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Texas Board of Physical Therapy Examiners

**Board Meeting
Telephonic**

**July 16, 2021
9:00 am**

10 **Members Present:** Harvey Aikman, PT, DPT, Chair
11 Barbara Sanders, PT, PhD, Vice Chair
12 Liesl Olson, PT, Secretary
13 Manuel "Tony" Domenech, PT, DPT
14 Kathryn Roby, PT, DPT
15 Melissa Skillern, PT, DPT
16 Glenda Clausell, Public Member
17 Donivan Hodge, Public Member
18 Jacob Delgado, Public Member

19
20 **Legal Counsel:** Rosalind Hunt, Assistant Attorney General

21
22 **Staff:** Ralph Harper, Executive Director
23 Karen Gordon, PT Coordinator
24 Amy Carter, Chief Investigator
25 Karissa Rodriguez, Licensing Manager/RMO
26 Randall Glines, Staff Services Officer

27
28 **Guests:** Craig Tounget, ED - Texas Physical Therapy Association (TPTA)
29 Lindsey Green, TPTA Staff
30 Mano Mahedeva, Executive Council Presiding Officer
31 Julie Davis, Governor's Office of Compliance and Monitoring
32 Michael Willis
33

34 The meeting of the Texas Board of Physical Therapy Examiners was held by telephonic conference call, as
35 authorized under Texas Government Code section 551.125 and the Governor's March 16, 2020 suspension
36 of certain provisions of the Texas Open Meetings Act.

- 37 1. Call to order
38 2. Roll call for members
39 3. Roll call for public participants
40 4. Excusing board member absences.
41 5. Public comment
42 6. Minutes from the April 09, 2021 meeting
43 7. Executive Director's Report concerning fiscal and budgetary matters, performance measures, ongoing
44 projects, agency personnel matters, legislative session, and other agency business
45 8. Investigation Committee Report concerning:
46 A. Agreed Orders for case #s: 21349, 21388, 21402, 21411, 21413, 21428, 21446, 21457, 21470,
47 21475, 21482, 21485, 21490, 21494, 21496, 21504, 21508, 21522, 21523, 21530, 21546, 21552,
48 21555, 21564, 21566, 21569, 21573, and 21625
49 B. Number of cases reviewed, Agreed Orders issued, administrative suspensions under Texas
50 Occupations Code § 453.255(b), case closing letters, and other investigative matters
51 discussed during the Investigation Committee Meeting of June 07, 2021
52 C. Performance measures, on-site investigation visits, school presentations, and other investigative
53 activities that have occurred between this meeting and the Board's last meeting
54 9. Final adoption of the following amendments:
55 A. §329.1. General Licensure Requirements and Procedures
56 10. Education Committee report.
57 F. The Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program
58 (CCAP) report

- 1 G. CCAP Audit
- 2 H. Request(s) for appeal to re-take the National Physical Therapy Examination (NPTE)
- 3 I. Requests for review of educational equivalency from foreign-educated applicants.
- 4 J. Request(s) for Test of English as a Foreign Language (TOEFL) waiver
- 5 K. Military clinical instructor for PTA Bridge Program
- 6 L. Issues related to physical therapy entry-level education and continuing competence
- 7 11. Rules and Practice Committee Report
- 8 F. Proposing amendments to 22 TAC §322.1. Provision of Services pertaining to treatment without
- 9 a referral
- 10 G. Developing a list of entities whose certifications will qualify PTs with a doctoral degree to treat
- 11 without a referral for 15 consecutive business days
- 12 H. Proposing amendments to 22 TAC §329.7. Exemptions from Licensure pertaining to military
- 13 spouse exemption
- 14 I. Physical therapy scope of practice regarding injections
- 15 J. Employer mandates conflicting with physical therapy statutes and rules
- 16 12. Election of Board officers including Vice Chair and Secretary
- 17 13. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing
- 18 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX Jurisprudence
- 19 Assessment Module statistics, PT Compact statistics, and other events concerning the practice of
- 20 physical therapy.
- 21 14. Board Chair's report concerning meetings attended since last Board meeting, correspondence received
- 22 on behalf of the Board, and other events concerning the practice of physical therapy.
- 23 15. Long-term planning for future meetings, including future meeting dates and agenda items
- 24 16. Personnel matters regarding the appointment, employment, compensation, evaluation, reassignment,
- 25 and duties of the Executive Director of the Executive Council of Physical Therapy and Occupational
- 26 Therapy Examiners
- 27 17. Adjournment
- 28

31 1. Call to order

32
33 Dr. Aikman called the meeting to order at 9:01 a.m.

