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

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

**April 13, 2018  
8:30 am**

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12 **Members Present:** Harvey Aikman, PT, DPT, Chair  
13 Barbara Sanders, PT, PhD  
14 Gary Gray, PT  
15 Liesl Olson, PT  
16 Jeff Tout, PT  
17 Philip Vickers, Public Member  
18 Glenda Clausell, Public Member  
19

20 **Members Absent:** 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

30 **Guests:** Craig Tounquet, Texas Physical Therapy Association (TPTA) ED  
31 Lindsey Green, TPTA Staff  
32 Kathleen Manella, TPTA Liaison  
33

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34  
35 Agenda items listed under several committee reports begin with the letter D intentionally. No items have been  
36 omitted from the board agenda.  
37

- 38 1. Call to order  
39 2. Discussion and possible action on excusing board member absences.  
40 3. Public comment  
41 4. Approval of minutes from the January 26, 2018 meeting.  
42 5. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary matters,  
43 performance measures, ongoing projects, agency personnel matters, and other agency business.  
44 6. Investigation Committee Report and consideration by the Board of the following items:  
45 A. Review and possible action on Agreed Orders for case #s: 17135; 17394; 18089; 18091; 18092;  
46 18096; 18099; 18109; 18114; 18118 and 18179.  
47 B. Discussion and possible action on the Investigation Committee Meeting of March 22, 2018.  
48 C. Discussion and possible action on investigative activities to date.  
49 7. Discussion and possible action on electing a delegate and an alternate delegate to the Federation of State  
50 Boards of Physical Therapy Annual Meeting in Reston, VA on October 25 – 27, 2018.  
51 8. Rules & Practice Report:  
52 D. Discussion and possible action on proposing changes to §329.1. General Licensure Requirements  
53 And Procedures. pursuant to SB 317 amendments to Sec. 453.215, Occupations Code during the  
54 85<sup>th</sup> Legislative Session.  
55 E. Discussion and possible action on proposing changes to §341.1 Requirements for Renewal., §341.6.  
56 License Restoration., §341.8. Inactive Status., and §341.9. Retired Status; Performing Voluntary  
57 Charity Care. pursuant to SB 317 amendments to Sec. 453.255, Occupations Code during the 85<sup>th</sup>  
58 Legislative Session.  
59 F. Discussion and possible action on proposing changes to §344.1. Administrative Fines and Penalties.

- 1 pursuant to SB 317 amendments to Sec. 453.3525 and Sec.453.402(b), Occupations Code during  
2 the 85<sup>th</sup> Legislative Session.
- 3 G. Discussion and possible action on proposing changes to §343.6. Other Grounds for Denial of a  
4 License or Discipline of a Licensee. pursuant to SB 317 amendments to Sec.453.215 and Sec.  
5 453.255, Occupations Code during the 85<sup>th</sup> Legislative Session.
- 6 H. 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 I. Discussion and possible action on proposing changes to CHAPTER 322. PRACTICE, regarding  
10 adding §322.5. Telehealth.
- 11 J. Discussion and possible action on adding CHAPTER 348. PHYSICAL THERAPY LICENSURE  
12 COMPACT. pursuant to SB 317 addition of Subchapter K to Chapter 453, Occupations Code during  
13 the 85<sup>th</sup> Legislative Session.
- 14 9. Education Committee Report:
- 15 D. Discussion and possible action on the Texas Physical Therapy Association (TPTA) Continuing  
16 Competence Approval Program (CCAP) report.
- 17 E. Discussion and possible action on developing a Request for Proposal (RFP) for outsourcing  
18 continuing competence activities approval.
- 19 F. Discussion and possible action on changes to the TX Jurisprudence Assessment Module (TX JAM).
- 20 G. Discussion and possible action on a request for appeal to re-take the FSBPT National Physical  
21 Therapy Examination (NPTE).
- 22 H. Discussion and possible action on issues related to physical therapy entry-level education and  
23 continuing competence.
- 24 10. Discussion and possible action on the Board Coordinator's report concerning any item listed on the  
25 agenda and on events that have occurred between this meeting and the Board's last meeting.
- 26 11. Discussion and possible action on the Board Chair's report concerning any item listed on the agenda and  
27 on events that have occurred between this meeting and the Board's last meeting.
- 28 12. Discussion and possible action on long-term planning for future meetings, including future meeting dates  
29 and agenda items.
- 30 13. Adjournment
- 31
- 

## 32

### 33

### 34 1. Call to order

35  
36 Dr. Aikman called roll and determined that a quorum existed. He called the meeting to order at 8:32  
37 a.m.

