

1 **Texas Board of Physical Therapy Examiners**

2  
3 **Board Meeting**  
4 **Videoconference**

5  
6 **October 08, 2021**  
7 **9:00 am**  
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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 Veena Mohan, Assistant Attorney General  
22 Robyn Glassner, Assistant Attorney General  
23

24 **Staff:** Ralph Harper, Executive Director  
25 Karen Gordon, PT Coordinator  
26 Amy Carter, Chief Investigator  
27 Karissa Rodriguez, Licensing Manager/RMO  
28 Randall Glines, Staff Services Officer  
29

30 **Guests:** Utsav Brahmhatt  
31 Craig Tounget, ED - Texas Physical Therapy Association (TPTA)  
32 Lindsey Green, TPTA Staff  
33 Julie Davis, Governor's Office of Compliance and Monitoring  
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35 The meeting of the Texas Board of Physical Therapy Examiners was held by videoconference call  
36 pursuant to Texas Government Code § 551.127.

- 37
- 38 1. Call to order
  - 39 2. Roll call for members
  - 40 3. Excusing board member absences.
  - 41 4. Public comment
  - 42 5. Minutes from the July 16, 2021 meeting
  - 43 6. Proposal for Decision in SOAH Docket Number 522-20-1092, Texas Board of Physical Therapy
  - 44 Examiners v. Utsav Brahmhatt
  - 45 7. Executive Director's Report concerning fiscal and budgetary matters, performance measures,
  - 46 ongoing projects, agency personnel matters, legislative session, and other agency business
  - 47 8. Investigation Committee Report concerning:
    - 48 A. Agreed Orders for case #s: 21522, 21523, 21616, 21627, 21637, 21644, 21654, 21675,
    - 49 21689, 21690, 21692, 21719, 21738, 21745, 21747, and 21748.
    - 50 B. Number of cases reviewed, Agreed Orders issued, administrative suspensions under
    - 51 Texas Occupations Code § 453.255(b), and other investigative matters discussed during
    - 52 the Investigation Committee Meeting of September 02, 2021
    - 53 C. Performance measures, on-site investigation visits, school presentations, and other
    - 54 investigative activities that have occurred between this meeting and the Board's last
    - 55 meeting
  - 56 9. Final adoption of the following amendments:

- 1 A. 22 TAC §322.1. Provision of Services.
- 2 B. 22 TAC §329.1. General Licensure Requirements
- 3 10. Education Committee report.
- 4 E. The Texas Physical Therapy Association (TPTA) Continuing Competence Approval
- 5 Program (CCAP) report
- 6 F. CCAP Audit
- 7 G. Request(s) for appeal to re-take the National Physical Therapy Examination (NPTE)
- 8 H. Requests for review of educational equivalency from foreign-educated applicants.
- 9 I. Request(s) for Test of English as a Foreign Language (TOEFL) waiver
- 10 J. Issues related to physical therapy entry-level education and continuing competence
- 11 11. Rules and Practice Committee Report
- 12 E. Proposing amendments to 22 TAC §344.1. Administrative Fines and Penalties
- 13 regarding delegating authority to administratively suspend a license
- 14 F. Proposing amendments to 22 TAC §329.3. Temporary Licensure regarding duration
- 15 G. Physical therapy scope of practice regarding injections
- 16 H. Employer mandates/professional responsibility FAQ
- 17 12. Federation or State Boards of Physical Therapy (FSBPT) Leadership Issues Forum and Annual
- 18 Meeting
- 19 13. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing
- 20 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX
- 21 Jurisprudence Assessment Module statistics, PT Compact statistics, and other events
- 22 concerning the practice of physical therapy.
- 23 14. Board Chair's report concerning meetings attended since last Board meeting, correspondence
- 24 received on behalf of the Board, and other events concerning the practice of physical therapy.
- 25 15. Long-term planning for future meetings, including future meeting dates and agenda items
- 26 16. Adjournment

