



Communiqué

August 2018

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Austin, Texas 78701

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PT Board Proposes Rules for Criminal Background Checks

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Next Board Meeting

October 19, 2018
333 Guadalupe, Suite 2-510
Austin, TX 78701

At their July 27, 2018 meeting, the PT Board **proposed amendments in order to implement Criminal Background Checks (CBC) through fingerprinting** as part of the requirement for all new applicants for licensure and current licensees as part of their renewal process if they have not previously submitted fingerprints for initial issuance of licensure or for a prior license renewal or restoration. Sections of the PT Rules proposed for amendment are **§329.1. General Licensure Requirements and Procedures; §341.1 Requirements for Renewal; §341.6. License Restoration; §341.8. Inactive Status; and §341.9. Retired Status; Performing Voluntary Charity Care.**

These amendments are being proposed in order to comply with a statutory amendment to the PT Practice Act made during the 85th Legislative Session regarding criminal background checks. Adoption of the amendments should occur at the PT Board's October 19, 2018 meeting **with projected rollout for the new requirement on January 1, 2019.**

What does this mean for a new licensee? Fingerprinting will be required for any applicant for licensure either by exam or endorsement whose license is issued on or after January 1, 2019 as part of the licensure requirements.

What does this mean for licensees renewing their license? Current licensees who renew their license on or after January 1, 2019 will have fingerprinting as a renewal requirement if they have not previously submitted fingerprints for initial issuance of licensure or for a prior license renewal or restoration. This includes current licensees, licensees renewing a retired status who are performing voluntary charity care, as well as individuals who are restoring their license. Licensees who are on inactive status will need to comply when reinstating to active status.

What if an applicant or licensee has had to be fingerprinted for some other reason? Previously undergoing a CBC through fingerprinting (TSA, employer, etc.) **does not exempt an applicant or a current licensee from this requirement.**

Updated information regarding this rollout and the specific procedures to follow will be updated on the Board's website at www.ptot.texas.gov, will be disseminated through the email list, and will appear in upcoming editions of the *Communiqué*.

PT Compact Privileges Update

Texas has enacted the **Physical Therapy Licensure Compact** (PT Compact) legislation and has been working to implement the final rules and procedures that need to be in place before compact privileges can be issued for Texas licensees to practice in another member state and for licensees of other member states to be able to practice in Texas. With the proposal of rule amendments to implement Criminal Background Checks (CBC) through fingerprinting and with the projected rollout of the new requirement on January 1, 2019, **Texas should be ready to actively issue and accept compact privileges at the beginning of next year.**

Other **contiguous states who are members of the PT Compact** but are not yet issuing or accepting compact privileges are **Louisiana and Oklahoma**. New Mexico and Arkansas have not introduced the PT Compact Legislation. **Member states that are actively issuing and accepting compact privileges** include **Missouri, Tennessee, Mississippi, Oregon, and North Dakota.**

Information regarding the availability of Compact Privileges and the procedure for applying for a privilege is available online at www.ptcompact.org.



PT Board Meeting Highlights

At its July 27, 2018 meeting, the PT Board **adopted the addition of CHAPTER 348. PHYSICAL THERAPY LICENSURE COMPACT** to the PT Rules and proposed amendments to:

- **§329.1. General Licensure Requirements and Procedures;**
- **§341.1 Requirements for Renewal;**
- **§341.6. License Restoration;**
- **§341.8. Inactive Status;**
- **§341.9. Retired Status; Performing Voluntary Charity Care;**
- **§344.1. Administrative Fines and Penalties;**
- **§341.2. Continuing Competence Requirements; and**
- **§322.5. Telehealth.**

See page 4 for summaries of the adopted and proposed PT Rules.

The Board ratified twelve **(12) agreed orders** which are listed on page 3, Disciplinary Actions.

The following dates have been set for the Board's **upcoming meetings** (subject to change):

***October 18-19, 2018 *January 17-18, 2019 *April 11 -12, 2019**

Disciplinary Actions

The following disciplinary actions were ratified at the July 27, 2018 Board Meeting:

- (1) **Antwan Stephens, PTA #2084423 (Waco)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license to practice for seven (7) days.**
- (2) **Gary Hamre, PT #1086478 (San Antonio)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license to practice for thirty (30) days.**
- (3) **Gregory Evans, PTA #2074518 (Conroe)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order required thirty (30) hours of community service.**
- (4) **Cullen Tennison, PT #1130250 (Austin)** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order required sixty (60) hours of community service.**
- (5) **Carrie Behringer, PTA #2003844 (La Grange)** - practiced in a detrimental manner by fraudulently documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended her license to practice for thirty (30) days.**
- (6) **Andrew Pulley, PT #1283996 (Athens)** - practiced in a detrimental manner by inaccurately documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license to practice for thirty (30) days.**
- (7) **Deidre Michelle Hall, PT #1112217 (Corpus Christi)** - practiced in a detrimental manner by inaccurately documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended her license to practice for thirty (30) days.**
- (8) **Humberto Jaime, PTA #2070801 (Houston)** – practiced in a detrimental manner by inaccurately documenting treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license to practice for thirty (30) days.**
- (9) **Wael Takrouri, PTA #2084891 (Chattanooga, TN)** – failed to properly renew his license. Violation of Section 453.351 of the Act and chapters 322 and 341 of the Board Rules. **Board Order required sixty (60) hours of community service.**
- (10) **Carolyn Moreno, PT #1016350 (Longview)** – failed to properly renew her license. Violation of Section 453.351 of the Act and chapters 322 and 341 of the Board Rules. **Board Order suspended her license to practice for thirty (30) days.**
- (11) **Jack Wing-Bun Wong, PT #1277238 (Humble)** – practiced in a detrimental manner by providing hemp oil to a patient under his care without conferring with or notifying the patient’s physician. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license to practice for thirty (30) days.**
- (12) **Tiffany Donaldson, PTA #2056660 (Waco)** – practiced in a detrimental manner by using drugs or intoxicating liquors to an extent that affected her professional competence. Violation of Section 453.351 of the Act. **Board Order suspended her license to practice indefinitely.**

