



November 2019

Communiqué

333 Guadalupe, Suite 2-510
Austin, Texas 78701

512-305-6900
www.ptot.texas.gov

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Next Board Meeting

January 17, 2020

333 Guadalupe, Suite 2-510
Austin, TX 78701

PT Rules §322.1. Amendments Adopted

At its October 11, 2019 meeting, the **PT Board adopted amendments to PT Rules §322.1.(a)(2)(D)** as required by the provisions in HB 29 which amended Sec. 453.301, Occupations Code (PT Practice Act) during the 86th Legislative Session. (See Proposed/Adopted Rules on page 5)

The Rules amendments delineate the following:

- the qualifications and additional requirements beyond licensure for a PT to treat a patient without a referral for 10 or 15 consecutive business days;
- the minimum amount of professional liability insurance coverage - \$100,000 per claim and \$300,000 per year aggregate;
- the requirement to obtain a referral before continuation of treatment beyond the 10 or 15 consecutive business days; a
- the requirement for a patient receiving treatment without referral to sign a disclosure form.

The effective date of the Rules amendments is November 1, 2019.

Additionally, the PT Board approved the **Physical Therapy Treatment without Referral Disclosure** form that must be signed by each patient receiving treatment without referral from November 1, 2019 forward. The form is available online at www.ptot.texas.gov and may be reproduced but not edited or modified.

Treatment without Referral FAQs are available at the link above, and cover questions that the PT Board has received concerning professional liability insurance coverage, qualifications in order to treat without a referral, and the differential diagnosis continuing competence requirement, among others.

If you have a question regarding the statute and rule changes, please review the FAQs to see if your question has already been answered before calling the Board.

