

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

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

**July 25, 2014
9:00 a.m.**

Members Present: Gary Gray, PT, Chair
Shari Waldie, PT, Vice Chair
Melinda Rodriguez, PT, DPT, Secretary
Harvey Aikman, PT
Kathleen Luedtke-Hoffman, PT, PhD
Jeffrey Tout, PT
Daniel Reyna, Public Member
René Peña, Public Member
Philip Vickers, Public Member

Counsel: Kara Holsinger, Assistant Attorney General

Staff: Karen Gordon, PT Coordinator
John Maline, Executive Director
Danielle DeVellis, Investigator
Cindy Machado, Licensing Manager

Guests: Paul Hardin, TPTA ED
Barbara Sanders, PT, TPTA Liaison
Stacey Mather, TPTA Staff

1. Call to order
2. Public comment
3. Approval of minutes from the May 2, 2014 meeting in Austin.
4. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary matters, performance measures, ongoing projects, agency personnel matters, and other agency business.
5. Investigation Committee Report and consideration by the Board of the following items
 - A. Review and possible action on Agreed Orders for case #: 14132; 14135; 14147; 14163; 14207; 14211; 14275; and 14277.
 - B. Discussion and possible action on the Investigation Committee Meeting of July 9, 2014.
 - C. Discussion and possible action on investigative activities to date.
6. Discussion and possible action on adopting changes to §329.1, General Licensure Requirements and Procedures, §341.3, Qualifying Continuing Competence Activities, §341.6 License Restoration, and §343.1 Definitions.
7. Rules Committee Report and discussion and possible action by the Board on the following items:
 - D. Discussion and possible action on proposing changes to §341.6, License Restoration, regarding procedures for licenses expired for five years or more.
 - E. Discussion and possible action on proposing changes to §329.6 Licensure by Endorsement, regarding Provisional Licensure.

- 1 F. Discussion and possible action on proposing changes to §329.3, Temporary Licensure for
2 Examination Candidates, regarding allowing temporary licensees to work on the basis of
3 website verification of licensure.
- 4 G. Discussion and possible action on proposing changes to §347.4, Requirements for
5 Registration Application, regarding allowing facilities to begin treating patients on the basis
6 of website verification of registration.
- 7 H. Discussion and possible action on proposing changes to §322.1 Provision of Services
8 regarding making changes to the reevaluation requirements and the role of the PTA in the
9 Discharge.
- 10 I. Discussion and possible action regarding addition of questions/answers to the
11 Jurisprudence Exam.
- 12 8. Education Committee Report and discussion and possible action by the Board on the following
13 items:
- 14 D. Discussion and possible action on the TPTA Continuing Competence Approval Program
15 (CCAP) report.
- 16 E. Discussion and possible action on proposing changes to §341.3 Qualifying Continuing
17 Competence Activities, including criteria for approving continuing education activities.
- 18 F. Discussion and possible action on proposing changes to §329.2, Licensure by
19 Examination, including revising additional education requirements for re-examination, low
20 score policy, and letter of weakness/plan for remediation.
- 21 G. Discussion and possible action on proposing changes to §329.5, Licensing Procedures for
22 Foreign-Trained Applicants, including changes to the Test of English as a Foreign
23 Language (TOEFL) score reporting, utilization of the current Coursework Tool (CWT) for
24 examination applicants, and method of counting general education credits for Foreign
25 Educated Physical Therapist (FEPT) credential reviews.
- 26 H. Discussion and possible action on a request for waiver of continuing competence
27 requirement from Mary Moran, PT.
- 28 I. Discussion and possible action regarding addition of questions/answers to the
29 Jurisprudence Exam.
- 30 9. Vision Committee Report and discussion and possible action by the Board on the following
31 items:
- 32 D. Discussion and possible action regarding the Federation of State Boards of Physical
33 Therapy, including discussion of the Annual Meeting in San Francisco, September 18-20,
34 2014 and fixed-date testing.
- 35 E. Discussion and possible action on telehealth/teletherapy.
- 36 F. Discussion and possible action on trigger point dry needling (TPDN).
- 37 G. Discussion and possible action on the effect of the Affordable Care Act on healthcare in
38 Texas including enforcement issues due to increased violations.
- 39 H. Discussion and possible action on the role of a PT in performing physical examinations for
40 the Department of Transportation.
- 41 I. Discussion and possible action on Sunset Review, 2017.
- 42 10. Discussion and possible action on the Board Coordinator's report.
- 43 11. Board Chair's report concerning any item listed on the agenda and on events that have
44 occurred between this meeting and the Board's last meeting.
- 45 12. Discussion and possible action on long-term planning for future meetings, including future
46 meeting dates and agenda items.
- 47 13. Adjournment
- 48
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55

