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

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

**July 19, 2019
9:00 am**

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

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

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

30 **Guests:** Craig Tounget, Texas Physical Therapy Association (TPTA) ED
31 Lindsey Green, TPTA Staff
32 Kathleen Manella, PT – TPTA Liaison
33 Chris Smith, Governor's Office
34

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

- 39 1. Call to order
40 2. Discussion and possible action on excusing board member absences.
41 3. Public comment
42 4. Approval of minutes from the April 12, 2019 meeting.
43 5. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary matters,
44 performance measures, ongoing projects, agency personnel matters, 86th Legislative Session bill
45 tracking, and other agency business.
46 6. Investigation Committee Report and consideration by the Board of the following items:
47 A. Review and possible action on Agreed Orders for case #s 19093, 19115, 19195,
48 19226, 19238, 19251, 19255, 19266, 19274, 19275, 19293, 19320, 19321 and 19369.
49 B. Discussion and possible action on the Investigation Committee Meeting of June 14, 2019.
50 C. Discussion and possible action on investigative activities to date.
51 7. Discussion and possible action on adopting amendments to the following:
52 A. §322.4. Practicing in a Manner Detrimental to the Public Health and Welfare,
53 B. §344.1. Administrative Fines and Penalties, and
54 C. CHAPTER 347. REGISTRATION OF PHYSICAL THERAPY FACILITIES
55 8. Rules and Practice Committee Report.
56 D. Discussion and possible action on amending PT Rules §322.1. (a) pursuant to HB 29 amendments to
57 Sec. 453.301, Occupations Code during the 86th Legislative Session.
58 E. Discussion and possible action on proposing an amendment to §341.7. Restrictions on License
59 Renewal and Restoration. pursuant to SB 37 amendments to CHAPTER 56. ACTION AGAINST

1 RECIPIENTS OF STUDENT FINANCIAL ASSISTANCE, Occupations Code during the 86th Legislative
2 Session.

3 F. Discussion and possible action on proposing amendments to §329.6. Licensure by Endorsement and
4 §329.7. Exemptions from Licensure pursuant to SB 1200 addition of Sec. 55.0041. RECOGNITION OF
5 OUT-OF-STATE LICENSE OF MILITARY SPOUSE to Chapter 55, Occupations Code during the 86th
6 Legislative Session.

7 9. Education Committee Report:

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

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

13 F. Discussion and possible action on a request(s) for appeal to re-take the National Physical Therapy
14 Examination (NPTE).

15 H. Discussion and possible action on a request(s) for review of educational equivalency from a foreign
16 educated applicant(s).

17 I. Discussion and possible action on issues related to physical therapy entry-level education and
18 continuing competence.

19 10. Discussion and possible action on the Federation of State Boards of Physical Therapy (FSBPT)
20 Leadership Issues Forum in Alexandria, VA, July 13 – 14, 2019 and Annual Meeting in Oklahoma City,
21 OK, October 24 – 26, 2019.

22 11. Discussion and possible action on the ramifications of HB 1325 on the scope of physical therapy practice.

23 12. Discussion and possible action regarding the election of Board officers.

24 13. Discussion and possible action on the Board Coordinator's report concerning any item listed on the
25 agenda and on events that have occurred between this meeting and the Board's last meeting.

26 14. Discussion and possible action on the Board Chair's report concerning any item listed on the agenda and
27 on events that have occurred between this meeting and the Board's last meeting.

28 15. Discussion and possible action on long-term planning for future meetings, including future meeting dates
29 and agenda items.

30 16. Adjournment
31

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33
34 **1. Call to order**

35
36 Dr. Aikman called roll and determined that a quorum existed. He called the meeting to order at 9:03
37 a.m.

38
39 **2. Discussion and possible action on excusing board member absences.**

40
41 There were no Board member absences to consider.
42

43 **3. Public comment**

44
45 There was no public comment.
46

47 **4. Approval of minutes from the April 12, 2019 meeting.**

48
49 Motion: To approve the minutes as submitted.

50 Made by: Liesl Olson

51 Second: Barbara Sanders

52 Motion passed unanimously.
53

54 **5. Discussion and possible action on Executive Director's Report concerning fiscal and**
55 **budgetary matters, performance measures, ongoing projects, agency personnel matters,**
56 **86th Legislative Session bill tracking, and other agency business.**
57

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

- 59 • Agency budget and fiscal status for FY 2019 to date;
- 60 • Bills that were tracked during the 86th Legislative Session;

- Performance Measures;
- Employee status;
- IT activities and projects.

He also announced that this was his 259th and last Board presentation as he is retiring effective July 31, 2019. He introduced Mr. Ralph Harper who will be succeeding him as the new Executive Director.

