Texas Board of Physical Therapy Examiners

RULES

September 2019

Executive Council of Physical Therapy and Occupational Therapy Examiners

Adopted under the authority of Title 3, Subtitle H, Chapter 453, Occupations Code

Includes all adopted rules effective as of September 2019

Subject to further change by actions of
the Texas Legislature
the Executive Council of Physical Therapy
and Occupational Therapy Examiners
and
the Texas Board of Physical Therapy Examiners

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RULE AMENDMENTS, ADDITIONS AND REPEALS

All rule changes made by the board are posted at the agency's website, *www.ptot.texas.gov*. Rules proposed or adopted by the Board will be posted after each board meeting where action is taken.

Rule changes adopted between February 2019 and August 2019

§322.4. Practicing in a Manner Detrimental to the Public Health and Welfare;
§344.1. Administrative Fines and Penalties; and
CHAPTER 347. REGISTRATION OF PHYSICAL THERAPY FACILITIES (Repeal)

Check the website or call the board regarding rules adopted or amended after the date on the cover of this issue.

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CHAPTER 321. DEFINITIONS

§321.1. Definitions.

The following words, terms, and phrases, when used in the rules of the Texas Board of Physical Therapy Examiners, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Accredited curriculum in physical therapy education--A body of courses in a physical therapy program at a school, college, or university which has satisfied the accreditation standards of the Commission on Accreditation for Physical Therapy Education.

(2) Accredited physical therapist assistant program--A body of courses at a school, college, or university which has satisfied the accreditation standards of the Commission on Accreditation for Physical Therapy Education.

(3) Asymptomatic--Without obvious signs or symptoms of disease.

(4) Board-approved organization or entity--an organization or entity to which the board has formally delegated a role in the licensure, regulation or enforcement functions of the Physical Therapy Practice Act and board rules.

(5) Endorsement--The process by which the board issues a license to a person currently licensed in another state, the District of Columbia, or territory of the United States that maintains professional standards considered by the board to be substantially equivalent to those set forth in the Act.

(6) Emergency circumstances--Instances where emergency medical care is called for, including first aid.

(7) Emergency medical care--Bona fide emergency services provided after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

(8) Evaluation--A dynamic process in which the physical therapist makes clinical judgments based on data gathered during the examination.

(9) Evidence satisfactory to the board--Should all official school records be destroyed, sworn affidavits satisfactory to the board must be received from three persons having personal knowledge of the applicant's physical therapy education. These affidavits will not be used when official school records are available.

(10) Examination--A comprehensive screening and specific testing process leading to diagnostic classification or, as appropriate, to a referral to another practitioner. The examination has three components: the patient/client history, the systems review, and tests and measures.

(11) Foreign-trained applicant--Any applicant whose entry-level professional physical therapy education was obtained at a physical therapy program outside the U.S., its territories, or the District of Columbia.

(12) Hearing--An adjudicative proceeding concerning the issuance, denial, suspension, reprimand, revocation of license, after which the legal rights of an applicant or licensee are to be determined by the board.

(13) Jurisprudence exam--An open-book examination made up of multiple-choice and/or true/false questions covering information contained in the Texas Physical Therapy Practice Act and Board rules.

(14) On-site supervision--The physical therapist or physical therapist assistant is on the premises and readily available to respond.

(15) Physical therapy--The evaluation, examination, and utilization of exercises, rehabilitative procedures, massage, manipulations, and physical agents including, but not limited to, mechanical devices, heat, cold, air, light, water, electricity, and sound in the aid of diagnosis or treatment. Physical therapists may perform evaluations without referrals. Physical therapy practice includes the use of modalities, procedures, and tests to make evaluations. Physical therapy practice includes, but is not limited to the use of: Electromyographic (EMG) Tests, Nerve Conduction Velocity (NCV) Tests, Thermography, Transcutaneous Electrical Nerve Stimulation (TENS), bed traction, application of topical medication to open wounds, sharp debridement, provision of soft goods, inhibitive casting and splinting, Phonophoresis, Iontophoresis, and biofeedback services.

(16) Supervision--The delegation and continuing direction by a person or persons responsible for the practice of physical therapist, physical therapist assistant, or physical therapy aide as specified in the Physical Therapy Practice Act.

Source Note: The provisions of this §321.1 adopted to be effective March 1, 1986, 11 TexReg 719; amended to be effective September 28, 1988, 13 TexReg 4575; amended to be effective December 12, 1989, 14 TexReg 6277; amended to be effective January 7, 1992, 16 TexReg 7644; amended to be effective January 12, 1993, 18 TexReg 63; amended to be effective November 11, 1993, 18 TexReg 7545; amended to be effective November 6, 1995, 20 TexReg 8793; amended to be effective May 8, 1996, 21 TexReg 3794; amended to be effective July 9, 1996, 21 TexReg 6078; amended to be effective April 28, 1997, 22 TexReg 3588; amended to be effective October 6, 1998, 23 TexReg 9978; amended to be effective April 15, 1999, 24TexReg 2935; amended to be effective May 14, 2000, 25 TexReg 4351; amended to be effective November 16, 2000, 25 TexReg 11285; amended to be effective August 15, 2001, 26 TexReg 6020; amended to be effective September 18, 2006, 31 TexReg 7997; amended to be effective February 13, 2012, 37 TexReg 689.

CHAPTER 322. PRACTICE

§322.1. Provision of Services.

(a) Initiation of physical therapy services.

(1) Referral requirement. A physical therapist is subject to discipline from the board for providing physical therapy treatment without a referral from a qualified healthcare practitioner licensed by the appropriate licensing board, who within the scope of the professional licensure is authorized to prescribe treatment of individuals. The list of qualifying referral sources includes physicians, dentists, chiropractors, podiatrists, physician assistants, and advanced nurse practitioners.

(2) Exceptions to referral requirement.

(A) A PT may evaluate without referral.

(B) A PT may provide instructions to any person who is asymptomatic relating to the instructions being given without a referral, including instruction to promote health, wellness, and fitness.

(C) Emergency Circumstances. A PT may provide emergency medical care to a person after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity without referral if the absence of immediate medical attention could reasonably be expected to result in a serious threat to the patient's health, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

(D) Prior referrals. A physical therapist may treat a patient for an injury or condition that is the subject of a prior referral if all of the following conditions are met.

(i) The physical therapist must notify the original referring healthcare personnel of the commencement of therapy by telephone within five days, or by letter postmarked within five business days;

(ii) The physical therapy provided must not be for more than 20 treatment sessions or 30 consecutive calendar days, whichever occurs first. At the conclusion of this time or treatment, the physical therapist must confer with the referring healthcare personnel before continuing treatment;

(iii) The treatment can only be provided to a client/patient who received the referral not more than one year previously; and

(iv) The physical therapist providing treatment must have been licensed for one year. The physical therapist responsible for the treatment of the patient may delegate appropriate duties to another physical therapist having less than one year of experience or to a physical therapist assistant. A physical therapist licensed for more than one year must retain responsibility for and supervision of the treatment.

(3) Methods of referral. A referral may be transmitted by a qualifying referral source in the following ways:

(A) in a written document, including faxed and emailed documents; or

(B) verbally, in person or by telephone. If a referral is transmitted verbally, whether in person or by telephone, it must be received, recorded and signed by the PT, PTA or other authorized personnel, and include all of the information that would appear on a written referral.

(b) Evaluation and screening.

(1) Evaluation. Physical therapy treatment may not be provided prior to the completion of an evaluation of the patient's condition by a PT.

(2) PTAs may screen patients designated by a PT as possible candidates for physical therapy services. Screening entails the collection of uniform information from all patients screened using a predetermined, standardized format. The information collected is delivered to the supervising PT. Only a PT may determine whether further intervention for patients screened is necessary.

(c) Physical therapy plan of care development and implementation.

(1) The PT must develop a written plan of care, based on his evaluation, for each patient.

(2) Treatment may not be provided by a PTA or aide until the plan of care has been established.

(3) The plan of care must be reviewed and updated as necessary following a reevaluation of the patient's condition.

(4) The plan of care or treatment goals may only be changed or modified by a PT.

(5) A PTA may modify treatment techniques as indicated in the plan of care.

(6) A PT or PTA must interact with the patient regarding his/her condition, progress and/or achievement of goals during each treatment session.

(d) Reevaluation.

(1) Provision of physical therapy treatment by a PTA or an aide may not continue if the PT has not performed a reevaluation:

(A) at a minimum of once every 60 days after treatment is initiated, or at a higher frequency as established by the PT; and

(B) In response to a change in the patient's medical status that affects physical therapy treatment, when a change in the physical therapy plan of care is needed, or prior to any planned discharge.

(2) A reevaluation must include:

(A) Direct physical therapist-to-patient interaction; and

(B) A review of the plan of care with appropriate continuation, revision, or termination of

treatment.

(e) Documentation of treatment.

(1) At a minimum, documentation of physical therapy services must include the following:

(A) any referral authorizing treatment;

(B) the initial examination and evaluation;

(C) the plan of care;

(D) documentation of each treatment session by the PT or PTA providing the services;

(E) reevaluations as required by this section;

(F) any conferences between the PT and PTA, as described in this section; and

(G) the discharge summary.

(2) The PTA must include the name of the supervising PT in his documentation of each treatment session.

(3) Physical therapy aides may not write or sign any physical therapy documents in the permanent record. However, a physical therapy aide may enter quantitative data for tasks delegated by the supervising PT or PTA.

(4) Discharge Summary. The PT must provide final documentation for discharge of a patient, including patient response to treatment at the time of discharge and any necessary follow-up plan. A PTA may participate in the discharge summary by providing subjective and objective patient information to the supervising physical therapist.

Source Note: The provisions of this §322.1 adopted to be effective April 15, 1999, 24 TexReg 2935; amended to be effective November 19, 2001, 26 TexReg 9382; amended to be effective September 18, 2006, 31 TexReg 7998; amended to be effective February 18, 2008, 33 TexReg 1335; amended to be effective April 4, 2011, 36 TexReg 2124; amended to be effective March 1, 2015, 40 TexReg 704; amended to be effective September 4, 2016, 41TexReg 6497.

§322.2. Role Delineation.

(a) The role of the PT.

(1) The PT holds primary responsibility for physical therapy care rendered under his supervision.

(2) The PT's professional responsibilities include, but are not limited to:

(A) Performance and documentation of the initial physical therapy examination and evaluation of the patient;

(B) Interpretation of the practitioner's referral;

(C) Development and documentation of a plan of care;

(D) Implementation of, or directing implementation of, the plan of care;

(E) Delegation of tasks to appropriate personnel;

(F) Direction and supervision of the PTA and physical therapy aide;

(G) Completion and accuracy of the patient's physical therapy record;

(H) Performance and documentation of the reexamination and reevaluation of the patient as described in this section; and when necessary, modification of the plan of care;

(I) Discharge of a patient or discontinuation of treatment;

(J) Development of any follow-up plan for the patient; and

(K) Collaboration with members of the health care team when appropriate.

(3) The PT shall not implement any plan of care that, in his judgment, is contraindicated.

(b) The role of the PTA.

(1) A PTA may provide physical therapy services only under the supervision of a PT (See §322.3 of this title (relating to Supervision)).

(2) A PTA may be assigned responsibilities by a supervising PT to:

(A) screen patients designated by a PT as possible candidates for physical therapy services (See §322.1(b) of this title (relating to Evaluation and screening));

(B) provide physical therapy services as specified in the physical therapy plan of care (See §322.1(c) of this title (relating to Physical therapy plan of care development and implementation)) which may include but are not limited to:

(i) preparing patients, treatment areas, and equipment;

(ii) implementing treatment programs that include therapeutic exercises; gait training and techniques; ADL training techniques; administration of therapeutic heat and cold; administration of ultrasound; administration of therapeutic electric current; administration of ultraviolet; application of traction; performance of intermittent venous compression; application of external bandages, dressings, and support; performance of goniometric measurement;

(iii) modifying treatment techniques as indicated in the plan of care;

(C) respond to acute changes in physiological state;

(D) teach other health care providers, patients, and families to perform selected treatment procedures and functional activities; and

(E) identify architectural barriers and report them to the PT.

(3) The PTA may not:

(A) specify and/or perform definitive (decisive, conclusive, final) evaluative and assessment procedures;

(B) alter a plan of care or goals;

(C) recommend wheelchairs, orthoses, prostheses, other assistive devices, or alterations to architectural barriers to persons;

(D) sign progress notes which design or modify the plan of care.

(c) The role of the physical therapy aide.

(1) All rules governing the services provided by a PTA are further modified for the physical therapy aide.

(2) A physical therapy aide may be assigned responsibilities by the supervising PT or PTA to provide services as specified in the physical therapy plan of care within the scope of on-the-job training with supervision by a PT or PTA who is on the premises and readily available to respond in person.

(3) A physical therapy aide may not:

(A) perform any evaluative or assessment activities;

(B) initiate physical therapy treatment, to include exercise instruction; or

(C) write or sign physical therapy documents in the permanent record, except as provided for in §322.1(e) of this title (relating to Documentation of treatment).

Source Note: The provisions of this §322.2 adopted to be effective April 15, 1999, 24 TexReg 2935; amended to be effective December 29, 2002, 27 TexReg 12214; amended to be effective April 4, 2011, 36 TexReg 2126.

§322.3. Supervision.

(a) It is the responsibility of each PT and/or PTA to determine the number of PTAs and/or aides he or she can supervise safely.

(b) Supervision of PTAs.

(1) A supervising PT is responsible for and will participate in the patient's care.

(2) A supervising PT must be on call and readily available when physical therapy services are being provided.

(3) A PT may assign responsibilities to a PTA to provide physical therapy services, based on the PTA's training, that are within the scope of activities listed in §322.1, Provision of Services.

(4) The supervising PT must hold documented conferences with the PTA regarding the patient. The PT is responsible for determining the frequency of the conferences consistent with accepted standards of practice.

(c) Supervision of physical therapy aides.

(1) A supervising PT or PTA is responsible for the supervision of, and the physical therapy services provided by, the PT aide.

(2) A PT or PTA must provide onsite supervision of a physical therapy aide, and remain within reasonable proximity during the aide's interaction with the patient.

Source Note: The provisions of this §322.3 adopted to be effective April 15, 1999, 24 TexReg 2935; amended to be effective May 14, 2000, 25 TexReg 4352; amended to be effective September 18, 2006, 31 TexReg 7999.

§322.4. Practicing in a Manner Detrimental to the Public Health and Welfare.

(a) The board may deny a license to or discipline an applicant/respondent who is found to be practicing in a manner detrimental to the public health and welfare.

