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

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

**April 12, 2019
9:00 am**

11
12 **Members Present:** Harvey Aikman, PT, DPT, Chair
13 Manuel "Tony" Domenech, PT, DPT
14 Liesl Olson, PT
15 Barbara Sanders, PT, PhD
16 Melissa Skillern, PT, DPT
17 Jeff Tout, PT,
18 Glenda Clausell, Public Member
19 Donivan Hodge, Public Member
20 Philip Vickers, Public Member
21

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

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

30 **Guests:** Craig Tounquet, Texas Physical Therapy Association (TPTA) ED
31 Lindsey Green, TPTA Staff
32 Kathleen Manella, PT – TPTA Liaison
33 Kristin Ueeck, Texas Tech DPT student
34

35
36 Agenda items listed under several committee reports begin with the letter D intentionally. No items have been
37 omitted from the board agenda.
38

- 39 1. Call to order
40 2. Discussion and possible action on excusing board member absences.
41 3. Public comment
42 4. Approval of minutes from the January 18, 2019 meeting.
43 5. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary matters,
44 performance measures, ongoing projects, agency personnel matters, 86th Legislative Session bill
45 tracking, and other agency business.
46 6. Investigation Committee Report and consideration by the Board of the following items:
47 A. Review and possible action on Agreed Orders for case #s 18364, 18095, 18153, 18175,
48 19032, 19093, 19094, 19095, 19097, 19105, 19112, 19115, 19122, 19140, 19145, 19153, 19169 and
49 19175.
50 B. Discussion and possible action on the Investigation Committee Meeting of March 08, 2019.
51 C. Discussion and possible action on investigative activities to date.
52 7. Education Committee Report:
53 D. Discussion and possible action on the Texas Physical Therapy Association (TPTA) Continuing
54 Competence Approval Program (CCAP) report.
55 E. Discussion and possible action on amending §341.3. Qualifying Continuing Competence Activities
56 (5)(C) Residency or fellowship relevant to physical therapy and (D) Supervision or mentorship of a
57 resident or fellow.
58 F. Discussion and possible action on updating the policy and guidelines on Residencies, Fellowships, &
59 Examinations.

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3 G. Discussion and possible action on a request(s) for appeal to re-take the National Physical Therapy
4 Examination (NPTE).
5 H. Discussion and possible action on a request(s) for review of educational equivalency from a foreign
6 educated applicant(s).
7 I. Discussion and possible action on issues related to physical therapy entry-level education and
8 continuing competence.
9 8. Discussion and possible action on approving the Memorandum of Understanding for a continuing
10 competence approval program between the Texas Board of Physical Therapy Examiners (TBPTE) and
11 the Texas Physical Therapy Association.
12 9. Discussion and possible action on amendments to §322.4. Practicing in a Manner Detrimental to the
13 Public Health and Welfare and §344.1. Administrative Fines and Penalties, and the repeal of CHAPTER
14 347. REGISTRATION OF PHYSICAL THERAPY FACILITIES pursuant to the repeal of physical therapy
15 facility registration in in SB 317 during the 85th Legislative Session.
16 10. Discussion and possible action on electing a Delegate and Alternate Delegate to the Federation of
17 State Boards of Physical Therapy (FSBPT) Annual Meeting in Oklahoma City, OK, October 24 – 26,
18 2019.
19 11. Discussion and possible action on diagnostic sonography performed by a physical therapist.
20 12. Discussion and possible action on the Board Coordinator's report concerning any item listed on the
21 agenda and on events that have occurred between this meeting and the Board's last meeting.
22 13. Discussion and possible action on the Board Chair's report concerning any item listed on the agenda and
23 on events that have occurred between this meeting and the Board's last meeting.
24 14. Discussion and possible action on long-term planning for future meetings, including future meeting dates
25 and agenda items.
26 15. Adjournment
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30 **1. Call to order**

31
32 Dr. Aikman called roll and determined that a quorum existed. He called the meeting to order at 9:04
33 a.m.

34
35 **2. Discussion and possible action on excusing board member absences.**

36
37 There were no Board member absences to consider.

38
39 **3. Public comment**

40
41 There was no public comment.

