



# Communiqué

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*Summaries of all of the adopted and proposed Rules amendments from the Board's January 30<sup>th</sup> meeting can be found on page 5.*

## Scheduled Board Meetings

**April 24, 2015 – Austin**

**July 17, 2015 - Austin**

## Renewals Transitioning to Birth Month

At its January 30, 2015 meeting, the Texas Board of Physical Therapy Examiners (TBPTE) adopted an amendment to **§341.1. Requirements for Renewal** which converts license renewal dates from an anniversary method to a birth-month system. Currently, licenses are renewed on the two-year anniversary of the license's first issuance. In the new birth-month system, all renewals will occur every two years at the end of the birth month of the licensee. The transition will not only make it easier for licensees to track when they need to renew but will also eliminate agency workload spikes in renewals caused by fixed-date testing.

The conversion will begin **March 1, 2015**. When an individual's license is renewed after that date, the renewal date will automatically update and will be set to the last day of the licensee's birth month. During the transition period, no renewal period will be less than twenty-four (24) months, and some renewal periods will increase to up to thirty-five (35) months.

### Here's how it will work.

- If a PT or PTA has a license which expires 3/31/2015 and a birth month of August, the new expiration date will be 8/31/2017 if he renews after March 1, 2015.
- If a PT or PTA has a license which expires 6/30/2015 and a birth month of June, the expiration month will remain the same and the expiration date will be 6/30/2017.
- If a PT or PTA has a license which expires 3/31/2015 but renewed prior to March 1, 2015, the conversion to birth month will not occur until the 2017 renewal.

**What you need to do.** Timely renew your license with all of your required continuing competence. Your new renewal date will be automatically calculated for you.

**What about fees?** The license expiration conversion will not impose any additional license fee and will not increase your continuing competence requirement.

**What about Initial Licenses?** Any individual approved for licensure as a PT or PTA after March 1, 2015 will be issued a license that will expire the last day of their birth month at least twenty-four (24) months following the date of licensure.

### Board Member Honored



Melinda Rodriguez, PT, DPT was recently named as one of the **40 Rubies of CRS: Outstanding Alumni** from the College of Rehabilitation Sciences (CRS) of the University of Santo Tomas. Dr. Rodriguez was honored because of her exemplary contribution to the field of physical therapy and for her extraordinary benevolence to the College and to the University which embodies the true Thomasian core values of competence, commitment, and compassion. She received the award on the occasion of the 40<sup>th</sup> Foundation Anniversary celebration of the CRS during the Gala Awards Night on December 10, 2014 at the Sofitel Philippine Plaza, Pasay City. The theme of the event was **CRS@40: Forty Years of Commitment, Resilience, and Success.**

Dr. Rodriguez was appointed to the Texas Board of Physical Therapy Examiners in 2005 and currently serves as the Board’s Secretary. She was the founder and CEO of Access Quality Therapy Services in San Antonio.

## CONGRATULATIONS, MELINDA!



#### Physical Therapy Board

Seated:

Melinda Rodriguez, PT, DPT, Sec.

Gary Gray, PT, Chair

Shari Waldie, PT, Vice Chair

Standing:

Jeff Tout, PT

Harvey Aikman, PT

Philip Vickers, Public Member

Barbara Sanders, PT PhD

Daniel Renya, Public Member

René Pena, Public Member



## So You're the New Therapist in Charge. Now What?

The Therapist in Charge (TIC) at the facility you work at has resigned, and your employer has asked you to be the new TIC for the facility. You fill out the Therapist in Charge form, sign it, and fax it to the Board within the 30 days required for notifying the Board of a change to the TIC. The facility is now in compliance with a new TIC on record, but is that the end of your responsibility? No!

The Therapist in Charge is the PT who has been designated as the individual with the authority and responsibility for the facility's compliance with the PT Practice Act and Rules. The TIC may or may not be practicing clinically at the facility, and can be the TIC for more than one facility. The responsibilities of a TIC include, but are not limited to, assuring that:

- the facility renews its registration in a timely manner,
- each PT and PTA working in the facility has a valid Texas license,
- the provisions pertaining to the practice of physical therapy are adhered to by all personnel in the facility, and
- the Board is notified of any violation of the Practice Act/Rules.

The Board does not require the development of a written compliance plan. Each facility and TIC should develop their own internal system to monitor adherence to the applicable statutes and rules to avoid any non-compliance that might result in disciplinary actions against the facility, the Therapist in Charge, and/or the staff licensees.

## Changes to Reevaluation Timeframe

Another action of the Board at its January 30<sup>th</sup> meeting was adopting an amendment to §322.1. Provision of Services which will be effective March 1, 2015. The language in (d) Reevaluation has been amended to change the timeframe for re-evaluation of a patient from at a minimum of once every 30 days to at a minimum of once every 60 days before provision of physical therapy treatment by a physical therapist assistant (PTA) or a physical therapy aide can continue. The PT still has the discretion to reevaluate a patient more often if deemed necessary in their professional judgment.

Other provisions for the performance of a reevaluation remain unchanged. A reevaluation must be performed:

- in response to a change in the patient's medical status that affects physical therapy treatment,
- when a change in the physical therapy plan of care is needed, or
- prior to any planned discharge.

And a reevaluation must include:

- an onsite reexamination of the patient, and
- a review of the plan of care with appropriate continuation, revision, or termination of treatment.