(b) Practicing in a manner detrimental to the public health and welfare may include, but is not limited to, the following:

(1) failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records;

(2) obtaining or attempting to obtain or deliver medications through means of misrepresentation, fraud, forgery, deception, and/or subterfuge;

(3) failing to supervise and maintain the supervision of supportive personnel, licensed or unlicensed, in compliance with the Act and rule requirements;

(4) aiding, abetting, authorizing, condoning, or allowing the practice of physical therapy by any person not licensed to practice physical therapy;

(5) permitting another person to use an individual's physical therapist's or physical therapist assistant's license for any purpose;

(6) failing to cooperate with the agency by not furnishing papers or documents requested or by not responding to subpoenas issued by the agency;

(7) interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or the board, or by the use of threats or harassment against any patient/client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(8) engaging in sexual contact with a patient/client as the result of the patient/client relationship;

(9) practicing or having practiced with an expired temporary or permanent license;

(10) failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained, including, but not limited to:

(A) failing to assess and evaluate a patient's/client's status;

(B) performing or attempting to perform techniques or procedures or both in which the physical therapist or physical therapist assistant is untrained by education or experience;

(C) delegating physical therapy functions or responsibilities to an individual lacking the ability or knowledge to perform the function or responsibility in question; or

(D) causing, permitting, or allowing physical or emotional injury or impairment of dignity or safety to the patient/client;

(11) intentionally or knowingly offering to pay or agreeing to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for receiving or soliciting patients or patronage, regardless of source of reimbursement, unless said business arrangement or payments practice is acceptable under 42 United States Code §1320a-7b(b) or its regulations;

(12) advertising in a manner which is false, misleading, or deceptive;

(13) knowingly falsifying and/or forging a referring practitioner's referral for physical therapy;

(14) failing to notify the board of any conduct by another licensee which reasonably appears to be a violation of the Practice Act and rules, or aids or causes another person, directly or indirectly, to violate the Practice Act or rules of the board;

(15) abandoning or neglecting a patient under current care without making reasonable arrangements for the continuation of such care;

(16) failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with HIPAA regulations; and

(17) violating the rules of the Physical Therapy Licensure Compact if holding a Compact privilege to practice in Texas.

Source Note: The provisions of this §322.4 adopted to be effective April 15, 1999, 24 TexReg 2935; amended to be effective June 7, 2009, 34 TexReg 3515; amended to be effective April 4, 2011, 36 TexReg 212; amended to be effective May 17, 2015, 40 TXReg 2666; amended to be effective March 1, 2018, 43 TexReg 775; amended to be effective September 1, 2019, 44 TexReg 4184.

§322.5. Telehealth

(a) When used in the rules of the Texas Board of Physical Therapy Examiners, telehealth is the use of telecommunications or information technology to provide physical therapy services to a patient who is physically located at a site in Texas other than the site where the physical therapist is located, whether or not in Texas.

(b) Physical therapy telehealth services must be provided by a physical therapist who possesses a current:

(1) unrestricted Texas license; or

(2) Compact Privilege to practice in Texas.

(c)The provision of physical therapy services via telehealth requires synchronous audiovisual or audio interaction between the physical therapist and the patient/client, which may be accompanied by the use of asynchronous store and forward technology.

(d) Standard of Care. A physical therapist that provides telehealth services:

(1) is subject to the same standard of care that would apply to the provision of the same physical therapy service in an in-person setting; and

(2) is responsible for determining whether an evaluation or intervention may be conducted via telehealth or must be conducted in an in-person setting.

(e) Informed Consent. A physical therapist that provides telehealth services must obtain and maintain the informed consent of the patient, or of another individual authorized to make health care treatment decisions for the patient, prior to the provision of telehealth services.

(f) Confidentiality. A physical therapist that provides telehealth services must ensure that the privacy and confidentiality of the patient's medical information is maintained during and following the provision of telehealth services, including compliance with HIPAA regulations and other federal and state law.

(g) The failure of a physical therapist to comply with this section shall constitute detrimental practice and could subject the licensee to disciplinary action by the Board.

(h) A physical therapist assistant may not provide telehealth services but may be present at the same location as the patient to assist the physical therapist in providing telehealth services.

(i) Telehealth is a mode for providing one-on-one physical therapy services to a patient/client and is not a means for supervision of physical therapist assistants or physical therapy aides.

Source Note: The provisions of this §322.5 adopted to be effective November 11, 2018, 43 TexReg 7353.

CHAPTER 323. POWERS AND DUTIES OF THE BOARD

§323.1. Types of Examination.

It is the duty of the board to evaluate the qualifications of applicants for licensure and to examine applicants through the national examinations selected by the board to measure those qualifications. The passing score on the National Physical Therapy Examination for physical therapists and physical therapist assistants shall be set by the board. In addition, the board shall examine applicants to determine successful completion of the jurisprudence examination covering the Physical Therapy Practice Act and board rules.

Source Note: The provisions of this §323.1 adopted to be effective March 1,1986, 11 TexReg 721; amended to be effective December 30, 1987, 12 TexReg 4682; amended to be effective November 16, 2000, 25 TexReg 11285.

§323.2. Investigation Procedure.

(a) Complaints must be made to the Investigation Committee or to the executive director.

(b) The complaint will be forwarded to the chairman of the Investigation Committee.

(c) If the Investigation Committee determines that a violation of the Act has not occurred, the complainant will be so notified and the case closed.

(d) If the Investigation Committee determines a violation of the Act has occurred, it will:

(1) seek legal recourse as provided for in the Act, §18; or

(2) notify the person being complained about of the complaint, specifying the sections of the Act which are alleged to have been violated, and schedule an informal conference with the individual.

(e) If the complaint is not resolved through the informal conference, the Investigation Committee will present it to the board.

(f) The board will conduct a formal hearing as provided for in the Act, §20. Members of the Investigation Committee shall not participate or vote at the hearing.

Source Note: The provisions of this §323.2 adopted to be effective March 1, 1986, 11 TexReg 721; amended to be effective December 12, 1989, 14 TexReg 6277.

§323.3. Adoption of Rules.

(a) The board may adopt rules consistent with the Physical Therapy Practice Act to carry out its duties in administering the Act.

(b) Continuing competence. The board may adopt rules relating to the approval of continuing competence activities. The board may establish reasonable and necessary fees for the administration of the approval of continuing competence activities.

(c) Petition for adoption of rule changes.

(1) In accordance with Texas Government Code, §2001.021, an interested person may request for the adoption, amendment, or repeal of a rule of the board by submitting a written petition to the board. In this section, "interested person" has the meaning as defined in Texas Government Code, §2001.021. The petition must contain:

(A) the name and contact information of the interested person or persons and affiliation or organization, if any;

(B) a description of the proposed rule change or amendment and the reason for it;

(C) the section numbers and titles of the rule(s) affected if applicable;

(D) the proposed rule change with an indication of language added and/or deleted.

(E) a statement of:

(i) the statutory authority under which the rule is to be adopted; and

(ii) the public benefits anticipated as a result of adopting the rule or the anticipated injury or inequity that could result from the failure to adopt the proposed rule.

(F) the signature(s) of the requesting person or persons and date of signature(s).

(2) The board shall evaluate the merits of the proposal.

(3) In accordance with the Texas Government Code, §2001.021, the presiding officer or the board's designee shall acknowledge receipt of the petition to the person designated to receive communication regarding the petition.

(4) Not later than the 60th day after the date of submission of a petition under this section, the board shall:

(A) deny the petition in writing, stating its reasons for denial; or

(B) initiate a rulemaking proceeding under this chapter.

(5) If the board initiates rulemaking procedures in response to a petition, the rule text which the board proposes may differ from the rule text proposed by the petitioner.

(6) Initial petitions for the adoption of a rule shall be presented to and decided by the Board in accordance with the provisions of this section. The Board may refuse to consider any subsequent petition from the same interested person for the adoption of the same or a similar rule submitted within twelve months after the date of the Board's rejection of the initial petition.

Source Note: The provisions of this §323.3 adopted to be effective January 4, 1989, 13 TexReg 6332; amended to be effective December 12, 1989, 14 TexReg 6277; amended effective October 5, 1992, 17 TexReg 6550; amended to be effective July 21, 2010, 35 TexReg 6285; amended to be effective January 1, 2016, 40 TexReg 8791.

§323.4. Request for Proposals for Outsourced Services

(a) The board shall conduct a request for proposals (RFP) and bid process for all outsourced services, including the issuance of agreements or memorandums of understanding with other entities, no less than once every four years beginning September 1, 2017. The board may also request RFPs at any time by an action of the board.

(b) The board shall develop specific guidelines for each RFP and shall review the RFP as part of the biennual review.

(c) The board shall review all outsourced services on a biennual basis.

(d) An entity entering into an agreement with the board shall provide access to financial information as required by the RFP.

Source Note: The provisions of this §323.4 adopted to be effective November 27, 2016, 41 TexReg 9136.

§323.5. Negotiated Rulemaking

It is the policy of the board to engage in negotiated rulemaking procedures consistent with Texas Government Code, Chapter 2008, when appropriate.

Source Note: The provisions of this §323.5 adopted to be effective March 1, 2018, 43 TexReg 775.

§323.6. Alternative Dispute Resolution

It is the policy of the board to use alternative dispute resolution where appropriate consistent with Texas Government Code Chapter 2009 and any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

Source Note: The provisions of this §323.6 adopted to be effective March 1, 2018, 43 TexReg 775.

CHAPTER 325. ORGANIZATION OF THE BOARD

§325.1. Elections.

(a) The governor shall designate a member of the board as the presiding officer of the board.

(b) Elections of officers shall be held at the second board meeting after new members are appointed.

(c) Officers will assume duties at the next board meeting following election.

(d) Vacancies of offices other than the presiding officer shall be filled by election at the next board meeting following the vacancy.

Source Note: The provisions of this §325.1 adopted to be effective March 1, 1986, 11 TexReg 721; amended to be effective August 15, 2001, 26 TexReg 6020; amended to be effective May 26, 2014, 39 TexReg 3986; amended to be effective March 1, 2018, 43 TexReg 775.

§325.3. Meetings.

The board shall meet at least semi-annually.

Source Note: The provisions of this §325.3 adopted to be effective March 1, 1986, 11 TexReg 721.

§325.4. Rules of Order.

Board meetings shall be conducted in accordance with Roberts Rules of Order, newly revised.

Source Note: The provisions of this §325.4 adopted to be effective March 1, 1986, 11 TexReg 721.

§325.5. Chairman.

The chairman shall be the executive officer and preside at all meetings of the board. The chairman shall appoint committees as the board may authorize and shall perform all duties usually pertaining to the office and permitted by this Act.

Source Note: The provisions of this §325.5 adopted to be effective March 1, 1986, 11 TexReg 721.

§325.6. Chairman Authority.

In the absence of the chairman, the vice-chairman will fulfill the duties of the chairman.

Source Note: The provisions of this §325.6 adopted to be effective March 1, 1986, 11 TexReg 721.

§325.7. Board Member Terms.

(a) Members of the board serve staggered six-year terms expiring in January of an odd-numbered year, or as appointed by the governor.

(b) If a vacancy occurs during a member's term, the governor shall appoint a replacement to fill the unexpired part of the term.

(c) A member’s absence from a regularly scheduled board meeting that the member is eligible to attend may be excused by a majority vote of the board.

Source Note: The provisions of this §325.7 adopted to be effective July 12, 1996, 21 TexReg 6078; amended to be effective November 16, 2000, 25 TexReg 11285; amended to be effective March 1, 2018, 43 TexReg 776.

CHAPTER 327. COMPENSATION.

§327.1. Per Diem Calculated.

Per diem shall be on a daily basis or any portion thereof portal to portal.

Source Note: The provisions of this §327.1 adopted to be effective March 1, 1986, 11 TexReg 721.

CHAPTER 329. LICENSING PROCEDURE

§329.1. General Licensure Requirements and Procedures.

(a) Requirements. All applications for licensure shall include:

(1) a completed board application form with a recent color photograph of the applicant;

(2) the non-refundable application fee as set by the executive council. The application fee of applicants who are active U.S. military service members or veterans will be waived upon submission of official documentation of the active duty or veteran status of the applicant.

(3) a successfully completed board jurisprudence exam on the Texas Physical Therapy Practice Act and board rules; and

(4) documentation of academic qualifications.

(A) For applicants who completed their physical therapy education in the U.S., the documentation required is:

(i) a transcript sent directly to the board from the degree-granting institution showing enrollment in the final semester of an accredited PT or PTA program as provided in §453.203 of the Act; and

(ii) a statement signed by the program director or other authorized school official, notarized or with the school seal affixed, stating that the applicant has successfully completed the PT or PTA program.

(B) For applicants who completed their physical therapy education outside of the U.S., the documentation required is set out in §329.5 of this title (relating to Licensing Procedures for Foreign-Trained Applicants).

(C) For applicants who are active U.S. military service members or veterans, any military service, training or education verified and credited by an accredited PT or PTA program is acceptable to the board.

(5) a criminal history record report from the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting.

(b) Licensure by examination. If an applicant has not passed the national licensure exam, the applicant must also meet the requirements in §329.2 of this title (relating to License by Examination).

(c) Licensure by endorsement. If the applicant is licensed as a PT or PTA in another state or jurisdiction of the U.S., the applicant must also meet the requirements as stated in §329.6 of this title (relating to Licensure by Endorsement).

(d) Application expiration. An application for licensure is valid for one year after the date it is received by the board.

(e) False information. An applicant who submits an application containing false information may be denied licensure by the board.

(f) Rejection. Should the board reject an application for licensure, the reasons for the rejection will be stated. The applicant may submit additional information and request reconsideration by the board. If the applicant remains dissatisfied, a hearing may be requested as specified in the Act, §453.352.

(g) Changes to licensee information. Applicants and licensees must notify the board in writing of changes in address of record, and residential, mailing, or business addresses within 30 days of the change. For a name change at time of renewal, the licensee must submit a copy of the legal document enacting the name change with the renewal application.

(h) Replacement copy of license. The board will issue a copy of a license to replace one lost or destroyed upon receipt of a written request and the appropriate fee from the licensee. The board will issue a new original license after a name change upon receipt of a written request, the appropriate fee, and a copy of the legal document enacting the name change.

(i) A new licensee may provide physical therapy services upon online verification of licensure. The Board will maintain a secure resource for verification of license status and expiration date on its website.

Source Note: The provisions of this §329.1 adopted to be effective November 16, 2000, 25 TexReg 11286; amended to be effective October 13, 2002, 27 TexReg 9326; amended to be effective November 30, 2003, 28 TexReg 10505; amended to be effective May 27, 2012, 37 TexReg 3831; amended to be effective February 11, 2014, 39 TexReg 649; amended to be effective August 17, 2014, 39 TexReg 6049; amended to be effective January 1, 2016, 40 TexReg 8791; amended to be effective January 1, 2019, 43 TexReg 7353.

§329.2. Licensure by Examination.

(a) Requirements. An applicant applying for licensure by examination must:

(1) meet the requirements as stated in §329.1 of this title (relating to General Licensure Requirements and Procedures);

(2) register to take the National Physical Therapy Exam (NPTE) and select Texas as the jurisdiction for which the applicant will be testing in order to have the first score report sent to this state; and

(3) pass the NPTE for physical therapists or physical therapist assistants with the score approved by the board. Score reports must be sent directly to the board by the authorized score reporting service.

(b) Re-examination.

(1) An applicant who fails the exam is eligible to take the examination again if all eligibility requirements as set in policy by the Federation of State Boards of Physical Therapy (FSBPT) are met.

(2) An applicant can take the exam a maximum of six (6) times.

(3) An applicant who receives two (2) very low scores on the exam (scale scores 400 or below) will not be eligible to test again.

(4) An applicant who has taken the exam six (6) times or received two (2) very low scores may appeal for one (1) additional attempt through the Board for reasons as set in policy by FSBPT.

(5) An applicant can take the exam for PTs six (6) times and also take the exam for PTAs six (6) times if otherwise eligible to do so.

(c) Failure of PT exam. An applicant who fails the physical therapy examination may apply for licensure as a PTA and take the physical therapist assistant examination if he meets all other requirements for licensure.

(d) Exam Accommodations.

