



November 2018

Communiqué

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Inside This Issue

- 1 New Fingerprinting Requirements Effective 1/01/2019
- 2 PT Compact Privileges Update
- 2 PT Board Meeting Highlights
- 3 Disciplinary Action
- 3 HPSO Approves JAM as Eligible Risk Management Course
- 4 Proposed/Adopted Rules
- 4 Facility Registration and Renewal

Physical Therapy Board

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Barbara Sanders, PT, Vice Chair
Liesl Olson, PT, Secretary
Gary Gray, PT
Jeff Tout, PT
Daniel Renya, Public Member
Philip Vickers, Public Member
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Next Board Meeting

January 18, 2019
333 Guadalupe, Suite 2-510
Austin, TX 78701

New Fingerprinting Requirement Effective 1/01/2019

At their October 19, 2018 meeting, the PT Board **adopted amendments in order to implement Criminal Background Checks (CBC) through fingerprinting** as part of the requirement for all new applicants for licensure and current licensees as part of their renewal process if they have not previously submitted fingerprints for initial issuance of licensure or for a prior license renewal or restoration.

These amendments were adopted in order to comply with a statutory amendment to the PT Practice Act made during the 85th Legislative Session regarding criminal background checks. **Rollout for the new requirement is January 1, 2019.**

What does this mean for licensees renewing their license? Current licensees who renew their license on or after January 1, 2019 will have fingerprinting as a renewal requirement if they have not previously submitted fingerprints for initial issuance of licensure or for a prior license renewal or restoration. This includes current licensees, licensees renewing a retired status who are performing voluntary charity care, as well as individuals who are restoring their license. Licensees who are on inactive status will need to comply when reinstating to active status. If you renew your license prior to January 1, 2019 even if the expiration date is afterward, you will need to comply with the requirement prior to your next renewal.

What does this mean for a new licensee? Fingerprinting will be required for any applicant for licensure either by exam or endorsement whose license is issued on or after January 1, 2019 as part of the licensure requirements.

What if an applicant or licensee has had to be fingerprinted for some other reason? Previously undergoing a CBC through fingerprinting (TSA, employer, etc.) **does not exempt an applicant or a current licensee from this requirement** as other entities are not allowed to share criminal history background check results with the PT Board.

For more information about the specific procedures to follow, go to the Board's website at www.ptot.texas.gov.

PT Compact Privileges Update

With the adoption of rule amendments to implement Criminal Background Checks (CBC) through fingerprinting, **compact privileges can be issued for Texas licensees to practice in another member state and for licensees of other member states to be able to practice in Texas by January 31, 2019.**

Member states that are **actively issuing and accepting compact privileges** as of 10/01/2018 include:

- Mississippi,
- Missouri,
- North Dakota,
- Oregon,
- Tennessee, and
- Utah

Other **member states that are projected to be ready to issue compact privileges by January 31, 2019** are: Arizona, Colorado, Iowa, Louisiana, Nebraska, New Hampshire, North Carolina, and Washington.

Information regarding the availability of Compact Privileges and the procedure for applying for a privilege is available online at www.ptcompact.org.



PT Board Meeting Highlights

At its October 19, 2018 meeting, the PT Board **adopted amendments** to the PT Rules: **§329.1. General Licensure Requirements and Procedures;**

- **§341.1 Requirements for Renewal;**
- **§341.6. License Restoration;**
- **§341.8. Inactive Status;**
- **§341.9. Retired Status; Performing Voluntary Charity Care;**
- **§344.1. Administrative Fines and Penalties;**
- **§341.2. Continuing Competence Requirements; and**
- **§322.5. Telehealth.**

See page 4 for summaries of the adopted PT Rules.

The Board ratified six **(6) agreed orders** which are listed on page 3, Disciplinary Actions.

