

1 **Texas Board of Physical Therapy Examiners**

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

5 **July 29, 2022**  
6 **9:00 am**  
7  
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9  
10 **Members Present:** Harvey Aikman, PT, DPT, Chair  
11 Liesl Olson, PT, Vice Chair  
12 Manuel "Tony" Domenech, PT, DPT  
13 Melissa Skillern, PT, DPT  
14 Omar Palomin, PT, DPT  
15 Jacob Delgado, Public Member  
16

17 **Members Absent:** Kathryn Roby, PT, DPT  
18 Glenda Clausell, Public Member  
19 Donivan Hodge, Public Member  
20

21 **Legal Counsel:** Rosalind Hunt, Assistant Attorney General  
22

23 **Staff:** Ralph Harper, Executive Director  
24 Karen Gordon, PT Coordinator  
25 Karissa Rodriguez, Licensing Manager/RMO  
26 Randall Glines, Staff Services Officer  
27 Amy Carter, Chief Investigator  
28 Don Meshell, Investigator  
29 Cynthia Welch, Investigator  
30

31 **Guests:** Craig Tounget, ED - Texas Physical Therapy Association (TPTA)  
32 Lindsey Green, TPTA Communications Director  
33 Kristi Trammell, TPTA Liaison  
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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 April 22, 2022 meeting  
43 6. Executive Director's Report concerning fiscal and budgetary matters, performance measures,  
44 ongoing projects, agency personnel matters, legislative session, and other agency business  
45 7. Investigation Committee Report concerning:  
46 A. Agreed Orders for case #s: 21739, 22191, 22261, 22263, 22265, 22269, 22270, 22271,  
47 22279, 22282, 22283, 22284, 22286, 22288, 22291, 22301, 22303, 22304, 22306,  
48 22307, 22308, 22309, 22310, 22311, 22312, 22315, 22317, 22320, 22323, 22337,  
49 22339, 22351, 22359, 22360, 22361, 22370, 22385, 22391, 22392, 22398, 22399,  
50 22404, 22417, 22435, 22443, 22455, 22457, 22467, 22468, 22469, 22470, 22471,  
51 22472, 22480, 22481, 22482, 22483, 22489, 22492, 22494, 22496, 22497, 22500, and  
52 22526.  
53 B. Number of cases reviewed, Agreed Orders issued, and other investigative matters  
54 discussed during the Investigation Committee Meeting of June 21, 2022 and June 22,  
55 2022.  
56 C. Performance measures, on-site investigation visits, school presentations, and other

- 1                   investigative activities that have occurred between this meeting and the Board's last  
2                   meeting  
3                   D. Rule regarding failure to meet provisions of Board Order  
4                   E. Rule regarding failure to respond  
5                   8. Education Committee report.  
6                   E. The Texas Physical Therapy Association (TPTA) Continuing Competence Approval  
7                   Program (CCAP) report  
8                   F. Request(s) for appeal to re-take the National Physical Therapy Examination (NPTE)  
9                   G. Requests for review of educational equivalency from foreign-educated applicants  
10                  H. Request(s) for Test of English as a Foreign Language (TOEFL) waiver  
11                  I. Request(s) for CCU medical waiver  
12                  J. Proposing amendments to 22 TAC §329.5. Licensing Procedures for Foreign-Trained  
13                  Applicants  
14                  K. Addition of Wound Specialist Certification to the American Board of Physical Therapy  
15                  Specialties (ABPTS)  
16                  9. Rules and Practice Committee Report  
17                  E. Proposing amendments to 22 TAC §337.2. Consumer Information Sign  
18                  F. Proposing amendments to 22 TAC §322.4. Practicing in a Manner Detrimental to the  
19                  Public Health and Welfare and §343.2. Denial of a License and Disciplinary Actions by  
20                  the Board  
21                  G. Proposing amendments to 22 TAC §341.6. License Restoration  
22                  H. Early Childhood Intervention (ECI) Work Group  
23                  10. Federation of State Boards of Physical Therapy (FSBPT) Leadership Issues Forum (LIF), July  
24                  23 – 24, 2022 in Alexandria, VA and Annual Meeting, October 27 – 29, 2022 in Orange County,  
25                  CA  
26                  11. Physical therapy peer-review continuing competence approval system Request for Proposal  
27                  (RFP)  
28                  12. United Healthcare virtual physical therapy program  
29                  13. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing  
30                  Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX  
31                  Jurisprudence Assessment Module statistics, PT Compact statistics, and other events  
32                  concerning the practice of physical therapy.  
33                  14. Board Chair's report concerning meetings attended since last Board meeting, correspondence  
34                  received on behalf of the Board, and other events concerning the practice of physical therapy.  
35                  15. Long-term planning for future meetings, including future meeting dates and agenda items  
36                  16. Personnel matters regarding the appointment, employment, compensation, evaluation,  
37                  reassignment, and duties of the Executive Director of the Executive Council of Physical  
38                  Therapy and Occupational Therapy Examiners  
39                  17. Adjournment  
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41  
42  
43                  **1. Call to order**

