

1 **Texas Board of Physical Therapy Examiners**

2
3 **Board Meeting**
4 **Telephonic**

5
6 **October 09, 2020**
7 **9:00 am**
8

9
10 **Members Present:** Harvey Aikman, PT, DPT, Chair
11 Barbara Sanders, PT, PhD, Vice Chair
12 Liesl Olson, PT, Secretary
13 Manuel "Tony" Domenech, PT, DPT
14 Melissa Skillern, PT, DPT
15 Kathryn Robe, PT, DPT
16 Glenda Clausell, Public Member
17 Donivan Hodge, Public Member
18 Jacob Delgado, Public Member
19

20 **Legal Counsel:** Dennis McKinney, Assistant Attorney General
21

22 **Staff:** Ralph Harper, Executive Director
23 Karen Gordon, PT Coordinator
24 Amy Carter, Chief Investigator
25 Karissa Rodriguez, Licensing Manager/RMO
26 Randy Glines, Staff Services Officer
27

28 **Guests:** Craig Tounget, ED - Texas Physical Therapy Association (TPTA)
29 Lindsey Green, TPTA Staff
30 Kathleen Manella, TPTA Liaison
31 Scot Kibbe, Budget & Policy Advisor - Office of the Governor
32 Mansi Lakkad
33

34 The meeting of the Texas Board of Physical Therapy Examiners was held by telephonic conference call, as
35 authorized under Texas Government Code section 551.125 and the Governor's March 16, 2020 suspension
36 of certain provisions of the Texas Open Meetings Act.

- 37
38 1. Call to order
39 2. Roll call for members
40 3. Roll call for public participants
41 4. Excusing board member absences.
42 5. Public comment
43 6. Minutes from the July 24, 2020 meeting
44 7. Executive Director's Report concerning fiscal and budgetary matters, performance measures, ongoing
45 projects, agency personnel matters, and other agency business
46 8. Investigation Committee Report concerning:
47 A. Agreed Orders for case #s: 20236, 20303, 20332, 20370, 20405, 20410, 20437, 20451, 20511,
48 20540, and 20545.
49 B. Number of cases reviewed, Agreed Orders issued, informal conferences, and other investigative
50 matters discussed during the Investigation Committee of September 8, 2020
51 C. Performance measures, on-site investigation visits, school presentations, and other investigative
52 activities that have occurred between this meeting and the Board's last meeting.
53 9. Final adoption of the following:
54 A. Amendments to §329.5. Licensing Procedures for Foreign-Trained Applicants
55 B. §344.1. Administrative Fines and Penalties
56
57

- 1 10. Education Committee report.
- 2 F. The Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program
- 3 (CCAP) report including audit of courses approved under TPTA Accredited Provider Status
- 4 (APS).
- 5 G. Request to amend 22 TAC §341.3. Qualifying Continuing Competence Activities by adding a
- 6 category for voluntary charity care; updating the post-professional college or university courses
- 7 transcript requirement; and updating the standards for residency/fellowship and mentorship of a
- 8 resident/fellow.
- 9 H. Proposing amendments to 22 TAC §341.9. Retired Status: Performing Voluntary Charity Care.
- 10 concerning renewal of a retired license and reinstatement to active status from retired.
- 11 I. Request to add the Certified Wound Care Associate (CWCA) from the American Board of
- 12 Wound Management (ABWM) to the list of pre-approved specialty examinations qualifying for
- 13 continuing competence credit.
- 14 J. Request(s) for appeal to re-take the National Physical Therapy Examination (NPTE).
- 15 K. Requests for review of educational equivalency from foreign-educated applicants.
- 16 L. Issues related to physical therapy entry-level education and continuing competence.
- 17 11. Rules and Practice Committee report.
- 18 F. Proposing amendments to §322.5. Telehealth
- 19 G. Proposing amendments to §337.1. Display of License
- 20 H. Proposing amendments to §337.2. Consumer Information Sign
- 21 I. Physical therapy role in promotion of health, wellness, and fitness
- 22 12. Federation of State Boards of Physical Therapy (FSBPT) virtual 2020 Annual Meeting on October 22
- 23 and 24, 2020
- 24 13. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing
- 25 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX Jurisprudence
- 26 Assessment Module statistics, PT Compact statistics, and other events concerning the practice of
- 27 physical therapy.
- 28 14. Board Chair's report concerning meetings attended since last Board meeting, correspondence received
- 29 on behalf of the Board, and other events concerning the practice of physical therapy.
- 30 15. Long-term planning for future meetings, including future meeting dates and agenda items
- 31 16. Adjournment
- 32

