

1
2
3
4
5
6
7
8
9
10

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

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

**January 26, 2018
8:30 am**

11
12 **Members Present:** Harvey Aikman, PT, Chair
13 Barbara Sanders, PT, PhD
14 Gary Gray, PT
15 Liesl Olson, PT
16 Philip Vickers, Public Member
17 Glenda Clausell, Public Member
18

19 **Members Absent:** Jeffrey Tout, PT
20 Daniel Reyna, Public Member
21

22 **Legal Counsel:** Kara Holsinger, Assistant Attorney General
23

24 **Staff:** John Maline, Executive Director
25 Karen Gordon, PT Coordinator
26 Mark Turek, Chief Investigator
27 Michael Briscoe, Licensing Manager
28 Ralph Harper, Accounting Manager
29 Sandy Lewis, Accounting
30

31 **Guests:** Craig Tounquet, Texas Physical Therapy Association (TPTA) ED
32 Stacey Mather, TPTA Staff
33 Kathleen Manella, TPTA Liaison
34 Delaney Domino, OAG Intern
35 Henry Ebem, Mitroo
36
37

38
39 Agenda items listed under several committee reports begin with the letter D intentionally. No items have been
40 omitted from the board agenda.
41

- 42 1. Call to order
43 2. Discussion and possible action on excusing board member absences.
44 3. Public comment
45 4. Approval of minutes from the October 13, 2017 meeting.
46 5. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary matters,
47 performance measures, ongoing projects, agency personnel matters, and other agency business.
48 6. Investigation Committee Report and consideration by the Board of the following items:
49 A. Review and possible action on Agreed Orders for case #: 17303; 17432; 17444; 18021; 18030;
50 18035; 18040; 18050; 18074; 18117.
51 B. Discussion and possible action on the Investigation Committee Meeting of January 4, 2018.
52 C. Discussion and possible action on investigative activities to date.
53 7. Discussion and possible action on adopting changes to Chapter 323. POWERS AND DUTIES OF THE
54 BOARD, §325.7. Board Member Terms, §325.1. Elections, §343.35. Complaint Investigation and
55 Disposition, §322.4. Practicing in a Manner Detrimental to the Public Health and Welfare, §329.2.
56 Licensure by Examination, and §341.2. Continuing Competence Requirements.
57 8. Rules & Practice Report:
58 D. Discussion and possible action on proposing changes to §329.1. General Licensure Requirements

- 1 And Procedures. pursuant to SB 317 amendments to Sec. 453.215, Occupations Code during the
2 85th Legislative Session.
- 3 E. Discussion and possible action on proposing changes to §341.1 Requirements for Renewal., §341.6.
4 License Restoration., §341.8. Inactive Status., and §341.9. Retired Status; Performing Voluntary
5 Charity Care. pursuant to SB 317 amendments to Sec. 453.255, Occupations Code during the 85th
6 Legislative Session.
- 7 F. Discussion and possible action on proposing changes to §344.1. Administrative Fines and Penalties.
8 pursuant to SB 317 amendments to Sec. 453.3525 and Sec.453.402(b), Occupations Code during
9 the 85th Legislative Session.
- 10 G. Discussion and possible action on proposing changes to §343.6. Other Grounds for Denial of a
11 License or Discipline of a Licensee. pursuant to SB 317 amendments to Sec.453.215 and Sec.
12 453.255, Occupations Code during the 85th Legislative Session.
- 13 H. Discussion and possible action on proposing the addition of §344.2. Record of Disciplinary Action;
14 Expungement. pursuant to SB 317 amendments to Sec. 453.357, Occupations Code during the 85th
15 Legislative Session.
- 16 I. Discussion and possible action on adding new CHAPTER 348. PHYSICAL THERAPY LICENSURE
17 COMPACT. pursuant to SB 317 addition of Subchapter K to Chapter 453, Occupations Code during
18 the 85th Legislative Session.
- 19 J. Discussion and possible action on proposing changes to §322.1. Provision of Services, regarding
20 adding (f) Telehealth.
- 21 9. Education Committee Report:
- 22 D. Discussion and possible action on the Texas Physical Therapy Association (TPTA) Continuing
23 Competence Approval Program (CCAP) report.
- 24 E. Discussion and possible action on developing a Request for Proposal (RFP) for outsourcing
25 continuing competence activities approval.
- 26 F. Discussion and possible action on proposing changes to §329.5. Licensing Procedures for Foreign-
27 Trained Applicants.
- 28 G. Discussion and possible action on the TX Jurisprudence Assessment Module.
- 29 H. Discussion and possible action on the FSBPT National Physical Therapy Examination (NPTE)
30 appeal process.
- 31 I. Discussion and possible action on issues related to physical therapy entry-level education and
32 continuing competence.
- 33 10. Discussion and possible action regarding the Federation of State Boards of Physical Therapy (FSBPT)
34 including results of motions and election of officers at the Annual Meeting in Santa Ana Pueblo, New
35 Mexico, November 2-4, 2017, and the FSBPT budget.
- 36 11. Discussion and possible action on the Board Coordinator's report concerning any item listed on the
37 agenda and on events that have occurred between this meeting and the Board's last meeting.
- 38 12. Discussion and possible action on the Board Chair's report concerning any item listed on the agenda and
39 on events that have occurred between this meeting and the Board's last meeting.
- 40 13. Discussion and possible action on long-term planning for future meetings, including future meeting dates
41 and agenda items.
- 42 14. Adjournment
-

