



Communiqué

February 2023

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Physical Therapy Board

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Next Board Meeting

April 21, 2023

Teleconference

1801 Congress Ave, Ste.10.900
Austin, Texas 78701

88th Texas Legislature Convenes

The Regular Session of the 88th Texas Legislature convened on January 10, 2023 and will adjourn on May 29, 2023. A number of Bills have already been filed in both the House and the Senate, and can be filed until March 16, 2023.

The Texas Board of Physical Therapy Examiners (PT Board) is monitoring Bills that could have an effect on the physical therapy profession. The following short list of Bills would require the PT Board to engage in the rulemaking process if passed by both the House and Senate and signed into Law by the Governor.

SB 584

By Hughes

Relating to the treatment of a patient by a physical therapist without a referral.

HB 592

By: Shaheen

Relating to the provision of telehealth and telemedicine medical services by certain health professionals located outside of this state; requiring registration to engage in an occupation; authorizing fees.

HB 1771

By: Price

Relating to certain records of a health professional providing a telemedicine medical service, teledentistry dental service, or telehealth service.

SB 490

By: Hughes

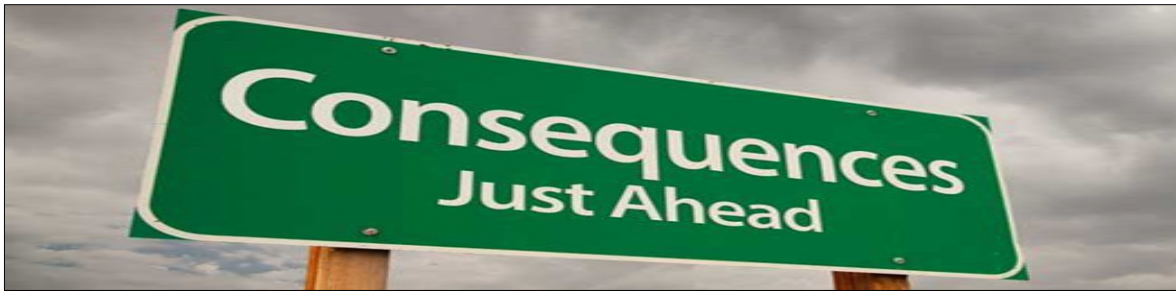
Relating to itemized billing for health care services and supplies provided by health care providers. (authorizing disciplinary action)

HB 319

By: Oliverson

Relating to protection of persons from participation in a health care service for reasons of conscience; providing a civil remedy; authorizing disciplinary action.

Additional information on the text and actions of these bills is available through Texas Legislature Online at <https://capitol.texas.gov/>.



Actions Have Consequences

When completing the application for a physical therapist or physical therapist assistant license, the applicant must attest that they have read and agree to abide by Chapter 453, Occupations Code (PT Practice Act), and all Rules promulgated by the PT Board. Noncompliance with the PT Practice Act/Rules (licensure rules and regulations) could result in disciplinary action by the PT Board.

If during the investigation process the PT Board determines that a violation of the Act/Rules has occurred, disciplinary action can be imposed and can vary from community service to suspension or revocation of license depending on the nature, circumstances, extent, and gravity of the violation.

Consequences of disciplinary action could extend beyond the immediate effect of the sanctions and terms imposed by the PT Board. The licensee could also face employer reprimands or termination of employment, loss of PT Compact Privileges, malpractice lawsuits, criminal charges as well as reputational damage and any subsequent financial burden.

As mandated by federal law, all disciplinary actions are reported to the National Practitioner Data Bank (NPDB) which is a repository of adverse actions related to health care practitioners. The NPDB was established by the U.S. Congress in 1986 as a workforce tool that prevents practitioners from moving state to state without disclosure or discovery of previous damaging performance. Among the entities that have query access to the NPDB are other physical therapy licensing boards which might affect an individual who is licensed in multiple states.

Additionally, all disciplinary actions are reported to the Examination, Licensure, and Disciplinary Database (ELDD) maintained by the Federation of State Boards of Physical Therapy (FSBPT). The ELDD is a comprehensive physical therapy database of disciplinary, licensure and examination score information which aids physical therapy licensing jurisdictions in their role of public protection. If a licensee holds multiple licenses and gets disciplined in one jurisdiction, the ELDD serves as an alert mechanism to notify other jurisdictions in which the individual is licensed. This prevents sanctioned individuals from moving across state lines to avoid the effects of disciplinary action. Furthermore, any action against a licensee reported to the ELDD results in immediate termination of any and all Compact Privileges purchased by the licensee and a prohibition of participating in the PT Compact for a period of two (2) years.

