



# Communiqué

[www.ptot.texas.gov](http://www.ptot.texas.gov)

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November 2012

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## Where Does All the Money Go?

Executive Council Director discusses fees and the agency budget

During a recent OT conference, I had an interesting conversation with several OTs about the budget of the Executive Council. They had questions about high licensing fees, and about where that money goes, and how the agency is funded. I think their real underlying question was, with such high fees, why are licensees receiving ever fewer services? These OTs felt that since there are so many OTs and PTs and facilities licensed in Texas, there should be more than enough money to continue to print renewal certificates and mail out printed copies of the Acts and rules. That instead of a decline in services, there should be more and better services. Their questions about the funding of the Executive Council (which supports the OT Board and PT Board operations) prompted me to briefly try and answer these questions.

The Council is required by Texas law to cover agency expenses through licensing fees, but the money we collect is not ours to spend. With few exceptions, all funds collected by the Executive Council (for example, application and renewal fees, fines, etc.) are deposited directly into the state's General Revenue Fund. That's the largest state account into which almost all state revenues flow, and which is used to run state government and pay for all state services. The Texas Legislature meets every two years, so every two years the Executive Council, like other state agencies, must appear before the Legislature and present its case for funding for the next two years. The Legislature can decide to give the agency less than in the previous two years, keep it the same, or increase it for specified and approved purposes - for example, money given to the agency is earmarked for salaries, technology upgrades, professional services, etc. However, if an agency is given or "appropriated" funds above what it received the previous year to cover such items, the agency is required to raise fees to cover that increase.

The Executive Council, like most regulatory agencies, finds itself generating much more revenue (your fees) for the state than we spend. During this past fiscal year (2012) we deposited about \$4,600,000 into the General Revenue Fund. We were appropriated or given \$1,042,000 by the Legislature to meet our mission of licensing and regulating OTs and PTs in Texas, which evolved into about \$950,000 available to cover our operating expenses. Of that amount we had to raise about 10% ourselves from the sales of mailing lists. As you can see, we were appropriated about 25% of the total fees collected last year.

Meanwhile, as the agency budget appropriation has remained relatively static or decreased over the past few years, the workload has significantly increased. Below are some rough comparison numbers between 2004 and 2012 which highlight this:

	FY2004	FY2012
Agency Budget	\$900,000	\$963,000
Revenues to State	\$2,740,000	\$4,600,000
Licensees & Facilities	21,796	35,525
Disciplinary Cases	370	606
Employees since 1994	18	18

Our sole mission is to protect the public. We must use our budget to fund the most important activities to accomplish our mission, and so have made the decisions to cut less important activities. For example, if given the choice between letting an investigator go or continuing to fund newsletter mail-outs, the choice is obvious. In an agency this size, salaries for staff are the biggest expense. We could have reduced the number of staff that process applications and renewals and answer questions from licensees, but instead the Boards agreed to push almost all licensing transaction activities onto the internet, including the printing of renewal certificates.

The bottom line: Legislators are faced with competing public needs and scarce resources, especially in recent times. We cannot keep your fees for our own use in running the agency or serving licensees, but must instead live within the budget given us by the Legislature.

On our website is a link to the agency's most recent strategic plan. If you wish to know more about the information I have provided, such as numbers, statistics, requirements, etc., you can find it there in great detail.

*John Maline, Executive Director, ECPTOTE*

## Agreed Orders Now Available Online

As of October 2012, licensees and the public can review the document that results from a disciplinary action on the Board's website. If a licensee has been disciplined by the Board, the Agreed Order (the official documentation of the action taken by the Board) is available as a pdf when you verify a license on the "[Look up a License](#)" page. Click on the date of the disciplinary action to be taken to the document. 

## Plan Ahead – Avoid Renewal Headaches

2012 brought many changes to the Board's website. Although the website has generally received good marks for being more user friendly, both licensees and staff have faced challenges, especially with the renewal process. If you will renew your license in the next few months, you may want to plan ahead so that you are not scrambling at the last minute to complete the process.

