

1 **Texas Board of Physical Therapy Examiners**

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

5
6 **January 14, 2022**
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 Randall Glines, Staff Services Officer
27

28 **Guests:** Manu Mahadeva, Presiding Officer, Executive Council of PT & OT Examiners
29 Craig Tounget, ED - Texas Physical Therapy Association (TPTA)
30 Lindsey Green, TPTA Staff
31 Erin Bennett, Governor's Office of Compliance and Monitoring
32

33 The meeting of the Texas Board of Physical Therapy Examiners was held by videoconference call
34 pursuant to Texas Government Code § 551.127.

- 35
36 1. Call to order
37 2. Roll call for members
38 3. Excusing board member absences.
39 4. Public comment
40 5. Minutes from the October 08, 2021 meeting
41 6. Presentation by the Regulatory Compliance Division of the Office of the Governor regarding
42 regulatory issues concerning market competition
43 7. Executive Director's Report concerning fiscal and budgetary matters, performance measures,
44 ongoing projects, agency personnel matters, legislative session, and other agency business
45 8. Investigation Committee Report concerning:
46 A. Agreed Orders for case #s: 21446, 21616, 21654, 21704, 21727, 21757, 21776, 21799,
47 21800, 21801, 21809, 22001, 22009, 22035, 22038, 22066, 22068, 22071, 22073,
48 22079, 22082, 22086, 22087, 22089, 22093, 22118, 22120, 22123, and 22135.
49 B. Number of cases reviewed, Agreed Orders issued, and other investigative matters
50 discussed during the Investigation Committee Meeting of November 30, 2021
51 C. Performance measures, on-site investigation visits, school presentations, and other
52 investigative activities that have occurred between this meeting and the Board's last
53 meeting
54 9. Final adoption of the following amendment.
55 A. 22 TAC §329.3. Temporary Licensure
56

- 1 10. Education Committee report.
- 2 E. The Texas Physical Therapy Association (TPTA) Continuing Competence Approval
- 3 Program (CCAP) report
- 4 F. Request(s) for appeal to re-take the National Physical Therapy Examination (NPTE)
- 5 G. Requests for review of educational equivalency from foreign-educated applicants
- 6 H. Request(s) for Test of English as a Foreign Language (TOEFL) waiver
- 7 I. Request(s) for CCU medical waiver
- 8 J. Request to add the Medical Rehabilitation Management Certification examination to the
- 9 list of pre-approved specialty examinations qualifying for continuing competence credit
- 10 K. 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. Petition for rule changes to 22 TAC §322.5. Telehealth and §322.3. Supervision
- 15 G. Physical therapy scope of practice regarding injections
- 16 H. Request to add University of St. Augustine to the approved list of certifying entities for
- 17 treatment without referral
- 18 12. Federation or State Boards of Physical Therapy (FSBPT) Annual Meeting
- 19 13. PT Compact Annual Meeting
- 20 14. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing
- 21 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX
- 22 Jurisprudence Assessment Module statistics, PT Compact statistics, and other events
- 23 concerning the practice of physical therapy.
- 24 15. Board Chair's report concerning meetings attended since last Board meeting, correspondence
- 25 received on behalf of the Board, and other events concerning the practice of physical therapy.
- 26 16. Long-term planning for future meetings, including future meeting dates and agenda items
- 27 17. Adjournment

28
29

30
31 **1. Call to order**

32
33 Dr. Aikman as the presiding Board Member called the meeting to order at 9:03 a.m.

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

36
37 Dr. Aikman called roll and determined that a quorum existed.

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

40
41 All Board members were present.

42
43 **4. Public Comment**

44
45 There was no public comment.

46
47 **5. Minutes from the October 08, 2021 meeting.**

48
49 Motion: To approve the minutes as submitted.

