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

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

**January 27, 2017
9:00 am**

11
12 **Members Present:** Harvey Aikman, PT, Chair
13 Gary Gray, PT
14 Jeffrey Tout, PT
15 Shari Waldie, PT
16 Liesl Olson, PT
17 Philip Vickers, Public Member
18

19 **Members Absent:** Barbara Sanders, PT, PhD
20 Daniel Reyna, Public Member
21 Glenda Clausell, Public Member
22

23 **Legal Counsel:** Kara Holsinger, Assistant Attorney General
24

25 **Staff:** John Maline, Executive Director
26 Karen Gordon, PT Coordinator
27 Mark Turek, Chief Investigator
28 Michael Briscoe, Licensing Manager
29

30 **Guests:** Don Haydon, Texas Physical Therapy Association (TPTA) Executive Director
31 Kathleen Manella, TPTA Liaison
32 James Lewis, Vista Rehab Partners
33

34
35 Agenda items listed under several committee reports begin with the letter D intentionally. No items have been
36 omitted from the board agenda.
37

- 38 1. Call to order
- 39 2. Public comment
- 40 3. Approval of minutes from the October 28, 2016 meeting in Fort Worth, Texas.
- 41 4. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary
42 matters, performance measures, ongoing projects, agency personnel matters, Sunset Review
43 and 2017 Legislative Session, and other agency business.
- 44 5. Investigation Committee Report and consideration by the Board of the following items:
45 A. Review and possible action on Agreed Orders for case #s: 16523, 16539, 16541, 16543,
46 17010, 17025, 17029, 17030, 17033, 17067, 17077, 17082, and 17102.
47 B. Discussion and possible action on the Investigation Committee Meeting of January 5,
48 2017.
49 C. Discussion and possible action on investigative activities to date.
- 50 6. Discussion and possible action on adopting changes to: §341.3. Qualifying Continuing
51 Competence Activities and §341.6. License Restoration.
- 52 7. Discussion and possible action on proposing changes to §341.2. Continuing Competence
53 Requirements and §341.3. Qualifying Continuing Competence Activities, regarding combining
54 the jurisprudence exam and the ethics/professional responsibility requirement into one online
55 assessment module.
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- 8. Discussion and possible action on issuing a request for proposals to develop and implement an online jurisprudence and ethics exam.
- 9. Education Committee Report:
 - D. Discussion and possible action on the Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program (CCAP) report, including conclusion of the audit of TPTA approved courses.
 - E. Discussion and possible action on proposing changes to §341.2. Continuing Competence Requirements regarding approving organizations to accredit providers and to evaluate and approve continuing competence activities.
 - F. Discussion and possible action on proposing changes to §329.2. Licensure by Examination regarding an applicant educated as a physical therapist testing as a physical therapist assistant.
 - G. Discussion and possible action on a request for an appeal to re-take the National Physical Therapy Examination (NPTE).
 - H. Discussion and possible action on issues related to physical therapy entry-level education and continuing competence.
- 10. Vision Committee Report:
 - D. Discussion and possible action regarding the Federation of State Boards of Physical Therapy, including report of the Annual Meeting in Columbus, Ohio, November 4-5, 2016.
 - E. Discussion and possible action regarding the Sunset Review and the 2017 legislative session.
- 11. Discussion and possible action on the Board Coordinator's report concerning any item listed on the agenda and on events that have occurred between this meeting and the Board's last meeting.
- 12. Discussion and possible action on the Board Chair's report concerning any item listed on the agenda and on events that have occurred between this meeting and the Board's last meeting.
- 13. Discussion and possible action on long-term planning for future meetings, including future meeting dates and agenda items.
- 14. Adjournment

The Board may meet in closed session on any agenda item listed above as authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551.

1 **1. Call to order**

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3 Mr. Aikman called roll and determined that a quorum existed. He called the meeting to order at
4 9:03 a.m.

5
6 **2. Public comment**

7
8 There was no public comment.

9
10 **3. Approval of minutes from the October 28, 2016 in Fort Worth, Texas.**

11
12 Motion: To approve the minutes as submitted.
13 Made by: Shari Waldie
14 Second: Liesl Olson
15 Motion passed unanimously.