27

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29

## 30 **1. Call to order**

31

32 Dr. Domenech called the meeting to order at 9:02 a.m as the presiding Board Member.

33

## 34 **2. Roll call for members**

35

36 Dr. Domenech called roll and determined that a quorum existed.

37

## 38 **3. Excusing Board member absences**

39

40 All Board members were present.

41

## 42 **4. Public Comment**

43

44 There was no public comment.

45

## 46 **5. Minutes from the July 16, 2021 meeting.**

47

48 Motion: To approve the minutes as submitted.

49 Made by: Liesl Olson

50 Second: Glenda Clausell

51 Motion passed unanimously.

52

## 53 **6. Proposal for Decision in SOAH Docket Number 522-20-1092, Texas Board of Physical**

54 **Therapy Examiners v. Utsav Brahmhatt**

55

1 Veena Mohan, Assistant Attorney General who acted as the legal counsel for the agency during the  
2 SOAH hearing presented the facts contained in the administrative record. Mr. Brahmhatt did not  
3 exercise his right to address the Board.  
4

5 Motion: To adopt the findings of fact and conclusion of law, including the sanction  
6 proposed by the Administrative Law Judge (ALJ) as contained in the proposal  
7 for decision with the corrections set out in the ALJ's response to exceptions.

8 Made by: Glenda Clausell  
9 Second: Tony Domenech

10 A roll call vote was held. The motion passed unanimously with members of the Investigation  
11 Committee abstaining.  
12

13 Motion: To authorize the Board chair to sign the order on the Board's behalf.  
14 Made by: Melissa Skillern  
15 Second: Kate Roby

16 Motion passed unanimously with members of the Investigation Committee abstaining.  
17

18 **7. Executive Director's Report concerning fiscal and budgetary matters, performance**  
19 **measures, ongoing projects, agency personnel matters, legislative session, and other**  
20 **agency business.**  
21

22 Mr. Harper gave the Executive Director's Report that included the following:  
23

- 24 • Financial reports including revenue/expenses for FY 2021;
  - 25 • Hiring freeze lifted and receptionist position filled;
  - 26 • Partnered with Health Professions Council for the Employee's Assistance Program;
  - 27 • Partnered with Texas Legal for an optional employee legal insurance benefit plan;
  - 28 • Performance Measures for 4<sup>th</sup> Quarter FY 2021;
  - 29 • Completion of SAO Audit of Regulatory Activities recommendations;
  - 30 • State Office of Risk Management (SORM) recommendations being addressed;
  - 31 • CAPPs Financials went live on 9/01/2021; and
  - 32 • George H.W. Bush State Office Building move status.
- 33

34 **8. Investigation Committee Report concerning:**  
35

36 **A. Agreed Orders for case #s:** 21522, 21523, 21616, 21627, 21637, 21644, 21654, 21675,  
37 21689, 21690, 21692, 21719, 21738, 21745, 21747, and  
38 21748.  
39

40 The Board voted to ratify the following Agreed Orders: #s 21523, 21627, 21637, 21675, 21690,  
41 21692, 21719, 21738, 21745, 21747,  
42 and 21748.  
43

44 **B. Number of cases reviewed, Agreed Orders issued, administrative suspensions under**  
45 **Texas Occupations Code § 453.255(b), and other investigative matters discussed**  
46 **during the Investigation Committee Meeting of September 02, 2021.**  
47

48 Ms. Carter reported that the Committee reviewed 126 cases and issued twenty-four (15) Agreed  
49 Orders with eleven (11) being accepted. Four (4) informal conferences were held.  
50

51 Ms. Carter presented the administrative suspension of license for cases # 21644.  
52

53 Motion: To administratively suspend the license of case # 21644.  
54 Made by: Kate Roby  
55 Second: Glenda Clausell  
56

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2  
3  
4 **C. Performance measures, on-site investigation visits, school presentations, and other**  
5 **investigative activities that have occurred between this meeting and the Board's last**  
6 **meeting**  
7

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

10  
11 The Board recessed at 10:10 a.m. The Board was called back to order at 10:21 a.m.

12  
13 The Board went into Executive Session at 10:24 a.m. and came back into regular session at 10:44  
14 a.m. The roll was called with Melissa Skillern no longer in attendance. A quorum was determined to  
15 exist.