50 Made by: Kate Roby

51 Second: Donivan Hodge

52 Motion passed unanimously.

53
54 **6. Presentation by the Regulatory Compliance Division of the Office of the Governor**
55 **regarding regulatory issues concerning market competition**
56

1 Erin Bennett, Regulatory Compliance Division Director, gave a presentation about the regulatory
2 issues concerning market competition and the Board's role in the division's review process of
3 proposed rules.
4

5 **7. Executive Director's Report concerning fiscal and budgetary matters, performance**
6 **measures, ongoing projects, agency personnel matters, legislative session, and other**
7 **agency business.**
8

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

- 10 • Ethics Commission Personal Financial Statement filing;
- 11 • Staff attrition;
- 12 • Current database service and transition to Health Professions Council's database ;
- 13 • Performance Measures for 1st Quarter FY 2022;
- 14 • Year-to-date Revenue/Expenses; and
- 15 • George H.W. Bush State Office Building move status.

16
17
18 **8. Investigation Committee Report concerning:**
19

20 **A. Agreed Orders for case #s:** 21446, 21616, 21654, 21704, 21727, 21757, 21776, 21799,
21 21800, 21801, 21809, 22001, 22009, 22035, 22038, 22066,
22 22068, 22071, 22073, 22079, 22082, 22086, 22087, 22089,
23 22093, 22118, 22120, 22123, and 22135.
24

25 The Board voted to ratify all of the above Agreed Orders.

26
27 **B. Number of cases reviewed, Agreed Orders issued, and other investigative matters**
28 **discussed during the Investigation Committee Meeting of November 30, 2021.**
29

30 Ms. Carter reported that the Committee reviewed 185 cases, held four (4) informal conferences,
31 and issued thirty-two (32) Agreed Orders with twenty-nine (29) being accepted.
32

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

37 Ms. Carter reported on performance measures, on-site investigation visits, ongoing audits, and
38 school presentations since the last meeting.
39

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

41 **A. 22 TAC §329.3. Temporary Licensure**

42
43 Motion: Final adoption §329.3. Temporary Licensure
44 Made by: Melissa Skillern
45 Second: Liesl Olson

46 Motion passed unanimously.
47

48 Dr. Aikman recessed the Board at 10:05 a.m.

49 Dr. Aikman reestablished a quorum through rollcall, and called the Board back into session at 10:10
50 a.m.
51

52 **10. Education Committee report**
53

54 **E. Texas Physical Therapy Association (TPTA) Continuing Competence Approval**
55 **Program (CCAP) report**
56

1 Dr. Sanders reported that the Committee reviewed the quarterly CCAP report as submitted by
2 TPTA, and that there was noticeable improvement in the processing times.

3
4 **F. Request(s) for appeal to re-take the National Physical the National Physical**
5 **Therapy Examination (NPTE)**

6
7 Dr. Sanders reported that there were no requests for appeal to re-take the NPTE.

8
9 **G. Requests for review of educational equivalency from foreign-educated applicants**

10
11 Dr. Sanders reported that the Committee reviewed and discussed six (6) requests for review of
12 educational evaluations from applicants.

13
14 Motion: To recommend that the education of the six (6) applicants be deemed
15 substantially equivalent.

16 Made by: Education Committee

17 Second: None needed

18 *Motion passed unanimously.*

19
20 **H. Request(s) for Test of English as a Foreign Language (TOEFL) waiver**

21
22 Dr. Sanders reported that the Committee reviewed and discussed three (3) requests for exceptions
23 to the TOEFL scores.

24
25 Motion: To recommend that an exception to the TOEFL requirement be
26 Granted for the three (3) applicants.

27 Made by: Education Committee

28 Second: None needed

29 *Motion passed unanimously.*

30
31 **I. Request(s) for CCU medical waiver**

32
33 Dr. Sanders reported that the Committee reviewed and discussed three (3) requests CCU medical
34 waivers.

35
36 Motion: To recommend that a CCU medical waiver be granted to the
37 three (3) licensees.

