

1 **Texas Board of Physical Therapy Examiners**

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

5
6 **April 21, 2023**
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 Donivan Hodge, Public Member
18 Jacob Delgado, Public Member
19

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

22 **Staff:** Ralph Harper, Executive Director
23 Karen Gordon, PT Coordinator
24 Randall Glines, Staff Services Officer
25 Adriana Delgado, Licensing Manager
26 Amy Carter, Director of Enforcement
27 Priscilla Sillero, Investigator
28

29 **Guests:** Craig Tounget, ED - Texas Physical Therapy Association (TPTA)
30 Lindsey Green, TPTA Communications Director
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 27, 2023 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 #: 22640, 22739, 22749, 23015, 23056, 23071, 23072, 23099,
45 23105, 23123, 23124, 23129, 23136, 23142, 23148, 23149, 23152, 23155, 23157,
46 23158, 23160, 23168, 23183, 23184, 23186, 23191, 23196, 23202, 23206, 23210,
47 23218, 23226, 23227, 23231, 23243, 23245, 23271, 23272, 23279, 23283, and 23360
48 B. Number of cases reviewed, Agreed Orders issued, and other investigative matters
49 discussed during the Investigation Committee Meeting of February 27, 2023
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 concerning:
54 E. The Texas Physical Therapy Association (TPTA) Continuing Competence Approval
55 Program (CCAP) report
56

- 1 F. Request(s) for appeal to re-take the National Physical Therapy Examination (NPTE)
 - 2 G. Request(s) for review of educational equivalency from foreign-educated applicants
 - 3 H. Request(s) for Test of English as a Foreign Language (TOEFL) waiver
 - 4 I. Request(s) for CCU medical waiver
 - 5 J. Proposing amendments to 22 TAC §329.5. Licensing Procedures for Foreign-Trained
 - 6 Applicants
 - 7 K. International Consultants of Delaware credentialing issues
 - 8 L. Biennial review of Federation of State Boards of Physical Therapy (FSBPT) TX
 - 9 Jurisprudence Assessment Module (TX JAM) performance
 - 10 M. Issues related to physical therapy entry-level education and continuing competence
 - 11 9. Rules & Practice Committee Report concerning:
 - 12 E. PT Rules and Early Childhood Intervention (ECI) crosswalk draft
 - 13 F. Proposing amendments to 22 TAC §346.3. Early Childhood Intervention (ECI)
 - 14 G. Proposing amendments to 22 TAC §343. Contested Case Procedure
 - 15 10. Election of delegate and alternate delegate to the Federation of State Boards of Physical
 - 16 Therapy (FSBPT) Annual Meeting, October 19 – 21, 2023 in Jacksonville, Florida
 - 17 11. Election of delegate to the PT Compact Annual Meeting, October 22, 2023 in Jacksonville,
 - 18 Florida
 - 19 12. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing
 - 20 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX
 - 21 Jurisprudence Assessment Module statistics, PT Compact statistics, and other events
 - 22 concerning the practice of physical therapy.
 - 23 13. Board Chair's report concerning meetings attended since last Board meeting, correspondence
 - 24 received on behalf of the Board, and other events concerning the practice of physical therapy.
 - 25 14. Long-term planning for future meetings, including future meeting dates and agenda items
 - 26 15. Adjournment
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28

29 **1. Call to order**

30 Dr. Aikman as the presiding Board Member called the meeting to order at 9:02 a.m.

31

32

33 **2. Roll call for members**

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

35

36

37 **3. Excusing Board member absences**

38 All Board members present.

39

40

41 **4. Public Comment**

42 There was no public comment.

43

44

45 **5. Minutes from the January 27, 2023 meeting**

46 Motion: To approve the minutes as submitted.

47 Made by: Liesl Olson

48 Second: Melissa Skillern

49 Motion passed unanimously.

50

51

52 **6. Executive Director's Report concerning fiscal and budgetary matters, performance**

53 **measures, ongoing projects, agency personnel matters, legislative session, and other**

54 **agency business.**

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

56

- 83rd Legislature in session with HB 1 and SB 1 proposing pay raises for state employees; deadline for filing bills was March 10, 2023; and general funding for an additional FTE in Investigations and transitioning to shared regulatory database through the Health Professions Council
- Reminder that Personal Financial Statements (PFS) must be filed by Board members with the Texas Ethics Commission (TEC) by April 30, 2023;
- Agency still has three (3) positions posted, two (2) in Licensing and one (1) in Accounting;
- Reappointment of Tony Domenech, Omar Palomin, and Donivan Hodge to the PT Board;
- Financial Reports for FY 2023 as of February 28, 2023; and
- Performance Measures for 2nd Quarter FY 2023.

