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

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

**July 21, 2017  
8:30 am**

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12 **Members Present:** Harvey Aikman, PT, Chair  
13 Barbara Sanders, PT, PhD  
14 Gary Gray, PT  
15 Jeffrey Tout, PT  
16 Liesl Olson, PT  
17 Daniel Reyna, Public Member  
18 Philip Vickers, Public Member  
19 Glenda Clausell, 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 Karissa Rodriguez, Assistant Licensing Manager

27  
28 **Guests:** Kathleen Manella, Texas Physical Therapy Association (TPTA) Liaison  
29 Denise Gobert, TPTA Vice President  
30 Stacey Mather, TPTA Staff  
31 Shari Waldie, PT  
32 Jonathan Avila, University of Houston  
33 Jacob Broaddus, University of Houston

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36 Agenda items listed under several committee reports begin with the letter D intentionally. No items have been  
37 omitted from the board agenda.

- 38  
39 1. Call to order  
40 2. Discussion and possible action on excusing board member absences.  
41 3. Public comment  
42 4. Approval of minutes from the April 21, 2017 meeting.  
43 5. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary matters,  
44 performance measures, ongoing projects, agency personnel matters, 85<sup>th</sup> Legislative Session 2017, and  
45 other agency business.  
46 6. Investigation Committee Report and consideration by the Board of the following items:  
47 A. Review and possible action on Agreed Orders for case #s: 17160, 17174, 17176, 17193, 17206,  
48 17223, 17260, 17314, 17317, 17352 and 17354.  
49 B. Discussion and possible action on the Investigation Committee Meeting of June 29, 2017.  
50 C. Discussion and possible action on investigative activities to date.  
51 7. Rules & Practice Report:  
52 D. Discussion and possible action on proposing changes to §325.7. Board Member Terms. pursuant to  
53 SB 317 amendments to Sec. 453.056 (a), Occupations Code during the 85<sup>th</sup> Legislative Session.  
54 E. Discussion and possible action on proposing changes to §325.1. Elections. pursuant to SB 317  
55 amendments to Sec. 453.058, Occupations Code during the 85<sup>th</sup> Legislative Session.  
56 F. Discussion and possible action on proposing changes to §329.1. General Licensure Requirements  
57 and Procedures. pursuant to SB 317 amendments to Sec. 453.215, Occupations Code during the 85<sup>th</sup>  
58 Legislative Session.  
59 G. Discussion and possible action on proposing changes to §341.1 Requirements for Renewal. and

- 1 §343.6. Other Grounds for Denial of a License or Discipline of a Licensee. pursuant to SB 317  
2 amendments to Sec. 453.255, Occupations Code during the 85<sup>th</sup> Legislative Session.
- 3 H. Discussion and possible action on proposing changes to §344.1. Administrative Fines and Penalties.  
4 pursuant to SB 317 amendments to Sec. 453.3525 and Sec.453.402(b), Occupations Code during  
5 the 85<sup>th</sup> Legislative Session.
- 6 I. Discussion and possible action on proposing the addition of §344.2. Record of Disciplinary Action;  
7 Expungement. pursuant to SB 317 amendments to Sec. 453.357, Occupations Code during the 85<sup>th</sup>  
8 Legislative Session.
- 9 J. Discussion and possible action on adding new CHAPTER 348. PHYSICAL THERAPY LICENSURE  
10 COMPACT. pursuant to SB 317 addition of Subchapter K to Chapter 453, Occupations Code during  
11 the 85<sup>th</sup> Legislative Session.
- 12 K. Discussion and possible action on proposing changes to §322.1. Provision of Services, regarding  
13 adding (f) Telehealth.
- 14 L. Discussion and possible action on two letters from licensees regarding the ethics/legalities of  
15 requiring a clinic and its employees to utilize only one specific treatment methodology and tools for  
16 soft tissue mobilization.
- 17 8. Education Committee Report:
- 18 D. Discussion and possible action on the Texas Physical Therapy Association (TPTA) Continuing  
19 Competence Approval Program (CCAP) report.
- 20 E. Discussion and possible action on proposing changes to §329.2. Licensure by Examination pursuant  
21 to SB 317 amendments to Sec. 453.205. LICENSE EXAMINATION, Occupations Code and Sec.  
22 453.207 REEXAMINATION, Occupations Code during the 85<sup>th</sup> Legislative Session.
- 23 F. Discussion and possible action on proposing changes to §341.2. Continuing Competence  
24 Requirements pursuant to SB 317 amendment to Sec. 453.254 CONTINUING COMPETENCE,  
25 Occupations Code during the 85<sup>th</sup> Legislative Session.
- 26 G. Discussion and possible action on proposing changes to §329.7. Exemptions from Licensure  
27 regarding a licensee from another jurisdiction teaching in an accredited PT or PTA program in  
28 Texas.
- 29 H. Discussion and possible action on a request for review of educational credentials from a Canadian  
30 educated physiotherapist.
- 31 I. Discussion and possible action on a request for an appeal to re-take the National Physical  
32 Therapy Examination (NPTE).
- 33 J. Discussion and possible action on proposing changes to §329.5.(2) Proof of English language  
34 Proficiency regarding a request to reevaluate the methodology Speaking portion of the Test of  
35 English as a Foreign Language (TOEFL).
- 36 K. Discussion and possible action on issues related to physical therapy entry-level education and  
37 continuing competence.
- 38 9. Discussion and possible action on the Board Coordinator's report concerning any item listed on the agenda  
39 and on events that have occurred between this meeting and the Board's last meeting.
- 40 10. Discussion and possible action on the Board Chair's report concerning any item listed on the agenda and  
41 on events that have occurred between this meeting and the Board's last meeting.
- 42 11. Discussion and possible action on long-term planning for future meetings, including future meeting dates  
43 and agenda items.
- 44 12. Adjournment

