



February 2016

Communiqué

333 Guadalupe, Suite 2-510
Austin, Texas 78701

512-305-6900
www.ptot.texas.gov

Inside This Issue

- 1 ECPTOTE to Initiate E-mail Program
- 1 Board Actions January 2016
- 2 The Sunset Review
- 2 Renewal Reminder
- 3 Disciplinary Action
- 5 Proposed/Adopted Rules
- 5 Continuing Competence Corner
- 7 Did You Know?
- 8 New NPTE Eligibility Requirements
- 8 PT Board Responds to RQ-0068-KP

Physical Therapy Board

Gary Gray, PT, Chair
Shari Waldie, PT, Vice Chair
Melinda Rodriguez, PT, DPT,
Secretary
Jeff Tout, PT
Harvey Aikman, PT
Barbara Sanders, PT, PhD
Philip Vickers, Public Member
Daniel Renya, Public Member

Next Board Meeting

April 29, 2016
333 Guadalupe
Suite 2-510
Austin, TX 78701

ECPTOTE to Initiate Email Program

In order to enhance communication with licensees, facility owners, and other interested stakeholders, the Executive Council of Physical Therapy & Occupational Therapy Examiners (ECPTOTE) will be implementing a program to mass email notices and documents within the next several months. Typical items that will be emailed once the program is up and running will include:

- quarterly board newsletters,
- license/registration renewal notices,
- proposed and adopted changes to the PT Rules, and
- other items of interest to the regulated population.

The license and registration renewal email notices will not replace the postcard reminders that are currently being mailed but will be an additional means to remind licensees to timely renew their licenses and facilities to timely renew their registration.

How can you help make the email program a success?

Make sure that the Board has your current email address on file. Changes to your contact information can be made online at www.ptot.texas.gov by clicking on the *Change Contact Info* under the *Looking for?* menu bar.

To make sure that you receive emails from the Board:

- Add emailPT@ptot.texas.gov to your "safe" email addresses.
- Check your "junk/spam" folders for emails from the Board.



Board Actions January 2016

At its January 29th meeting, the PT Board adopted amendments to **§341.3. Qualifying Continuing Competence Activities** and **§341.6. License Restoration**.

Additionally, the Board proposed an amendment to **§329.2. Licensure by Examination**.

Summaries of adopted and proposed rules are available on page 5.

**The Sunset Review of the
Executive Council of Physical Therapy and Occupational Therapy Examiners
Texas Board of Physical Therapy Examiners
Texas Board of Occupational Therapy Examiners**

The mission and performance of the Executive Council of Physical Therapy and Occupational Therapy Examiners (executive council), Texas Board of Physical Therapy Examiners (physical therapy board), and Texas Board of Occupational Therapy Examiners (occupational therapy board) are under review by the Legislature as required under the Texas Sunset Act. The Act provides that the Sunset Commission, composed of legislators and public members, periodically evaluate a state agency to determine if the agency is still needed and to explore ways to ensure that the agency's funds are well spent. Based on the recommendations of the Sunset Commission, the Texas Legislature ultimately decides whether an agency continues to operate into the future.

The Sunset review involves three steps. First, Sunset Commission staff will evaluate the executive council and the physical therapy and occupational therapy boards and issue a report in April 2016 recommending solutions to problems found. A month or so later, the Sunset Commission will meet to hear public testimony on the agency and the recommendations of the Sunset staff. Based on public input and the Sunset staff report, the Sunset Commission will adopt recommendations for the full Legislature to consider when it convenes in January 2017. Please refer to the Sunset Commission website or call the office for updated information on specific dates for these meetings.

Through the Sunset review, every Texan has the opportunity to suggest ways in which the mission and operations of the executive council and the physical therapy and occupational therapy boards can be strengthened. If you would like to share your ideas about the executive council and these two boards, please send an email to the address below, use the comment form on the Sunset Commission website, or contact Erick Fajardo of the Sunset staff. **Suggestions are preferred by December 14, 2015**, so they can be fully considered by the Commission staff.

Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711
512/463-1300
Fax: 512/463-0705
Email: sunset@sunset.state.tx.us

Information about the Sunset process, Sunset Commission meetings, and how to receive Sunset Commission email updates is available at: www.sunset.texas.gov

Renewal Reminder

For those PTs and PTAs who have not renewed their license during the transition period to birth-month renewal which began March 1, 2015, your current expiration date has NOT changed.

You need to timely renew your license with all of your required continuing competence and a passing score on the JP Exam. **Your new birth-month expiration date will be automatically calculated AFTER you complete the renewal process and will be effective for the following renewal period.**

If you are unsure when your license expires, check the online license verification at www.ptot.texas.gov/page/look-up-a-license.

Disciplinary Actions

The following disciplinary actions were taken at the January 29, 2016 Board Meeting:

- (1) **John Luke McKenzie, PT #1117091 (Weatherford)** – practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order reprimanded the licensee and fined him \$1,000.***
- (2) **Ruth Adzura, PT #1034015 (Houston)** – practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order reprimanded the licensee and fined her \$1,000.***
- (3) **Niki Lynn Koop, PT #1098911 (Liberty Hill)** – practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order reprimanded the licensee and fined her \$1,000.***
- (4) **Ronald Sean Rich, PT #1135051 (College Station)** – practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order reprimanded the licensee and fined him \$1,000.***
- (5) **Amy Briggs, PT #1092419 (Irving)** – practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order reprimanded the licensee and fined her \$500.***
- (6) **Jesus Herrera, PT #1216579 (Santa Teresa, NM)** – practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order reprimanded the licensee and fined him \$1,000.***
- (7) **Greydon Callaway, PT #1148889 (Dallas)** – practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order reprimanded the licensee and fined him \$1,000.***
- (8) **Shane Wall, PT #1125359 (Stephenville)** – practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order reprimanded the licensee and fined him \$500.***
- (9) **Brent McElfresh, PT #1248045 (Stephenville)** – practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order reprimanded the licensee and fined him \$500.***
- (10) **James Alan Lee, PT #1095537 (San Antonio)** – practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order reprimanded the licensee and fined him \$1,000.***
- (11) **Cynthia Ayers, PT #1056281 (McKinney)** – practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order reprimanded the licensee and fined her \$1,000.***
- (12) **Sangini Mehta, PT #1144434 (Richardson)** – practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order reprimanded the licensee and fined her \$1,000.***

Disciplinary Actions, cont.

- (13) **Roberta Carter, PT #1191049 (Rising Star)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined her \$1,000.**
- (14) **Victor Tan, PT #1104545 (Lubbock)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined him \$1,000.**
- (15) **Dennis Kress, PTA #2038933 (Bullard)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined him \$500.**
- (16) **Juan Gonzalez, PT #1152759 (Harlingen)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined him \$1,000.**
- (17) **Daryl Dahman, PT #1035558 (Brenham)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined him \$1,000.**
- (18) **Mary Lee Pratt, PT #1016475 (Boerne)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined her \$1,000.**
- (19) **Angela Diann Cox, PT #1086049 (Brownwood)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined her \$1,000.**
- (20) **Tara Garza, PT #1220641 (El Paso)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined her \$500.**
- (21) **Alberto Weber, PTA #2047983 (El Paso)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined him \$500.**
- (22) **Michael Gillespie, PT #1221966 (El Paso)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined him \$500.**
- (23) **Lilia Vazquez, PT #1210427 (El Paso)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined her \$500.**
- (24) **Eric Ramirez, PTA #2067298 (El Paso)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined him \$500.**
- (25) **Amanda Moeller, PT #1130698 (El Paso)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined her \$500.**
- (26) **Matthew McLean, PT #1227595 (El Paso)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined him \$500.**
- (27) **Heidi Abarro, PT #1244960 (El Paso)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined her \$500.**
- (28) **Denise Manley, PT #1247997 (Fort Worth)** - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined her \$500.**
- (29) **Darryl Martin, PT #1116481 (Beeville)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order required 60 hours of community service.**

Continued on pg. 6

Proposed/Adopted Rules

The Board took the following rulemaking actions at the **January 29, 2016 Board meeting**. The full text of all proposed and adopted rules is available at: www.ptot.texas.gov/page/act-and-rules. If you would like to comment on proposed rules, please send your written comments to karen@ptot.texas.gov, or 333 Guadalupe, Suite 2-510, Austin, TX 78701. The proposed rule will be published in the February 12, 2016 issue of the *Texas Register* available at www.sos.state.tx.us/texreg/index.shtml.

