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**Texas Board of Physical Therapy Examiners  
Board Meeting**

**333 Guadalupe, Suite 2-510  
Austin, Texas 78701**

**January 29, 2016  
9:00 am**

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12 **Members Present:** Gary Gray, PT, Chair  
13 Melinda Rodriguez, PT, DPT, Secretary  
14 Harvey Aikman, PT  
15 Barbara Sanders, PT, PhD  
16 Jeffrey Tout, PT  
17 Shari Waldie, PT  
18 Philip Vickers, Public Member  
19 Daniel Reyna, Public Member  
20

21 **Legal Counsel:** Kara Holsinger, Assistant Attorney General  
22

23 **Staff:** John Maline, Executive Director  
24 Karen Gordon, PT Coordinator  
25 Mark Turek, Chief Investigator  
26 Randall Glines, Assistant Licensing Manager  
27

28 **Guests:** Kathleen Manella, Texas Physical Therapy Association (TPTA) Liaison  
29 Stacey Mather, TPTA Staff  
30 Joe Walraven, Sunset Advisory Commission, Assistant Director  
31 Erick Fajardo, Sunset Advisory Commission, Policy Analyst  
32 Alan Leonard, Sunset Advisory Commission, Policy Analyst  
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36  
37 Agenda items listed under several committee reports begin with the letter D intentionally. No items have been  
38 omitted from the board agenda.  
39

- 40 1. Call to order  
41 2. Public comment  
42 3. Approval of minutes from the November 13 - 14, 2015 meeting in Austin.  
43 4. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary  
44 matters, performance measures, ongoing projects, agency personnel matters, Sunset Review,  
45 and other agency business.  
46 5. Investigation Committee Report and consideration by the Board of the following items:  
47 A. Review and possible action on Agreed Orders for case #s: 15128; 15173; 15179;  
48 15190; 15209; 15211; 15215; 15216; 15223; 15224; 15225; 15226; 15227; 15228;  
49 15229; 15230; 15231; 15237; 15238; 15245; 15270; 15279; 15295; 15301; 15307;  
50 15321; 15373; 15392; 15424; 15426; 15429; 15436; 15468; 15477; 15481; 15485;  
51 15524; 16006; 16012; 16014; 16015; 16022; 16024; 16025; 16037; 16052; 16058;  
52 16062; 16063; 16064; 16065; 16071; 16077; 16078; 16081; 16083; 16087; 16089;  
53 16091; 16092; 16101; 16120; 16126; 16127; 16151; 16152; 16157; 16158; 16159;  
54 16161; and 16169.  
55 B. Discussion and possible action on the Investigation Committee Meeting of January 7, 2016  
56 and January 29, 2016.  
57 C. Discussion and possible action on investigative activities to date.

- 1 6. Discussion and possible action on adopting changes to: §341.3. Qualifying Continuing
- 2 Competence Activities, and §341.6. License Restoration.
- 3 7. Discussion and possible action on Attorney General RQ-0068-KP and the Board's response, the
- 4 Physical Therapy Licensure Compact, and Telehealth.
- 5 8. Education Committee Report:
- 6 D. Discussion and possible action on the Texas Physical Therapy Association (TPTA)
- 7 Continuing Competence Approval Program (CCAP) report.
- 8 E. Discussion and possible action on proposing changes to §329.1. General Licensure
- 9 Requirements and Procedures, including the Federation of State Boards of Physical
- 10 Therapy (FSBPT) alternate path for exam eligibility approval.
- 11 F. Discussion and possible action on proposing changes to §329.2. Licensure by
- 12 Examination, including National Physical Therapy Examination (NPTE) Appeal process.
- 13 G. Discussion and possible action on proposing changes to §329.5. Licensing Procedures for
- 14 Foreign-Trained Applicants, including upcoming FSBPT changes and Duke University
- 15 online module on the US healthcare delivery system.
- 16 H. Discussion and possible action on proposing changes to §341.2. Continuing Competence
- 17 Requirements regarding the ethics/professional responsibility requirement, including
- 18 FSBPT's online Jurisprudence Assessment Module (JAM).
- 19 I. Discussion and possible action on issues related to physical therapy entry-level education
- 20 and continuing competence.
- 21 10. Discussion and possible action on the Board Chair's report concerning any item listed on the
- 22 agenda and on events that have occurred between this meeting and the Board's last meeting.
- 23 11. Discussion and possible action on long-term planning for future meetings, including future
- 24 meeting dates and agenda items.
- 25 14. Adjournment

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27 The Board may meet in closed session on any agenda item listed above as authorized by the Texas  
28 Open Meetings Act, Texas Government Code Chapter 551.  
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1 **1. Call to order**

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3 Mr. Gray called roll and determined that a quorum existed. He called the meeting to order at 9:23  
4 a.m.

5  
6 **2. Public comment**

7  
8 There was no public comment.