34 1. Call to order

35
36 Dr. Aikman called the meeting to order at 9:02 a.m.

38 2. Roll call for members

39
40 Dr. Aikman called roll and determined that a quorum existed with all Board members present.

42 3. Roll call for public participants

43
44 The following public participants introduced themselves: Craig Tounget, Texas Physical Therapy

45 Association (TPTA) Executive Director; Lindsey Green, TPTA Staff; Kathleen Manella, TPTA

46 Liaison; Scot Kibbe, Budget & Policy Adviser – Office of the Governor; and Mansi Lakkad.

48 4. Excusing Board member absences

49
50 There were no member absences to excuse.

52 5. Public Comment

53
54 There was no public comment.

56 6. Minutes from the July 24, 2020 meeting.

57
58 Motion: To approve the minutes as submitted.

59 Made by: Liesl Olson

60 Second: Katy Roby

1 Motion passed unanimously.
2

3 **7. Executive Director's Report concerning fiscal and budgetary matters, performance**
4 **measures, ongoing projects, agency personnel matters, and other agency business.**
5

6 Mr. Harper gave the Executive Director's Report that included the following:
7

- 8 • Some staff continues to work remotely while others whose duties cannot be
9 done remotely are still working in staggered smaller groups at the agency office
- 10 • The 2022-2023 Legislative Appropriation Request (LAR) which includes a 5% cut and three
11 (3) exceptional items has been submitted
- 12 • The feasibility of moving the server and data base to the Department of Information
13 Resources (DIR) cloud when moving to the George H.W. Bush state office building is being
14 evaluated.
- 15 • The Texas Workforce Commission (TWC) will be conducting their Personnel Policies and
16 Procedures Program Audit; currently waiting to receipt of the interagency contract to being
17 the audit
- 18 • Deployment to CAPPs Financials in the beginning phase
- 19 • Financial reports including revenue/expenses for FY 2020;
- 20 • Performance Measures for 3rd Quarter FY 2020;
- 21 • Letter from Senator Royce West in regard to Historically Underutilize Business (HUB)
- 22 • State Office of Risk Management (SORM) Onsite Consultation Report

23
24 **8. Investigation Committee Report concerning:**

25 **A. Agreed Orders for case #s:** 20236, 20303, 20332, 20370, 20405, 20410, 20437, 20451,
26 20511, 20540, and 20545.
27

28 The Board ratified the following Agreed Orders: #s 20236, 20405, 20410, 20437, 20451, 20511,
29 20540, and 20545.
30

31 **B. Number of cases reviewed, Agreed Orders issued, informal conferences, and other**
32 **investigative matters discussed during the Investigation Committee Meeting of**
33 **September 08, 2020.**
34

35 Ms. Carter reported that the Committee reviewed 132 cases, held five (5) informal conferences, and
36 issued eleven (11) Agreed Orders with eight (8) being accepted.
37

38 **C. Performance measures, on-site investigation visits, school presentations, and other**
39 **investigative activities that have occurred between this meeting and the Board's last**
40 **meeting**
41

42 Ms. Carter reported on performance measures, on-site investigation visits, and school
43 presentations since the last meeting.
44

45 **9. Final adoption of the following:**

46 **A. Amendments to §329.5. Licensing Procedures for Foreign-Trained Applicants**
47