44  
45                  Dr. Aikman as the presiding Board Member called the meeting to order at 9:01 a.m.

46  
47                  **2. Roll call for members**

48  
49                  Dr. Aikman called roll and determined that a quorum existed.

50  
51                  **3. Excusing Board member absences**

52  
53                  Board members Kate Roby, Glenda Clausell, and Donovan Hodge were not present.

54  
55                  Motion:        To excuse the absences of the Board members listed above.  
56                  Made by:        Liesl Olson  
57                  Second:        Melissa Skillern

1 Motion passed unanimously.

2  
3 **4. Public Comment**

4  
5 There was no public comment.

6  
7 **5. Minutes from the April 21, 2022 meeting**

8  
9 Motion: To approve the minutes as submitted.

10 Made by: Melissa Skillern

11 Second: Jacob Delgado

12 Motion passed unanimously.

13  
14 **6. Executive Director's Report concerning fiscal and budgetary matters, performance**  
15 **measures, ongoing projects, agency personnel matters, legislative session, and other**  
16 **agency business.**

17  
18 Mr. Harper gave the Executive Director's Report that included the following:

- 19  
20 • George H.W. Bush State Office Building move completed;  
21 • Website migration to WordPress;  
22 • Licensing staff member and receptionist positions open;  
23 • Financial Reports for FY 2022 to date;  
24 • Performance Measures for 3<sup>rd</sup> Quarter FY 2022;  
25 • Year-to-date Revenue/Expenses;  
26 • Legislative Appropriations Request (LAR); and  
27 • Agency-Wide Information Technology Plan.

28  
29 **7. Investigation Committee Report concerning:**

30  
31 **A. Agreed Orders for case #s:** 21739, 22191, 22261, 22263, 22265, 22269, 22270, 22271,  
32 22279, 22282, 22283, 22284, 22286, 22288, 22291, 22301,  
33 22303, 22304, 22306, 22307, 22308, 22309, 22310, 22311,  
34 22312, 22315, 22317, 22320, 22323, 22337, 22339, 22351,  
35 22359, 22360, 22361, 22370, 22385, 22391, 22392, 22398,  
36 22399, 22404, 22417, 22435, 22443, 22455, 22457, 22467,  
37 22468, 22469, 22470, 22471, 22472, 22480, 22481, 22482,  
38 22483, 22489, 22492, 22494, 22496, 22497, 22500, and  
39 22526.

40  
41 The Board voted to ratify the following Agreed Orders:

42  
43 21739, 22191, 22261, 22263, 22265, 22270, 22282, 22301, 22304, 22306, 22307, 22308,  
44 22309, 22312, 22315, 22337, 22339, 22351, 22359, 22360, 22361, 22370, 22391, 22392,  
45 22398, 22399, 22404, 22417, 22435, 22455, 22457, 22467, 22468, 22469, 22470, 22471,  
46 22480, 22481, 22482, 22483, 22489, 22492, 22496, 22497, 22500, and 22526.

