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Texas Board of Physical Therapy Examiners

**Board Meeting
Telephonic**

**January 15, 2021
9:00 am**

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 Kathryn Roby, PT, DPT
15 Glenda Clausell, Public Member
16 Donivan Hodge, Public Member
17 Jacob Delgado, Public Member
18

19 **Members Absent:** Melissa Skillern, PT, DPT
20

21 **Legal Counsel:** Rosalind Hunt, Assistant Attorney General
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23 **Staff:** Ralph Harper, Executive Director
24 Karen Gordon, PT Coordinator
25 Amy Carter, Chief Investigator
26 Karissa Rodriguez, Licensing Manager/RMO
27 Randy Glines, Staff Services Officer
28

29 **Guests:** Craig Tounget, ED - Texas Physical Therapy Association (TPTA)
30 Lindsey Green, TPTA Staff
31 Kathleen Manella, TPTA Liaison
32 Scot Kibbe, Budget & Policy Advisor - Office of the Governor
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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 October 09, 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: 20332, 20468, 20503, 20504, 20506, 20514, 20562, 20581, 20598,
48 21009, 21010, 21011, 21012, 21036, 21043, 21046, 21067, 21069, 21129, 21143, 21206, and 21247.
49 B. Number of cases reviewed, Agreed Orders issued, informal conferences, and other investigative
50 matters discussed during the Investigation Committee of December 15 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 D. DPS Audit
54 9. Final adoption of the following amendments:
55 A. §337.1. Display of License
56 B. §337.2. Consumer Information Sign
57 C. §341.3. Qualifying Continuing Competence Activities

- 1 10. Education Committee report.
- 2 F. The Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program
- 3 (CCAP) report including follow-up to the audit of courses approved under TPTA Accredited
- 4 Provider Status (APS)
- 5 G. Review and approval of the CCAP Audit tool
- 6 H. Proposing amendments to 22 TAC §329.1. General Licensure Requirements and Procedures
- 7 regarding the requirement for a statement from the program director or other authorized school
- 8 official stating that the applicant has successfully completed the PT or PTA program
- 9 I. Proposing amendments to 22 TAC §329.5. Licensing Procedures for Foreign-Trained Applicants
- 10 J. Request(s) for appeal to re-take the National Physical Therapy Examination (NPTE)
- 11 K. Requests for review of educational equivalency from foreign-educated applicants.
- 12 L. Issues related to physical therapy entry-level education and continuing competence
- 13 11. Federation of State Boards of Physical Therapy (FSBPT) virtual 2020 Annual Meeting on October 22
- 14 and 24, 2020; and PT Compact Annual Meeting on October 25, 2020
- 15 12. Request for proposal for a jurisprudence assessment module
- 16 13. Frequently Asked Questions (FAQs)
- 17 14. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing
- 18 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX Jurisprudence
- 19 Assessment Module statistics, PT Compact statistics, and other events concerning the practice of
- 20 physical therapy.
- 21 15. Board Chair's report concerning meetings attended since last Board meeting, correspondence received
- 22 on behalf of the Board, and other events concerning the practice of physical therapy.
- 23 16. Long-term planning for future meetings, including future meeting dates and agenda items
- 24 17. Adjournment
- 25

26 1. Call to order

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29 Dr. Aikman called the meeting to order at 9:01 a.m.

30 2. Roll call for members

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33 Dr. Aikman called roll and determined that a quorum existed.

34 3. Roll call for public participants

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37 Dr. Aikman requested that the public participants identify themselves.

38 4. Excusing Board member absences

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41 Motion: To approve the absence of Melissa Skillern.

42 Made by: Liesl Olson

43 Second: Tony Domenech

44 Motion passed unanimously.

45 5. Public Comment

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48 There was no public comment.

49 6. Minutes from the October 09, 2020 meeting.

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52 Motion: To approve the minutes as submitted.

