



Communiqué

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2013 Legislative Update

Several bills that were successfully passed during the session, including HB 588 which contained act amendments initiated by the Board, affect the Board and its licensees or applicants. Although the Board has not begun the process of rulemaking that will be required to put some of these changes in place, the changes themselves are summarized below. Changes to rules and procedures due to these bills will take place by early 2014.

- H.B. 588 - Rep. Tom Craddick – multiple changes
- i allowing for the revision of license restoration requirements and fees
 - i making licensee personal contact information confidential if other contact information is available
 - i eliminating the requirement to display renewal certificates for licensees and registered facilities

S.B. 1099 - Sen. Judith Zafferini – protection of MPT and DPT titles

The Practice Act has always protected certain professional titles and letter designations used to identify physical therapists by prohibiting a person from using them without an appropriate license. This helps ensure that the public is not confused about what those terms mean and who can use them. The designations "DPT" and "MPT" were not among the protected terms, as the masters and the clinical doctorate in physical therapy did not exist when the law was first written. TPTA initiated SB 1099 to protect these designations, and succeeded. S.B. 1099 amends the Practice Act to include MPT and DPT in the letters that are exclusively for the use of licensees of this board. However, it is important to note that these letters do NOT replace 'PT' and 'PTA' as licensure initials. All licensees must still comply with the use of title rules set out in §335.1, which states that academic designations such as MPT and DPT may be used after the licensure initials.

S.B. 162 - Sen. Letitia Van de Putte, et. al. - Relating to the occupational licensing of spouses of members of the military and the eligibility requirements for certain occupational licenses issued to applicants with military experience.

This law requires the board examine the application process to ensure that there are no barriers to licensure for the spouses of those in the active military, and also to recognize the training applicants may have received in the military that qualifies them for licensure.

The Legislature may have passed other bills that will affect the Act, the PT Board or the agency; this list is the preliminary assessment of the actions taken during the 83rd Regular session. //

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New Board Members Confirmed by the Legislature

The Board would like to thank members whose last meeting was in May for their years of service, and welcome new members confirmed during the recent regular session.

Frank Bryan, an attorney in Austin, has completed his term as a public member and has been replaced by Philip Vickers, an attorney in Fort Worth. Kevin Lindsey, PT, Mission, has moved out of state to take another position with his company, and so had to resign his position. Karen Gordon, PT, Port O'Connor, completed her term and has been replaced by Jeffrey Tout, PT, Granbury. However, Ms. Gordon is not leaving the Board as she has agreed to serve out Mr. Lindsey's term, which will end January 31, 2015. Shari Waldie, PT, Austin, was reappointed to a second six-year term on the Board. She, along with Mr. Tout and Mr. Vickers, have been appointed until January 31, 2019.

New CC Activity Types Planned for 2014

The process of revising the types of qualifying activities has been a long one, starting in September 2011, when the Board began discussing the concepts behind the changes. During 2012, the Board sought input from a TPTA taskforce on possible new activities and new criteria for existing activities. It also referred to the substantial work done by the Federation of State Boards of Physical Therapy in developing a model for continuing competence, and reviewed new rules established by other state boards of physical therapy.

At the January 2013 meeting, the Education Committee of the Board began its final review of draft changes to §341.3, Qualifying Continuing Competence Activities. Review continued at the May meeting. The Committee expects to complete the review at the September meeting, recommending the final version to the Board for adoption in the early part of 2014.

The revised rules will reflect the current perspective on activities that are most likely to help professionals maintain their competence. For as long as licensure boards have required CE, there has been debate over whether taking CE courses increases competence in any meaningful or consistent way. Literature in other fields like medicine, nursing and pharmacy suggests that it does not. According to Zubin Austin, BSc.PhM, PhD (Canada), who spoke at the 2006 FSBPT conference (See Struggling With the Notion of Competency at www.fsbpt.org; select Free Resources/Continuing Competence/Continuing Competence Articles and Resources) the evidence suggests that there are three categories of practitioner at highest risk of "incompetence":

- i Practitioners who are older (25 years or more post-graduation).
- i Those who work by themselves.
- i Those who are internationally educated.

The data also pointed to the fact that those most likely to be deemed competent are those who are connected and working professionally. People who:

- i Interact with other people in the field, sharing war stories and networking professionally.
- i Like what they do.
- i Express satisfaction with their personal lives.