35 2. Roll call for members

36
37 Dr. Aikman called roll and determined that a quorum existed.

39 3. Roll call for public participants

40
41 Dr. Aikman requested that the public participants identify themselves.

43 4. Excusing Board member absences

44
45 All Board members were present.

47 5. Public Comment

48
49 There was no public comment.

51 6. Minutes from the April 09, 2021 meeting.

52
53 Motion: To approve the minutes as submitted.

54 Made by: Liesl Olson

55 Second: Tony Domench

56 Motion passed unanimously.

58 7. Executive Director's Report concerning fiscal and budgetary matters, performance

1 **measures, ongoing projects, agency personnel matters, legislative session, and other**
2 **agency business.**

3
4 Mr. Harper gave the Executive Director's Report that included the following:

- 5
- 6 • Legislative Session and bill tracking;
- 7 • Legislative Appropriations Request (LAR);
- 8 • Financial reports including revenue/expenses for FY 2021 to date;
- 9 • Performance Measures for 3rd Quarter FY 2021;
- 10 • SAO Audit of Regulatory Activities ongoing;
- 11 • State Office of Risk Management review;
- 12 • CAPPs Financials training and testing; and
- 13 • George H.W. Bush State Office Building move status.

14
15 **8. Investigation Committee Report concerning:**

16
17 **A. Agreed Orders for case #s:** 21349, 21388, 21402, 21411, 21413, 21428, 21446, 21457,
18 21470, 21475, 21482, 21485, 21490, 21494, 21496, 21504,
19 21508, 21522, 21523, 21530, 21546, 21552, 21555, 21564,
20 21566, 21569, 21573, and 21625

21
22 The Board voted to ratify the following Agreed Orders: #s 21413, 21428, 21457, 21475, 21482,
23 21485, 21490, 21494, 21496, 21504,
24 21508, 21546, 21552, 21555, 21564,
25 21566, 21569, 21573, and 21625

26
27 **B. Number of cases reviewed, Agreed Orders issued, administrative suspensions under**
28 **Texas Occupations Code § 453.255(b), case closing letters, and other investigative**
29 **matters discussed during the Investigation Committee Meeting of June 07, 2021.**

30
31 Ms. Carter reported that the Committee reviewed 235 cases and issued twenty-four (23) Agreed
32 Orders with twenty-two (19) being accepted.

33
34 The Board approved the administrative suspension of licenses for cases # 21388, 21402, 21411,
35 21470, 21530

36
37 **C. Performance measures, on-site investigation visits, school presentations, and other**
38 **investigative activities that have occurred between this meeting and the Board's last**
39 **meeting**

40
41 Ms. Carter reported on performance measures, on-site investigation visits, ongoing audits, and
42 school presentations since the last meeting.

43
44 **9. Final adoption of the following amendments:**

45 **A. §329.1. General Licensure Requirements and Procedures**

46
47 Motion: Final adoption §329.1. General Licensure Requirements and Procedures
48 Made by: Liesl Olson
49 Second: Tony Domench

50 Motion passed unanimously.

51
52 Dr. Aikman recessed the Board at 10:20 a.m.