7. Investigation Committee Report concerning:

- A. Agreed Orders for case #s:** 22640, 22739, 22749, 23015, 23056, 23071, 23072, 23099, 23105, 23123, 23124, 23129, 23136, 23142, 23148, 23149, 23152, 23155, 23157, 23158, 23160, 23168, 23183, 23184, 23186, 23191, 23196, 23202, 23206, 23210, 23218, 23226, 23227, 23231, 23243, 23245, 23271, 23272, 23279, 23283, and 23360

The Board voted to ratify the following Agreed Orders:

- 22739, 22749, 23056, 23099, 23129, 23136, 23142, 23148, 23152, 23155, 23157, 23158, 23160, 23183, 23186, 23191, 23196, 23202, 23206, 23210, 23218, 23226, 23231, 23243, 23245, 23271, 23272, 23279, and 23283

B. Number of cases reviewed, Agreed Orders issued, and other investigative matters discussed during the Investigation Committee Meeting February 27, 2023.

Ms. Carter reported that the Committee reviewed 153 cases, held three (3) informal conferences, and issued forty (40) Agreed Orders with twenty-eight (28) being accepted and twelve (12) 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 concerning:

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

Dr. Domenech presented the CCAP report and explained that the denied approval was for a course that was not related to physical therapy.

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

Dr. Domenech reported that the Committee reviewed and discussed two (2) requests to appeal for an additional re-take of the NPTE.

Motion: To recommend that the two (2) requests to appeal to FSBPT for an Additional attempt to re-take the NPTE be granted.
 Made by: Education Committee
 Second: None needed.

Motion passed unanimously.

1 G. Request(s) for review of educational equivalency from foreign-educated applicants

2
3 Dr. Domenech reported that the Committee reviewed and discussed a request for review of the
4 educational evaluation from one (1) applicant by exam.

5
6 Motion: To recommend that the education be deemed substantially
7 equivalent.

8 Made by: Education Committee

9 Second: None needed.

10 *Motion passed unanimously.*

11
12 H. Request(s) for Test of English as a Foreign Language (TOEFL) waiver

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14 Dr. Domenech reported that the Committee reviewed and discussed the requests for a TOEFL
15 exceptions from three (3) applicants by endorsement.

16
17 Motion: To recommend that an exception to the TOEFL requirement be
18 granted to the three (3) applicants by endorsement.

19 Made by: Education Committee

20 Second: None needed.

21 *Motion passed unanimously.*

22
23 I. Request(s) for CCU medical waiver

24
25 Dr. Domenech reported that the Committee reviewed and discussed a request for a medical waiver
26 of CCUs.

27
28 Motion: To recommend that the medical waiver of CCUs be granted.

29 Made by: Education Committee

30 Second: None needed.

31 *Motion passed unanimously.*

32
33 J. Proposing amendments to 22 TAC §329.5. Licensing Procedures for Foreign-Trained
34 Applicants

35
36 Dr. Domenech reported that Committee continues to review and discuss potential amendments to
37 the section on licensing of foreign-trained applicants, and that the Committee has determined that
38 more research is needed especially regarding exceptions to the TOEFL requirement.

39
40 K. International Consultants of Delaware credentialing issues

41
42 Dr. Domenech reported that the Committee discussed the problems that foreign-educated physical
43 therapists (FEPT) were having with getting their educational evaluations completed by ICD. It was
44 decided that the Board send a letter to ICD expressing the concerns with a timeframe for response
45 and a plan for remediating problems with credentialing process. Failure to respond to the Board
46 would result in removal of ICD from the Board's approved list of credentialers.

47
48 L. Biennial review of Federation of State Boards of Physical Therapy (FSBPT) TX
49 Jurisprudence Assessment Module (TX JAM) performance

50
51 Dr. Domenech reported that the Committee reviewed and scored the FSBPT performance in
52 administering the TX JAM utilizing the TX JAM Biennial Review Tool in compliance with PT Rules
53 §323.4. Request for Proposals for Outsourced Services which requires the PT Board to review
54 outsourced services on a biennial basis. The Board reviewed the scoring, and directed Ms. Gordon
55 to forward to FSBPT for signature.

1 M. Issues related to physical therapy entry-level education and continuing competence

2
3 Dr. Domenech reported that there were no additional issues discussed.

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5 **9. Rules & Practice Committee Report concerning:**

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7 E. PT Rules and Early Childhood Intervention (ECI) crosswalk draft

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9 Dr. Skillern presented the draft of the PT Rules/ECI Crosswalk that was compiled by the ECI Work
10 Group, and explained that the draft will need to be updated if the Board proposes amendments to
11 §346.3. Early Childhood Intervention (ECI) as recommended by the Committee.

