



# Communiqué

August 2022

1801 N Congress Ave, Suite 10.900  
Austin, Texas 78701

512-305-6900  
ptot.texas.gov

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## Physical Therapy Board

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Melissa Skillern, PT  
Omar Palomin, PT  
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Jacob Delgado, Public Member  
Glenda Clausell, Public  
Member

## Next Board Meeting

October 14, 2022  
Teleconference

1801 N Congress Ave, Ste.10.900  
Austin, Texas



The Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) has completed its move to the new George H. W. Bush State Office Building and is back to business as usual. All mail, regardless of carrier, should be directed to the new address:

**1801 N Congress Avenue, Suite 10.900  
Austin, TX 78701**

An updated **Consumer Information Sign** that must be prominently displayed in a licensee's place of business is now available at <https://ptot.texas.gov/forms/>.

## Consumer Information Notice Aviso al Consumidor

Complaints regarding noncompliance with the Physical Therapy Practice Act, or regarding any licensee under the Act, should be directed to:

*Reclamos relacionados con cualquier infracción al cumplir la Ley de Práctica de Terapia Física o relacionados con cualquier licenciado, deben dirigirse a:*

**Texas Board of Physical Therapy Examiners  
1801 N. Congress Ave, Suite 10.900  
Austin, Texas 78701**

**512/305-6900  
[ptot.texas.gov](https://ptot.texas.gov)**

**800/821-3205 (Complaints only/quejas solamente)**

## You Be The Judge!

A frequent question received by the Board is **“Can I be reported for patient abandonment?”**

The key to answering this question is found in PT Rules §322.4. Practicing in a Manner Detrimental to the Public Health and Welfare (15) - abandoning or neglecting a patient under current care without making reasonable arrangements for the continuation of such care.

**Case #1:** Jack, PT has been working at ABC PT for just shy of three (3) years as the sole physical therapist at a clinic in a small, rural town in Texas. The clinic was opened by Jill, PT who also owns a clinic in a neighboring city that is 45 miles away in order to better serve her patients who were having transportation difficulties driving “into the city” to receive their physical therapy.

Jack supervises one (1) PTA and two (2) Aides, and the clinic is open Monday – Friday, 8:00 am – 5:00 pm with a consistently full schedule of patients. The only other option for receiving physical therapy in the town is the local hospital that offers both inpatient and outpatient physical therapy with limited physical therapy staff covering both.

Jack has been offered a position as the Rehab Director in a hospital in another state close to where he grew up. The offer is enticing as he would be closer to family and friends as well as realizing a significant increase in salary and benefits. He receives the offer on a Monday morning with the condition that he begin working the following Monday. Without hesitation, Jack calls Jill to tell her that Friday will be his last day at work as he has accepted a Rehab Director position in his home state. He assures Jill that the patients “will be taken care of” as he will be discharging some of them with a home program and recommending that the others continue their physical therapy at her clinic in the city or at the local hospital if she can’t find a PT to cover the clinic.

**Can Jill file a complaint against Jack for patient abandonment? You Be the Judge!**

**Case #2:** Mary, PT works at a skilled nursing facility (SNF) under contract with a physical therapy staffing agency. She receives a text from the agency that their contract with the (SNF) has been terminated effective immediately, and that she and the other contract employees need to leave the facility at once. There are still patients on the daily schedule that have not received their physical therapy. Mary is confused about what to do and seeks answers from the facility administrator who advises her that the contract has been terminated but he was not at liberty to discuss the matter with her. Reluctantly, Mary collects her belongings and exits the facility along with the other contract employees.

**Can the SNF file a complaint against Mary for patient abandonment? You Be the Judge!**

The PT Board has developed an FAQ on Abandonment that can guide you as you deliberate on whether or not a complaint can be filed in both cases. The FAQ is available online at <https://ptot.texas.gov/faq/> under PT Practice FAQs.

Discussion on the outcome of both cases follows on page 8.