As a result of these findings, there has been a national trend across all professions toward encouraging and giving credit for "engagement" in the profession. Although no board can require you to like what you do or be happy at home so that you will be competent at work, it CAN recognize that PTs and PTAs who are involved in their profession and connected with others in the profession often like what they do and strive to be good at it. The Board's goal is to shift some of the emphasis from traditional CE courses to activities that demonstrate "engagement" in the profession. In the proposed changes expect to see credit given for more activities outside the scope of traditional CE, such as clinical instructorship and service on specific physical therapy-related boards and committees. And remember - all licensees, as well as the "public" at large, are encouraged to review these changes, and comment to the Board if they have concerns. Sign up for Board eNews at www.ptot.texas.gov to be notified when the proposed rules are up for comment. 



Disciplinary Action Taken by the Board On January 18, 2013 and May 3, 2013

JANUARY 18, 2013 MEETING

Detrimental Practice - Various

Lisa Aikens, PTA #2024982 (Waxahachie) – practiced in a detrimental manner by knowingly treating patients who did not have current PT evaluations done. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order suspended her license for twenty-one (21) days.**

Esteban Cortez, PTA #2017943 (El Paso) – practiced in a detrimental manner by failing to check a patient's chart prior to a treatment; thereby treating a patient who needed a re-evaluation by the supervising PT after surgery. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order suspended his license for thirty (30) days.**

Christopher Brush, PTA #2038263 (Harlingen) – practiced in a detrimental manner by failing to maintain a safe environment during the treatment of a patient; allowing a third party individual into the treatment area where a scuffle with the individual ensued, placing the safety of the patient at risk. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board issued a Letter of Reprimand.**

Bradley Rio, PTA #2069040 (McKinney) – practiced in a detrimental manner by abandoning his position and patients without providing sufficient prior notice. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order suspended his license for fifteen (15) days.**

Nathalie Pena Hunt, PTA #2068439 (San Antonio) – practiced in a detrimental manner by failing to accurately record treatment notes; documenting treatment notes for and treating the wrong patient. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order suspended her license for thirty (30) days.**

Practiced with an Expired License

Lorianne Kimble, PTA #2068139 (League City) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order required thirty (30) hours of community service.**

Carlanditt Greenwood, PTA. #2068361 (San Antonio) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order required thirty (30) hours of community service.**

Lisa Cockrell, PTA #2053141 (Joaquin) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order**

suspended her license for ten (10) days.

Randell King, PTA #2059006 (Lindale) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order suspended his license for ten (10) days.**

Failed the Continuing Competence Audit

Michael Steinhelfer, PTA #2074033 (Mt. Gilead, OH) – failed the CC audit; insufficient number of board-approved hours taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required thirty (30) hours of community service; and completion of the lacking CC.**

Ryan Morris, PT #1194913 (Tyler) – failed the CC audit; ethics course taken outside the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required thirty (30) hours of community service.**

Jordan Leech, PTA #2065299 (South Padre Island) – failed the CC audit; ethics course taken outside the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required thirty (30) hours of community service.**

Matthew Coats, PTA #2065508 (Doddridge, AR) – failed the CC audit; ethics course taken outside the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required thirty (30) hours of community service; and completion of the lacking CC.**

John York, PT #1143477 (Kingwood) – failed the CC audit; insufficient number of board-approved hours taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required sixty (60) hours of community service; and completion of the lacking CC.**

Pamela Wayne, PT #1143576 (Manvel) – failed the CC audit; insufficient number of board-approved hours taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required sixty (60) hours of community service.**

Katharine Gray, PT #1194108 (Aledo) – failed the CC audit; insufficient number of board-approved hours taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required sixty (60) hours of community service.**

Karma Loftin, PT #1194429 (Bluff Dale) – failed the CC audit; insufficient number of board-approved hours taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order suspended her license for thirty (30) days.**

DISCIPLINARY ACTION TAKEN AT THE MAY 3, 2013 MEETING

Practiced with an Expired License

Carolyn Marcath, PTA #2068267 (Paradise) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order suspended her license for ten (10) days.**

Erica Scheel-Brown, PT #1069565 (Arlington) – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order suspended her license for thirty (30) days.**

Failed the Continuing Competence Audit

Donna Carver, PT #1121150 (Mansfield) – failed the CC audit; lacked a board-approved *ethics course* taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required thirty (30) hours of community service; and completion of the lacking CC.**

Abdulkarim Erabti, PT #1155243 (McAllen) – failed the CC audit; insufficient number of board-approved hours taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required thirty (30) hours of community service.**

Mohamed Hassan, PT #1083582 (Burr Ridge, IL) – failed the CC audit; insufficient number of board-approved hours taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required thirty (30) hours of community service.**

Venita Jones, PT #1052520 (Fort Worth) – failed the CC audit; insufficient number of board-approved hours taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required thirty (30) hours of community service; and completion of the lacking CC.**

Jason Pettett, PT #1120350 (Gunter) – failed the CC audit; insufficient number of board-approved hours taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required thirty (30) hours of community service.**