9  
10 **3. Approval of minutes from the November 13 - 14, 2015 in Austin.**

11  
12 *Motion: To approve the minutes as corrected.*  
13 *Made by: Melinda Rodriguez*  
14 *Second: Shari Waldie*  
15 *Motion passed unanimously.*  
16

17 **4. Discussion and possible action on Executive Director's Report concerning fiscal and**  
18 **budgetary matters, performance measures, ongoing projects, agency personnel matters,**  
19 **Sunset Review, and other agency business.**

20  
21 Mr. Maline gave the Executive Director's Report which included the following:

- 22 • Agency budget and fiscal status for FY 2016 1<sup>st</sup> Q and 2<sup>nd</sup> Q to date
- 23 • Performance Measures
- 24 • Implementation of email blast in the next several months
- 25 • Sunset Staff Review

26  
27 **5. Investigation Committee Report and consideration by the Board of the following items:**

28  
29 **A. Review and possible action on Agreed Orders for case #s:** 15128; 15173; 15179;  
30 15190; 15209; 15211; 15215; 15216; 15223; 15224; 15225; 15226; 15227; 15228; 15229;  
31 15230; 15231; 15237; 15238; 15245; 15270; 15279; 15295; 15301; 15307; 15321; 15373;  
32 15392; 15424; 15426; 15429; 15436; 15468; 15477; 15481; 15485; 15524; 16006; 16012;  
33 16014; 16015; 16022; 16024; 16025; 16037; 16052; 16058; 16062; 16063; 16064; 16065;  
34 16071; 16077; 16078; 16081; 16083; 16087; 16089; 16091; 16092; 16101; 16120; 16126;  
35 16127; 16151; 16152; 16157; 16158; 16159; 16161; and 16169.

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37 The Board reviewed and ratified the following Agreed Orders presented by Mr. Turek:

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39 15128; 15173; 15179; 15190; 15209; 15211; 15215; 15216; 15223; 15224; 15225; 15226;  
40 15227; 15229; 15230; 15231; 15237; 15238; 15245; 15270; 15301; 15373; 15392; 15424;  
41 15426; 15436; 15477; 15485; 16012; 16014; 16022; 16024; 16025; 16052; 16058; 16065;  
42 16077; 16078; 16081; 16083; 16087; 16091; 16092; 16101; 16120; 16126; 16151; 16152;  
43 16157; 16158; 16159; 16161.

44  
45 **B. Discussion and possible action on the Investigation Committee Meeting of January 7,**  
46 **2016 and January 29, 2016.**

47  
48 Mr. Turek reported that the Committee reviewed 174 cases, held 5 informal conferences, and  
49 issued 69 agreed orders.

50  
51 **C. Discussion and possible action on investigative activities to date**

52  
53 Mr. Turek reported on performance measures and on the number of investigations and school visits  
54 completed since the last meeting.  
55

1 **6. Discussion and possible action on adopting changes to: §341.3. Qualifying Continuing**  
2 **Competence Activities, and §341.6. License Restoration**

3  
4 *Motion: To adopt changes to §341.3. Qualifying Continuing Competence Activities as*  
5 *proposed.*

6 *Made by: Shari Waldie*

7 *Second: Barbara Sanders*

8 *Motion passed unanimously.*

9  
10 There were no comments or discussion on this amendment.

11  
12 *Motion: To adopt changes to §341.6. License Restoration as proposed.*

13 *Made by: Harvey Aikman*

14 *Second: Philip Vickers*

15 *Motion passed unanimously.*

16  
17 There were no comments or discussion on this amendment.

18  
19 (See Attachment A for the adopted amendments)

20  
21 **7. Discussion and possible action on Attorney General RQ-0068-KP and the Board's**  
22 **response, the Physical Therapy Licensure Compact, and Telehealth.**

23  
24 The Board discussed the submission of the response to AG RQ-0068-KP, updates on the Physical  
25 Therapy Licensure Compact legislative activity in other states, and updates on legal action involving  
26 Telehealth. No action was taken.

27  
28 **8. Education Committee Report:**

29  
30 **D. Discussion and possible action on the Texas Physical Therapy Association (TPTA)**  
31 **Continuing Competence Approval Program (CCAP).**

32  
33 Dr. Sanders reported on the TPTA CCAP activities since the November 13, 2015 Board meeting.  
34 She also reported that the Committee discussed adding the specialty examinations for the Certified  
35 Wound Specialist (CWS) offered by the American Board of Wound Management (ABWM), and the  
36 Wound Care Certification (WCC) examination offered by the National Alliance of Wound Care and  
37 Ostomy (NAWCO) as qualifying specialty examinations for continuing competence credit.

38  
39 *Motion: To add the CWS and WCC examinations to the list of specialty examinations*  
40 *that qualify for 30 CCUs.*

41 *Made by: Education Committee*

42 *Second: None required*

43 *Motion passed unanimously.*

44  
45 Dr. Sanders reported that the Committee discussed the curriculum for the Pima Medical Institute's  
46 program for PTAs that have graduated from an accredited PTA program with an Associate's  
47 Degree to transition to a PTA Bachelor's Degree.