48 Motion: To adopt amendments to the above referenced section.
49 Made by: Tony Domenech
50 Second: Liesl Olson

51 *Motion passed unanimously.*
52

53 **B. §344.1. Administrative Fines and Penalties**
54

55 Motion: To adopt amendment to the above referenced section.
56 Made by: Melissa Skillern

1 Second: Kate Roby
2 *Motion passed unanimously.*
3

4 **10. Education Committee report.**
5

6 **F. Discussion and possible action on the Texas Physical Therapy Association (TPTA)**
7 **Continuing Competence Approval Program (CCAP) report including audit of**
8 **courses approved under TPTA Accredited Provider Status (APS).**
9

10 Dr. Sanders reported that the Committee reviewed the quarterly CCAP as submitted by TPTA, and
11 that the Committee performed an audit of courses provided under the TPTA Accredited Provider
12 status. She stated that Ms. Gordon was tasked with summarizing the findings of the audit and
13 sending them to TPTA with a request to respond to the deficiencies with a plan to ensure
14 compliance for the Committee's January 2021 meeting.
15

16 **G. Request to amend 22 TAC §341.3. Qualifying Continuing Competence**
17 **Activities by adding a category for voluntary charity care; updating the post**
18 **professional college or university courses transcript requirement; and updating the**
19 **standards for residency/fellowship and mentorship of a resident/fellow.**
20

21 Dr. Sanders reported that the Committee discussed adding voluntary charity care as a category for
22 claiming CCUs to meet the continuing competence renewal requirement. Additionally, the
23 committee discussed updating the sections dealing with post-professional college or university
24 courses transcript and updating the standards for residency/fellowship and mentorship of a
25 resident/fellow.
26

27 Motion: To propose amendments to §341.3. Qualifying Continuing
28 Competence Activities, subparagraph (5)(C) and (D) and (7).
29 Made by: Education Committee
30 Second: None required
31

31 *Motion passed unanimously.*
32

33 **H. Proposing amendments to 22 TAC §341.9. Retired Status; Performing Voluntary**
34 **Charity Care. concerning renewal of a retired license and reinstatement to active**
35 **status from retired.**
36

37 Dr. Sanders reported that the Committee reviewed §341.9. Retired Status; Performing Voluntary
38 Charity Care in light of the proposed amendments to §341.3. Qualifying Continuing Competence
39 Activities and determined that no action was required.
40

41 **I. Request to add the Certified Wound Care Associate (CWCA) from the American**
42 **Board of Wound Management (ABWB) to the list of pre-approved specialty**
43 **examinations qualifying for continuing competence credit.**
44

45 Dr. Sanders reported that the Committee reviewed a request to add the CWCA to the list of pre-
46 approved specialty examinations that qualify for continuing competence credit against the criteria
47 for approving specialty examinations established by the Board and to assigning 30 CCUs for
48 successful completion of the CWCA specialty examination.
49

50 Motion: To add the Certified Wound Care Associate examination
51 to the list of pre-approved specialty examinations qualifying for CCUs,
52 and to assign 30 CCUs for successful completion.
53 Made by: Education Committee
54 Second: None required
55

55 *Motion passed unanimously.*
56
57

1 **J. Request(s) for appeal to re-take the National Physical the National Physical**
2 **Therapy Examination (NPTE).**
3

4 Dr. Sanders reported that the Committee reviewed and discussed three (3) requests for appeal for
5 an additional re-take of the NPTE.

6
7 Motion: To appeal to the Federation of State Boards of Physical Therapy on
8 behalf of the three (3) requestors for an additional attempt to re-take
9 the NPTE.

10 Made by: Education Committee

11 Second: None required

12 *Motion passed unanimously.*

13
14 **K. Requests for review of educational equivalency from foreign-educated applicants.**
15

16 Dr. Sanders reported that the Committee reviewed and discussed three (3) requests for review of
17 educational evaluations.

