



# Communiqué

[www.ecptote.state.tx.us](http://www.ecptote.state.tx.us)  
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512/305-6900

## Board Proposes Changes to Chapter 322, Practice

The Rules & Practice Committee has been working on a revision to the rules in Chapter 322 throughout 2010. The Board proposed making the recommended changes to the rules at its November meeting, and will consider their adoption at the meeting scheduled for March 4, 2011. The revisions do not change the practice requirements so much as reword and reorganize the framework of existing rules regarding those requirements. The Board is proposing these changes to help the public, licensees, employers, and facility owners understand what the legal practice of physical therapy in Texas entails.

Below is a summary of the changes proposed for each section. For the exact text of the changes, please go to our website <http://www.ecptote.state.tx.us/pt/rules.html>. **If you have any questions or comments once you have reviewed the proposed changes, please send them via email to [nina.hurter@ptot.texas.gov](mailto:nina.hurter@ptot.texas.gov).**

### §322.1, Provision of Services

This rule addresses referral requirements, methods of referral, evaluation and screening, the plan of care, reevaluation, and documentation of treatment. The amendments to this section would:

- i clarify the term "prior referral;"
- i include email in the list of formats that are acceptable for receiving referrals;
- i rearrange/reorder existing language regarding reevaluation and plans of care;
- i spell out the documents that should be part of the patient's physical therapy records;
- i make it clear that the PT or PTA is to document each treatment session specifically, and that if the treatment is provided by a PTA, the note for each session must include the name of the PT responsible for supervising at the time the treatment takes place;
- i eliminate the requirement for the aide's name to be included in the record if the aide records quantitative data, and
- i clarify that the PTA is at most a participant in the discharge summary, and is not allowed to be responsible for it. The PTA, or any other person acting in a clerical role, may still provide clerical assistance in the discharge summary, meaning they may transcribe into the record the dictated or written information provided by the PT.

### §322.2, Role Delineation

The Board's revisions to this rule include the addition of a new subsection about the role of the PT. Until now, only the roles of the PTA and aide have been addressed in rule. With the addition of this new subsection, it should be clearer to licensees as well as employers and contractors what a PT must do to stay within the limits of legal practice. Additionally, the proposed changes would delete paragraphs regarding the PTA that do not directly relate to the services the PTA may provide; clarify which portions of the discharge summary the PTA may be responsible for; and clarify the requirements for onsite supervision of a physical therapy aide. *(continued on next page)*

## Application & Renewal Fees to Increase January 1, 2011

The Executive Council has [adopted changes to PT and OT application and renewal fees effective January 1<sup>st</sup>](#). If your license is up for renewal in January or February, you may renew before 1/1/2011 and pay the current fee. The list of fees is on the Board's website.

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### §322.3, Supervision

The amendments would clarify the meaning of the term of "readily available" so that licensees, consumers, and employers would know that a supervising PT must be able to respond in person if a PTA needs assistance during a treatment session.

### §322.4, Practicing in a Manner Detrimental to the Public Health and Welfare

The amendments would clarify that failure to document treatment is, along with inaccurately or falsely documenting treatment, considered detrimental to the public health and welfare and may subject a license to disciplinary action by the Board, and would add specific mention of abandonment or neglect of a patient to the list of actions that the Board considers to be detrimental practice. The Board has disciplined licensees for abandonment previously based on the concept of substandard practice, but felt that abandonment is a serious issue and needs to be directly addressed in rule.



## Disciplinary Action Taken by the Board On November 12, 2010

### Practiced with an Expired License

**Tammy Vallilee, PT #1045300 (Grapevine)** – 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.**

**Michael Moore, PT #1169826 (Amarillo)** – 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.**

**Andre Linh Huu, PT #1170135 (Sugar Land)** – practiced with an expired license. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order required forty-five (45) hours of community service.**

### Failed the CE Audit

**Tracy Lewis, PTA #2057730 (Richmond)** – failed the CE 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.**

**Juan Alvarado, PTA #2057509 (El Paso)** – failed the CE 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.**

**Miranda Hurd, PT #1178189 (Waco)** – failed the CE 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.**

**Linda Adedapo, PTA #2022556 (Woodville)** – failed the CE 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 sixty (60) days; and required lacking hours of CE.**

### Patient Abandonment

**Marissa Canela, PTA #2060083 (Crystal City)** – practiced in a manner detrimental to the public health and welfare by abandoning her position without providing sufficient prior notice. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended her license for thirty (30) days.**

### Inaccurate Documentation

**Karen Mitchell, PTA #2020178 (De Kalb)** – practiced in a manner detrimental to the public health and welfare by failing to accurately record treatment notes; documenting treatment notes for dates no such treatment was rendered. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended her license for thirty (30) days.**

### Sexual Contact with a Patient

**Jennifer Killough, PT #1150363 (Rockwall)** – practiced in a manner detrimental to the public health and welfare by engaging in sexual contact with a patient/client as the result of the patient/client relationship. Violation of §453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended her license for thirty (30) days.**