47  
48 The Board voted to administratively suspend the licenses of cases:

49  
50 22269, 22271, 22283, 22284, 22286, 22288, 22291, 22303, 22310, 22317, 22320, 22323,  
51 and 22494.

52  
53 **B. Number of cases reviewed, Agreed Orders issued, and other investigative matters**  
54 **discussed during the Investigation Committee Meeting of June 21, 2022 and June 22,**  
55 **2022.**

1  
2 Ms. Carter reported that the Committee reviewed 229 cases, held ten (10) informal conferences,  
3 and issued fifty (50) Agreed Orders with forty-four (44) being accepted.  
4

5 **C. Performance measures, on-site investigation visits, school presentations, and other**  
6 **investigative activities that have occurred between this meeting and the Board's last**  
7 **meeting**  
8

9 Ms. Carter reported on performance measures, on-site investigation visits and school presentations  
10 since the last meeting.  
11

12 **D. Rule regarding failure to meet provisions of Board Order**  
13

14 Ms. Carter reported that the Committee had discussed adding failure to meet the provisions of a  
15 Board order to the list of actions considered detrimental practice and placing a hold on the renewal  
16 of license for non-compliance. The issue was referred to the Rules & Practice Committee to begin  
17 the rulemaking process.  
18

19 **E. Rule regarding failure to respond**  
20

21 Ms. Carter reported that the Committee had discussed adding failure to respond to agency  
22 correspondence to the list of actions considered detrimental practice and placing a hold on the  
23 issuance or renewal of license for non-compliance. The issue was referred to the Rules & Practice  
24 Committee to begin the rulemaking process.  
25

26 **8. Education Committee report**  
27

28 **E. Texas Physical Therapy Association (TPTA) Continuing Competence Approval**  
29 **Program (CCAP) report**  
30

31 Dr. Domenech reported that the Committee reviewed the quarterly CCAP report as submitted by  
32 TPTA, and that Ms. Green had provided an explanation of the different issues that might cause a  
33 delay in the approval of an application.  
34

35 **F. Request(s) for appeal to re-take the National Physical the National Physical**  
36 **Therapy Examination (NPTE)**  
37

38 Dr. Domenech reported that the Committee reviewed and discussed one (1) request for appeal to  
39 retake the NPTE.  
40

41 Motion: To recommend that the request to appeal to FSBPT for an additional  
42 attempt to re-take the NPTE be approved.

43 Made by: Education Committee

44 Second: None needed

45 *Motion passed unanimously.*  
46

47 **G. Requests for review of educational equivalency from foreign-educated applicants**  
48

49 Dr. Domenech reported that the Committee reviewed and discussed four (4) requests for review of  
50 educational evaluations from applicants by endorsement.  
51

52 Motion: To recommend that the education of the four (4) applicants by  
53 endorsement be deemed substantially equivalent.

54 Made by: Education Committee

55 Second: None needed

56 *Motion passed unanimously.*  
57

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

4 Made by: Education Committee

5 Second: None needed

6 *Motion passed unanimously.*

7  
8 **H. Request(s) for Test of English as a Foreign Language (TOEFL) waiver**  
9

10 Dr. Domenech reported that there were no requests for TOEFL waivers.

11  
12 **I. Request(s) for CCU medical waiver**  
13

14 Dr. Domenech reported that there were no requests for CCU medical waivers.

15  
16 **J. Proposing amendments to 22 TAC §329.5. Licensing Procedures for Foreign-**  
17 **Trained Applicants**  
18

19 Dr. Domenech reported that the Committee reviewed and discussed the section on the  
20 requirements for issuance of a license to a Foreign-Trained (FEPT) applicant and is making no  
21 recommendations for amendments at this time.

