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

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

**January 18, 2019
9:00 am**

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

18 **Members Absent:** Jeff Tout, PT,
19 Daniel Reyna, Public Member
20 Glenda Clausell, 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 Ralph Harper, Senior Accountant
28 Sandy Lewis, Accountant IV
29 Michael Briscoe, Licensing Manager
30

31 **Guests:** Craig Tounguet, Texas Physical Therapy Association (TPTA) ED
32 Lindsey Green, TPTA Staff
33 Tony Domenech, DPT Program Director – University of St. Augustine - Austin
34

35
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 October 19, 2018 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, 86th Legislative Session bill
45 tracking, and 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 18356, 18364, 18418, 19010, 19023,
48 19026, 19032, 19035, 19043, 19047, 19064, 19090, 19098, 19099 and 19108.
49 B. Discussion and possible action on the Investigation Committee Meeting of January 04, 2019.
50 C. Discussion and possible action on investigative activities to date.
51 7. Executive Session pursuant to §551.074 of the Government Code regarding the appointment,
52 employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director of the
53 Executive Council of Physical Therapy and Occupational Therapy Examiners.
54 8. Education Committee Report:
55 D. Discussion and possible action on the Texas Physical Therapy Association (TPTA) Continuing
56 Competence Approval Program (CCAP) report.
57 E. Discussion and possible action on the proposed Memorandum of Understanding between the Texas
58 Board of Physical Therapy Examiners and TPTA.
59

- 1 F. Discussion and possible action on a request for appeal to re-take the National Physical Therapy
2 Examination (NPTE).
3 G. Discussion and possible action on a request(s) for review of educational equivalency from a foreign
4 educated applicant(s).
5 H. Discussion and possible action on a request(s) for a continuing competence requirement waiver.
6 I. Discussion and possible action on issues related to physical therapy entry-level education and
7 continuing competence.
8 9. Discussion and possible action regarding the Federation of State Boards of Physical Therapy Annual
9 Meeting in Reston, Virginia, October 25-27, 2018.
10 10. Discussion and possible action regarding the Physical Therapy Licensure Compact.
11 11. Discussion and possible action on the physical therapist's responsibility for evaluation and reevaluation of
12 a patient/client.
13 12. Discussion and possible action on the Board Coordinator's report concerning any item listed on the
14 agenda and on events that have occurred between this meeting and the Board's last meeting.
15 13. Discussion and possible action on the Board Chair's report concerning any item listed on the agenda and
16 on events that have occurred between this meeting and the Board's last meeting.
17 14. Discussion and possible action on long-term planning for future meetings, including future meeting dates
18 and agenda items.
19 15. Adjournment
20
-

21 22 23 **1. Call to order**

24
25 Dr. Aikman called roll and determined that a quorum existed. He called the meeting to order at 9:18
26 a.m.

27 28 **2. Discussion and possible action on excusing board member absences.**

29
30 Motion: To excuse the absence of members Jeff Tout and Daniel Reyna.
31 Made by: Gary Gray
32 Second: Liesl Olson
33 Motion passed unanimously.
34

35 **3. Public comment**

36
37 There was no public comment.
38

39 **4. Approval of minutes from the October 19, 2018 meeting.**

40
41 Motion: To approve the minutes as corrected.
42 Made by: Philip Vickers
43 Second: Liesl Olson
44 Motion passed unanimously.
45

46 **5. Discussion and possible action on Executive Director's Report concerning fiscal and** 47 **budgetary matters, performance measures, ongoing projects, agency personnel matters,** 48 **86th Legislative Session bill tracking, and other agency business.** 49

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

- 51 • Agency budget and fiscal status for the first four (4) months of FY 2018;
- 52 • Bills being tracking during the current legislative session;
- 53 • Performance Measures;
- 54 • Employee status;
- 55 • Appointment status; and
- 56 • IT activities and projects.
57

1 Mr. Harper presented information on Board member travel and reimbursement, and the upcoming
2 implementation of Hotel Engine as the required hotel booking platform.