1 **1. Call to order**

2
3 Mr. Gray called roll and determined that a quorum existed. He called the meeting to order at 9:22
4 a.m.

5
6 **2. Public comment**

7
8 There was no public comment.

9
10 **3. Approval of minutes from the May 2, 2014.**

11
12 *Motion: To approve the minutes as printed.*

13 *Made by: Sharie Waldie*

14 *Second: Harvey Aikman*

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 **and other agency business**

20
21 Mr. Maline reported on the following:

- 22 • Personnel changes
- 23 • Agency budget and fiscal status
- 24 • Performance Measures
- 25 • Issues with online renewals.
- 26 • Executive Council actions

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

29
30 **A. Review and possible action on agreed orders for case # 14132; 14135; 14147; 14163;**
31 **14207; 14211; 14275; and 14277.**

32
33 The Board reviewed and approved the following Agreed Orders presented by Ms. DeVellis:

34 14132 14135 14147

35 14163 14211 14275

36 14277

37
38 **B. Discussion and possible action on the Investigation Committee Meeting of July 9,**
39 **2014**

40
41 Ms. DeVellis reported that the Committee reviewed 118 cases, held 2 informal conferences, and
42 issued 8 Agreed Orders.

43
44 **C. Discussion and possible action on investigative activities to date**

45
46 Ms. DeVellis reported on performance measures and on the number of investigations and school
47 visits completed since the last meeting.

48
49 **6. Discussion and possible action on adopting changes to §329.1, General Licensure**
50 **Requirements and Procedures, §341.3 Qualifying Continuing Competence Activities,**
51 **§341.6 License Restoration, and §343.1 Definitions**

52
53 *Motion: To adopt changes to §329.1, General Licensure Requirements and*
54 *Procedures, as proposed.*

1 *Made by: Shari Waldie*
 2 *Second: Melinda Rodriguez*

3 *Motion passed unanimously.*

4
 5 There were no comments or discussion on this proposal.

6
 7 *Motion: To adopt changes to §341.3, Qualifying Continuing Competence Activities, as*
 8 *proposed.*

9 *Made by: Harvey Aikman*

10 *Second: Shari Waldie*

11 *Motion passed unanimously.*

12
 13 There were no comments or discussion on this proposal.

14
 15 *Motion: To adopt changes to §341.6, License Restoration, as proposed.*

16 *Made by: Melinda Rodriguez*

17 *Second: Harvey Aikman*

18 *Motion passed unanimously.*

19
 20 There were no comments or discussion on this proposal.

21
 22 *Motion: To adopt changes to §343.1, Definitions, as proposed.*

23 *Made by: Harvey Aikman*

24 *Second: Kathleen Luedtke-Hoffman*

25 *Motion passed unanimously.*

26
 27 There were no comments or discussion on this proposal.

28
 29 **7. Rules Committee Report and discussion and possible action by the Board on the**
 30 **following items:**

31
 32 **D. Discussion and possible action on proposing changes to §341.6, License Restoration,**
 33 **regarding procedures for licenses expired for five years or more.**

34
 35 Mr. Aikman reported that the Committee discussed the type of application and fee and other
 36 requirements for an individual whose license had expired for five years or more, but took no action
 37 and tabled the item until the next meeting.

