

1 **Texas Board of Physical Therapy Examiners**

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

5
6 **October 14, 2022**
7 **9:00 am**
8

9
10 **Members Present:** Harvey Aikman, PT, DPT, Chair
11 Liesl Olson, PT, Vice Chair
12 Kate Roby, PT, DPT, Secretary
13 Manuel "Tony" Domenech, PT, DPT
14 Melissa Skillern, PT, DPT
15 Omar Palomin, PT, DPT
16 Glenda Clausell, Public Member
17

18 **Members Absent:** Jacob Delgado, 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 Randall Glines, Staff Services Officer
26 Amy Carter, Chief Investigator
27 Don Meshell, Investigator
28 Cynthia Welch, Investigator
29 Priscilla Sillero, Investigator
30

31 **Guests:** Craig Tounget, ED - Texas Physical Therapy Association (TPTA)
32 Lindsey Green, TPTA Communications Director
33

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

- 36
37 1. Call to order
38 2. Roll call for members
39 3. Excusing board member absences.
40 4. Public comment
41 5. Minutes from the July 29, 2022 meeting
42 6. Executive Director's Report concerning fiscal and budgetary matters, performance measures,
43 ongoing projects, agency personnel matters, legislative session, and other agency business
44 7. Investigation Committee Report concerning:
45 A. Agreed Orders for case #s: 22443, 22472, 22479, 22484, 22555, 22574, 22587, 22592,
46 22596, 22602, 22603, 22604, 22615, 22616, 22618, 22635, 22641, 22662, 22679, and
47 22690
48 B. Number of cases reviewed, Agreed Orders issued, and other investigative matters
49 discussed during the Investigation Committee Meeting of August 31, 2022
50 C. Performance measures, on-site investigation visits, school presentations, and other
51 investigative activities that have occurred between this meeting and the Board's last
52 meeting
53 8. Education Committee report.
54 E. The Texas Physical Therapy Association (TPTA) Continuing Competence Approval
55 Program (CCAP) report
56 F. Request(s) for appeal to re-take the National Physical Therapy Examination (NPTE)

- 1 G. Requests for review of educational equivalency from foreign-educated applicants
 - 2 H. Request(s) for Test of English as a Foreign Language (TOEFL) waiver
 - 3 I. Request(s) for CCU medical waiver
 - 4 J. Proposing amendments to 22 TAC §329.5. Licensing Procedures for Foreign-Trained
 - 5 Applicants
 - 6 9. Proposing amendments to 22 TAC §322.4. Practicing in a Manner Detrimental to the Public
 - 7 Health and Welfare and §343.2. Denial of a License and Disciplinary Actions by the Board
 - 8 10. Early Childhood Intervention (ECI) Work Group
 - 9 11. Federation of State Boards of Physical Therapy (FSBPT) Assembly Meeting, October 24, and
 - 10 Annual Meeting, October 27 – 29, 2022 in Orange County, CA
 - 11 12. Responses to Request for Proposal (RFP) No. 533-22-20221 – Continuing Competence
 - 12 Approval
 - 13 13. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing
 - 14 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX
 - 15 Jurisprudence Assessment Module statistics, PT Compact statistics, and other events
 - 16 concerning the practice of physical therapy.
 - 17 14. Board Chair's report concerning meetings attended since last Board meeting, correspondence
 - 18 received on behalf of the Board, and other events concerning the practice of physical therapy.
 - 19 15. Long-term planning for future meetings, including future meeting dates and agenda items
 - 20 16. Adjournment
-

21
22
23 **1. Call to order**

24
25 Dr. Aikman as the presiding Board Member called the meeting to order at 9:03 a.m.

26
27 **2. Roll call for members**

28
29 Dr. Aikman called roll and determined that a quorum existed.

30
31 **3. Excusing Board member absences**

32
33 Board members Jacob Delgado and Donovan Hodge were not present.

34
35 Motion: To excuse the absences of the Board members listed above.
36 Made by: Liesl Olson
37 Second: Glenda Clausell

38 Motion passed unanimously.
39

40 **4. Public Comment**

41
42 There was no public comment.