Issue #1: *"The CC Report doesn't let me enter hours correctly."*

Issue #2: *"I finished the jurisprudence exam, but I can't see the keycode I need to pay for renewal!"*

Issue #3: *"I can't print out the statement of licensure."*

**Recommendation: Use the Google Chrome browser to access the website when you renew.**

Your browser – the program you use to access the board's website – is the key to success. Ideally, you should be able to use any common browser (Internet Explorer, Google Chrome, Mozilla Firefox, Apple Safari), or even your smartphone or iPad, to renew your license. Unfortunately, although we are working on it, none of those browsers or devices work well at this time. We hope to have this fixed by early 2013, but until further notice, licensees are advised to complete the renewal process using Google Chrome only. You will find links to the Chrome download sites for PC and Mac in several places on the website. If your only computer access is at work, ask your employer ahead of time about installing Chrome to help PT and OT licensees. We sincerely apologize for the inconvenience.

Issue #4: *"I don't have an approval number for my course yet. I've submitted it for approval by TPTA, but it might not be approved before my license expires."*

Issue #5: *"The CC Activities Report isn't recognizing the courses I entered and won't let me take the exam."*

**Recommendation: Make sure your CC activities are approved and in the correct time period before you start the renewal process.**

The CC Activities Report, which became part of the renewal process in March 2012, requires that you enter the name of the course or activity, with the approval number, the date of completion, and the number of CCU credits. You must also indicate whether the course was taken to meet the ethics/professional responsibility requirement. You may not take the jurisprudence exam or renew your license without that information. Additionally, the program will let you enter but not give you credit for courses taken more than two years prior to the month your license expires. If you have entered a course and it does not add the credits into the total, it means the course was not taken in the right period. If you believe this is not true, contact Nina Hurter, the PT Coordinator, for assistance. 

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## Now That You Ask...



We get a lot of phone calls from licensees asking the same questions. Below are a few of the most common. Many of these topics and others are addressed on the Board's Practice FAQ page.

### **Can I accept a referral from outside the state or the country?**

Yes. The rule only states that the referring practitioner must be licensed or authorized to prescribe treatment; it doesn't limit PTs to Texas practitioners. If a patient has a referral from a practitioner outside of Texas, or even the US, the PT may accept it if she chooses. The PT is responsible for ensuring that the practitioner is authorized to refer in the state or country in which he or she practices, regardless of whether the referral is from Texas, another state, or another country.

### **Do I have to get a doctor's signature on my plan of care every 30 days?**

No. According to the PT Practice Act, once the PT has received the referral, completed the evaluation and written the plan of care, treatment may begin. Treatment may continue according to the plan of care without re-approval by the referring practitioner. However, certain payers (for example Medicare) may require certification or recertification of the plan of care at specific intervals, depending on the setting. Check with the payer to make sure what they require.

### **Do I get CC credit for acting as a Clinical Instructor for PT or PTA students?**

Currently, credit is only given for completion of a Clinical Instructor certification course. When the revisions to the CC rules are complete, it is likely to include credit for hours spent as a clinical instructor.

### **How does the Board's reevaluation requirement work in the school setting?**

The provision of physical therapy services in the school setting are subject to the provisions of §322.1. As per §322.1 (d), a reevaluation should be performed by the PT to determine any changes in the student's status since the last eval/re-eval and to determine whether the planned service and/or goals should be modified. This should be done at a minimum of once every 30 days or at every visit if the patient/student is seen less frequently. For example if the student is seen every nine weeks, the PT would reevaluate every nine weeks at that visit.

### **Does a referral expire after 30 days?**

There is NO specific length of time a referral is valid or good; the Board leaves it to the professional judgment of the PT to determine whether the referral is valid. However, licensees sometimes misinterpret §322.(a)(2)(D)(ii), regarding prior referrals. There is a 30 day (or 20 visit) limit for treating patients who return within a year of their discharge and request further treatment for the same condition (i.e., under a prior referral). That 30 day limit stated in the rules ONLY applies to treatment based on a prior referral, not to treatment based on a current referral. ✍



## Disciplinary Action Taken by the Board On September 14, 2012

### Treated without a Current PT Evaluation

**John Glick, PTA #2073361 (Gainesville, FL)** – practiced in a detrimental manner by knowingly treating patient 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 his license for ten (10) days.**

### Treated without a Referral and without PT Supervision

**Joseph Johnson, III, PTA #2021259 (Fredericksburg)** – practiced in a detrimental manner by treating a patient without a referral for treatment from a qualified healthcare practitioner and without the supervision of a licensed PT, thereby practicing

outside the scope of his licensure. Violation of §453.351 of the Act. **Board Order suspended his license for thirty (30) days.**