(1) Reasonable testing accommodations for an exam candidate with a disability or challenge that is covered by the Americans with Disabilities Act will be provided for candidates who submit the appropriate documentation through the FSBPT.

(2) Accommodations must be requested at the time of registration for the NPTE.

(e) NPTE Security and Copyright.

(1) An applicant for a license must agree to comply with the security and copyright provision of the NPTE.

(2) The board will report any known violation of the security or copyright provision or a compromise or attempted compromise of the provision to the FSBPT.

Source Note: The provisions of this §329.2 adopted to be effective November 16, 2000, 25 TexReg 11286; amended to be effective August 15, 2001, 26 TexReg 6021; amended to be effective September 18, 2006, 31 TexReg 8000; amended to be effective September 17, 2009, 34 TexReg 6332; amended to be effective October 9, 2011, 36 TexReg 6768; amended to be effective October 4, 2012, 37 TexReg 7751; amended to be effective May 23, 2013, 38 TexReg 3000; amended to be effective January 01, 2016, 40 TexReg 2667; amended to be effective May 23, 2016, 41 TexReg 3695; amended to be effective January 01,2017, 41 TexReg 9709; amended to be effective March 1, 2018, 01,2017, 43 TexReg 776.

§329.3. Temporary Licensure

(a) For examination candidates.

(1) Requirements.

(A) meet all requirements as stated in §329.1 of this title (relating to General Licensure Requirements and Procedures);

(B) register for the national physical therapy examination;

(C) submit temporary licensee and supervisor affidavits as provided by the board; and

(D) submit fees for temporary licensure as set by the executive council.

(2) Eligibility.

(A) The board will issue a temporary license to work in Texas to an applicant who is taking the exam for the first time.

(B) An applicant who has received a license from another state is not eligible for temporary licensure.

(C) A candidate who has taken and failed the physical therapist examination is not eligible for temporary licensure as a physical therapist assistant.

(3) Duration.

(A) The temporary license is valid until the applicant receives the score report from the board, or until the last day of the third month after the month the license is issued, whichever occurs first.

(B) The coordinator may extend the temporary license for no more than 30 days to offset an unreasonable delay in reporting the examination results to the applicant.

(4) Failure of examination. If the applicant fails the exam, the temporary license is void and must be returned to the board when the notification of the failure is received.

(b) For restoration of license by means of Supervised Clinical Practice (SCP).

(1) Requirements.

(A) meet all requirements as stated in §341.6 (d) (1) (A) – (D) (relating to License Restoration);

(B) submit temporary license and supervisor affidavits as provided by the board; and

(C) submit fees for temporary licensure as set by the executive council.

(2) Duration.

(A) The temporary license is valid for the duration of the SCP as designated by the board;

(B) If the applicant fails to complete the SCP in the designated timeframe, the temporary license is void and must be returned to the board.

(c) Supervision requirements. An applicant with a temporary PT license must have on-site supervision by a physical therapist with a permanent license to practice in Texas when providing physical therapy services. An applicant with a temporary PTA license must have on-site supervision by a physical therapist with a permanent license to practice in Texas when providing physical therapy services.

(d) A new temporary licensee may provide physical therapy services upon online verification of licensure. The Board will maintain a secure resource for verification of license status and expiration date on its website.

Source Note: The provisions of this §329.3 adopted to be effective November 16, 2000, 25 TexReg 11286; amended to be effective September 17, 2009, 34 TexReg 6333; amended to be effective May 26, 2014, 39 TexReg 3987; amended to be effective March 1, 2015, 40 TexReg 704.

§329.5. Licensing Procedures for Foreign-Trained Applicants.

A foreign-trained applicant must complete the license application process as set out in §329.1 of this title (relating to General Licensure Requirements and Procedures). In addition, the applicant must submit the following:

(1) An evaluation of professional education and training prepared by a board approved credentialing entity. The board will maintain a list of approved credentialing entities on the agency website.

(A) The evaluation must:

(i) be based on the Course Work Tool (CWT) adopted by the Federation of State Boards of Physical Therapy, specifically the version of the tool appropriate to the year the applicant graduated from the foreign physical therapy program; and

(ii) provide evidence and documentation that the applicant's education is substantially equivalent to the education of a physical therapist who graduated from a physical therapy education program accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE); and

(iii) establish that the institution at which the applicant received his physical therapy education is recognized by the Ministry of Education or the equivalent agency in that country.

(B) If the credentialing entity determines that the physical therapy education is substantially equivalent, but no evidence is found of specific required courses or content areas, the applicant is responsible for remedying those deficiencies. The applicant may use college credit obtained through applicable College Level Examination Placement (CLEP) or other college advanced placement exams to remedy any deficiencies in general education.

(C) An evaluation prepared by board-approved credentialer reflects only the findings and conclusions of the credentialer, and shall not be binding on the board. In the event that the board determines that the applicant's education is not substantially equivalent to an entry-level physical therapy program accredited by CAPTE, the board will notify the applicant in writing stating the reasons why the applicant's education is not substantially equivalent.

(D) If the applicant received an entry-level physical therapy degree from a CAPTE-accredited program located outside the U.S., the program is considered equivalent to a domestic CAPTE-accredited physical therapy program, and the applicant is exempt from meeting the requirements of the CWT.

(2) Proof of English language proficiency. A foreign-trained applicant must demonstrate the ability to communicate in English by making the minimum score accepted by the board on the TOEFL tests administered by the Educational Testing Service (ETS).

(A) This requirement is waived for graduates of entry-level physical therapy programs in Australia, Canada (except Quebec), Ireland, New Zealand and the United Kingdom.

(B) Minimum acceptable scores are as follows:

(i) Paper-based TOEFL tests (pbt) - TOEFL (reading/comprehension) 580; TWE (writing/essay) 5.0; TSE (speaking) 50;

(ii) Computer-based TOEFL tests (cbt) - TOEFL (reading/comprehension) 237; TWE (writing/essay) 5.0; TSE (speaking) 50;

(iii) Internet-based (ibt) - Writing 24; Speaking 26; Reading Comprehension 21; Listening Comprehension 18.

(C) The board may grant an exception to the English language proficiency requirements under the following conditions:

(i) the applicant holds a current license in physical therapy in another state and has been licensed in another state in the U.S. for 10 years prior to application; or

(ii) the applicant submits satisfactory proof that he/she is a citizen or lawful permanent resident of the U.S. or a current U.S. H-1B visa holder, and has attended four or more years of secondary or post-secondary education in the U.S.

Source Note: The provisions of this §329.5 adopted to be effective November 11, 1993, 18 TexReg 7546; amended to be effective October 26, 1994, 19 TexReg 8112; amended to be effective January 3, 1995, 19 TexReg 10099; amended to be effective April 12, 1995, 20 TexReg 2385; amended to be effective November 6, 1995, 20 TexReg 8794; amended to be effective May 8, 1996, 21 TexReg 3709; amended to be effective July 12, 1996, 21 TexReg 6079; amended to be effective April 28, 1997, 22 TexReg 3589; amended to be effective October 29, 1997, 22 TexReg 10508; amended to be effective April 19, 1999, 24 TexReg 2936; amended to be effective October 21, 1999, 24 TexReg8977; amended to be effective February 18, 2001, 26 TexReg 1338; amended to be effective August 15, 2001, 26 TexReg 6021; amended to be effective October 13, 2002, 27 TexReg 9327; amended to be effective March 29, 2004, 29 TexReg 3175; amended to be effective March 15, 2006, 31 TexReg 1299; amended to be effective September 18, 2006, 31 TexReg 8000; amended to be effective May 30, 2007, 32 TexReg 2862; amended to be effective May 6, 2008, 33 TexReg 3643; amended to be effective December 14, 2009, 34 TexReg 8967; amended to be effective April 4, 2011, 36 TexReg 2127; amended to be effective May 27, 2012, 37 TexReg 3831.

§329.6. Licensure by Endorsement.

(a) Eligibility. The board may issue a license by endorsement to an applicant currently licensed in another state, District of Columbia, or territory of the United States, if they have not previously held a permanent license issued by this board.

(b) Requirements. An applicant seeking licensure by endorsement must:

(1) meet the requirements as stated in §329.1 of this title (relating to General Licensure Requirements and Procedures);

(2) provide a score report for the National Physical Therapy Examination sent directly to the board by the board-approved reporting service, or scores on the Registry Examination sent directly to the board by the American Physical Therapy Association. The score reported must have satisfied requirements for licensure in a state at the time the applicant took the exam; and

(3) provide verification of license from every jurisdiction in which the applicant has held or still holds a license, sent directly to the board by the issuing jurisdiction. The board may accept web-based verification in place of verification sent by another jurisdiction if the board is satisfied that the applicant's license(s) is/are valid.

(c) Licensure of a Military Service Member, Military Veteran, or Military Spouse. The board will waive the application fee and will expedite the issuance of a license by endorsement to a military service member, military veteran, or spouse of a military service member. The applicant must provide official documentation of active duty status or veteran status or the active duty status of the spouse.

(d) Provisional licensure. The board may grant a provisional license to an applicant who is applying for licensure by endorsement if there is a delay in the submission of required documents outside the applicant’s control. The applicant must submit the provisional license fee as set by the executive council. The board may not grant a provisional license to an applicant with disciplinary action in their licensure history. The provisional license is valid for 180 days, or until a permanent license is issued or denied, whichever is first.

Source Note: The provisions of this §329.6 adopted to be effective November 16, 2000, 25 TexReg 11286; amended to be effective December 29, 2002, 27 TexReg 12214; amended to be effective March 9, 2009, 34 TexReg 1605; amended to be effective March 14, 2010, 35 TexReg 2015; amended to be effective April 4, 2011, 36 TexReg 2128, amended to be effective February 11, 2014, 39 TXReg 649; amended to be effective March 1, 2015, 40 TexReg 705; amended to be effective January 1, 2016, 40 TexReg 8791.

§329.7. Exemptions from Licensure

(a) The following categories of individuals practicing physical therapy in the state are exempt from licensure by the board.

(1) A person practicing physical therapy in the US armed services, US Public Health Service, or Veterans Administration in compliance with federal regulations for licensure of health care providers; and

(2) A person who is licensed in another jurisdiction of the US and who, by contract or employment, is practicing physical therapy in this state for not more than 60 days in a 12 month period for an athletic team or organization or a performing arts company temporarily competing or performing in this state.

(b) The following categories of individuals practicing physical therapy in the state are exempt from licensure by the board and must notify the board of their intent to practice in the state.

(1) A physical therapist who is licensed in good standing in another jurisdiction of the US if the person is engaging, for not more than 90 days in a 12 month period and under the supervision of a physical therapist licensed in this state, in a special project or clinic required for completion of a post-professional degree in physical therapy from an accredited college or university.

(A) The individual must submit written notification stating the following:

(i) the beginning and ending dates of the period of practice;

(ii) the name of the institution or facility in which the individual will be practicing, and

(iii) the name of the supervising physical therapist.

(B) Written notification must be received by the board prior to the start date of the practice.

(2) A physical therapist or a physical therapist assistant who is licensed in good standing in another jurisdiction of the US or authorized to practice physical therapy without restriction in another country if the person is engaging in patient contact and treatment as either an instructor or participant while attending an educational seminar or activity in this state for not more than 60 days in a 12 month period.

(A) The individual must submit written notification stating the following:

(i) the beginning and ending dates of the educational activity;

(ii) the name of the course or activity sponsor, and

(iii) the location of the educational activity.

(B) Written notification must be received by the board prior to the start date of the educational activity.

(3) A physical therapist or physical therapist assistant licensed in good standing in another jurisdiction of the US who is practicing physical therapy for not more than 60 days during a declared local, state, or national disaster or emergency.

(A) The individual must submit written notification stating the following:

(i) the beginning and ending dates of the period of practice, and

(ii) the name of the facility in which the individual will be practicing.

(B) Written notification must be received by the board prior to the start date of the practice.

(4) A physical therapist or physical therapist assistant licensed in good standing in another jurisdiction of the US who is displaced from the person's residence or place of employment due to a declared local, state, or national disaster and is practicing physical therapy in this state for not more than 60 days after the date the disaster is declared.

(A) The individual must submit written notification stating the following:

(i) the beginning and ending dates of the period of practice, and

(ii) the name of the facility in which the individual will be practicing.

(B) Written notification must be received by the board prior to the start date of the practice.

Source Note: The provisions of this §329.7 adopted to be effective December 15, 2009, 34 TexReg 8967.

CHAPTER 335. PROFESSIONAL TITLE

§335.1. Use of Title.

(a) A licensed physical therapist shall use the title physical therapist or the initials PT. A licensed physical therapist assistant shall use the title physical therapist assistant or the initials PTA. No other titles or initials are conferred by a license from this board.

(b) Any letters designating other titles, academic degrees, or certifications must follow the initials PT or PTA (example: Jane Doe, PT, DPT).

(c) In using the title "doctor" as a trade or professional asset or on any manner of professional identification, including a sign, pamphlet, stationery, or letterhead, or as a part of a signature, a physical therapist shall designate the college or honorary degree that gives rise to the use of the title, or the authority under which the title is used.

(d) A degree described in subsection (b) of this section shall be granted by an institution accredited by an accrediting agency recognized by the National Commission on Accrediting or the US Department of Education.

Source Note: The provisions of this §335.1 adopted to be effective March 1, 1986, 11 TexReg 724; amended to be effective August 17, 2008, 33 TexReg 6593; amended to be effective May 23, 2013, 38 TexReg 3001.

CHAPTER 337. DISPLAY OF LICENSE

§337.1. Display of License.

Displayed reproduction of the original license is unauthorized. The original license must be displayed in the principal place of practice. Reproduction of the original license is authorized for institutional file purpose only.

Source Note: The provisions of this §337.1 adopted to be effective March 1, 1986, 11 TexReg 724; amended to be effective November 11, 1993, 18 TexReg 7551; amended to be effective May 27, 2012, 37 TexReg 3832, amended to be effective February 11, 2014, 39 TexReg 650.

§337.2. Consumer Information Sign.

(a) There shall at all times be prominently displayed in the place of business of each licensee a sign containing the name, mailing address, web address and telephone number of the board and a statement informing consumers that complaints against licensees can be directed to the board.

(b) The consumer information sign shall read: Complaints regarding non-compliance with the Texas Physical Therapy Practice Act can be directed to Texas Board of Physical Therapy Examiners, 333

Guadalupe Suite 2-510, Austin, Texas 78701, www.ptot.texas.gov, 800-821-3205 (toll free, for complaints only) or 512-305-6900. The minimum size of the sign shall be five inches by seven inches.

Source Note: The provisions of this §337.2 adopted to be effective March 1, 1986, 11 TexReg 724; amended to be effective September 28, 1988, 13 TexReg 4576; amended to be effective February 18, 1992, 17 TexReg 940; amended to be effective May 8, 1996, 21 TexReg 3709; amended to be effective October 4, 2012, 37 TexReg 7751.

CHAPTER 339. FEES

§339.1. Fees.

Fees are set by the executive council and may be subject to change by the legislature.

Fees paid to the board or executive council may be in the form of a personal check, cashier's check, money order, or other certified funds.

NOTE: For the list of current fees, see Chapter 651, Fees, Executive Council of Physical Therapy and Occupational Therapy Examiners, included at the end of the rules.