3
4 **6. Investigation Committee Report and consideration by the Board of the following items:**

5
6 **A. Review and possible action on Agreed Orders for case #s:** 18356, 18364, 18418, 19010,
7 19023, 19026, 19032, 19035, 19043, 19047, 19064, 19090, 19098, 19099 and 19108.

8
9 The Board reviewed and ratified the following Agreed Orders presented by Mr. Turek:
10 #s18356, 18364, 18418, 19010, 19023, 19026, 19032, 19035, 19043, 19047, 19064, 19090,
11 19098, and 19108.

12
13 **B. Discussion and possible action on the Investigation Committee Meeting of January**
14 **04, 2019.**

15
16 Mr. Turek reported that the Committee reviewed 108 cases and issued 15 Agreed Orders. There
17 were 3 informal conferences.

18
19 **C. Discussion and possible action on investigative activities to date.**

20
21 Mr. Turek reported on performance measures, on-site investigation visits, and school presentations
22 since the last meeting. He also provided an update of the fingerprinting process.

23
24 **7. Executive Session pursuant to §551.074 of the Government Code regarding the**
25 **appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of**
26 **the Executive Director of the Executive Council of Physical Therapy and Occupational**
27 **Therapy Examiners.**

28
29 Dr. Aikman called the Board into Executive Session at 10:22 a.m.

30 Dr. Aikman called the Board back into open session at 10:32 a.m. and reported that no action had
31 been taken during the Executive Session.

32
33 **8. Education Committee Report:**

34
35 **D. Discussion and possible action on the Texas Physical Therapy Association (TPTA)**
36 **Continuing Competence Approval Program (CCAP) report.**

37
38 Dr. Sanders reported on the CCAP processing times, an issue that had occurred with an Individual
39 Application, three (3) new approved Accredited Providers, the Accredited Provider Status audit, an
40 update on the new CCAP website, and the upcoming rollout of the CCU Tracker.

41
42 The Committee made the following recommendations to increase the efficiency of the application
43 processing times:

- 44 • Eliminate reviewers who are consistently non-responsive to requests for application review;
- 45 • Solicit new reviewers as needed to complete review panels;
- 46 • Work toward reducing the application processing times to 4 weeks and under for non-issue
47 Applications;
- 48 • Minimize the time between receipt of an application and the beginning of application
49 processing; and
- 50 • Track dates for each step of the application process.

51
52 **E. Discussion and possible action on the proposed Memorandum of Understanding**
53 **Between the Texas Board of Physical Therapy Examiners (TBPTE) and TPTA.**

54
55 Dr. Sanders reported that the Committee had reviewed the MOU which had been developed
56 according to the specifics outlined in the Request for Proposal.

1
2 Motion: To recommend approving the MOU between the TBPTE and TPTA.
3 Made by: Education Committee
4 Second: None required.
5

6 Motion: To table the motion until next Board meeting.
7 Made by: Gary Gray
8 Second: Barbara Sanders

9 *Motion passed unanimously.*

10
11 **F. Discussion and possible action on a request(s) for appeal to re-take the FSBPT**
12 **National Physical Therapy Examination (NPTE).**
13

14 Dr. Sanders reported that the Committee had reviewed and discussed the appeal and were making
15 the following recommendation:
16

17 Motion: To recommend that the request for an appeal to re-take the NPTE be
18 approved.
19 Made by: Education Committee
20 Second: None required.

21 *Motion passed unanimously.*
22

23 **G. Discussion and possible action on a request(s) for review of education equivalency**
24 **from a foreign educated applicant(s).**
25

26 Dr. Sanders reported that the Committee had reviewed and discussed the two requests and were
27 making the following recommendations:
28

29 Motion: To recommend that the request to waive the TOEFL requirement for
30 Request #1 be denied.
31 Made by: Education Committee
32 Second: None required.

33 *Motion passed unanimously.*
34

35 Motion: To recommend that the education for Request #1 not be deemed
36 equivalent.
37 Made by: Education Committee
38 Second: None required.

39 *Motion passed unanimously.*
40

41 Motion: To recommend that the education for Request #2 be deemed
42 equivalent.
43 Made by: Education Committee
44 Second: None required.