38
 39 **E. Discussion and possible action on proposing changes to §329.6, Licensure by**
 40 **Endorsement, regarding Provisional Licensure.**

41
 42 Mr. Aikman reported that the Committee discussed eliminating references of 2-year work history
 43 due to legislative changes, but took no action and tabled the item until the next meeting.

44
 45 **F. Discussion and possible action on proposing changes to §329.3, Temporary**
 46 **Licensure for Examination Candidates, regarding allowing temporary licensees to work**
 47 **on the basis of website verification of licensure.**

48
 49 Mr. Aikman reported that the Committee discussed allowing individuals approved for their
 50 temporary Texas license to begin work once their licensure could be verified on the website instead
 51 of having them wait until they received their paper license via mail, but took no action and tabled the
 52 item until the next meeting.

1 **G. Discussion and possible action on proposing changes to §347.4, Requirements for**
 2 **Registration Application, regarding allowing facilities to begin treating patients on the**
 3 **basis of website verification.**
 4

5 Mr. Aikman reported that the Committee agreed that no action would be taken on this item unless
 6 the OT Board entertained a companion motion in order to maintain consistency for facilities.
 7

8 **H. Discussion and possible action on proposing changes to §322.1 Provision of Services**
 9 **regarding making changes to the reevaluation requirements and the role of the PTA in**
 10 **the Discharge.**
 11

12 Mr. Aikman reported that the Committee reviewed a letter from a PT licensee requesting that the PT
 13 Board consider amending the rule regarding reevaluation to reflect national language. The
 14 committee also reviewed Medicare requirements for reevaluation and received comment from Stacy
 15 Mathers regarding TPTA's suggestion to change the language from reevaluation to interaction. The
 16 Committee charged staff with preparing a comparison of the TX rule to other state rules regarding
 17 reevaluation and tabled the item until the next meeting. The Committee decided that there was no
 18 action required on the role of the PTA in the completion of a Discharge Summary and that the item
 19 would be eliminated from the agenda.
 20

21 **I. Discussion and possible action regarding addition of questions/answers to the**
 22 **Jurisprudence Test.**
 23

24 Mr. Aikman reported that the Committee reviewed the synopses of the new rules and instructed
 25 staff to prepare several new questions/answers to be reviewed at the next meeting.
 26

27 **8. Education Committee Report and discussion and possible action by the Board on the**
 28 **following items:**
 29

30 **A. Discussion and possible action on the TPTA Continuing Competence Approval**
 31 **Program (CCAP) report.**
 32

33 Dr. Luedtke-Hoffman reported that the Committee:

- 34 • Discussed finalizing relocating the procedural components of the Memorandum of
- 35 Understanding to the CCAP Policy and Procedure Manual to be completed by next meeting;
- 36 • Discussed the development of TPTA's new CCAP application submission site;
- 37 • Approved a list of journal and grant-issuing entities for CC pre-approval. (Attachment A)

38
 39 **B. Discussion and possible action on proposing changes to §341.3, Qualifying**
 40 **Continuing Competence Activities, including criteria for approving continuing**
 41 **education activities.**
 42

43 Dr. Luedtke-Hoffman reported that the Committee discussed revising the criteria used for approving
 44 continuing education courses to include self-study accountability and evidence based. She also
 45 reported that staff was directed to include FSBPT standards for continuing competence activities for
 46 review at the next meeting, and that discussion will be ongoing at the next meeting.
 47

48 **C. Discussion and possible action on proposing changes to §329.2, Licensure by**
 49 **Examination, including revising additional education requirements for re-**
 50 **examination, low score policy, and letter of weakness/plan for remediation.**
 51

52 Dr. Luedtke-Hoffman reported that the Committee discussed the revisions that need to be made in
 53 order to comply with FSBPT changes of maximum six attempts and low score policy to the NPTE
 54 eligibility requirements which will be implemented in January 2016, and discussed possibly revising

1 the requirement for a letter of weakness and plan for remediation. She also reported that the
2 Committee took no action, but agreed to discuss the issues again at the next meeting.