42
43 **4. Approval of minutes from the January 18, 2019 meeting.**

44
45 Motion: To approve the minutes as submitted.
46 Made by: Liesl Olson
47 Second: Barbara Sanders

48 Motion passed unanimously.
49

50 **5. Discussion and possible action on Executive Director's Report concerning fiscal and**
51 **budgetary matters, performance measures, ongoing projects, agency personnel matters,**
52 **86th Legislative Session bill tracking, and other agency business.**
53

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

- 55 • New Board member training and certification;
56 • Agency budget and fiscal status for FY 2019 to date;
57 • Bills being tracked during the current legislative session;
58 • Performance Measures;
59 • Employee status;

- IT activities and projects.

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

- A. Review and possible action on Agreed Orders for case #s:** 18364, 18095, 18153, 18175, 19032, 19093, 19094, 19095, 19097, 19105, 19112, 19115, 19122, 19140, 19145, 19153, 19169 and 19175.

The Board reviewed and ratified the following Agreed Orders presented by Mr. Turek:
#s 19032, 19093, 19094, 19097, 19105, 19112, 19122, 19140, 19145, 19153, 19169 and 19175.

B. Discussion and possible action on the Investigation Committee Meeting of March 08, 2019.

Mr. Turek reported that the Committee reviewed 92 cases and issued 15 Agreed Orders. There was 1 informal conferences scheduled and held.

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

Mr. Turek reported on performance measures, on-site investigation visits, and school presentations since the last meeting. He also provided an update of the fingerprinting process since the implementation on January 1, 2019.

Dr. Aikman recessed the Board at 10:13 a.m.

Dr. Aikman called the Board back into session at 10:24 a.m.

7. Education Committee Report:

D. Discussion and possible action on the Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program (CCAP) report.

Dr. Sanders reported that:

- TPTA has a new CCAP Administrator, Bryanna Washington;
- There was an increase in application processing time due to the transition to a new CCAP Administrator;
- The CCU Tracker is now up and running on the CCAP website;
- TPTA was instructed to follow-up with a course sponsor on a complaint about a CC offering;
- There was clarification of credit for a resident/fellow supervisor;
- Misinformation on TPTA's website regarding the CC activity of Grant Submission was corrected; and
- There are two (2) new Accredited Providers.

E. Discussion and possible action on amending §341.3. Qualifying Continuing Competence Activities (5) (C) Residency or fellowship relevant to physical therapy and (D) Supervision or mentorship of a resident or fellow.

Dr. Sanders reported that the Committee after reviewing the American Board of Physical Therapy Residency & Fellowship Education (ABPTRFE) updated standards for residency and fellowship programs, the Committee discussed updating the CCU criteria for residency and fellowship and for mentorship of a resident or fellow.

Motion: To recommend updating §341.3. (5)(C) and (D) to align with the ABPTRFE standards.

Made by: Education Committee

Second: None required.

1 *Motion passed unanimously.*
2

3 **F. Discussion and possible action on updating the policy and guidelines on**
4 **Residencies, Fellowships, & Examinations.**
5

6 Dr. Sanders report that after reviewing the policy and guidelines on Residencies, Fellowship, &
7 Examinations, the Committee discussed updating the list of approved Specialty Examinations and
8 omitting reference to the FSBPT Practice Review Tool.
9

10 Motion: To recommend the updates of the policy and guidelines on Residencies,
11 Fellowships, & Examinations.
12 Made by: Education Committee
13 Second: None required.

14 *Motion passed unanimously.*
15

16 **G. Discussion and possible action on a request(s) for appeal to re-take the FSBPT**
17 **National Physical Therapy Examination (NPTE).**
18

19 Dr. Sanders reported that the Committee had reviewed and discussed four (4) requests for appeal
20 to re-take the NPTE.
21

22 Motion: To recommend that all four (4) request for an appeal to re-take the NPTE be
23 approved.
24 Made by: Education Committee
25 Second: None required.

26 *Motion passed unanimously.*
27

28 **H. Discussion and possible action on a request(s) for review of education equivalency**
29 **from a foreign educated applicant.**
30

31 Dr. Sanders reported that the Committee had reviewed and discussed a request for review of
32 education equivalency.
33

34 Motion: To recommend that the education be deemed equivalent
35 Made by: Education Committee
36 Second: None required.

