



Communiqué

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Use of the Title "Doctor" in Texas

Across the nation, doctorates in PT (entry-level and transitional) are multiplying rapidly. Texas is one of several states which have addressed the use of the title "doctor" by PTs. Based on §104.004 of the Healing Arts Identification Act, the Board determined in December 2006 that licensees with doctoral degrees were authorized by

The use of the title "Doctor" is not authorized by your physical therapy license, and does not replace the term "physical therapist".

law to use the title "doctor". The Healing Arts Identification Act allows any health professional with a doctoral degree to use the title as long as the doctorate is properly identified.

Due to the rapid increase in "Dr. PT"s, and a concern with public awareness of this development, the Board has proposed rules to establish the criteria for the use of the term "doctor" in §335.1 of the rules. The proposed amendment, available in full at www.ecptote.state.tx.us, establishes the proper order of initials designating licensure, academic degrees, and specialty certifications (example: PT, DPT, GSC), describes how a PT

must establish the nature of the doctorate in writing and speaking if the title "Doctor" or "Dr." is used, and clarifies that the doctorate in question must be from an accredited program.

NOTE: There are other laws, including the PT Practice Act and the Medical Practice Act, which state that falsely implying you are a physician is a violation of the law regardless of the degree you hold. A PT who chooses to use the title "doctor" in front of his name is responsible for clearly identifying himself as a physical therapist, not a physician. ✍

Abandonment – What It Is, What It Isn't

What does it mean, patient abandonment? Each situation where abandonment might be alleged is unique, but there are three basic elements that must be present in a situation for it to constitute abandonment:

- You have accepted responsibility for a patient's care, i.e., you are the PT or PTA treating the patient, or the PT supervising the PTA treating the patient;
- The patient still needs care (i.e., has not been discharged); and
- You stop treatment of the patient without sufficient notice to allow a reasonable amount of time to arrange for a new PT or PTA to take your place.

specifically defined in the rules, a PT or PTA who abandons a patient or patients is clearly not conforming to minimal standards of prevailing practice, standards described broadly in §322.4(d)(10). Therefore, when the Board investigates a complaint of abandonment, and finds the complaint to be valid, disciplinary action results.

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This newsletter includes or summarizes articles that have appeared in the board's electronic newsletters since the last newsletter was printed and mailed in August 2005.

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§322.4, Practicing in a Manner Detrimental to the Public Health and Welfare, consists of a non-exclusive list of actions that are violations of the Practice Act. Although "abandonment" it is not

First, what situations or actions are not considered abandonment? Many licensees call the Board

Currently, a good rule of thumb is to give your employer two to four weeks' notice –with four weeks recommended.

worried that they are “abandoning” their patients when they are not. Sometimes desperate employers threaten to file abandonment complaints to keep employees at work when leaving is perfectly acceptable. So it's important to know how and when you can leave without leaving yourself open to those complaints.

Examples of what is NOT considered abandonment:

- You give sufficient notice that you are leaving
- You are too ill to work
- Your employment has been terminated, for any reason
- You are working for a contract company that no longer has the contract to treat the patients you've been seeing
- You refuse to accept responsibility for an assignment for which you believe you are not qualified. (This may be cause for termination, but it is not patient abandonment.)

Those are all circumstances that are beyond your control, and the Board considers abandonment to be a choice the licensee makes.

Examples of what IS considered abandonment, if you leave without giving sufficient notice:

- You haven't been paid or the check bounced (problem with employer or patient)
- You have an argument or disagreement with your employer, the patient, or a coworker and leave abruptly
- You don't think your employer is dealing with you fairly
- You don't like the patient
- Reimbursement has been denied by a reimbursing entity
- Taking a vacation day (or days) that haven't been approved by your employer when you have patients to treat or PTAs to supervise

These aren't the only situations that would qualify as “abandonment”, but they are among the most common. In each of these cases, you DO have

control over your actions, and are expected to exercise it by taking certain steps before you leave. Under most circumstances, you will protect yourself from charges of abandonment if you keep the following advice in mind.

Sufficient Notice

The most important consideration is to make sure you give appropriate written notice to your employer (or your patient, if your relationship is directly with the patient) before you discontinue seeing a patient or all of the patients on your caseload. This allows your employer or the patient to find a replacement for you, so that patient care is not disrupted. In some cases, a missed treatment may cause no harm to the patient, but in others it could be critical. How do you know how much time is enough? There is no hard and fast number. Currently, a good rule of thumb is to give your employer two to four weeks' notice –with four weeks

Ideally, following these guidelines should mean that your resignation or discontinuation of treatment will go smoothly, with no disruption of patient care and no allegations of patient abandonment.

recommended. If a complaint of abandonment is made against you, the Board will look at the patient's condition, the circumstances, and the availability of replacements in the area to determine what it considers enough. As you make your decision about how much notice to give, you should take those factors into consideration.

