

# Texas Board of Physical Therapy Examiners

## Board Meeting

Sheraton Fort Worth Downtown Hotel  
1701 Commerce Street, Cypress II Room  
Fort Worth, Texas 76102

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October 28, 2016

9:00 a.m.

**Members Present:** Gary Gray, PT, Chair  
Harvey Aikman, PT  
Barbara Sanders, PT, PhD  
Jeffrey Tout, PT  
Shari Waldie, PT  
Liesl Olson, PT  
Philip Vickers, Public Member

**Members Absent:** Daniel Reyna, Public Member  
Glenda Clausell, Public Member

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

**Staff:** John Maline, Executive Director  
Randall Glines, Staff Services Officer  
Amy Carter, Investigator

**Guests:** Kathleen Manella, PT, PhD, Texas Physical Therapy Association (TPTA) Liaison  
James R. Lewis, Vista Rehab Partners  
Mike Connors, President, Texas Physical Therapy Association (TPTA)  
Don Haydon, CEO, Texas Physical Therapy Association (TPTA)  
Tim Lyons, PT

**1. Call to order**

Mr. Gray called roll and determined that a quorum existed. He called the meeting to order at 9:05 A.M.

**2. Public comment**

There was no public comment.

**3. Approval of minutes from the August 12, 2016 meeting in Austin, Texas.**

Motion: To approve the minutes.

Made by: Shari Waldie

Second: Harvey Aikman

Motion passed unanimously.

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

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

- Agency budget and fiscal status for FY 2016 through the 1st Q 2017 to date
- Exceptional Items for FY 2018 - 2019
- Performance Measures
- Sunset Advisory Commission - upcoming hearings
- Upcoming personnel retirements, new hires

**Mr. Gray called for a break at 9:40 A.M.**

**Mr. Gray reconvened the Board at 9:47 A.M.**

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

**A. Review and possible action on Agreed Orders for case #: 16461; 16465; 16494; 16510; 16522; 16523; 16526; and 16541.**

The Board reviewed and ratified the following Agreed Orders presented by Ms. Carter:

16461, 16522, 16494, 16510, 16526

**B. Discussion and possible action on the Investigation Committee Meeting of September 29, 2016.**

Ms. Carter reported that the Committee reviewed 67 cases, held 3 informal conferences, and issued 8 agreed orders. 6 criminal histories were reviewed.

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

Ms. Carter reported on performance measures, school visits and onsite investigations since the last meeting. Ms. Carter reported that the Investigations Dept. provided assistance to the US Attorney's Southern District Office in a fraud case.

**6. Discussion and possible action on adopting changes to §323.4. Request for Proposals for Outsourced Services and §329.2. Licensure by Examination.**

Mr. Gray reported that there were no public comments to the proposals.

Motion: To adopt changes to §323.4. Request for Proposals for Outsourced Services

Made by: Harvey Aikman

Second: Shari Waldie

Motion passed unanimously.

Motion: To adopt changes to §329.2. Licensure by Examination.

Made by: Shari Waldie

Second: Philip Vickers

Motion passed unanimously.

There were no comments or discussion on these amendments.

**Agenda reordered by Mr. Gray. Item 7 will be taken up after Item 9.**

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

This item was tabled at the previous meeting. There was no motion to take it off the table.

**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.**

Dr. Sanders reported that the committee discussed the Continuing Competence Report and followed up on the audit from the last meeting. There are still several items of information that are in response to those audits that the committee has not yet received. They expect to receive a couple of recommendations for policy discussions at the January meeting. There is no action required at this time. It was noted that the action time for processing Continuing Competence applications has been moving closer to a targeted time of 6-8 weeks by mid-January 2017, with the Board's suggestion that the time be 4-6 weeks.

No action was taken.

**E. Discussion and possible action on proposing changes to §341.3. Qualifying Continuing Competence Activities and §341.6. License Restoration regarding the elimination of the Federation of State Boards of Physical Therapy Practice Review Tool (PRT) and the addition of oPTion as a qualifying continuing competence activity.**

Motion: To propose changes to §341.3. Qualifying Continuing Competence Activities regarding the elimination of the Federation of State Boards of Physical Therapy Practice Review Tool (PRT) and the addition of oPTion as a qualifying continuing competence activity.

Made by: Education Committee

Second: None required

Motion passed unanimously.

Motion: To propose changes to §341.6. License Restoration regarding the elimination of the Federation of State Boards of Physical Therapy Practice Review Tool (PRT).

Made by: Education Committee

Second: None required

Motion passed unanimously.

**F. Discussion and possible action on the United States Citizenship and Immigration Services' (USCIS) decision to deny the Foreign Credentialing Commission of Physical Therapy (FCCPT) the authorization to issue foreign PT healthcare worker certifications.**  
Current USCIS policy was discussed. No action taken.

**G. Discussion and possible action on a request for an appeal to re-take the National Physical Therapy Examination (NPTE).**  
Appeal application was reviewed by Board, and Committee recommendation to deny was explained.  
Motion: To deny the appeal.  
Made by: Education Committee  
Second: None required  
Motion passed unanimously.

**H. Discussion and possible action on issues related to physical therapy entry-level education and continuing competence.**  
No discussion or action taken.

**7. Executive Session pursuant to §551.074 of the Government Code regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners.**

At 10:17 A.M., Mr. Gray dismissed all attendees, except Board Members and Legal Counsel.

Board Meeting resumed at 10:34 A.M.

**10. Vision Committee Report:**

**D. Discussion and possible action regarding the Federation of State Boards of Physical Therapy, including motions and election of officers at the Annual Meeting in Columbus, Ohio, November 4-5, 2016.**

Harvey Aikman discussed his plans to attend with Phillip Vickers, outlining some of the motions and elections up for a vote, along with presentations to be made.  
No action taken.

**E. Discussion and possible action regarding the Sunset Review and the 2017 legislative session.**  
Gary Gray and John Maline reviewed the scheduled Sunset Commission Meeting dates.  
No action taken.

**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.**  
Mr. Maline presented the Coordinator's Report in the absence of the PT Coordinator, Karen Gordon.

**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. Gray had nothing to report.

**13. Discussion and possible action regarding the election of Board officers.**

Mr. Gray removed himself from future consideration.

**Nomination for Board Chair:**

Shari Waldie nominated Harvey Aikman.  
Nomination seconded by Phillip Vickers.  
Nomination passed unanimously.

**Nomination for Board Vice-Chair:**

Phillip Vickers nominated Barbara Sanders.  
Nomination seconded by Shari Waldie.  
Nomination passed unanimously.

**Nomination for Board Secretary:**

Jeffrey Tout nominated Liesl Olson.  
Nomination seconded by Shari Waldie.  
Nomination passed unanimously.

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

The next committee meeting was set for January 27, 2017, in Austin at 9:00 AM.

**15. Adjournment**

Motion: To adjourn the meeting.

Made by: Harvey Aikman

Second: Liesl Olson

Motion passed unanimously.

Mr. Gray adjourned the meeting at 11:05 AM.

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.

If you need auxiliary aids or services, please contact Karen Gordon at 512-305-6900 at least 72 hours prior to the meeting so that appropriate arrangements can be made.

**Date reviewed by the Board:** 01/27/2017

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