavioral science, science,
19 or risk management written for the professional or lay audience. The author(s) are prohibited
20 from self-promotion of programs, products, and/or services in the publication.

21 (i) The publication must be published within the 24 months prior to the license expiration
22 date.

23 (ii) CCU values for types of original publications are as follows:

24 (I) A newspaper article (excluding editorials and opinion pieces) may be valued
25 up to 3 CCUs.

26 (II) A regional/national magazine article (excluding editorials and opinion pieces)
27 may be valued up to 10 CCUs.

28 (III) A case study in a peer reviewed publication, monograph, or book chapter(s)
29 is valued at 20 CCUs.

30 (IV) A research article in a peer reviewed publication, or an entire book is valued
31 at 30 CCUs.

32 (iii) Documentation required for consideration includes the following:

33 (I) For newspaper articles, a copy of the article and the newspaper banner,
34 indicating the publication date;

35 (II) For magazine articles and publications in peer reviewed journals, a copy of
36 the article and the Table of Contents page of the publication showing the author's
37 name and the name and date of the publication.

38 (III) For monographs or single book chapters, a copy of the first page of the
39 monograph or chapter, and the Table of Contents page of the publication
40 showing the author's name and the name and date of the publication.

41 (IV) For an entire book or multiple chapters in a book, the author must submit the
42 following: title page, copyright page, entire table of contents, preface or forward if
43 present, and one book chapter authored by the licensee.

44 (iv) If selected for audit, the licensee must submit the approval letter from the board-
45 approved organization.

1 (B) Manuscript review. Reviews of manuscripts for peer-reviewed publications pertinent to
2 physical therapy and in the areas of ethics, professional responsibility, clinical practice, clinical
3 management, behavioral science, science, or risk management. The Board will maintain and
4 make available a list of peer-reviewed publications that are automatically approved for
5 manuscript review and assigned a standard approval number by the board-approved
6 organization.

7 (i) The review must be completed within the 24 months prior to the license expiration date.

8 (ii) One manuscript review is valued at 3 CCUs.

9 (iii) For each renewal:

10 (I) PTs may submit no more than 3 manuscript reviews (9 CCUs).

11 (II) PTAs may submit no more than 2 manuscript reviews (6 CCUs).

12 (iv) Documentation required for consideration is a copy of the letter or certificate from the
13 publisher confirming completion of manuscript review.

14 (iv) ~~(v)~~ If selected for audit, the licensee must submit a copy of the letter or certificate from
15 the publisher confirming completion of manuscript review. ~~the approval letter from the~~
16 ~~board-approved organization.~~

17 (v) A peer-reviewed publication not on the list of recognized publications for manuscript
18 review but pertinent to the physical therapy profession may be submitted to the board-
19 approved organization for consideration. Documentation required for consideration
20 includes the following:

21 (I) The name of the peer-reviewed journal;

22 (II) The name of the manuscript; and

23 (III) A description of the journal's relevance to the physical therapy profession.

24 (C) Grant proposal submission. Submission of grant proposals by principal investigators or
25 co-principal investigators for research that is pertinent to physical therapy and in the areas of
26 ethics, professional responsibility, clinical practice, clinical management, behavioral science,
27 science, or risk management.

28 (i) The grant proposal must be submitted to the funding entity within the 24 months prior to
29 the license expiration date.

30 (ii) One grant proposal is valued at 10 CCUs.

31 (iii) Licensees may submit a maximum of 1 grant proposal (10 CCUs).

32 (iv) Documentation required for consideration is a copy of the grant and letter submitted to
33 the grant-provider.

34 (v) If selected for audit, the licensee must submit the approval letter from the board-
35 approved organization.

36 (D) Grant review for research pertinent to healthcare. The Board will maintain and make
37 available a list of grant-issuing entities that are automatically approved for grant review
38 and assigned a standard approval number by the board-approved organization.

39 (i) The review must be completed within the 24 months prior to the license
40 expiration date.

41 (ii) One grant review is valued at 3 CCUs.

42 (iii) Licensees may submit a maximum of 2 grant reviews (6 CCUs).

43 ~~(vi) Documentation required for consideration is a letter or certificate confirming~~
44 ~~grant review from the grant-provider.~~

45 (iv) ~~(v)~~ If selected for audit, the licensee must submit a letter or certificate
46 confirming grant review from the grant provider. ~~the approval letter from the~~
47 ~~board-approved organization.~~

1 (v) A grant-issuing entity not on the list of recognized entities for grant review but
2 pertinent to the physical therapy profession may be submitted to the board-
3 approved organization for consideration. Documentation required for
4 consideration includes the following:

5 (I) The name of the grant-issuing entity;

6 (II) The name of the grant; and

7 (III) A description of the grants relevance to the physical therapy
8 profession.

9
10 (4) Teaching and Presentation Activities.