45 *Motion passed unanimously.*
46

47 **H. Discussion and possible action on a request for a continuing competence**
48 **requirement waiver.**
49

50 Dr. Sanders reported that the Committee had reviewed the request letter and support information
51 from the licensee's physician and were making the following recommendation:
52

53 Motion: To recommend that the request for a continuing competence
54 requirement waiver be granted.
55 Made by: Education Committee
56 Second: None required.

57 *Motion passed unanimously.*

1
2 **I. Discussion and possible action on issues related to physical therapy entry-level**
3 **education and continuing competence.**
4

5 Dr. Sanders reported that there was no discussion on this agenda item.
6

7 **9. Discussion and possible action regarding the Federation of State Boards of Physical**
8 **Annual Meeting in Reston, Virginia, October 25-27, 2018.**
9

10 Ms. Olson reported on the election of officers and the motion that passed during the FSBPT Annual
11 Meeting. She also reported that Mark Lane was retiring as Vice President of Professional Standards
12 and that Richard Woolf will be assuming the position in January 2019. There was also
13 acknowledgement that Dr. Sanders and Ms. Gordon participated in presentations during the
14 meeting.
15

16 **10. Discussion and possible action regarding the Physical Therapy Licensure Compact.**
17

18 Dr. Aikman reported that he was unable to attend the Compact's annual meeting on October 28th in
19 person due to flight delays but was able to conference call. He announced that Texas began issuing
20 Compact Privileges on January 2, 2019, and there has been three (3) privileges issued to date.
21

22 **11. Discussion and possible action on the physical therapist's responsibility for evaluation**
23 **and reevaluation of a patient/client.**
24

25 The Board discussed the responsibility of the physical therapist holding the primary responsibility
26 for physical therapy care rendered under his supervision. If accepting an evaluation or reevaluation
27 performed by another PT, the treating/supervising PT is still wholly responsible for the care that
28 they perform or supervise.
29

30 The Board instructed Ms. Gordon to develop an FAQ regarding accepting an
31 evaluation/reevaluation performed by another PT and present it at the next meeting.
32

33 **12. Discussion and possible action on the Board Coordinator's report concerning any item**
34 **listed on the agenda and on events that have occurred between this meeting and the**
35 **Board's last meeting.**
36

37 Ms. Gordon reported on the following:

- 38 • Meetings that she had attended since the last Board meeting;
 - 39 • CC Audit results;
 - 40 • Total number of PTs, PTAs, and PT facilities as of 12/31/2018;
 - 41 • NPTE Pass/Fail statistics for 2018; and
 - 42 • TX JAM statistics.
- 43

44 **13. Discussion and possible action on the Board Chair's report concerning any item listed**
45 **on the agenda and on events that have occurred between this meeting and the Board's**
46 **last meeting.**
47

48 Dr. Aikman reported on an email from the TPTA Liaison which posed the following questions:

- 49 • Would the Board support legislation to create a PTA position on the TBPTE for 2021
50 Legislative Session?
- 51 • Is animal rehabilitation within physical therapy scope of practice? If not, would the Board be
52 in support of legislation to expand the scope to include the specialty for the 2021 Legislative
53 session?
54

55 Dr. Aikman explained that as a regulatory board, the Board cannot take a position on potential
56 legislative issues, and pointed out that there is an FAQ on the Board's website on providing

1 physical therapy to animals that was developed several years ago after dialogue with the Veterinary
2 Board. It was determine then that the PT Practice Act restricts the provision of physical therapy
3 services to “persons” and not to animals in the state of Texas, and that the Veterinarian Practice Act
4 restricts the treatment of animals to those individuals licensed under the Veterinary Board.

5
6 **14. Discussion and possible action on long-term planning for future meetings, including**
7 **future meeting dates and agenda items**

8
9 The Board scheduled meetings as follows: April 11 – 12, 2019 and July 18 – 19, 2019.

10
11 **15. Adjournment**

12
13 Motion: To adjourn the meeting.

14 Made by: Gary Gray

15 Second: Liesl Olson

16 *Motion passed unanimously.*

17
18 Dr. Aikman adjourned the meeting at 11:31 a.m.

19
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21 **Date reviewed by the Board: 4/12/2019**

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