38 Made by: Education Committee

39 Second: None needed

40 *Motion passed unanimously.*

41
42 **J. Request to add the Medical Rehabilitation Management Certification examination**
43 **to the list of pre-approved specialty examinations qualifying for continuing**
44 **competence credit**

45
46 Dr. Sanders reported that the Committee reviewed the different aspects of the examination against
47 the Board's established criteria.

48
49 Motion: To recommend that the Medical Rehabilitation Management
50 Certification examination be added to the list of pre-approved
51 specialty examinations qualifying for continuing competence
52 credit with a value of 15 CCUs.

53 Made by: Education Committee

54 Second: None needed

55 *Motion passed unanimously.*

1 **K. Issues related to physical therapy entry-level education and continuing**
2 **competence**
3

4 Dr. Sanders reported that there were no additional issues discussed.
5

6 **11. Rules & Practice Report**
7

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

10
11 Dr. Domenech reported that the Committee reviewed and discussed the proposed amendments in
12 Executive Session, and that no action is being recommended.
13

14 **F. Petition for rule changes to 22 TAC §322.5. Telehealth. and §322.3. Supervision**
15

16 Dr. Domenech reported that the Committee reviewed and discussed the petition for rule changes
17 and determined that the petition should be denied, but that §322.5. Telehealth be place on the
18 agenda for the April meeting in order to make a comprehensive review of the rules regarding
19 telehealth.
20

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

23 Dr. Domenech reported that the Committee decided that they had performed an exhaustive
24 research of the issue over the last year, and concluded that there is no supporting evidence for
25 providing injections during treatment as within the scope of physical the rapy practice.
26

27 **H. Request to add University of St. Augustine to the approved list of certifying**
28 **entities for treatment without referral**
29

30 Dr. Domenech reported that the Committee reviewed the University of St. Augustine specialty
31 certification requirements and determined that they met the Board's established criteria for addition
32 to the approved list of certifying entities for treatment without a referral for not more than 15
33 consecutive days. Specifically, the specialty certifications in Manual Therapy (MTC) and Cranio-
34 Facial (CFC).
35

36 Motion: To recommend that the University of St, Augustine be approved
37 for addition to the list of certifying entities for treatment without a
38 referral for not more than 15 consecutive days.

39 Made by: Rules & Practice Committee

40 Second: None needed

41 *Motion passed with Dr. Domenech abstaining.*
42

43 **12. Federation or State Boards of Physical Therapy (FSBPT) Annual Meeting**
44

45 Ms. Olson reported on the elections and motions that were passed during the FSBPT Annual
46 Meeting.
47

48 **13. PT Compact Annual Meeting**
49

50 Dr. Aikman reported on the elections and motions that were passed during the PT Compact Annual
51 Meeting.
52

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

1
2 Ms. Gordon reported on the following:

- 3 • Meetings/webinars/school presentation since the last Board meeting;
4 • Total number of PTs, PTAs as of 12/31/2021;
5 • NPTE Pass/Fail statistics for October 2021;
6 • PT Compact Status and Compact Privileges statistics for 2021; and
7 • TX JAM statistics for the final quarter of 2021.
8

9 **15. Board Chair's report concerning meetings attended since last Board meeting,**
10 **correspondence received on behalf of the Board, and other events concerning the**
11 **practice of physical therapy.**
12

13 Dr. Aikman announced that Dr. Sanders had submitted her resignation to the Governor effective
14 January 31, 2022. He thanked her for her years of service to the Board and virtually presented her
15 with a service plaque.
16

17 **16. Long-term planning for future meetings, including future meeting dates and agenda**
18 **items.**
19

20 The Board's next meeting is scheduled for April 22, 2022, and the Board set July 29th and October
21 14th for the last two quarterly meetings of 2022.
22

23 **17. Adjournment**
24

25 Motion: To adjourn the meeting.

26 Made by: Barbara Sanders

27 Second: Liesl Olson

28 *Motion passed unanimously.*
29

30 Dr. Aikman adjourned the meeting at 11:07 a.m.
31

32 **Date reviewed by the Board: 4/22/2022**

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