18
19 Motion: To deem the education of the three (3) requestors as substantially
20 equivalent

21 Made by: Education Committee

22 Second: None required

23 *Motion passed unanimously.*

24
25 **L. Issues related to physical therapy entry-level education and continuing**
26 **competence.**
27

28 Dr. Sanders reported that there were no additional issues discussed.

29
30 **11. Rules and Practice Committee report.**
31

32 **F. Proposing amendments to §322.5. Telehealth**
33

34 Dr. Domenech reported that the Committee discussed questions concerning the supervision of a
35 PTA, the informed consent, and the patient location as relates to the provision of physical therapy
36 services via telehealth. Ms. Gordon with tasked with updating the Telehealth FAQs for clarification
37 of the issues.

38
39 **G. Proposing amendments to §337.1. Display of License**
40

41 Dr. Domenech reported that the Committee discussed amendments that would require licensees
42 who provide physical therapy services through telehealth, home visits, or other non-traditional
43 modes to provide information on accessing the board's online license verification system.

44
45 Motion: To propose amendments to §337.1. Display of License

46 Made by: Rules & Practice Committee

47 Second: None required

48 *Motion passed unanimously.*

49
50 **H. Proposing amendments to §337.2. Consumer Information Sign**
51

52 Dr. Domenech reported that the Committee discussed amendments that would require licensees
53 who provide physical therapy services through telehealth, home visits, or other non-traditional
54 modes to provide information on directing complaints regarding non-compliance with the Texas
55 Physical Therapy Practice Act/Rules to the Texas Board of Physical Therapy Examiners.

56
57 Motion: To propose the amendment to §337.2. Consumer Information Sign

1 Made by: Rules & Practice
2 Second: None required
3 *Motion passed unanimously.*

4
5 **I. Physical therapy role in the promotion of health, wellness, and fitness**
6

7 Dr. Domenech reported that the Committee discussed questions concerning the role of a physical
8 therapist and physical therapist assistant in the promotion of health, wellness, and fitness, and
9 tasked Ms. Gordon with developing FAQs for clarification of the issues.

10
11 **12. Federation of State Boards of Physical Therapy (FSBPT) virtual 2020 Annual Meeting on**
12 **October 22 and 24, 2020.**

13
14 Liesl Olson reported on the slate of candidates and motion that will be voted on at the FSBPT
15 virtual Annual Meeting.

16
17 **13. Board Coordinator's report concerning meetings attended since last Board meeting,**
18 **Continuing Competence Audit results, number of current licensees, NPTE pass/fail**
19 **statistics, TX Jurisprudence Assessment Module statistics, PT Compact statistics, and**
20 **other events concerning the practice of physical therapy.**

21
22 Ms. Gordon reported on the following:

- 23 • Meetings that she had attended since the last Board meeting;
- 24 • Website/online renewal system updates for Human Trafficking Prevention Training
- 25 • Total number of PTs, PTAs as of 8/31/2020;
- 26 • NPTE Pass/Fail statistics for 2020 to date;
- 27 • October NPTE Score Reporting Schedule;
- 28 • PT Compact privileges statistics; and
- 29 • TX JAM statistics.

30
31 **14. Board Chair's report concerning meetings attended since last Board meeting,**
32 **correspondence received on behalf of the Board, and other events concerning the**
33 **practice of physical therapy.**
34

35 Dr. Aikman reported that the PT Compact virtual Annual Meeting will be on October 24, 2020; that
36 updates to the Compact bylaws and policies will be voted on; and that he is slated as a candidate
37 for Compact Vice Chair. He also thanked staff for continuing to provide all of the essential functions
38 of the agency.

39
40 **15. Long-term planning for future meetings, including future meeting dates and agenda**
41 **items.**

42
43 The Board scheduled upcoming meetings as follows: January 14 – 15, 2021 and April 8 – 9, 2021.
44 Determination of whether the meetings will be held in-person or virtually will be made closer to the
45 meeting dates.

46
47 **16. Adjournment**
48

49 Motion: To adjourn the meeting.
50 Made by: Tony Domenech
51 Second: Donivan Hodge
52 *Motion passed unanimously.*
53

54 Dr. Aikman adjourned the meeting at 10:25 a.m.

55 **Date reviewed by the Board: 1/15/2021**

56 **Action taken by the Board: approved as submitted**