Documentation

The second critical step is to document whatever you communicate to your employer or patient about your resignation. Include in your letter the effective date of your resignation, and any other information you believe may be important to establish your plans, your expectations of your employer (or the patient), and your consideration of your patients' needs. Keep a copy of letters you write for your records, and you might want to consider registered mail or an overnight service so that you have records that show your letters were received. And if for some reason you delay your resignation and continue working, document the changes to your plans and make sure they are clearly stated to all parties.

Call the Board

Ideally, following these guidelines should mean that your resignation or discontinuation of treatment will go smoothly, with no disruption of patient care and no allegations of patient abandonment. However, there are situations and circumstances that may challenge your

ability to leave gracefully. If you encounter a situation where you feel you must discontinue treatment or leave your job, and you are concerned that your

patients or license may suffer, do not hesitate to call the Board to discuss your options. //

// Meet the Texas PT Board

The Board is made up of 6 PTs and 3 public members. At this time, the Board only has 2 public members. The Governor's Office generally appoints three new members every two years, cycling new members in gradually. In Texas, members continue to serve until replaced. Currently, the Board is made up of the following people:

★ **Terms expired 1/31/2007 (awaiting replacement)**

Karen Gordon, Board Chair, PT (Port O'Connor) is a physical therapy consultant, focusing on compliance audits, peer reviews, and special projects in a variety of settings.

Mary Thompson, PT, PhD, GCS (Celina) is Professor and Coordinator of Post Professional Studies at the Dallas campus of Texas Woman's University. Dr. Thompson's teaching interests are focused in geriatrics, oncology, psychosocial aspects of care, and health care delivery systems.

Dora Ochoa-Rutledge, public member (San Antonio) - Resigned September 2007.

★ **Terms expiring 1/31/2009**

Mano Mahadeva, CPA, public member (Plano), works as Regional Finance Director with U.S.Oncology, a national healthcare services network devoted exclusively to cancer treatment and research.

Melinda Rodriguez, PT, DPT, Board Secretary (San Antonio) is the CEO and Administrator of Access Quality Therapy Services (AQTs), a San Antonio-based home health and outpatient rehabilitation agency which specializes in the treatment of neurological and orthopedic conditions.

Joe Spano, PT, Vice Chair (Wharton), is director of comprehensive therapy services at Gulf Coast Medical Center. He specializes in pediatrics, neurological disorders, neuromuscular problems, and orthopedics.

★ **Terms expiring 1/31/2011**

Phillip B. Palmer, PT, PhD (Abilene) is Associate Professor of Physical Therapy and Director of Curriculum Development at Hardin-Simmons University.

Robert Gary Gray, PT (Midland) is president of Gray Therapy Services in Midland.

Daniel Reyna, CPA, public member (Waco) is a manager with the internal audit department of the Brazos Higher Education Service Corporation.

// The Discharge Summary – Who Can “Do” It?

§322.1 (e) Discharge. The supervising PT is responsible for the content and validity of the discharge summary and must sign it. A PTA may provide clerical assistance with a discharge summary.

People frequently call the Board asking whether a PTA may “do” a discharge summary. Although PTAs are being given increasing responsibility for patient care in many settings, they do not have the legal authority to do a discharge summary. To understand the PTA's role in the discharge summary, it's helpful to look at both the role of documentation as well as the role of the PTA.

What Must the PT Document?

In the documentation cycle, you have the written evaluation, the plan of care, treatment notes from each treatment session, the re-evaluation(s) that may

People often confuse the “last visit” with the discharge, assuming that the person who makes the last visit is “doing” the discharge.

be required, and the discharge summary. A PT is the only person who can “do” (be responsible for) the evaluation, the plan of care, the reevaluation,

and the discharge summary. Those documents record the results of evaluative processes performed by the PT, i.e., clinical judgments based on data collected by the PT and/or the PTA. The only person who must sign any of these documents is the PT, because the PT is totally responsible for the creation and completion of these documents, as well as for all of the clinical decisions recorded by these documents.

What Must the PTA Document?

A PTA must “do” (be responsible for) the treatment note for any treatment he provides. A PTA must sign the treatment note if he provides the treatment – because he is responsible for the treatment and the documentation of it. (Only the name of the supervising PT needs to be included, no co-signature is required by rule, though an employer may require it.)

The Discharge Summary

If the discharge summary is solely the responsibility of the PT, why is there confusion about whether a PTA can “do” the discharge summary? The confusion probably stems from two things: 1) the fact that a PTA may provide “clerical assistance” with the discharge summary, and 2) the fact that a PTA may make the last visit.

Clerical Assistance

The Board uses the phrase “clerical assistance” to describe the kind of assistance a secretary provides, in other words, the kind of assistance that requires no knowledge of physical therapy at all. It includes transcribing notes from a tape to a written document,

or entry from handwritten notes into a computer document. A PTA may provide such assistance to the PT, and does not sign the document as the author.