Rules pertaining to the supervision of a PTA or aide are unaffected by this Rule amendment. The Board recommends that regulations and coverage policies of payor sources, i.e. Medicare, as well as employer/facility policies be reviewed to determine their specific requirements for reevaluation.

## Disciplinary Actions

The following disciplinary actions were taken at the January 30, 2015 Board Meeting:

- (1) **Charles Shoemaker, PTA #2026136 (Monahans)** – failed the CC audit; ethics course taken outside the renewal period. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**
- (2) **Yudhisthir Patel, PT #1213749 (Plano)** – failed the CC audit; ethics course taken outside the renewal period. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**
- (3) **Terry Carmean, PTA #2019337 (Fort Worth)** – failed the CC audit; ethics course taken outside the renewal period. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**
- (4) **Adam Richison, PTA #2097632 (Houston)** – practiced in a detrimental manner by failing to accurately record treatment notes; documenting treatment notes for treatments not rendered. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license for thirty (30) days.**
- (5) **Brian Graf, PT #1208973 (Richardson)** – practiced in a detrimental manner by failing to accurately record treatment rendered: failing to document verbal referrals and the subsequent patient evaluations. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license for thirty (30) days.**
- (6) **Aaron Dudley, PT #1146950 (Trophy Club)** – practiced in a detrimental manner by practicing with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license for ten (10) days.**
- (7) **Andrea Manzano, PTA #2076510 (Spring)** – practiced in a detrimental manner by practicing with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended her license for forty-five (45) days.**
- (8) **DeLisa Dickerson, PTA #2099353 (Rossville, GA)** – practiced in a detrimental manner by using drugs or intoxicating liquors to an extent that affected her professional competence; resulting in her inability to remain on the job and treat her patients. Violation of Section 453.351 of the Act. **Board Order suspended her license for thirty (30) days.**
- (9) **Peter Bentz, PT #1023109 (Fort Worth)** – practiced in a detrimental manner by practicing in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for ten (10) days.**
- (10) **Soledad Armendariz, PT #1030997 (El Paso)** – practiced in a detrimental manner by practicing in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended her license for ten (10) days.**
- (11) **Albert Armendariz, PT #1030211 (El Paso)** – practiced in a detrimental manner by practicing in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for ten (10) days.**
- (12) **Carolyn Frankowski, PT #1081123 (Dallas)** – practiced in a detrimental manner by practicing in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended her license for twenty-one (21) days.**
- (13) **Rodolfo Marin, PT #1065449 (El Paso)** – practiced in a detrimental manner by practicing in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for thirty (30) days.**
- (14) **Brad Bettis, PT #1075323 (De Leon)** – practiced in a detrimental manner by practicing in a facility not properly registered with the board. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for forty-five (45) days.**

## Proposed/Adopted Rules

The Board took the following rulemaking actions at the **January 30, 2015 Board meeting**. The full text of all proposed and adopted rules is available at: [www.ptot.texas.gov/page/act-and-rules](http://www.ptot.texas.gov/page/act-and-rules). If you would like to comment on proposed rules, please send your written comments to [info@ptot.texas.gov](mailto:info@ptot.texas.gov), or 333 Guadalupe, Suite 2-510, Austin, TX 78701.

### Proposed Rules:

**§322.4. Practicing in a Manner Detrimental to the Public Health and Welfare** - The amendment adds language to include failing to maintain confidentiality as detrimental practice.

**§329.2. Licensure by Examination** - The amendment establishes a lifetime maximum of attempts and a low score maximum for taking the National Physical Therapy Examination (NPTE) to comply with changes in the eligibility requirements which will be implemented January 1, 2016 by the Federation of State Boards of Physical Therapy (FSBPT) who owns and administers the test, and eliminates the requirement for remediation after two (2) or more unsuccessful attempts.

**§341.9. Retired Status** - The amendment eliminates the need for a notarized application and modifies the language concerning requirements for reinstatement from retired status to active status.

**§346.3. Early Childhood Intervention (ECI) Setting** - The amendment changes the requirement for review of the plan of care from at least every 30 days to at least every 60 days or concurrent with every visit if the child is seen at intervals greater than 60 days.

### Adopted Rules – to be effective March 1, 2015:

**§322.1. Provision of Services** – The amendment to (d) changes the timeframe for re-evaluation of a patient from 30 days after treatment is initiated to 60 days after treatment is initiated before provision of physical therapy treatment by a physical therapist assistant or a physical therapy aide can continue.

**§329.3. Temporary Licensure for Examination Candidates** – The amendment establishes a new category for issuing a temporary license to restoration applicants completing supervised clinical practice, changes the supervision requirement of the temporary licensee to a physical therapist only, and allows a temporary licensee to begin work on the basis of website verification of licensure.

**§329.6. Licensure by Endorsement** - The amendment eliminates the requirement of a two year work history for provisional licensure in order to comply with legislative changes during the 83rd Legislature.

**§341.1. Requirements for Renewal** - The amendment establishes a conversion of license renewal dates from the current method to birth month renewal.

**§341.3. Qualifying Continuing Competence Activities** - The amendment aligns the criteria for claiming continuing competence credit for mentoring a fellow or resident with the criteria set by the accrediting entity, the American Board of Physical Therapy Residency and Fellowship Education (ABPTRFE).

**§341.6 License Restoration** - The amendments establish a timeframe for completion of supervised clinical practice for restoring a Texas license that has been expired for one to five years, and clarifies the application requirements for a new license if an applicant is not eligible for restoration.