

# Communiqué



## CC Activities Report Added to Renewal in 2012

Starting in February 2012, there will be a new step in the license renewal process: all licensees will be reporting Continuing Competence (CC) Activities on the online *CC Activities Report* form. This change will occur as part of the redesign of the Board's website, which should be completed by the end of the year.

This new step in the process will benefit both licensees and the Board. Every licensee will actively confirm that all CC requirements have been met prior to renewal. By doing so, licensees will avoid problems with the CC audit and reduce the number of failed audit cases that go before the Board. Currently, failed CC audits represent on average 40% of the disciplinary actions taken by the Board at each meeting. Most of those cases involve licensees who did not review their CC activities before they renewed. When audited, they were very surprised to discover that they were missing a few hours, had counted courses that were not approved by TPTA, or didn't take the ethics course. This audit failure rate has been consistent since the audit began more than 10 years ago. The Board will continue to audit compliance with the CC requirements, but expects to see a healthy drop in the number of cases going to the Investigations Department and to the Board for action.

This new step in the renewal process is simple. When you are ready to renew your license, you will go to the website to take the jurisprudence exam as always, entering your name and license number. You will be directed automatically to the *CC Activities Report*, which you must complete before you can take the exam.

In the *CC Activities Report*, you will enter the name, date, approval number, and number of CCUs granted, for each activity. There will be a specific field in which to record the required hours of ethics/professional responsibility coursework. You need only enter enough activities to meet the requirements, regardless of the total number of CCUs you accrued during the two-year cycle. You will be able to add and delete courses in the report throughout your renewal eligibility period, which begins approximately three months before your license expires.

(Continued on page 3)

### Three Reappointed to Board

In April 2011, Governor Rick Perry reappointed three members to the Board, with terms to expire January 31, 2017. All three appointees were confirmed by the Senate during the session.

★ **Gary Gray, PT, of Midland**, is CEO of West Texas Therapy Services. Mr. Gray has served on the Board since 2006, and was reelected Chair at the September 2011 meeting.

★ **Kathleen Luedtke-Hoffman, PT, PhD, of Garland** is an assistant professor at Texas Woman's University School of Physical Therapy. Dr. Luedtke-Hoffman was appointed to fill an uncompleted term in 2010, and continues to serve as Chair of the Education Committee.

★ **Daniel Reyna of Waco** is a CPA and director of internal audit at Brazos Higher Education Service Corp. Mr. Reyna was appointed in 2006 and continues to serve as Chair of the Board's Investigation Committee.



## Disciplinary Action Taken by the Board On September 16, 2011

### Failed the CE Audit

**Jordan Jenkins, PTA #2033132** (Dallas) – failed the CE audit; insufficient number of board approved hours taken during 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.**

**Jeanette Davis, PTA #2004867** (Rusk) – failed the CE audit; insufficient number of board approved hours taken during 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.**

**Toya Woodard, PTA #2066720** (Roanoke) – failed the CE audit; insufficient number of board approved hours taken during 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.**

**Rhonda Berry, PTA #2053490** (Port Aransas) – failed the CE audit; did not take the required board approved ethics course during 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, and the lacking ethics course.**

**Trisha Schafer, PTA #2007001** (Columbus) – failed the CE audit; insufficient number of board approved hours taken during the 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.**

**Amber Drabek, PT #1117695** (San Antonio) – failed the CE audit; insufficient number of board approved hours taken during 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.**

**Dayee Broniek, PTA #2039998** (Aubrey) – failed the CE audit; insufficient number of board approved hours taken during the 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 completion of the lacking CE.**

**Sarah Henry, PT #1145886** (Dallas) – failed the CE audit; insufficient number of board approved hours taken during the 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 completion of the lacking CE.**

### Sexual Contact

**Brian McDonough, PT #1198711** (Houston) – practiced in a manner detrimental to the public health and welfare by having an inappropriate relationship with a patient – exchanging sexually explicit emails. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license for thirty (30) days.**

### Documentation

**Shawn Joiner, PT #1157676** (Victoria) – practiced in a manner detrimental to the public health and welfare by failing to accurately record treatment notes; documenting treatment notes for a date no such treatment was rendered. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license for thirty (30) days.**

**Raju Rajendran, PT #1101087** (Beaumont) – practiced in a manner detrimental to the public health and welfare by failing to timely record treatment notes; failing to document treatment notes for services already rendered and billed for. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license for thirty (30) days.**

**Matthew Smiley, PTA #2064068** (Seabrook) – practiced in a manner detrimental to the public health and welfare by failing to accurately record treatment notes; documenting treatment notes for a date no such treatment was rendered. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license for forty-five (45) days.**

### Treatment without a Referral

**Jeanette Starnes, PT #1163503** (Flower Mound) – practiced in a manner detrimental to the public health and welfare by treating a patient without a referral for treatment from a qualified healthcare practitioner. Violation of §453.351 of the Act. **Board Order suspended her license for thirty (30) days.**

### Practiced with an Expired License

**Harvey Aikman, PT #1044550** (Mission) – 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 forty-five (45) days.** The licensee has appealed the length of the suspension.

**Michael Cole, PT #1160663** (Dallas) – 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.**

*(continued on next page)*

(continued from previous page)

### Facility Registration

**Jarod Carter, PT #1166010** (Austin) – practiced in a manner detrimental to the public health and welfare by providing physical therapy in a facility that was not properly registered with the board. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended his license for fifteen (15) days.**

### Felony Conviction

**Kimberley Williams, PTA #2060322** (White Oak) – was convicted of Intoxication Manslaughter, a 2nd degree felony, and was subsequently sentenced to five (5) years incarceration. Violation of §453.351 of

the Act and §53.021 if the Occupations Code. **Board Order revoked her license.**

### Patient Injury

**Misti Steltzer, PTA #2045151** (Nash) – practiced in a manner detrimental to the public health and welfare by failing to use a gait belt during treatment of a patient who subsequently fell. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order reprimanded the licensee.**



(CC Activities Report, continued from page 1)

Once you have entered the information and met the renewal requirements, you will be redirected to the jurisprudence exam page, where you will take the exam as usual and get the key code that allows you to login to the renewal page. When you pass the jurisprudence exam and get your key code, the *CC Activities Report* can no longer be changed - so make sure you've entered your CCUs correctly before you take the exam!

If you are selected for the CC audit, you will still be required to submit completion certificates or letters to the Board. The Board will compare your certificates to the activities you entered on *the CC Activities Report*.

## PT RULE UPDATE

The Board took the following rulemaking actions at the September 16, 2011 meeting:

### **Adopted Amendments to:**

- i **§329.2, License by Examination**, *correcting the table of additional education requirements*
- i **§347.9, Renewal of Registration**, *regarding the use of the online transaction receipt in lieu of the facility registration renewal certificate*

### **Proposed Amendments to:**

- i **§321.1, Definitions**, updating the definition of "foreign-trained applicant"
- i **§329.5, Licensing Procedures for Foreign-Trained Applicants**, regarding graduates of foreign CAPTE-accredited PT programs
- i **§341.6, License Restoration**, regarding military spouses
- i **§346.3, Early Childhood (ECI) Setting**, regarding Developmental Services
- i **§346.1, Educational Settings**, regarding review of the plan of care

The full text of all proposed and adopted rules is available at <http://www.ecptote.state.tx.us/pt/rules.html>.

If you would like to comment on these proposed rules, please send your written comments to [nina.hurter@ptot.texas.gov](mailto:nina.hurter@ptot.texas.gov), or 333 Guadalupe, Suite 2-510, Austin, TX 78701.