Collection of Data

The PTA may also collect and record measurable, objective data, such as goniometric measurements, in the discharge summary. However, this is not clerical assistance but physical therapy assistance – it can be done only by a person with the appropriate education, i.e., the PTA or the PT.

“Doing” the Discharge

The evaluative statements and decisions in the discharge summary must come directly from the PT. The PT must sign the summary and is responsible for the content and validity of it. In other words, a PTA may collect data, but any evaluative decision that results in a discharge must be made and documented by the PT. That’s “doing” the discharge – and so, the PTA never does the discharge.

Last Visit vs. Discharge

People often confuse the “last visit” with the discharge, assuming that the person who makes the last visit is “doing” the discharge. However, the discharge is actually a decision about the status of the patient’s progress; the discharge summary is merely a reflection of that decision. If the PTA makes the last visit, he does not “do” the discharge. The PT may choose to discharge the patient on the basis of the last reevaluation and any additional data provided later by the PTA. //



Disciplinary Action Taken by the Board - December 2005 through November 2007

Action taken between December 2005 and November 2007 has been reported in previous newsletters published online.

Failed CE Audit

December 2005

Ruthanne Wise, PT #1048049 (Rockwall) – failed CE Audit. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required completion of the lacking continuing education hours.**

Gary Thompson, PTA #2016820 (Holliday) - failed CE Audit. Violation of §453.351 of the Act and Chapter 341 of the Board rules. **Board Order required forty-five (45) day suspension of his license; completion of the lacking continuing education; and submit to evaluation re: competency to practice or limitations thereof.**

Elizabeth Schuette, PT #1047165 (Mansfield) – failed CE Audit. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required completion of the lacking continuing education hours and thirty (30) hours of community service.**

Sheryl Brown, PT #1094209 (Rowlett) - failed CE Audit. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Craig Segree, PT #1095297 (McAllen) – failed CE Audit. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Lesley Tran, PT #1094290 (Southlake) – failed CE Audit. Violation of §453.351 of the Act and Chapter 341 of the

Board Rules. **Board Order required sixty (60) hours of community service.**

Anthony Wright, PT #1137628 (Murphy) – failed CE Audit. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required proof of timely completion of the lacking CE hours by deadline; or provide sixty (60) hours of community service and the lacking continuing education.**

Roel Salinas, PTA #2008546 (DeSoto) – failed CE Audit. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order suspended his license for sixty (60) days and required completion of the lacking continuing education.**

Samuel Fontenot, PT #1001675 (Magnolia) – failed CE Audit. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

May 2006

Lori Espinoza, PT #1139954 (San Antonio) - failed CE audit: lacked proof of ethics course taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required fifteen (15) hours of community service and completion of an ethics course.**

Dalia Zambrano, PTA #2025179 (Edinburg) - failed CE audit: did not take required number of approved hours within the renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Luann Feld, PT #1071017 (Fort Worth) – failed CE audit: did not submit proof of completion of the required number of approved hours taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required her to submit proof of timely completed CEs by July 31, 2006 or license will be suspended for thirty (30) days.**

Aulus Cocholice, PT #1070142 (Houston) – failed CE audit: lacked proof of ethics course taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

David Sisson, PTA #2024966 (Borger) – failed CE audit: lacked proof of ethics course taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required forty-five (45) hours of community service and completion of an ethics course.**

Woys Hinson, PTA #2031367 (Crawford) – failed CE audit: did not take required number of approved hours within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required forty-five (45) hours of community service.**

Susan Rodgers, PTA #2031748 (Gilmer) – failed CE audit: did not submit proof of completion of the required number of approved hours taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required her to submit proof of timely completed CEs by June 30, 2006 or license will be suspended for thirty (30) days.**

Matthew Smalling, PT #1130342 (Humble) – failed CE audit: lacked proof of ethics course taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30)**

hours of community service.

November 2006

Dale Keyworth, PT #1009843 (Houston) – failed CE audit: lacked proof of ethics course taken within renewal period. Violation of § 453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Maribel Boghs, PTA #2009304 (San Antonio) – failed CE audit: lacked proof of ethics course taken within renewal period. Violation of § 453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Amanda Trostle, PT #1153018 (Fort Worth) – failed CE audit: lacked proof of ethics course taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Deborah Rutherford, PTA #2012407 (Marlin) – failed CE audit: did not submit proof of the timely completion of the required number of approved hours needed for license renewal; half the hours submitted were taken after the renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order suspended her license for sixty (60) days.**

Allen Price, PTA #2018677 (Lago Vista) – failed CE audit: lacked proof of ethics course taken within renewal period. Violation of § 453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Angela Forrest, PT #1131548 (Santa Monica, CA) – failed CE audit: did not submit proof of completion of any of the required number of hours required for license renewal. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order suspended her license for sixty (60) days, or until the required CEs are completed and submitted to the board – whichever is longer.**