22  
23 He also reported that the Committee reviewed recommendations from staff for processing FEPT  
24 education evaluations for applicants by endorsement.

25  
26 Motion: To recommend that Licensing Manager, Licensing Assistant  
27 Manager, and/or PT Coordinator be authorized to approve  
28 CWT4 Education Evaluations with only General Education  
29 deficiencies of 1 semester course in Chemistry w/ Lab and/or  
30 Physics w/ Lab.

31 Made by: Education Committee

32 Second: None needed.

33 *Motion passed unanimously.*  
34

35 Motion: To recommend that Licensing Manager, Licensing Assistant  
36 Manager, and/or PT Coordinator be authorized to accept an  
37 Education Evaluation sent directly from another jurisdiction and  
38 to approve if it meets CWT criteria.

39 Made by: Education Committee

40 Second: None needed.

41 *Motion passed unanimously.*  
42

43 Dr. Domenech reported that the Committee instructed staff to research FEPT applicants  
44 whose education evaluations lack total credits but all required General Education courses  
45 have been taken, all Professional Education content is identified, and the required hours of  
46 Clinical Education have been satisfied.

47  
48 **K. Addition of Wound Specialist Certification to the American Board of Physical**  
49 **Therapy Specialties (ABPTS)**  
50

51 Dr. Domenech reported that the ABPTS has added Wound Specialist Certification to their list of  
52 recognized specializations, and that the Board's list of Specialty Examinations that meet CCU  
53 requirements has been updated accordingly.

54  
55 **9. Rules & Practice Report**

1  
2 **E. Proposing amendments to 22 TAC §337.2. Consumer Information Sign**  
3

4 Dr. Skillern reported that the Committee reviewed and discussed the sections of §337.2 relating to  
5 the board's contact information and the availability of a consumer information sign on the board's  
6 website as the board's change of address necessitates amending the current language.  
7

8 Motion: To recommend proposing amendments to §337.2. Consumer  
9 Information Sign

10 Made by: Rules & Practice Committee

11 Second: None needed.

12 Motion passed unanimously.  
13

14 **F. Proposing amendments to 22 TAC §322.4. Practicing in a Manner Detrimental to**  
15 **the Public Health and Welfare and §343.2. Denial of a License and Disciplinary**  
16 **Actions by the Board**  
17

18 Dr. Skillern reported that the Committee discussed adding the authority for the board to place a hold  
19 on the issuance or renewal of a license and adding failing to respond to agency correspondence  
20 and failing to complete the provisions of an agreed order to the list of actions considered  
21 detrimental practice.  
22

23 Motion: To recommend proposing amendments to §322.4. Practicing in a  
24 Manner Detrimental to the Public Health and Welfare and §343.2.  
25 Denial of a License and Disciplinary Actions by the Board

26 Made by: Rules & Practice Committee

27 Second: None needed.

28 Motion passed unanimously.  
29

30 **G. Proposing amendments to 22 TAC §341.6. License Restoration**  
31

32 Dr. Skillern reported that the Committee reviewed and discussed the sections of §341.6 pertaining  
33 to demonstration of competence when restoring a license and decided to defer any action until the  
34 Federation of State Boards of Physical Therapy (FSBPT) completed additional surveying of  
35 jurisdictions.  
36

37 **H. Early Childhood Intervention (ECI) Work Group**  
38

39 Dr. Skillern reported that an ECI Work Group, which consists of licensees who work in ECI, 2  
40 former Board members who were involved in the development of the original PT Rules/ECI  
41 Crosswalk, and an ECI representative from Health & Human Services, had been formed. She also  
42 reported that the Work Group reviewed the original crosswalk, identified and discussed areas that  
43 need updating, and assigned areas for revision to work group members.  
44

45 **10. Federation of State Boards of Physical Therapy (FSBPT) Leadership Issues Forum (LIF),**  
46 **July 23 – 24, 2022 in Alexandria, VA and Annual Meeting, October 27 – 29, 2022 in**  
47 **Orange County, CA**  
48