Proposed/Adopted Rules

The Board took the following rulemaking actions at the July 27, 2018 Board meeting. The full text of all proposed and adopted rules is available at: www.ptot.texas.gov/page/act-and-rules. If you would like to comment on proposed rules, please send your written comments to karen@ptot.texas.gov, or 333 Guadalupe, Suite 2-510, Austin, TX 78701. Proposed rules will appear in the September 7, 2018 edition of the *Texas Register*, <http://www.sos.state.tx.us/texreg/index.shtml>.

Adopted Rules:

CHAPTER 348. PHYSICAL THERAPY LICENSURE COMPACT - the new rules are adopted in order to define the Physical Therapy Compact and Compact Privilege in §348.1 and to specify violations that could result in disciplinary action in §348.2 pursuant to Senate Bill (SB) 317 addition of Sec. 453.501. PHYSICAL THERAPY LICENSURE COMPACT of the Occupations Code during the 85th Legislative Session.

Proposed Rules:

§329.1. General Licensure Requirements and Procedures - the amendment is proposed in order to add criminal background checks through the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting to the requirements for initial licensure.

CHAPTER 341. LICENSE RENEWAL: §329.1. General Licensure Requirements and Procedures; §341.1 Requirements for Renewal; §341.6. License Restoration; §341.8. Inactive Status; and §341.9. Retired Status; Performing Voluntary Charity Care. - the amendments are proposed in order to add criminal background checks through the Department of Public Safety and the Federal Bureau of Investigation obtained through fingerprinting to the requirements for renewing or restoring a physical therapist or physical therapist assistant license unless the licensee has previously submitted fingerprints for initial issuance of licensure or for a prior license renewal or restoration.

§344.1. Administrative Fines and Penalties - the amendment is proposed in order to establish a Schedule of Sanctions and factors for consideration in conjunction with the Schedule of Sanctions when determining the appropriate penalty/sanction in disciplinary matters.

§322.5. Telehealth - the new rules are proposed in order to establish rules for the safe delivery of physical therapy through telehealth.

§341.2. Continuing Competence Requirements - the amendment is proposed in order to delete references to the Texas Physical Therapy Association (TPTA) as a board approved organization for evaluating and approving continuing competence activities due to the legislatively mandated requirement to develop a process for selecting an appropriate organization to approve continuing competence activities that includes a request for proposal (RFP) and bidding process.

A current pdf of both the PT Practice Act and the PT Rules is available at www.ptot.texas.gov/page/act-and-rules.

Tips for Successful License Renewal

In order to assure timely renewal of your current license, follow the steps below:

- **Complete all of the required CCUs** prior to beginning the renewal process. PTs require 30 CCUs, PTAs require 20 CCUs during a renewal period. Information on qualifying CCUs including a list of pre-approved categories is available at <https://www.ptot.texas.gov/page/cc-ce>.
- Complete the **Texas Jurisprudence Assessment Module (TX JAM)**. The TX JAM can be taken at any time during the renewal period and is valued at 2 CCUs toward the total required CCUs. Go to <https://www.ptot.texas.gov/page/PT-JAM> for more information on the TX JAM.
- **Don't wait until the last minute** to take your CCU offerings. Continuing competence courses/activities should be taken throughout your renewal period starting with the first day of the month after your previous license expiration date.
- Make sure all of your CCUs have been approved specifically for TX renewal requirements or are offered by an accredited provider. **A TX approval number, standard approval number, or accredited provider number is assigned to each CC offering.** You can verify approval of courses at <https://ccap.tpta.org/> and view a list of accredited providers at <https://www.tpta.org/cc-accredited-providers>.
- **Begin the renewal process well in advance of your license expiration date.** You have a 3 month window prior to your license expiration to renew online, <https://www.ptot.texas.gov/page/PT-active-renewal>.
- **Verify your license expiration date** online at www.ptot.texas.gov/page/look-up-a-license.

Online renewal applications are not imported for processing until the morning of the day after the renewal is submitted online, and processing could take 1-2 business days. **If your license expires before it is processed, you do not have a valid license** and may not practice until the expiration date is updated on the online license verification page.

Notification of impending license expiration is sent via email and postcard during the 3 month period prior to license expiration. **You are responsible for ensuring that your license is renewed, regardless of receipt of notification.**



Facility Registration and Renewal

The PT Practice Act was amended during the 85th Legislative Session as the result of Senate Bill 317 and included the **deregulation of physical therapy and occupational therapy facilities. The effective date of this provision is not until September 1, 2019** at which time facilities that are offering physical therapy (and/or occupational therapy) will no longer need to register or renew their registration.

Until then, **facility registration and renewal requirements continue unchanged.** Additionally, practicing in an unregistered physical therapy facility which is not exempt remains a violation of the PT Practice Act/Rules that could subject a licensee to disciplinary action.