Brian Cesarski, PT #1152830 (Missouri City) – failed CE audit: lacked proof of ethics course taken within renewal period. Violation of Section 453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Angeles Quiles, PTA #2051856 (Pflugerville) – failed CE audit: lacked proof of ethics course taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

May 2007

Holly High, PT #1106227 (Krum) – failed CE audit: lacked proof of sufficient hours taken within the renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board rules. **Board Order required thirty (30) hours of community service.**

Risty Delumpa, PT #1155398 (Houston) – failed CE audit: lacked proof of sufficient hours taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board rules. **Board Order required thirty (30) hours of community service and lacking CE hours.**

Sagira Vora, PT #1145001 (Kirkland, WA) – failed CE audit: lacked proof of ethics course taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board rules. **Board Order required thirty (30) hours of community service.**

Jenna Lambert, PT #1090280 (Lewisville) – failed CE audit: lacked proof of sufficient hours taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board rules. **Board Order suspended her license for thirty (30) days and required lacking CE hours.**

Samsha Jamal, PT #1145712 (McKinney) – failed CE audit: lacked proof of sufficient hours taken within the renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board rules. **Board Order required thirty (30) hours of community service.**

Jill Buie, PT #1060788 (Waxahachie) – failed CE audit: lacked proof of sufficient hours taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board rules. **Board Order required thirty (30) hours of community service.**

Frances Dolan, PT #1136083 (Kerrville) – failed CE audit: lacked proof of sufficient hours taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board rules. **Board Order required sixty (60) hours of community service.**

Linda Rettig, PT #1103570 (Plano) – failed CE audit: lacked proof of sufficient hours taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board rules. **Board Order suspended her license for thirty (30) days.**

August 2007

Ricky Cain, PT #1144574 (Austin) – failed the CE audit; insufficient continuing education hours taken during the period of renewal. Violation of §453.351 of the Act and chapter 341 of the Board Rules. **Board Order required sixty (60) hours of community service.**

November 2007

Antonio Trevino, PTA #2012803 (Edinburg) – failed CE audit: ethics course taken outside renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Deborah Baylor, PT #1020584 (Austin) – failed CE audit: ethics course taken outside renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Ruthie Pfueller, PTA #2028082 (Corsicana) – failed CE audit: lacked proof of sufficient hours taken within the renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Douglas Kutach, PTA #2028967 (Adkins) – failed CE audit: lacked proof of sufficient hours taken within the renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Mark Weber, PTA #2037109 (Beeville) – failed CE audit: lacked proof of sufficient hours taken within the renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Karina Cano, PTA #2054578 (Pearland) – failed CE audit: lacked proof of sufficient hours taken within the renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required sixty (60)**

hours of community service.

Sheri Albertson, PT #1079945 (Leander) – failed CE audit: lacked proof of sufficient hours taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required sixty (60) hours of community service and lacking CE hours.**

Sheryl Pigram, PTA #2012662 (Richmond) – failed CE audit: lacked proof of sufficient hours taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order suspended her license for thirty (30) days and required lacking CE hours.**

Kimberly Yagley, PT #1107845 (The Woodlands) – failed CE audit: lacked proof of sufficient hours taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order suspended her license for forty-five (45) days.**

Aara Taylor, PTA #2053161 (Beaumont) – failed CE audit: lacked proof of sufficient hours taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order suspended her license for sixty (60) days and required lacking CE hours.**

Adele Walker, PTA #2000329 (Florissant, CO) – failed CE audit: lacked proof of sufficient hours taken within renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board accepted surrender of her license in lieu of other disciplinary action.**

Practiced with an Expired License

May 2006

Sally Fryer, PT #1066306 (Dallas) - practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

James Johnston, PTA (Columbus) – practiced with an expired license. Violation of §435.201 of the Act and Chapter 322 of the Board rules. **Board Order required he “cease and desist” from the practice of physical therapy until he retakes and passes the licensing exam; and the one-hundred and twenty (120) day suspension of that license.**

Arturo Dominguez, PTA #2009239 (San Antonio) - practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order required forty-five (45) day suspension of his license.**

Catherine Phillips, PT #1036945 (Plano) – practiced with an expired license. Violation of §435.201 of the Act and Chapter 322 of the Board rules. **Board Order required eight (8) hours of community service.**

Jefferson Justin, PT #1073153 (Texarkana) – practiced with an expired license. Violation of §435.201 of the Act and Chapter 322 of the Board rules. **Board Order required fifteen (15) hours of community service.**

Mary Sue King, PT #1071835 (San Antonio) – practiced with an expired license. Violation of §435.201 of the Act and Chapter 322 of the Board rules. **Board Order suspended her license for thirty (30) days.**

November 2006

Donna Carver, PT #1121150 (Mansfield) - practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order required thirty (30) hours of community service.**

William Case, PT #1031862 (Houston) - practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order required thirty (30) hours of community service.**

