



September 2016

# Communiqué

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## Physical Therapy Board

*Gary Gray, PT, Chair*  
*Shari Waldie, PT, Vice Chair*  
*Jeff Tout, PT*  
*Harvey Aikman, PT*  
*Barbara Sanders, PT, PhD*  
*Liesl Olson, PT*  
*Daniel Renya, Public Member*  
*Philip Vickers, Public Member*  
*Glenda Clausell, Public Member*

## Next Board Meeting

**October 28, 2016**  
Sheraton Fort Worth Downtown Hotel  
1701 Commerce Street  
Fort Worth, TX 76102

## Board Actions August 2016

At its August 12th meeting, the PT Board adopted an amendment to **§322.1. Provision of Services** and adopted a **Rule Review** as required by §2001.039 of the Government Code.

Additionally, the Board proposed adding **324.4. Request for Proposals for Outsourced Services** and amending **§329.2. Licensure by Examination** (b) Re-examination and (d) Exam Accommodations. Details of the adopted and proposed amendments can be found on page 5.

Other action taken by the Board included ratifying eighteen (18) agreed orders which are listed on page 4, Disciplinary Actions.

Ongoing discussion included:

- Sunset Review
- 2017 Legislative Session
- Telehealth
- Jurisprudence/Ethics Assessment Module
- PT/PTA School Pass Rate Scores

The Board set its next meeting for October 27-28, 2016 and the 2017 meetings as follows (subject to change):

- January 26-27, 2017
- April 20-21, 2017
- July 27-28, 2017

## Jurisprudence/Ethics Assessment Module

**Coming soon!**

A new, improved jurisprudence examination that includes an ethics/professional responsibility component in one assessment learning module.

**More details and roll-out date to be announced.**

**The Sunset Review of the  
Executive Council of Physical Therapy and Occupational Therapy Examiners  
Texas Board of Physical Therapy Examiners  
Texas Board of Occupational Therapy Examiners**

**The Sunset Advisory Commission (Commission) conducted a public hearing** on June 23rd to take testimony on the Sunset Staff Report of the first wave of agencies and authorities currently under Sunset Review including the Executive Council of Physical Therapy and Occupational Therapy Examiners (Council), the Texas Board of Physical Therapy Examiners (PT Board), and the Texas Board of Occupational Therapy Examiners (OT Board). **Representatives of the Council and both the PT and OT Boards provided testimony** regarding the recommendations that were included in the report.

**Highlights** of the report include the following **Key Recommendations**:

**1.1 Discontinue the registration of physical and occupational therapy facilities** and temporarily authorize the boards to expunge facility-related administrative violations from a licensee's record

**2.1 Adopt the Physical Therapy Licensure Compact**

**2.2 Provide clear statutory authority for licensure by endorsement**

**3.2 Remove the boards' authority to delegate to other entities the responsibility of approving continuing education and continuing competence** while clarifying their authority to preapprove course providers

**3.3 Require the boards to conduct fingerprint-based criminal background checks** of licensure applicants and licensees

**4.1 Continue the Texas Board of Physical Therapy Examiners** and Texas Board of Occupational Therapy Examiners under the administration of the Executive Council of Physical and Occupational Therapy Examiners until 2029.

At a **Decision Meeting on August 22, 2016**, the Commission deliberated on the staff report's recommendations in light of the testimony from the public hearing and voted on the recommendations that will form the **basis of the Sunset bills for legislative consideration during the 2017 session**.

All of the **Key Recommendations** were adopted with the following exceptions:

**3.2** was modified to require the PT Board and the OT Board to adopt rules relating to the approval of continuing competence or continuing education courses inclusive of a **request for proposal and bid process** to be implemented within 12 months of passage and no less than once every four years thereafter.

**4.1** was removed from consideration **pending a possible consolidation of several Boards under Sunset Review into one health occupations licensing agency**.

The Sunset staff will provide its **final recommendation on whether or not to consolidate health occupations licensing boards or continue the boards for 12 more years by November 2016**, with a **hearing scheduled for December 8-9, 2016** and a **decision meeting on January 11, 2017**.

For further information about the Sunset process, please visit the Commission's website at <https://www.sunset.texas.gov>

For Commission meeting information, visit <https://www.sunset.texas.gov/meetings>

## Disciplinary Actions

The following disciplinary actions were ratified at the August 12, 2016 Board Meeting:

- (1) **Rainer Doria, PT #1231150 (Missouri City)** – failed to properly renew his license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (2) **Dawnita Lambert, PTA #2095858 (Temple)** - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (3) **Sharon Pruit, PTA #2012019 (Fort Worth)** - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (4) **Elijah St. John, PTA #2098353 (Temple)** - failed to properly renew his license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (5) **Vivian Tijerina, PT #1026755 (San Antonio)** - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (6) **Leslie Tovar, PTA #2084960 (Bay City)** - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (7) **Amanda Cleary-Downing, PTA #2099243 (Tyler)** - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (8) **Lee Ann Conklin, PT #1140937 (Amarillo)** - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (9) **Valerie Fusilier, PTA #2096770 (Georgetown)** - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***
- (10) **Erica Oldham, PTA #2064650 (New Braunfels)** - failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order required thirty (30) hours of community service.***

Continued on pg. 4

Disciplinary Actions, cont.