### Injury to a Patient

**Kehinde Akinfenwa, PT #1144418 (Sugar Land)** – practiced in a manner detrimental to the public health and welfare by causing, permitting, or allowing impairment of safety to patient resulting in a patient's fall and injury. Violation of §453.351 of the Act. **Board Order suspended his license for thirty (30) days.**

## PT RULE UPDATE

The Board took the following rulemaking actions at the November 2010 meeting:

### Proposed Amendments to:

- i **§321.1, Definitions** – regarding the definition of foreign-trained applicant
- i **§322.1, §322.2, §322.3, §322.4** – as described on page 1 of this newsletter
- i **§329.5, Licensing Procedures for Foreign-Trained Applicants** – regarding requirements for licensure
- i **§329.6, Licensure by Endorsement** – regarding accepting online verification of licensure from another state on a case by case basis
- i **§341.1, Requirements for Renewal** – regarding the use of the online transaction receipt in lieu of the license renewal certificate

### Proposed the Repeal of:

- i §345.1, Accessible Services – regarding moving procedures for compliance with the Americans with Disabilities Act (ADA) out of rule and into policy

The full text of all proposed and adopted rules is available at <http://www.ecptote.state.tx.us/pt/rules.html>.

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.

## Counting the Hours... or is that Units? Questions about CC and CE

The Board made major changes to the rules regarding continuing competence and continuing education in the last year. Licensees are confused sometimes by the changes, especially about how credit is counted. Here are some of the questions received by the Board in the last few months. Maybe these questions have occurred to you, too.

### 1. Did CE go away?

CE (continuing education) didn't go away, it just became a subcategory of CC (continuing competence activities). If you take an approved traditional onsite course, attend an approved inservice program, go to an approved conference, or take an approved home study/web-based course, that is still considered CE – a type of CC.

### 2. Now that the rules have changed, will I still get credit for taking a course that refers to CEUs on the completion certificate?

The Board will honor CE certificates that refer to CEUs or CE credit. Many states still use the term CE for all types of activities, so national providers may be slow to use the term CCU.

### 3. How do I know for sure how much CCU credit a course or activity is worth if the credit is for CEUs?

The easiest way to know for sure how much a CE program is "worth" is to use the hour as the basic unit. As an example: a course that gives 2.0 CEUs is the same as 20 contact hours, or 20 CCUs. A course that is for 2 contact hours is worth .2 CEUs, or 2 CCUs.

### 4. Why do some of the activities and courses on the TPTA website ([www.tpta.org](http://www.tpta.org)) refer to CCUs while others refer to CEUs?

If a course was approved prior to the rule change, the website will continue to list the credits as CEUs until the course approval expires. If a course was approved after the rule change, it will refer to CCUs. Either way, that credit is good with the Board.

### 5. Why did the Board switch the terminology?

The Board is moving toward a new focus on continuing competence, and away from adding up the hours licensees spend sitting at a CE program or in front of a screen doing a home study course. Continuing competence is the  
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lifelong process of maintaining and documenting competence through ongoing self-assessment, development and implementation of a personal learning plan, and subsequent reassessment. Although CE is always going to be one type of activity a licensee can engage in as part of maintaining competence, in the not-too-distant future, the “value” of a course will be determined by more than just the number of hours it takes to complete it.

## Got a Question?

Do you have a question about the legal practice of physical therapy in Texas? If so, we'd like to hear from you; your question could be answered in the newsletter. Please email your question and contact information to [nina.hurter@ptot.texas.gov](mailto:nina.hurter@ptot.texas.gov).

*The Board cannot answer questions about Medicare or Medicaid requirements. For answers to those questions contact:*

### MEDICARE AND MEDICAID CONTACTS

#### Trailblazer Health Enterprises (Medicare Program administrator)

**Part A Provider #: 866/640-9202** (rehab depts, hospitals)

**Part B Provider #: 866/280-6520** (independent practitioners)

*NOTE: Trailblazer has many other phone numbers for specific types of questions on their website.*

#### Texas Medicaid and Healthcare Partnership (TMHP) Automated Inquiry System (AIS) - 1-800-925-9126

*NOTE: There are many phone numbers for specific issues on this website*

## Renewing Your License This Month?

Many people will be renewing their licenses early this month, as the renewal fee will increase on 1/1/2011. That is a good thing, as long as they remember to verify that they have the required amount of approved continuing competence activity units (CCUs) AND they do not wait until the last moment.

Please do not renew your license after noon on the last day of the month! It is technically possible, but if you have a problem that keeps you from completing the transaction, it may NOT be possible for staff to return a call and help you within the same day. If you do not complete the transaction prior to midnight on the last day of the month, you have an expired license. You will owe the late fee and not be able to provide physical therapy services until your license is renewed and you have received the renewal certificate.

BEFORE YOU RENEW, REMEMBER:  
Count Your CC units  
Check All CC for Approval  
Don't Forget the Ethics Requirement  
AND  
Renew Before the Last Day of the Month!