Ginger Young, PT #1145910 (Colleyville) – practiced with an expired license. Violation of §435.351 of the Act and Chapter 322 of the Board rules. **Board Order required thirty (30) hours of community service.**

Judith Noteboom, PT (Hurst) – practiced with an expired license. Violation of §435.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

Shannon Herrin, PT #1073153 (Austin) – practiced with an expired license. Violation of §435.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

James Harrington, PT #1121432 (San Antonio) – practiced with an expired license. Violation of §435.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

April Morris, PTA #2052927 (Chandler) – practiced with an expired license. Violation of §435.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended her license for twenty-one (21) days.**

Matthew Polhemus, PT #1142503 (San Antonio) – practiced with an expired license. Violation of §435.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended his license for sixty (60) days.**

May 2007

Andrew Solis, PTA #2021820 (San Antonio) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order required eight (8) hours of community service.**

Mark Labhart, PT #1044048 (Whitesboro) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

Stan Ashton, PT #1078160 (Midland) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

W. Gordon Eiland, PT #1057388 (Tyler) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended his license for twenty-one (21) days.**

Betty Warren, PTA #2028355 (Amarillo) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order required eight (8) hours of community service.**

Gilbert Martinez, PTA #2006003 (San Antonio) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

Terrie Matthews, PTA #2036721 (Plainview) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

Sandra Smith, PT #1029288 (College Station) – practiced

with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended her license for sixty (60) days.**

November 2007

Brik Stratton, PT #1140341 (San Antonio) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required eight (8) hours of community service.**

Rebecca Peace, PT #1077576 (Jasper) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required fifteen (15) hours of community service.**

Mary Anderson, PT #1161100 (Wichita Falls) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required sixteen (16) hours of community service.**

Toby Popp, PT #1076578 (Victoria) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required thirty (30) hours of community service.**

Fides Valencia, PT #1039501 (Houston) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required sixty (60) hours of community service.**

Jacob Martin, PT #1161218 (Round Rock) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required sixty (60) hours of community service.**

Practiced Beyond Scope of License

November 2006

Betty Warren, PTA #2028355 (Amarillo) – practiced beyond the scope of her license – evaluating and treating a patient's wrist without a written PT eval or plan-of-care for that treatment. Violation of §435.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended her license for thirty (30) days.**

Todd Merry, PTA #2056983 (Katy) – practiced beyond the scope of his license – providing patient treatment without a written PT eval or plan-of-care for that treatment; and had inappropriate sexual contact with that patient. Violation of §435.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended his license for sixty (60) days.**

Patient Abandonment

November 2006

Sharon Mendiola, PT #1166181 (San Antonio) – practiced in a manner detrimental to the public health and welfare by abandoning her position and patients without providing sufficient prior notice. Violation of §435.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

Evelyn Skolnick, PT #1035566 (Spring) – practiced in a manner detrimental to the public health and welfare by abandoning her position and patients without providing sufficient prior notice. Violation of §435.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

Scott Barkouskie, PTA #2055822 (Mexia) – practiced in a manner detrimental to the public health and welfare by abandoning his position and patients without providing sufficient prior notice. Violation of §435.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended his license for thirty (30) days.**

May 2007

Paul Pendergrass, PTA #2044113 (Crosby) – practiced in a manner detrimental to the public health and welfare by abandoning his position and patients without providing sufficient prior notice. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

Denise Cope, PT #1014819 (Houston) – practiced in a manner detrimental to the public health and welfare by abandoning her position and patients without providing sufficient prior notice. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended her license for thirty (30) days.**

November 2007

Clay Cox, PTA #2060813 (Maryville, TN) – practiced in a manner detrimental to the public health and welfare by abandoning his position and patients without providing sufficient prior notice. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license for twenty-one (21) days.**

Tod Tenorio, PTA #2036234 (San Antonio) – practiced in a manner detrimental to the public health and welfare by abandoning his position and patients without providing sufficient prior notice. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license for thirty (30) days.**

Practiced Under the Influence of Drugs

November 2006

Patricia Ehrhardt, PTA #2008660 (Bellingham, WA) – practiced in a manner detrimental to the public health and welfare by practicing under the influence of drugs to the extent that affected her professional competence. Violation of §435.351 of the Act. **Board Order suspended her license indefinitely.**

Sharon Standoff, PTA #2027548 (Dripping Springs) – practiced in a manner detrimental to the public health and welfare by practicing under the influence of drugs to the extent that affected her professional competence. Violation of §435.201 of the Act. **Board Order suspended her license indefinitely.**

November 2007

Courtney Bradley, PT #1157307 (Fort Worth) – practiced in a manner detrimental to the public health and welfare by taking prescription pain medications from a patient that she was treating. Violation of §453.351 of the Act. **Board Order suspended her license for forty-five (45) days.**

Elizabeth Utter, PTA #2006573 (Amarillo) – practiced in a manner detrimental to the public health and welfare by practicing under the influence of drugs to an extent that affected her professional competence. Violation of §453.351 of the Act. **Board Order suspended her license for sixty (60) days and mandates compliance**

with aftercare program.