43
44 **5. Minutes from the July 29, 2022 meeting**

45
46 Motion: To approve the minutes as submitted.
47 Made by: Kate Roby
48 Second: Glenda Clausell

49 Motion passed unanimously.
50

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

54
55 Mr. Harper gave the Executive Director's Report that included the following:

- George H.W. Bush State Office Building move completed but there are still some security issues that are being addressed and continued construction in the area including the parking garage;
- Licensing staff member filled by former employee Vanessa Avelar-Solis, and receptionist position still open;
- Financial Reports for FY 2022 noting that the cost of the website migration to WordPress was \$46,000 and the agency contributed \$10,000 salary increase match to retain John Monk as the Health Professions Council (HPC) Executive Director;
- Performance Measures for 4th Quarter FY 2022; and
- Legislative Appropriations Request (LAR) including staff salary adjustments, new Investigations position, and update of IT legacy systems.

7. Investigation Committee Report concerning:

- A. Agreed Orders for case #s: 22443, 22472, 22479, 22484, 22555, 22574, 22587, 22592, 22596, 22602, 22603, 22604, 22615, 22616, 22618, 22635, 22641, 22662, 22679, and 22690**

The Board voted to ratify the following Agreed Orders:

22443, 22472, 22479, 22484, 22555, 22574, 22587, 22592, 22596, 22602, 22604, 22615, 22616, 22618, 22635, 22641, 22662, and 22690

- B. Number of cases reviewed, Agreed Orders issued, and other investigative matters discussed during the Investigation Committee Meeting August 31, 2022.**

Ms. Carter reported that the Committee reviewed 145 cases, held three (3) informal conferences, and issued twenty-three (23) Agreed Orders with eighteen (18) being accepted and five (5) requesting an informal conference.

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

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

8. Education Committee report

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

Dr. Domenech reported that the Committee reviewed the quarterly CCAP report as submitted by TPTA, and that Ms. Green had provided an explanation of the number and composition of the peer-review panels and the strategies to recruit more reviewers.

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

Dr. Domenech reported that the Committee reviewed and discussed two (2) requests for appeal to retake the NPTE.

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

Made by: Education Committee

Second: None needed

1 *Motion passed unanimously.*
2

3 **G. Requests for review of educational equivalency from foreign-educated applicants**
4

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

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

10 Made by: Education Committee

11 Second: None needed

12 *Motion passed unanimously.*
13

14 Dr. Domenech reported that the Committee reviewed recommendations from staff for processing
15 FEPT education evaluations for applicants by endorsement.
16

17 Motion: To recommend that Licensing Manager, Licensing Assistant
18 Manager, and/or PT Coordinator be authorized to approve education
19 evaluations that have an overall credit deficiency of up to 12 credits if
20 all required General Education courses have been taken, all
21 Professional Education content is identified, and the required hours of
22 Clinical Education have been satisfied.

23 Made by: Education Committee

24 Second: None needed

25 *Motion passed unanimously.*
26

27 Motion: To recommend that Licensing Manager, Licensing Assistant
28 Manager, and/or PT Coordinator be authorized to approve an
29 education evaluation with a deficiency of one course minimum in
30 General Education - Humanities if the applicant meets TOEFL waiver
31 or exception requirement.

32 Made by: Education Committee

33 Second: None needed

34 *Motion passed unanimously.*
35

36 Dr. Domenech reported that the Education Committee meeting had to be adjourned as the
37 connection with Kate Roby was lost and could not be reestablished and there was no longer a
38 quorum. He requested that the remainder of the Education Committee agenda be considered by the
39 PT Board.
40

41 **H. Request(s) for Test of English as a Foreign Language (TOEFL) waiver**
42

43 Dr. Domenech presented two (2) requests for waiver of the TOEFL requirements, H1 – H2.
44

45 Motion: To deny an exception to TOEFL Reading, Listening, Speaking,
46 and Writing requirements for H1.

47 Made by: Tony Domenech

48 Second: Kate Roby

49 *Motion passed unanimously.*
50

51 Motion: To approve an exception to the TOEFL Reading requirement for
52 H2.

53 Made by: Tony Domenech

54 Second: Kate Roby

55 *Motion passed unanimously.*
56

1 **I. Request(s) for CCU medical waiver**

2
3 Dr. Domenech presented a request for CCU medical waiver.

4
5 Motion: To recommend that a CCU medical waiver be granted to the
6 requestor.

7 Made by: Tony Domenech

8 Second: Kate Roby

9 *Motion passed unanimously.*

10
11 **J. Proposing amendments to 22 TAC §329.5. Procedures for Foreign-Trained**
12 **Applicants**

13
14 Ms. Gordon reported that there will be a session on barriers for licensing foreign-trained applicants
15 at the upcoming FSBPT meeting, and she will have more information for the January meeting.