### 38

### 39 2. Discussion and possible action on excusing board member absences.

40  
41 Motion: To excuse the absence of member Daniel Reyna.  
42 Made by: Glenda Clausell  
43 Second: Liesl Olson  
44 Motion passed unanimously.

### 45

### 46 3. Public comment

47  
48 There was no public comment.

### 49

### 50 4. Approval of minutes from the January 26, 2018.

51  
52 Motion: To approve the minutes as submitted.  
53 Made by: Liesl Olson  
54 Second: Glenda Clausell  
55 Motion passed unanimously.

### 56

### 57 5. Discussion and possible action on Executive Director's Report concerning fiscal and 58 budgetary matters, performance measures, ongoing projects, agency personnel matters, 59 and other agency business.

60

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

- 2 • Agency budget and fiscal status for FY 2018 to date;
- 3 • Performance Measures;
- 4 • Employee Status; and
- 5 • Appointment Status.

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

8  
9 **A. Review and possible action on Agreed Orders for case #s: 17135; 17394; 18089;**  
10 **18091; 18092; 18096; 18099; 18109; 18114; 18118 and 18179.**

11  
12 The Board reviewed and ratified the following Agreed Orders presented by Mr. Turek:  
13 17394; 18089; 18091; 18092; 18096; 18099; 18109; 18114; and 18179.

14  
15 **B. Discussion and possible action on the Investigation Committee Meeting of March**  
16 **22, 2018.**

17  
18 Mr. Turek reported that the Committee reviewed 94 cases and issued 10 agreed orders. There  
19 were no informal conferences scheduled.

20  
21 **C. Discussion and possible action on investigative activities to date.**

22  
23 Mr. Turek reported on performance measures, on-site investigation visits, and school presentations  
24 since the last meeting. He also provided an update of the ongoing SB 317 issues of fingerprinting,  
25 expungement of facility registration violations, and the disciplinary action matrix.

26  
27 **7. Discussion and possible action on electing a delegate and an alternate delegate to the Federation**  
28 **of State Boards of Physical Therapy Annual Meeting in Reston, VA on October 25 – 27, 2018.**

29  
30 Motion: To elect Liesl Olson as the delegate and Harvey Aikman as the alternate  
31 delegate to the FSBPT Annual Meeting in Reston, VA on October 25 – 27,  
32 2018.

33 Made by: Gary Gray  
34 Second: Glenda Clausell

35 Motion passed unanimously.

36  
37 **8. Rules & Practice Report:**

38  
39 **D. Discussion and possible action on proposing changes to §329.1. General Licensure**  
40 **Requirements and Procedures. pursuant to SB 317 amendments to Sec. 453.215,**  
41 **Occupations Code during the 85<sup>th</sup> Legislative Session.**

42  
43 Mr. Gray reported that pending final approval of all of the measures required to conduct CBCs and  
44 planning the logistics of the rollout, proposed rules should be forthcoming at the next meeting.

45  
46 **E. Discussion and possible action on proposing changes to §341.1 Requirements for**  
47 **Renewal., §341.6. License Restoration., §341.8. Inactive Status, and §341.9. Retired**  
48 **Status; Performing Voluntary Charity Care. pursuant to SB 317 amendments to Sec.**  
49 **453.255, Occupations Code during the 85<sup>th</sup> Legislative Session.**

50  
51 Agenda Item E was reported on in conjunction with Item D.