Source Note: The provisions of this §339.1 adopted to be effective November 30, 1981, 6 TexReg 4246; amended to be effective September 1, 1984, 9 TexReg 4284; amended to be effective December 30, 1987, 12 TexReg 4683; amended to be effective December 12, 1989, 14 TexReg 6278; amended to be effective June 5, 1992, 17 TexReg 3783; amended to be effective November 11, 1993, 18 TexReg 7551; amended to be effective November 16, 2000, 25 TexReg 11288.

CHAPTER 341. LICENSE RENEWAL

§341.1. Requirements for Renewal.

(a) Biennial renewal. Licensees are required to renew their licenses every two years by the end of their birth month. The Board will maintain a secure resource for verification of license status and expiration date on its website.

(b) Notification of impending license expiration. The board will send notification to each licensee at least 30 days prior to the license expiration date. The licensee is responsible for ensuring that the license is renewed, regardless of receipt of notification.

(c) General requirements. The renewal application is not complete until all required items are received by the board. The components required for license renewal are:

(1) a completed renewal application documenting completion of board-approved continuing competence activities, as described in §341.2 of this title (relating to Continuing Competence Requirements);

(2) the renewal fee, and any late fees which may be due;

(3) a passing score on the jurisprudence examination; and

(4) a criminal history record report from the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting. A licensee is not required to submit fingerprints for the renewal of the license if the licensee has previously submitted fingerprints under:

(A) §329.1. for the initial issuance of the license; or

(B) Chapter 341. License Renewal as part of a prior license renewal or restoration.

(d) If all required items are not postmarked (if submitted by mail) or date stamped (if submitted online) prior to the expiration date, the renewal is late and the license is expired. The licensees may not practice until the license is listed as current on the board's website.

(e) A licensee may renew a license expired less than one year. The items required for the reinstatement of a license are:

(1) Expired for 90 days or less:

(A) All items listed in subsection (c) of this section; and

(B) The late fee as set by the executive council in §651.2 of this title (relating to Physical Therapy Board Fees).

(2) Expired for more than 90 days but less than one year:

(A) All items listed in subsection (c) of this section;

(B) The late fee as set by the executive council; and

(C) Documentation showing completion of continuing competence requirements as specified in §341.2 of this title.

(f) Renewal of a license expired one year or more. A license expired one year or more must be reinstated as specified in §341.6 of this title (relating to License Restoration).

Source Note: The provisions of this §341.1 adopted to be effective February 18, 2001, 26 TexReg 1339; amended to be effective August 15, 2001, 26 TexReg 6022; amended to be effective September 18, 2005, 30 TexReg 5801; amended to be effective July 21, 2010, 35 TexReg 6285; amended to be effective April 4, 2011, 36 TexReg 2128; amended to be effective May 27, 2012, 37 TexReg 3832; amended to be effective February 11, 2014, 39 TexReg 650; amended to be effective March 1, 2015 40 TexReg 705; amended to be effective January 1, 2019, 43 TexReg 7354.

§341.2. Continuing Competence Requirements.

(a) Continuing competence is the ongoing acquisition and maintenance of the professional knowledge, skill, and ability of the PT or PTA through successful completion of educational and professional activities related to the physical therapy profession.

(b) All continuing competence activities submitted to satisfy renewal requirements must be board-approved by an organization selected by the board as established in subsection (i) of this section.

(c) For each biennial renewal, physical therapists must complete a total of 30 continuing competence units (CCUs); physical therapist assistants must complete a total of 20 CCUs. A CCU is the relative value assigned to continuing competence activities based on specific criteria developed by the Board.

(d) Continuing competence activities utilized to fulfill renewal requirements must be completed within the 24 months prior to the license expiration date.

(e) Licensees must maintain original continuing competence activity completion documents, as specified in §341.3 of this title (relating to Qualifying Continuing Competence Activities), for four years after the license expiration date.

(f) All licensees must complete a board-approved jurisprudence assessment module as part of their total continuing competence requirement. The jurisprudence assessment module shall be assigned a CCU value and standard approval number by the board and shall include at a minimum the following components.

(1) The theoretical basis for ethical decision-making;

(2) APTA's Code of Ethics for the Physical Therapist and Guide for Professional Conduct, and the Guide for Conduct of the Physical Therapist Assistant and Standards of Ethical Conduct for the Physical Therapist Assistant;

(3) Legal standards of behavior (including but not limited to the Act and Rules of the board); and

(4) Application of content to real and/or hypothetical situations.

(g) The executive council will conduct an audit of a random sample of licensees at least quarterly to determine compliance with continuing competence requirements. Failure to maintain accurate documentation, or failure to respond to a request to submit documentation for an audit within 30 days of the date on the request, may result in disciplinary action by the board.

(1) Licensees who are more than 90 days late in renewing a license are not included in the audit, and must submit documentation of continuing competence activities at time of renewal.

(2)The board or its committees may request proof of completion of continuing competence activities claimed for renewal purposes at any time from any licensee.

(h) If the board chooses to authorize an organization(s) to approve continuing competence activities, the board shall select an appropriate organization(s) pursuant to §323.4 of this title, Request for Proposals for Outsourced Services.

Source Note: The provisions of this §341.2 adopted to be effective February 18, 2001, 26 TexReg 1339; amended to be effective August 15, 2001, 26 TexReg 6022; amended to be effective February 17, 2005, 30 TexReg 717; amended to be effective June 7, 2009, 34 TexReg 3516; amended to be effective July 21, 2010, 35 TexReg 6285; amended to be effective February 11, 2014, 39 TXReg 650; amended to be effective May 22, 2017, 42 TXReg 958; amended to be effective March 1, 2018, 43 TexReg 776; amended to be effective November 11, 2018, 43 TexReg 7355.

§341.3. Qualifying Continuing Competence Activities.

Licensees may select from a variety of activities to fulfill the requirements for continuing competence. These activities include the following:

(1) Continuing education (CE).

(A) Program content and structure must be approved by the board-approved organization, or be offered by a provider accredited by that organization. Programs must meet the following criteria:

(i) Program content must be easily recognizable as pertinent to the physical therapy profession and in the areas of ethics, professional responsibility, clinical application, clinical management, behavioral science, science, or risk management.

(ii) The content must be identified by instructional level, i.e., basic, intermediate, advanced. Program objectives must be clearly written to identify the knowledge and skills the participants should acquire and be consistent with the stated instructional level.

(iii) The instructional methods related to the objectives must be identified and be consistent with the stated objectives.

(iv) Programs must be presented by a licensed health care provider, or by a person with appropriate credentials and/or specialized training in the field.

(v) Program providers are prohibited from self-promotion of programs, products, and/or services during the presentation of the program.

(vi) The participants must evaluate the program. A summary of these evaluations must be made available to the board-approved organization upon request.

(vii) Records of each licensee who participates in the program must be maintained for four years by the CE sponsor/provider and must be made available to the board-approved organization upon request.

(B) CE programs subject to this subsection include the following:

(i) Live programs.

(I) One contact hour equals 1 continuing competence unit (CCU).

(II) Documentation must include the name and license number of the licensee; the title, sponsor/provider, date(s), and location of the course;

the number of CCUs awarded, the signature of an authorized signer, and the accredited provider or program approval number.

(III) If selected for audit, the licensee must submit the specified documentation.

(ii) Self-study programs – Structured, self-paced programs or courses offered through electronic media (for example, via the internet or on DVD) or on paper (for example, a booklet) completed without direct supervision or attendance in a class.

(I) One contact hour equals 1 CCU.

(II) Documentation must include the name and license number of the licensee; the title, sponsor/provider, date(s), and instructional format of the course; the number of CCUs awarded, the signature of an authorized signer, and the accredited provider or program approval number.

(III) If selected for audit, the licensee must submit the specified documentation.

(iii) Regular inservice-type programs over a one-year period where individual sessions are granted 2 CCUs or less.

(I) One contact hour equals 1 CCU.

(II) Documentation must include the name and license number of the licensee; the title, sponsor/provider, date(s), and location of the inservice; the signature of an authorized signer, and the accredited provider or program approval number with the maximum CCUs granted and the CCU value of each session or group of sessions specified and justified.

(III) Additionally, proof of attendance to any or all inservice sessions must be provided so that individual CCUs earned can be calculated by the program sponsor/provider for submission to the board-approved organization.

(IV) If selected for audit, the licensee must submit the specified documentation.

(iv) Large conferences with concurrent programming.

(I) One contact hour equals 1 CCU.

(II) Documentation must include the licensee's name and license number; title, sponsor/provider, date(s); and location of the conference; the number of CCUs awarded, the signature of an authorized signer, and the accredited provider or course approval number.

(III) If selected for audit, the licensee must submit the specified documentation and proof of attendance.

(2) College or university courses.

(A) Courses at regionally accredited US colleges or universities easily recognizable as pertinent to the physical therapy profession and in the areas of ethics, professional responsibility, clinical application, clinical management, behavioral science, science, or risk management.

(i) The course must be at the appropriate educational level for the PT or the PTA.

(ii) All courses in this subsection are subject to the following:

(I) One satisfactorily completed credit hour (grade of C or equivalent, or higher) equals 10 CCUs.

(II) Documentation required for consideration is the course syllabus for each course and an official transcript.

(III) If selected for audit, the licensee must submit the approval letter from the board-approved organization.

(B) College or university sponsored CE programs (no grade, no official transcript) must comply with paragraph (1)(A) of this subsection.

(C) College or university courses that are part of a post-professional physical therapy degree program, or are part of a CAPTE-accredited program bridging from PTA to PT, are automatically approved and are assigned a standard approval number by the board-approved organization. If selected for audit, the licensee must submit an official transcript.

(3) Scholarship

(A) Publications. Publication(s) pertinent to physical therapy and in the areas of ethics, professional responsibility, clinical practice, clinical management, behavioral science, science, or risk management written for the professional or lay audience. The author(s) are prohibited from self-promotion of programs, products, and/or services in the publication.

(i) The publication must be published within the 24 months prior to the license expiration date.

(ii) CCU values for types of original publications are as follows:

(I) A newspaper article (excluding editorials and opinion pieces) may be valued up to 3 CCUs.

(II) A regional/national magazine article (excluding editorials and opinion pieces) may be valued up to 10 CCUs.

(III) A case study in a peer reviewed publication, monograph, or book chapter(s) is valued at 20 CCUs.

(IV) A research article in a peer reviewed publication, or an entire book is valued at 30 CCUs.

(iii) Documentation required for consideration is:

(I) For newspaper articles, a copy of the article and the newspaper banner, indicating the publication date;

(II) For magazine articles and publications in peer reviewed journals, a copy of the article and the Table of Contents page of the publication showing the author's name and the name and date of the publication.

(III) For monographs or single book chapters, a copy of the first page of the monograph or chapter, and the Table of Contents page of the publication showing the author's name and the name and date of the publication.

(IV) For an entire book or multiple chapters in a book, the author must submit the following: title page, copyright page, entire table of contents, preface or forward if present, and one book chapter authored by the licensee.

(iv) If selected for audit, the licensee must submit the approval letter from the board-approved organization.

(B) Manuscript review. Reviews of manuscripts for peer-reviewed publications pertinent to physical therapy and in the areas of ethics, professional responsibility, clinical practice, clinical management, behavioral science, science, or risk management. The Board will maintain and make available a list of peer-reviewed publications that are automatically approved for manuscript review and assigned a standard approval number by the board-approved organization.

(i) The review must be completed within the 24 months prior to the license expiration date.

(ii) One manuscript review is valued at 3 CCUs.

(iii) For each renewal:

(I) PTs may submit no more than 3 manuscript reviews (9 CCUs).

(II) PTAs may submit no more than 2 manuscript reviews (6 CCUs).

(iv) If selected for audit, the licensee must submit a copy of the letter or certificate from the publisher confirming completion of manuscript review.

(v) A peer-reviewed publication not on the list of recognized publications for manuscript review but pertinent to the physical therapy profession may be submitted to the board-approved organization for consideration. Documentation required for consideration includes the following:

(I) The name of the peer-reviewed journal;

(II) The name of the manuscript; and

(III) A description of the journal's relevance to the physical therapy profession.

(C) Grant proposal submission. Submission of grant proposals by principal investigators or co-principal investigators for research that is pertinent to physical therapy and in the areas of ethics, professional responsibility, clinical practice, clinical management, behavioral science, science, or risk management.

(i) The grant proposal must be submitted to the funding entity within the 24 months prior to the license expiration date.

(ii) One grant proposal is valued at 10 CCUs.

(iii) Licensees may submit a maximum of 1 grant proposal (10 CCUs).

(iv) Documentation required for consideration is a copy of the grant and letter submitted to the grant-provider.

(v) If selected for audit, the licensee must submit the approval letter from the board-approved organization.

(D) Grant review for research pertinent to healthcare. The Board will maintain and make available a list of grant-issuing entities that are automatically approved for grant review and assigned a standard approval number by the board-approved organization.

(i) The review must be completed within the 24 months prior to the license expiration date.

(ii) One grant review is valued at 3 CCUs.

(iii) Licensees may submit a maximum of 2 grant reviews (6 CCUs).

(iv) If selected for audit, the licensee must submit a letter or certificate confirming grant review from the grant provider.

(v) A grant-issuing entity not on the list of recognized entities for grant review but pertinent to the physical therapy profession may be submitted to the board-approved organization for consideration. Documentation required for consideration includes the following:

(I) The name of the grant-issuing entity;

(II) The name of the grant; and

(III) A description of the grant's relevance to the physical therapy profession.

(4) Teaching and Presentation Activities.

(A) First-time development or coordination of course(s) in a CAPTE-accredited PT or PTA program, a post-professional physical therapy degree program, or a CAPTE-accredited program bridging from PTA to PT. This activity type is automatically approved and is assigned a standard approval number by the board-approved organization.

(i) The course must be offered for the first time within the 24 months prior to the license expiration date.

(ii) One student contact hour equals 4 CCUs.

(iii) Licensees are limited to the following number of CCUs:

(I) PTs may submit a maximum of 10 CCUs for this activity.

(II) PTAs may submit a maximum of 8 CCUs for this activity.

(iv) If selected for audit, the licensee must submit a copy of the course syllabus indicating the licensee as course coordinator or primary instructor.

(B) First-time development or coordination of course(s) in a regionally accredited U.S. college or university program for other health professions.

(i) The course must be offered for the first time within the 24 months prior to the license expiration date.
(ii) One student contact hour equals 4 CCUs.
(iii) Licensees are limited to the following number of CCUs:
(I) PTs may submit a maximum of 10 CCUs for this activity.
(II) PTAs may submit a maximum of 8 CCUs for this activity.
(iv) Documentation required for consideration is a copy of the course syllabus indicating the licensee as course coordinator or primary instructor.
(v) If selected for audit, the licensee must submit the approval letter from the board-approved organization.

(C) Presentation or instruction as a guest lecturer in a CAPTE-accredited PT or PTA program, or a post-professional physical therapy degree program, or a CAPTE-accredited program bridging from PTA to PT. This activity type is automatically approved and is assigned a standard approval number by the board-approved organization.
(i) One student contact hour equals 2 CCUs.
(ii) Licensees are limited to the following number of CCUs:
(I) PTs may submit a maximum of 10 CCUs for this activity.
(II) PTAs may submit a maximum of 8 CCUs for this activity.
(iii) If selected for audit, the licensee must submit a copy of the course syllabus indicating the licensee as course presenter or instructor.