46 1. Call to order

47
48 Mr. Aikman called roll and determined that a quorum existed. He called the meeting to order at 8:31
49 a.m.

51 2. Discussion and possible action on excusing board member absences.

52
53 Motion: To excuse the absences of members Jeff Tout and Daniel Reyna.
54 Made by: Glenda Clausell
55 Second: Barbara Sanders
56 Motion passed unanimously.

58 3. Public comment

59
60 Henry Ebem of Mitroo gave a short presentation on software that his company had developed that
61 could be used in administering a continuing competence approval program.

1
2 **4. Approval of minutes from the October 13, 2017.**
3

4 Motion: To approve the minutes as submitted.
5 Made by: Liesl Olson
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 **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
17 Ralph Harper and Sandy Lewis from Accounting explained the new travel policy to the Board.
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:** 17303; 17432; 17444; 18021;
22 18030; 18035; 18040; 18050; 18074; and 18117.
23

24 The Board reviewed and ratified the following Agreed Orders presented by Mr. Turek:
25 17432; 17444; 18030; 18035; 18040; 18050; 18074; and 18117.
26
27

28 **B. Discussion and possible action on the Investigation Committee Meeting of January**
29 **04, 2018.**
30

31 Mr. Turek reported that the Committee reviewed 92 cases and issued 10 agreed orders. There
32 were 3 informal conferences scheduled and 1 held.
33

34 **C. Discussion and possible action on investigative activities to date.**
35

36 Mr. Turek reported on performance measures, on-site investigation visits, and school presentations
37 since the last meeting. He also reported that the Investigation Department continues to work on the
38 implementation of criminal background checks, expungement of facility violations, and the
39 disciplinary matrix.
40

41 Mr. Aikman recessed the Board at 9:28 a.m.

42 Mr. Aikman called the Board back into session at 9:40 a.m.
43

44 **7. Discussion and possible action on adopting changes to Chapter 323. POWERS AND DUTIES OF**
45 **THE BOARD, §325.7. Board Member Terms, §325.1. Elections, §343.35. Complaint Investigation**
46 **and Disposition, §322.4. Practicing in a Manner Detrimental to the Public Health and Welfare,**
47 **§329.2. Licensure by Examination, and §341.2. Continuing Competence Requirements.**
48

49 Motion: To adopt the changes as listed above with a non-substantive change to
50 §325.1. Elections.
51 Made by: Philip Vickers
52 Second: Glenda Clausell
53 Motion passed unanimously.
54

55 See Attachment A.
56
57

1 **8. Rules & Practice Report:**

2
3 **D. Discussion and possible action on proposing changes to §329.1. General Licensure**
4 **Requirements and Procedures. pursuant to SB 317 amendments to Sec. 453.215,**
5 **Occupations Code during the 85th Legislative Session.**
6

7 Mr. Gray reported that the Investigation staff is undergoing training, that there will need to be added
8 security measures in place, that the estimated cost will be \$37.00, and that there will be a 6 months
9 advance notice for applicants and licensees renewing their license as pertains to criminal
10 background checks. He stated that proposed rules will be forthcoming at a later meeting.