37 *Motion passed unanimously.*
38

39 **I. Discussion and possible action on issues related to physical therapy entry-level**
40 **education and continuing competence.**
41

42 Dr. Sanders reported the Commission on Accreditation in Physical Therapy Education had a call for
43 comments regarding proposed revisions in the standards and required elements.
44

45 **8. Discussion and possible action on approving the Memorandum of Understanding for a**
46 **continuing competence approval program between the Texas Board of Physical Therapy**
47 **Examiners (TBPTE) and the Texas Physical Therapy Association.**
48

49 Motion: To un-table the motion to recommend approving the MOU between the
50 TBPTE and TPTA.
51 Made by: Barbara Sanders
52 Second: Glenda Clausell

53 *Motion passed unanimously.*
54

55 Motion: To recommend approving the MOU between the TBPTE and TPTA.
56 Made by: Education Committee
57 Second: None required.

1 Motion passed, eight (8) ayes, one (1) abstain.
2

3 **9. Discussion and possible action on amendments to §322.4. Practicing in a Manner**
4 **Detrimental to the Public Health and Welfare and §344.1. Administrative Fines and**
5 **Penalties, and the repeal of CHAPTER 347. REGISTRATION OF PHYSICAL THERAPY**
6 **FACILITIES pursuant to the repeal of physical therapy facility registration in in SB 317**
7 **during the 85th Legislative Session.**
8

9 Motion: To approve amendments to the PT Rules as listed above.
10 Made by: Philip Vickers
11 Second: Liesl Olson

12 Motion passed unanimously.
13

14 **10. Discussion and possible action on electing a Delegate and Alternate Delegate to the**
15 **Federation of State Boards of Physical Therapy (FSBPT) Annual Meeting in Oklahoma**
16 **City, OK, October 24 – 26, 2019.**
17

18 Motion: To elect Liesl Olson as delegate to the FSBPT Annual Meeting.
19 Made by: Barbara Sanders
20 Second: Philip Vickers

21 Motion passed unanimously.
22

23 Motion: To elect Harvey Aikman as alternate delegate to the FSBPT Annual Meeting.
24 Made by: Philip Vickers
25 Second: Glenda Clausell

26 Motion passed unanimously.
27

28 **11. Discussion and possible action on diagnostic sonography performed by a physical**
29 **therapist.**
30

31 The Board reviewed and discussed information regarding sonography as it relates to the physical
32 therapy scope of practice, and instructed Ms. Gordon to develop an FAQ pertaining to the use of
33 ultrasonography imaging by a physical therapist during evaluation and intervention to be presented
34 at the next meeting.
35

36 **12. Discussion and possible action on the Board Coordinator's report concerning any item**
37 **listed on the agenda and on events that have occurred between this meeting and the**
38 **Board's last meeting.**
39

40 Ms. Gordon reported on the following:

- 41 • Meetings that she had attended since the last Board meeting;
- 42 • CC Audit results;
- 43 • Total number of PTs, PTAs, and PT facilities as of 4/01/2019;
- 44 • NPTE Pass/Fail statistics for 2019;
- 45 • TX JAM statistics including the FSBPT 2018 TX JAM Annual Reports;
- 46 • Compact statistics; and
- 47 • New FAQ on accepting an evaluation/reevaluation from a PT who works for a different
48 company.

49
50 Motion: To approve the FAQ on accepting an evaluation/reevaluation from a PT who
51 works for a different company..

52 Made by: Glenda Clausell
53 Second: Jeff Tout

54 Motion passed unanimously.
55

1 **13. Discussion and possible action on the Board Chair's report concerning any item listed**
2 **on the agenda and on events that have occurred between this meeting and the Board's**
3 **last meeting.**
4

5 Dr. Aikman reported on two (2) Compact meetings that he attended, and stated that the prediction
6 is to increase the Compact membership to thirty-four (34) by the end of the year. He also called
7 attention to a letter received from the American Hippotherapy Association which clarified that
8 hippotherapy is a treatment tool/strategy for physical therapy. And lastly, Dr. Aikman made
9 committee assignments to include the new board members.

10
11 **14. Discussion and possible action on long-term planning for future meetings, including**
12 **future meeting dates and agenda items**
13

14 The Board scheduled meetings as follows: July 18 – 19, 2019; October 10 - 11, 2019; and January
15 16 – 17, 2020.
16

17 **15. Adjournment**
18

19 Motion: To adjourn the meeting.

20 Made by: Liesl Olson

21 Second: Barbara Sanders

22 *Motion passed unanimously.*
23

24 Dr. Aikman adjourned the meeting at 11:47 a.m.
25

26
27 **Date reviewed by the Board: 7/19/2019**

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