



November 2021

Communiqué

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Next Board Meeting

January 14, 2022
333 Guadalupe, Ste. 2-510
Austin, Texas

Adopted Rules Amendments

At its October 8th meeting, the PT Board approved the final adoption of PT Rules amendments that were necessitated by several bills passed during the 87th Legislative Regular Session.

§322.1. Provision of Services. was amended to implement changes to the PT Practice Act as a result of **HB 1363**. The amendment expands the group of physical therapists with a doctoral degree who qualify to provide physical therapy treatment to a patient for up to fifteen (15) consecutive business days before requiring a referral from a qualified healthcare practitioner. Physical therapists who have a doctoral degree in physical therapy and are certified by a Board-approved entity are now included along with those who have completed a physical therapy residency or fellowship.

A list of Board-approved certifying entities and criteria are linked on the website homepage at www.ptot.texas.gov.

Rules §329.7. Exemptions from Licensure was amended in order to include providing a copy of the permanent change of station order for the military service member to whom the spouse is married to the proof of residency requirement. This amendment was in response to **HB 139** amendment to Sec. 55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SPOUSE of Chapter 55, Occupations Code.

The Board also proposed a clean-up amendment to §329.3. Temporary Licensure.

More information on proposed and adopted amendments is available on page 5.

PT Compact Privileges

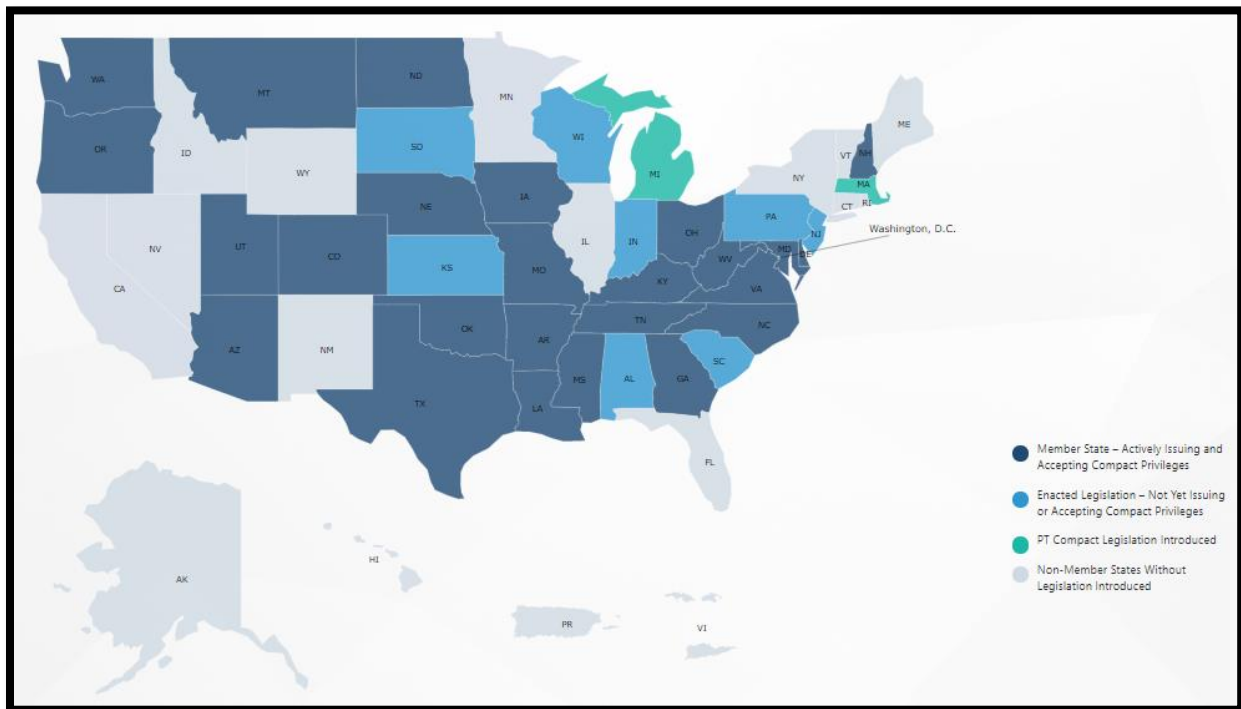
Do you have the need or desire to work temporarily in another state?