11
12 **E. Discussion and possible action on proposing changes to §341.1 Requirements for**
13 **Renewal., §341.6. License Restoration., §341.8. Inactive Status, and §341.9. Retired**
14 **Status; Performing Voluntary Charity Care. pursuant to SB 317 amendments to Sec.**
15 **453.255, Occupations Code during the 85th Legislative Session.**
16

17 Agenda Item E was reported on in conjunction with Item D.

18
19 **F. Discussion and possible action on proposing changes to §344.1. Administrative**
20 **Fines and Penalties. pursuant to SB 317 amendments to Sec. 453.3525 and**
21 **Sec.453.402(b), Occupations Code during the 85th Legislative Session.**
22

23 Mr. Gray reported that the Investigations Department continues to work on a schedule of
24 disciplinary action for both the PT and OT Boards and proposed rules will be forthcoming at a later
25 meeting.

26
27 **G. Discussion and possible action on proposing changes to §343.6. Other Grounds for**
28 **Denial of a License or Discipline of a Licensee. pursuant to SB 317 amendment to**
29 **Sec. 453.215 and Sec. 453.255, Occupations Code during the 85th Legislative**
30 **Session.**
31

32 Agenda Item G was reported on in conjunction with Item D.

33
34 **H. Discussion and possible action on proposing the addition of §344.2. Record of**
35 **Disciplinary Action; Expungement. pursuant to SB 317 amendments to Sec. 453.357,**
36 **Occupations Code during the 85th Legislative Session.**
37

38 Mr. Gray reported that the Investigations staff had completed expungement of a test case and that
39 the process for the disciplinary action to be removed from the database, website, and HIPD took
40 approximately 6 weeks. The staff will be working on expunging the remainder of the applicable
41 cases in the coming months.

42
43 **I. Discussion and possible action on adding new CHAPTER 348. PHYSICAL THERAPY**
44 **LICENSURE COMPACT. pursuant to SB 317 addition of Subchapter K to Chapter 453,**
45 **Occupations Code during the 85th Legislative Session.**
46

47 Mr. Gray reported that there are six (6) Compact member states whose licensees will be eligible to
48 apply for practice privileges to other member states beginning April 1, 2018, including Texas. He
49 also reported that there are several states that are having difficulty obtaining their Originating
50 Agency Identification (ORI) Number from the Federal Bureau of Investigation (FBI) which will delay
51 their licensees from being eligible to apply for practice privileges.

52
53 **J. Discussion and possible action on proposing changes to §322.1. Provision of**
54 **Services, regarding adding (f) Telehealth.**
55

56 Mr. Gray reported that the Committee reviewed SB 1107 and the Texas Medical Board's recently
57 amended rules on telehealth, and discussed the different provisions that should be included in rule

1 pertaining to physical therapy intervention via telehealth. He also reported that the PT Coordinator
2 had been directed to solicit stakeholder input regarding whether or not a physical therapist assistant
3 should be allowed to participate in telehealth and to prepare draft rules for telehealth for
4 presentation at the next meeting.

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

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

10
11 Dr. Sanders reported that the processing time for CCAP applications has been approximately 6 -12
12 weeks and that TPTA had been instructed to take action to get the processing time down to 4
13 weeks.

14
15 She also reported that there were several action items contained within the CCAP report that the
16 Committee reviewed and discussed.

17
18 Motion: To recommend denial of fellowship CCUs counting towards the 135 CCU
19 requirement to become an accredited provider.

20 Made by: Committee

21 Second: None required

22 *Motion passed unanimously.*

23
24 Motion: To recommend adopting the Alternative Course Documentation Policy as
25 revised.