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

19
20 Dr. Aikman explained that the motions that were proposed by the Board at the July meeting had
21 been quashed before being presented at the Executive Council meeting for approval as it was
22 determined that the Board does not have the authority to place a hold on an application for
23 issuance or renewal of license.

24
25 Motion: To resubmit an edited amendment to §322.4. Practicing in a
26 Manner Detrimental to the Public Health and Welfare

27 Made by: Liesl Olson

28 Second: Glenda Clausell

29 *Motion passed unanimously.*

30
31 **10. Early Childhood Intervention (ECI) Work Group**

32
33 Dr. Skillern reported that the ECI Work Group continues to meet and work on updating the PT
34 Rules/ECI Crosswalk.

35
36 **11. Federation of State Boards of Physical Therapy (FSBPT) Assembly Meeting, October 24,**
37 **2022, and Annual Meeting, October 27 – 29, 2022 in Orange County, CA**

38
39 Liesl Olson reported that the FSBPT Assembly Meeting will be conducted remotely prior to the
40 meeting in Orange County, CA. She also reviewed the proposed bylaws and standing rules
41 amendments that will be voted on, and the slate of candidates. The Board discussed several of the
42 individuals that were slated for office.

43
44 **12. Responses to Request for Proposal (RFP) No. 533-22-20221 – Continuing Competence**
45 **Approval**

46
47 Dr. Aikman called the Board into Executive Session at 10.10 a.m.

48
49 Dr. Aikman call the Board back into Open Session at 10:21 a.m. and determined that a quorum still
50 existed. He reported that no action was taken during the Executive Session.

51
52 Dr. Aikman instructed the Board in the process of scoring the submissions according to the criteria
53 set forth in the RFP. The Board scored and discussed the two (2) RFP response submissions.

54
55 Following scoring and discussion, Dr. Aikman called for a motion to award a contract for the
56 development, implementation, and maintenance of a Physical Therapy Peer-Review Continuing

1 Competence Approval System to one or the other of the respondents, to both respondents, or to not
2 award a contract.

3
4 Motion: To award a contract to the Texas Physical Therapy Association
5 (TPTA) for the development, implementation, and maintenance of a
6 Physical Therapy Peer-Review Continuing Competence Approval
7 System

8 Made by: Melissa Skillern
9 Second: Glenda Clausell

10 Motion passed unanimously.

11
12 **13. Board Coordinator's report concerning meetings attended since last Board meeting,**
13 **Continuing Competence Audit results, number of current licensees, NPTE pass/fail**
14 **statistics, TX Jurisprudence Assessment Module statistics, PT Compact statistics, and**
15 **other events concerning the practice of physical therapy.**
16

17 Ms. Gordon reported on the following:

- 18 • Meetings/webinars/school presentation since the last Board meeting;
- 19 • Participation in the FSBPT Application Programming Interface (API) pilot project;
- 20 • Total number of PTs, PTAs as of 9/30/2022;
- 21 • NPTE Pass/Fail statistics for July 2022;
- 22 • PT Compact Status and Compact Privileges statistics for 3rd Quarter 2022;
- 23 • Continuing Competence Quarterly Audit stats; and
- 24 • TX JAM statistics for 3rd Quarter of 2022.

25
26 **14. Board Chair's report concerning meetings attended since last Board meeting,**
27 **correspondence received on behalf of the Board, and other events concerning the**
28 **practice of physical therapy.**
29

30 Dr. Aikman thanked all of staff for their support that made winning the Excellence in Regulation
31 Award possible. He reported that he attended the Compact strategic planning meeting in North
32 Carolina, and that there is a nationwide push for Universal Licensing that might be introduced in the
33 upcoming Legislative Session.
34

35 **15. Long-term planning for future meetings, including future meeting dates and agenda**
36 **items.**
37

38 The Board's next meetings were scheduled for January 27, 2023 and April 21, 2023.
39

40 **16. Adjournment**
41

42 Motion: To adjourn the meeting.
43 Made by: Tony Domenech
44 Second: Kate Roby
45

46 *Motion passed unanimously.*
47

48 Dr. Aikman adjourned the meeting at 11:24 a.m.
49

50 **Date reviewed by the Board: 1/27/2023**

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