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**Texas Board of Physical Therapy Examiners**

**RULES AND PRACTICE  
Committee Meeting**

**333 Guadalupe, Suite 2-510  
Austin, Texas 78701**

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**October 12, 2017  
3:00 pm**

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13 **Members Present:** Gary Gray, PT, Chair  
14 Harvey Aikman, PT  
15 Jeff Tout, PT  
16 Philip Vickers, Public Member

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18 **Staff:** John Maline, Executive Director  
19 Karen Gordon, PT Coordinator  
20 Mark Turek, Chief Investigator  
21 Michael Briscoe, Licensing Manager  
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23 **Legal Counsel:** Kara Holsinger, Assistant Attorney General  
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25 **Guests:** Craig Tonguet, Texas Physical Therapy Association (TPTA) Executive Director  
26 Stacey Mather, TPTA Staff  
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28 **Agenda**

- 29  
30 A. Call to order.  
31 B. Public comment.  
32 C. Approval of minutes from the July 20, 2017 meeting.  
33 D. Discussion and possible action on proposing changes to Chapter 323. POWERS AND DUTIES OF  
34 THE BOARD. pursuant to SB 317 addition of Sec. 453.109. NEGOTIATED RULEMAKING;  
35 ALTERNATIVE DISPUTE RESOLUTION during the 85<sup>th</sup> Legislative Session.  
36 E. Discussion and possible action on proposing changes to §325.7. Board Member Terms. pursuant to  
37 SB 317 amendments to Sec. 453.056 (a), Occupations Code during the 85<sup>th</sup> Legislative Session.  
38 F. Discussion and possible action on proposing changes to §325.1. Elections. pursuant to SB 317  
39 amendments to Sec. 453.058, Occupations Code during the 85<sup>th</sup> Legislative Session.  
40 G. Discussion and possible action on proposing changes to §343.35. Complaint Investigation and  
41 Disposition. pursuant to SB 317 amendments to Sec. 453.058, Occupations Code during the 85<sup>th</sup>  
42 Legislative Session.  
43 H. Discussion and possible action on proposing changes to §322.4. Practicing in a Manner Detrimental to  
44 the Public Health and Welfare regarding the addition of violation of the Physical Therapy Licensure  
45 Compact rules.  
46 I. Discussion and possible action on proposing changes to §329.1. General Licensure Requirements and  
47 Procedures. pursuant to SB 317 amendments to Sec. 453.215, Occupations Code during the 85<sup>th</sup>  
48 Legislative Session.  
49 J. Discussion and possible action on proposing changes to §341.1 Requirements for Renewal., §341.6.  
50 License Restoration., §341.8., Inactive Status., and §341.9. Retired Status; Performing Voluntary  
51 Charity Care. Pursuant to SB 317 amendments to Sec. 453.255, Occupations Code during the 85<sup>th</sup>  
52 Legislative Session.

- 1 K. Discussion and possible action on proposing changes to §344.1. Administrative Fines and Penalties.  
2 pursuant to SB 317 amendments to Sec. 453.3525 and Sec.453.402(b), Occupations Code during the  
3 85<sup>th</sup> Legislative Session.
- 4 L. Discussion and possible action on proposing the addition of §344.2. Record of Disciplinary Action;  
5 Expungement. pursuant to SB 317 amendments to Sec. 453.357, Occupations Code during the 85<sup>th</sup>  
6 Legislative Session.
- 7 M. Discussion and possible action on adding new CHAPTER 348. PHYSICAL THERAPY LICENSURE  
8 COMPACT. pursuant to SB 317 addition of Subchapter K to Chapter 453, Occupations Code during  
9 the 85<sup>th</sup> Legislative Session.
- 10 N. Discussion and possible action on future meeting dates and agenda items.
- 11 O. Adjournment.

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15 **A. Call to Order**

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17 Gary Gray, Chair called the roll and determined a quorum was present. He called the meeting to order at  
18 3:00 p.m.

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20 **B. Public comment**

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22 There was no public comment.

23  
24 **C. Approval of minutes from the July 20, 2017 meeting**

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26 Motion: To approve the minutes as submitted.  
27 Made by: Philip Vickers  
28 Second: Harvey Aikman  
29 Motion passed unanimously.

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31 **D. Discussion and possible action on proposing changes to Chapter 323. POWERS AND DUTIES**  
32 **OF THE BOARD. pursuant to SB 317 addition of Sec. 453.109. NEGOTIATED RULEMAKING;**  
33 **ALTERNATIVE DISPUTE RESOLUTION during the 85<sup>th</sup> Legislative Session.**

34  
35 The Committee reviewed the rule changes necessitated as a result of the statute amendment.

36  
37 Motion: To recommend approving the proposed changes to Chapter 323. POWERS AND DUTIE  
38 OF THE BOARD.  
39 Made by: Harvey Aikman  
40 Second: Philip Vickers  
41 Motion passed unanimously.