26 Made by: Committee

27 Second: None required

28 *Motion passed unanimously.*

29
30 **E. Discussion and possible action on developing a Request for Proposal (RFP) for
31 outsourcing continuing competence activities approval**

32
33 Dr. Sanders reported that the Committee had reviewed a table of the Construct of Current CC
34 Approval Program and had charged the PT Coordinator with expanding the table to include more
35 detail that can be incorporated into the RFP for review at the next meeting.

36
37 **F. Discussion and possible action on proposing changes to §329.5. Licensing
38 Procedures for Foreign-Trained Applicants. regarding upcoming Federation of State
39 Boards of Physical Therapy changes.**

40
41 Dr. Sanders reported on the FSBPT upcoming changes for the eligibility requirements of foreign-
42 trained applicants for both 2018 and 2020. She reported that there was no rule amendment
43 required at this time, but will be in the future.

44
45 **G. Discussion and possible action on changes to the TX Jurisprudence Assessment
46 Module.**

47
48 Dr. Sanders reported that several staffers from FSBPT will be analyzing the data from the initial 6
49 months of the TX JAM, and will have a report prior to the April Board meeting. She also reported
50 that the TX JAM blueprint was reviewed and that the Committee agreed that reallocation of the
51 percent of items from several categories was needed.

52
53 **H. Discussion and possible action on the FSBPT National Physical Therapy
54 Examination (NPTE) appeal process.**

1 Dr. Sanders reported that there were no further details about the process that the FSBPT utilized
2 when reviewing requests for appeal from jurisdictions, and that there were no requests for appeal
3 reviewed by the Committee.
4

5
6 **I. Discussion and possible action on issues related to physical therapy entry-level**
7 **education and continuing competence.**
8

9 Dr. Sanders reported that the new Baylor physical therapy program with blended learning format of
10 distance education and on-campus lab immersion sessions had begun, and that out-of-state
11 instructors that will be in Texas during the lab sessions are being reported to the Board as required.
12

13 The Committee reviewed a request for medical waiver of CCUs submitted by a PT licensee.
14

15 Motion: To recommend granting the medical waiver of CCUs.
16 Made by: Committee
17 Second: None required

18 *Motion passed unanimously.*
19

20 **10. Discussion and possible action regarding the Federation of State Boards of Physical**
21 **Therapy (FSBPT) including results of motions and election of officers at the Annual Meeting**
22 **in Santa Ana Pueblo, New Mexico, November 2-4, 2017, and the FSBPT budget.**
23

24 Ms. Olson reported on the Board's representation at the FSBPT Annual Meeting, the motion and
25 election results, the acceptance of the Excellence in Regulation Award, and the FSBPT 2018
26 Organizational Budget.
27

28 **11. 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 • 1st Quarter FY 2018 CC Audit results;
- 35 • Total number of PTs, PTAs, and PT facilities as of 01/19/2018;
- 36 • NPTE Pass/Fail statistics for 2017/2018;
- 37 • Pass Rates by School for Texas;
- 38 • Alternate Approval Pathway update; and
- 39 • TX JAM statistics.
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 that the Board will need to elect a delegate and alternate delegate to the
46 FSBPT 2019 Annual Meeting at the next meeting, and that the Compact will be ready to go live on
47 April 1, 2018. He announced that Tom Caldwell is the new liaison to Texas from FSBPT, and that he
48 recently moved from Ohio to Texas.
49

50 **13. Discussion and possible action on long-term planning for future meetings, including**
51 **future meeting dates and agenda items**
52

53 The Board scheduled meetings as follows: April 12 – 13, 2018, July 26 – 27, 2018, and
54 January 17 – 18, 2019, and will address items as identified by committee.
55

56 **14. Adjournment**

1
2 Motion: To adjourn the meeting.
3 Made by: Gary Gray
4 Second: Liesl Olson
5 Motion passed unanimously.

6
7 Mr. Aikman adjourned the meeting at 10:31 a.m.
8

9
10 **Date reviewed by the Board:** 4/13/2018
11 **Action taken by the Board:** approved as submitted