Adopted Rules - to be effective February 21, 2016:

§341.3. Qualifying Continuing Competence Activities - The amendment is adopted to:

- correct a discrepancy between rule and Board adopted policy for approving a specialty examination,
- allow the Board to consider partial credit for mentoring a resident/fellow who rotates through several facilities with separate mentors, and
- add credit for item writers for American Board of Physical Therapy Specialties (ABPTS) specialty examinations.

§341.6. License Restoration - The amendment is adopted per SB 1307 which passed during the 84th Legislature (2015) to add military service member and military veterans as qualifying for expediting the restoration of a license.

Proposed Rule:

§329.2. Licensure by Examination – The amendment is proposed to enable an applicant who has reached the 6-time lifetime limit or 2 very low scores on the National Physical Therapy Examination (NPTE) a means of requesting that the Board appeal on their behalf to the Federation of State Boards of Physical Therapy (FSBPT).

Continuing Competence Corner Update on Specialty Examinations and Item Writers

Did you know that you can now claim continuing competence units (CCUs) for the following activities?

- Passing the **Certified Wound Specialist (CWS)** examination offered by the American Board of Wound Management (ABWM). The exam must be passed during your renewal period and is valued at 30 CCUs.
- Passing the **Wound Care Certification (WCC)** examination offered by the National Alliance of Wound Care and Ostomy (NAWCO). The exam must be passed during your renewal period and is worth 30 CCUs.
- Serving as an **item writer for an American Board of Physical Therapy Specialties (ABPTS) examination**. One year of service during your renewal period is valued at 5 CCUs with a maximum of 10 CCUs for the renewal period.

Disciplinary Actions, cont.

- (30) **Mark Picou, PT #1071991 (Lufkin)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order required suspended his license for seven (7) days.**
- (31) **Diana Rosales-Hernandez, PT #1175840 (Schertz)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended her license for seven (7) days.**
- (32) **Rafael Nigaglioni, PTA #2097121 (El Paso)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for fifteen (15) days.**
- (33) **Laurie Portmann, PT #1115632 (Wichita Falls)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended her license for twenty-one (21) days.**
- (34) **Matthew Shane, PT #1204921 (Hewitt)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for thirty (30) days.**
- (35) **Ricardo Morales, PTA #2082091 (San Antonio)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for thirty (30) days.**
- (36) **Monica Moore Thorn, PTA #2028744 (Irving)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended her license for thirty (30) days.**
- (37) **Robert Varela, PTA #2099337 (Pearland)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for thirty (30) days.**
- (38) **Margareli Rodriguez, PTA #2070490 (El Paso)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended her license for forty-five (45) days.**
- (39) **Vivian Ellis, PT #1033876 (Livingston)** – failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**
- (40) **Kristin Souza, PT #1149823 (Houston)** - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**
- (41) **Charlina Viray, PT #1072346 (Tyler)** - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**
- (42) **Elizabeth Burgess, PT #1047165 (Arlington)** - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**
- (43) **Judith Moussavian, PT #1080166 (Carrollton)** - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**
- (44) **Sam Coco, PT #1138956 (Lumberton)** - failed to properly renew his license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Continued on pg. 7

Disciplinary Actions, cont.