## Disciplinary Actions

PT Board Formal Disciplinary Actions taken at the July 29, 2022 Board Meeting:

- (1) **Madison Chappell, PT #1336734 (Fort Worth)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board Order required (45) hours of community service.***
- (2) **Ronald Drenth, PT #1332771 (Hawthorne, NJ)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board Order required (45) hours of community service.***
- (3) **Kayla Martinez, PT #1337646 (Irving)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board Order required (45) hours of community service.***
- (4) **Victoria Moreno, PT #1335460 (Universal City)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board Order required (45) hours of community service.***
- (5) **Aaron Nelms, PTA #2153930 (Winston-Salem, NC)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board Order required (45) hours of community service.***
- (6) **Cindy Okpegbue, PT #1338050 (Austin)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board Order required (45) hours of community service.***
- (7) **Erich Funke, PT #1338350 (Bakersfield, CA)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board Order required (45) hours of community service.***
- (8) **Joseph Angello, PT #1339280 (Rochester, NY)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board Order suspended license to practice for (15) days.***
- (9) **Allison Bartholomew, PT #1338415 (Oakfield, NY)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board Order suspended license to practice for (15) days.***
- (10) **Brian Kirschler, PT #1333489 (Myrtle Beach, SC)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board Order suspended license to practice for (15) days.***
- (11) **Suchi Modi, PT #1333033 (Ann Arbor, MI)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board Order suspended license to practice for (15) days.***
- (12) **Jennifer Revell, PTA #2159427 (Covington, LA)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board Order suspended license to practice for (15) days.***

*Disciplinary Action, cont. from pg. 3*

- (13) **Dan Carlo Recirido Mangaldan, PT #1274877 (Cincinnati, OH)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. **Board Order suspended license to practice for (15) days.**
- (14) **Joanna Hallam, PT #1339261 (Hood River, OR)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. **Board Order suspended license to practice for (15) days.**
- (15) **Arti Agrawal, PTA #2154109 (Sugarland)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. **Board Order suspended license to practice for (30) days.**
- (16) **Deep Shah, PTA #2159241 (Des Plaines, IL)** - failed to meet initial licensure requirements by not meeting the fingerprint requirement in a timely manner. Violation of Section 453.215 of the Act and chapter 329.1 of the Board Rules. **Board Order accepted the surrender of license to practice.**
- (17) **Mary Marbut, PTA #2024081 (Enid, OK)** - failed to properly renew license by not completing a required course prior to renewal. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- (18) **Karin Peters, PTA #2145555 (Liberty Hill)** - failed to properly renew license by not completing a required course prior to renewal. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (30) hours of community service.**
- (19) **Monica Brouillette, PT #1169528 (Austin)** - (audit) failed to properly renew license by not completing a required course prior to renewal. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- (20) **Jipsy George, PTA #2080220 (Parker)** - (audit) failed to properly renew license by not completing a required course prior to renewal. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- (21) **Rebecca Holden, PTA #2104109 (Montgomery)** - (audit) failed to properly renew license by not completing a required course prior to renewal. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- (22) **Jennifer Lyons, PT #1137529 (Kingwood)** - (audit) failed to properly renew license by not completing a required course prior to renewal. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- (23) **Rose Morgan, PT #1204349 (Helotes)** - (audit) failed to properly renew license by not completing a required course prior to renewal. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- (24) **Kevin Chang, PT #1293617 (Missouri City)** - (audit) failed to properly renew license by not completing a required course prior to renewal. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**