45  
46 The Board may meet in closed session on any agenda item listed above as authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551.  
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## 48 49 50 **1. Call to order**

51  
52 Mr. Aikman called roll and determined that a quorum existed. He called the meeting to order at 8:30  
53 a.m.

## 54 55 **2. Discussion and possible action on excusing board member absences.**

56  
57 There were no members absent.

## 58 59 **3. Public comment**

60  
61 There was no public comment.

1  
2 **4. Approval of minutes from the April 21, 2017.**  
3

4 Motion: To approve the minutes as submitted.  
5 Made by: Gary Gray  
6 Second: Glenda Clausell  
7 Motion passed unanimously.  
8

9 **5. Discussion and possible action on Executive Director's Report concerning fiscal and**  
10 **budgetary matters, performance measures, ongoing projects, agency personnel matters,**  
11 **85<sup>th</sup> Legislative Session 2017, and other agency business.**  
12

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

- 14 • Agency budget and fiscal status for FY 2017 to date;
  - 15 • Performance Measures;
  - 16 • 85<sup>th</sup> Legislative Session bill tracking with final disposition; and
  - 17 • Personnel changes
- 18

19 **6. Investigation Committee Report and consideration by the Board of the following items:**  
20

21 **A. Review and possible action on Agreed Orders for case #s: 17160, 17174, 17176, 17193,**  
22 **17206, 17223, 17260, 17314, 17317, 17352 and 17354.**  
23

24 The Board reviewed and ratified the following Agreed Orders presented by Mr. Turek: 17160,  
25 17176, 17193, 17206, 17223, 17260, 17314, 17352 and 17354.  
26

27 **B. Discussion and possible action on the Investigation Committee Meeting of June 29,**  
28 **2017.**  
29

30 Mr. Turek reported that the Committee reviewed 170 cases and issued 11 agreed orders. There  
31 were no informal conferences.  
32

33 **C. Discussion and possible action on investigative activities to date.**  
34

35 Mr. Turek reported on performance measures, on-site investigation visits, and school presentations  
36 since the last meeting.  
37

38 Mr. Aikman recessed the meeting at 9:23 a.m. and reconvened at 9:28 a.m.  
39

40 Mr. Aikman presented an appreciation plaque to Shari Waldie for her service on the Board and an  
41 appreciation star for her service on the Executive Council.  
42

43 **7. Rules & Practice Report:**  
44

45 **D. Discussion and possible action on proposing changes to §325.7. Board Member**  
46 **Terms. pursuant to SB 317 amendments to Sec. 453.056 (a), Occupations Code**  
47 **during the 85<sup>th</sup> Legislative Session.**  
48

49 Mr. Gray reported that the Committee reviewed the rule changes necessitated as a result of the  
50 statute amendment that will be effective September 1, 2017 and stated that the Committee will  
51 bring forward a proposed rule change at the October 2017 meeting.  
52

53 **E. Discussion and possible action on proposing changes to §325.1. Elections. pursuant**  
54 **to SB 317 amendments to Sec. 453.058, Occupations Code during the 85<sup>th</sup> Legislative**  
55 **Session.**  
56

1 Mr. Gray reported that the Committee reviewed the rule changes necessitated as a result of the  
2 statute amendment that will be effective September 1, 2017 and stated that the Committee will  
3 bring forward a proposed rule change at the October 2017 meeting.

4  
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6 **F. Discussion and possible action on proposing changes to §329.1. General Licensure**  
7 **Requirements and Procedures. pursuant to SB 317 amendments to Sec. 453.215,**  
8 **Occupations Code during the 85<sup>th</sup> Legislative Session.**

9  
10 Mr. Gray reported that the Investigation Department is working on the procedure for implementing  
11 fingerprinting as a requirement for initial licensure and renewal which involves securing an  
12 Originating Agency Identification (ORI) Number from the Federal Bureau of Investigation and filing  
13 paperwork with the Texas Department of Public Safety. He stated that proposed rules will be  
14 forthcoming at a later meeting.