16
17 **4. Discussion and possible action on Executive Director's Report concerning fiscal and**
18 **budgetary matters, performance measures, ongoing projects, agency personnel matters,**
19 **Sunset Review and 2017 Legislative Session, and other agency business.**

20
21 Mr. Maline gave the Executive Director's Report which included the following:

- 22 • Agency budget and fiscal status for FY 2017 to date;
23 • Performance Measures;
24 • Sunset hearings and bills;
25 • 85th Legislative Session and bill tracking; and
26 • Personnel retirements and new employees

27
28 **5. Investigation Committee Report and consideration by the Board of the following items:**

29
30 **A. Review and possible action on Agreed Orders for case #s:**

31 16523, 16539, 16541, 16543, 17010, 17025, 17029, 17030, 17033, 17067, 17077, 17082,
32 and 17102.

33
34 The Board reviewed and ratified the following Agreed Orders presented by Mr. Turek:
35 16523, 16539, 17025, 17029, 17030, 17033, 17067, 17077, 17082, and 17102.

36
37 **B. Discussion and possible action on the Investigation Committee Meeting of January 5,**
38 **2017.**

39
40 Mr. Turek reported that the Committee reviewed 126 cases, held 1 informal conferences, and
41 issued 12 agreed orders.

42
43 **C. Discussion and possible action on investigative activities to date**

44
45 Mr. Turek reported on performance measures and school visits since the last meeting.

46
47 **6. Discussion and possible action on adopting changes to: §341.3. Qualifying Continuing**
48 **Competence Activities and §341.6. License Restoration.**

49
50 Motion: To adopt changes to §341.3. and §341.6. as proposed.
51 Made by: Gary Gray
52 Second: Shari Waldie
53 Motion passed unanimously.

54
55 There were no comments or discussion on this amendment.

1 (See Attachment A for the adopted amendment)
2

3 Mr. Aikman recessed the meeting at 10:00 a.m. and reconvened at 10:14 a.m.
4

5 **7. Discussion and possible action on proposing changes to §341.2. Continuing**
6 **Competence Requirements and §341.3. Qualifying Continuing Competence Activities,**
7 **regarding combining the jurisprudence exam and the ethics/professional responsibility**
8 **requirement into one online assessment module.**
9

10 Motion: To un-table the motion.

11 Made by: Philip Vickers

12 Second: Liesl Olson

13 Motion to un-table passed unanimously.

14 Motion passed unanimously.
15

16 There were no comments or discussion on this amendment.
17

18 (See Attachment B for the proposed amendment)
19

20 **8. Discussion and possible action on issuing a request for proposals to develop and**
21 **implement an online jurisprudence and ethics exam.**
22

23 Motion: To issue a request for proposals to develop and implement an online
24 jurisprudence and ethics exam.

25 Made by: Jeff Tout

26 Second: Shari Waldie

27 Motion passed unanimously.
28

29 **9. Education Committee Report:**
30

31 **D. Discussion and possible action on the Texas Physical Therapy Association (TPTA)**
32 **Continuing Competence Approval Program (CCAP) report, including conclusion of**
33 **the audit of TPTA approved courses.**
34

35 Jeff Tout reported for the Committee Chair in her absence as follows:
36

37 The Committee discussed TPTA's recommendation to adopt policies that restrict the Accredited
38 Provider System (APS) retroactive accreditations and the Peer Review System retroactive credit for
39 a course application to 60 days, but decided that the restrictions were not warranted at this time.
40

41 The Committee discussed and approved adding CCAP policies for the following:

- 42 • Requiring PRS applicants to respond to CCAP request within 60 days, or the application is
43 withdrawn and a new application will be required, and
- 44 • Prohibiting co-sponsorship of PRS and APS courses unless specifically approved for all co-
45 sponsoring organizations or offered by multiple APS accredited providers.
46

47 The Committee reviewed the requested schedule for the Interventions to Maximize
48 Functional Mobility Recovery in Patients with Neurological Disorders/Diseases course and
49 determined that TPTA was compliant with all of their audit submissions.
50

51 The Committee charged TPTA with decreasing the length of time to process an application
52 from 6 – 8 weeks to 4 – 6 weeks by the April 21st Board meeting.
53

54 The Committee reviewed the APS reaccreditation application from TPTA and granted TPTA
55 reaccreditation as an APS provider for the period of 2/01/2017 – 1/31/2020.
56
57