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43 **E. Discussion and possible action on proposing changes to §325.7. Board Member Terms.**  
44 **pursuant to SB 317 amendments to Sec. 453.056 (a), Occupations Code during the 85<sup>th</sup>**  
45 **Legislative Session.**

46  
47 The Committee reviewed the rule changes necessitated as a result of the statute amendment.

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49 Motion: To recommend approving the proposed changes to §325.7. Board Member Terms.  
50 Made by: Harvey Aikman  
51 Second: Jeff Tout  
52 Motion passed unanimously.

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1 **F. Discussion and possible action on proposing changes to §325.1. Elections. pursuant to SB 317**  
2 **amendments to Sec. 453.058, Occupations Code during the 85<sup>th</sup> Legislative Session.**  
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4 The Committee reviewed the rule changes necessitated as a result of the statute amendment.  
5

6 Motion: To recommend approving the proposed changes to §325.1. Elections.

7 Made by: Philip Vickers

8 Second: Jeff Tout

9 Motion passed unanimously.  
10

11 **G. Discussion and possible action on proposing changes to §343.35. Complaint Investigation and**  
12 **Disposition. pursuant to SB 317 amendments to Sec. 453.058, Occupations Code during the 85<sup>th</sup>**  
13 **Legislative Session.**  
14

15 The Committee reviewed the rule changes necessitated as a result of the statute amendment.  
16

17 Motion: To recommend approving the proposed changes to §343.35. Complaint Investigation and  
18 Disposition.

19 Made by: Harvey Aikman

20 Second: Philip Vickers

21 Motion passed unanimously.  
22

23 **H. Discussion and possible action on proposing changes to §322.4. Practicing in a Manner**  
24 **Detrimental to the Public Health and Welfare regarding the addition of violation of the Physical**  
25 **Therapy Licensure Compact rules.**  
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27 The Committee reviewed the rule changes necessitated as a result of the statute amendment.  
28

29 Motion: To recommend approving the proposed changes to §322.4. Practicing in a Manner  
30 Detrimental to the Public Health and Welfare.

31 Made by: Harvey Aikman

32 Second: Philip Vickers

33 Motion passed unanimously.  
34

35 **I. Discussion and possible action on proposing changes to §329.1. General Licensure**  
36 **Requirements and Procedures. pursuant to SB 317 amendments to Sec. 453.215, Occupations**  
37 **Code during the 85<sup>th</sup> Legislative Session.**  
38

39 Mr. Turek updated the Committee on the process of securing an Originating Agency Identification (ORI)  
40 Number from the Federal Bureau of Investigation. Proposed rules will be forthcoming at a later meeting.  
41

42 **J. Discussion and possible action on proposing changes to §341.1 Requirements for Renewal.,**  
43 **§341.6. License Restoration., §341.8. Inactive Status., and §341.9. Retired Status; performing**  
44 **Voluntary Charity Care. pursuant to SB 317 amendments to Sec. 453.255, Occupations Code**  
45 **during the 85<sup>th</sup> Legislative Session.**  
46

47 See remarks under Agenda Item I.  
48

49 **K. Discussion and possible action on proposing changes to §344.1. Administrative Fines and**  
50 **Penalties. pursuant to SB 317 amendments to Sec. 453.3525 and Sec.453.402(b), Occupations**  
51 **Code during the 85<sup>th</sup> Legislative Session.**  
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53 Mr. Turek reported that the Investigations Department is still working on a schedule of disciplinary action for  
54 both the PT and OT Boards. Proposed rules will be forthcoming at a later meeting.

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**L. Discussion and possible action on proposing the addition of §344.2. Record of Disciplinary Action; Expungement. pursuant to SB 317 amendments to Sec. 453.357, Occupations Code during the 85<sup>th</sup> Legislative Session.**

Mr. Turek reported that the Investigations Department is preparing procedures for implementing expungement of practicing in an unregistered facility disciplinary actions.

**M. Discussion and possible action on adding new CHAPTER 348. PHYSICAL THERAPY LICENSURE COMPACT. pursuant to SB 317 addition of Subchapter K to Chapter 453, Occupations Code during the 85<sup>th</sup> Legislative Session.**

Mr. Aikman reported the Compact Commission will hold a meeting on November 5<sup>th</sup> in conjunction with the Federation of State Boards of Physical Therapy (FSBPT) Annual Meeting in Santa Ana Pueblo, New Mexico. He also reported that the Board needs to recommend a fee addition for TX Compact Privileges to the Executive Council.

Motion: To recommend that the Board discuss and recommend a Compact Privilege fee to the Executive Council.

Made by: Philip Vickers

Second: Jeff Tout

Motion passed unanimously.

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

The next committee meeting was set for January 25, 2018 in Austin with potential proposal of Rules amendments as indicated in Agenda Items J., K. and L. The Committee also requested that Telehealth be added to the agenda for the next meeting.

**O. Adjournment.**

Motion: To adjourn the meeting.

Made by: Harvey Aikman

Second: Jeff Tout

Motion passed unanimously.

Mr. Gray adjourned the meeting at 4:11 p.m.

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**Date reviewed by the Committee:** 1/25/2018  
**Action taken by the Committee:** approved as submitted