



November 2017

Communiqué

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www.ptot.texas.gov

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Physical Therapy Board

Harvey Aikman, PT, Chair
Barbara Sanders, PT, Vice Chair
Liesl Olson, PT, Secretary
Gary Gray, PT
Jeff Tout, PT
Daniel Renya, Public Member
Philip Vickers, Public Member
Glenda Clausell, Public
Member

Next Board Meeting

January 26, 2018
333 Guadalupe, Suite 2-510
Austin, TX 78701

Upcoming Regulatory Changes for 2018

Effective September 1, 2017, several **changes to the PT Practice Act** will affect both applicants for PT or PTA licensure, current licensees who will be renewing their license, and licensees who will be practicing in another state while keeping their TX license and residency. These changes were the result of amendments during the 85th Legislative Session as part of the **Board's Sunset Bill (SB 317)** that was signed into law by Governor Greg Abbott on June 9, 2017.

With an exact date in 2018 yet to be determined, all applicants for licensure and licensees renewing will need to submit to a **criminal background check via fingerprinting**. An Originating Agency Identification (ORI) Number assigned by the FBI has been applied for. Once this number is received, rules and procedures will be developed to add the criminal background check to the licensure and renewal requirements. Information regarding this rollout and the procedures to follow will be updated on the Board's website at www.ptot.texas.gov, will be disseminated through the email list, and will appear in upcoming editions of the *Communiqué*.

The **Physical Therapy Compact (Compact)** is an agreement between member states to provide a state-based collaborative approach to protect the public by increasing consumer access to physical therapy services by reducing regulatory barriers to interstate mobility and cross-state practice. It will improve patient access to physical therapy services by giving eligible licensees in participating states a faster, less expensive alternative to traditional licensure. **Texas joined the Compact with the enactment of the enabling statutes in Senate Bill 317.**

Compact privileges are scheduled to be issued early in 2018. To qualify for a Compact privilege, an individual must have a current, unrestricted PT or PTA license and residence in a member state. Compact privileges will only be available in other member states, and the Compact fee has been set at \$45. The Executive Council of Physical Therapy & Occupational Therapy Examiners has proposed a \$50 state fee that will be added to the Compact fee. Updated information is available online through the following: www.ptcompact.org and www.ptot.texas.gov/page/Compact

PT Board Receives *Excellence in Regulation Award*

On November 4, 2017 at the annual meeting of the Federation of State Boards of Physical Therapy (Federation) in Santa Ana Pueblo, New Mexico, the Texas Board of Physical Therapy Examiners (PT Board) was honored as a recipient of the *Excellence in Regulation Award*. The award recognizes jurisdictions that have made significant accomplishments towards increasing public protection for consumers of physical therapy services in a number of areas.

With its mission to protect the health, safety, and welfare of the people of Texas through the regulation and enforcement of the practice of physical therapy always foremost in their minds, the PT Board made significant accomplishments over the last year by:

- defending the Board's authority to determine that dry needling is within the physical therapy scope of practice through a favorable Attorney General opinion;
- achieving legislative victories in the passage of the Sunset Bill (SB 317) that continued the PT Board in its current structure until 2029 while fending off attempts at consolidation;
- improving patient/client access to care and promoting mobility of PT professionals across state lines through the enabling of the Physical Therapy Licensure Compact statutes;
- assuring the competence of licensees to practice by implementing the *Texas Jurisprudence Assessment Module (TX JAM)* as a requirement for new licenses and for license renewal; and
- increasing the effectiveness and efficiency of the licensing process as the pilot state for the *Alternate Approval Pathway* which separates the licensing process through the state from the National Physical Therapy Examination (NPTE) administration by the Federation.

At the November 21st Executive Council meeting, Roger Matson, Presiding Officer stated that the PT Board's accomplishments demonstrate their excellence in the regulatory arena and congratulated the PT Board on a job well done!



Harvey Aikman, PT, DPT, Board Chair accepts the *Excellence in Regulation Award* from Nancy Kirsch, PT, DPT, PhD, Federation President. Aikman stated that he was honored to receive the award on behalf of the board but that "it takes a lot of hard work from many people to achieve this accomplishment. Specifically a tireless staff at the board office, a group of dedicated board members and a strong working relationship with our professional associations." Also pictured from left to right are Liesl Olson, PT, Board Secretary; Karen Gordon, PT, PT Coordinator; and Barbara Sanders, PT, PhD, Board Vice Chair.

Disciplinary Actions

The following disciplinary actions were ratified at the October 13, 2017 Board Meeting:

- (1) Kenneth McCleary, PT #1185813 (McAllen)** – 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.***
- (2) Amy Christner, PT #1086825 (Murphy)** - 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.***
- (3) Emerenciana Hines, PTA #2119642 (Richardson)** – practiced in a detrimental manner by fraudulently documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended her license to practice for thirty (30) days.***
- (4) Deana Wright, PT #1044915 (Maypearl)** - practiced in a detrimental manner by fraudulently documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended her license to practice for sixty (60) days.***
- (5) Brad Matlock, PT #1151923 (Decatur)** - practiced in a detrimental manner by fraudulently documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended his license to practice for thirty (30) days.***
- (6) Catherine Reid, PT #1045292 (Avarado)** - practiced in a detrimental manner by taking 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 to practice for thirty (30) days.***
- (7) Richard Arnold, PT #1210372 (Sanger)** - practiced in a detrimental manner by using drugs or intoxicating liquors to an extent that affected his professional competence; resulting in his failure of a drug test. Violation of Section 453.351 of the Act. ***Board Order suspended his license to practice for thirty (30) days.***
- (8) Veronica Munoz, PTA #2091906 (San Antonio)** – practiced in a detrimental manner by practicing without the proper supervision of a physical therapist. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order required sixty (60) hours of community service.***
- (9) Lacinda Sue Tidwell, PTA #2078780 (Woodville)** – practiced in a detrimental manner by altering a plan of care – changing the treatment frequency; therefore practicing beyond the scope of her license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended her license to practice for thirty (30) days.***

