



Communiqué

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Physical Therapy Board

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Kathryn "Kate" Roby, PT
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Jacob Delgado, Public Member
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Next Board Meeting

October 8, 2021
333 Guadalupe, Ste. 2-510
Austin, Texas

Rules Amendments Per Legislative Session

With the close of the 87th Legislative Regular Session, two Bills that required amendments to the PT Rules passed through both the House and Senate and were signed into law by Governor Greg Abbott.

At its July 16th meeting, the PT Board began the rulemaking process by proposing amendments to enact these changes.

HB 1363 amended Sec. 453.301, Occupations Code (PT Practice Act) to expand the group of physical therapists with a doctoral degree who qualify to provide physical therapy treatment to a patient for up to fifteen (15) consecutive business days before requiring a referral from a qualified healthcare practitioner. An alternative qualification to completion of a residency or fellowship is to be certified by an entity approved by the Board. Changes to the Act become effective September 1, 2021.

The Board's task was two-fold – to propose amendments to **PT Rules §322.1. Provision of Services** to enact the changes made to the Act, and to develop criteria for approving entities that offer certification in specialty areas of physical therapy and compile a list of approved certifying entities that meet the criteria. See page 6 for more information on the criteria and approved list.

HB 139 amended Sec. 55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SPOUSE of Chapter 55, Occupations Code to include providing a copy of the permanent change of station order for the military service member to whom the spouse is married to the proof of residency requirement. The Board proposed an amendment to **PT Rules §329.7. Exemptions from Licensure** accordingly. Changes become effective September 1, 2021.

More information on proposed amendments available on page 7.

Professional Responsibility vs Employer Mandates

A Message from the Board Chair

As a daily practicing physical therapist, I have found myself in the position of employer and employee at different times during my career. Usually, the relationship between an employee and an employer is cordial and non-confrontational. However, from time to time employees and employers find themselves at odds. This is often related to the daily practice of physical therapy. When this happens a great deal of strife can arise if the employee holds a professional license and feels that the employer may be putting that license at risk.

The Texas Board of Physical Therapy Examiners (Board) exists to regulate the practice of physical therapy in the State of Texas. The Board is specifically charged with the role of public protection. From the preceding sentence, it is very important to recognize that the practice of physical therapy is defined within the Physical Therapy Practice Act and Rules, and consists of those people who practice physical therapy, i.e. - those with a license from the Board or those who are directly supervised by a person with a license from the Board. The ownership of physical therapy facilities is no longer regulated by the Board. Therefore, the Board does not take action against those who may own a physical therapy practice solely on the basis of their ownership. The Board takes actions against licensees for their actions related to licensure or practice in accordance with the Physical Therapy Practice Act and Rules.

When an employee believes that an employer has directed or mandated an action that the employee who is licensed believes is outside the scope of practice, violates the Practice Act or Rules, or falls outside the standard of care, the licensee is obligated as a professional to address this with their employer. If the licensee proceeds with an action that would violate the Practice Act or Rules, they open themselves to disciplinary action by the Board even if they are directed to perform those actions by an employer. This ethical dilemma places the licensee in a position where by the virtue of their license and professional training they must exercise professional judgement that is in the best interest of the patient. Far too often individuals would like the Board to intervene on their behalf with an employer; unfortunately, this falls outside of the legislated directives of the Board and lands squarely on the shoulders of the professional who chose this career and accepted employment with his/her employer.

Always remember that the Board will hold the licensee accountable for their actions regardless of employer direction or mandate.

Harvey Aikman, PT, DPT, Dip. MDT, FAAOMPT currently serves as the Chair of the Texas Board of Physical Therapy Examiners.

