



# Communiqué

May 2023

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## Physical Therapy Board

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*Liesl Olson, PT, Vice Chair*

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*Melissa Skillern, PT*

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*Donivan Hodge, Public Member*

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*Glenda Clausell, Public*

*Member*

## Next Board Meeting

**July 21, 2023**

**Teleconference**

1801 Congress Ave, Ste.10.900  
Austin, Texas 78701

## 88<sup>th</sup> Texas Legislature – Sine Die

Sine die is Latin for "without a day" and is used to signify the end of the biennial legislative session. The Regular Session of the 88<sup>th</sup> Texas Legislature which convened on January 10, 2023 adjourned sine die on May 29, 2023.

The Texas Board of Physical Therapy Examiners (Board) monitored a number of bills during the session that would have required implementation of the Board's rulemaking process if passed by both the House and Senate and signed into Law by the Governor.

Among those bills were **Senate Bill (SB) 584**, **House Bill (HB) 4291**, and **HB 2553** which would have expanded the authority of a physical therapist to treat a patient without a referral. None of these bills lived through the legislative process, so the Board is not authorized to amend PT Rules §322.1. (a)(2) Exceptions to referral requirement (D)-(G). All of the provisions including the number of consecutive business days according to the physical therapist's qualifications, professional liability insurance coverage, and signed disclosure form will remain unchanged.

There were several bills that passed both the House and Senate and were sent to the Governor for signature that could require the Board to engage in the rulemaking process:

**SB 422** – Extends exemption from licensure to military service members who are currently licensed in good standing by another jurisdiction.

**SB 490** – Requires itemized billing for health care services and supplies provided by health care providers and requires the appropriate licensing authority to impose an administrative penalty against a provider that violates the bill's provisions.

**HB 1002** – Allows school districts to add PTs to the Concussion Protocol Team to help determine whether athletes should be allowed to continue to play or practice or whether they should be held out and be examined for a possible concussion.

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88<sup>th</sup> Texas Legislature cont. from pg. 1

The preceding bills will be reviewed by the Board's Rules & Practice Committee at their meeting scheduled for July 20, 2023 to determine if any sections of the PT Rules require amending. The Committee's recommendations to propose amendments if needed will be presented at the Board meeting on July 21, 2023 for approval. All proposed amendments must also be approved by the Executive Council and the Governor's Office prior to posting to the Texas Register for public comment. Final adoption of any proposed amendments will occur at the October 13<sup>th</sup> Board meeting.

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



## Proposed/Adopted Rules

The Board took the following rulemaking actions at its April 21, 2023 meeting.

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

**Proposed Rules:**

**§346.3. Early Childhood Intervention (ECI) Setting** - the amendment is proposed in order to update a Code of Federal Regulations reference, to eliminate the requirement for the completion of an evaluation and reevaluation to be done onsite allowing for provision via telehealth if indicated, to align the 60-day review of the plan of care (POC) to the requirement in other settings prior to continuation of treatment by a physical therapist assistant, and to report recommendations following a review of the POC to the ECI Interdisciplinary Team.

**Chapter 343. Contested Case Procedures: §343.5. Licensure of Persons with a History of Substance Abuse §343.6. Other Grounds for Denial of a License or Discipline of a Licensee, §343.8. Licensure of Persons with a History of Voluntary or Involuntary Psychiatric Hospitalization, §343.9. Licensure of Persons with Criminal Convictions, §343.21. Witness Fees and Expenses, §343.22. Service of Notice, §343.36. Filing and Receipt of Complaints, §343.40. Informal Conference, §343.41. Agreed Orders** - the amendments are proposed in order to provide clarity to the procedures for contested cases, to correct inaccurate and outdated references, and to conform the rules with the physical therapy provisions in Chapter 453, Occupations Code with the administrative procedures in Chapter 2001, Government Code; and with the consequences of criminal conviction in Chapter 53, Occupations Code.