53 Dr. Aikman reestablished a quorum and called the Board back into session at 10:30 a.m.

54
55 **10. Education Committee report**

1 **F. Texas Physical Therapy Association (TPTA) Continuing Competence Approval**
2 **Program (CCAP) report**
3

4 Dr. Sanders reported that the Committee reviewed the quarterly CCAP report as submitted by
5 TPTA, and that the Committee had no questions regarding the report.
6

7 **G. CCAP Audit**
8

9 Dr. Sanders reported that the Committee reviewed the supplemental documents that TPTA
10 provided for the CCAP Performance Audit and made comments on the compliance and
11 recommendations for each area. The Committee also determined the overall rating to be 3.5 out of
12 4.0, and instructed Ms. Gordon to compile all of the ratings and recommendations within the audit
13 tool and send to TPTA for review and development of a compliance plan.
14

15 **H. Request(s) for appeal to re-take the National Physical the National Physical**
16 **Therapy Examination (NPTE)**
17

18 Dr. Sanders reported that the Committee reviewed and discussed a request for appeal for an
19 additional re-take of the NPTE.
20

21 Motion: To recommend that the request for an additional attempt to re-
22 take the NPTE be approved.
23 Made by: Education Committee
24 Second: None needed
25

26 *Motion passed unanimously.*
27

28 **I. Requests for review of educational equivalency from foreign-educated applicants**
29

30 Dr. Sanders reported that the Committee reviewed and discussed four (4) requests for review of
31 educational evaluations from applicants by endorsement.
32

33 Motion: To recommend that the education of the four (4) applicants by
34 endorsement be deemed substantially equivalent.
35 Made by: Education Committee
36 Second: None needed
37

38 *Motion passed unanimously.*
39

40 Dr. Sanders also reported that the Committee reviewed and discussed one (1) requests for review
41 of educational evaluations from an applicant by examination.
42

43 Motion: To recommend that the applicant obtain twelve (12) additional
44 credit hours in general education including a Psychology course
45 in order to be deemed substantially equivalent.
46 Made by: Education Committee
47 Second: None needed
48

49 *Motion passed unanimously.*
50

51 **J. Request(s) for Test of English as a Foreign Language (TOEFL) waiver**
52

53 After review and discussion of a request for an exception to the TOEFL requirement, the Committee
54 made the following recommendation:
55

56 Motion: To recommend that an exception to the TOEFL requirement be
granted.
Made by: Education Committee
Second: None needed

1 *Motion passed unanimously.*

2
3 **K. Military clinical instructor for PTA Bridge Program**

4
5 Dr. Sanders reported on correspondence that Ms. Gordon had with a military PTA who was
6 inquiring as to whether or not he could claim credit for being a CI in the military program that is no
7 longer accredited. She also reported on the PTA Military Bridge Program offered by Lake Superior
8 College in Minnesota, and that there are other colleges/universities that are being investigated for
9 implementation of a bridge program for military PTAs.

10
11 **L. Issues related to physical therapy entry-level education and continuing**
12 **competence**

13
14 Dr. Sanders reported that there were no additional issues discussed.

15
16 **11. Rules & Practice Report**

17
18 **F. Proposing amendments to 22 TAC §322.1. Provision of Services pertaining to**
19 **treatment without a referral**

20
21 Dr. Domenech reported that the Committee reviewed and discussed amendments to Sec. 453.301,
22 Occupations Code pursuant to HB 1363 during the 87th Legislative Session, and is recommending
23 amendments to include physical therapists who have a doctoral degree in physical therapy and are
24 certified by an entity approved by the PT Board in the group that can treat patients for fifteen (15)
25 consecutive business days before requiring a referral from a qualified healthcare practitioner.

26
27 Motion: To recommend proposing the amendments to §322.1. Provision of Services
28 in order to enact legislative amendments to the Practice Act.

29 Made by: Rules & Practice Committee

30 Second: None needed

31 Motion passed unanimously.

32
33 **G. Developing a list of entities whose certifications will qualify PTs with a doctoral**
34 **degree to treat without a referral for 15 consecutive business days**

35
36 Dr. Domenech reported that the Committee discussed the development of criteria for approving
37 entities that offer certification in specialty areas of physical therapy and the compilation of a list of
38 approved certifying entities that meet the criteria.

39
40 Motion: To recommend proposing the criteria for approving entities and the list of
41 approved entities that offer certification in specialty areas for qualifying PTs
42 with a doctoral degree to treat without a referral for 15 consecutive business
43 days.

44 Made by: Rules & Practice Committee

45 Second: None needed

46 Motion passed unanimously.

47
48 Ms. Gordon was directed to post the criteria and approved entities on the website and to include in
49 the upcoming edition of the Board's newsletter.