Disciplinary Actions

The following disciplinary actions were ratified at the July 16, 2021 Board Meeting:

- (1) **Paulette Valdez, PT #1097038 (El Paso)** - failed to properly renew license. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order suspended license to practice for sixty (60) days once reinstated + fifteen (15) additional CCUs.***
- (2) **Bradley Rogers, PTA #2090362 (McLennan)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (3) **Stevan Reyes, PTA #2049322 (San Antonio)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order required sixty (60) hours of community service.***
- (4) **Beau Talley, PTA #2141597 (Katy)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order required sixty (60) hours of community service.***
- (5) **James Mor, PT #1307551 (Frisco)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for thirty (30) days.***
- (6) **Catherine Stilwell, PT #1136224 (Dallas)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for one hundred twenty (120) days once reinstated.***
- (7) **Kelly Maxwell, PTA #2132355 (El Paso)** - failed to properly renew license by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.255 of the Act and chapter 341.1 of the Board Rules. ***Board Order suspended license to practice for fifteen (15) days.***
- (8) **Tammy Shiplet, PTA #2042935 (Vernon)** - failed to properly renew license by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.255 of the Act and chapter 341.1 of the Board Rules. ***Board Order suspended license to practice for fifteen (15) days.***
- (9) **Brenda McGowen, PTA #2001624 (New Waverly)** - failed to properly renew license by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.255 of the Act and chapter 341.1 of the Board Rules. ***Board Order suspended license to practice for fifteen (15) days.***
- (10) **Andrea Dougherty, PTA #2085288 (Corry, PA)** – failed to properly renew license by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.255 of the Act and chapter 341.1 of the Board Rules. ***Board Order suspended license to practice for thirty (30) days.***

Disciplinary Action, cont. from pg. 3

- (11) **Brian McCoy, PTA #2134273 (Houston)** - failed to report a malpractice settlement in a timely manner. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order suspended license to practice for fifteen (15) days.***
- (12) **Duane Minix, PTA #2055149 (Marryville, TN)** - failed to cooperate with the agency by not responding to numerous requests and failing to notify the board of changes in address of record. Violation of Section 453.351 of the Act; chapter 322 and 329 of the Board Rules. ***Board Order suspended license to practice for fifteen (15) days.***
- (13) **Joseph Prieto, PTA #2163007 (Dallas)** - failed to disclose criminal history on PTA application. Violation of Section 453.351 of the Act, chapter 329.1 of the Board Rules, and section 53.021 of the Occupations Code. ***Board Order suspended license to practice for thirty (30) days.***
- (14) **Nicholas Dahlin, PTA #2126727 (San Antonio)** - practiced in a detrimental manner by failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for thirty (30) days.***
- (15) **William Scoggin, PTA #2070756 (Abilene)** - practiced in a detrimental manner by failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for thirty (30) days.***
- (16) **Jimmy Stubblefield, PT #1059483 (Brownwood)** - practiced in a detrimental manner by failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for thirty (30) days.***
- (17) **Matthew Hicks, PTA #2112883 (Flint)** - practiced in a detrimental manner by failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for thirty (30) days.***
- (18) **Collin Allison, PTA #2111512 (Lubbock)** - practiced in a detrimental manner by failing to report a change in patient status and pain to physician after a treatment session; thus, failing to conform to the minimal standards of acceptable prevailing practice. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for fifteen (15) days.***
- (19) **Margaret Montez, PTA #2071267 (Austin)** - practiced in a detrimental manner by pushing a patient down during treatment; thus failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for sixty (60) days + restrictions for (36) months.***

Disciplinary Action, cont. from pg. 4

Administrative Actions

- (1) **Juan Carpo, PT #1072452 (Corpus Christi)** - failed to complete the fingerprint requirement pursuant to Section 453.255(b) of the Act and chapter 341.1 of the board rules. ***Board administratively suspended license to practice.***
- (2) **Mohamed Kamel, PT #1196329 (Worth, IL)** - failed to complete the fingerprint requirement pursuant to Section 453.255(b) of the Act and chapter 341.1 of the board rules. ***Board administratively suspended license to practice.***
- (3) **Aaron Samelson, PTA #2014817 (Austin)** - failed to complete the fingerprint requirement pursuant to Section 453.255(b) of the Act and chapter 341.1 of the board rules. ***Board administratively suspended license to practice.***
- (4) **Elke Schaumberg, PT #1283240 (Saunderstown, RI)** - failed to complete the fingerprint requirement pursuant to Section 453.255(b) of the Act and chapter 341.1 of the board rules. ***Board administratively suspended license to practice.***
- (5) **Manuel Felipe Donado, PT #1306461 (Al Jazirah)** - failed to complete the fingerprint requirement pursuant to Section 453.255(b) of the Act and chapter 341.1 of the board rules. ***Board administratively suspended license to practice.***



