

1 **Texas Board of Physical Therapy Examiners**

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

5
6 **April 9, 2021**
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 Kathryn Roby, PT, DPT
15 Melissa Skillern, PT, DPT
16 Glenda Clausell, Public Member
17 Donivan Hodge, Public Member
18 Jacob Delgado, Public Member
19

20 **Legal Counsel:** Rosalind Hunt, 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 Gary Gray, PT
32 Eric, Manalansan, PT
33 Julie Davis, Governor's Office of Compliance and Monitoring
34

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

- 38
- 39 1. Call to order
 - 40 2. Roll call for members
 - 41 3. Roll call for public participants
 - 42 4. Excusing board member absences.
 - 43 5. Public comment
 - 44 6. Minutes from the January 15, 2021 meeting
 - 45 7. Executive Director's Report concerning fiscal and budgetary matters, performance measures, ongoing
46 projects, agency personnel matters, and other agency business
 - 47 8. Investigation Committee Report concerning:
 - 48 A. Agreed Orders for case #s: 20332, 20468, 20504, 21010, 21135, 21140, 21141, 21203, 21204,
49 21207, 21208, 21209, 21248, 21249, 21250, 21271, 21301, 21334,
50 21345, 21356, 21450, 21451, 21452, 21453, and 21273/21310/21321
 - 51 B. Number of cases reviewed, Agreed Orders issued, informal conferences, administrative
52 suspensions under Texas Occupations Code § 453.255(b), and other investigative matters
53 discussed during the Investigation Committee Meeting of February 23, 2021
 - 54 C. Performance measures, on-site investigation visits, school presentations, and other investigative
55 activities that have occurred between this meeting and the Board's last meeting
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- 1 9. Final adoption of the following amendments:
 - 2 A. §329.1. General Licensure Requirements and Procedures
- 3 10. Education Committee report.
 - 4 F. The Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program
 - 5 (CCAP) report including follow-up to the audit of courses approved under TPTA Accredited
 - 6 Provider Status (APS)
 - 7 G. CCAP Audit
 - 8 H. Proposing amendments to 22 TAC §329.5. Licensing Procedures for Foreign-Trained Applicants
 - 9 I. Request to add the Hippotherapy Clinical Specialist (HPCS) Certification Examination to the list
 - 10 of pre-approved specialty examinations qualifying for continuing competence credit
 - 11 J. Request(s) for appeal to re-take the National Physical Therapy Examination (NPTE)
 - 12 K. Requests for review of educational equivalency from foreign-educated applicants.
 - 13 L. Issues related to physical therapy entry-level education and continuing competence
- 14 11. Election of delegate and alternate delegate to the Federation of State Boards of Physical Therapy
- 15 (FSBPT) virtual 2021 Annual Meeting on October 22 and 23, 2021
- 16 12. Election of delegate to the PT Compact Annual Meeting
- 17 13. Request for Proposal (RFP) for a jurisprudence assessment module
- 18 14. Hot topic issues:
 - 19 A. PT as COVID vaccinator
 - 20 B. 2021 Legislative Session
 - 21 C. Employer mandates conflicting with PT Practice Act/Rules
- 22 15. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing
- 23 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX Jurisprudence
- 24 Assessment Module statistics, PT Compact statistics, and other events concerning the practice of
- 25 physical therapy.
- 26 16. Board Chair's report concerning meetings attended since last Board meeting, correspondence received
- 27 on behalf of the Board, and other events concerning the practice of physical therapy.
- 28 17. Long-term planning for future meetings, including future meeting dates and agenda items
- 29 18. Adjournment
- 30

31 1. Call to order

32
33
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35 Dr. Aikman called the meeting to order at 9:01 a.m.

36 2. Roll call for members

37
38
39 Dr. Aikman called roll and determined that a quorum existed.

40 3. Roll call for public participants

41
42
43 Dr. Aikman requested that the public participants identify themselves.

44 4. Excusing Board member absences

45
46
47 All Board members were present.

48 5. Public Comment

49
50
51 Mr. Gary Gray, PT provided comments on an investigation closure letter.

52 Mr. Eric Manalansan, PT provided comments on physical therapist providing injections.

53 6. Minutes from the January 15, 2021 meeting.

54
55
56 Motion: To approve the minutes as submitted.

