



Communiqué

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Physical Therapy Board

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Next Board Meeting

July 24, 2020
Time and location TBD

PT Board COVID-19 Responses

The Texas Board of Physical Therapy Examiners (Board) has implemented selected waivers, extensions, and alternative reporting mechanisms in response to Governor Greg Abbott's state health disaster declaration on March 13, 2020 in order to assure that the essential functions related to the regulation of physical therapy remain operational.

The following is clarification of the most frequently asked questions that have been received regarding physical therapy licensure and practice.

Renewal

The expiration date for licenses has not been extended. The Board will consider extenuating circumstances on a case-by-case basis for a licensee unable to renew on time or complete the required number of continuing competence units (CCUs). As way of reminder, there is no limit to the number of CCUs obtained through completion of online courses/webinars that can be counted toward the required total. If you have been directly impacted by the COVID-19 pandemic, you can email an explanation of your situation for consideration to info@ptot.texas.gov.

Fingerprinting

The Governor, per the Board's request, temporarily suspended a targeted portion of the statute in the PT Practice Act, Tex. Occ. Code 453.215(b), that requires fingerprinting **prior** to the issuance of a license while keeping the rest of the requirement intact. This applies to both temporary and initial licenses. The requirement in statute/rule for license renewal remains unchanged.

Applicants/licensees are still encouraged to submit to fingerprinting if able. However, if the fingerprinting requirement cannot be completed due to shelter-in-place orders or the closure of a number of Identigo enrollment centers, an initial license can be issued or a current license can be renewed if all of the other requirements have been met. An email with a 90-day extended time-period in which to complete the fingerprinting requirement will be sent once the license application/renewal is processed.

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Scope of Practice

The physical therapy scope of practice has not been expanded during the declared disaster. All of the sections pertaining to the provision of physical therapy found in Chapter 322 of the PT Rules remain intact.

A number of questions regarding whether or not a PT or PTA can provide home health aide services or assist with bathing and/or feeding tasks normally performed by a certified nurse assistant (CNA) in a nursing facility have arisen resulting from staffing challenges. A PT/PTA can provide these services during the COVID-19 crisis as long as they do not represent themselves as a PT/PTA when providing the service or that the service they are providing is part of the physical therapy treatment. Additionally, the services should not be documented as physical therapy services, including in the physical therapy plan of care, and should not be billed as physical therapy services. If needed, training specific to the tasks that will be performed should be provided by the agency/facility prior to performance to assure competency and patient safety.

PT Evaluation/Reevaluation

Social distancing and limiting access to patients in high-risk facilities such as nursing homes presents unique challenges to hands-on performance of evaluation and reevaluations. Assistance with delegated tasks during an eval/reeval can be accomplished utilizing a PTA. As long as the PT is able to see and hear both the patient and the PTA, and the PTA is following through with the PT's directions, the PTA can assist with the examination portion of an eval/reeval. This could be done through a window or glass door with phone communication or through a telehealth platform. The assessment and development/update of the plan of care with goals remain the responsibility of the PT.

Clinical Instructor CCUs

With the interruption in clinical rotations of physical therapy and physical therapist assistant students caused by the current public health emergency, the PT Board is allowing prorated CCUs to be granted to Clinical Instructors for their service if the clinical education experience could not or cannot be completed due to the crisis. Supervision of a full-time PT or PTA student for 5 – 11 weeks is valued at 5 CCUs. Each week of the clinical rotation that is completed can be prorated at 1 CCU up to 5 CCUs.

Faculty/Students

With the knowledge that some schools are closed, faculty/staff are working remotely, and school seals/notarization might not be readily available, temporary changes have been enacted to ensure that processing of new graduate applications for licensure can continue as efficiently and judiciously as possible.

Transcripts in pdf form will be accepted if sent directly from the registrar's office to exam@ptot.texas.gov. Transcripts still need to show at least active enrollment in the last semester of the program. Electronic transcripts sent by a third party processor have been and will continue to be accepted.

Additionally, Letters of Completion (LOC) can be sent via email without the school seal or notarization if unavailable to exam@ptot.texas.gov. The LOC must be sent via a school email address and include a statement as to the reason there is no seal/notarization.

Temporary License

The request for suspension of PT Rules §329.3. Temporary Licensure. (a)(3) Duration was granted by the Governor. There is now more flexibility in issuing and extending temporary licenses with the disruption of the National Physical Therapy Examination (NPTE) testing dates because of testing site closures.