16  
17 Motion: To request an affidavit stipulating that the PT in Case # 21522 will not  
18 practice until his legal case is resolved with a Board meeting scheduled in 7  
19 days for Emergency Suspension if an affidavit is not signed.  
20 Made by: Barb Sanders  
21 Second: Donovan Hodge  
22

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

24 **A. 22 TAC §322.1. Provision of Services.**

25 **B. 22 TAC §329.1. General Licensure Requirements**

26 Motion: Final adoption §322.1. Provision of Services  
27 Made by: Liesl Olson  
28 Second: Glenda Clausell  
29 Motion passed unanimously.  
30

31 Motion: Final adoption §329.1. General Licensure Requirements  
32 Made by: Donovan Hodge  
33 Second: Kate Roby  
34 Motion passed unanimously.  
35

36 **10. Education Committee report**  
37

38 **E. Texas Physical Therapy Association (TPTA) Continuing Competence Approval**  
39 **Program (CCAP) report**  
40

41 Dr. Sanders reported that the Committee reviewed the quarterly CCAP report as submitted by  
42 TPTA, and that the Committee had no questions regarding the report.  
43

44 **F. CCAP Audit**  
45

46 Dr. Sanders reported that the Committee reviewed the final signed CCAP Performance Audit and  
47 requested that TPTA include updates on the compliance issues in the quarterly reports.  
48

49 **G. Request(s) for appeal to re-take the National Physical the National Physical**  
50 **Therapy Examination (NPTE)**  
51

52 Dr. Sanders reported that the Committee reviewed and discussed two (2) requests for appeal for an  
53 additional re-take of the NPTE.  
54

55 Motion: To recommend that the requests for an additional attempt to re-  
56 take the NPTE be approved.

1                    Made by:        Education Committee  
2                    Second:        None needed

3 *Motion passed unanimously.*

4  
5                    **H.    Requests for review of educational equivalency from foreign-educated applicants**

6  
7 Dr. Sanders reported that the Committee reviewed and discussed four (5) requests for review of  
8 educational evaluations from applicants by endorsement.

9  
10                    Motion:        To recommend that the education of the four (4) applicants by  
11                    endorsement evaluated with CWT4 be deemed substantially  
12                    equivalent.

13                    Made by:        Education Committee  
14                    Second:        None needed

15 *Motion passed unanimously.*

16  
17                    Motion:        To recommend that the education of the one (1) applicant by  
18                    endorsement evaluated with CWT3 be deemed substantially  
19                    equivalent.

20                    Made by:        Education Committee  
21                    Second:        None needed

22 *Motion passed unanimously.*

23  
24 Dr. Sanders also reported that the Committee reviewed and discussed one (1) request for review of  
25 educational evaluations from an applicant by examination.

26  
27                    Motion:        To recommend that the professional education be accepted and that  
28                    the applicant obtain thirty-nine (39) additional credit hours in general  
29                    education in order to be deemed substantially equivalent.

30                    Made by:        Education Committee  
31                    Second:        None needed

32 *Motion passed unanimously.*

33  
34                    **I.    Request(s) for Test of English as a Foreign Language (TOEFL) waiver**

35  
36 Dr. Sanders reported that the Committee reviewed and discussed two (2) requests for an exception  
37 to the TOEFL requirement, the Committee made the following recommendations:

38  
39 To defer I1 until the January 2022 meeting due to lack of information

40  
41                    Motion:        To recommend that an exception to the TOEFL requirement be  
42                    granted to I2

43                    Made by:        Education Committee  
44                    Second:        None needed

45 *Motion passed unanimously.*

46  
47                    **J.    Issues related to physical therapy entry-level education and continuing**  
48                    **competence**

49  
50 Dr. Sanders reported that beginning in 2022, the NPTE will be administered on a two-day testing  
51 window instead of returning to single-day testing.

52  
53 **11. Rules & Practice Report**

54  
55                    **E.    Proposing amendments to 22 TAC §344.1. Administrative Fines and Penalties**  
56                    **regarding delegating authority to administratively suspend a license**

1 Dr. Domenech reported that the Committee discussed a request forwarded by the Investigation  
2 Committee at the July 16, 2021 Board meeting to propose a Rules amendment to authorize the  
3 Executive Director, the ED's designee, or the Director of Enforcement to administratively suspend  
4 or refuse to renew the license of a person that does not comply with the fingerprinting requirement.