Documentation

August 2006

Jeffrey Knight, PT #1165528 (The Woodlands) – practiced in a manner detrimental to the public health and welfare by inaccurately recording treatment notes – documenting notes for patient treatments not rendered. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license for sixty (60) days and required sixty (60) hours of community service.**

May 2007

Bettye Klempin, PT #1018414 (Allen) – practiced in a manner detrimental to the public health and welfare by failing to accurately record treatment notes – compiling daily notes in multiple formats that she was unable to reproduce for the patients' files. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended her license for fifteen (15) days.**

Roberto Bermudez, PT #1038115 (Houston) – practiced in a manner detrimental to the public health and welfare by inaccurately documenting patient treatment notes. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended his license for thirty (30) days.**

November 2007

Gay Brodie, PTA #2035798 (Mount Pleasant) – practiced in a manner detrimental to the public health and welfare by inaccurately recording treatment notes – documenting notes for patient treatments not rendered on the dates documented. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended her license for thirty (30) days.**

Other

December 2005

Gary Johnson, PT #1107241 (Bryan) - misrepresented an unlicensed individual as a "PTA." Violation of §453.351 and §453.201 of the Act. **Board Order suspended his license or fifteen (15) days.**

Robin Johnson (Bryan) – was misrepresented as a "PTA" in local advertisements. Violation of §435.201 of the Act. **Board issued "cease and desist" Order.**

Tamara Hart, PT #3099800 (Lewisville) – practiced as a temporary licensee without proper on-site supervision. Violation of §435.351 of the Act and Chapter 329 of the Board Rules. **Board Order suspends her permanent license for one (1) day upon issuance.**

Susan Crow, PT #1035509 (Fort Worth) – practiced in a facility that was not properly registered with the Board. Violation of §435.351 of the Act and Chapter 322 of the Board Rules. **Board Order required thirty (30) hours of community service.**

May 2006

Sandra Ryan, PT #1048569 (Victoria) - was convicted of a felony that included jail time. Violation of §453.351 of the Act and §53.021 of the Texas Occupations Code. **Board Order revoked her license.**

August 2006

James Brent Haynie, PTA #2028058 (Austin) – pled guilty to the charge of attempted aggravated sexual assault – a second degree felony. His sentence included jail time. Violation of 53.021 of the Occupational Code. **Board Order revoked his license.**

November 2006

Amy Briggs, PT #1092419 (Fort Worth) – failed to properly assess and evaluate a patient's status – not documenting the patient's pain level. Violation of §435.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

Destiné Green, PT #3100218 (Houston) – practiced without on-site supervision of a licensed PT, while holding a temporary license. Violation of §435.351 of the Act and Chapter 329 of the Board rules. **Board Order required forty-five (45) hours of community service.**

May 2007

Rick De Los Santos, PTA #2012928 (San Antonio) – practiced in a manner detrimental to the public health and welfare by attempting to make contact with a patient after 11 p.m. at night. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended his license for fifteen (15) days.**

Julianne Sloyer, PTA #2014650 (Corpus Christi) – practiced in a manner detrimental to the public health and welfare, resulting in a patient's fall and injury. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended her license for thirty (30) days and required additional CE.**

Rebecca Halbert, PTA #2048138 (Spring) – practiced in a manner detrimental to the public health and welfare by treating a patient without seeking reevaluation by the PT, after patient's subsequent surgical procedure. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order suspended her license for thirty (30) days.**

Romulo Nacional, PT #1042596 (San Antonio) – failed to

properly supervise an unlicensed individual. Violation of §453.351 of the Act and Chapter 322 of the Board rules. **Board Order required sixty (60) hours of community service.**

November 2007

Tamara Friday, PTA #2064190 (Lewisville) – practiced in a manner detrimental to the public health and welfare by practicing with a temporary license without the on-site supervision of a permanently licensed individual. Violation of §453.351 of the Act and Chapter 329 of the Board Rules. **Board Order suspended her license for one (1) day.**

Reinstatement with Restrictions

February 2007

Sharon Standoff, PTA #2027548 (Dripping Springs) – requested reinstatement of a license previously suspended for practicing under the influence of drugs. Violation of §453.351 of the Act. **Board Order reinstated the license with restrictions.**

Sandra Ryan, PT #1048569 (Victoria) – requested reinstatement of license previously revoked due to felony conviction. Violation of §453.351 of the Act and §53.021 of the Occupations Code. **Board Order reinstated the license with restrictions.**

Patricia Ehrhardt, PTA #2008660 (Bellingham, WA) – requested reinstatement of a license previously suspended for practicing under the influence of drugs. Violation of §453.351 of the Act. **Board Order reinstated the license with restrictions.**

Be the first to know when rules change

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2007 Legislative Session Impacts Board

Data Collection Bill to Impact PT Renewals

During the 2007 legislative session, legislators passed a bill that directs state boards, including the PT Board, to collect specific information regarding each licensee on behalf of the Statewide Health Coordinating Council (SHCC) when licenses are renewed. This information will allow the SHCC to develop a better picture of the current healthcare workforce and its future needs. How does this affect licensees? When you renew your license in March 2008 or later, you will be asked to give us more information, primarily about your education, any specialty certifications, and your work setting. The Board is currently working with other involved agencies to develop a process that will satisfy the requirements of the bill. At this time, no fee increase related to this process is planned or expected.