11 (A) First-time development or coordination of course(s) in a CAPTE-accredited PT or PTA
12 program, or a post-professional physical therapy degree program, or a CAPTE-accredited
13 program bridging from PTA to PT. This activity type is automatically approved and is assigned
14 a standard approval number by the board-approved organization.

15 (i) The course must be offered for the first time within the 24 months prior to the license
16 expiration date.

17 (ii) One student contact hour equals 4 CCUs.

18 (iii) Licensees are limited to the following number of CCUs:

19 (I) PTs may submit a maximum of 10 CCUs for this activity.

20 (II) PTAs may submit a maximum of 8 CCUs for this activity.

21 (iv) If selected for audit, the licensee must submit a copy of the course syllabus indicating
22 the licensee as course coordinator or primary instructor.

23 (B) First-time development or coordination of course(s) in a regionally accredited U.S. college
24 or university program for other health professions.

25 (i) The course must be offered for the first time within the 24 months prior to the license
26 expiration date.

27 (ii) One student contact hour equals 4 CCUs.

28 (iii) Licensees are limited to the following number of CCUs:

29 (I) PTs may submit a maximum of 10 CCUs for this activity.

30 (II) PTAs may submit a maximum of 8 CCUs for this activity.

31 (iv) Documentation required for consideration is a copy of the course syllabus indicating
32 the licensee as course coordinator or primary instructor.

33 (v) If selected for audit, the licensee must submit the approval letter from the board-
34 approved organization.

35 (C) Presentation or instruction as a guest lecturer in a CAPTE-accredited PT or PTA program,
36 or a post-professional physical therapy degree program, or a CAPTE-accredited program
37 bridging from PTA to PT. This activity type is automatically approved and is assigned a
38 standard approval number by the board-approved organization.

39 (i) One student contact hour equals 2 CCUs.

40 (ii) Licensees are limited to the following number of CCUs:

41 (I) PTs may submit a maximum of 10 CCUs for this activity.

42 (I) PTAs may submit a maximum of 8 CCUs for this activity.

43 (iii) If selected for audit, the licensee must submit a copy of the course syllabus indicating
44 the licensee as course presenter or instructor.

1 (D) Presentation or instruction as a guest lecturer in a regionally accredited U.S. college or
2 university program for other health professions.

3 (i) One student contact hour equals 2 CCUs.

4 (ii) Licensees are limited to the following number of CCUs:

5 (I) PTs may submit a maximum of 10 CCUs for this activity.

6 (II) PTAs may submit a maximum of 8 CCUs for this activity.

7 (iii) Documentation required for consideration is a copy of the course syllabus indicating
8 the licensee as course coordinator or primary instructor.

9 (iv) If selected for audit, the licensee must submit a copy of the course syllabus indicating
10 the licensee as course presenter or instructor.

11 (v) If selected for audit, the licensee must submit a copy of the course syllabus indicating
12 the licensee as course presenter or instructor.

13 (E) First-time development, presentation or co-presentation at state, national or international
14 workshops, seminars, or professional conferences, or at a board-approved continuing
15 education course.

16 (i) The course must be offered for the first time within the 24 months prior to the license
17 expiration date.

18 (ii) One contact hour equals 4 CCUs.

19 (iii) Licensees are limited to the following number of CCUs:

20 (I) PTs may submit no more than 10 CCUs for this activity.

21 (II) PTAs may submit no more than 8 CCUs for this activity.

22 (iv) Documentation required for consideration includes one of the following: a copy of a
23 brochure for the presentation indicating the licensee as a presenter; or, a copy of the
24 cover from the program and page(s) indicating the licensee as a presenter.

25 (v) If selected for audit, the licensee must submit the approval letter from the board-
26 approved organization.

27 (F) Service as a clinical instructor for full-time, entry-level PT or PTA students enrolled in
28 accredited education. This activity type is automatically approved and is assigned a standard
29 approval number by the board-approved organization.

30 (i) The instructorship must be completed within the 24 months prior to the license
31 expiration date.

32 (ii) Valuation of clinical instruction is as follows:

33 (I) Supervision of full-time PT or PTA students for 5 6 – 11 weeks is valued at 5
34 CCUs.

35 (II) Supervision of full-time PT or PTA students for 12 weeks or longer is valued
36 at 10 CCUs.

37 (iii) Licensees are limited to the following number of CCUs:

38 (I) PTs may submit a maximum of 10 CCUs for this activity.

39 (II) PTAs may submit a maximum of 8 CCUs for this activity.

40 (iv) If selected for audit, the licensee must submit a letter or certificate from the
41 coordinator of clinical education confirming clinical supervision and the number of weeks
42 ~~hours~~ supervised from the education program.

43 (5) Advanced Training, Certification, and Recognition.

1 (A) Specialty Examinations. The Board will maintain and make available a list of recognized
2 specialty examinations. Successful completion of a recognized specialty examination-(initial or
3 recertification) is automatically approved and assigned a standard approval number by the
4 board-approved organization.

5 (i) The specialty examination must be successfully completed within the 24 months prior
6 to the license expiration date.