50
51 **H. Proposing amendments to 22 TAC §329.7. Exemptions from Licensure pertaining**
52 **to military spouse exemption**

53
54 Dr. Domenech reported that the Committee reviewed and discussed amendments to Sec. 55.0041.
55 RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SPOUSE to Chapter 55,
56 Occupations Code pursuant to HB 139 during the 87th Legislative Session. The amendment adds

1 providing a copy of the permanent change of station order for the military service member to whom
2 the spouse is married to the proof of residency requirement.

3
4 Motion: To recommend proposing the amendment to §329.7. Exemptions from
5 Licensure in order to enact legislative amendments to TOC Sec. 55.0041.
6 Made by: Rules & Practice Committee
7 Second: None needed
8 Motion passed unanimously.

9 10 **I. Physical therapy scope of practice pertaining to injections**

11
12 Dr. Domenech reported that the Committee reviewed an excerpt from AG Opinion No. KP-0082
13 which stated that the Board has the authority to regulate the practice of physical therapy and to
14 determine what constitutes the scope of the practice, but may not adopt a rule that enlarges the
15 scope of practice beyond what the statute permits. He also reported that the Committee also
16 reviewed §453.005. PRACTICE OF PHYSICAL THERAPY of the PT Practice Act and PT Rules
17 §321. Definitions, and determined that more information is needed in order to determine whether or
18 not a physical therapist providing injections during treatment is within the scope of practice.

19
20 Ms. Gordon was directed to research practice acts/rules of other healthcare practitioners in TX to
21 see if there are any prohibitions, and existing competency training that would support physical
22 therapists injecting during treatment.

23 24 **J. Employer mandates conflicting with physical therapy statutes and rules**

25
26 Dr. Domenech reported that the Committee discussed the professional responsibility that a licensee
27 has when mandates by their employer conflict with the PT Practice Act/Rules and standards of
28 practice. It was agreed to include an article for the next edition of the Board's newsletter and to
29 develop an FAQ on the subject.

30 31 **12. Election of Board officers including Vice Chair and Secretary**

32
33 Barbara Sanders was nominated for Vice Chair, and Liesl Olson was nominated for Secretary.
34 There were no other nominations. Ms. Sanders and Ms. Olson were elected by acclamation.

35 36 **13. Board Coordinator's report concerning meetings attended since last Board meeting, 37 Continuing Competence Audit results, number of current licensees, NPTE pass/fail 38 statistics, TX Jurisprudence Assessment Module statistics, PT Compact statistics, and 39 other events concerning the practice of physical therapy.**

40
41 Ms. Gordon reported on the following:

- 42 • Meetings/webinars/school presentation since the last Board meeting;
- 43 • Total number of PTs, PTAs as of 6/30/2021;
- 44 • NPTE Pass/Fail statistics for April 2021;
- 45 • NPTE Fixed Date/Window Schedule for July 2021;
- 46 • PT Compact Status and Compact Privileges statistics for the 2st Quarter 2021; and
- 47 • TX JAM statistics.

48 49 **14. Board Chair's report concerning meetings attended since last Board meeting, 50 correspondence received on behalf of the Board, and other events concerning the 51 practice of physical therapy.**

52
53 Dr. Aikman reported that changes to the PT Compact bylaws will be circulated for comment, and
54 that a Compact Compliance Committee had been established.

1 **15. Long-term planning for future meetings, including future meeting dates and agenda**
2 **items.**
3

4 The Board's next meeting had been scheduled for October 8, 2021, and the Board set January 14th
5 and April 22nd for the first two quarterly meetings of 2022.
6

7 **16. Personnel matters regarding the appointment, employment, compensation, evaluation,**
8 **reassignment, and duties of the Executive Director of the Executive Council of Physical**
9 **Therapy and Occupational Therapy Examiners**

10
11 **17. Adjournment**

12 Motion: To adjourn the meeting.

13 Made by: Liesl Olson

14 Second: Glenda Clausell

15 *Motion passed unanimously.*
16

17 Dr. Aikman adjourned the meeting at 11:57 a.m.
18

19 **Date reviewed by the Board:** 10/08/2021

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