PT Board Sunset Review Postponed until 2013

The 2007 Legislature rescheduled the Sunset review of the PT Board, the OT Board, and the Executive Council for 2013. Last reviewed in 1993 when the Council was created, all three entities were initially scheduled for review in 2005, and subsequently postponed until 2009. *(continued on next page)*

Initiated in 1977 in Texas, Sunset is the regular assessment of the need for a state agency to exist. The Sunset process works by setting a date on which an agency will be abolished unless legislation is passed to continue its functions. Agencies under Sunset typically undergo review once every twelve years, often in a cycle with other similar agencies. The Board of Orthotics and Prosthetics and the State Board of Examiners for Speech-Language Pathology and Audiology are scheduled for review in the same cycle as the Council and its boards. ✍

Facility Registration Exemption Clarifications Advisory

The Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) has been meeting with the Texas Department of Aging and Disability Services (DADS) and the Texas Department of State Health Services (DSHS) over the past few months to discuss exemption from facility registration.

The facility registration program began in 1994. Over the years, the development of new business models for traditionally exempt facilities, such as nursing homes and hospitals, has created questions regarding whether those facilities are completely exempt from registration.

For example, licensed nursing facilities and assisted living facilities by definition provide services specifically to residents of those facilities. Now, however, many such facilities offer OT and/or PT services to people who do not live in those facilities. Licensure by DADS does not cover services to non-residents (outpatients). ECPTOTE has determined that a nursing home or assisted living facility that provides services to non-residents, i.e. services not regulated by DADS, cannot be considered "exempt" from facility registration.

For similar reasons, ECPTOTE has informed DSHS that satellite hospital facilities which offer PT and/or OT services exclusively to outpatients must also register with ECPTOTE, since DSHS does not regulate such services.

This article is an early advisory only. Once ECPTOTE has finalized its procedures for registering these types of facilities, licensees will be notified by mail and information will be posted on the websites of ECPTOTE, DADS, and DSHS.

✍ CE Opportunity for Texas Volunteers *National Continuing Competency Pilot Project*

The Federation of State Boards of Physical Therapy (FSBPT) has begun development of an assessment tool, the Practice Review, for use by licensed physical therapists to assess their continuing

Texas has volunteered to serve as one of the pilot jurisdictions for the Practice Review Assessment Tool...CE credit will be granted for completion of the assessment tool, regardless of the results of the assessment.

competence. This tool is the first in a series of tools the FSBPT plans to develop as resources for state boards that are looking for ways to assess continuing competence.

Texas has volunteered to serve as one of the pilot jurisdictions for the Practice Review. The other states participating are: Arizona, California, Florida, Kansas, Minnesota, North Dakota and Ohio. The Texas Board has decided to grant 1.5 CEUs to licensees who participate in the pilot project. The pilot project is available to PTs only at this time, and is strictly voluntary.

The first Practice Review is an assessment of general practice. The Practice Review will present the licensee with a scenario that he might encounter during practice and ask him to choose the correct response to various questions about the scenario. The licensee's score will be reported only to the FSBPT, not to the Board.

Those who complete the Practice Review will be issued a certificate of completion. For the pilot

project, CE credit will be granted for completion of the assessment tool, regardless of the results of the assessment. If the Board decides to adopt the Practice Review as a permanent CE option once the FSBPT introduces the final product, it will reconsider the number of CEUS approved for completion and passage of the assessment tool.

Piloting of the new tool is expected to begin in the first few months of 2008. The Practice Review is free

of charge to the licensee during the pilot period. It is anticipated that the generalist practice review tool will be launched for all boards to participate in mid-2008. Interested PTs should contact the FSBPT at PracticeReview@fsbpt.org. The Texas Board strongly encourages licensees to consider registering for the Practice Review and participating in this important first step in developing competency assessment tools for the profession. ✍

PT RULE UPDATE

The Board voted to propose amendments to the following rules at the November 2007 meeting, and will consider adoption at the January 25, 2008 meeting. You can find the full text of the rules at <http://www.ecptote.state.tx.us/pt/rules.html>, the PT Act and Rules page of the website.

- **§335.1, Licensed Physical Therapist/Licensed Physical Therapist Assistant**
- **§329.5, Licensing Procedures for Foreign-Trained Applicants**

If you have comments or questions about the proposed rules, please contact Nina Hurter, PT Coordinator, at nhurter@mail.capnet.state.tx.us or 512/305-6900.