(D) Presentation or instruction as a guest lecturer in a regionally accredited U.S. college or university program for other health professions.
(i) One student contact hour equals 2 CCUs.
(ii) Licensees are limited to the following number of CCUs:
(I) PTs may submit a maximum of 10 CCUs for this activity.
(II) PTAs may submit a maximum of 8 CCUs for this activity.
(iii) Documentation required for consideration is a copy of the course syllabus indicating the licensee as course coordinator or primary instructor.
(iv) If selected for audit, the licensee must submit the approval letter from the board-approved organization.

(E) First-time development, presentation or co-presentation at state, national or international workshops, seminars, or professional conferences, or at a board-approved continuing education course.
(i) The course must be offered for the first time within the 24 months prior to the license expiration date.
(ii) One contact hour equals 4 CCUs.
(iii) Licensees are limited to the following number of CCUs:
(I) PTs may submit no more than 10 CCUs for this activity.
(II) PTAs may submit no more than 8 CCUs for this activity.
(iv) Documentation required for consideration includes one of the following: a copy of a brochure for the presentation indicating the licensee as a presenter; or, a copy of the cover from the program and page(s) indicating the licensee as a presenter.
(v) If selected for audit, the licensee must submit the approval letter from the board-approved organization.

(F) Service as a clinical instructor for full-time, entry-level PT or PTA students enrolled in accredited education. This activity type is automatically approved and is assigned a standard approval number by the board-approved organization.
(i) The instructorship must be completed within the 24 months prior to the license expiration date.
(ii) Valuation of clinical instruction is as follows:

(I) Supervision of full-time PT or PTA students for 5 – 11 weeks is valued at 5 CCUs.

(II) Supervision of full-time PT or PTA students for 12 weeks or longer is valued at 10 CCUs.

(iii) Licensees are limited to the following number of CCUs:

(I) PTs may submit a maximum of 10 CCUs for this activity.

(II) PTAs may submit a maximum of 8 CCUs for this activity.

(iv) If selected for audit, the licensee must submit a letter or certificate from the coordinator of clinical education confirming clinical supervision and the number of weeks supervised from the education program.

(5) Advanced Training, Certification, and Recognition.

(A) Specialty Examinations. The Board will maintain and make available a list of recognized specialty examinations. Successful completion of a recognized specialty examination (initial or recertification) is automatically approved and assigned a standard approval number by the board-approved organization.

(i) The specialty examination must be successfully completed within the 24 months prior to the license expiration date.

(ii) Each recognized specialty examination is valued at 30 CCUs.

(iii) If selected for audit, the licensee must submit a copy of the letter from the certifying body notifying the licensee of completion of the specialty from the credentialing body, and a copy of the certificate of specialization.

(iv) A specialty examination not on the list of recognized examinations but pertinent to the physical therapy profession may be submitted to the board-approved organization for consideration. Documentation required for consideration includes the following:

(I) Identification and description of the sponsoring organization and its authority to grant a specialization to PTs or PTAs;

(II) A complete description of the requirements for specialization;

(III) A copy of the letter notifying the licensee of completion of the specialty from the certifying body, and a copy of the certificate of specialization.

(B) APTA Certification for Advanced Proficiency for the PTA. This activity type is automatically approved and is assigned a standard approval number by the board-approved organization.

(i) The certification must be successfully completed within the 24 months prior to the license expiration date.

(ii) Completion of specialty certification is valued at 20 CCUs.

(iii) If selected for audit, the licensee must submit a copy of the letter notifying the licensee of completion of the advanced proficiency, and a copy of the certificate of proficiency.

(C) Residency or fellowship relevant to physical therapy. The Board will maintain and make available a list of recognized residencies and fellowships. This activity type is automatically approved and is assigned a standard approval number by the board-approved organization.

(i) The residency or fellowship must be successfully completed within the 24 months prior to the license expiration date.

(ii) Completion of the residency or fellowship is valued at 30 CCUs.

(iii) If selected for audit, the licensee must submit a copy of the letter notifying the licensee of completion of the fellowship, and a copy of the fellowship certificate.

(D) Supervision or mentorship of a resident or fellow in an American Board of Physical Therapy Residency and Fellowship Education (ABPTRFE) credentialed residency or fellowship program. This activity type is automatically approved and is assigned a standard approval number by the board-approved organization.

(i) Clinical supervision of a resident for a minimum of 1500 hours or a fellow for a minimum of 1000 hours is valued at 10 CCUs. The Board will consider partial credit for those mentors who provide mentorship for only a portion of the residency or fellowship.

(ii) Licensees may submit a maximum of 20 CCUs for this activity.

(iii) If selected for audit, the licensee must submit a copy of a letter from the credentialed residency or fellowship program confirming participation as a clinical mentor, with the length of time served as a clinical mentor.

(E) The self-assessment tool oPTion of the Federation of State Boards of Physical Therapy (FSBPT). This activity type is automatically approved and is assigned a standard approval number by the board-approved organization.

(i) Completion of oPTion is valued at 3 CCUs.

(ii) If selected for audit, the licensee must submit a copy of the FSBPT certificate of completion.

(6) Professional Membership and Service. Licensees may submit activities in this category for up to one half of their CC requirement (PT - 15 CCUs, PTAs – 10 CCUs) at time of renewal. Licensees must demonstrate membership or participation in service activities for a minimum of one year during the renewal period to receive credit. Credit is not prorated for portions of years.

(A) Membership in the APTA. This activity type is automatically approved and is assigned a standard approval number by the board-approved organization.

(i) One year of membership is valued at 1 CCU.

(ii) If selected for audit, the licensee must submit a copy of the current membership card.

(B) Service on a board, committee, or taskforce for the Texas Board of Physical Therapy Examiners, the American Physical Therapy Association (APTA) (or an APTA component), or the Federation of State Boards of Physical Therapy (FSBPT). This activity type is automatically approved and is assigned a standard approval number by the board-approved organization.

(i) One year of service is valued at 3 CCUs.

(ii) Licensees are limited to the following number of CCUs per renewal:

(I) PTs may submit a maximum of 9 CCUs for this activity.

(II) PTAs may submit a maximum of 6 CCUs for this activity.

(iii) If selected for audit, the licensee must submit a copy of a letter on official organization letterhead or certificate confirming completion of service.

(C) Service as a TPTA Continuing Competence Approval Program reviewer. This activity type is automatically approved and is assigned a standard approval number by the board-approved organization.

(i) One year of service is valued at 3 CCUs.

(ii) Licensees are limited to the following number of CCUs per renewal:

(I) PTs may submit a maximum of 6 CCUs for this activity.

(II) PTAs may submit a maximum of 6 CCUs for this activity.

(iii) If selected for audit, the licensee must submit a copy of a letter or certificate confirming completion of service on official organization letterhead.

(D) Service as an item writer for the national PT or PTA exam or an American Board of Physical Therapy Specialties (ABPTS) exam. This activity type is automatically approved and is assigned a standard approval number by the board-approved organization.

(i) One year of service is valued at 5 CCUs.

(ii) Licensees are limited to the following number of CCUs per renewal:

(I) PTs may submit a maximum of 10 CCUs for this activity.

(II) PTAs may submit a maximum of 10 CCUs for this activity.

(iii) If selected for audit, the licensee must submit a copy of a letter or certificate confirming completion of service on official organization letterhead.

Source Note: The provisions of this §341.3 adopted to be effective November 11, 1993, 18 TexReg 7552; amended to be effective April 12, 1995, 20 TexReg 2386; amended to be effective May 8, 1996, 21 TexReg 3797; amended to be effective February 13, 2000, 25 TexReg 779; amended to be effective November 16, 2000, 25 TexReg 11288; amended to be effective February 17, 2005, 30 TexReg 717; amended to be effective March 5, 2007, 32 TexReg 1074; amended to be effective June 7, 2009, 34 TexReg 3516; amended to be effective July 21, 2010, 35 TexReg 6286; amended to be effective February 11, 2014, 39 TXReg 651; amended to be effective August 17, 2014, 39 TexReg 6049; amended to be effective March 1, 2015, 40 TexReg 705; amended to be effective February 21, 2016, 41 TexReg 1122; amended to be effective February 16, 2017, 41 TexReg 9692; amended to be effective May 22, 2017, 42 TexReg 958.

§341.5. Waiver of Continuing Competence Units (CCUs)

CCUs required for renewal of a license may be waived by the board because of hardship for health and medical problems that prevent a licensee from obtaining the CCUs. Waiver requests must be submitted prior to license expiration. The license cannot be renewed until the waiver has been approved by the Board.

Source Note: The provisions of this §341.5 adopted to be effective November 11, 1993, 18 TexReg 7552; amended to be effective March 2, 2006, 31 TexReg 1301; amended to be effective July 21, 2010, 35 TexReg 6288.

§341.6. License Restoration.

(a) The board may reinstate a license that has been expired one year or more through the process of restoration if certain requirements are met.

(b) Duration. The original expiration date of a restored license will be adjusted so that the license will expire two years at the end of the birth month of the licensee.

(c) Persons who are currently licensed in good standing in another state, district, or territory of the U.S. The requirements for restoration are:

(1) a completed restoration application form;

(2) a passing score on the jurisprudence examination;

(3) verification of Licensure from all states in which the applicant holds or has held a license;

(4) the restoration fee; and

(5) a criminal history record report from the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting. A licensee is not required to submit fingerprints for the renewal of the license if the licensee has previously submitted fingerprints under:

(A) §329.1. for the initial issuance of the license; or

(B) Chapter 341. License Renewal as part of a prior license renewal or restoration.

(d) Persons who are not currently licensed in another state or territory of the U.S.

(1) A licensee whose Texas license is expired for one to five years. The requirements for restoration are:

(A) a completed restoration application form;
(B) a passing score on the jurisprudence examination;
(C) the restoration fee; and
(D) verification of Licensure from all states in which the applicant has held a license;
(E) a criminal history record report from the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting. A licensee is not required to submit fingerprints for the renewal of the license if the licensee has previously submitted fingerprints under:

(i) §329.1. for the initial issuance of the license; or
(ii) Chapter 341. License Renewal as part of a prior license renewal or restoration.

(F) demonstration of competency. Competency may be demonstrated in one of the following ways:

(i) reexamination with a passing score on the national physical therapy exam;
(ii) completion of an advanced degree in physical therapy within the last five years;
(iii) supervised clinical practice (SCP) completed over a continuous 12 month period and board approved continuing competence activities. For PTs, the requirement is 480 hours of SCP and 30 CCUs. For PTAs, the requirement is 320 hours of SCP and 20 CCUs.

(2) A licensee whose Texas license is expired for five years or more may not restore the license but may obtain a new license by taking the national examination again and getting a new license by relicensure. The requirements for relicensure are:

(A) a completed application form;
(B) a passing score on the jurisprudence examination;
(C) the application fee;
(D) a passing score on the national exam, reported directly to the board by the Federation of State Boards of Physical Therapy; and
(E) a criminal history record report from the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting. A licensee is not required to submit fingerprints for the renewal of the license if the licensee has previously submitted fingerprints under:

(i) §329.1. for the initial issuance of the license; or
(ii) Chapter 341. License Renewal as part of a prior license renewal or restoration.

(e) Military Service Members, Military Veterans, and Military spouses. The board will expedite the restoration of a license to a military service member, a military veteran or a spouse of a member of the U.S. armed forces on active duty. The applicant must provide official documentation of active duty status, military veteran status, or the active duty status of the spouse.

(f) Renewal of a restored license. To renew a license that has been restored, a licensee must comply with all requirements in §341.1 of this title (relating to Requirements for Renewal).

Source Note: The provisions of this §341.6 adopted to be effective February 18, 2001, 26 TexReg 1339; amended to be effective March 9, 2009, 34 TexReg 1605; amended to be effective February 13, 2012, 37 TexReg 689; amended to be effective February 11, 2014, 39 TexReg 655; amended to be effective August 17, 2014, 39 TexReg 6053; amended to be effective March 1, 2015, 40 TexReg 706; amended to be effective September 20, 2015, 40 TexReg 6352; amended to be effective February 21, 2016, 41 TexReg 1122; amended to be effective February 16, 2017, 41TexReg9692; amended to be effective January 1, 2019, 43 TexReg 7354.

§341.7. Restrictions on License Renewal and Restoration.

(a) The board will not renew a license if a licensee has defaulted on a loan from the Texas Guaranteed Student Loan Corporation (TGSLC). Upon notice from TGSLC that a repayment agreement has been established, the license shall be renewed.

(b) The board will not renew a license if a licensee has defaulted on court or attorney general's notice of child support. Upon receipt of notification that a repayment agreement has been established, the license shall be renewed.

Source Note: The provisions of this §341.7 adopted to be effective February 18, 2001, 26 TexReg 1339.

§341.8. Inactive Status.

(a) Inactive status indicates the voluntary termination of the right or privilege to practice physical therapy in Texas. The Board may allow a licensee who is not actively engaged in the practice of physical therapy in Texas to inactivate the license instead of renewing it at time of renewal. A licensee may remain on inactive status for no more than six consecutive years.

(b) Requirements for initiation of inactive status. The components required to put a license on inactive status are:

(1) a signed renewal application form, documenting completion of board-approved continuing competence activities for the current renewal period, as described in §341.2 of this title (relating to Continuing Competence Requirements);

(2) the inactive fee, and any late fees which may be due; and

(3) a passing score on the jurisprudence exam.

(c) Requirements for renewal of inactive status. An inactive licensee must renew the inactive status every two years. The components required to maintain the inactive status are:

(1) a signed renewal application form, documenting completion of board-approved continuing competence activities for the current renewal period, as described in §341.2 of this title;

(2) the inactive renewal fee, and any late fees which may be due; and

(3) a passing score on the jurisprudence exam.

(d) Requirements for reinstatement of active status. A licensee on inactive status may request a return to active status at any time. The components required to return to active status are:

(1) a signed renewal application form, documenting completion of board-approved continuing competence activities for the current renewal period, as described in §341.2 of this title;

(2) the renewal fee, and any late fees which may be due;

(3) a passing score on the jurisprudence exam; and

(4) a criminal history record report from the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting. A licensee is not required to submit fingerprints for the renewal of the license if the licensee has previously submitted fingerprints under:

(A) §329.1. for the initial issuance of the license; or

(B) Chapter 341. License Renewal as part of a prior license renewal or restoration.

(e) Licensees on inactive status are subject to the audit of continuing education as described in §341.2 of this title.

Source Note: The provisions of this §341.8 adopted to be effective February 18, 2001, 26 TexReg 1339; amended to be effective August 15, 2001, 26 TexReg 6022; amended to be effective July 21, 2010, 35 TexReg 6288; amended to be effective October 4, 2012, 37 TexReg 7751; amended to be effective January 1, 2019, 43 TexReg 7354.

§341.9. Retired Status; Performing Voluntary Charity Care.

(a) Retired status means that a licensee is providing physical therapy services only in the domain of voluntary charity care.

(b) As used in the section:

(1) "voluntary charity care" means physical therapy services provided for no compensation as a volunteer of a charitable organization as defined in §84.003 of the Texas Civil Practice and Remedies Code. Charitable organizations include any bona fide charitable, religious, prevention of cruelty to children or animals, youth sports and youth recreational, neighborhood crime prevention or patrol, or educational organization (excluding fraternities, sororities, and secret societies), or other organization promoting the common good and general welfare for the people in a community, including these types of organizations with a §501(c)(3) or (4) exemption from federal income tax, some chambers of commerce, and volunteer centers certified by the Department of Public Safety.

(2) "compensation" means direct or indirect payment of anything of monetary value.

(c) To be eligible for retired status, a licensee must hold a current license on active or inactive status.