Proposed/Adopted Rules

The Board took the following rulemaking actions at the October 13, 2017 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 rules will be published in the December 8, 2017 issue of the Texas Register available at www.sos.state.tx.us/texreg/index.shtml.

Adopted Rules: There were no new adopted rules.

Proposed Rules:

§322.4. Practicing in a Manner Detrimental to the Public Health and Welfare. The amendment as proposed would include violating the Physical Therapy Compact rules as practicing in a manner detrimental to the public health and welfare with possible disciplinary action.

Chapter §323. Powers and Duties of the Board. The addition of new sections of 323.5. Negotiated Rulemaking and 323.6. Alternative Dispute Resolution is proposed in order to comply with statutory amendments to the Physical Therapy Practice Act made during the 85th Legislative Session regarding establishing a policy on Negotiated Rulemaking and Alternative Dispute Resolution.

§325.1. Elections. The amendment is proposed in order to comply with a statutory amendment to the Physical Therapy Practice Act made during the 85th Legislative Session regarding the designation of the presiding officer of the board by the governor.

§325.7. Board Member Terms. The amendment is proposed in order to comply with statutory amendments to the Physical Therapy Practice Act made during the 85th Legislative Session regarding excused absences of a board member.

§329.2. Licensure by Examination. The amendment is proposed in order to comply with a statutory amendment to the Physical Therapy Practice Act made during the 85th Legislative Session regarding the compliance of the security and copyright of the National Physical Therapy Examination and reporting of any known violations.

§341.2. Continuing Competence Requirements. The amendment is proposed in order to comply with a statutory amendment to the Physical Therapy Practice Act made during the 85th Legislative Session regarding the use of a Request for Proposal process in selecting an appropriate organization to approve continuing competence activities.

§343.35. Complaint Investigation and Disposition. The amendment is proposed in order to comply with a statutory amendment to the Physical Therapy Practice Act made during the 85th Legislative Session regarding the designation of staff instead of the coordinator and the executive director to provide summary data of complaints to the board so that necessary action can be taken on the complaint.

§651.2. Physical Therapy Board Fees. The amendment is proposed by the Executive Council of Physical Therapy & Occupational Therapy Examiners to add a state fee of \$50.00 for individuals from other Compact states who apply for privileges to practice in Texas. If an applicant is active military or the spouse of active military or a veteran, the proposed fee is \$0.00.

New Renewal Requirement

As of June 1, 2017, individuals applying for their initial TX license and licensees who are renewing their license are required to take the PT Board's new **Texas Jurisprudence Assessment Module (TX JAM)**. The **TX JAM** replaces both the previous Jurisprudence (JP) Exam and the ethics/professional responsibility renewal requirement. An approved ethics course is no longer required for renewal, and the TX JAM has an assigned value of 2 CCUs . For more information on the **TX JAM**, click [here](#).

Birth-Month Renewal

Phase I of the transition to birth-month renewal which began on March 1, 2015 has been completed. **Licensees should now have a license expiration date that corresponds with the last day of the month in which they were born.** As no license was transitioned for less than two (2) years, some licensees gained additional months (1 – 11 mos.) on their transitional renewal period. No additional fee was assessed, and no additional CCUs are required for renewal. CCUs can be obtained at any time during the transitional renewal period.

Phase II of the transition is renewal by the new birth-month expiration date. If you are unsure of your new birth-month expiration date, you can **look up the status of your license through the Board's license verification system** which is available online at www.ptot.texas.gov/page/look-up-a-license.

PT Board Meeting Highlights

At it's October 13, 2017 meeting, the Board reviewed the amendments to the PT Practice Act Title 3, Subtitle H, Chapter 453, Occupations that were passed during the 85th Legislative Session and **proposed amendments to sections of the PT Rules** that are affected by the amendments. See page 4 for summary of proposed amendments.

The Board ratified nine **(9) agreed orders** which are listed on page 3, Disciplinary Actions.

The following dates have been set for the **Board's 2018 meetings** (subject to change):

***January 25 – 26, 2018 *April 12-13, 2018 *July 26-27, 2018**

Deregulation of Facilities

Another amendment to the PT Practice Act as the result of Senate Bill 317 is the deregulation of physical therapy and occupational therapy facilities. **The effective date of this provision is September 1, 2019** at which time facilities that are offering physical therapy and/or occupational therapy will no longer need to register or renew their registration.

Until then, facility registration and renewal requirements continue unchanged. Additionally, practicing in an unregistered physical therapy or occupational therapy facility which is not exempt remains a violation that could subject a licensee to disciplinary action.