✍ 12 Things a Texas PT or PTA Should Know...

- ★ It's against the law to practice with an expired license. Practicing after your license expires may interfere with insurance reimbursements – and will provoke board disciplinary action.
- ★ What the Texas Practice Act requires you to do and what Medicare requires you to do and are not identical. The Act and rules set out what is legal, while Medicare and other payers establish rules for reimbursement. You can be legal without meeting payer requirements, but you cannot meet payer requirements without being legal.
- ★ PTAs and aides are allowed to do any treatment or modality they are properly trained or educated to do – including mobilization and sharp debridement. It is the responsibility of the supervising PT to decide whether they have the training and ability necessary, and to supervise them appropriately, as specified in 322.3, Supervision.
- ★ PTs and PTAs are responsible for reporting violations of the Practice Act to the Board.
- ★ A PT must reevaluate (and physically reexamine) the patient at least once every 30 days while treatment is taking place, regardless of the length of the treatment. The exceptions are ONLY in the ECI and school settings, as per Chapter 346 of the PT rules.
- ★ It is legal for PTs and PTAs to work for physicians in Texas. However, all rules still apply, including supervision and facility registration requirements, regardless of how services are billed. The PT is responsible for evaluating the patient, writing the plan of care, and providing, or supervising the provision of, all physical therapy services.
- ★ To supervise a PTA, a PT must be on call AND readily available – able to be physically present to assist if necessary. A PT or PTA must be onsite at all times when a physical therapy aide is providing services to a patient.
- ★ A sexual relationship with a patient is a violation of the Practice Act while the patient is receiving physical therapy services.
- ★ A PT may not receive, offer, or give commissions, rebates or other forms of payment for the referral of clients.
- ★ PTs and PTAs are responsible for determining how many assistive personnel they can safely supervise. There is no set number.

Useful Phone Numbers

Trailblazer Health Enterprises (Medicare Program administrator) www.trailblazerhealth.com

www.tdi.state.tx.us
00/578-4677

Medicare Part A 888/763-9836 (rehab depts, hospitals)

State of Texas website - links to all state info
www.texasonline.com

Medicare Part B 903/463-0720 (independent practitioners)

COMPLAINTS

Medicaid 800/252-8263

To report violations by a PT or PTA:
www.ecptote.state.tx.us or 512/305-6900

TX Dept. of State Health Services (DSHS) -
Licensing and certification of many Health and Safety Code facilities (including hospitals), and of many other health professions www.dshs.state.tx.us
512/834-6650

To report violations by other health professionals:
Health Professions Council at www.hpc.state.tx.us or 800/821-3205

TX Dept. of Aging & Disability Services (DADS)
www.dads.state.tx.us

To report violations by a nursing home, home health agency, or assisted living facility -
Department of Aging and Disability Services (DADS) at www.dads.state.tx.us or 800/458-9858

*long term care 800/458-9858

*nursing home 800/252-8016

*home health agency 800/228-1570

Division for Early Childhood Intervention (ECI)
TX Dept. of Assistive & Rehabilitative Services (DARS)
www.dars.state.tx.us/ecis
800/250-2246

To report Medicaid provider fraud, or abuse or neglect of a Medicaid recipient, contact the Attorney General's Medicaid Fraud Control Unit:
Telephone: 512/463-2011
Fax: 512/320-0974
E-mail: mfcu@oag.state.tx.us

TX Education Agency (TEA) (school-based therapy)
www.tea.state.tx.us
512/463-9734

If you suspect that an elderly or disabled person is being abused, neglected, or exploited and is in immediate danger, call 911 or local law enforcement. Or call the Department of Family and Protective Services, 24-hour toll-free abuse hot line at :
(800) 252-5400.

Division of Workers' Compensation
at the Texas Department of Insurance (TDI)

Quick Board News – Notes and links to Board news you may have missed in the electronic versions of the newsletter:

ECI Crosswalk – Do you work in the ECI Setting? Have you seen the Crosswalk developed by the Board and ECI to help PTs and PTAs understand how the PT rules work in that setting? The Crosswalk is available at www.ecptote.state.tx.us/Questions.html.

Reevaluations and Documented Conferences – The Board amended several sections of Chapter 322, Practice, in 2006 to clarify reevaluation requirements and to add a requirement for documented conferences between PTs and PTAs. Read the Q&A based on licensee input in the [December 2006 newsletter](#).

ECI and School Setting Rule Changes – According to rules adopted by the Board in February 2007, evaluations and reevaluations in the educational and ECI settings are to be conducted according to IDEA guidelines. These are the only settings where the Board does not require a reevaluation within each 30 day period while treatment is occurring. (See Chapter 346, Practice Settings for Physical Therapy)

Board Adopts Guiding Principles – In November 2006, the Board adopted Guiding Principles for Board Action, available at <http://www.ecptote.state.tx.us/pt/board.html>.