3
4 **D. Discussion and possible action on proposing changes to §329.5, Licensure**
5 **Procedures for Foreign-Trained Applicants, including changes to the Test of English**
6 **as a Foreign Language (TOEFL) score reporting, utilization of current Coursework**
7 **Tool (CWT) for examination applicants, and method of counting general education**
8 **credits for Foreign Educated Physical Therapist (FEPT) credential reviews.**
9

10 Dr. Luedtke-Hoffman reported that the Committee discussed upcoming changes to the utilization of
11 the CWT, TOEFL score reporting, and method of counting general education credits for FEPT
12 credential reviews. She also reported that no changes were needed to comply with FSBPT's
13 November 1, 2014 implementation of eliminating the distinction between "general education" and
14 "professional education" in the CWT, and that the Committee took no action on the other issues, but
15 agreed to discuss them again at the next meeting.

16
17 **E. Discussion and possible action on a request for waiver of continuing competence**
18 **requirement by Mary Moran, PT.**
19

20 Dr. Luedtke-Hoffman reported that the Committee reviewed the documentation submitted by Mary
21 Moran, PT in support of her request for a waiver of the continuing competence requirement and
22 decided to refer the request to the full Board without recommendation. The full Board reviewed the
23 documentation and discussed granting the waiver.

24
25 *Motion: To grant a waiver of the continuing competence requirement for Mary Moran, PT.*
26 *Made by: René Peña*
27 *Second: Kathleen Luedtke-Hoffman*
28 *Motion passed unanimously.*
29

30 **F. Discussion and possible action regarding addition of questions/answers to the**
31 **Jurisprudence Exam.**
32

33 Dr. Luedtke-Hoffman reported that he Committee reviewed the synopses of the new rules and
34 agreed that each member would prepare new questions/answers to be reviewed at the next
35 meeting.

36
37 **9. Vision Committee Report and discussion and possible action by the Board on the**
38 **following items:**
39

40 **D. Discussion and possible action regarding the Federation of State Boards of Physical**
41 **Therapy (FSBPT), including discussion of the Annual Meeting in San Francisco,**
42 **September 18-20, 2014 and fixed-date testing.**
43

44 Mr. Peña brought forth the following motions as directives to the Delegate on behalf of the
45 committee.

46
47 *Motion: To vote in favor of the motions at the Delegate Assembly.*
48 *Made by: Committee*
49 *Second: None required*
50 *Motion passed unanimously.*
51

52 *Motion: To vote for Ben Massey from North Carolina for Director position.*
53 *Made by: Committee*
54 *Second: None required*
55 *Motion passed unanimously.*

1 *Motion:* *To garner support at the Annual Meeting for proposing an increase in the*
 2 *number of test dates per year.*

3 *Made by:* *Committee*

4 *Second:* *None required*

5 *Motion passed unanimously.*
 6

7 **E. Discussion and possible action on telehealth/teletherapy**

8
 9 Mr. Peña reported that the TPTA Telehealth Task Force had met via conference call and would
 10 have recommendations by the next committee meeting.

11
 12 **F. Discussion and possible action on trigger point dry needling (TPDN).**

13
 14 Mr. Peña reported that the American Physical Therapy Association (APTA) recently amended its
 15 current guidelines on physical therapist scope of practice to explicitly include dry needling and that
 16 dry needling will be included in the next edition of the APTA's Guide to Physical Therapist Practice
 17 to be released in August.

18
 19 **G. Discussion and possible action on the effect of the Affordable Care Act on**
 20 **healthcare in Texas including enforcement issues due to increased violations.**

21
 22 Mr. Peña reported that there was no discussion on this agenda item but that the Committee would
 23 continue to monitor the issue and add it back to the agenda as needed.