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Disciplinary Actions

PT Board Formal Disciplinary Actions taken at the January 27, 2023 Board Meeting:

- 1) **Kevin Tachibana, PT #1333321 (Irvine, 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 suspended license to practice for (30) days.**
- 2) **Elijah Eby, PT #1331621 (San Antonio)** - 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 (45) days.**
- 3) **Damien Roblow, PTA #2084162 (Waxahachie)** - 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.**
- 4) **Kimberly May, PTA #2046704 (Arlington)** - 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.**
- 5) **Nicole Stoffel, PTA #2123771 (Alvin)** - 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.**
- 6) **Brian Gwilliam, PTA #2052469 (Odessa)** - 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.**
- 7) **Tracey Haycraft, PTA #2042224 (Malakoff)** - 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.**
- 8) **Stephanie Luna, PT #1305486 (Northlake)** - 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.**
- 9) **Marium Khan, PTA #2158372 (Sugar Land)** - 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.**
- 10) **Grace Nunn, PT #1300871 (Austin)** - 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.**
- 11) **John Caballero, PT #1275710 (Miami Lakes, FL)** - 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 suspended license to practice for (30) days + complete required course.**
- 12) **Edna Alonso, PTA #2061680 (Corpus Christi)** – (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.**

Disciplinary Action, cont. from pg. 3

- 13) **Nicholas Hiser, PT #1321815 (Rosharon)** - (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.**
- 14) **Kelly Kinder, PTA #2107991 (Argyle)** - (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.**
- 15) **Richard Knoop, PTA #2115430 (The Colony)** - (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.**
- 16) **Cheryl Reichl, PTA #2094690 (San Angelo)** – (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.**
- 17) **Harsh Thakore, PT #1236523 (San Diego, CA)** - (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.**
- 18) **Andrea Gonzales, PT #1063139 (Texas 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.**
- 19) **Corazon Ibarra, PT #1200973 (Katy)** - (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) **Patrick Knight, PTA #2083773 (Cypress)** – (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) **Margaret Miao, PT #1232350 (Garland)** - (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 Shahan, PT #1131886 (North Richland Hills)** - (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) **Monica Palermo, PTA #2045250 (Katy)** - (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) **Trace Guidry, PTA #2097717 (Port Neches)** – (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.**
- 25) **Rosa Blancas, PTA #2100159 (Fabens)** - (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.**

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Disciplinary Action, cont. from pg. 4

- 26) **Stephanie Feiz-Mahdavi, PT #1286509 (Houston)** - (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) **Jacob Trock, PTA #2113435 (San Antonio)** - (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) **Amy Parish, PTA #2114310 (Anahuac)** - (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.**
- 29) **Trisha Manley, PT #1131910 (Bella Vista, AR)** - (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.**
- 30) **Stella Enelichi, PT #1189230 (Houston)** - (audit) failed to properly renew license by failing to comply with continuing education or competency requirements. Violation of Section 453.351 of the Act and Chapter 341 of the Board Rules. **Board Order required (30) hours of community service + CCU.**
- 31) **Carlos Boston, PT #1144863 (Spring)** - (audit) failed to properly renew license by failing to comply with continuing education or competency requirements and failing to respond to previous board correspondence. Violation of Section 453.351 of the Act and Chapter 341 of the Board Rules. **Board Order suspended license to practice for (30) days.**
- 32) **Stacy Lundy, PT #1075562 (Spring)** - 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.**
- 33) **Mary Reddick, PT #1326176 (Grand Prairie)** - practiced with an expired license. Violation of Section 453.351 of the Act and Chapter 322.4 of the Board Rules. **Board Order required (60) hours of community service.**
- 34) **Raymond Lucille, PTA #2098090 (Baytown)** - practiced with an expired license. Violation of Section 453.351 of the Act and Chapter 322.4 of the Board Rules. **Board Order suspended license to practice for (10) days.**
- 35) **Daniel Spaulding, PT #1326071 (Austin)** - practiced with an expired license. 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) **Bright Akhigbe, PT #1191980 (McKinney)** - practiced with an expired license. Violation of Section 453.351 of the Act and Chapter 322.4 of the Board Rules. **Board Order suspended license to practice for (60) days.**
- 37) **Melissa Meagher, PT #1299856 (Beaumont)** - practiced with an expired license. Violation of Section 453.351 of the Act and Chapter 322.4 of the Board Rules. **Board Order suspended license to practice for (60) days.**
- 38) **Brittany Cook, PTA #2093722 (Shreveport, LA)** - failed to report disciplinary action taken against PTA license from another state in a timely manner. Violation of Section 453.351 of the Act and Chapter 341.21 of the Board Rules. **Board Order suspended license to practice for (15) days.**
- 39) **Emily Abendroth, PT #1355736 (Shreveport, LA)** - failed to report disciplinary action taken against PT license from another state in a timely manner. Violation of Section 453.351 of the Act and Chapter 341.21 of the Board Rules. **Board Order suspended license to practice for (15) days.**

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Disciplinary Action, cont. from pg. 5