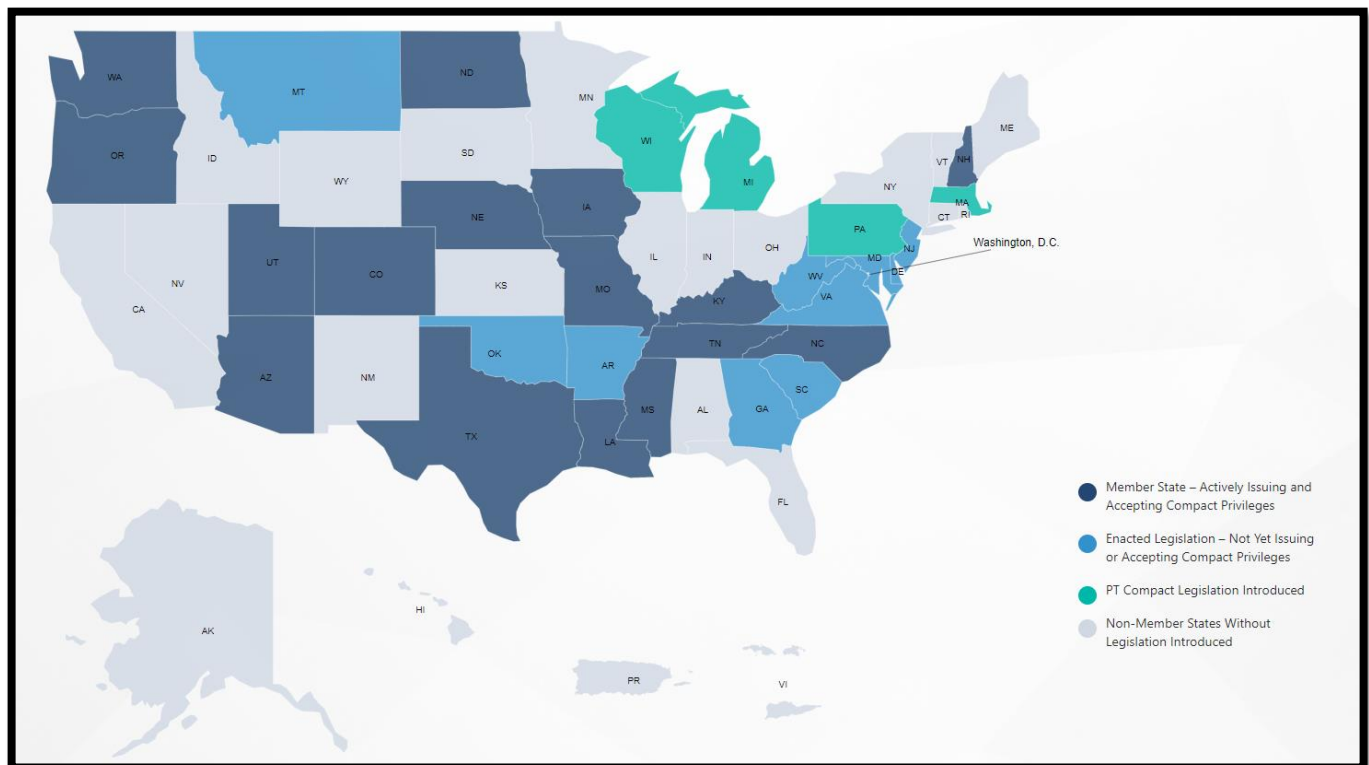
PT Compact Member States Status

The **Physical Therapy Compact** is an agreement between Member States to improve access to physical therapy services for the public by increasing the mobility of eligible physical therapy providers to work in multiple states.

A Compact Privilege authorizes a licensee from a Member State to practice as a physical therapist or work as a physical therapist assistant in another Member State under its laws and rules.

Currently, there are sixteen (16) Member States that are actively issuing and accepting Compact Privileges, and a number of other states that have enacted the PT Compact legislation but are not yet issuing or accepting Compact Privileges or have introduced the PT Compact legislation.

Resources regarding eligibility requirements and the process for purchasing a compact privilege are available at ptcompact.org/resources-tools.



Upcoming PT Board Meetings

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

- January 16 – 17, 2020
- April 23 – 24, 2020
- July 23 – 24, 2020
- October 8 – 9, 2020

Disciplinary Actions

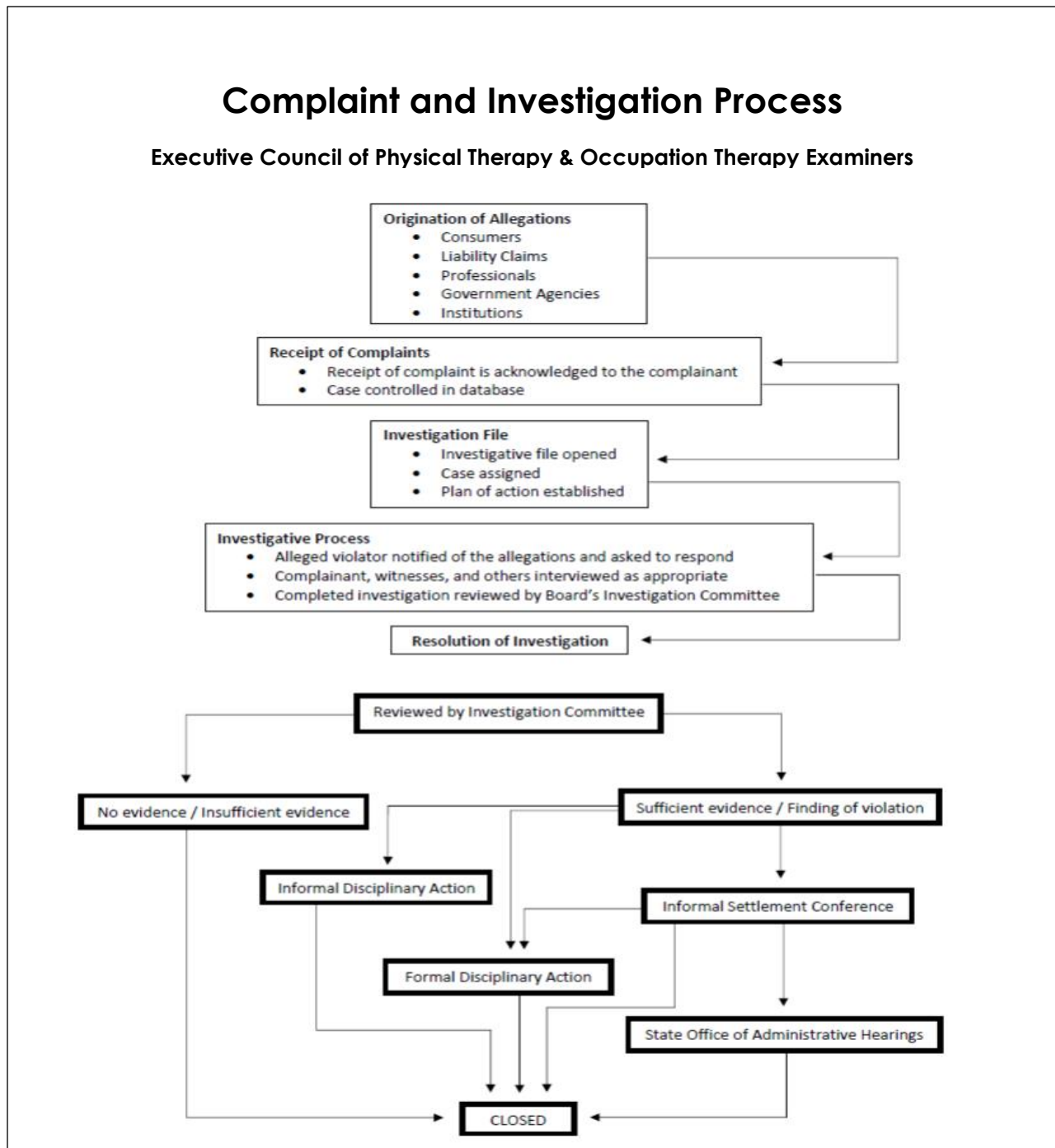
The following disciplinary actions were ratified at the October 11, 2019 Board Meeting:

- (1) **Erin Parshall, PTA #2093798 (Colleyville)** – 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.**
- (2) **Jacqueline Cottone, PTA #2126160 (Amarillo)** – 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 thirty (30) hours of community service.**
- (3) **Chioma Olonade, PT #1172428 (Dallas)** – 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.**
- (4) **Janiece Sieracki, PTA #2120490 (Temple)** - 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.**
- (5) **Josue De La O, PTA #2056048 (McAllen)** - 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.**
- (6) **Jeffrey Longino, PT #1187388 (Plano)** - practiced in a detrimental manner by abandoning his position without providing sufficient prior notice. 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) **Jeffrey Gale, PT #1303180 (Belton)** - practiced in a detrimental manner by abandoning his position without providing sufficient prior notice. 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.**
- (8) **Kelly Donachy, PTA #2128811 (New Braunfels)** - 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.**
- (9) **Lisa Barker, PT #1074995 (Plano)** – 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 for thirty (30) days.**
- (10) **Jose Marquez, PTA #2082847 (El Paso)** – failed to report two felony convictions to the Board in a timely manner, as required by board rule. Violation of Section 453.351 of the Act and chapter 343 of the Board Rules. **Board Order suspended his license for sixty (60) days.**
- (11) **Jamye Buckley, PTA #2037216 (Bandera)** – failed to report a felony conviction to the Board in a timely manner, as required by board rule. Violation of Section 453.351 of the Act and chapter 343 of the Board Rules. **Board Order suspended her license for thirty (30) days.**
- (12) **Jaymes Salinas, PTA #2104300 (San Antonio)** - practiced in a detrimental manner by calling a patient’s physician to change medication dosages on two occasions; thus practicing outside the scope of his license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license for thirty (30) days.**
- (13) **Jessica Lauren Vass, PTA #2055770 (Lindale)** – previously had her license to practice revoked for violation of Section 453.351 of the Act and Section 53.021(b) of the Texas Occupational Code for pleading guilty to two counts of Intoxication Manslaughter. **Board Order reinstates her license to practice.**
- (14) **Utsav Brahmhatt, PT #1249657 (Grand Prairie)** – practiced in a detrimental manner by failing to accurately record treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license to practice indefinitely under the emergency provision allowed pursuant to Tex. Occ. Code §453.354, as the continued practice by the licensee constitutes a continuing or imminent threat to the public health or welfare.**

Complaint/Investigation Process

Per PT Rules §322.4 (b)(14), it is **your duty to report** another licensee when you have reasonable cause to believe that person has violated any of the provisions of the Practice Act and Rules, or aids or causes another person, directly or indirectly, to violate the Practice Act or Rules.

But have you ever wondered **what happens to a complaint once it is made to the Board?** The following chart represents an overview of the complaint, investigation, and resolution process.



Information on filing a complaint is available online at <https://www.ptot.texas.gov/page/file-a-complaint>.

Proposed/Adopted Rules

The Board took the following rulemaking actions at the October 11, 2019 Board meeting. The full text of all **adopted rules** has been incorporated into the November 2019 pdf version of the PT Rules which is available online at <https://www.ptot.texas.gov/page/act-and-rules> and appeared in the October 25, 2019 edition of the *Texas Register* available online at <http://www.sos.state.tx.us/texreg/index.shtml>. The **proposed rules** amendment is available on the Board’s website at the link above and will appear in an upcoming edition of the *Texas Register*.

