



February 2020

# Communiqué

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## Physical Therapy Board

*Harvey Aikman, PT, Chair*  
*Barbara Sanders, PT, Vice Chair*  
*Liesl Olson, PT, Secretary*  
*Manuel "Tony" Domenech, PT*  
*Melissa Skillern, PT*  
*Kathryn "Kate" Roby, PT*  
*Donivan Hodge, Public Member*  
*Jacob Delgado, Public Member*  
*Glenda Clausell, Public Member*

## Next Board Meeting

**April 24, 2020**  
333 Guadalupe, Suite 2-510  
Austin, TX 78701

## What's New for 2020?

Reflecting back on the PT Board's achievements during 2019, the highlights include:

- Implementation of legislatively mandated criminal background checks;
- Elimination of facility registration/renewal; and
- Changes to the PT Act/Rules allowing for limited treatment without referral for qualified PTs.

## What's in store for the New Year?

**New** – Governor appoints Delgado and Roby to the PT Board and names Aikman as Chair. (See page 2 for details)

**New** – Legislature requires health care practitioners to receive training in human trafficking prevention as renewal requirement. Effective for renewals on or after September 1, 2020. (See page 4 for details on HB 2059)

**New** - Legislature provides consumer protection against "surprise billing." Effective for health care and medical services or supplies provided on or after January 1, 2020. (See page 4 for details on SB 1264)

**New** – PTAs authorized to provide physical therapy via telehealth effective March 1, 2020. (See page 5 for Adopted Rules)

**New** – Medicare recognizes PT Compact Privileges as a valid, full license for purposes of meeting federal licensure requirements for Medicare provider enrollment. (See page 5 for details)

## What else might come the Board's way this year?

As issues affecting the regulation of the physical therapy profession arise, the PT Board will provide updates to the licensees through email distribution and postings on the Board's website, [www.ptot.texas.gov](http://www.ptot.texas.gov). Personal professionalism requires that you keep informed. Make sure you check the Board's website for the latest news and keep your contact info updated, [https://www.ptot.texas.gov/forms/public/change\\_contact\\_info](https://www.ptot.texas.gov/forms/public/change_contact_info).

## Governor Appoints New Members and Chair to PT Board

On December 20, 2019, Governor Greg Abbott appointed Jacob Delgado and Kate Roby, PT, DPT to the Texas Board of Physical Therapy Examiners for terms set to expire on January 31, 2025. Additionally, the Governor named Harvey Aikman chair of the board.

**Jacob Delgado** of Hewitt is a general manager and regional recruiter for The Buckle, Inc. He currently volunteers as a youth leader at Antioch Community Church. Delgado attended Texas Christian University, and serves as a Public Member of the Board.

**Katy Roby, PT, DPT** of Temple is an outpatient physical therapist for Integrity Rehab. She is a member of the American Physical Therapy Association and the Texas Physical Therapy Association. Roby received a Bachelor of Science in Kinesiology from Texas Woman's University and a Doctorate in Physical Therapy from Hardin-Simmons University.

**Harvey Aikman, PT, DPT, Dip MDT, FAAOMPT** is the president of Ortho Sports, Inc. He is a member of the American Physical Therapy Association and the Texas Physical Therapy Association. Additionally, he serves as the vice chair of the Physical Therapy Licensure Compact for the Federation of State Boards of Physical Therapy. Aikman received a Bachelor of Arts in Biology, Chemistry, and Physics from the University of Northern Iowa, a Master of Science in Physical Therapy from the University of Iowa, a Diploma in Mechanical Diagnosis and Therapy from The McKenzie Institute International, and a Doctorate in Physical Therapy from The College of St. Scholastica. He is a Fellow of the American Academy of Orthopedic Manual Physical Therapists. Aikman was appointed to the Board in 2014 by Governor Rick Perry, and reappointed in 2016 by Governor Greg Abbott.



From left to right: Jacob Delgado; Harvey Aikman, PT, DPT; and Katy Roby, PT, DPT

Photo courtesy of Danielle Haynes/Visionary Photography

## Disciplinary Actions

The following disciplinary actions were ratified at the January 17, 2020 Board Meeting:

- (1) **Kirk Ringland, PT #1296652 (Leander)** – 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.**
- (2) **William Vo, PT #1163858 (Parker)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license to practice for seven (7) days.**
- (3) **Michael Hanlon, PT #1140788 (Alvin)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license to practice for fifteen (15) days.**
- (4) **Marie Solomon, PT #1286083 (Dallas)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended her license to practice for thirty (30) days.**
- (5) **Miguel Aguilar, PTA #2053176 (Midland)** – failed to properly renew his license. Violation of Section 453.351 of the Act and chapters 322 and 341 of the Board Rules. **Board Order suspended his license to practice for thirty (30) days.**
- (6) **Vera Nash, PTA #2092920 (Killeen)** – failed to properly renew her license. Violation of Section 453.351 of the Act and chapters 322 and 341 of the Board Rules. **Board Order suspended her license to practice for sixty (60) days.**
- (7) **Rhonda Vessali, PTA #2017224 (Houston)** - failed to properly renew her license. Violation of Section 453.351 of the Act and chapters 322 and 341 of the Board Rules. **Board Order suspended her license to practice for thirty (30) days.**
- (8) **Richard Mata, PTA #2098217 (College Station)** - practiced in a detrimental manner by inaccurately documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license to practice for thirty (30) days.**
- (9) **Walter Stowe, PT #1091130 (Conroe)** - practiced in a detrimental manner by fraudulently documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license to practice for thirty (30) days.**
- (10) **Nicole Larsen, PTA #2145870 (Spring)** - practiced in a detrimental manner by fraudulently documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended her license to practice for thirty (30) days.**
- (11) **Lowell Tano, PT #1229456 (El Paso)** - practiced in a detrimental manner by having an inappropriate relationship with a patient. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order required thirty (30) hours of community service.**
- (12) **John Belton, PTA #2128653 (Horseshoe Bay)** - practiced in a detrimental manner by having an inappropriate interaction with a patient. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order accepted the surrender of his license to practice.**
- (13) **Everardo Villarreal, PTA #2051768 (Edinburg)** - felony conviction for conspiracy to commit healthcare fraud. Violation of Section 453.351 of the Act and Section 53.021(b) of the Texas Occupational Code. **Board Order revoked his license to practice.**
- (14) **Edward Summers, PT #1021467 (Austin)** - previously had his license to practice revoked for violation of Section 453.351 of the Act and Section 53.021(b) of the Texas Occupational Code for a felony DWI conviction resulting in imprisonment. **Board Order reinstates his license to practice.**

