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Texas Board of Physical Therapy Examiners

**Board Meeting
Videoconference**

**April 22, 2022
9:00 am**

10 **Members Present:** Harvey Aikman, PT, DPT, Chair
11 Liesl Olson, PT, Secretary
12 Manuel "Tony" Domenech, PT, DPT
13 Kathryn Roby, PT, DPT
14 Melissa Skillern, PT, DPT
15 Glenda Clausell, Public Member
16 Donivan Hodge, Public Member
17 Jacob Delgado, Public Member
18

19 **Legal Counsel:** Rosalind Hunt, Assistant Attorney General
20

21 **Staff:** Ralph Harper, Executive Director
22 Karen Gordon, PT Coordinator
23 Karissa Rodriguez, Licensing Manager/RMO
24 Randall Glines, Staff Services Officer
25 Amy Carter, Chief Investigator
26 Don Meshell, Investigator
27 Cynthia Welch, Investigator
28

29 **Guests:** Craig Tounget, ED - Texas Physical Therapy Association (TPTA)
30 Lindsey Green, TPTA Staff
31 Kristi Trammell, TPTA Liaison
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 January 14, 2022 meeting
41 6. Executive Director's Report concerning fiscal and budgetary matters, performance measures,
42 ongoing projects, agency personnel matters, legislative session, and other agency business
43 7. Investigation Committee Report concerning:
44 A. Agreed Orders for case #s: 21739, 21783, 22063, 22076, 22083, 22107, 22117, 22131,
45 22132, 22137, 22138, 22142, 22143, 22150, 22151, 22152, 22163, 22171, 22174,
46 22191, 22197, 22198, 22207, 22215, 22218, 22224, 22228, 22248, 22258, 22259,
47 22260, 22262, 22264, 22266, 22267, 22268, 22270, 22272, 22277, 22278, 22279,
48 22280, 22281, 22285, 22287, 22289, 22290, 22292, 22293, 22294, 22295, 22296,
49 22297, 22302, 22305, 22306, 22312, 22314, 22316, 22318, 22319, 22321, 22322,
50 22325, and 22341
51 B. Number of cases reviewed, Agreed Orders issued, and other investigative matters
52 discussed during the Investigation Committee Meeting of March 01, 2022
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

- 1 8. 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 CE Broker for tracking CC compliance
 - 9 K. Request to add ReDefine as a CC approver
 - 10 9. Rules and Practice Committee Report
 - 11 E. Proposing amendments to 22 TAC §322.5. Telehealth and §322.3. Supervision
 - 12 F. Certifying entities for treatment without referral criteria
 - 13 G. Reentry into the physical therapy profession
 - 14 H. PT Rules and Early Childhood Intervention (ECI) crosswalk
 - 15 10. Election of Board Vice Chair and Secretary
 - 16 11. Appointment of members to the Executive Council
 - 17 12. Election of delegate and alternate delegate to the Federation or State Boards of Physical
 - 18 Therapy (FSBPT) Annual Meeting, October 27 – 29, 2022 in Orange County, California
 - 19 13. Election of delegate to the PT Compact Annual Meeting, October 30, 2022 in Orange County,
 - 20 California
 - 21 14. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing
 - 22 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX
 - 23 Jurisprudence Assessment Module statistics, PT Compact statistics, and other events
 - 24 concerning the practice of physical therapy.
 - 25 15. Board Chair's report concerning meetings attended since last Board meeting, correspondence
 - 26 received on behalf of the Board, and other events concerning the practice of physical therapy.
 - 27 16. Long-term planning for future meetings, including future meeting dates and agenda items
 - 28 17. Adjournment
-

31

32 1. Call to order

34 Dr. Aikman as the presiding Board Member called the meeting to order at 9:00 a.m.

36 2. Roll call for members

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

40 3. Excusing Board member absences

42 All Board members were present.

44 4. Public Comment

46 Mr. Craig Tounget gave public testimony on a new virtual physical therapy program that United
47 Healthcare has initiated and on insurance reimbursement for physical therapy provided by PT
48 Compact Privilege holders.