### Treated without a Referral

**Jonathan Conrad, PT #1159579 (Cleburne)** – practiced in a detrimental manner by treating a patient without a referral for treatment from a qualified healthcare practitioner. Violation of §453.351 of the Act. **Board Order suspended his license for thirty (30) days.**

### Practiced with an Expired License

**Krista Stava, PTA #2075410 (Weatherford)** – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board

Rules. **Board Order required eight (8) hours of community service.**

**Dina Delgado, PT #1037802 (Universal City)** – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required eight (8) hours of community service.**

**Vance McDonald, PT #1104180 (Fredericksburg)** – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required fifteen (15) hours of community service.**

**Inelda Robertson, PT #1166280 (Houston)** – 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.**

**Jennifer Jones, PT #1189565 (Oklahoma City, OK)** – 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 forty-five (45) days.**

#### Failed the CE Audit

**Anna Marie Tucker, PT #1189981 (Van Horn)** – 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.**

**Claude Stephens, PTA #2001319 (League City)** – 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.**

**Cristobal Lopez, PTA #2072092 (Pharr)** – 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.**

**James Griffin, PT #1042539 (San Antonio)** – 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.**

**Desiree French, PT #1175636 (McAllen)** – 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.**

**Paula Blocker, PT #1189520 (Ruston, LA)** – 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.**

**Efren Herrera, PT #1189619 (El Paso)** – 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.**

**Joseph Lopez, PT #1193310 (Fort Hood)** – 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.**

**Jose Dominguez, PTA #2009155 (Houston)** – 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.**

**Cynthia Levan, PT #1026235 (Keller)** – 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.**

**Lauren Cain, PT #1175489 (The Woodlands)** – 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.**

**Katherine Constance, PT #1177173 (Austin)** – 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 eight (8) hours of community service.**

**Kelly Quaal, PT #1177880 (Castle Rock, CO)** – 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, plus the lacking hour of board-approved continuing education.**

**Casey Pettit, PT #1189060 (Houston)** – 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.**

**Crystal Johnson, PTA #2002812 (Colleyville)** – 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.**

**Patricia Goesl, PTA #2024172 (Texarkana)** – 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.**

**Sheila Whitaker-Kellagher, PT #1029296 (Dallas)** –

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.**

**Gregory Mark Ball, PT #1142528 (Fredericksburg)** – 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.**

**Teri Rohlf, PT #1100634 (Lockhart)** – 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, plus the lacking hours of board-approved continuing education.**

**Ruth Eckenrod, PTA #2039600 (Bullard)** – 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, plus required the lacking hours of board-approved continuing education.**

**Andrea Knight, PTA #2034403 (Greenville)** – 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.**

**Joseph Mansbach, PTA #2009791 (San Antonio)** – 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 his license for thirty (30) days.**

**Bryan Hannley, PT #1117653 (Tucson, AZ)** – failed the CC audit; submitted no proof of any board-approved hours taken during the renewal period. Violation of §453.351 of the Act and Chapter 341 of the Board Rules. **Board Order accepted the voluntary surrender of his license to practice in lieu of further action by the Board.**

#### Felony Offense Conviction/Revocation

**Kelly Moore Schiller, PT #1177478 (Iowa Park)** – was convicted of a felony offense and sentenced to confinement by the Texas Department of Criminal Justice. Violation of §453.351 of the Act. **Board Order revoked her license to practice.**



### PT RULE UPDATE

The Board took the following rulemaking actions at the January 20, 2012 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 §337.2, Consumer Information Sign
- i §341.8, Inactive Status

#### Proposed

- i §347.9, Renewal of Registration
- i §347.12, Restoration of Registration
- i §347.13, Cancellation of Registration

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

### Need Help Keeping Track of Your CCUs?

If you find it difficult to consistently track your CC activity and maintain your completion certificates, you may want to investigate systems offered by the Federation of State Boards of Physical Therapy and the TPTA. All licensees are invited by the Federation to use aPTitude, a free continuing competence management system, and TPTA offers a similar system to its members at no cost. Both systems have “how to” videos, and allow you to upload copies of your certificates.

For information about aPTitude: <https://pt.fsbpt.net/aPTitude/public/info/licensee>.

For information about TPTA's product: <http://www.continuingcompetence.org/licensees.asp>, or contact the TPTA at 512/477-1818.