

1 **Texas Board of Physical Therapy Examiners**

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3 **Board Meeting**  
4 **Telephonic**

5  
6 **April 24, 2020**  
7 **9:00 am**  
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10 **Members Present:** Harvey Aikman, PT, DPT, Chair  
11 Barbara Sanders, PT, PhD, Vice Chair  
12 Liesl Olson, PT, Secretary  
13 Manuel "Tony" Domenech, PT, DPT  
14 Melissa Skillern, PT, DPT  
15 Kathryn Robe, PT, DPT  
16 Glenda Clausell, Public Member  
17 Donivan Hodge, Public Member  
18 Jacob Delgado, Public Member  
19

20 **Legal Counsel:** Rosalind Hunt, Assistant Attorney General  
21

22 **Staff:** Ralph Harper, Executive Director  
23 Karen Gordon, PT Coordinator  
24 Amy Carter, Chief Investigator  
25 Karissa Rodriguez, Licensing Manager/RMO  
26 Adriana Delgado, Assistant Licensing Manager  
27 Randy Glines, Staff Services Officer  
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29 **Guests:** Craig Tounget, ED - Texas Physical Therapy Association (TPTA)  
30 Lindsey Green, TPTA Staff  
31 Kathleen Manella, TPTA Liaison  
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33 The meeting of the Texas Board of Physical Therapy Examiners was held by telephonic conference call, as  
34 authorized under Texas Government Code section 551.125 and the Governor's March 16, 2020 suspension  
35 of certain provisions of the Texas Open Meetings Act.

- 36  
37 1. Call to order  
38 2. Roll call for members  
39 3. Roll call for public participants  
40 4. Excusing board member absences.  
41 5. Public comment  
42 6. Minutes from the January 17, 2020 meeting  
43 7. Executive Director's Report concerning fiscal and budgetary matters, performance measures, ongoing  
44 projects, agency personnel matters, and other agency business  
45 8. Investigation Committee Report concerning:  
46 A. Agreed Orders for case #: 20051, 20087, 20089, 20102, 20105, 20135, 20137, 20151, 20157,  
47 20201, 20202, 20215, 20233, and 20251  
48 B. Number of cases reviewed, Agreed Orders issued, informal conferences, and other investigative  
49 matters discussed during the Investigation Committee of March 23, 2019  
50 C. Performance measures, on-site investigation visits, school presentations, and other investigative  
51 activities that have occurred between this meeting and the Board's last meeting.  
52 9. Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program (CCAP) report  
53 10. Request(s) for review of educational equivalency from a foreign educated applicant(s)  
54 11. Election of delegate and alternate delegate to the Federation of State Boards of Physical Therapy  
55 (FSBPT) Annual Meeting in Orange County, CA, October 22 – 24, 2020  
56 12. Election of board vice-chair, secretary, and board representative to the Executive Council of Physical  
57 Therapy & Occupational Therapy Examiners

- 1 13. Proposing amendments to §341.1 Requirements for Renewal, §341.6. License Restoration, §341.8.
- 2 Inactive Status, and §341.9. Retired Status; Performing Voluntary Charity Care, pursuant to the
- 3 provisions in HB 2059 during the 86<sup>th</sup> Legislative Session which mandated the addition of human
- 4 trafficking training for physical therapists and physical therapists assistants as a requirement for license
- 5 renewal.
- 6 14. Proposing a rule review of the following chapters of the PT Board Rules as required by §2001.039 of the
- 7 Government Code: Chapter 321, Definitions; Chapter 322, Practice ; Chapter 323, Powers and Duties of
- 8 the Board; Chapter 325, Organization of the Board; Chapter 327, Compensation; Chapter 329, Licensing
- 9 Procedure; Chapter 335, Professional Title; Chapter 337, Display of License; Chapter 339, Fees; Chapter
- 10 341, License Renewal; Chapter 342, Open Records; Chapter 343, Contested Case Procedure; Chapter
- 11 344, Administrative Fines and Penalties; Chapter 346, Practice Settings for Physical Therapy; and
- 12 Chapter 348, Physical Therapy Licensure Compact.
- 13 15. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing
- 14 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX Jurisprudence
- 15 Assessment Module statistics, PT Compact statistics, and other events concerning the practice of
- 16 physical therapy.
- 17 16. Board Chair's report concerning meetings attended since last Board meeting, correspondence received
- 18 on behalf of the Board, and other events concerning the practice of physical therapy.
- 19 17. Long-term planning for future meetings, including future meeting dates and agenda items
- 20 18. Adjournment
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### 23 1. Call to order

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25 Dr. Aikman called the meeting to order at 9:05 a.m.

### 26 2. Roll call for members

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29 Dr. Aikman called roll and determined that a quorum existed with all Board members present.