48  
49 *Motion: To recommend including the courses related to physical therapy in the Pima*  
50 *Medical Institute's Bachelor's Degree for PTAs as pre-approved post*  
51 *professional college courses for continuing competence credit.*

52 *Made by: Education Committee*

53 *Second: None required*

54 *Motion passed unanimously.*

55  
56 **E. Discussion and possible action on proposing changes to §329.1. General Licensure**  
57 **Requirements and Procedures, including the Federation of State Boards of Physical**

1                   **Therapy (FSBPT) alternate path for exam eligibility approval.**  
2

3 Dr. Sanders reported that the Committee discussed an update from the FSBPT on the alternate  
4 path for approval scheduled to be implemented later in the year, and the role that the schools will  
5 have in verifying a candidate's eligibility for examination. The Committee took no action as  
6 additional information from the FSBPT regarding implementation will be forthcoming.  
7

8                   **F. Discussion and possible action on proposing changes to §329.2. Licensure by**  
9                   **Examination, including the National Physical Therapy Examination (NPTE) Appeal**  
10                   **Process.**  
11

12 Dr. Sanders reported that adding language to §329.2 regarding the NPTE appeal process for  
13 candidates who reach the maximum exam takes of six (6) or who score two (2) very low scores or  
14 400 or less was deferred from the November 13, 2016 meeting as the section's previous  
15 amendments would not be effective until 1/01/2016.  
16

17                   *Motion: To recommend approval of amending §329.2 (b) to add the NPTE appeal*  
18                   *process .*

19                   *Made by: Education Committee*

20                   *Second: None required*

21 *Motion passed unanimously.*  
22

23 (See attachment B for proposed amendment)  
24

25                   **G. Discussion and possible action on proposing changes to §329.5. Licensing**  
26                   **Procedures for Foreign-Trained Applicants, including upcoming FSBPT changes and**  
27                   **Duke University online module on the US healthcare delivery system.**  
28

29 Dr. Sanders reported that the Committee discussed the upcoming changes to the NPTE eligibility  
30 requirements scheduled for 2017 and an outline of the module being developed by Duke University  
31 to introduce the US healthcare delivery system that could be used as a licensure requirement for  
32 applicants from outside the US but took no action as ongoing discussion was needed.  
33

34                   **H. Discussion and possible action on proposing changes to §341.2. Continuing**  
35                   **Competence Requirements regarding the ethics/professional responsibility**  
36                   **requirement, including FSBPT's online Jurisprudence Assessment Module (JAM)**  
37                   **and a proposal from ComplianceCE.**  
38

39 Dr. Sanders reported that the Committee discussed the proposals from the FSBPT to establish an  
40 online JAM and from ComplianceCE to establish an online course to combine the current ethics and  
41 jurisprudence exam requirements.  
42

43                   *Motion: To recommend entering into a contract with the FSBPT to develop an online*  
44                   *jurisprudence and ethics module.*

45                   *Made by: Education Committee*

46                   *Second: None required*

47 *Motion passed unanimously.*  
48

49                   **I. Discussion and possible action on issues related to physical therapy entry-level**  
50                   **education and continuing competence.**  
51

52 Dr. Sanders reported that there was no discussion on this item.  
53

54 **9. Discussion and possible action on the Board Coordinator's report concerning any item**  
55 **listed on the agenda and on events that have occurred between this meeting and the**  
56 **Board's last meeting.**  
57

1 Ms. Gordon reported on the meetings that she had attended since the last Board meeting, the  
2 updates to the website, the completion and submission of the Board's response to RQ-0068-KP,  
3 the 1<sup>st</sup> Quarter FY 2016 CC Audit, the January PTA NPTE results, and the total number of PTs,  
4 PTAs, and PT facilities as of 12/31/2015.

5  
6 **10. Discussion and possible action on the Board Chair's report concerning any item listed**  
7 **on the agenda and on events that have occurred between this meeting and the Board's**  
8 **last meeting.**

9  
10 Mr. Gray reported that he attended the January 7<sup>th</sup> and January 29<sup>th</sup> Investigation Committee  
11 meetings and announced that TPTA has a new Executive Director, Mr. Don Haydon.

12  
13 **11. Discussion and possible action on long-term planning for future meetings, including**  
14 **future meeting dates and agenda items**

15  
16 The Board scheduled the remaining meetings for the year: April 28-29, August 4-5, and October 27-  
17 28 in Fort Worth during the Texas Physical Therapy Association Annual Conference.

18  
19 **12. Adjournment**

20  
21 *Motion: To adjourn the meeting.*

22 *Made by: Harvey Aikman*

23 *Second: Melinda Rodriguez*

24 *Motion passed unanimously.*

25  
26 Mr. Gray adjourned the meeting at 11:25 p.m.

27  
28  
29 **Date reviewed by the Board:** 4/29/2016

30 **Action taken by the Board:** approved as submitted