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Texas Board of Physical Therapy Examiners

**RULES AND PRACTICE
Committee Meeting**

**Vintage Villas
4209 Eck Lane
Austin, Texas 78734**

**November 14, 2015
8:00 am**

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14 **Members Present:** **Harvey Aikman, PT, Chair**
15 **Gary Gray, PT**
16 **Melinda Rodriguez, PT**
17 **Philip Vickers, Public Member**

18
19 **Staff:** Karen Gordon, PT Coordinator
20 John Maline, Executive Director
21 Mark Turek, Chief Investigator
22 Cindy Machado, Licensing Manager

23
24 **Guests:** Kathleen Manella, PT, Texas Physical Therapy Association (TPTA) Liaison
25 Stacey Mather, TPTA Staff
26 Erick Fajardo, Sunset Advisory Commission, Policy Analyst

27
28 **Agenda**

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30 A. Call to order
31 B. Public comment
32 C. Approval of minutes from the August 27, 2015 meeting
33 D. Discussion and possible action on proposing changes to §341.6. License Restoration per SB 1307.
34 E. Discussion and possible action on proposing changes to §329.1. General Licensure Requirements
35 and Procedures and §341.1. Requirements for Renewal regarding Criminal Background Checks.
36 F. Discussion and possible action on proposing changes to §322.1. Provision of Services regarding
37 dual credentialed PTs and PTAs role in the promotion of health, wellness, and fitness.
38 G. Discussion and possible action on developing a policy regarding use of emails for Board members
39 and staff.
40 H. Discussion and possible action on regulation of schools offering physical therapy technician
41 certificates.
42 I. Discussion and possible action on proposing changes to §322.1. Provision or Services, regarding
43 adding (f) Telehealth.
44 J. Discussion and possible action on future meeting dates and agenda items.
45 K. Adjournment
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1 **A. Call to Order**

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3 Harvey Aikman, Chair called roll and determined a quorum was present. He called the meeting to order
4 at 8:10 a.m.

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6 **B. Public comment**

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8 There was no public comment.

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10 **C. Approval of minutes from the August 27, 2015 meeting**

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12 *Motion: To approve the minutes as submitted.*

13 *Made by: Gary Gray*

14 *Second: Melinda Rodriguez*

15 *Motion passed unanimously.*

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17 **D. Discussion and possible action on proposing changes to §341.6. License Restoration per SB
18 1307.**

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20 The Committee discussed amending §341.6 to add military service member and military veterans as
21 qualifying for expediting the restoration of a license per SB 1307 which passed during the 84th
22 Legislature (2015).

23

24 *Motion: To recommend amending §341.6. License Restoration.*

25 *Made by: Melinda Rodriguez*

26 *Second: Gary Gray*

27 *Motion passed unanimously.*

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29 **E. Discussion and possible action on proposing changes to §329.1. General Licensure
30 Requirements and Procedures and §341.1. Requirements for Renewal regarding Criminal
31 Background Checks.**

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33 Mr. Aikman reported on the different types of background checks that are available from using social
34 security number and address to fingerprinting. The Committee discussed that in order to participate in
35 the Physical Therapy Licensure Compact, the Board would need to obtain biometric-based information
36 from each physical therapy licensure applicant and submit the information to the Federal Bureau of
37 Investigation (FBI) for a criminal background check. The Committee took no action.

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40 **F. Discussion and possible action on proposing changes to §322.1. Provision of Service
41 regarding dual credentialed PTs and PTAs role in the promotion of health, wellness, and
42 fitness.**

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44 Ms. Gordon reported that the agency staff has been fielding a number of calls from PTs who have
45 credentials as licensed athletic trainers, certified personal trainers, certified yoga instructors, etc. and
46 want to know how to use their additional credentials for wellness and fitness of their patients. The
47 response has been to caution licensees who hold dual licenses/credentials not to blur the lines between
48 the two when providing physical therapy as this can cause confusion or misunderstanding as to what is
49 being provided to the patient/client and could result in violations of the PT Practice Act/Rules. The
50 recommendation has been that provision of both disciplines need to be clear and distinct from each
51 other, and not intermingled within one treatment session. The Committee agreed with the response and
52 took no further action.

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54 Mr. Aikman recessed the meeting at 9:12 a.m. and reconvened at 9:20.

1 **G. Discussion and possible action on developing a policy regarding use of emails for Board**
2 **members and staff.**

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4 Ms. Gordon reported on a session that she attended at the Federation of State Boards of Physical
5 Therapy (FSBPT) Annual Meeting regarding the pitfalls of using private email for Board business which
6 could create problems for transparency and disclosure. The Committee considered the issue and
7 determined that as long as emails were limited to communication with the agency and not used for
8 discussion of board business between the members there should not be any problem. The Committee
9 took no action.

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11 **H. Discussion and possible action on regulation of schools offering physical therapy technician**
12 **certificates.**

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14 Mr. Aikman reported on a school in McAllen that is offering a 10-month Physical Therapy Technician
15 program for a tuition of \$15,000+. The Committee discussed the issue and determined that the Board
16 does not have the authority to regulate these types schools. The Committee took no action.

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18 **I. Discussion and possible action on proposing changes to §322.1., Provision of Services,**
19 **regarding (f) Telehealth.**

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21 Mr. Aikman reported that there was no new development on Teladoc vs. Texas Medical Board (TMB)
22 lawsuit. The Committee decided to defer any action on proposing rules on telehealth until the lawsuit is
23 resolved.

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25 **J. Discussion and possible action on future meeting dates and agenda items.**

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27 The Committee agreed that there needs to be ongoing discussion on telehealth and the Physical
28 Therapy Licensure Compact, and set the next committee meeting for January 28, 2016.

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30 **K. Adjournment.**

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32 *Motion: To adjourn the meeting.*
33 *Made by: Gary Gray*
34 *Second: Philip Vickers*
35 *Motion passed unanimously.*

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37 Mr. Aikman adjourned the meeting at 10:10 a.m.

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40 **Date reviewed by the Committee:** 4/28/2016
41 **Action taken by the Committee:** approved as submitted