Carol Elliott, PTA #2075873 (Henderson, NV) – failed the CC audit; insufficient number of board-approved hours taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order required sixty (60) hours of community service.**

Oliva Pease, PTA #2072619 (El Paso) – failed the CC audit; insufficient number of board-approved hours taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the board rules. **Board Order suspended her license for thirty (30) days.**

Facility Registration

Teresa Atkinson, PT #1034825 (Houston) – practiced in a facility that was not properly registered with the board. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order required thirty (30) hours of community service.**

Thomas Lorren, PT #1058949 (Hideaway) – practiced in a facility that was not properly registered with the board. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order required forty-five (45) hours of community service.**

Raul Vargas, PT #1142875 (Allen) – practiced in a facility that was not properly registered with the board. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order suspended his license for ten (10) days.**

Chesley Snider, PT #1140606 (Fort Worth) – practiced in a facility that was not properly registered with the board. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order suspended his license for fifteen (15) days.**

Detrimental Practice - Various

Kimberly Keys, PT #1140101 (Plano) – practiced in a detrimental manner by failing to supervise and maintain the supervision of an aide during the aide's treatment of her patient. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order required thirty (30) hours of community service.**

America Gonzalez, PTA #2053673 (Laredo) – practiced in a detrimental manner by providing O'douls beer (advertised as a non-alcoholic beer) to a patient; a patient with a history of alcoholism. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order suspended her license for ten (10) days.**

Robert Wesley Benson, PT #1121648 (El Paso) – practiced in a detrimental manner by failing to accurately record treatment notes. Violation of §453.351 of the Act and Chapter 322 of the board rules. **Board Order suspended his license for fifteen (15) days.**

Felony DWI Conviction

Rene Parish Vest, PT #1056679 (Longview) – was convicted of DWI, a 3rd degree felony, and was subsequently sentenced to three years incarceration. Violation of §453.351 of the Act and §53.021(b) of the Occupational Code. **Board Order revoked her license to practice.**



PT RULE UPDATE

The Board took the following rulemaking actions at the May 3, 2013 meeting. The full text of all proposed and adopted rules is available at: <http://www.ptot.texas.gov/physical-therapy/pt-board/act-and-rules>.

Adopted

- i §329.2, License by Examination
- i §335.1, Use of Title

Proposed

- i §346.1, Education Setting (see the article below for more information regarding these changes)
- i §346.3, Early Childhood (ECI) Setting

If you would like to comment on these proposed rules, please send your written comments to nina.hurter@ptot.texas.gov, or 333 Guadalupe, Suite 2-510, Austin, TX 78701.

Changes Proposed for PT in the School Setting

In January, Jennifer Dansberry, a PT who works in the school setting, provided public comment to the Board regarding the impact of §346.1, Educational Settings, on reevaluation in the school setting. She urged the Board to revisit the rule that requires PTs to reevaluate a student receiving physical therapy services at a minimum of once every 30 days or at every visit if the patient/student is seen less frequently, explaining how physical therapy as a related service supports the student in his daily routine at school through modifying his environment through staff, student, and parent education, rather than treating the underlying condition that justifies those services. She pointed out that changes are measured in months or years in the school setting, rather than weekly or monthly, as in the clinic. Ms. Dansberry agreed to work on collecting information from around the state, so that the Board could get a complete picture of the effect of the rule, and the Board agreed to put the item on the next agenda for full discussion.

In May, the Board reviewed the results of the statewide survey of special education districts carried out by Ms. Dansberry's employer, Harris County Education District. Ms. Dansberry discussed the results with the Rules and Practice Committee, and clarified further how the Texas Education Agency (TEA) monitors and regulates the provision of these services in schools. The Board ultimately determined that the current reevaluation requirements were creating an unintentional and unnecessary hardship on the provision of physical therapy under the framework of the Individuals with Disabilities Education Act (IDEA) and has proposed (in the 6/14/2013 issue of the [Texas Register](#)) to change the rule to read as bolded below:

‘(e) Evaluation and reevaluation in the educational setting will be conducted in accordance with federal mandates under Part B of the Individuals with Disabilities Education Act (IDEA), 20 USC §1414, or when warranted by a change in the child's condition, and include onsite reexamination of the child. The Plan of Care (Individual Education Program) must be reviewed by the PT at least every 60 school days, or concurrent with every visit if the student is seen at intervals greater than 60 school days, to determine if revisions are necessary.’

If you would like to comment on this proposed amendment or any other, send those comments to nina.hurter@ptot.texas.gov, or mail it to the board at 333 Guadalupe, Suite 2-510, Austin TX 78701. If this rule is adopted as proposed at the September 2013 meeting, it will go into effect no later than October 2013.