49 Liesl Olson reported on the recent LIF in Alexandria, VA that she and Ms. Gordon had attended and  
50 on the upcoming FSBPT Annual Meeting in Orange County, CA.  
51

52 **11. Physical therapy peer-review continuing competence approval system Request for**  
53 **Proposal (RFP)**  
54

55 Dr. Aikman presented the RFP for a peer-review continuing competence approval system as  
56 required by Texas Occupations Code, Title 3, Subtitle H, Chapter 453, Section 453.254. (e).  
57

1 Motion: To approve the RFP for publishing to the Electronic State Business  
2 Daily (ESBD)  
3 Made by: Melissa Skillern  
4 Second: Tony Domenech

5 Motion passed unanimously.  
6

7 Ms. Gordon explained the process of coordinating with Mr. Glines, Staff Services Officer for  
8 submitting the RFP to the ESBD.  
9

10 **12. United Healthcare virtual physical therapy program**

11  
12 The Board reviewed and discussed a letter sent to United Healthcare by the Federation of State  
13 Boards of Physical Therapy (FSBPT) and a statement issued by the American Physical Therapy  
14 Association (APTA) regarding virtual physical therapy. No action was taken.  
15

16 **13. Board Coordinator's report concerning meetings attended since last Board meeting,**  
17 **Continuing Competence Audit results, number of current licensees, NPTE pass/fail**  
18 **statistics, TX Jurisprudence Assessment Module statistics, PT Compact statistics, and**  
19 **other events concerning the practice of physical therapy.**  
20

21 Ms. Gordon reported on the following:

- 22 • Meetings/webinars/school presentation since the last Board meeting;
  - 23 • Migration of website to WordPress;
  - 24 • Total number of PTs, PTAs as of 7/15/2022;
  - 25 • NPTE Pass/Fail statistics for April and July 2022;
  - 26 • PT Compact Status and Compact Privileges statistics for 2<sup>nd</sup> Quarter 2022;
  - 27 • Continuing Competence Quarterly Audit stats;
  - 28 • Military Spouse License Exemptions; and
  - 29 • TX JAM statistics for 2<sup>nd</sup> Quarter of 2022.
- 30

31 She also announced that the TX PT Board has been selected for the FSBPT Excellence in  
32 Regulation Award that will be presented at the upcoming Annual Meeting.  
33

34 **14. Board Chair's report concerning meetings attended since last Board meeting,**  
35 **correspondence received on behalf of the Board, and other events concerning the**  
36 **practice of physical therapy.**  
37

38 Dr. Aikman reported that there would be a motion to amend the PT Compact Bylaws at the  
39 Compact Annual Meeting, that the Compact Commission Executive Director has resigned effective  
40 July 29, 2022, and that there is a search for a new ED.  
41

42 He also thanked Staff for their efforts to move into the new office and resume business as usual.  
43

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

47 The Board's next meetings were scheduled for October 14, 2022, January 27, 2023, and April 21,  
48 2023.  
49

50 **16. Personnel matters regarding the appointment, employment, compensation, evaluation,**  
51 **reassignment, and duties of the Executive Director of the Executive Council of Physical**  
52 **Therapy and Occupational Therapy Examiners**  
53

54 Dr. Aikman called the Board into Executive Session at 10.40 a.m.  
55

1 Dr. Aikman call the Board back into Open Session at 10:50 a.m. and determined that a quorum still  
2 existed. He reported that no action was taken during the Executive Session.

3

4 **17. Adjournment**

5

6 Motion: To adjourn the meeting.

7 Made by: Liesl Olson

8 Second: Melissa Skillern

9

10 *Motion passed unanimously.*

11

12 Dr. Aikman adjourned the meeting at 10:51 a.m.

13

14 **Date reviewed by the Board:** 10/14/2022

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

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