Are you a military spouse who will be moving to another state due to your spouse’s change of station order?

Instead of going through the licensing process in that state, purchase of a Compact Privilege is a possible option that will save not only your time but also money.

A Compact Privilege is the authorization to work in a Compact member state other than your home state. To be eligible for a Compact Privilege, you must hold an active PT or PTA license in your home state and meet other eligibility criteria, such as having no disciplinary action against your license for at least two years. When eligibility is verified and all fees are paid, you receive the Compact Privilege and may begin legally working in the other remote state.

Currently, there are 33 Compact member states with 25 active states in which Compact Privileges are available. The Compact map below shows those states as well as other states in various stages of the Compact process.



For more information on the PT Compact and how to purchase a Compact Privilege, go to www.ptcompact.com.

Disciplinary Actions

The following disciplinary actions were ratified at the October 08, 2021 Board Meeting:

- (1) **Crystal Whicker, PT #1309352 (Lewisville)** - 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) **Julio Osuna, PTA #2043909 (La Porte)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended license to practice for forty-five (45) days.**
- (3) **Jamie Jacobs, PT #1068963 (San Antonio)** - failed to properly supervise a temporary licensee. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended license to practice for thirty (30) days.**
- (4) **Esmeralda Hernandez, PTA #2022531 (Laredo)** – failed to properly renew license by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.255 of the Act and chapter 341.1 of the Board Rules. **Board Order suspended license to practice for thirty (30) days.**
- (5) **Francis Eduard Espinola, PT #1254701 (Allen)** – practiced in a detrimental manner by abandoning or neglecting patient(s) under current care without making reasonable arrangements for the continuation of such care. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended license to practice for fifteen (15) days and required thirty (30) hours of community service.**
- (6) **Cherie Ann Dela Torre, PT #1314049 (Lufkin)** - practiced in a detrimental manner by abandoning or neglecting patient(s) under current care without making reasonable arrangements for the continuation of such care. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended license to practice for thirty (30) days.**
- (7) **Ryan Schwark, PTA #2090479 (Murchison)** - practiced in a detrimental manner by failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended license to practice for thirty (30) days.**
- (8) **Jonathan Mitchell, PT #1291287 (Fort Worth)** - practiced in a detrimental manner by failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended license to practice for thirty (30) days.**
- (9) **Misty Johnson, PT #1098366 (Nacogdoches)** - practiced in a detrimental manner by failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended license to practice for thirty (30) days**

Disciplinary Action, cont. from pg. 3

- (10) **Parijat Kumar, PT #1227990 (India)** - failed to comply with the conditions of the Agreed Order thereby failing to cooperate with the agency. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order to refrain from treating female patients at any time there is not another person present in line of sight (until further notice); and, refrain from practice in the home health environment for the next thirty-six (36) months.***
- (11) **Ginovon Rojas, PT #1246829 (Odessa)** - previously had his license to practice revoked for violation of Section 453.351 of the Act and Section 53.021(b) of the Texas Occupational Code for a felony burglary conviction resulting in imprisonment. ***Board Order reinstates license to practice with no restrictions.***
- (12) **Utsav Brahmhatt, PT #1249657 (Grand Prairie)** - practiced in a detrimental manner by documenting physical therapy treatment that was either not provided or was in excess of what the patient actually received and practicing while his license was suspended. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. Cases were contested and referred to the State Office of Administrative Hearings. Administrative Law Judge recommended the Board uphold the revocation of license. ***Board Order revoked license to practice.***

Administrative Actions

- (1) **Nicholas Wendt, PTA #2140861 (Perrin)** - failed to complete the fingerprint requirement pursuant to Section 453.255(b) of the Act and chapter 341.1 of the board rules. ***Board administratively suspended license to practice on 10/08/2021. Fingerprint results were received on 10/11/2021; administrative suspension was removed on 10/11/2021.***



Upcoming PT Board Meetings

The following dates have been set for the Board's upcoming quarterly meetings:

- January 14, 2022
- April 22, 2022

Meeting dates are subject to change. Check for updated information online at

<https://www.ptot.texas.gov/page/meeting-dates>

Proposed/Adopted Rules

The Board took the following rulemaking actions at their October 08, 2021 meeting.