50 5. Minutes from the January 14, 2022 meeting

52 Motion: To approve the minutes as submitted.

53 Made by: Liesl Olson

54 Second: Melissa Skillern

55 Motion passed unanimously.

1 **6. Executive Director's Report concerning fiscal and budgetary matters, performance**
2 **measures, ongoing projects, agency personnel matters, legislative session, and other**
3 **agency business.**
4

5 Mr. Harper gave the Executive Director's Report that included the following:
6

- 7 • Licensing staff member resignation and internal posting of open position;
 - 8 • Performance Measures for 2nd Quarter FY 2022;
 - 9 • Year-to-date Revenue/Expenses;
 - 10 • George H.W. Bush State Office Building move status;
 - 11 • Scanning project; and
 - 12 • Transition to Versa Licensing System.
- 13

14 **7. Investigation Committee Report concerning:**
15

16 **A. Agreed Orders for case #s:** 21739, 21783, 22063, 22076, 22083, 22107, 22117, 22131,
17 22132, 22137, 22138, 22142, 22143, 22150, 22151, 22152,
18 22163, 22171, 22174, 22191, 22197, 22198, 22207, 22215,
19 22218, 22224, 22228, 22248, 22258, 22259, 22260, 22262,
20 22264, 22266, 22267, 22268, 22270, 22272, 22273, 22277,
21 22278, 22279, 22280, 22281, 22285, 22287, 22289, 22290,
22 22292, 22293, 22294, 22295, 22296, 22297, 22302, 22305,
23 22306, 22312, 22314, 22316, 22318, 22319, 22321, 22322,
24 22325, and 22341
25

26 The Board voted to ratify the following Agreed Orders:
27

28 21783, 22076, 22083, 22107, 22131, 22132, 22137, 22138, 22142, 22143, 22150, 22151,
29 22152, 22171, 22174, 22198, 22207, 22215, 22218, 22224, 22228, 22260, 22262, 22264,
30 22266, 22268, 22272, 22273, 22277, 22278, 22280, 22281, 22285, 22287, 22289, 22290,
31 22294, 22295, 22297, 22302, 22314, 22316, 22318, 22319, 22321, 22322, 22325, and
32 22341
33

34 The Board voted to administratively suspend the licenses of case 22267 and 22305.
35
36

37 **B. Number of cases reviewed, Agreed Orders issued, and other investigative matters**
38 **discussed during the Investigation Committee Meeting of March 1, 2022.**
39

40 Ms. Carter reported that the Committee reviewed 210 cases, held three (3) informal conferences,
41 and issued sixty-one (61) Agreed Orders with forty-eight (48) being accepted.
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 and school presentations
48 since the last meeting.
49

50 **8. Education Committee report**
51

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

1 Dr. Domenech reported that the Committee reviewed the quarterly CCAP report as submitted by
2 TPTA, and that the number of applications being processed is less than 6 weeks and updates were
3 provided regarding the CCAP Audit recommendations.
4

5
6 **F. Request(s) for appeal to re-take the National Physical the National Physical
7 Therapy Examination (NPTE)**
8

9 Dr. Domenech reported that there were no requests for appeal to re-take the NPTE.
10

11 **G. Requests for review of educational equivalency from foreign-educated applicants**
12

13 Dr. Domenech reported that the Committee reviewed and discussed five (5) requests for review of
14 educational evaluations from applicants by endorsement and one (1) request for review of
15 educational evaluation from an applicant by examination.
16

17 Motion: To recommend that the education of the five (5) applicants by
18 endorsement be deemed substantially equivalent.

19 Made by: Education Committee

20 Second: None needed

21 *Motion passed unanimously.*
22

23 Motion: To recommend that the applicant by examination be approved to sit
24 for the NPTE but must meet the deficiency of 3 credits before a
25 license can be issued.

26 Made by: Education Committee

27 Second: None needed

28 *Motion passed unanimously.*
29
30

31 **H. Request(s) for Test of English as a Foreign Language (TOEFL) waiver**
32

33 Dr. Domenech reported that the Committee reviewed and discussed one (1) request for an
34 exception to the TOEFL scores.
35

36 Motion: To deny an exception to the TOEFL requirement as the previous
37 TOEFL scores from 2008 do not meet the minimum acceptable scores
38 per the TX PT Rules.

39 Made by: Education Committee

40 Second: None needed

41 *Motion passed unanimously.*
42

43 **I. Request(s) for CCU medical waiver**
44

45 Dr. Domenech reported that the Committee reviewed and discussed two (2) requests for CCU
46 medical waivers.
47

48 Motion: To recommend that a CCU medical waiver be granted to the
49 two (2) licensees.

50 Made by: Education Committee

51 Second: None needed

52 *Motion passed unanimously.*
53

54 **J. Request to add CC Broker for tracking CC Compliance**
55

1 Dr. Domenech reported that the Committee reviewed and discussed materials submitted by CE
2 Broker and determined that the PT Board does not have the authority to designate any entity as the
3 official CC compliance verification system. Nor does the PT Board have the authority to mandate
4 that licensees utilize a specified compliance verification system to store and track their CCUs.

5
6 No action was taken.