*Cont. on pg.5*

*Disciplinary Action, cont. from pg. 4*

- (25) **Amber Haynes, PT #1251271 (Humble)** - (audit) failed to properly renew license by not completing a required course prior to renewal. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- (26) **Sherly Kuttothara, PTA #2111543 (Missouri City)** - (audit) failed to properly renew license by not completing a required course prior to renewal. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- (27) **Yvonne Macias, PTA #2024834 (Highland Village)** - (audit) failed to properly renew license by not completing a required course prior to renewal. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- (28) **Vinh Nguyen, PTA #2038313 (Magnolia)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322.4 of the Board Rules. **Board Order required (30) hours of community service.**
- (29) **Bret Gardner, PT #1293569 (Austin)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322.4 of the Board Rules. **Board Order required (30) hours of community service.**
- (30) **Karlie Harrell, PT #1265553 (Orange)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322.4 of the Board Rules. **Board Order required (30) hours of community service.**
- (31) **Rebecca Taylor, PTA #2113276 (The Colony)** - practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322.4 of the Board Rules. **Board Order required (45) hours of community service.**
- (32) **Beau Talley, PTA #2141597 (Katy)** - failed to comply with a previous Board Order by not completing the provisions listed in the Order. Violation of Sections 453.351 and 453.452 of the Act; and chapters 322 and 343 of the Board Rules. **Board Order suspended license to practice for (30) days.**
- (33) **Remington Unger, PTA #2124002 (Houston)** - reported a felony plea regarding a criminal offense involving moral turpitude. Violation of Section 453.351 of the Act and chapter 343.9 of the Board Rules. **Board Order suspended license to practice for (60) days, refrain from treating female patients at any time there is not another person present (in line of sight) for the next (36) months, and refrain from practice in the home health environment for the next (36) months.**
- (34) **Charles Thomas, PTA #2031912 (Haskell)** - failed to report a felony probation revocation/imprisonment and failed to respond to previous Board correspondence. Violation of Section 453.351 of the Act and chapters 322 and 343 of the Board Rules. **Board Order suspended license to practice for (60) days.**
- (35) **Stephanie Arredondo, PT #1286261 (Abilene)** - practiced in a detrimental manner by failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records. Violation of Section 453.351 of the Act and chapter 322.4 of the Board Rules. **Board Order suspended license to practice for (30) days.**
- (36) **Steven Gonzalez, PTA #2155784 (Mission)** - practiced in a detrimental manner by failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records. Violation of Section 453.351 of the Act and chapter 322.4 of the Board Rules. **Board Order suspended license to practice for (30) days.**

*Cont. on pg.6*

*Disciplinary Action, cont. from pg. 5*

- (37) **Patrick Knighten, PTA #2074143 (Richmond)** - practiced in a detrimental manner by failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records. Violation of Section 453.351 of the Act and chapter 322.4 of the Board Rules. **Board Order suspended license to practice for (30) days.**
- (38) **Allen Lott, PTA #2085333 (Fresno)** - practiced in a detrimental manner by failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records. Violation of Section 453.351 of the Act and chapter 322.4 of the Board Rules. **Board Order suspended license to practice for (30) days.**
- (39) **Allen Edano, PT #1116853 (Beaumont)** - failed to conform to the minimal standards of acceptable prevailing practice by violating the provision of services. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended license to practice for (30) days.**
- (40) **Jennifer Pedraza, PTA #2076437 (Orange)** - failed to conform to the minimal standards of acceptable prevailing practice by violating the provision of services. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended license to practice for (30) days.**
- (41) **Kimberly Farr, PTA #2037992 (Willis)** - practiced outside scope of license and failed to conform to the minimal standards of acceptable prevailing practice by violating the provision of services. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended license to practice for (15) days.**
- (42) **Brett Scott, PT #1089324 (San Angelo)** - practiced in a detrimental manner by abandoning or neglecting patient(s) under current care without making reasonable arrangements for the continuation of such care. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended license to practice for (30) days.**
- (43) **Abigail Nazzaro, PT #1352843 (Braintree, MA)** - practiced in a detrimental manner by abandoning or neglecting patient(s) under current care without making reasonable arrangements for the continuation of such care. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order required (45) hours of community service.**
- (44) **Ubaldo Mora, PT #1278299 (Mason)** - practiced in a detrimental manner by failing to document physical therapy services and conform to the minimal standards of acceptable prevailing practice. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended license to practice for (15) days, required (90) hours of community service, and complete (3) approved continuing competence activities in HIPAA compliance/understanding.**

#### ADMINISTRATIVE ACTIONS

- (1) **Amelia Cowles, PT #1336363 (Gainesville, FL)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. **Board administratively suspended license to practice on 07/29/2022.**
- (2) **Elijah Eby, PT #1331621 (Webster)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. **Board administratively suspended license to practice on 07/29/2022.**
- (3) **Yoshitaka Koyasu, PT #1331932 (Cerritos, CA)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. **Board administratively suspended license to practice on 07/29/2022.**