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

- A. Review and possible action on Agreed Orders for case #s:** 19093, 19115, 19195, 19226, 19238, 19251, 19255, 19266, 19274, 19275, 19293, 19320, 19321 and 19369.

The Board reviewed and ratified the following Agreed Orders presented by Mr. Turek:
#s 19093, 19115, 19195, 19226, 19238, 19251, 19255, 19266, 19274, 19275, 19293, 19320, 19321, and 19369.

B. Discussion and possible action on the Investigation Committee Meeting of June 14, 2019.

Mr. Turek reported that the Committee reviewed 161 cases and issued 14 Agreed Orders. There were no informal conferences scheduled/held.

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

Mr. Turek reported on performance measures, on-site investigation visits, and school presentations since the last meeting. He also reported on a federal worker's compensation fraud case that he provided testimony at in San Antonio. The individual was convicted on 12 counts: 6 counts health care fraud, 5 counts wire fraud, on count of aggravated identity theft. Sentencing will be in September.

Mr. Turek also announced that this would be his last Board meeting as he is retiring on July 31, 2019.

7. Discussion and possible action on adopting amendments to the following:

- A. §322.4. Practicing in a Manner Detrimental to the Public Health and Welfare,
- B. §344.1. Administrative Fines and Penalties, and
- C. CHAPTER 347. REGISTRATION OF PHYSICAL THERAPY FACILITIES

Motion: To approve adopting the amendments as listed above.
Made by: Philip Vickers
Second: Liesl Olson

Motion passed unanimously.

Dr. Aikman recessed the Board at 10:00 a.m.

Dr. Aikman called the Board back into session at 10:12 a.m.

8. Rules & Practice Committee Report:

- D. Discussion and possible action on proposing changes to §322.1. Initiation of physical therapy services. pursuant to HB 29 amendments to Sec. 453.301, Occupations Code during the 86th Legislative Session.**

Mr. Vickers reported that the Committee discussed the different provisions of HB 29 and set the minimum amount of professional liability insurance coverage at \$100,000 per case and \$300,000 aggregate per year. They also reviewed a draft of the disclosure form and suggested several

1 revisions with final draft to be approved at the October meeting. The Committee instructed Ms.
2 Gordon to include the discussion points in narrative and FAQ format for posting to the website.

3
4 Motion: To recommend proposing amendments to §322.1. Initiation of physical
5 therapy services.

6 Made by: Committee

7 Second: None needed

8 Motion passed unanimously.

9
10 **E. Discussion and possible action on proposing an amendment to §341.7 Restriction on**
11 **License Renewal and Restoration. pursuant to SB 37 amendments to CHAPTER 56,**
12 **ACTION AGAINST RECIPIENTS OF STUDENT FINANCIAL ASSISTANCE. Occupations**
13 **Code during the 86th Legislative Session.**

14
15 Mr. Vickers reported that the Committee discussed SB 37 and made the following recommendation:

16
17 Motion: To recommend proposing the amendment to §341.7. Restriction on License
18 Renewal and Restoration.

19 Made by: Committee

20 Second: None needed

21 Motion passed unanimously.

22
23 **F. Discussion and possible action on proposing changes to §329.6. Licensure by**
24 **Endorsement. and §329.7. Exemptions from Licensure. pursuant to SB 1200 addition of**
25 **Sec. 55.0041 RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SPOUSE to**
26 **Chapter 55, Occupations Code during the 86th Legislative Session.**

27
28 Mr. Vickers reported that the Committee discussed SB 1200 and made the following
29 recommendation:

30
31 Motion: To recommend proposing the amendments to §329.6. Licensure by
32 Endorsement and §329.7. Exemptions from Licensure.

33 Made by: Committee

34 Second: None needed

35 Motion passed unanimously.

36
37 **9. Education Committee Report:**

38
39 **D. Discussion and possible action on the Texas Physical Therapy Association (TPTA)**
40 **Continuing Competence Approval Program (CCAP) report.**

41
42 Dr. Sanders reported that:

- 43 • New reviewers are being recruited;
- 44 • The CCU Tracking Log is up and going;
- 45 • Approval letters have been updated with correct name and signature;
- 46 • Delays in approval due to reviewers are being logged to determine who;
- 47 • Glitches in the online application system are being addressed; and
- 48 • Copies of monthly reports were distributed to committee members.

49
50 There were no action items for the committee to consider.