## New Human Trafficking Prevention Training Requirement

During the 86<sup>th</sup> Legislature in 2019, HB 2059, which requires human trafficking prevention training as a condition of registration permit or license renewal for certain health care practitioners, passed and was signed into law. The training will be designed to equip health care practitioners who provide direct patient care with the training needed to help detect potential victims of human trafficking and to provide them with adequate care and referral for additional support services.

One of the provisions of the bill requires the Health and Human Services Commission (HHSC) to approve training courses on human trafficking, to post the list of approved trainings on the HHSC website, and to update the list of approved trainings as necessary. HHSC is in the process of developing standards to evaluate human trafficking training submitted by other entities, and of developing its own human trafficking training that will be offered to all health care practitioners free of charge.

The PT Board will be proposing an amendment to the PT Rules that will include the human trafficking training as a renewal requirement. Compliance with the new requirement will be effective for PT and PTA licensees who renew their license on or after September 1, 2020.

More information on human trafficking and the health care practitioner training is available on the HHSC website at <https://hhs.texas.gov/services/safety/texas-human-trafficking-resource-center>.



## Consumer Protection Against “Surprise Billing”

[Senate Bill 1264](#) (SB 1264), enacted by the 86th Texas Legislature, provides new consumer protections against balance billing, otherwise known as “surprise billing” by certain out-of-network providers. Balance billing is the practice of a healthcare provider billing a patient for the difference between what the patient's health insurance chooses to reimburse and what the provider chooses to charge. These changes apply to health care and medical services or supplies provided on or after January 1, 2020.

The Bill also authorizes regulatory agencies, like the PT Board, to take disciplinary action against practitioners that violate a law prohibiting balance billing. [See Texas Insurance Code §752.0003\(a\)](#).

At its January 17, 2020 meeting, the PT Board opted not to propose any rules related to the new balance billing prohibitions in SB 1264; however, violation of this law may result in a referral to the Attorney General's Office.

More information on the implementation of the provisions of SB 1264 is available on the Texas Department of Insurance's website at <https://www.tdi.texas.gov/rules/2019/senate-bill-1264.html>.



## Upcoming PT Board Meetings

The following dates have been set for the Board's 2020 meetings (subject to change):

- April 23 – 24, 2020
- July 23 – 24, 2020
- October 8 – 9, 2020

## Proposed/Adopted Rules

The Board took the following rulemaking actions at the January 17, 2020 Board meeting.

### Adopted Rules: (effective March 1, 2020)

**§322.5. Telehealth** - the amendment is proposed in order to clarify the role of the physical therapist assistant in the provision of physical therapy via telehealth in response to a petition for adoption of rule changes.

The full text of the **adopted rule** is available online at <https://www.ptot.texas.gov/page/act-and-rules> and appeared in the February 7, 2020 edition of the *Texas Register* available online at <http://www.sos.state.tx.us/texreg/index.shtml>.

### Proposed Rules:

**§344.1. Administrative Fines and Penalties** - the amendment is proposed to update the Schedule of Sanctions graphic by removing the sanctions for not registering a physical therapy facility and practicing in an unregistered physical therapy facility pursuant to the repeal of physical therapy facility registration and annual renewal pursuant to SB 317 during the 85th Legislative Session; and to add investigative costs to the maximum disciplinary action for revocation or surrender of license.

The **proposed rules** amendment is available at <https://www.ptot.texas.gov/page/act-and-rules> and will appear in an upcoming edition of the *Texas Register*.



## Medicare Recognition of Compact Privileges

With the advent of the PT Compact, an issue arose with the Centers for Medicare and Medicaid Services (CMS) not recognizing compact privileges for the purpose of reimbursement. The Physical Therapy Compact Commission (PTCC) Staff was alerted to a situation where an individual with a compact privilege was not allowed to enroll as a provider with Medicare in order to make claims for services in a member state. Since then, the PTCC and the American Physical Therapy Association (APTA) have been working tirelessly to get a quick resolution to the issue.

Word has been received from CMS officials that their general counsel has determined that the compact privilege is considered a valid, full license for purposes of meeting federal licensure requirements for Medicare provider enrollment. CMS will be providing guidance to the Medicare Administrative Contractors (MACs) to accept compact privileges moving forward and to re-open any applications that were denied under this basis and continue processing. Guidance will also be provided to PTs and PTAs practicing with compact privileges regarding the Medicare enrollment process.

The exact timeline for the notification to MACs and the publication of a Medicare Learning Network (MLN) guidance article is not currently known. Updates will be posted on the PT Compact website at [www.ptcompact.org](http://www.ptcompact.org).

Special thanks to Mary Daulong, PT, CHC, CHP, owner of Business & Clinical Management Services, Inc. and former PT Board member for her contributions to this effort.