(45) Annah Segosebe, PT #1066496 (Missouri City) - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

(46) Benjamin Gallegos, PT #1066652 (Mansfield) - failed to properly renew his license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required sixty (60) hours of community service.**

(47) Jorge Lopez, PTA #2051631 (Alamo) - practiced in a detrimental manner by failing to accurately record treatment notes; documenting treatment notes for treatments on a date not rendered. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for thirty (30) days.**

(48) Ralph Repato, PTA #2101089 (El Paso) - practiced in a detrimental manner by failing to accurately record treatment notes; documenting treatment notes for treatments on a date not rendered. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for thirty (30) days.**

(49) Jacob Hiler, PTA #2100983 (Harlingen) - practiced in a detrimental manner by treating a patient without a current plan of care; therefore practicing beyond the scope of his license. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for thirty (30) days.**

(50) Jeanine Burke, PT #1240659 (Dallas) - practiced in a detrimental manner by failing to maintain the confidentiality of all patient information, including compliance with HIPPA regulations. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended her license for thirty (30) days.**

(51) Christine Tucker, PT #1093383 (San Antonio) - practiced in a detrimental manner by taking prescription medication from a patient under her care. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended her license indefinitely, until such time as the board can determine conditions under which she can safely return to practice.**

(52) Gary Wilson, PT #1012458 (Orange) - practiced in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order reprimanded the licensee and fined him \$1000.**

Did You Know?

Failing the Continuing Competence (CC) Audit may result in disciplinary action by the Board.

The PT Board conducts an audit of a random sample of licensees quarterly to determine compliance with continuing competence requirements. To maintain compliance in the event that you are audited, you should:

- Accumulate the required number of approved Continuing Competence Units (CCUs) **during** your renewal period – 30 CCUs for PTs, 20 CCUs for PTAs.
- Acquire a minimum of 2 CCUs in a course that is **specifically approved** to meet the TX Ethics/Professional Responsibility renewal requirement.
- Assure that **all** of your CCUs have been approved through the **Continuing Competence Approval Program** administered by the Texas Physical Therapy Association (TPTA) for the PT Board.

For more information on the CC Audit, visit <http://www.ptot.texas.gov/page/cc-ce>.

New National Physical Therapy Examination (NPTE) Eligibility Requirements

The Federation of State Boards of Physical Therapy (FSBPT) has implemented both a lifetime limit and a low score limit for a candidate's eligibility to take the NPTE as follows:

- Six (6) attempts on both the PT and PTA exams;
- Two (2) low scores of 400 or less.

As of January 1, 2016, any candidate who has already tested 6 times will no longer be allowed to test unless a jurisdiction chooses to appeal on a specific candidate's behalf. Information on the appeals process is available on the FSBPT's website, www.fsbpt.org.

Candidates who receive a score of 400 or less will be notified that a second score of 400 or less will result in a lifetime ban. No scores prior to January 1, 2016 will be considered, which means all candidates will have a "clean slate" with regard to this eligibility requirement.

If you are a candidate for re-examination, the Board recommends that you identify your areas of weakness and develop a study plan to improve your performance on the exam. The PT Board no longer requires that an applicant who has failed the NPTE 2 or more times send in a letter of weakness and proof of remediation but suggests the following areas of study:

- Your **Exam Performance Feedback** report available from the FSBPT.
- A commercial **exam review course**.
- **Tutorial hours** of study.
- **Continuing education courses**.

PT Board Responds to RQ-0068-KP (AG Opinion Request Regarding Dry Needling by PTs)

On December 10, 2015, the PT Board submitted a legal brief and exhibits to the Texas Attorney General's Opinion Committee in response to the Texas State Board of Acupuncture Examiners (TSBAE) request for an Attorney General's Opinion regarding trigger point dry needling as performed by physical therapists. The questions which were initially posed by the TSBAE were :

1. *Is the practice of "trigger point dry needling" the practice of acupuncture as defined by Texas Occupations Code §205.001(2)?*
2. *Did the legislature intend that the practice of acupuncture be clearly encompassed under the scope of the licensure for Physical Therapists?*

The AG's Opinion Committee changed the query to:

1. *Whether licensed physical therapists are authorized to practice trigger point dry needling.*

The PT Board's brief supported its opinion that trigger point dry needling is within the scope of practice of a Physical Therapist in the State of Texas. In addition to the Board's brief, the American Physical Therapy Association (APTA) submitted an amicus brief in support of the Board's position.

An opinion must be rendered by the Attorney General on or before May 9, 2016.