### 30 3. Roll call for public participants

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33 The following public participants introduced themselves: Craig Tounget, Texas Physical Therapy

34 Association (TPTA) Executive Director; Lindsey Green, TPTA Staff; Kathleen Manella, TPTA

35 Liaison.

### 36 4. Excusing Board member absences

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39 There were no member absences to excuse.

### 40 5. Public Comment

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43 Kathleen Manella, TPTA Liaison posed several questions regarding how the Board was handling

44 submissions for applicants who were graduating from PT/PTA programs during the shutdown. Ms.

45 Gordon responded that answers to all of her questions were included in the upcoming reports

46 during the meeting.

### 47 6. Minutes from the January 17, 2020 meeting.

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50 Motion: To approve the minutes as submitted.

51 Made by: Glenda Clausell

52 Second: Liesl Olson

53 Motion passed unanimously.

### 54 7. Executive Director's Report concerning fiscal and budgetary matters, performance

### 55 measures, ongoing projects, agency personnel matters, and other agency business.

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58 Mr. Harper gave the Executive Director's Report that included the following:

59

- Agency responses to Governor’s stay-at-home orders with limited staff in office 2 days/week and remote work.
- Financial reports including revenue/expenses for FY 2020 as of March 31, 2020;
- Performance Measures;
- Announcement of the following internal promotions: Karissa Rodriguez to Licensing Manager, Adriana Delgado to Assistant Licensing Manager, and Elizabeth Haros to Renewals;
- Financial audit finished, awaiting results;
- Waiting for diagram plans for the George H. W. Bush State Office Building space programming.

**8. Investigation Committee Report concerning:**

**A. Agreed Orders for case #s:** 20051, 20087, 20089, 20102, 20105, 20135, 20137, 20151, 20157, 20201, 20202, 20215, 20233, and 20251

The Board ratified the following Agreed Orders: #s 20089, 20102, 20105, 20135, 20137, 20151, 20157, 20201, 20202, 20215, and 20233

**B. Number of cases reviewed, Agreed Orders issued, informal conferences, and other investigative matters discussed during the Investigation Committee Meeting of March 23, 2020.**

Ms. Carter reported that the Committee reviewed 148 cases, held 2 informal conferences, and issued 14 Agreed Orders with 11 being accepted.

**C. Performance measures, on-site investigation visits, school presentations, and other investigative activities that have occurred between this meeting and the Board’s last meeting**

Ms. Carter reported on performance measures, on-site investigation visits, and school presentations since the last meeting.

**9. Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program (CCAP) report.**

Lindsey Green, TPTA Communications Manager, presented the CCAP report which included:

- Peer Review System (PRS) processing time;
- PRS totals for approvals, denials, and pending for January – March 2020 ;
- Types and number of issue applications;
- CCAP staffing changes;
- Peer Reviewers numbers and Panel categories;
- Utilization of the online CCU Tracker system by 335 licensees;
- Transitioning live presentations to online under same approval number due to COVID-19;
- Buyout of vendors with approved courses;
- Accredited Provider System (APS) Audit update; and
- New, renewed, and pending APS providers.

She reported that TPTA is working with the CCAP program developer to add application instructions and FAQs to the CCAP website and to implement a time stamp for each step in the application approval process to better track timing for application processing.

Ms. Lindsey also requested assistance from the Board to develop a statement regarding transitioning live presentations to online offerings and maintenance of a list of approved courses for company buyouts for inclusion in the CCAP Manual.

The Board reviewed the application for Accredited Provider submitted by TPTA.

1 Motion: To approve the Accredited Provider application submitted by TPTA.  
2 Made by: Melissa Skillern  
3 Second: Donivan Hodge  
4 *Motion passed unanimously.*

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6 **10. Requests for review of education equivalency from foreign educated applicants.**  
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8 The Board reviewed three requests for review of education equivalency.  
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10 Motion: To deem the education of all three requestors as substantially equivalent.  
11 Made by: Barbara Sanders  
12 Second: Liesl Olson  
13 *Motion passed unanimously.*  
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15 **11. Election of delegate and alternate delegate to the Federation of State Boards of Physical  
16 Therapy (FSBPT) Annual Meeting in Orange County, CA, October 22 – 24, 2020.**  
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18 Glenda Clausell nominated Liesl Olson for the delegate position. There were no other nominations.  
19 Liesl Olson was elected unanimously.  
20

21 Tony Domenech nominated Melissa Skillern for the alternate delegate position. There were no  
22 other nominations. Melissa Skillern was elected unanimously.  
23

24 **12. Election of board vice-chair, secretary, and board representative to the Executive  
25 Council of Physical Therapy & Occupational Therapy Examiners.**  
26

27 Liesl Olson nominated Barbara Sanders for the vice-chair position. There were no other  
28 nominations. Barbara Sanders was elected unanimously.  
29