5  
6 Dr. Domenech reported that the Committee is not recommending action on proposing an  
7 amendment to §344.1. Mr. Harper requested that the item be included on the January 2022 Rules &  
8 Practice agenda.

9  
10 **F. Proposing amendments to 22 TAC §329.3. Temporary License regarding duration.**

11  
12 Dr. Domenech reported that the Committee reviewed and discussed an amendment to §329.3.  
13 Temporary Licensure that was referred by Licensing staff. The amendment would realign the  
14 duration of a temporary license to the issuance of the permanent license instead of until the  
15 score report is received from the board.

16  
17 Motion: To recommend proposing the amendment to §329.3. Temporary Licensure.  
18 Made by: Rules & Practice  
19 Second: None needed

20 Motion passed unanimously.

21  
22 **G. Physical therapy scope of practice pertaining to injections**

23  
24 Dr. Domenech reported that the Committee reviewed excerpts from the Act/Rules of the Texas  
25 Medical Board and the Texas State Board of Pharmacy to determine if there is any prohibition or  
26 barriers to a physical therapist providing injections during physical therapy treatment. He also  
27 reported that a literature and continuing competence search did not result in any articles/training  
28 courses that would result in a PT become competent to inject a patient as part of the physical  
29 therapy treatment.

30  
31 Ms. Gordon was instructed to pose the question as to whether or not other states allow physical  
32 therapists to provide injections during open discussion opportunities at the upcoming Federation of  
33 State Boards of Physical Therapy (FSBPT) Annual Meeting.

34  
35 **H. Employer mandates/professional responsibility FAQ**

36  
37 Dr. Domenech reported that the Committee reviewed the new FAQ and the article from the August  
38 edition of the Board's newsletter on the subject. There was no action recommended.

39  
40 **12. Federation or State Boards of Physical Therapy (FSBPT) Leadership Issues Forum and**  
41 **Annual Meeting**

42  
43 Liesl Olson reported on the virtual LIF meeting that was held in July; and the slate of candidates as  
44 well as the motions for the upcoming Annual Meeting.

45  
46 **13. Board Coordinator's report concerning meetings attended since last Board meeting,**  
47 **Continuing Competence Audit results, number of current licensees, NPTE pass/fail**  
48 **statistics, TX Jurisprudence Assessment Module statistics, PT Compact statistics, and**  
49 **other events concerning the practice of physical therapy.**

50  
51 Ms. Gordon reported on the following:

- 52 • Meetings/webinars/school presentation since the last Board meeting;
- 53 • PT Compact Compliance Plan
- 54 • Project to add FSBPT ID# to database
- 55 • Project to purge files prior to move to George HW Bush Building

- 1 • Total number of PTs, PTAs as of 9/30/2021;
- 2 • NPTE Pass/Fail statistics for July 2021;
- 3 • NPTE Fixed Date/Window Schedule for October 2021;
- 4 • PT Compact Status and Compact Privileges statistics for the 2<sup>st</sup> Quarter 2021;
- 5 • Continuing Competence Quarterly Audit; and
- 6 • TX JAM statistics.

7

8 **14. Board Chair's report concerning meetings attended since last Board meeting,**  
9 **correspondence received on behalf of the Board, and other events concerning the**  
10 **practice of physical therapy.**

11

12 Dr. Aikman expressed his thanks and gratitude to staff for their tireless work in holding things  
13 together over the last year.

14

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

17

18 The Board's next meeting have been scheduled for January 14<sup>th</sup> and April 22<sup>nd</sup> for the first two  
19 quarterly meetings of 2022.

20

21 The next meeting of the Executive Council will be November 5, 2021 at 9:00 a.m.

22

23 **16. Adjournment**

24 Motion: To adjourn the meeting.

25 Made by: Katy Roby

26 Second: Liesl Olson

27 *Motion passed unanimously.*

28

29 Dr. Domenech adjourned the meeting at 11:30 a.m.

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31 **Date reviewed by the Board:** 1/14/2022

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