The text of the proposed amendments is available online at <https://ptot.texas.gov/act-and-rules/> under Proposed Rules, and will appear in an upcoming edition of the *Texas Register*, <https://www.sos.state.tx.us/texreg/index.shtml>, for public comment.

A pdf of both the current Practice Act and Rules is also available at the above link.

## Disciplinary Actions

PT Board Formal Disciplinary Actions taken at the April 21, 2023 Board Meeting:

- 1) **Stephen Zivney, PTA #2153756 (Heath)** - 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.**
- 2) **Sean Woyton, PTA #2157361 (Conroe)** - 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.**
- 3) **Joshua Habetz, PTA #2105481 (Huntsville)** - 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.**
- 4) **Brent Smith, PT #1184370 (San Antonio)** - 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.**
- 5) **Casey Hamilton, PT #1187640 (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.**
- 6) **Ashley Olson, PTA #2083306 (Pittsburg)** - (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.**
- 7) **James Hedgepeth, PT #1069110 (Garden Ridge)** - (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.**
- 8) **Amanda Logan, PTA #2111231 (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.**
- 9) **Angela Marshburn, PTA #2047439 (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.**
- 10) **Matthew Lares, PT #1302060 (El Paso)** - (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 suspended license to practice for (30) days.**
- 11) **Collin Close, PTA #2151863 (Austin)** - (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 suspended license to practice for (30) days.**

*Disciplinary Action, cont. from pg. 3*

- 12) **Jesus Alcala III, PT #1310619 (San Antonio)** - 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.***
- 13) **Jeanne Opheim, PT #1076446 (Dallas)** - 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.***
- 14) **Taylor Gill, PTA #2152755 (Houston)** - 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.***
- 15) **Merle Lane, PTA #2003166 (Houston)** - 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.***
- 16) **Miranda Linane, PT #1115517 (Rockwall)** - 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 (120) days.***
- 17) **Kammi Barnard, PT #1032803 (Fort Worth)** - failed to report a malpractice settlement in a timely manner. Violation of Section 453.351 of the Act and chapter 341.21 of the Board Rules. ***Board Order accepted the surrender of license to practice.***
- 18) **Brinkley Ramos, PTA #2174006 (Lawton, OK)** - failed to disclose criminal history on application for licensure. Violation of Section 453.351 of the Act and chapter 343.6 of the Board Rules. ***Board Order suspended license to practice for (15) days.***
- 19) **James Curtis, PTA #2033942 (Dickinson)** - 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.***
- 20) **Tina Morris, PT #1212518 (League City)** - 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.***
- 21) **Ashton Walker, PTA #2104461 (Victoria)** - 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.***
- 22) **Myranda Valenzuela, PTA #2164918 (San Antonio)** - 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 (60) days.***
- 23) **Allison Talley, PT #1277050 (Mansfield)** - 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 (60) days.***
- 24) **Justin Sheer, PT #1328468 (Austin)** - 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 (60) days.***

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*Disciplinary Action, cont. from pg. 4*

- 25) **Shelley Perkins, PTA #2070669 (Bossier City, LA)** - 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 (90) days.**
- 26) **Julia Harrison, PT #1328271 (Austin)** - failed to notify the board in writing of changes in address of record within 30 days of the change. Violation of Section 453.351 of the Act; chapters 322 and 329 of the Board Rules. **Board Order required (45) hours of community service.**
- 27) **Aixa Parker, PTA #2119243 (Eagle Pass)** - 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; chapters 322 and 343 of the Board Rules. **Board Order suspended license to practice for (15) days.**
- 28) **Timothy Nix, PT #1094563 (Seymour)** - felony conviction and imprisonment for sex abuse of child continuous: victim under 14. Violation of Section 453.351 of the Act and Section 53.021(b) of the Texas Occupational Code. **Board Order revoked license to practice.**



## Upcoming PT Board Meetings

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

- July 21, 2023
- October 13, 2023

Committee meetings will be scheduled the day before the Board meeting as needed.

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

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