52  
53 **F. Discussion and possible action on proposing changes to §344.1. Administrative**  
54 **Fines and Penalties. pursuant to SB 317 amendments to Sec. 453.3525 and**  
55 **Sec.453.402(b), Occupations Code during the 85<sup>th</sup> Legislative Session.**

1 Mr. Gray reported that a draft of the schedule of disciplinary action had been presented to the  
2 Investigation Committee and is now being revised. The completed schedule should be forthcoming  
3 at the next meeting.  
4

5 **G. Discussion and possible action on proposing changes to §343.6. Other Grounds for**  
6 **Denial of a License or Discipline of a Licensee. pursuant to SB 317 amendment to**  
7 **Sec. 453.215 and Sec. 453.255, Occupations Code during the 85<sup>th</sup> Legislative**  
8 **Session.**  
9

10 Agenda Item G was reported on in conjunction with Item D.  
11

12 **H. Discussion and possible action on proposing the addition of §344.2. Record of**  
13 **Disciplinary Action; Expungement. pursuant to SB 317 amendments to Sec. 453.357,**  
14 **Occupations Code during the 85<sup>th</sup> Legislative Session.**  
15

16 Mr. Gray reported that the Investigation Department is working on a schedule for expunging the  
17 facility disciplinary actions.  
18

19 **I. Discussion and possible action on proposing changes to CHAPTER 322. PRACTICE,**  
20 **regarding adding §322.5. Telehealth.**  
21

22 Mr. Gray reported that the Committee reviewed, discussed, and edited a draft of the rule regarding  
23 Telehealth.  
24

25 Motion: To recommend proposing the addition of §322.5. Telehealth.  
26 Made by: Committee  
27 Second: None required  
28

29 After discussion, Mr. Gray withdrew the motion for further work in Committee.  
30

31 **J. Discussion and possible action on adding CHAPTER 348. PHYSICAL THERAPY**  
32 **LICENSURE COMPACT. pursuant to SB 317 addition of Subchapter K to Chapter 453,**  
33 **Occupations Code during the 85<sup>th</sup> Legislative Session.**  
34

35 Mr. Gray reported that the Committee reviewed, discussed, and edited a draft of the rule regarding  
36 the Physical Therapy Licensure Compact.  
37

38 Motion: To recommend proposing the addition of Subchapter K, CHAPTER 348.  
39 PHYSICAL THERAPY LICENSURE COMPACT.  
40 Made by: Committee  
41 Second: None required  
42

43 Motion passed unanimously.  
44

45 Dr. Aikman recessed the Board at 9:43 a.m.

46 Dr. Aikman called the Board back into session at 9:58 a.m.  
47

48 **9. Education Committee Report:**

49 **D. Discussion and possible action on the Texas Physical Therapy Association (TPTA)**  
50 **Continuing Competence Approval Program (CCAP) report.**  
51

52 Dr. Sanders reported that the processing time for the majority of CCAP applications with no issues  
53 is between 4 - 6 weeks and that measures continue to bring the time to 4 weeks or less. She also  
54 reported that the APS providers that were audited were all in compliance, and that the following  
55 new Accredited Providers had been approved: CINAHL Information Systems, Biologix Solutions  
56 LLC, Accelerated Care Plus Corp., and the International Lymphedema and Wound Training  
57 Institute. Additionally, an updated CCAP Policy Manual was presented.

1  
2 There was an action item contained within the CCAP report that the Committee reviewed and  
3 discussed.  
4

5 Motion: To continue to award full amount of CCUs for applications in categories which  
6 have a maximum allowable for renewal with a clarification statement  
7 regarding the cap.