7 8 **K. Request to add ReDefine as a CC approver**

9
10 Dr. Domenech reported that the Committee reviewed and discussed materials submitted by
11 ReDefine regarding their Health Education course approval program and determined that any
12 consideration for selecting an organization for TXCCU approval must be part of a Request for
13 Proposal (RFP) and bidding process.

14
15 No action was taken.

16 17 **9. Rules & Practice Report**

18 19 **E. Proposing amendments to 22 TAC §322.5. Telehealth. and §322.3. Supervision**

20
21 Dr. Skillern reported that the Committee reviewed and discussed the sections of the PT Rules
22 pertaining to Telehealth and Supervision and determined that no amendments needed to be
23 proposed.

24
25 No action was taken.

26 27 **F. Certifying entities for treatment without referral criteria**

28
29 Dr. Skillern reported that the Committee reviewed and discussed the criteria for approving certifying
30 entities for treatment without a referral and made the following motion:

31
32 Motion: To recommend eliminating 5.a. from the criteria.

33 Made by: Rules & Practice Committee

34 Second: None needed

35 Motion passed unanimously.

36 37 **G. Reentry into the physical therapy profession**

38
39 Dr. Skillern reported that he Committee reviewed and discussed two (2) Federation of State Boards
40 of Physical Therapy (FSBPT) papers - Competence in Physical Therapy: A Framework for
41 Understanding Effects of Disuse on Physical Therapy Performance and Reentering Physical
42 Therapy Providers: Structured Learning Options.

43
44 She also reported that the Committee would be reviewing the rules for demonstrating competency
45 when restoring a license at their next meeting.

46 47 **H. PT Rules and Early Childhood Intervention (ECI) crosswalk**

48
49 Dr. Skillern reported that the Committee reviewed and discussed the PT Rules/ECI crosswalk that
50 was developed in 2006.

51
52 Motion: To recommend forming an ECI workgroup consisting of licensees practicing in the
53 ECI setting as well as a representative from Health and Human Services to study
54 and update the crosswalk.

55 Made by: Rules & Practice Committee

56 Second: None needed

57 Motion passed unanimously.

1 **10. Election of Board Vice Chair and Secretary**

2
3 Liesl Olson was elected Vice Chair, and Kate Roby was elected Secretary of the PT Board.

4
5 **11. Appointment of members to the Executive Council**

6
7 Donovan Hodge was appointed as the public member, and Harvey Aikman was appointed as the
8 professional member to the Executive Council.

9
10 **12. Election of delegate and alternate delegate to the Federation or State Boards of Physical**
11 **Therapy (FSBPT) Annual Meeting, October 27 – 29, 2022 in Orange County, California**

12
13 Liesl Olson was elected as the delegate, and Harvey Aikman was elected alternate delegate to the
14 FSBPT Annual Meeting.

15
16 **13. Election of delegate to the PT Compact Annual Meeting, October 30, 2022 in Orange**
17 **County, California**

18
19 Harvey Aikman was elected as the delegate to the PT Compact Annual Meeting.

20
21 Dr. Aikman recessed the Board at 10:15 a.m.

22 Dr. Aikman reestablished a quorum through rollcall, and called the Board back into session at 10:20
23 a.m.

24
25 **14. Board Coordinator's report concerning meetings attended since last Board meeting,**
26 **Continuing Competence Audit results, number of current licensees, NPTE pass/fail**
27 **statistics, TX Jurisprudence Assessment Module statistics, PT Compact statistics, and**
28 **other events concerning the practice of physical therapy.**

29
30 Ms. Gordon reported on the following:

- 31
- 32 • Meetings/webinars/school presentation since the last Board meeting;
 - 33 • Total number of PTs, PTAs as of 4/14/2022;
 - 34 • NPTE Pass/Fail statistics for January and April 2022;
 - 35 • PT Compact Status and Compact Privileges statistics for 1st Quarter 2022;
 - 36 • TX JAM statistics for 1st Quarter of 2022, and
 - 37 • Approval for a \$6,375 grant from FSBPT for improving efficiencies of required reporting.

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

41
42 Dr. Aikman reported that he was elected Vice Chair of the PT Compact Commission and will be
43 serving on the Compact Bylaws Committee, the Compact Marketing Task Force, and the
44 Jurisprudence Exam Task Force.

45
46 **16. Long-term planning for future meetings, including future meeting dates and agenda**
47 **items.**

48
49 The Board's next meetings are scheduled for July 29th and October 14th . .

50
51 **17. Adjournment**

52
53 Motion: To adjourn the meeting.

54 Made by: Kate Roby

55 Second: Liesl Olson

56 *Motion passed unanimously.*

1 Dr. Aikman adjourned the meeting at 10:41 a.m.

2

3 **Date reviewed by the Board:** 7/29/2022

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