7 (ii) Each recognized specialty examination is valued at 30 CCUs.

8 (iii) If selected for audit, the licensee must submit a copy of the letter from the certifying
9 body notifying the licensee of completion of the specialty from the credentialing body, and
10 a copy of the certificate of specialization.

11 (iv) A specialty examination not on the list of recognized examinations but pertinent to the
12 physical therapy profession may be submitted to the board-approved organization for
13 consideration. Documentation required for consideration includes the following:

14 (I) Identification and description of the sponsoring organization and its authority
15 to grant a specialization to PTs or PTAs;

16 (II) A complete description of the requirements for specialization including
17 required clock hours of no less than 1,500 completed within the prior 24 months;

18 (III) A copy of the letter notifying the licensee of completion of the specialty from
19 the certifying body, and a copy of the certificate of specialization.

20 (B) APTA Certification for Advanced Proficiency for the PTA. This activity type is automatically
21 approved and is assigned a standard approval number by the board-approved organization.

22 (i) The certification must be successfully completed within the 24 months prior to the
23 license expiration date.

24 (ii) Completion of specialty certification is valued at 20 CCUs.

25 (iii) If selected for audit, the licensee must submit a copy of the letter notifying the licensee
26 of completion of the advanced proficiency, and a copy of the certificate of proficiency.

27 (C) Residency or fellowship relevant to physical therapy. The Board will maintain and make
28 available a list of recognized residencies and fellowships. This activity type is automatically
29 approved and is assigned a standard approval number by the board-approved organization.

30 (i) The residency or fellowship must be successfully completed within the 24 months prior
31 to the license expiration date.

32 (ii) Completion of the residency or fellowship is valued at 30 CCUs.

33 (iii) If selected for audit, the licensee must submit a copy of the letter notifying the licensee
34 of completion of the fellowship, and a copy of the fellowship certificate.

35 (D) Supervision or mentorship of a resident or fellow in an APTA credentialed residency or
36 fellowship program. This activity type is automatically approved and is assigned a standard
37 approval number by the board-approved organization.

38 (i) Clinical supervision of residents or fellows for 1 year is valued at 10 CCUs.

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

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

43 (E) Practice Review Tool (PRT) of the Federation of State Boards of Physical Therapy
44 (FSBPT). This activity type is automatically approved and is assigned a standard approval
45 number by the board-approved organization.

46 (i) Completion of a PRT is valued at 15 CCUs.

1 (ii) If selected for audit, the licensee must submit a copy of the FSBPT certificate of
2 completion.

3 (6) Professional Membership and Service. Licensees may submit activities in this category for up
4 to one half of their CC requirement (PT - 15 CCUs, PTAs – 10 CCUs) at time of renewal.
5 Licensees must demonstrate membership or participation in service activities for a minimum of one
6 year during the renewal period to receive credit. Credit is not prorated for portions of years.

7 (A) Membership in the APTA. This activity type is automatically approved and is assigned a
8 standard approval number by the board-approved organization.

9 (i) One year of membership is valued at 1 CCU.

10 (iii) If selected for audit, the licensee must submit a copy of the current membership card.

11 (B) Service on a board, committee, or taskforce for the Texas Board of Physical Therapy
12 Examiners, the American Physical Therapy Association (APTA) (or an APTA component), or
13 the Federation of State Boards of Physical Therapy (FSBPT). This activity type is
14 automatically approved and is assigned a standard approval number by the board-approved
15 organization.

16 (i) One year of service is valued at 3 CCUs.

17 (ii) Licensees are limited to the following number of CCUs per renewal:

18 (I) PTs may submit a maximum of 9 CCUs for this activity.

19 (II) PTAs may submit a maximum of 6 CCUs for this activity.

20 (iii) If selected for audit, the licensee must submit a copy of a letter on official organization
21 letterhead or certificate confirming completion of service.

22 (C) Service as a TPTA Continuing Competence Approval Program reviewer. This activity type
23 is automatically approved and is assigned a standard approval number by the board-approved
24 organization.

25 (i) One year of service is valued at 3 CCUs.

26 (ii) Licensees are limited to the following number of CCUs per renewal:

27 (I) PTs may submit a maximum of 6 CCUs for this activity.

28 (II) PTAs may submit a maximum of 6 CCUs for this activity.

29 (iv) If selected for audit, the licensee must submit a copy of a letter or certificate
30 confirming completion of service on official organization letterhead.

31 (D) Service as an item writer for the national PT or PTA exam. This activity type is
32 automatically approved and is assigned a standard approval number by the board-approved
33 organization.

34 (i) One year of service is valued at 5 CCUs.

35 (iii) Licensees are limited to the following number of CCUs per renewal:

36 (I) PTs may submit a maximum of 10 CCUs for this activity.

37 (II) PTAs may submit a maximum of 10 CCUs for this activity.

38 (iv) If selected for audit, the licensee must submit a copy of a letter or certificate
39 confirming completion of service on official organization letterhead.
40