51
52 **E. Discussion and possible action on amending §341.3. Qualifying Continuing**
53 **Competence Activities (5) (C) Residency or fellowship relevant to physical therapy**
54 **and (D) Supervision or mentorship of a resident or fellow.**

1 Dr. Sanders reported that the motion proposed during the April 11, 2019 meeting was withdrawn
2 during the Executive Committee meeting on May 10, 2019 due to potential splintering of the
3 American Board of Physical Therapy Residency and Fellowship Education (ABPTRFE). The
4 committee discussed waiting to see what the outcome would be before moving forward with the
5 proposed motion.
6

7 **F. Discussion and possible action on a request(s) for appeal to re-take the National**
8 **Physical Therapy Examination (NPTE).**
9

10 Dr. Sanders reported that there were no requests for appeal to re-take the NPTE, but that Cedrian
11 Williams, PTA who previously appealed and was approved, re-took the NPTE on July 9, 2019 and
12 passed.
13

14 **G. Discussion and possible action on a request(s) for review of education**
15 **equivalency from a foreign educated applicant(s).**
16

17 Dr. Sanders reported that after review and discussion on a request, the Committee made the
18 following recommendation:
19

20 Motion: To recommend that the education be deemed substantially equivalent.
21 Made by: Committee
22 Second: None needed

23 *Motion passed unanimously.*
24

25 **H. Discussion and possible action on issues related to physical therapy entry-level**
26 **education and continuing competence.**
27

28 Dr. Sanders reported on the CAPTE Accreditation Actions taken on April 30, 2019, and on the
29 discontinuation of the FSBPT aPTitude, ProCert, and oPTion effective December 31, 2019.
30

31 **10. Discussion and possible action on the Federation of State Boards of Physical Therapy**
32 **(FSBPT) Leadership Issues Forum in Alexandria, VA, July 13 – 14, 2019 and Annual**
33 **Meeting in Oklahoma City, OK, October 24 – 26, 2019.**
34

35 Liesl Olson gave an update on the issues that were discussed at the FSBPT LIF, and on potential
36 motions that will come forward at the FSBPT Annual Meeting in Oklahoma City, OK.
37

38 **11. Discussion and possible action on the ramifications of HB 1325 on the scope of physical**
39 **therapy practice.**
40

41 Kara Holsinger, AAG, reported that the AG office was still unpacking the provisions of HB 1325 and
42 did not have any direction for regulatory Boards at this time.
43

44 **12. Discussion and possible action regarding the election of Board officers.**
45

46 Motion: To elect Barbara Sanders to the position of Vice Chair.
47 Made by: Glenda Clausell
48 Second: Liesl Olson

49 *Motion passed unanimously.*
50

51 Motion: To elect Liesl Olson to the position of Secretary.
52 Made by: Barbara Sanders
53 Second: Tony Domenech

54 *Motion passed unanimously.*
55
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2 **13. Discussion and possible action on the Board Coordinator's report concerning any item**
3 **listed on the agenda and on events that have occurred between this meeting and the**
4 **Board's last meeting.**
5

6 Ms. Gordon reported on the following:

- 7 • Meetings that she had attended since the last Board meeting;
- 8 • CC Audit results;
- 9 • Total number of PTs, PTAs, and PT facilities as of 7/01/2019;
- 10 • NPTE Pass/Fail statistics for 2019;
- 11 • TX JAM statistics including the FSBPT 2018 TX JAM Annual Reports;
- 12 • Compact statistics; and
- 13 • New FAQ on the utilization of ultrasonography during PT evaluation and intervention.

14
15 Motion: To approve the FAQ on the utilization of ultrasonography during PT
16 evaluation and intervention.

17 Made by: Barbara Sanders

18 Second: Tony Domenech

19 Motion passed unanimously.
20

21 **14. Discussion and possible action on the Board Chair's report concerning any item listed**
22 **on the agenda and on events that have occurred between this meeting and the Board's**
23 **last meeting.**
24

25 Dr. Aikman reported that he would be attending the Compact Executive Board Webex meeting on
26 July 30th. He also reported that there have been several inquiries regarding whether or not wet
27 cupping is within the PT scope of practice, and request that the issue be place on the October 10th
28 Rules and Practice Committee agenda for discussion.
29

30 **15. Discussion and possible action on long-term planning for future meetings, including**
31 **future meeting dates and agenda items.**
32

33 The Board scheduled meetings as follows: October 10 - 11, 2019; January 16 – 17, 2020; and April
34 23 – 24, 2020.
35

36 **16. Adjournment**
37

38 Motion: To adjourn the meeting.

39 Made by: Melissa Skillern

40 Second: Donovan Hodge

41 *Motion passed unanimously.*
42

43 Dr. Aikman adjourned the meeting at 11:37 a.m.
44

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46 **Date reviewed by the Board:** 10/11/2019

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