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

***January 17 - 18, 2019 *April 11 - 12, 2019 *July 18 – 19, 2019**

Disciplinary Actions

The following disciplinary actions were ratified at the October 19, 2018 Board Meeting:

- (1) **Tracy Walter Lewis, PTA #2057730 (Houston)** – 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 required sixty (60) hours of community service.**
- (2) **Cesar Malaluan, PT #1057651 (Fort Worth)** – 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 required thirty (30) hours of community service.**
- (3) **Brian Vickers, PTA #2127458 (New Braunfels)** – practiced in a detrimental manner by treating the wrong patient. 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.**
- (4) **Clayton Fredrickson, PT #1271253 (Allen)** – practiced in a detrimental manner by using drugs or intoxicating liquors to an extent that affected his professional competence. Violation of Section 453.351 of the Act. **Board Order suspended his license to practice for thirty (30) days.**
- (5) **Stephen Anthony Rubio, PTA #2094609 (Victoria)** - practiced in a detrimental manner by using drugs or intoxicating liquors to an extent that affected his professional competence. Violation of Section 453.351 of the Act. **Board Order suspended his license to practice indefinitely.**
- (6) **Tiffany Donaldson, PTA #2056660 (Waco)** - practiced in a detrimental manner by using drugs or intoxicating liquors to an extent that affected her professional competence. Violation of Section 453.351 of the Act. **Board Order reinstated her previously suspended license effective April 2019, with restrictions.**

HPSO Approves JAM as Eligible Risk Management Course

Healthcare Providers Service Organization (HPSO), the leading provider of professional liability insurance for physical therapy professionals, offers a **risk management discount** whereby eligible individuals can receive a 10% non-cumulative credit applied to their professional liability annual premium for up to three years.

To be eligible, PTs and PTAs must complete 6 contact hours of an eligible Risk Management Course within the previous 12 months. HPSO will accept completion of the ***TX Jurisprudence Assessment (TX JAM)*** as an eligible Risk Management Course. Texas licensees can submit proof of passage of the ***TX JAM*** as part of the required 6 contact hours of continuing education.

For more information about this program, please contact HPSO at 1-800-982-9491.

Proposed/Adopted Rules

The Board took the following rulemaking actions at the October 19, 2018 Board meeting. The full text of all adopted rules is available at: www.ptot.texas.gov/page/act-and-rules. Adopted rules appeared in the November 2, 2018 edition of the *Texas Register*, <http://www.sos.state.tx.us/texreg/index.shtml>. There were no new proposed rules during the meeting.

Adopted Rules:

§329.1. General Licensure Requirements and Procedures - the amendment is proposed in order to add criminal background checks through the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting to the requirements for initial licensure.

CHAPTER 341. LICENSE RENEWAL: §329.1. General Licensure Requirements and Procedures; §341.1 Requirements for Renewal; §341.6. License Restoration; §341.8. Inactive Status; and §341.9. Retired Status; Performing Voluntary Charity Care. - the amendments are proposed in order to add criminal background checks through the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting to the requirements for renewing or restoring a physical therapist or physical therapist assistant license unless the licensee has previously submitted fingerprints for initial issuance of licensure or for a prior license renewal or restoration.

§344.1. Administrative Fines and Penalties - the amendment is proposed in order to establish a Schedule of Sanctions and factors for consideration in conjunction with the Schedule of Sanctions when determining the appropriate penalty/sanction in disciplinary matters.

§322.5. Telehealth - the new rules are proposed in order to establish rules for the safe delivery of physical therapy through telehealth.

§341.2. Continuing Competence Requirements - the amendment is proposed in order to delete references to the Texas Physical Therapy Association (TPTA) as a board approved organization for evaluating and approving continuing competence activities due to the legislatively mandated requirement to develop a process for selecting an appropriate organization to approve continuing competence activities that includes a request for proposal (RFP) and bidding process.

Facility Registration and Renewal

Facility registration and renewal requirements continue unchanged. The effective date for deregulation of physical therapy facilities is **September 1, 2019** at which time facilities that are offering physical therapy (and/or occupational therapy) will no longer need to register or renew their registration. Practicing in an unregistered physical therapy facility which is not exempt remains a violation of the PT Practice Act/Rules that could subject a licensee to disciplinary action.