57 Made by: Tony Domench

58 Second: Liesl Olson

59 Motion passed unanimously.

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

4 Mr. Harper gave the Executive Director's Report that included the following:
5

- 6 • Legislative Session and bill tracking;
- 7 • Revised Legislative Appropriations Request (LAR);
- 8 • Water damage to office, and TX Facilities Commission (TFC) work timeline;
- 9 • Financial reports including revenue/expenses for FY 2021 to date;
- 10 • Performance Measures for 2nd Quarter FY 202;
- 11 • State Auditor's Office (SAO) Post-Payment Audit completed; report available online;
- 12 • SAO Audit of Regulatory Activities ongoing;
- 13 • State Office of Risk Management review scheduled for 7/15/2021;
- 14 • Texas Workforce Commission (TWC) Personnel Policies and Procedures Program Audit
15 recommendations follow-up;
- 16 • DPS Audit of Enforcement concluded;
- 17 • CAPPS Financials training and testing; and
- 18 • George H.W. Bush State Office Building move status.

19
20 **8. Investigation Committee Report concerning:**

21 **A. Agreed Orders for case #s:** 20332, 20468, 20504, 21010, 21135, 21140, 21141, 21203,
22 21204, 21207, 21208, 21209, 21248, 21249, 21250, 21271,
23 21301, 21334, 21345, 21356, 21450, 21451, 21452, 21453,
24 and 21273/21310/21321
25

26 The Board voted to ratify the following Agreed Orders: #s 20468, 20504, 21010, 21135, 21140,
27 21141, 21204, 21207, 21208, 21209,
28 21248, 21249, 21250, 21271, 21301,
29 21334, 21345, 21356, 21451, 21452,
30 21453, and 21273/21310/21321
31

32 **B. Number of cases reviewed, Agreed Orders issued, informal conferences,**
33 **administrative suspensions under Texas Occupations Code § 453.255(b), and other**
34 **investigative matters discussed during the Investigation Committee Meeting of**
35 **February 23, 2021.**
36

37 Ms. Carter reported that the Committee reviewed 183 cases, held six (6) informal conferences, and
38 issued twenty-four (24) Agreed Orders with twenty-two (22) being accepted.
39

40 The Board approved the administrative suspension of licenses for cases # 21053, 21239, 21245,
41 21126, and 21176.
42

43 **C. Performance measures, on-site investigation visits, school presentations, and other**
44 **investigative activities that have occurred between this meeting and the Board's last**
45 **meeting**
46

47 Ms. Carter reported on performance measures, on-site investigation visits, ongoing audits, and
48 school presentations since the last meeting.
49

50 Dr. Aikman recessed the Board at 10:20 a.m.

51 Dr. Aikman reestablished a quorum and called the Board back into session at 10:30 a.m.
52

53 **9. Final adoption of the following amendments:**

54 **A. §329.1. General Licensure Requirements and Procedures**

55 Final adoption was deferred to the July 16, 2021 Board meeting as the amendment was still in the
56 requisite thirty-day public comment period.

1 **10. Education Committee report.**

2
3 **F. Texas Physical Therapy Association (TPTA) Continuing Competence Approval**
4 **Program (CCAP) report**

5
6 Dr. Sanders reported that the Committee reviewed the quarterly CCAP as submitted by TPTA, and
7 that the Committee had no questions regarding the report.

8
9 **G. CCAP Audit**

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11 Dr. Sanders reported that the Committee reviewed the documents that TPTA had provided for the
12 CCAP audit and determined that more information was needed in order to complete the audit. She
13 stated that Ms. Gordon was instructed to prepare a list of additional documents that are needed and
14 send the list to TPTA so that the audit can resume at the July meeting.

15
16 **H. Proposing amendments to 22 TAC §329.5. Licensing Procedures for Foreign-**
17 **Trained Applicants**

18
19 Dr. Sanders reported that the FSBPT Board had made the decision not to go forward with proposed
20 FEPT eligibility requirements for 2022. The Committee determined that there is no amendment to
21 rules needed at this time. No action required.

22
23 **I. Request to add the Hippotherapy Clinical Specialist (HPCS) Certification**
24 **Examination to the list of pre-approved specialty examinations qualifying for**
25 **continuing competence credit**

26
27 Dr. Sanders reported that the Committee compared the criteria for becoming an HPCS with the
28 Board's criteria for acceptable specialty examinations. It was determined that the HPCS
29 Certification Examination does not meet the standards for assessment instruments as adopted by
30 the Board. No action required.