15  
16 **G. Discussion and possible action on proposing changes to §341.1 Requirements for**  
17 **Renewal. and §343.6. Other Grounds for Denial of a License or Discipline of a**  
18 **Licensee. pursuant to SB 317 amendments to Sec. 453.255, Occupations Code**  
19 **during the 85<sup>th</sup> Legislative Session.**

20  
21 Agenda Item G was reported on in conjunction with Item F.

22  
23 **H. Discussion and possible action on proposing changes to §344.1. Administrative**  
24 **Fines and Penalties. pursuant to SB 317 amendments to Sec. 453.3525 and**  
25 **Sec.453.402(b), Occupations Code during the 85<sup>th</sup> Legislative Session.**

26  
27 Mr. Gray reported that the Investigations Department is working on a schedule of disciplinary action  
28 for both the PT and OT Boards and proposed rules will be forthcoming at a later meeting.

29  
30 **I. Discussion and possible action on proposing the addition of §344.2. Record of**  
31 **Disciplinary Action; Expungement. pursuant to SB 317 amendments to Sec. 453.357,**  
32 **Occupations Code during the 85<sup>th</sup> Legislative Session.**

33  
34 Mr. Gray reported that Kara Holsinger, Assistant Attorney General is investigating the timeline for  
35 implementing expungement of practicing in an unregistered facility disciplinary actions.

36  
37 **J. Discussion and possible action on adding new CHAPTER 348. PHYSICAL THERAPY**  
38 **LICENSURE COMPACT. pursuant to SB 317 addition of Subchapter K to Chapter 453,**  
39 **Occupations Code during the 85<sup>th</sup> Legislative Session.**

40  
41 Mr. Gray reported that Mr. Aikman had attended the inaugural meeting of the Compact which was  
42 held June 14, 2017, that he was elected as a Member-At-Large on the Executive Board and will be  
43 serving on the Rules Task Force, and that the anticipated rollout of the compact privileges for  
44 licensees is sometime during the first half of 2018.

45  
46 **K. Discussion and possible action on proposing changes to §322.1. Provision of**  
47 **Services, regarding adding (f) Telehealth.**

48  
49 Mr. Gray reported that the Committee reviewed SB 1107 that amended Occupations Code Title 3.  
50 Subtitle A. Chapter 111. Telemedicine and Telehealth and had agreed to discuss with possible  
51 proposed rules at the January 2018 meeting.

52  
53 **L. Discussion and possible action on two letters from licensees regarding the**  
54 **ethics/legalities of requiring a clinic and its employees to utilize only one specific**  
55 **treatment methodology and tools for soft tissue mobilization.**

1 Mr. Gray reported that the Committee had taken no action on the two letters from licensees  
2 regarding the ethics/legalities of requiring a clinic and its employees to utilize only one specific  
3 treatment methodology and tools for soft tissue mobilization as the licensees and their facilities  
4 were involved in a lawsuit.

5  
6 **8. Education Committee Report:**

7 **D. Discussion and possible action on the Texas Physical Therapy Association (TPTA)**  
8 **Continuing Competence Approval Program (CCAP) report.**  
9

10 Dr. Sanders reported that the processing time for CCAP applications is now averaging 4 weeks  
11 according to TPTA staff, that an analysis of CCAP applications submitted since 2013 is being  
12 conducted to determine if process changes are needed in order to eliminate processing errors, and  
13 that a report will be submitted for the next PT Board meeting in October 2017. She also reported  
14 that the CCAP PRS/APS Course Policy addition regarding not allowing partial credit for course  
15 participation had been written per the previous request of the Committee.

16  
17 **E. Discussion and possible action on proposing changes to §329.2. Licensure by**  
18 **Examination pursuant to SB 317 amendments to Sec. 453.205. LICENSE**  
19 **EXAMINATION, Occupations Code and Sec. 453.207 REEXAMINATION, Occupations**  
20 **Code during the 85<sup>th</sup> Legislative Session.**  
21

22 Dr. Sanders reported that the Committee reviewed the rule changes necessitated as a result of the  
23 statute amendment that will be effective September 1, 2017 and stated that the Committee will  
24 bring forward a proposed rule change at the October 2017 meeting.

25  
26 **F. Discussion and possible action on proposing changes to §341.2. Continuing**  
27 **Competence Requirements pursuant to SB 317 amendment to Sec. 453.254**  
28 **CONTINUING COMPETENCE, Occupations Code during the 85<sup>th</sup> Legislative Session.**  
29

30 Dr. Sanders reported that the Committee reviewed the rule changes necessitated as a result of the  
31 statute amendment that will be effective September 1, 2017 and stated that the Committee will  
32 bring forward a proposed rule change at the October 2017 meeting.