Adopted Rules:

§322.1. Provision of Services - the adopted amendment is pursuant to HB 1363 amendments to Sec. 453.301, Occupations Code (PT Practice Act) during the 87th Legislative Session. The amendment to §322.1. (a)(2)(E) is adopted in order to include physical therapists who have a doctoral degree in physical therapy and are certified by an entity approved by the PT Board in the group that can treat patients for fifteen (15) consecutive business days before requiring a referral from a qualified healthcare practitioner.

§329.7. Exemptions from Licensure – the adopted amendment is pursuant to HB 139 amendment of Sec. 55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SPOUSE to Chapter 55, Occupations Code during the 87th Legislative Session. The amendment to §329.7. (b)(5) is adopted in order to include providing a copy of the permanent change of station order for the military service member to whom the spouse is married to the proof of residency requirement.

The text of the amendments is available online at <https://www.ptot.texas.gov/page/act-and-rules> under PT Adopted Rules.

An updated pdf of the PT Rules that includes the recently adopted rules amendment is available at the above cited web address.

Proposed Rules:

§329.3. Temporary Licensure - the amendment is proposed in order to realign the duration of a temporary license to the issuance of the permanent license instead of until the score report is received from the board as applicants receive their National Physical Therapy Examination (NPTE) score report directly from the Federation of State Boards of Physical Therapy (FSBPT) and not from the board.

The proposed rules amendment is available at <https://www.ptot.texas.gov/page/act-and-rules> under PT Proposed Rules and will appear in the November 26, 2021 edition of the *Texas Register* for public contact.



*Wishing you and your family
a Safe and Healthy Thanksgiving!*

Professional Responsibility vs Employer Mandates

FAQ

Following discussion regarding a licensee's professional responsibility when confronted with employer mandates that appear to be in violation of the PT Practice Act/Rules, the Board developed the following FAQ:

My employer wants me to do something that I think violates the PT Practice Act/Rules. What should I do?

When a PT or PTA believes that an employer has directed or mandated an action that he believes is outside the scope of physical therapy practice, violates the Practice Act or Rules, or falls outside the standard of care, the licensee is obligated as a professional to address this with their employer. If the licensee proceeds with an action that would violate the Practice Act or Rules, they open themselves to disciplinary action by the Board even if they are directed to perform the actions by an employer. **Always remember that the Board will hold the licensee accountable for their actions regardless of employer direction or mandate.**

The FAQ is available online at <https://www.ptot.texas.gov/faq> under PT Practice FAQs – Scope of Practice.

Additionally, an article discussing this issue appeared in the August edition of the Board's newsletter, Communiqué that can be found at <https://www.ptot.texas.gov/page/pt-newsletters>.



Mandatory CCUs for License Renewal

During each renewal period, licensees must obtain approved CCUs in order to renew their license – 30 CCUs for PTs, 20 CCUs for PTAs. These CCUs must include two mandatory courses/activities.

1. The **Texas Jurisprudence Assessment Module (TX JAM)** is valued at 2 CCUs that can be counted toward the total CCU requirement, and can be taken at any time during the renewal period. See TX JAM FAQs, Registration Info, and Resource Documents at <https://www.ptot.texas.gov/page/PT-JAM>.
2. An **HHS-approved Human Trafficking Prevention Training** course valued at a minimum of 1 CCU with 1 contact hour = 1 CCU also counts toward the total CCU requirement and can be taken at any time during the renewal period. Only courses listed at <https://www.hhs.texas.gov/sites/default/files/documents/services/safety/human-trafficking/hhs-approved-human-trafficking-training.pdf> qualify to meet this requirement.

Failure to complete the mandatory renewal requirements or completing a Human Trafficking course that is not on the HHS-approved list could result in disciplinary action by the Board.