(d) Requirements for initiation of retired status. The components required to put a license on retired status are:

(1) a completed retired status application form;

(2) completion of board-approved continuing competence activities for the current renewal period;

(3) the retired status fee and any late fees which may be due;

(4) a passing score on the jurisprudence exam; and

(5) a criminal history record report from the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting. A licensee is not required to submit fingerprints for the renewal of the license if the licensee has previously submitted fingerprints under:

(A) §329.1. for the initial issuance of the license; or

(B) Chapter 341. License Renewal as part of a prior license renewal or restoration.

(e) Requirements for renewal of retired status. A licensee on retired status must renew the retired status every two years on his/her license renewal date. The components required to renew the retired status are:

(1) a completed retired status application form;

(2) completion of six units of board-approved continuing competence activities by both PTs and PTAs;

(3) the retired status renewal fee, and any late fees which may be due; and

(4) a passing score on the jurisprudence exam.

(5) a criminal history record report from the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting. A licensee is not required to submit fingerprints for the renewal of the license if the licensee has previously submitted fingerprints under:

(A) §329.1. for the initial issuance of the license; or

(B) Chapter 341. License Renewal as part of a prior license renewal or restoration.

(f) Requirements for reinstatement of active status. A licensee on retired status may request a return to active status at any time. The components required to return to active status are:

(1) a signed renewal application form, documenting completion of board-approved continuing competence activities for the current renewal period, as described in §341.2 of this title, 30 CCUs for PTs and 20 CCUs for PTAs;

(A) proof of voluntary charity care as defined in (b) (1) of this section can count toward up to one-half (1/2) of the continuing competence requirement;

(B) ten (10) hours of voluntary charity care equals 1 CCU.

(2) the renewal fee, and any late fees which may be due;

(3) a passing score on the jurisprudence exam; and

(4) a criminal history record report from the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting. A licensee is not required to submit fingerprints

for the renewal of the license if the licensee has previously submitted fingerprints under:

(A) §329.1. for the initial issuance of the license; or

(B) Chapter 341. License Renewal as part of a prior license renewal or restoration.

(g) A license may be maintained on retired status indefinitely.

(h) A licensee on retired status may use the designation "PT, retired" or "PTA, retired", as appropriate.

(i) Licensees on retired status are subject to the audit of continuing competence activities as described in §341.2 of this title, concerning Continuing Competence Requirements.

(j) Licensees providing voluntary charity care are subject to the provisions of the Physical Therapy Practice Act and Rules; and as such, violations could result in disciplinary action.

Source Note: The provisions of this §341.9 adopted to be effective September 18, 2006, 31 TexReg 8000; amended to be effective July 21, 2010, 35 TexReg 6289; amended to be effective May 17, 2015, 40 TXReg 2667; amended to be effective January 1, 2019, 43 TexReg 7354.

§341.20. Licensees Serving as a Military Service Member.

(a) Renewal. A licensee will be exempt from late fees and penalty if the individual establishes to the satisfaction of the board that failure to timely renew was because the individual was serving as a military service member.

(b) Continuing competence units (CCUs). A licensee who is serving as a military service member may receive an extension of up to two years post expiration of license in order to complete the following:

(1) Continuing competence activities as specified in §341.2 of this title (relating to Continuing Competence Requirements); and

(2) The board's jurisprudence exam.

(c) "Military service member" as used in this section has the meaning as defined in Texas Occupations Code, §55.001.

Source Note: The provisions of this §341.20 adopted to be effective November 11, 1993, 18 TexReg 7552; amended to be effective September 18, 2005, 30 TexReg 5801; amended to be effective July 21, 2010, 35 TexReg 6289; amended to be effective January 1, 2016, 40 TexReg 8791.

§341.21. Report of Malpractice Claims or Actions or Disciplinary Actions.

Each licensee shall submit a copy of any judgment or settlement in a malpractice claim or any disciplinary action taken by another licensing authority in another state to the board within 30 days after such occurrences.

Source Note: The provisions of this §341.21 adopted to be effective April 12, 1995, 20 TexReg 2386.

CHAPTER 342. OPEN RECORDS

§342.1. Open Records.

(a) Open record requests. Inspection of Public Records under the Texas Open Records Act, Texas Civil Statutes, Title 5, Government Code, Chapter 552, provides that all of the records of the board are public records and are available for public inspection during normal business hours except that investigative files and records of the board are confidential. In addition, the exceptions to disclosure in Government Code, Chapter 552 may protect certain information. This rule is promulgated pursuant to Government Code, Chapter 552 to establish a records review process that is efficient, safe, and timely to the public and to the agency.

(1) Requests must be in writing and reasonably identify the records requested.

(2) Records access will be by appointment only.

(3) Records access is available only during the regular business hours of the agency.

(4) Unless confidential information is involved, review may be by physical access or by duplication at the requestor's option. Any person, however, whose request would be unduly disruptive to the ongoing business of the office may be denied physical access and will be provided the option of receiving copies. Costs of duplication shall be the responsibility of the requesting party in accordance with the established board fee policy, payable at the time of receipt of records, if a person; or in advance, if by mail. The board may, in its discretion, waive fees if it is in the public interest to do so.

(5) When the safety of any public record is at issue, physical access may be denied and the records will be provided by duplication as previously described.

(6) Confidential files will not be made available for inspection or for duplication except under certain circumstances, e.g., court order.

(7) All open records request appointments will be referred to the executive director or designee before complying with a request.

(8) The open records coordinator for the agency is the executive director and the alternate is the director's designee.

(b) Charges for copies of public records. The charge to any person requesting reproductions of any readily available record of the Texas State Board of Physical Therapy Examiners will be the charges established by the General Services Commission.

(c) The board may waive these charges if there is a public benefit. The executive director of the Executive Council of Physical Therapy and Occupational Therapy Examiners is authorized to determine whether a public benefit exists on a case by case basis.

Source Note: The provisions of this §342.1 adopted to be effective November 11, 1993, 18 TexReg 7553; amended to be effective October 26, 1994, 19 TexReg 8113.

CHAPTER 343. CONTESTED CASE PROCEDURE

§343.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Act**--The Texas Physical Therapy Practice Act, Texas Civil Statutes, Article 4512e.

(2) **Agency**--The Board of Physical Therapy Examiners.

(3) **APTRA**--The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

(4) **Applicant**--A qualified individual who presents application for licensure as a physical therapist or physical therapist assistant or for reinstatement of a previously suspended or revoked license.

(5) **Board**--The members of the Board of Physical Therapy Examiners who are appointed pursuant to Texas Civil Statutes, Article 4512e.

(6) **Board order**--A final decision of the board issued in a contested proceeding or in lieu of such proceeding, which may include findings of fact and conclusions of law, separately stated.

(7) **Complaint**--A written statement of allegations filed with the board which includes a statement

of the matters asserted, including any supporting documentation available, the filing of which may initiate a contested case proceeding.

(8) **Contested case**--A proceeding in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing.

(9) **Disciplinary action**--Imposition of a sanction by the board which may include reprimand, suspension, probation, or revocation of a license, or other appropriate requirements.

(10) **Executive director**--The executive director of the Board of Physical Therapy Examiners.

(11) **Licensee**--A person who holds a license either permanent or temporary under the Physical Therapy Practice Act.

(12) **Moral turpitude**--Baseness, vileness, or dishonesty of a high degree.

(13) **Notice**--A statement of intended date, time, place, and nature of a hearing, and the legal authority and jurisdiction under which a hearing is to be held. Notice may include a formal complaint filed to initiate a contested case proceeding.

(14) **Party**--Each person with a sufficient legal, economic, or other interest to be named or admitted as such by the agency to a contested case proceeding before the agency.

(15) **Probation**--Each person whose license is suspended is placed on probation for the length of the suspension.

(16) **Reinstatement**--The individual with a revoked license must demonstrate or supply evidence to the board of his or her rehabilitation or current fitness to hold a license. Reinstatement petitions shall be considered no sooner than 180 days after the revocation order becomes final and enforceable.

(17) **Reprimand**--A public and formal censure against a license.

(18) **Respondent**--A person who has been made the subject of a formal or informal complaint alleging violation of the Texas Physical Therapy Practice Act or rules, regulations, or orders of the Board of Physical Therapy Examiners.

(19) **Revocation**--The withdrawal or repeal of a license. Revocation is established for minimum period of one year.

(20) **Staff**--The investigative staff of the Board of Physical Therapy Examiners.

(21) **Suspension**--The temporary withdrawal of a license. The board may suspend for one day or a designated number of years or until a specified event occurs.

Source Note: The provisions of this §343.1 adopted to be effective January 7, 1992, 16 TexReg 7645; amended to be effective August 17, 2014, 39 TexReg 6054.

§343.2. Denial of a License and Disciplinary Actions by the Board.

The board has the authority to deny an applicant a license or to suspend or revoke a license, to reprimand or otherwise discipline a licensee, or to place on probation a licensee whose license has been suspended. If a license is suspended, the licensee is placed on probation for the duration of the suspension.

Source Note: The provisions of this §343.2 adopted to be effective January 7, 1992, 16 TexReg 7645; amended to be effective January 12, 1993, 18 TexReg 64.

§343.5. Licensure of Persons with a History of Substance Abuse.

(a) The board may deny a license to or discipline an applicant/respondent who has been found to have a history of substance abuse.

(b) In review of a complaint alleging intemperate use of drugs or alcohol by a respondent/applicant, the board shall consider the following evidence in determining the respondent's/applicant's present fitness to practice physical therapy:

(1) documentation demonstrating the degree of sobriety obtained;

(2) documentation showing completion of a drug or alcohol rehabilitation program;

(3) evidence of participation in board-accepted aftercare;

(4) a current status report from a drug/alcohol abuse counselor or board-accepted aftercare sponsor; and

(5) notarized letters of recommendation.

(c) The burden to provide the foregoing documentation to the board shall be solely at the expense of the respondent/applicant.

(d) Provided that the licensee participates in a substance abuse recovery program acceptable to the board, the license may continue on a probationary status with conditions set forth by the full board. Failure to comply and maintain the complete condition of the probation will cause immediate revocation of the license.

Source Note: The provisions of this §343.5 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.6. Other Grounds for Denial of a License or Discipline of a Licensee.

(a) Grounds for the board to deny a license to or discipline an applicant/respondent may include the following:

(1) attempting to obtain or obtaining a license by fraud, falsification, or deception of an application or examination procedure; or

(2) having a license to practice physical therapy or a license to practice another health care profession revoked or suspended or had other disciplinary action taken against him or had his application for license refused, revoked, or suspended by the proper licensing authority of another state, territory, or nation;

(3) failure to meet the qualifications for licensure as set forth in the Act, §§8, 9, or 10, as applicable, and/or to any other rules or procedures set forth by the board relating to these sections;

(4) cheating on the national examination.

(b) If the board determines that an applicant has falsified his application for licensure in regard to any of the documents or procedures of the licensing process, a license may be denied.

Source Note: The provisions of this §343.6 adopted to be effective January 7, 1992, 16 TexReg 7645; amended to be effective January 12, 1993, 18 TexReg 64; amended to be effective November 11, 1993, 18 TexReg 7554.

§343.7. Gross Negligence in the Practice of Physical Therapy.

(a) The board may deny a license to or discipline an applicant/respondent who is found grossly negligent in the practice of physical therapy or in acting as a physical therapist assistant.

(b) Gross negligence may include, but is not limited to, the provision of physical therapy which the therapist knew or should have known would result in severe physical injury or death of a patient.

Source Note: The provisions of this §343.7 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.8. Licensure of Persons with a History of Voluntary or Involuntary Psychiatric Hospitalization.

(a) The board may deny a license to or discipline an applicant/respondent who has been adjudged mentally incompetent by a court of competent jurisdiction.

(b) In review of a complaint alleging that the respondent/applicant has a history of voluntary or involuntary psychiatric hospitalization, the board shall consider the following evidence in determining the respondent's/applicant's present fitness to practice physical therapy:

(1) conduct and work activity of the person prior to and after hospitalization;

(2) documentation to indicate that the person is presently in good mental health. Specifically, a current psychological/psychiatric evaluation, which shall include such information as the agency may require;

(3) a current status report from a counselor, therapist, or physician; and

(4) notarized letters of recommendation.

(c) The burden to provide the foregoing documentation to the board shall be solely at the expense of the respondent/applicant.

Source Note: The provisions of this §343.8 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.9. Licensure of Persons with Criminal Convictions.

(a) The board may revoke or suspend an existing valid license, disqualify a person from receiving or renewing a license, or deny to a person the opportunity to be examined for a license because of a person's conviction of a felony or misdemeanor if the crime directly relates to the practice of physical therapy. Those crimes which the board considers to be directly related to the duties and responsibilities of a licensed physical therapist or physical therapist assistant shall include, but are not limited to:

(1) any felony which involves an act of fraud, dishonesty, or deceit;

(2) any criminal violation of the Physical Therapy Practice Act or other statutes regulating or pertaining to physical therapy or the medical profession;

(3) any crime involving moral turpitude;

(4) murder;

(5) assault;

(6) burglary;

(7) robbery;

(8) theft;

(9) rape or sexual abuse;

(10) patient/client abuse;

(11) injury to an elderly person;

(12) child molestation, abuse, endangerment, or neglect;

(13) felony conviction for driving while intoxicated, driving under the influence of alcohol or drugs, or driving while ability is impaired;

(14) sale, distribution, or illegal possession of narcotics, controlled substances, or dangerous drugs;

(15) tampering with a governmental record;

(16) offenses which include attempting or conspiring to commit any of the offenses in this subsection.

(b) In determining whether a crime not listed previously relates to physical therapy, the board will consider:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purposes for requiring a license to practice physical therapy;

(3) the extent to which a license might offer opportunities to engage in further criminal activity of the same type as that in which the person was previously engaged; and

(4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and to discharge the responsibilities of a physical therapist or physical therapist assistant.

(c) In review of a complaint alleging that the respondent/applicant has been convicted of a crime which directly relates to the duties and responsibilities of a physical therapist or physical therapist assistant, the board shall consider the following evidence in determining the respondent's/applicant's present fitness to practice physical therapy:

(1) the extent and nature of the person's past criminal activity;

(2) the age of the person at the time of commission of the crime;

(3) conduct and work activity of the person prior to and after criminal activity;

(4) evidence of rehabilitation while incarcerated or following release;

(5) notarized letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; letters from the sheriff or chief of police where the person resides; and other persons having contact with the convicted person; and

(6) records of steady employment, provision for dependents, payment of all court costs, supervision fees, fines, and restitution if ordered as a result of the person's conviction.

(d) The burden and expense of providing and presenting the foregoing documentation to the board shall be solely that of the respondent/applicant.

(e) A licensee or applicant is required to report to the board a felony of which he is convicted within 60 days after the conviction occurs.

Source Note: The provisions of this §343.9 adopted to be effective January 7, 1992, 16 TexReg 7645; amended to be effective January 12, 1993, 18 TexReg 64.

§343.20. Subpoenas.

The board or its designee shall have the power to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses, the production of books, records, and documents; to administer oaths and to take testimony concerning all matters within its jurisdiction.

Source Note: The provisions of this §343.20 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.21. Witness Fees and Expenses.