53 Made by: Barbara Sanders

54 Second: Glenda Clausell

55 Motion passed unanimously.

56 7. Executive Director's Report concerning fiscal and budgetary matters, performance

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59 measures, ongoing projects, agency personnel matters, and other agency business.

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

- 2
- 3 • Start of the 87th Legislative Session and bill tracking;
- 4 • Texas Ethics Commission (TEC) Personal Financial Statements;
- 5 • Financial reports including revenue/expenses for FY 2021 to date;
- 6 • Performance Measures for 1st Quarter FY 202;
- 7 • Move to the George H.W. Bush state office building still scheduled for Summer 2022;
- 8 • Follow-up to Texas Workforce Commission (TWC) Personnel Policies and Procedures
- 9 Program Audit in late May;
- 10 • Follow-up to State Auditor's Office (SAO) Post-Payment Audit completed; and
- 11 • CAPPs Financials to go live in September 2021.
- 12

13 **8. Investigation Committee Report concerning:**

14 **A. Agreed Orders for case #s:** 20332, 20468, 20503, 20504, 20506, 20514, 20562, 20581,
15 20598, 21009, 21010, 21011, 21012, 21036, 21043, 21046,
16 21067, 21069, 21129, 21143, 21206, and 21247.

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18 The Board ratified the following Agreed Orders: #s 20506, 20514, 20598, 21011, 21012, 21036,
19 21043, 21067, 21069, 21129, 21143, 21206,
20 and 21247.

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22 The Board administratively suspended the licenses of case # 20503, 20504, and 20562.

23
24 Motion: To direct staff to develop a policy and procedure for administratively
25 suspending a license.

26 Made by: Barbara Sanders

27 Second: Liesl Olson

28 Motion passed unanimously.

29
30 **B. Number of cases reviewed, Agreed Orders issued, informal conferences, and other**
31 **investigative matters discussed during the Investigation Committee Meeting of**
32 **December 15, 2020.**

33
34 Ms. Carter reported that the Committee reviewed 287 cases, held one (1) informal conference, and
35 issued twenty-one (21) Agreed Orders with thirteen (13) being accepted.

36
37 **C. Performance measures, on-site investigation visits, school presentations, and other**
38 **investigative activities that have occurred between this meeting and the Board's last**
39 **meeting**

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

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44 **D. DPS Audit**

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46 Ms. Carter updated the Board on the DPS audit of the agency's fingerprinting procedures.

47
48 Dr. Aikman recessed the Board at 9:58 a.m.

49 Dr. Aikman reestablished a quorum and called the Board back into session at 10:03 a.m.

50
51 **9. Final adoption of the following amendments:**

52 **A. §337.1. Display of License**

53 **B. §337.2. Consumer Information Sign**

54 **C. §341.3. Qualifying Continuing Competence Activities**

55
56 Motion: To adopt the amendments to the above referenced sections.

1 Made by: Donivan Hodge

2 Second: Glenda Clausell

3 *Motion passed unanimously.*

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5 **10. Education Committee report.**

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

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11 Dr. Sanders reported that the Committee reviewed the quarterly CCAP as submitted by TPTA, and that the Committee reviewed and approved the TPTA APS Audit Compliance Plan.

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14 **G. Review and approval of the CCAP Approval tool**

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16 Dr. Sanders reported that the Committee reviewed and approved the CCAP Audit tool that will be used at the April committee meeting to evaluate the program performance, and instructed Ms. Gordon to send the tool to TPTA for self-assessment.

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20 **H. Proposing amendments to 22 TAC §329.1. General Licensure Requirements and Procedures regarding the statement from the program director or other authorized school official stating that the applicant has successfully completed the program**

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23
24 Dr. Sanders reported that the Committee reviewed and discussed amending the above referenced section.

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27 Motion: To adopt the amendments to the above reference section.