Upcoming PT Board Meetings

The following dates have been set for the Board's upcoming quarterly meetings:

- October 8, 2021
- January 13, 2022
- April 21, 2022

Meeting dates are subject to change. Check for updated information online at <https://www.ptot.texas.gov/page/meeting-dates>

Approved Certifying Entities For Treatment w/o Referral

Certification by any of the following Board-approved entities qualifies a licensee who possess a doctoral degree in physical therapy to treat a patient for not more than 15 consecutive business days without a referral.

1. The American Board of Physical Therapy Specialties (ABPTS)
2. Hand Therapy Certification Commission (HTCC)
3. Board of Certification in Professional Ergonomics (BCPE)
4. American Board of Wound Management (ABWM)
5. National Alliance of Wound Care and Ostomy (NAWCO)

Effective 9/01/2021



Criteria for Certifying Entity Approval For Treatment w/o Referral

The following criteria must be met in order for the PT Board to approve a certifying entity.

1. The certification must be clearly related to the practice of physical therapy.
2. The certification should address a specialty or subspecialty within physical therapy.
3. There must be minimum eligibility requirements for a person to become certified.
 - a. At least a bachelor's degree must be required for physical therapists; and
 - b. A minimum amount of clinical experience in the area of specialization must be required by the certifying entity.
4. Certification must be time-limited with a specified process of recertification that includes, but is not limited to,
 - a. A minimum amount of clinical experience after certification, and
 - b. Re-examination or continuing education.
5. Successful completion of an examination is part of the certification process.
 - a. The examination must meet the standards for assessment instruments as specified in the "Standards for Educational and Psychological Testing" (AERA, APA, NCME).
[Note: Accreditation through the NCCA requires compliance with these standards.]
 - b. The examination must be proctored and offered in a secure environment.

Effective 9/01/2021

Requests for Board consideration of a certifying entity to be added to the approved list can be directed to emailpt@ptot.texas.gov. Please include support documentation for each of the above criteria.

Proposed/Adopted Rules

The Board took the following rulemaking actions at their July 16, 2021 meeting.

Adopted Rules:

§329.1. General Licensure Requirements - the amendment is adopted to add reference to the definitions of an accredited PT and PTA program; to differentiate between the school transcript requirement for an applicant by exam and an applicant by endorsement; to allow for digital submission of a letter of completion for applicants by exam; and to eliminate the requirement of a letter of completion for an applicant by endorsement if the transcript indicates the date the degree was conferred. The amendment will remove existing barriers to licensure and will improve the efficiency of issuing licenses.

The text of the amendment is available online at <https://www.ptot.texas.gov/page/act-and-rules> under PT Adopted Rules.

An updated pdf of the PT Rules that will include the recently adopted rules amendment will be available September 1, 2021 at the above cited web address.

Proposed Rules:

§322.1. Provision of Services - the proposed amendment is pursuant to HB 1363 amendments to Sec. 453.301, Occupations Code (PT Practice Act) during the 87th Legislative Session. The amendment to §322.1. (a)(2)(E) is proposed in order to include physical therapists who have a doctoral degree in physical therapy and are certified by an entity approved by the PT Board in the group that can treat patients for fifteen (15) consecutive business days before requiring a referral from a qualified healthcare practitioner.

§329.7. Exemptions from Licensure – the proposed amendment is pursuant to HB 139 amendment of Sec. 55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SPOUSE to Chapter 55, Occupations Code during the 87th Legislative Session. The amendment to §329.7. (b)(5) is proposed in order to include providing a copy of the permanent change of station order for the military service member to whom the spouse is married to the proof of residency requirement.

The proposed rules amendments are available at <https://www.ptot.texas.gov/page/act-and-rules> and will appear in the August 27, 2021 edition of the *Texas Register* for public contact.

HB 1363 is available at <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01363F.pdf#navpanes=0>

HB 139 is available at <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00139F.pdf#navpanes=0>