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Disciplinary Actions

The following disciplinary actions were ratified at the April 24, 2020 Board Meeting:

- (1) **Michelle Binder, PTA #2126872 (San Antonio)** - 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.***
- (2) **David Taylor, PTA #2099910 (Lubbock)** - 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.***
- (3) **Carlos Chavez, PTA #2134957 (Schertz)** - 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.***
- (4) **Christine May, PT #1057826 (Pampa)** - 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 required sixty (60) hours of community service.***
- (5) **Robin Suire, PT #1171130 (Houston)** - 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.***
- (6) **Sheril Marek, PT #1325592 (League City)** - practiced in a detrimental manner by abandoning her position without providing sufficient prior notice. 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.***
- (7) **Pamela Rutaquio, PT #1205881 (Dallas)** - 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) **Roy Diaz, PTA #2005534 (San Antonio)** - 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 his license to practice for thirty (30) days.***
- (9) **Cindy Ford, PT #1030302 (Buffalo)** - 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.***
- (10) **Dustin Patterson, PTA #2132768 (Lubbock)** - practiced in a detrimental manner by having an inappropriate relationship with a patient. 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.***
- (11) **Helmut Stepp, PTA #2063749 (Wichita Falls)** - practiced in a detrimental manner by engaging in sexual contact with a patient. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended his license to practice for sixty (60) days.***

PT Board COVID-19 Responses, cont. from pg. 2

License Verification

State boards across the country have adjusted their procedures for sending license verification letters to other state boards. In response to this, we are accepting license verification letters from other state boards by email at exam@ptot.texas.gov, and will continue to receive and process them if mailed. The license verification letter must be sent from the state licensing board and not the individual applying for or restoring a Texas license. If you are having difficulty obtaining a license verification letter please contact us at info@ptot.texas.gov.

Communication

The agency is currently working under the Governor's directive to maintain reduced in-office personnel on limited days while conducting the majority of the agency's essential functions remotely. Limited personnel are in the office on Monday and Tuesday, mainly in licensing and accounting.

The preferred method of communication these days is via email. Please direct any questions regarding licensing/renewal or the practice of physical therapy to info@ptot.texas.gov.

Resources

As the PT Practice Act/Rules do not provide specific guidelines to address all issues that have emerged during the COVID-19 health disaster, the Board recommends following the CDC guidelines as well as state and local orders and guidance. Resources relevant to physical therapy have been curated by both the state and national physical therapy associations.

Centers for Disease Control and Prevention: <https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html>

The Governor's Report to Open Texas:

<https://gov.texas.gov/uploads/files/organization/opentexas/OpenTexas-Report.pdf>

Texas Physical Therapy Association (TPTA): <https://tpta.memberclicks.net/covid-19-resources>

American Physical Therapy Association (APTA): <http://www.apta.org/Coronavirus/>



Human Trafficking Prevention Training

During the 86th Legislature in 2019, HB 2059, which requires human trafficking prevention training as a condition of license renewal for certain health care practitioners, passed and was signed into law. The training is designed to equip health care practitioners who provide direct patient care with the training needed to help detect potential victims of human trafficking and to provide them with adequate care and referral for additional support services.

One of the provisions of the bill requires the Health and Human Services Commission (HHSC) to approve training courses on human trafficking, to post the list of approved trainings on the HHSC website, and to update the list of approved trainings as necessary. HHSC has developed a special page for health care practitioner training which currently lists one course approved to satisfy the requirements for all licensees impacted by HB 2059. The *SOAR To Health and Wellness* module is free and awards the Healthcare Team 1.0 Interprofessional Continuing Education credit. This is equivalent to 1.0 CCU for PTs/PTAs and can be used toward the total number of required CCUs for renewal.

HHSC is in the process of developing its own human trafficking training that will be offered to all health care practitioners free of charge. More information on the approved course and requirement is available at <https://hhs.texas.gov/services/safety/texas-human-trafficking-resource-center/health-care-practitioner-human-trafficking-training>

The PT Board proposed amendments to the PT Rules that will include the human trafficking prevention training as a renewal requirement at its April 24, 2020 meeting. Compliance with the new renewal requirement will be effective for PT and PTA licensees who renew their license on or after September 1, 2020 regardless of the license expiration date. See page 6 for more information on the proposed amendments.

Physical Therapy via Telehealth

TX PT Rules §322.5 addresses the provision of physical therapy services via telehealth. As long as a PT or PTA under the supervision of a PT abide by not only the telehealth rules but also all of the provisions of the PT Practice Act/Rules, they will be compliant with the licensure rules and regulations when providing physical therapy services via telehealth.