24
 25 **H. Discussion and possible action on the role of a PT in performing physical**
 26 **examinations for the Department of Transportation.**

27
 28 Mr. Peña reported that Mr. Gray had corresponded with the Chief of Medical Programs for the
 29 Federal Motor Carrier Safety Administration division of the U.S. Department of Transportation
 30 regarding a PT's ability to perform Medical Examination Reports, and had responded that a PT
 31 demonstrating the required competencies and passing the required examination testing would be
 32 acting within the scope of PT practice in Texas.

33
 34 **I. Discussion and possible action on Sunset Review, 2017.**

35
 36 Mr. Peña reported that Ms. Gordon presented a crosswalk of current Practice Act language and
 37 potential revised language that was prepared prior to the 2005 scheduled Sunset Review and had
 38 been amended to reflect language changes in the Act effective September 1, 2011. He stated that
 39 the Committee agreed to review the document and identify additional sections of the Act that need
 40 updating.

41
 42 **10. Discussion and possible action on the Board Coordinator's report**

43
 44 Ms. Gordon reported on the following:

- 45 • Demographic statistics from the MDS questions collected during renewals last year;
- 46 • Updated Practice Act and PT Rules pdf available online;
- 47 • Website difficulty with renewals identified as use of Internet Explorer browser, warning
 48 banner placed on website;
- 49 • Attendance along with Philip Vickers at FSBPT Board Member and Admin Training in
 50 Alexandria, VA on June 6-8;
- 51 • Presentation along with Mark Turek at Texas State Physical Therapy program in San
 52 Marcos on June 27th.

1 **11. Board Chair's report concerning any item listed on the agenda and on events that have**
2 **occurred between this meeting and the Board's last meeting.**
3

4 Mr. Gray reported that there is a possibility that the State Board of Examiners for Speech-Language
5 Pathology and Audiology will be incorporated into ECPTOTE. He also announced the resignation of
6 Kathleen Luedtke-Hoffman as a Board member effective following the October 24th Board meeting
7 as she has accepted a position with the Foreign Credentialing Commission on Physical Therapy
8 (FCCPT) in Alexandria, VA.
9

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

13 The Board rescheduled the next meeting for October 24th in Austin and scheduled the remaining
14 Board Meetings for the fiscal year as follows: January 30, 2015; April 24, 2015; and July 24, 2015
15 all to be held in Austin.
16

17 **13. Adjournment**
18

19 *Motion: To adjourn the meeting.*

20 *Made by: Harvey Aikman*

21 *Second: Shari Waldie*

22 *Motion passed unanimously.*
23

24 Mr. Gray adjourned the meeting at 11:07 a.m.
25

26
27 **Date reviewed by the Board:** 10/24/2014

28 **Action taken by the Board:** approved as corrected
29

1 **Attachment A**

2

3

4 **Manuscript & Grant Reviewer Pre-Approval List**

5

6 Journals

- 7 • APTA and component journals
- 8 • *Physical Therapy*
- 9 • *Archives of Physical Medicine & Rehabilitation*
- 10 • *Spine*
- 11 • *Journal of the American Geriatric Society*
- 12 • *Journal of Orthopedic Sports Physical Therapy*
- 13 • *Physiotherapy*
- 14 • *Stroke*
- 15 • *British Medical Journal*
- 16 • *Medical Science of Sports Exercise*
- 17 • *Journal of Bone & Joint Surgery*
- 18 • *Australian Journal of Physiotherapy*
- 19 • *Clinical Rehabilitation*
- 20 • *Pain*
- 21 • *Physiotherapy Canada*
- 22 • *Journal of the American Medical Association*

23

24 Grant-Issuing Entities

- 25 • American & State Physical Therapy Foundations
- 26 • ABPTS-accredited universities
- 27 • Federal health agencies (such as NIH, CDC, etc.)
- 28 • Disease Specific (such as Arthritis Foundation, MS Foundation)

29

30 **Approved 7/25/2014**

31