A witness who is not a party to the proceeding and who is subpoenaed to appear at a deposition or hearing or to produce documents, records, or other tangible things, shall receive reimbursement for

expenses incurred in complying with the subpoena. Reimbursement shall be based on the minimum set forth in the Administrative Procedure and Texas Register Act (APTRA) or the State of Texas Travel Allowance Guide issued by the Comptroller of Public Accounts, whichever is greater. Said amount shall be paid by the party at whose request the witness is subpoenaed.

Source Note: The provisions of this §343.21 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.22. Service of Notice.

Service of notice of hearing or investigation on the respondent/applicant shall be complete and effective if the document to be served is sent by registered or certified mail to the respondent/applicant at his or her most recent address as shown in the records of the board. Service by mail shall be complete upon deposit of the paper enclosed in a post paid properly addressed wrapper in a post office or official depository under the care and custody of the United States Postal Service.

Source Note: The provisions of this §343.22 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.23. Hearings.

(a) The State Office of Administrative Hearings (SOAH) shall conduct all administrative hearings in contested cases under the Administrative Procedure Act (APA) that are before the board.

(b) Transcription of hearing. Each hearing will be recorded by a court reporter.

(1) The cost of the transcription shall be borne by the person making the request.

(2) A party who appeals a final decision of the board shall pay all of the cost of preparation of the original and any certified copy of the record of the agency proceeding that is required to be transmitted to the reviewing court.

Source Note: The provisions of this §343.23 adopted to be effective January 7, 1992, 16 TexReg 7645; amended to be effective October 26, 1994, 19 TexReg 8113.

§343.24. Payment of Costs for a Contested Case Hearing Resulting in the Discipline of a Licensee or the Denial of an Application for License.

(a) A contested case hearing on the denial of an application must be requested in writing to the board.

(b) A person whose application for a license has been denied by the staff or a licensee who has been found in violation of the Act or rules as a result of a contested case hearing will be required to submit a fee for costs to the board. The costs will be those fees billed by SOAH to the board for conducting the hearing and rendering the proposal for final decision.

Source Note: The provisions of this §343.24 adopted to be effective October 26, 1994, 19 TexReg 8113.

§343.25. Continuance.

A licensee who has been served with proper notice of hearing may make a motion to the board for a continuance of the said hearing in writing. Said motion shall be supported by a sworn affidavit detailing the reasons for the continuance and must be received in the board office no later than five days prior to the set hearing date.

Source Note: The provisions of this §343.25 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.26. Commutation of Time.

(a) Computing time. In computing any period of time prescribed or allowed by order or directive of the agency, or by any applicable statute, unless otherwise specified, the period shall begin on the day after

the act or event in controversy and conclude on the last day of such computed period, unless it be a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next business day which is neither a Saturday, Sunday, nor a legal holiday.

(b) Extension. Unless otherwise provided by statute, the time for filing any pleading, motion, or request may be extended by order of the executive director, upon written motion filed prior to the expiration of the applicable period of time for the filing of the same, showing that the need for extension is not caused by the neglect, indifference, or lack of diligence of the requesting party.

Source Note: The provisions of this §343.26 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.27. Probation.

In placing a person on probation whose license has been suspended, the board may impose such additional terms and conditions as it deems appropriate for the period of probation. The board shall specify the exact duration of the probationary period. Upon finding that a person placed on probation has failed to comply with the terms and condition of the board's order, the board may take such additional disciplinary action as it deems appropriate, following notice and hearing.

Source Note: The provisions of this §343.27 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.28. Records Retention Schedule.

All records shall be maintained in accordance with the approved records retention schedule on file with the Texas State Library.

Source Note: The provisions of this §343.28 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.29. Failure To Appear at Hearing.

(a) Even though some or all of the parties or their duly authorized representatives should fail to appear, the board may consider fully the matter pending if notice has been given in accordance with this chapter. Such consideration shall be on the basis of any evidence admitted at the hearings and all pleadings, exhibits, briefs, and other materials presented in connection therewith.

(b) Absence of counsel shall not be good cause for a continuance or postponement of a cause when called for hearing, except that it be allowed in the discretion of the hearings examiner or board, upon cause shown or upon matters within the knowledge or information of the hearings examiner or board to be stated on the record.

Source Note: The provisions of this §343.29 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.35. Complaint Investigation and Disposition.

(a) Complaints shall be assigned a priority status in the following categories:

(1) those indicating that credible evidence exists showing a violation of the Physical Therapy Practice Act involving actual deception, fraud or injury to clients or the public or a high probability of immediate deception, fraud, or injury to clients or the public;

(2) those indicating that credible evidence exists showing a violation of the Physical Therapy Practice Act involving a high probability of potential deception, fraud, or injury to clients or the public;

(3) those indicating that credible evidence exists showing a violation of the Physical Therapy Practice Act involving a potential for deception, fraud, or injury to clients or the public;

(4) all other complaints.

(b) Not later than the 30th day after a complaint is received, the staff shall place a timeline for completion, not to exceed one year, in the investigative file and notify all parties to the complaint. Any change in the timeline must be noted in the file and all parties notified of the change not later than seven days after the change was made. For purposes of this rule, completion of an investigation in a disciplinary matter occurs when:

(1) staff determines there is insufficient evidence to demonstrate a violation of the act, board rules, or a board order; or

(2) staff determines there is sufficient evidence to demonstrate a violation of the act, board rules, or board order and drafts proposed formal charges.

(c) The staff shall provide summary data of complaints extending beyond the complaint timeline to the board so that the board may take necessary action on the complaint.

(d) The board shall keep an information file on each complaint submitted to the board. The file will be kept current and include a record of all persons contacted in relation to the complaint, notes about the findings throughout the complaint process, and other relevant information.

(e) The Investigation Committee may determine when and if a private investigator is needed for processing of a complaint.

Source Note: The provisions of this §343.35 adopted to be effective April 12, 1995, 20 TexReg 2386; amended to be effective March 1, 2018, 43 TexReg 777.

§343.36. Filing and Receipt of Complaints.

(a) Complaints may be received in writing on a form prescribed by the board. Complainants shall be invited to explain their allegations. The staff will provide reasonable assistance to a person who wishes to file a complaint.

(b) When a complaint is received, the board, at least as frequently as quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation.

(c) Prior to commencing disciplinary proceedings, the staff shall serve the respondent with written notice in accordance with the Texas Government Code, §2001.54(c).

(1) Such notice shall contain a statement of the facts or conduct alleged to warrant an adverse licensure action. The notice shall invite the respondent to show compliance with all requirements of the law for retention of the license.

(2) The respondent shall have not less than ten days to respond in writing.

Source Note: The provisions of this §343.36 adopted to be effective April 12, 1995, 20 TexReg 2386.

§343.40. Informal Conference.

(a) At any time after the filing of a sworn complaint, an informal conference may be held prior to the contested case hearing for the purpose of:

(1) simplifying the issues;

(2) considering proposed admissions or stipulations of fact;

(3) reviewing the procedure to govern the contested case hearing;

(4) exchanging witness lists and agreeing to limit the number of witnesses; and/or

(5) doing any act that may simplify the proceedings, and dispose of matters in controversy, including settlement of issues in dispute and preparation of an agreed order for presentation to the board as provided herein.

(b) A licensee or applicant may request an informal settlement conference; however, the decision to hold a conference shall be made by the executive director or the investigation committee.

(c) Participation in an informal conference shall not be mandatory for the licensee or applicant, nor is it a prerequisite to a formal hearing.

(d) The executive director shall decide upon the time, date, and place of the settlement conference and provide written notice to the licensee or applicant of the same. Notice shall be provided no less than 10 days prior to the date of the conference by certified mail, return receipt requested, to the last known address of the licensee or applicant. The 10 days shall begin on the date of mailing. The licensee or applicant may waive the 10-day notice requirement.

(1) The notice shall inform the licensee or applicant of the following:

(A) the nature of the alleged violation;

(B) that the licensee may be represented by legal counsel;

(C) that the licensee or applicant may offer the testimony of witnesses and present other evidence as may be appropriate;

(D) that board members may be present;

(E) that a representative of the office of the attorney general will be present;

(F) that the licensee's or applicant's attendance and participation is voluntary;

(G) that the complainant and any client involved in the alleged violations may be present; and

(H) that the settlement conference shall be cancelled if the licensee or applicant notifies the executive director that he or she will not attend.

(2) A copy of the board's rules concerning informal disposition shall be enclosed with the notice of the settlement conference.

(e) The notice of the settlement conference shall be sent by certified mail, return receipt requested, to the complainant at his or her last known address. The complainant shall be informed that he or she may appear and testify or may submit a written statement for consideration at the settlement conference. The complainant shall be notified if the conference is cancelled.

(f) Participants in the informal conference may include board members, agency staff, the complainant, the licensee or applicant, attorneys representing any of the participants, and any other persons determined by the investigation committee or the executive director to be necessary for proper conduct of the conference. All other persons shall be excluded.

(g) The settlement conference shall be informal and shall not follow the procedures established in this chapter for contested cases and formal hearings.

(h) The licensee, the licensee's attorney, committee members, and board staff may question witnesses, make relevant statements, present statements of persons not in attendance, and present such other evidence as may be appropriate.

(i) An attorney from the office of the attorney general shall attend each settlement conference. The board members or executive director may call upon the attorney at any time for assistance in the settlement conference.

(j) The licensee or applicant shall be afforded the opportunity to make statements that are material and relevant.

(k) Access to the board's investigative file may be prohibited or limited in accordance with Texas Civil Statutes, Article 6252-13a, and the Administrative Procedure and Texas Register Act (APTRA).

(l) No formal recording of the settlement conference shall be made.

(m) At the conclusion of the settlement conference, the committee members or the executive director may make recommendations for informal disposition of the complaint or contested case. The recommendations may include any disciplinary action authorized by the Physical Therapy Practice Act. The committee or the executive director may also conclude that the board lacks jurisdiction, that a violation of the act or this chapter has not been established, order that the investigation be closed, or refer the matter for further investigation.

Source Note: The provisions of this §343.40 adopted to be effective November 11, 1993, 18 TexReg 7554.

§343.41. Agreed Orders.

(a) An agreed order may be negotiated with any person under the jurisdiction of the board, the terms of which shall be approved by the investigation committee or by the executive director.

(b) The agreed order will be sent to the respondent by certified mail. To accept the agreed order, the respondent must sign it in the presence of a notary and return it to the board within 10 days after receipt. Inaction by the respondent constitutes rejection. If the respondent rejects the proposed settlement, the matter shall be referred to the investigation committee or the executive director for appropriate action.

(c) The agreed order with the notarized signature of the respondent will be presented to the board. The proposed agreed order shall have no effect until such time as the board may, at a regularly scheduled meeting, take action approving the agreed order. When the board has ratified an agreed order the licensee will reimburse the board for all the investigation expenses. The investigation expenses will be included as a condition of the order. A copy of the agreed order will be sent to the licensee's employer, and facility administrator.

(d) The respondent shall be notified of the date, time, and place of the board meeting at which the proposed agreed order will be considered. Attendance by the licensee or applicant is voluntary.

(e) Consideration by the board.

(1) Any board member who participated in the investigation of the complaint or formulation of the proposed agreed order may not participate in the board review of the agreed order.

(2) The name and license number of the licensee or the name of the applicant will not be made available to the board until after the board has reviewed and made a decision on the agreed order.

(3) Upon an affirmative majority vote, the board shall authorize the agreed order, and the chairperson of the board will sign it. The board-approved agreed order will be provided to the respondent.

(4) If the board does not approve the agreed order, the matter will be referred to the investigation committee or the executive director for other appropriate action. The respondent and the complainant shall be so informed.

Source Note: The provisions of this §343.41 adopted to be effective January 12, 1993, 18 TexReg 64; amended to be effective November 11, 1993, 18 TexReg 7554; amended to be effective May 8, 1996, 21 TexReg 3710.

§343.42. Commencement of Disciplinary Proceedings.

(a) If a complaint is not resolved informally, the staff may commence disciplinary proceedings by filing written charges.

(b) The charges shall contain the following information:

(1) the name of the respondent;

(2) a statement of the conduct alleged to be in violation of the act or of a rule, regulation, or order of the board; and

(3) a reference to the section of the act or to the board rule, regulation, or order which respondent is alleged to have violated.

Source Note: The provisions of this §343.42 adopted to be effective April 12, 1995, 20 TexReg 2386.

§343.48. Dismissal of Complaint.

(a) Complaints may be dismissed for the following reasons:

(1) no evidence available;

(2) respondent has left the state;

(3) insufficient evidence;

(4) other reasons which the Investigation Committee believe are justification for dismission.

(b) Upon the decision of the Investigation Committee to dismiss a complaint, the person who filed the complaint is provided a letter explaining why the complaint has been dismissed.

(c) At least four times a year the board is provided with a list of the complaints that were dismissed and the reasons for the dismissals.

Source Note: The provisions of this §343.48 adopted to be effective April 12, 1995, 20 TexReg 2386.

§343.49. Disposal of Complaints.

At least annually, the board will advise the executive council of complaints which have been disposed.

Source Note: The provisions of this §343.49 adopted to be effective April 12, 1995, 20 TexReg 2386.

§343.50. Application for Reinstatement of License.

(a) At the expiration of 180 days from the date of revocation, the board may consider a request for reinstatement by the former licensee (applicant).

(b) The request for reinstatement must be submitted to the board office in writing and should include a short and plain statement of the reasons why the applicant believes the license should be reinstated.

(c) Upon denial of any application for reinstatement, the board may not consider a subsequent application until the expiration of one year from the date of denial of the prior application.

(d) In taking action to revoke a license, the board may, in its discretion, specify the terms and conditions upon which reinstatement shall be considered.

Source Note: The provisions of this §343.50 adopted to be effective January 7, 1992, 16 TexReg 7645; amended to be effective January 12, 1993, 18 TexReg 64.

§343.51. Evaluation for Reinstatement.

In considering reinstatement of a suspended license, the board will evaluate:

(1) the severity of the act which resulted in revocation of the license;

(2) the conduct of the applicant subsequent to the revocation of license;

(3) the lapse of time since revocation;

(4) the degree of compliance with all conditions the board may have stipulated as a prerequisite for reinstatement;

(5) the degree of rehabilitation attained by the applicant as evidenced by sworn notarized statements sent directly to the board from qualified people who have personal and professional knowledge of the applicant; and

(6) the applicant's present qualifications to practice physical therapy based on his/her history of physical therapy related employment or education.

Source Note: The provisions of this §343.51 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.52. Procedure upon Request for Reinstatement.

(a) An applicant for reinstatement of a revoked license must personally appear before the board at a scheduled date and time to show why the license should be reinstated.

(b) Upon submission of proof of past revocation of the applicant's license, the applicant has the burden of proof to show present fitness and/or rehabilitation to practice physical therapy.

(c) Where the applicant's license has been revoked or voluntarily surrendered based on a finding, admission, or allegation that the applicant was unfit to practice physical therapy by reasons of intemperate use of alcohol or drugs, misappropriation of controlled substances, an adjudication of mental incompetence, or the existence of any mental disorder, the applicant must submit a written psychiatric or psychological evaluation and written medical evaluation. Said evaluations shall be obtained solely at the applicant's expense and forwarded directly to the agency by the examiner. The psychiatric or psychological evaluation must be prepared by a licensed psychiatrist or psychologist and the medical evaluation must be prepared by a licensed physician. Said reports shall include such information as the agency may specifically require with notice to the applicant.

(d) Upon receipt of a written request for reinstatement and all information required by subsection (c) of this section, the applicant will be notified of a date and time of an appearance before the board.