1 **E. Discussion and possible action on proposing changes to §341.2. Continuing**
2 **Competence Requirements regarding approving organizations to accredit**
3 **providers and to evaluate and approve continuing competence activities.**
4

5 Jeff Tout reported that the Committee reviewed information on the Federation of State Boards of
6 Physical Therapy (FSBPT) ProCert program for certifying continuing competence activities. It was
7 noted that ProCert only certifies continuing education courses and conferences for vendors, and
8 does not accept individual applications for courses/conferences for review and certification and
9 does not certify degree coursework, examinations and assessments, residencies and fellowships,
10 or teaching activities. The method of assigning CCU credit could not be determined in order to
11 compare to the rule requirement as FSBPT has a proprietary method of calculating credit. The
12 Committee determined that ProCert does not meet all of the approval needs of the PT Board's
13 current continuing competence model.
14

15 **F. Discussion and possible action on proposing changes to §329.2. Licensure by**
16 **Examination regarding an applicant educated as a physical therapist testing as a**
17 **physical therapist assistant.**
18

19 Jeff Tout reported that the Committee reviewed the §329.2 and determined that there was no
20 specific time limit for taking the PTA exam after failing the PT exam. The Coordinator was instructed
21 to notify the individual who inquired that they were eligible to apply as a PTA by examination.
22

23 **G. Discussion and possible action on a request for an appeal to re-take the National**
24 **Physical Therapy Examination (NPTE).**
25

26 Jeff Tout reported that the Committee reviewed a request for an appeal to re-take the NPTE and
27 determined that the individual was not eligible for Texas consideration as the last 4 attempts since
28 October 2014 had been for Connecticut.
29

30 **H. Discussion and possible action on issues related to physical therapy entry-level**
31 **education and continuing competence.**
32

33 Jeff Tout reported that the Committee discussed the difficulty that foreign-educated physical
34 therapists were having in remediating clinical deficiencies, and that the Foreign Educated
35 Standards Committee of FSBPT has proposed alternate options for a portion of clinical education
36 hour requirements but that they have not been approved by the FSBPT Board yet.
37

38 **10. Vision Committee Report:**
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40 **D. Discussion and possible action regarding the Federation of State Boards of Physical**
41 **Therapy, including the Annual Meeting in Columbus, Ohio, November 4-5, 2016.**
42

43 Mr. Aikman reported on the Annual Meeting that he and Philip Vickers attended including results of
44 the elections, bylaws changes, and the presentations that he and Mr. Vickers participated in.
45

46
47 **E. Discussion and possible action regarding the Sunset Review and the 2017 legislative**
48 **session.**
49

50 Mr. Gray reported that the Committee discussed the legislation and the upcoming filing of the
51 agency's Sunset Bill by Senator Nichols and Representative Burkett, and of a bill to expunge
52 disciplinary actions in addition to facility violations and a separate Physical Therapy Licensure
53 Compact bill by Representative Clardy.
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55 **11. Discussion and possible action on the Board Coordinator's report concerning any item**
56 **listed on the agenda and on events that have occurred between this meeting and the**
57 **Board's last meeting.**

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Ms. Gordon reported on the following:

- Meetings that she had attended since the last Board meeting;
- Updates to the website;
- 1st Quarter FY 2017 CC Audit;
- Total number of PTs, PTAs, and PT facilities as of 12/31/2016;
- Renewal email campaign update and changes; and
- FSBPT Exam, Licensure & Disciplinary Database (ELDD) rating.

12. Discussion and possible action on the Board Chair's report concerning any item listed on the agenda and on events that have occurred between this meeting and the Board's last meeting.

Mr. Aikman reported that he had been in contact with several of the members of the Sunset Advisory Commission regarding the recommendation to consolidate.

13. Discussion and possible action on long-term planning for future meetings, including future meeting dates and agenda items

The Board scheduled meetings as follows: April 20 – 21, 2017; July 27 – 28, 2017; and October 12 – 13, 2017.

14. Adjournment

Motion: To adjourn the meeting.
Made by: Gary Gray
Second: Liesl Olson
Motion passed unanimously.

Mr. Aikman adjourned the meeting at 11:26 p.m.

Date reviewed by the Board: 4/21/2017
Action taken by the Board: approved as corrected