28 Made by: Education Committee

29 Second: None required

30 *Motion passed unanimously.*

31
32 **I. Proposing amendments to 22 TAC §329.5. Licensing Procedures for Foreign-Trained Applicants**

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35 Dr. Sanders reported that the Committee discussed the FSBPT proposed FEPT eligibility requirements for 2022, and instructed Ms. Gordon to find out more information about when the requirements will be implemented and how they will affect the Alternate Approval Process.

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

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42 Dr. Sanders reported that the Committee reviewed and discussed one (1) request for appeal for an additional re-take of the NPTE.

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45 Motion: To appeal to the Federation of State Boards of Physical Therapy on behalf of the requestor for an additional attempt to re-take the NPTE.

46 Made by: Education Committee

47 Second: None required

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50 *Motion passed unanimously.*

51
52 **K. Requests for review of educational equivalency from foreign-educated applicants.**

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54 Dr. Sanders reported that the Committee reviewed and discussed six (6) requests for review of educational evaluations.

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57 Motion: To deem the education of the four (4) PT requestors as substantially

1 equivalent
2 Made by: Education Committee
3 Second: None required
4 *Motion passed unanimously.*
5 Motion: To deem the education of the two (2) PTA requestors as substantially
6 equivalent
7 Made by: Education Committee
8 Second: None required
9 *Motion passed unanimously.*

10
11 **L. Issues related to physical therapy entry-level education and continuing**
12 **competence.**

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

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16 **11. Federation of State Boards of Physical Therapy (FSBPT) virtual 2020 Annual Meeting on**
17 **October 22 and 24, 2020; and PT Compact Annual Meeting on October 25, 2020**

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19 Liesl Olson reported on the results of the elections and on the motion that was passed during the
20 FSBPT virtual Annual Meeting. Dr. Aikman reported on the adoption of Rules, Bylaws, and Policies
21 & Procedures amendments. He also reported that he was re-elected as the Vice Chair of the
22 Compact Commission.

23
24 **12. Request for Proposal for a jurisprudence assessment module**

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26 The Board reviewed the RFP, and instructed Ms. Gordon to proceed with posting the solicitation.

27
28 **13. Frequently Asked Questions (FAQs)**

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30 The Board reviewed and discussed the PT FAQs Process diagram, updated Telehealth FAQs, and
31 the new Health, Wellness, and Fitness FAQs. No action was taken.

32
33 **14. Board Coordinator's report concerning meetings attended since last Board meeting,**
34 **Continuing Competence Audit results, number of current licensees, NPTE pass/fail**
35 **statistics, TX Jurisprudence Assessment Module statistics, PT Compact statistics, and**
36 **other events concerning the practice of physical therapy.**

37
38 Ms. Gordon reported on the following:

- 39 • Meetings/webinars/school presentation since the last Board meeting;
- 40 • Total number of PTs, PTAs as of 12/31/2020;
- 41 • NPTE Pass/Fail statistics for 2020;
- 42 • January 2021 NPTE Score Reporting Schedule;
- 43 • PT Compact Privileges statistics for 2020;
- 44 • HHS-approved Human Trafficking Prevention Training list; and
- 45 • TX JAM statistics.

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47 **15. Board Chair's report concerning meetings attended since last Board meeting,**
48 **correspondence received on behalf of the Board, and other events concerning the**
49 **practice of physical therapy.**

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51 Dr. Aikman thanked staff for their continued efforts to provide all of the essential functions of the
52 agency during these unprecedented times.

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54 **16. Long-term planning for future meetings, including future meeting dates and agenda**
55 **items.**

1 The Board's next meeting was scheduled for April 9, 2021. The July and October meeting dates to
2 be determined.
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4 **17. Adjournment**
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6 Motion: To adjourn the meeting.

7 Made by: Tony Domenech

8 Second: Glenda Clausell

9 *Motion passed unanimously.*
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11 Dr. Aikman adjourned the meeting at 10:59 a.m.

12 **Date reviewed by the Board:** 4/09/2021

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