In response to recent phone calls/emails, the PT Board has developed the following FAQs in order to provide clarification of the telehealth rules:

Can a PT/PTA who is licensed in TX provide physical therapy services via telehealth to a patient in another state?

The TX PT Rules pertain to physical therapy services via telehealth provided to a patient who is physically located in Texas. Physical therapy services provided to a patient located in another state are governed by the physical therapy statutes and rules of that state.

Can a PT/PTA located in another state provide physical therapy services via telehealth to a patient who is physically located in Texas?

As long as the PT/PTA has either an unrestricted Texas license or a Compact Privilege to practice in Texas, they can provide physical therapy services via telehealth to a patient who is physically located in Texas regardless of their location.

Can the informed consent be obtained verbally?

Verbal consent is acceptable as long as you document that you are receiving verbal consent for patient/student name and the date the verbal consent is given. If the responsible party of the patient/student provides the consent, include the name and relationship to the patient/student in the documentation. The informed consent can be broad in nature to cover multiple sessions during the episode of care instead of obtaining consent for each session.

Can an evaluation (reevaluation) be performed via telehealth?

The PT is responsible for determining whether an evaluation (reevaluation) or intervention may be conducted via telehealth or must be conducted in an in-person setting.

Does a reevaluation need to be performed to transition a patient's physical therapy services to telehealth?

Transitioning the physical therapy services of a patient to telehealth is just a change in the delivery mode for the continuation of the episode of care and would not necessarily require a reevaluation.

Is FaceTime and non-encrypted video permissible at this time per PT rules and regulations?

Since the Office of Civil Rights (OCR) of the U.S. Department of Health & Human Services has temporarily relaxed the requirements for HIPAA compliant telehealth platforms, it would not be a violation of the PT Practice Act/Rules to use those platforms during the COVID-19 nationwide public health emergency. More information on OCR enforcement discretion and HIPAA compliant telehealth platforms is available at <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>.

Is physical therapy services via telehealth reimbursable? What are the telehealth codes for billing?

The PT Practice Act/Rules do not address billing/coding/reimbursement, and licensure authorization does not guarantee that a payer source will reimburse for the telehealth services. You should contact your payer source(s) for clarification on billing/reimbursement of physical therapy services provided via telehealth.

Additional information and resources on telehealth are available through both the state and national physical therapy professional associations.

Texas Physical Therapy Association (TPTA) - <https://tpta.memberclicks.net/covid-19-resources>

American Physical Therapy Association (APTA) - <http://www.apta.org/Telehealth/>

Proposed/Adopted Rules

The Board took the following rulemaking actions at the April 24, 2020 Board meeting.

Adopted Rules: (none)

The amendment to §344.1. Administrative Fines and Penalties which updated the Schedule of Sanctions and was proposed at the January 17, 2020 Board meeting was not submitted to the Texas Register and will be proposed after revision at a later date.

Proposed Rules:

**§341.1 Requirements for Renewal,
§341.6. License Restoration,
§341.8. Inactive Status, and
§341.9. Retired Status; Performing Voluntary Charity Care**

Amendments were proposed to the above sections pursuant to the provisions in HB 2059 during the 86th Legislative Session that mandates the addition of human trafficking prevention training for healthcare practitioners as a condition of license renewal. This requirement pertains to active licensees who are renewing their license either timely or late, individuals who are restoring their license, licensees on inactive status who are returning to active status, and licensees who are performing voluntary charity care on retired status who are renewing their license.

The proposed rules amendments are available at <https://www.ptot.texas.gov/page/act-and-rules> and will appear in an upcoming edition of the *Texas Register*.

Rule Review:

The Board has filed notice of intent to review **ALL CHAPTERS** of Title 22, Part 16 of the Texas Administrative Code in accordance with Texas Government Code §2001.039. During the review, the Board will consider whether the reason for adopting the rules continues to exist, and whether the rules should be repealed, readopted, or readopted with amendments. The notice of intent to review will appear in an upcoming edition of the *Texas Register*.



Upcoming PT Board Meetings

The following dates have been set for the Board's 2020 meetings (subject to change):

- July 23 – 24, 2020
- October 8 – 9, 2020

On March 16, 2020, Governor Greg Abbott suspended certain provisions of the Texas Open Meetings Act so that state agencies can hold meetings by telephonic conference.

Time and location of upcoming meetings will be available online at <https://www.ptot.texas.gov/page/meeting-dates> closer to the meeting date as resumption of in-person meetings is determined.