**(11) Maria Padilla, PT #1212838 (Henderson)** – failed to properly renew her license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required thirty (30) hours of community service.**

**(12) Robert Miguel, PT #1231350 (Fort Worth)** - failed to properly renew his license; insufficient number/type of board-approved hours timely taken. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required sixty (60) hours of community service.**

**(13) Dennis Demrest, PTA #2087393 (Hallsville)** - 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 for thirty (30) days.**

**(14) Paterno Aligno, PT #1072171 (Corpus Christi)** - 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 for thirty (30) days.**

**(15) Aimee McEwen, PTA #2035095 (Palestine)** – 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 her license for thirty (30) days.**

**(16) Mary Douglass, PTA #2100790 (Benbrook)** - practiced in a detrimental manner by failing to accurately records treatment notes. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended her license for thirty (30) days.**

**(17) Joshua McKinley, PTA #2106569 (San Antonio)** - practiced in a detrimental manner by treating a patient beyond the plan of care; thereby practicing beyond 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 fifteen (15) days.**

**(18) Parijat Kumar, PT #1227990 (Bryan)** - practiced in a detrimental manner by having inappropriate sexual contact with a patient under his care. Violation of Section 453.351 of the Act and chapter 322 of the Board rules. **Board Order suspended his license for sixty (60) days.**

## Renewal Reminder

For those PTs and PTAs who have not renewed their license during the transition period to birth-month renewal which began March 1, 2015, your current expiration date has NOT changed.

You need to timely renew your license with all of your required continuing competence and a passing score on the JP Exam. **Your new birth-month expiration date will be automatically calculated AFTER you complete the renewal process and will be effective for the following renewal period.**

**If you are unsure when your license expires, check the online license verification at [www.ptot.texas.gov/page/look-up-a-license](http://www.ptot.texas.gov/page/look-up-a-license).**

## Proposed/Adopted Rules

The Board took the following rulemaking actions at the **August 12, 2016 Board meeting**. The full text of all proposed and adopted rules is available at: [www.ptot.texas.gov/page/act-and-rules](http://www.ptot.texas.gov/page/act-and-rules). If you would like to comment on proposed rules, please send your written comments to [karen@ptot.texas.gov](mailto:karen@ptot.texas.gov), or 333 Guadalupe, Suite 2-510, Austin, TX 78701. The proposed rules will be published in the September 9, 2016 issue of the *Texas Register* available at [www.sos.state.tx.us/texreg/index.shtml](http://www.sos.state.tx.us/texreg/index.shtml).

### Adopted Rule - to be effective September 4, 2016:

**§322.1. Provision of Services** – The amendment to (d) Reevaluation replaces “an onsite reexamination of the patient” with “direct physical therapist-to-patient interaction” in section (2). The change leaves the assessment decisions to the discretion of the physical therapist based on their professional clinical judgement instead of requiring a complete reexamination of the patient.

### Rule Review:

The Texas Board of Physical Therapy Examiners reviewed the following chapters of Title 22, Part 16 of the Texas Administrative Code in accordance with Texas Government Code §2001.039:

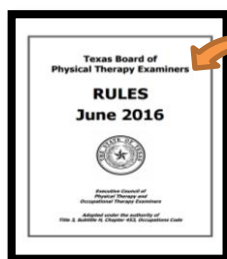
**Chapter 321.** Definitions; **Chapter 322.** Practice; **Chapter 323.** Powers and Duties of the Board; **Chapter 325.** Organization of the Board; **Chapter 327.** Compensation; **Chapter 329.** Licensing Procedure; **Chapter 335.** Professional Title; **Chapter 337.** Display of License; **Chapter 339.** Fees; **Chapter 341.** License Renewal; **Chapter 342.** Open Records; **Chapter 343.** Contested Case Procedure; **Chapter 344.** Administrative Fines and Penalties; **Chapter 346.** Practice Settings for Physical Therapy; and **Chapter 347.** Registration of Physical Therapy Facilities.

The Texas Board of Physical Therapy Examiners has assessed whether the reasons for adopting or readopting the rules continue to exist. The Texas Board of Physical Therapy Examiners finds that the rules in the chapters are needed, reflect current legal and policy considerations, and reflect current procedures of the Texas Board of Physical Therapy Examiners. The reasons for initially adopting the rules continue to exist. The Texas Board of Physical Therapy Examiners, therefore, readopts the chapters.

### Proposed Rules:

**§324.4. Request for Proposals for Outsourced Services** – The addition is proposed to allow the Board to develop a process for outsourcing services through a request for proposal (RFP) method.

**§329.2. Licensure by Examination** – The amendments to (b) Re-examination and (d) Exam Accommodations are proposed to allow for implementation of the Alternate Approval Process through the Federation of State Boards of Physical Therapy (FSBPT) for exam candidates eligibility.



Updated pdf of PT Rules available online at [www.ptot.texas.gov/page/act-and-rules](http://www.ptot.texas.gov/page/act-and-rules)