- 40) **Carlos Morgan, PT #1299966 (Brookshire)** - failed to report disciplinary action taken against PT license from another state in a timely manner. Violation of Section 453.351 of the Act and Chapter 341.21 of the Board Rules. **Board Order required (45) hours of community service.**
- 41) **Todd Simon, PT #1143006 (League City)** - practiced in a detrimental manner by failing to conform to the minimal standards of acceptable prevailing practice by practicing under the influence of alcohol. Violation of Section 453.351 of the Act and Chapter 322 of the Board Rules. **Board Order suspended license to practice for sixty (60) days + restrictions.**
- 42) **Joseph Gudmestad, PTA #2063199 (Haslet)** - 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 required (90) hours of community service.**
- 43) **Cindy Woodley, PTA #2065546 (Whitehouse)** - 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.**
- 44) **Effie Bassett, PTA #2090339 (Huntsville)** - 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.**
- 45) **Amber Perry, PTA #2085300 (College Station)** - 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.**
- 46) **Brian Hoang, PTA #2134646 (Cypress)** - 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 (45) days.**
- 47) **Dick Aligsao, PT #1075216 (Pearland)** - 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 (45) days.**
- 48) **Ballah Burch, PT #1180079 (Fort Worth)** - 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 (45) days.**
- 49) **Terry Quinn, PTA #2100716 (Galveston)** - 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 (45) days.**
- 50) **Jacquelyn Hartfield, PTA #2071210 (San Antonio)** - 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.**
- 51) **Patricia Castro, PTA #2025708 (Converse)** - 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.**

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Disciplinary Action, cont. from pg. 6

- 52) **Tarang Kantharia, PTA #2127627 (Beaumont)** - practiced in a detrimental manner by failing to maintain supervision of a physical therapy aide and remain within reasonable proximity during the aide's interaction with the patient. Violation of Section 453.351 of the Act and Chapter 322 of the Board Rules. ***Board Order suspended license to practice for (30) days.***
- 53) **Ryan Allen, PTA #2065089 (Bowie)** - practiced outside scope of license and failed to 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 (90) days.***
- 54) **Colby Ake, PTA #2144869 (Sherman)** - reported a felony conviction regarding a criminal offense involving assault, sexual abuse, and moral turpitude. Violation of Section 453.351 of the Act and Chapter 343.9 of the Board Rules. ***Board Order required Licensee to submit quarterly reports from probation officer until community supervision concludes.***
- 55) **Chris Miska, PTA #2021523 (Wharton)** - reported a felony conviction regarding a criminal offense involving driving while under the influence of alcohol or drugs, or driving while ability is impaired, illegal possession of dangerous drugs/controlled substance, and moral turpitude. Violation of Section 453.351 of the Act and Chapter 343.9 of the Board Rules. ***Board Order required Licensee to submit quarterly reports from probation officer until community supervision concludes, agree to random drug screen(s) at the Board's discretion for the next (36) months, and refrain from practice in the home health environment for the next (36) months.***



Upcoming PT Board Meetings

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

- April 21, 2023
- July 21, 2023
- October 13, 2023

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

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

Actions Have Consequences, cont. from pg. 2

Adverse actions imposed by the PT Board become a reportable event to malpractice insurance carriers and all insurance contracts that a licensee is listed on as a service provider. For multistate licensees, there could be a requirement to report any judgment or settlement in a malpractice claim or any disciplinary action taken by another licensing authority directly to the licensing entity of the other states within a specified timeframe.

Disciplinary actions are also made public. Names and summaries of agreed orders with the imposed sanctions are included in the PT Board's quarterly newsletter, *Communiqué*, and are included as part of the licensee's entry in the online verification system at <https://ptot.texas.gov/look-up-a-license/>.

The consequences of disciplinary action can cascade beyond the licensee and could negatively impact both the employer and patients. Suspension of an employee's license could leave the employer scrambling to provide adequate coverage for existing patients to avoid disruption of patient care. Practicing with an expired license or falsifying documentation for services not rendered could result in the need for immediate corrective billing measures to avoid fraudulent claim charges. Erosion of the patient-therapist relationship due to bad acts of a therapist could cause an exodus of patients seeking physical therapy services elsewhere.

It is the professional responsibility of each TX licensee to know the rules and regulations for the provision of physical therapy and for the requirements for maintaining and renewing their license. This applies whether or not the licensee is living in or providing physical therapy in Texas. Adhering to legal regulations is imperative for the licensee's own protection, the protection of their employer, and most importantly, the safety and well-being of their patients. Remember, actions do have consequences.



Proposed/Adopted Rules

The Board took the following rulemaking actions at its January 27, 2023 meeting.

Adopted Rules: §322.4. Practicing in a Manner Detrimental to the Public Health and Welfare - the amendment is adopted in order to add failing to respond to agency correspondence and failing to complete the provisions of an agreed order to the list of actions considered detrimental practice.

§337.2. Consumer Information Sign - the amendment is adopted 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.

Proposed Rules: No proposed rule amendments.

The text of the amendments is available online at <https://ptot.texas.gov/act-and-rules/> under Adopted Rules, and appeared in the February 17, 2023 edition of the *Texas Register*, <https://www.sos.state.tx.us/texreg/index.shtml>.

A pdf of both the current Practice Act and Rules is also available at the above link and will be updated with the adopted rules effective March 1, 2023.