33  
34 **G. Discussion and possible action on proposing changes to §329.7. Exemptions from**  
35 **Licensure regarding a licensee from another jurisdiction teaching in an accredited**  
36 **PT or PTA program in Texas.**  
37

38 Dr. Sanders reported that the Committee had discussed a developing distance learning PT program  
39 at Baylor University that would utilize PTs that are licensed in other jurisdictions to teach online  
40 courses and periodically be onsite in Waco, TX for hands-on laboratory sessions, and that the  
41 Committee determined that the PTs would be exempt from TX licensure if they were instructing  
42 onsite for not more than 60 days in a 12 month period and submitted the required notification to the  
43 PT Board.

44  
45 **H. Discussion and possible action on a request for review of educational credentials**  
46 **from a Canadian educated physiotherapist.**  
47

48 Dr. Sanders reported that the Committee discussed the credentials evaluation and support  
49 documentation provided by a Canadian educated physiotherapist to determine if the Medical  
50 Science - Geriatric content deficiency had been met.

51  
52 Motion: To recommend that the support documentation submitted by the Canadian  
53 educated physiotherapist be accepted to meet the Medical Science –  
54 Geriatric content deficiency noted on the credentials evaluation.

55 Made by: Committee

56 Second: None needed.

57 *Motion passed unanimously.*

1           **I. Discussion and possible action on a request for an appeal to re-take the National**  
2           **Physical Therapy Examination (NPTE).**

3  
4 Dr. Sanders reported that the Committee discussed the request for an appeal to re-take the NPTE.

5  
6           Motion:        To recommend that the request for an appeal to re-take the NPTE be  
7                            granted.

8           Made by:        Committee

9           Second:        None needed

10 *Motion passed unanimously.*

11  
12  
13           **J. Discussion and possible action on proposing changes to §329.5.(2) Proof of English**  
14           **language Proficiency regarding a request to reevaluate the methodology Speaking**  
15           **portion of the Test of English as a Foreign Language (TOEFL).**

16  
17 Dr. Sanders reported that the Committee discussed a request to reevaluate the methodology of  
18 determining the Speaking portion of the TOEFL that was submitted by a foreign-educated physical  
19 therapist and determined that since the methodology used was developed by Educational Testing  
20 Service (ETS) with the collaboration of experts in psychometrics and statistics, the PT Board did not  
21 have the authority to change the methodology.

22  
23           **K. Discussion and possible action on issues related to physical therapy entry-level**  
24           **education and continuing competence.**

25  
26 Dr. Sanders reported that there was no discussion on this item.

27  
28 **9. Discussion and possible action on the Board Coordinator's report concerning any item**  
29 **listed on the agenda and on events that have occurred between this meeting and the**  
30 **Board's last meeting.**

31  
32 Ms. Gordon reported on the following:

- 33       • Meetings that she had attended since the last Board meeting;
- 34       • Rollout of the *TX JAM* on June 1<sup>st</sup> with updates to the website;
- 35       • Rollout of the *Alternate Approval Pathway* on June 26<sup>th</sup> with updates to the website;
- 36       • Submission of *Excellence in Regulation Award* nomination to FSBPT
- 37       • 3<sup>rd</sup> Quarter FY 2017 CC Audit results;
- 38       • Total number of PTs, PTAs, and PT facilities as of 07/13/2017; and
- 39       • NPTE Pass/Fail statistics for 2017.

40  
41 **12. Discussion and possible action on the Board Chair's report concerning any item listed**  
42 **on the agenda and on events that have occurred between this meeting and the Board's**  
43 **last meeting.**

44  
45 Mr. Aikman reported Philip Vickers would not be able to attend the FSBPT Annual Meeting in  
46 November and that a new alternate delegate needed to be elected.

47  
48           Motion:        To elect Harvey Aikman as alternate delegate to the FSBPT Annual  
49                            Meeting.

50           Made by:        Liesl Olson

51           Second:        Glenda Clausell

52 *Motion passed unanimously.*

53  
54 **13. Discussion and possible action on long-term planning for future meetings, including**  
55 **future meeting dates and agenda items**

1 The Board scheduled meetings as follows: October 12 – 13, 2017; January 25 – 26, 2018; and April  
2 12 – 13, 2018.

3

4 **14. Adjournment**

5

6 Motion: To adjourn the meeting.

7 Made by: Jeff Tout

8 Second: Philip Vickers

9 Motion passed unanimously.

10

11 Mr. Aikman adjourned the meeting at 10:12 a.m.

12

13

14 **Date reviewed by the Board:** 10/13/2017

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