30 Barbara Sanders nominated Liesl Olson for the secretary position. There were no other  
31 nominations. Liesl Olson was elected unanimously.  
32

33 Liesl Olson nominated Barbara Sanders for the PT representative to the Executive Council position.  
34 There were no other nominations. Barbara Sanders was elected unanimously.  
35

36 Liesl Olson nominated Donivan Hodge for the public representative to the Executive Council  
37 position. There were no other nominations. Donivan Hodge was elected unanimously.  
38

39 Dr. Aikman recessed the Board at 10:15 a.m.

40 Dr. Aikman reestablished the quorum with all members present and called the Board back into  
41 session at 10:21 a.m.  
42

43 **13. Proposing amendments to §341.1 Requirements for Renewal, §341.6. License  
44 Restoration, §341.8. Inactive Status, and §341.9. Retired Status; Performing Voluntary  
45 Charity Care, pursuant to the provisions in HB 2059 during the 86<sup>th</sup> Legislative Session  
46 which mandated the addition of human trafficking training for physical therapists and  
47 physical therapists assistants as a requirement for license renewal.**  
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49 The Board discussed the need to amend the above sections pursuant to the provisions in HB 2059  
50 during the 86th Legislative Session that mandates the addition of human trafficking prevention  
51 training for healthcare practitioners as a condition of license renewal. It was clarified that the  
52 training must be approved by the Health and Human Services Commission (HHSC) and that a  
53 licensee could claim CCU credit if the training was a minimum of 1 credit hour.  
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55 Motion: To propose amendments to the above referenced sections.  
56 Made by: Melissa Skillern  
57 Second: Donivan Hodge

1 *Motion passed unanimously.*

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3 **14. Proposing a rule review of the following chapters of the PT Board Rules as required by**  
4 **§2001.039 of the Government Code: Chapter 321, Definitions; Chapter 322, Practice;**  
5 **Chapter 323, Powers and Duties of the Board; Chapter 325, Organization of the Board;**  
6 **Chapter 327, Compensation; Chapter 329, Licensing Procedure; Chapter 335,**  
7 **Professional Title; Chapter 337, Display of License; Chapter 339, Fees; Chapter 341,**  
8 **License Renewal; Chapter 342, Open Records; Chapter 343, Contested Case Procedure;**  
9 **Chapter 344, Administrative Fines and Penalties; Chapter 346, Practice Settings for**  
10 **Physical Therapy; and Chapter 348, Physical Therapy Licensure Compact.**

11  
12 The legislative mandate to conduct a rule review to determine whether the reason for adopting the  
13 rules continues to exist, and whether the rules should be repealed, readopted, or readopted with  
14 amendments was discussed.

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16 Motion: To propose a rule review.  
17 Made by: Liesl Olson  
18 Second: Glenda Clausell

19 *Motion passed unanimously.*

20  
21 **15. Board Coordinator's report concerning meetings attended since last Board meeting,**  
22 **Continuing Competence Audit results, number of current licensees, NPTE pass/fail**  
23 **statistics, TX Jurisprudence Assessment Module statistics, PT Compact statistics, and**  
24 **other events concerning the practice of physical therapy.**

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26 Ms. Gordon reported on the following:

- 27 • Meetings that she had attended since the last Board meeting. She also explained there were
- 28 a number of face-to-face meetings and presentations that were cancelled due to COVID-19;
- 29 • Waivers, rule suspension, and alternate reporting methods implemented due to COVID-19;
- 30 • CC Audit results;
- 31 • Total number of PTs, PTAs as of 4/15/2020;
- 32 • NPTE Pass/Fail statistics for 2020;
- 33 • PT Compact member states; and
- 34 • TX JAM statistics; and

35  
36 Ms. Gordon also reported that the April National Physical Therapy Examination (NPTE) dates had  
37 been cancelled due to Prometric testing center closures, and alternative testing dates would be  
38 announced.

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40 **16. Board Chair's report concerning meetings attended since last Board meeting,**  
41 **correspondence received on behalf of the Board, and other events concerning the**  
42 **practice of physical therapy.**

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44 Dr. Aikman thanked staff for all of their responses to the COVID-19 pandemic while assuring that all  
45 of the essential functions are still being covered. He reported that he had attended two Compact  
46 Executive Council meetings, and that a mentor/mentee system will be implemented for new  
47 Compact member states.

48  
49 **17. Long-term planning for future meetings, including future meeting dates and agenda**  
50 **items.**

51  
52 The Board scheduled 2020 meetings as follows: July 23 – 24, and October 8 – 9.

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54 **18. Adjournment**

55 Motion: To adjourn the meeting.  
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1           Made by: Melissa Skillern

2           Second: Liesl Olson

3    *Motion passed unanimously.*

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5    Dr. Aikman adjourned the meeting at 11:08 a.m.

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8    **Date reviewed by the Board:** 7/24/2020

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