*Cont. on pg.7*

*Disciplinary Action, cont. from pg. 6*

- (4) **Adam Kutylowski, PT #1337916 (Mount Prospect, IL)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board administratively suspended license to practice on 07/29/2022.***
- (5) **Matthew Lineberry, PTA #2158393 (Adamsville, TN)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board administratively suspended license to practice on 07/29/2022.***
- (6) **Tyleisha Gaffney, PT #1339499 (Lyman, SC)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board administratively suspended license to practice on 07/29/2022.***
- (7) **Jennifer Hailey-Dukes, PTA #2158059 (Haskell)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board administratively suspended license to practice on 07/29/2022.***
- (8) **Esta Minaie, PT #1338482 (Tampa, FL)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board administratively suspended license to practice on 07/29/2022.***
- (9) **Hannah Whitehurst, PTA #2153547 (Atascadero, CA)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board administratively suspended license to practice on 07/29/2022.***
- (10) **Jordan Spennato, PT #1338471 (Dallas)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board administratively suspended license to practice on 07/29/2022.***
- (11) **Kevin Tachibana, PT #1333321 (Irvine, CA)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board administratively suspended license to practice on 07/29/2022.***
- (12) **Stephen Zivney, PTA #2153756 (Forney)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board administratively suspended license to practice on 07/29/2022.***
- (13) **Rebecca Haug, PT #1338075 (Grayslake, IL)** - failed to meet the initial licensure requirements by failing to complete the fingerprint requirement pursuant to Section 453.215 of the Act and chapter 329.1 of the Board Rules. ***Board administratively suspended license to practice on 07/29/2022.***



## Upcoming PT Board Meetings

The following dates have been set for the Board's upcoming quarterly meetings:

- October 14, 2022
- January 27, 2023
- April 21, 2023

Meeting dates are subject to change. Check for updated information online at

<https://www.ptot.texas.gov/page/meeting-dates>

*You Be the Judge!*, cont. from pg.2

### Can Jill file a complaint against Jack? Can the SNF file a complaint against Mary?

The answer is “Yes,” anyone can file a complaint against a licensee, but that does not mean that the complaint has merit and will result in disciplinary action.

During an investigation, both the complainant and the respondent have the opportunity to tell their side of the story and submit any documentation they feel is relevant to the case. After evidence is collected by the Investigation Department, the Board’s Investigation Committee reviews the case to determine if a violation of the PT Practice Act/Rules has occurred; and if so, what the appropriate sanction against the licensee will be.

In **Case #1**, Jill did submit a complaint against Jack for patient abandonment, as he had not provided adequate notice for her to arrange coverage for the clinic. Support documentation from Jill included the signed employment agreement between ABC PT and Jack with a termination clause of 30-days’ notice, and several letters and emails from patients who were upset that physical therapy services were being discontinued at their ABC PT hometown clinic location. Reasons for concern included lack of transportation to the ABC PT in the city as well as not wanting to receive therapy at the local hospital as they were understaffed which affected previous treatment received there.

Jack responded that he felt he had made reasonable arrangements for the continuation of the patients care by discharging some patients with a home program and by offering the remainder of the patients options on where to continue their treatment.

After reviewing and discussing the case, the Investigation Committee determined that Jack had violated PT Rules §322.4 (15) as there had not been adequate time allotted for Jill to arrange for another PT to cover the clinic so as not to disrupt the continuity of care of all the patients receiving therapy there. His license was suspended for 30 days.

In **Case #2**. The administrator of the SNF filed a complaint against Mary for patient abandonment, as she did not complete all of the scheduled treatments on the day of the contract termination. In support of Mary’s response, the staffing agency submitted a copy of the immediate termination notice that they had received which did not include a proviso for continuation of treatment beyond the date and time of termination.

After reviewing and discussing the case, the Investigation Committee determined that there was no violation of the PT Practice Act/Rules as the contractual agreement to provide physical therapy to the patients of the SNF was no longer in effect once the termination notice was received. Mary no longer had the responsibility to treat any of the patients at the SNF as she was an employee of the staffing agency and not the SNF. The case was closed with no action taken against Mary.

If you find yourself in a situation that you are unsure would be patient abandonment, contact the board before you make a hasty decision, as the repercussions of your actions are always your responsibility.



## Proposed/Adopted Rules

The Board took the following rulemaking actions at its July 29, 2022 meeting.

**Adopted Rules:** No adopted rule amendments.

**Proposed Rules:** **§337.2. Consumer Information Sign** - the amendment is proposed in order to eliminate the outdated Board address necessitated by the agency’s recent move and to add the availability of a consumer information sign on the board’s website.

The text of the amendment is available online at <https://ptot.texas.gov/act-and-rules/> under PT Proposed Rules.