8 Made by: Committee  
9 Second: None required

10 *Motion passed unanimously.*

11  
12 **E. Discussion and possible action on developing a Request for Proposal (RFP) for**  
13 **outsourcing continuing competence activities approval**  
14

15 Dr. Sanders reported that the Committee had reviewed a draft of RFP content that pertained to the  
16 Description or Scope of Work Overview and the Requirements and Specifications. She state that  
17 the Committee charged Ms. Gordon with presenting a complete draft of the RFP at the next  
18 meeting for review.  
19

20 **F. Discussion and possible action on changes to the TX Jurisprudence Assessment**  
21 **Module.**  
22

23 Dr. Sanders reported that the Committee had reviewed information received from the Federation of  
24 State Boards of Physical Therapy (FSBPT) regarding several options for implementing changes to  
25 the TX JAM which included extending the allotted time by 15 – 20 min., reviewing the 11 items  
26 identified as “Very Difficult” or “Low point-biserial Correlation,” and reallocation of items within the  
27 different category rubrics.  
28

29 After review and discussion, the Committee made the following decisions to be relayed to FSBPT:  
30

- 31 • Reevaluate the items marked as Very Difficult and Low Point-biserial Correlation to see if  
32 any can be salvaged. If not, replace with an item from the pool.  
33 • Reallocation of % items to 5000 Patient Care Management while minimizing items in  
34 3100/3200/3300/3400/3500/3600 of Licensure & Examination.  
35

36 Additionally, the Committee brought forth the following motion.

37 Motion: To recommend extending the time allotment for the TX JAM by 20 minutes  
38 and to reevaluate if there is any significant change in the pass/fail rate at a  
39 future date determined by FSBPT.

40 Made by: Committee  
41 Second: None required

42 *Motion passed unanimously.*  
43

44 **G. Discussion and possible action on a request for appeal to re-take the FSBPT**  
45 **National Physical Therapy Examination (NPTE).**  
46

47 Dr. Sanders reported that the Committee reviewed and discussed an appeal for a re-take of the  
48 NPTE.  
49

50 Motion: To recommend that the request for an appeal to re-take the NPTE be  
51 granted.

52 Made by: Committee  
53 Second: None required

54 *Motion passed with two nays.*  
55  
56

1  
2 **H. 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 item.  
6

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

11 Ms. Gordon reported on the following:

- 12 • Meetings that she had attended since the last Board meeting;
  - 13 • Updates on preparedness for Compact requirements of reporting data system exports and  
14 disciplinary action through the FSBPT Online Processing System;
  - 15 • 2<sup>nd</sup> Quarter FY 2018 CC Audit results;
  - 16 • Total number of PTs, PTAs, and PT facilities as of 04/05/2018;
  - 17 • NPTE Pass/Fail statistics for 2018;
  - 18 • Alternate Approval Pathway update; and
  - 19 • TX JAM statistics.
- 20

21 The Board directed Ms. Gordon to further breakout the NPTE fails with percent of candidates from  
22 CAPTE-accredited programs vs. foreign-educated candidates for the next report.  
23

24 **11. Discussion and possible action on the Board Chair's report concerning any item listed**  
25 **on the agenda and on events that have occurred between this meeting and the Board's**  
26 **last meeting.**  
27

28 Dr. Aikman reported that Louisiana and Oklahoma have both introduced Compact legislation; West  
29 Virginia passed legislation that was substantially different from the required Compact language;  
30 Kentucky has been denied an Originating Identification Number, (ORI); and that the target date of  
31 April 1, 2018 for issuing the first Compact Privileges has been moved to sometime this summer. He  
32 also reported that Compact Rules Committee will be meeting to address the interpretation of Rule  
33 2.1 - Criminal Background Check.  
34

35 **12. Discussion and possible action on long-term planning for future meetings, including**  
36 **future meeting dates and agenda items**  
37

38 The Board scheduled meetings as follows: July 26 – 27, 2018, October 18 – 19, 2018,  
39 January 17 – 18, 2019, and April 11 – 12, 2019. Items previously identified by the different  
40 committees will be placed on the next agenda.  
41

42 **13. Adjournment**  
43

44 Motion: To adjourn the meeting.

45 Made by: Philip Vickers

46 Second: Gary Gray

47 Motion passed unanimously.  
48

49 Mr. Aikman adjourned the meeting at 10:42 a.m.  
50

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51 **Date reviewed by the Board: 7/27/2018**

52 **Action taken by the Board: approved as submitted**  
53