12
13 F. Proposing amendments to 22 TAC §346.3. Early Childhood Intervention (ECI)

14
15 Dr. Skillern reported that the Committee discussed recommending amendments to §346.3. Early
16 Childhood Intervention (ECI) in order to update a Code of Federal Regulations reference, to
17 eliminate the requirement for the completion of an evaluation and reevaluation to be done onsite
18 allowing for provision via telehealth if indicated, to align the 60-day review of the plan of care (POC)
19 to the requirement in other settings prior to continuation of treatment by a physical therapist
20 assistant, and to report recommendations following a review of the POC to the ECI Interdisciplinary
21 Team.

22
23 Motion: To recommend proposing amendments to §346.3. Early Childhood Intervention (ECI)
24 as described above.

25 Made by: Rules & Practice Committee

26 Second: None needed.

27 Motion passed unanimously.

28
29 G. Proposing amendments to 22 TAC §343. Contested Case Procedure

30
31 Dr. Skillern reported that the Committee reviewed the following sections of §343. Contested Case
32 Procedure: §343.5. Licensure of Persons with a History of Substance Abuse; §343.6. Other
33 Grounds for Denial of a License or Discipline of a Licensee; §343.8. Licensure of Persons with a
34 History of Voluntary or Involuntary Psychiatric Hospitalization; §343.9. Licensure of Persons with
35 Criminal Convictions; §343.21. Witness Fees and Expenses; §343.22. Service of Notice; §343.36.
36 Filing and Receipt of Complaints; §343.40. Informal Conference; and §343.41. Agreed Orders. She
37 also reported that the Committee discussed recommending amendments to the sections in order to
38 provide clarity to the procedures for contested cases, to correct inaccurate and outdated
39 references, and to conform the rules with the physical therapy provisions in Chapter 453,
40 Occupations Code; with the administrative procedures in Chapter 2001, Government Code; and
41 with the consequences of criminal conviction in Chapter 53, Occupations Code.

42
43 Motion: To recommend proposing amendments to §343. Contested Case Procedure as
44 described above.

45 Made by: Rules & Practice Committee

46 Second: None needed.

47 Motion passed unanimously.

48
49 **10. Election of delegate and alternate delegate to the Federation of State Boards of Physical**
50 **Therapy (FSBPT) Annual Meeting, October 19 – 21, 2023 in Jacksonville, Florida**

51
52 Liesl Olson was nominated as delegate to the FSBPT Annual Meeting, and elected unanimously.
53 Tony Domenech was nominated as alternate delegate to the FSBPT Annual Meeting, and elected
54 unanimously.

55
56 **11. Election of delegate to the PT Compact Annual Meeting, October 22, 2023 in Jacksonville,**
57 **Florida**

1
2 Harvey Aikman was nominated as delegate to the PT Compact Annual Meeting and was elected
3 unanimously.
4

5 **12. Board Coordinator's report concerning meetings attended since last Board meeting,**
6 **Continuing Competence Audit results, number of current licensees, NPTE pass/fail**
7 **statistics, TX Jurisprudence Assessment Module statistics, PT Compact statistics, and**
8 **other events concerning the practice of physical therapy.**
9

10 Ms. Gordon reported on the following:

- 11 • Meetings/webinars/school presentation since the last Board meeting;
- 12 • Completion of the FSBPT Application Programming Interface (API) pilot project; still working
13 internally on the TX JAM scores.
- 14 • Total number of PTs, PTAs as of 3/31/2023;
- 15 • NPTE Pass/Fail statistics for PTs - January 2023 and PTAs - April 2023;
- 16 • PT Compact Status and Compact Privileges statistics through 1st Quarter 2023;
- 17 • Compact Compliance Report for 1st Quarter 2023;
- 18 • TX JAM statistics for 1st Quarter of 2023; and
- 19 • Legislative Bills Monitoring.

20
21 On request of the PT Coordinator, Craig Tounget, TPTA ED reported on the bills that TPTA is
22 actively lobbying.
23

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

28 Dr. Aikman reported that the PT Compact is increasing compliance monitoring of member states,
29 and that there will be a special meeting in July to address terms of officers and committees.
30

31 **14. Long-term planning for future meetings, including future meeting dates and agenda**
32 **items**
33

34 The Boards next meetings were scheduled for July 21, 2023, and October 13, 2023.
35

36 **15. Adjournment**
37

38 Motion: To adjourn the meeting.

39 Made by: Melissa Skillern

40 Second: Tony Domenech

41 *Motion passed unanimously.*
42

43 Dr. Aikman adjourned the meeting at 10:29 a.m.
44

45 **Date reviewed by the Board:** 7/21/2023

46 **Action taken by the Board:** Approved as submitted