Adopted Rules: (effective November 1, 2019)

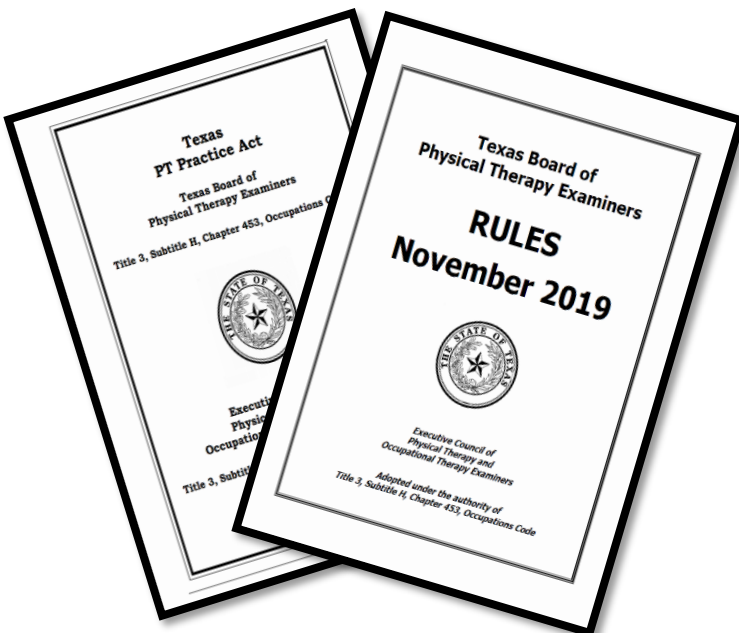
§322.1. (a) Initiation of physical therapy services - the amendment is adopted in order to delineate the qualifications beyond licensure, additional requirements, and limitations for a physical therapist to treat a patient without a referral from a qualified healthcare practitioner pursuant to HB 29 amendments to Sec. 453.301, Occupations Code during the 86th Legislative Session.

§329.6. Licensure by Endorsement and §329.7. Exemptions from Licensure - the amendment is adopted in order to authorize a military spouse to engage in the practice of physical therapy without obtaining a license as a physical therapist or physical therapist assistant if the spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the licensure in this state and the military service member to whom the military spouse is married is stationed at a military installation in this state pursuant to SB 1200 addition of Sec. 55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SPOUSE to Chapter 55, Occupations Code during the 86th Legislative Session.

§341.7. Restrictions on License Renewal and Restoration - the amendment is adopted in order to eliminate default on a student loan as a restriction for obtaining, renewing, or restoring a physical therapy license pursuant to SB 37 amendments to CHAPTER 56. ACTION AGAINST RECIPIENTS OF STUDENT FINANCIAL ASSISTANCE, Occupations Code during the 86th Legislative Session.

Proposed Rules:

§322.5. Telehealth - the amendment is proposed in order to clarify the role of the physical therapist assistant in the provision of physical therapy via telehealth in response to a petition for adoption of rule changes.



Updated pdfs of the PT Practice Act and Rules are available online at:

<https://www.ptot.texas.gov/page/act-and-rules>.

The amended section of the PT Practice Act which was effective September 1, 2019 is Sec. 453.301.

Amended sections of the PT Rules which were effective November 1, 2019 are:

- §322.1. Provision of Services
- §329.6. Licensure by Endorsement
- §329.7. Exemptions from Licensure
- §341.7. Restrictions on License Renewal and Restoration

Fingerprinting/Criminal Background Check Requirement

- Fingerprinting is a **requirement for any applicant for licensure**, either by exam or endorsement, whose license is issued on or after January 1, 2019. **A license will not be issued until this requirement is fulfilled.**
- Fingerprinting is a **requirement for current licensees who renew or restore their license on or after January 1, 2019** if they have not previously submitted fingerprints for the initial issuance of a license or for a prior license renewal or restoration.
- Individuals who are placing their license on **Inactive Status** or renewing the Inactive Status **will not need to be fingerprinted** until they reinstate their license to Active Status.
- For **more information** about the specific procedures to follow, go to the Board's website at www.ptot.texas.gov.

Facility Registration Deregulation

During the 2017 Legislative Session, SB 317 (Sunset Bill) eliminated all of the provisions that required physical therapy facilities to be registered with the Board and annually renewed. This amendment to the PT Practice Act was effective September 1, 2019.

What does this mean for facility owners on and after September 1, 2019?

- Physical therapy facilities that will be opening will no longer have to be registered;
- Currently registered physical therapy facilities will no longer have to be renewed;
- A Therapist-in-Charge (TIC) will no longer need to be designated;
- TIC forms will no longer need to be sent in to the Board; and
- Relocation of a facility will no longer need to be reported to the Board.

*The PT Board and Staff
Wish You A
Happy
Thanksgiving*