31
32 **J. Request(s) for appeal to re-take the National Physical the National Physical**
33 **Therapy Examination (NPTE)**

34
35 Dr. Sanders reported that there were no requests for appeal to re-take the NPTE.

36
37 **K. Requests for review of educational equivalency from foreign-educated applicants**

38
39 Dr. Sanders reported that there were no requests for educational equivalency review.

40
41 **L. Issues related to physical therapy entry-level education and continuing**
42 **competence**

43
44 Dr. Sanders reported that there were no additional issues discussed.

45
46 **11. Election of delegate and alternate delegate to the Federation of State Boards of Physical**
47 **Therapy (FSBPT) virtual 2021 Annual Meeting on October 22 and 23, 2021**

48
49 Liesl Olson and Tony Domenech were nominated as delegate and alternate delegate respectively.
50 There were no other nominations. Ms. Olson and Mr. Domenech were elected by acclamation.

51
52 **12. Election of delegate to the PT Compact Annual Meeting**

53
54 Harvey Aikman was nominated as delegate to the PT Compact Annual Meeting. There were no
55 other nominations. Mr. Aikman was elected by acclamation.

1 **13. Request for Proposal (RFP) for a jurisprudence assessment module**

2
3 The Board reviewed the only proposal received that was submitted by the Federation of Boards of
4 Physical Therapy (FSBPT) using the following criteria:

- 5
 - 6 • Respondent's Past Performance,
 - 7 • Ability to Satisfy Regulatory Needs,
 - 8 • Pricing Structure,
 - 9 • References.

10 Motion: To award the development, implementation, and maintenance of a
11 jurisprudence assessment module to FSBPT.

12 Made by: Tony Domench

13 Second: Kate Roby

14 Motion passed unanimously.

15
16 **14. Hot topic issues:**

17 **A. PT as COVID vaccinator**

18 **B. 2021 Legislative Session**

19 **C. Employer mandates conflicting with PT Practice Act/Rules**

20
21 The Board discussed the above hot topic issues. Dr. Aikman referred the issue of whether or not
22 injections/vaccinations are within the physical therapy scope of practice and employer mandates to
23 the Rules & Practice Committee for further review. Legislative bills which could necessitate
24 rulemaking will continue to be monitored through the remainder of the session.

25
26 **15. Board Coordinator's report concerning meetings attended since last Board meeting,**
27 **Continuing Competence Audit results, number of current licensees, NPTE pass/fail**
28 **statistics, TX Jurisprudence Assessment Module statistics, PT Compact statistics, and**
29 **other events concerning the practice of physical therapy.**

30
31 Ms. Gordon reported on the following:

- 32
 - 33 • Meetings/webinars/school presentation since the last Board meeting;
 - 34 • Total number of PTs, PTAs as of 3/31/2021;
 - 35 • NPTE Pass/Fail statistics for January 2021;
 - 36 • NPTE Fixed Date/Window Schedule for April 2021;
 - 37 • PT Compact Status and Compact Privileges statistics for the 1st Quarter 2021; and
 - 38 • TX JAM statistics.

39 **16. Board Chair's report concerning meetings attended since last Board meeting,**
40 **correspondence received on behalf of the Board, and other events concerning the**
41 **practice of physical therapy.**

42
43 Dr. Aikman announced that Liesl Olson, Glenda Clausell, and he were reappointed to the Board by
44 the Governor. He reported that the PT Compact will be looking at amending their rules and asked
45 for suggestions. He announced that a Board retreat would be looked into once in-person meetings
46 resumed, and thanked staff for their continued efforts in providing the essential functions of the
47 agency.

48
49 **17. Long-term planning for future meetings, including future meeting dates and agenda**
50 **items.**

51
52 The Board's next meeting was scheduled for July 16, 2021, and the following meeting was
53 scheduled for October 8, 2021.

54
55 **18. Adjournment**

56 Motion: To adjourn the meeting.

1 Made by: Donivan Hodge
2 Second: Kate Roby
3 *Motion passed unanimously.*
4
5 Dr. Aikman adjourned the meeting at 11:20 a.m.
6 **Date reviewed by the Board:** 7/16/2021
7 **Action taken by the Board:** approved as submitted