Source Note: The provisions of this §343.52 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.53. Board Action Possible upon Reinstatement of Revoked License.

After evaluation, the board may:

(1) deny reinstatement of a revoked license;

(2) reinstate a revoked license;

(3) require the satisfactory completion of a specific program or remedial education approved by the agency; and

(4) require monitoring of the applicant's physical therapy practice as specified by the board.

Source Note: The provisions of this §343.53 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.54. Reinstatement of Suspended License.

A suspended license is immediately reinstated at the end of the suspension period.

Source Note: The provisions of this §343.54 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.55. Failure To Appear.

An applicant for reinstatement of a revoked license who makes a commitment to appear before the board, and fails to appear at a hearing set with notice by the agency, shall not be authorized to appear before the board before the expiration of six months. For good cause shown, the executive director may authorize an exception to this rule.

Source Note: The provisions of this §343.55 adopted to be effective January 7, 1992, 16 TexReg 7645.

§343.56. Monitoring of Licensees.

A licensee who is ordered by the board to perform certain acts will be monitored by the board to ensure that the required acts are completed per the order of the board.

Source Note: The provisions of this §343.56 adopted to be effective April 12, 1995, 20 TexReg 2386.

CHAPTER 344. ADMINISTRATIVE FINES AND PENALTIES

§344.1. Administrative Fines and Penalties.

(a) Any physical therapist or physical therapist assistant who violates any provision of these rules, or any provision of the Physical Therapy Practice Act shall be, at the discretion of the Board, subject to the following penalties.

(1) The Board may impose suspension or revocation of a license, or other disciplinary action including probation, tutorial hours and additional education.

(2) The Board may assess fines, not to exceed $200 for each day of the offense, based on the following schedule:

(A) first offense: $100-$1,000;

(B) subsequent offense: $200-$5,000.

(b) The board may expunge any record of disciplinary action taken against a license holder before September 1, 2019, for practicing in a facility that failed to meet the registration requirements of Occupations Code, Section 453.213, as that section existed on January 1, 2019. The board may not expunge a record under this section after September 1, 2021.

(c) The Board shall utilize the following Schedule of Sanctions in all disciplinary matters.

Attached Graphic

(d) Assessment of the penalties will follow procedures as established in §343.41 of this title (relating to Agreed Orders). The Board shall consider the following factors in conjunction with the Schedule of Sanctions when determining the appropriate penalty/sanction in disciplinary matters:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of the violation; and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation;

(5) the economic harm to the public interest or public confidence caused by the violation;

(6) whether the violation was intentional; and

(7) any other matter that justice may require.

(e)The provisions of subsections (a) - (d) of this section shall not be construed so as to prohibit other appropriate civil or criminal action and remedy and enforcement under other laws.

Source Note: The provisions of this §344.1 adopted to be effective October 6, 1998, 23 TexReg 9978; amended to be effective November 11, 2018, 43 TexReg 7355; amended to be effective March 1, 2018, 43 TexReg 775; amended to be effective September 1, 2019, 44 TexReg 4184.

CHAPTER 346. PRACTICE SETTINGS FOR PHYSICAL THERAPY

§346.1. Educational Settings.

(a) In the educational setting, the physical therapist conducts appropriate screenings, evaluations, and assessments to determine needed services to fulfill educational goals. When a student is determined by the physical therapist to be eligible for physical therapy as a related service defined by Special Education Law, the physical therapist provides written recommendations to the Admissions Review and Dismissal Committee as to the amount of specific services needed by the student (i.e., consultation or direct services and the frequency and duration of services).

(b) The physical therapist implements physical therapy services in accordance with the recommendations accepted by the school committee members and as reflected in the student's Admission Review and Dismissal Committee reports.

(c) The physical therapist may provide general consultation or other physical therapy program services for school administrators, educators, assistants, parents and others to address district, campus, classroom or student-centered issues. For the student who is eligible to receive physical therapy as a related service in accordance with the student's Admission Review and Dismissal Committee reports, the physical therapist will also provide the consultation and direct types of specific services needed to implement specially designed goals and objectives included in the student's Individualized Education Program.

(d) The types of services which may require a physician's referral in the educational setting include the provision of individualized specially designed instructions and the direct physical modeling or hands-on demonstration of activities with a student who has been determined eligible to receive physical therapy as a related service. Additionally, they may include the direct provision of activities which are of such a nature that they are only conducted with the eligible student by a physical therapist or physical therapist assistant. The physical therapist should refer to §322.1 of this title (relating to Provision of Services).

(e) Evaluation and reevaluation in the educational setting will be conducted in accordance with federal mandates under Part B of the Individuals with Disabilities Education Act (IDEA), 20 USC §1414, or when warranted by a change in the child's condition, and include onsite reexamination of the child. The Plan of Care (Individual Education Program) must be reviewed by the PT at least every 60 school days, or concurrent with every visit if the student is seen at intervals greater than 60 school days, to determine if revisions are necessary.

Source Note: The provisions of this §346.3 adopted to be effective October 13, 2002, 27 TexReg 9327; amended to be effective August 4, 2004, 29 TexReg 7303; amended to be effective March 5, 2007, 32 TexReg 1075; amended to be effective February 13, 2012, 37 TexReg 690; amended to be effective September 29, 2013, 38 TX Reg 6203.

§346.2. Other Practice Settings.

Other practice settings for physical therapy include but are not limited to: hospital, private clinic, industry, home health, and nursing home.

Source Note: The provisions of this §346.2 adopted to be effective November 11, 1993, 18 TexReg 7555.

§346.3. Early Childhood Intervention (ECI) Setting.

(a) In the provision of early childhood services through the Early Childhood Intervention (ECI) program, the physical therapist conducts appropriate screenings, evaluations, and assessments to determine needed services to fulfill family-centered goals. When a child is determined by the PT to be eligible for physical therapy, the PT provides written recommendations to the Interdisciplinary Team as to the amount of specific services needed by the child.

(b) Subject to the provisions of §322.1 of this title (relating to Provision of Services), the PT implements physical therapy services in accordance with the recommendations accepted by the Interdisciplinary Team, as stated in the Individual Family Service Plan (IFSP).

(c) The types of services which require a referral from a qualified licensed healthcare practitioner include the provision of individualized specially designed instructions, direct physical modeling or hands-on demonstration of activities with a child who has been determined eligible to receive physical therapy. Additionally, a referral is required for services that include the direct provision of treatment and/or activities which are of such a nature that they are only conducted with the child by a physical therapist or physical therapist assistant.

(d) The physical therapist may provide general consultation or other program services to address child/family-centered issues.

(e) Evaluation and reevaluation in the early childhood intervention setting will be conducted in accordance with federal mandates under Part C of the Individuals with Disabilities Education Act (IDEA), 20 USC §1436, or when warranted by a change in the child's condition, and include onsite reexamination of the child. The Plan of Care (Individual Family Service Plan) must be reviewed by the PT at least every 60 days, or concurrent with every visit if the child is seen at intervals greater than 60 days, to determine if revisions are necessary.

Source Note: The provisions of this §346.3 adopted to be effective October 13, 2002, 27 TexReg 9327; amended to be effective August 4, 2004, 29 TexReg 7303; amended to be effective March 5, 2007, 32 TexReg 1075; amended to be effective February 13, 2012, 37 TexReg 690; amended to be effective September 29, 2013, 38 TXReg 6204; amended to be effective May 17, 2015, 40 TXReg 2668.

CHAPTER 347. REGISTRATION OF PHYSICAL THERAPY FACILITIES

§347.1. Definitions.

Source Note: The provisions of this §347.1 adopted to be effective December 24, 1993, 18 TexReg 9192; amended to be effective February 14, 2002, 27 TexReg 911; amended to be effective December 14, 2009, 34 TexReg 8967; *repealed to be effective September 1, 2019, 44 TexReg 4185.*

§347.2. Requirement for Practice Setting of Licensees.

Source Note: The provisions of this §347.2 adopted to be effective December 24, 1993, 18 TexReg 9192, amended to be effective March 1, 2004, 28 TexReg 10506; repealed to be effective September 1, 2019, 44 TexReg 4185.

§347.4. Requirements for Registration Application.

Source Note: The provisions of this §347.4 adopted to be effective December 24, 1993, 18 TexReg 9192; amended to be effective March 1, 2004, 28 TexReg 10505; amended to be effective March 14, 2010, 35 TexReg 2015; amended to be effective January 1, 2016, 40 TexReg 8792; *repealed to be effective September 1, 2019, 44 TexReg 4185.*

§347.5. Requirements for Registered Facilities.

Source Note: The provisions of this §347.5 adopted to be effective December 24, 1993, 18 TexReg 9192; amended to be effective April 28, 1997, 22 TexReg 3589; amended to be effective March 1, 2004, 28 TexReg 10505; amended to be effective August 17, 2008, 33 TexReg 6593; amended to be effective May 27, 2012, 37 TexReg 3832; amended to be effective January 1, 2016, 40 TexReg 8792; repealed to be effective September 1, 2019, 44 TexReg 4185.

§347.6. Exemptions to Registration.

Source Note: The provisions of this §347.6 adopted to be effective December 24, 1993, 18 TexReg 9192; amended to be effective February 13, 2012, 37 TexReg 691; repealed to be effective September 1, 2019, 44 TexReg 4185.

§347.8. Change in Facility Ownership.

Source Note: The provisions of this §347.8 adopted to be effective March 1, 2004, 28 TexReg 10507; amended to be effective May 27, 2012, 37 TexReg 3833; amended to be effective January 1, 2016, 40 TexReg 8792; repealed to be effective September 1, 2019, 44 TexReg 4185.

§347.9. Renewal of Registration.

Source Note: The provisions of this §347.9 adopted to be effective December 24, 1993, 18 TexReg 9192; amended to be effective March 1, 2004, 28 TexReg 10505; amended to be effective March 14, 2010, 35 TexReg 2016; amended to be effective October 9, 2011, 36 TexReg 6768; amended to be effective May 27, 2012, 37 TexReg 3833; amended to be effective February 12, 2013, 38 TexReg 639; amended to be effective January 1, 2016, 40 TexReg 8792; *repealed to be effective September 1, 2019, 44 TexReg 4185.*

§347.11. Failure to Register.

Source Note: The provisions of this §347.11 adopted to be effective December 24, 1993, 18 TexReg 9192; amended to be effective January 1, 2016, 40 TexReg 8792; repealed to be effective September 1, 2019, 44 TexReg 4185.

§347.12. Restoration of Registration.

Source Note: The provisions of this §347.12 adopted to be effective December 24, 1993, 18 TexReg 9192; amended to be effective March 1, 2004, 28 TexReg 10505; amended to be effective May 27, 2012, 37 TexReg 3833; amended to be effective February 12, 2013, 38 TexReg 639; amended to be effective January 1, 2016, 40 TexReg 8792; repealed to be effective September 1, 2019, 44 TexReg 4185.

§347.13. Cancellation of Registration.

Source Note: The provisions of this §347.13 adopted to be effective February 12, 2013, 38 TexReg 639; amended to be effective January 1, 2016, 40 TexReg 8792; repealed to be effective September 1, 2019, 44 TexReg 4185.

§347.15. Disciplinary Action.

Source Note: The provisions of this §347.15 adopted to be effective December 24, 1993, 18 TexReg 9192; amended to be effective March 14, 2010, 35 TexReg 2016; *repealed to be effective September 1, 2019, 44 TexReg 4185.*

CHAPTER 348. PHYSICAL THERAPY LICENSURE COMPACT

§348.1. Definitions

(a) Physical Therapy Compact--an agreement between member states to improve access to physical therapy services for the public by increasing the mobility of eligible physical therapy providers to work in multiple states.

(b) Compact Privilege-- the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules.

Source Note: The provisions of this §348.1 adopted to be effective August 19, 2018, 43 TexReg 5367.

§348.2. Disciplinary Action

(a) A licensee from another member state who is providing physical therapy in Texas under a compact privilege must comply with the laws and regulations set forth in:

(1) Title 3, Subtitle H, Chapter 453, Texas Occupations Code (PT Practice Act); and

(2) Title 22, Part 16, Texas Administrative Code (PT Rules).

(b) Any violation of the PT Practice Act and/or the PT Rules could subject the compact privilege holder to disciplinary action by the PT Bboard and loss of the Compact Privilege.

Source Note: The provisions of this §348.2 adopted to be effective August 19, 2018, 43 TexReg 5367.

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CHAPTER 651. FEES

§651.2. Physical Therapy Board Fees.

(a) Application/Permanent License.

(1) PT--$190.

(2) PTA--$125.

(b) Application to Retake the Examination.

(1) PT--$25.

(2) PTA--$25.

(c) Temporary License.

(1) PT--$80.

(2) PTA--$60.

(d) Provisional License.

(1) PT--$80.

(2) PTA--$75.

(e) Active to Inactive License.

(1) PT--a fee equal to one-half of the renewal fee.

(2) PTA--a fee equal to one-half of the renewal fee.

(f) License Renewal.

(1) Active license.

(A) PT--$248.

(B) PTA--$184.

(2) Inactive License.

(A) PT--a fee equal to one-half of the renewal fee.

(B) PTA--a fee equal to one half of the renewal fee.

(g) Inactive to Active License (Reactivation).

(1) PT--a fee equal to the renewal fee.

(2) PTA--a fee equal to the renewal fee.

(h) Retired Status.

(1) Application--$25.

(2) Renewal--$25.

(i) Late Fees--Renewal (all licensees).

(1) Late 90 days or less--the renewal fee plus a late fee equal to one-half of the renewal fee.

(2) Late more than 90 days, but less than one year--the renewal fee plus a fee equal to the renewal fee.

(j) License Restoration (all licensees, under the conditions set out in §341.6 of the Physical Therapy Board Rules)--a fee equal to the renewal fee.

(k) Compact Privilege Fee

(1) Non military/spouse or veteran PT or PTA--$50.

(2) Military/spouse or veteran PT or PTA--$0.00.

Source Note: The provisions of this §651.2 adopted to be effective May 28, 2001, 26 TexReg 3747; amended to be effective April 7, 2002, 27 TexReg 2437; amended to be effective June 2, 2002, 27 TexReg 4572; amended to be effective January 1, 2004, 28 TexReg 11095; amended to be effective December 2, 2004, 29 TexReg 11035; amended to be effective September 1, 2005, 30 TexReg 4834; amended to be effective October 12, 2006, 31 TexReg 8369; amended to be effective January 1, 2010, 34 TexReg 9212; amended to be effective January 1, 2011, 35 TexReg 11258; amended to be effective February 14, 2013, 38 TexReg 644; amended to be effective February 18, 2014, 39 TXReg 994; amended to be effective January 1, 2016, 40 TXReg 8792; amended to be effective March 1, 2018, 43 TexReg 1102.

§651.3. Administrative Services Fees.

(a) Verification/Transfer of Licensure--$50.

(b) Duplicate/Replacement License--$30.

(c) Reinstatement of Suspended or Revoked License--$50.

(d) Insufficient Funds Check Fee--$25.

(e) ACH Return Fee--$25.

(f) Preliminary Criminal History Evaluation Letter--$50.

Source Note: The provisions of this §651.3 adopted to be effective August 16, 1996, 21 TexReg 7381; amended to be effective January 1, 2004, 28 TexReg 11095; amended to be effective September 1, 2005, 30 TexReg 4835; amended to be effective January 1, 2010, 34 TexReg 9212; amended to be effective February 14, 2013, 38 TexReg 644.