

PT proposed rule change

The Texas Board of Physical Therapy Examiners proposes amendments to §343.1, regarding Definitions. The amendments streamline the process for filing a complaint against a licensee.

John P. Maline, Executive Director, has determined that for the first five-year period these amendments are in effect there will be no additional costs to state or local governments as a result of enforcing or administering these amendments.

Mr. Maline has also determined that for each year of the first five-year period these amendments are in effect the public benefit will be clearly identified as a more expeditious procedure will be in place for filing a complaint against a licensee of this board. Mr. Maline has determined that there will be no costs or adverse economic effects to small or micro businesses, and therefore an economic impact statement or regulatory flexibility analysis is not required for the amendment. There are no anticipated costs to individuals who are required to comply with the rule as proposed.

Comments on the proposed amendments may be submitted to Karen Gordon, PT Coordinator, Texas Board of Physical Therapy Examiners, 333 Guadalupe, Suite 2-510, Austin, Texas 78701; email: karen@ptot.texas.gov. Comments must be received no later than 30 days from the date this proposed amendment is published in the *Texas Register*.

The amendments are proposed under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Texas Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

Title 3, Subtitle H, Chapter 453, Texas Occupations Code is affected by these amendments.

§343.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Act--The Texas Physical Therapy Practice Act, Texas Civil Statutes, Article 4512e.
- (2) Agency--The Board of Physical Therapy Examiners.
- (3) APTRA--The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.
- (4) Applicant--A qualified individual who presents application for licensure as a physical therapist or physical therapist assistant or for reinstatement of a previously suspended or revoked license.
- (5) Board--The members of the Board of Physical Therapy Examiners who are appointed pursuant to Texas Civil Statutes, Article 4512e.
- (6) Board order--A final decision of the board issued in a contested proceeding or in lieu of such proceeding, which may include findings of fact and conclusions of law, separately stated.
- (7) Complaint--A written sworn statement of allegations filed with the board which includes a statement of the matters asserted, including any supporting documentation available, and reference to the particular sections of the statutes and rules involved, the filing of which may initiates a contested case proceeding.

PT proposed rule change

- (8) Contested case--A proceeding in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing.
- (9) Disciplinary action--Imposition of a sanction by the board which may include reprimand, suspension, probation, or revocation of a license, or other appropriate requirements.
- (10) Executive director--The executive director of the Board of Physical Therapy Examiners.
- (11) Licensee--A person who holds a license either permanent or temporary under the Physical Therapy Practice Act.
- (12) Moral turpitude--Baseness, vileness, or dishonesty of a high degree.
- (13) Notice--A statement of intended date, time, place, and nature of a hearing, and the legal authority and jurisdiction under which a hearing is to be held. Notice may include a formal complaint filed to initiate a contested case proceeding.
- (14) Party--Each person with a sufficient legal, economic, or other interest to be named or admitted as such by the agency to a contested case proceeding before the agency.
- (15) Probation--Each person whose license is suspended is placed on probation for the length of the suspension.
- (16) Reinstatement--The individual with a revoked license must demonstrate or supply evidence to the board of his or her rehabilitation or current fitness to hold a license. Reinstatement petitions shall be considered no sooner than 180 days after the revocation order becomes final and enforceable.
- (17) Reprimand--A public and formal censure against a license.
- (18) Respondent--A person who has been made the subject of a formal or informal complaint alleging violation of the Texas Physical Therapy Practice Act or rules, regulations, or orders of the Board of Physical Therapy Examiners.
- (19) Revocation--The withdrawal or repeal of a license. Revocation is established for minimum period of one year.
- (20) Staff--The investigative staff of the Board of Physical Therapy Examiners.
- (21) Suspension--The temporary withdrawal of a license. The board may suspend for one day or a designated number of years or until a specified event occurs.