



Communiqué

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Physical Therapy Board

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Next Board Meeting

October 13, 2023
Teleconference

1801 Congress Ave, Ste.10.900
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PT Rules/ECI Crosswalk

Healthcare compliance is the process of abiding by **ALL** legal, professional, and ethical compliance standards in healthcare with the objectives of patient protection, standardization of patient care, and prevention of fraud/abuse/waste. Categories of regulations that impact physical therapy licensees on a daily basis can include state and federal regulations, employment related laws, environmental regulations, and privacy and patient rights.

In April 2022, the Texas Board of Physical Therapy Examiners (PT Board) authorized the formation of an Early Childhood Intervention (ECI) Work Group with the task of reviewing and updating the PT Rules/ECI Crosswalk (Crosswalk) that was developed in 2006 as a compliance tool for physical therapy licensees working in the ECI setting in Texas.

The Work Group consisted of Physical Therapists who work in the ECI setting, as well as staff from both the Health Services Commission (HHSC) Early Intervention (ECI) state office and the PT Board. Researching federal and state statutes and rules pertaining to ECI and updating the original Crosswalk accordingly began in July 2022.

The Crosswalk is a collaboration that addresses terminology, procedures, and documentation; and provides a "crosswalk" for the compliance requirements of the rules governing both the PT profession in TX and ECI. The final updated version was approved at the PT Board's July 21, 2023 meeting.

The **PT Rules/ECI Crosswalk** is available through the FAQ section of the PT Board's website, <https://ptot.texas.gov/faq/> under PT Practice FAQs – ECI and School Settings – How does Physical Therapy Work in the ECI Setting?

Proposed/Adopted Rules

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

Adopted Rules:

§346.3. Early Childhood Intervention (ECI) Setting - the amendment is adopted 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 adopted 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.

Proposed Rules:

§329.1. General Licensure Requirements and Procedures - the amendment is proposed in order to eliminate reference to an address of record, changes the wording from residential to home address, and adds phone numbers and email addresses to the change of information that a licensee is required to report to the board. Additionally, the amendment clarifies that name changes must be submitted on a form prescribed by the board with the appropriate fee and a copy of legal documentation enacting the name change, and eliminates the requirement of making a name change with the renewal application.

§329.6. Licensure by Endorsement and §329.7. Exemptions from Licensure - the amendments are proposed in order to authorize a military service member to engage in the practice of physical therapy without obtaining a license as a physical therapist or physical therapist assistant if the military service member is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the licensure in this state and the military service member is stationed at a military installation in this state. The amendments are proposed pursuant to SB 422 amendment of Sec. 55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SERVICE MEMBERS AND MILITARY SPOUSES, of Chapter 55, Occupations Code during the 88th Legislative Session.

The text of the adopted and proposed amendments is available online at <https://ptot.texas.gov/act-and-rules/>, and the proposed amendments will appear in the September 8, 2023 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 July 21, 2023 Board Meeting:

- 1) **Allyson Edmond, PTA #2051082 (Gilmer)** - 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.**
- 2) **Cody Paty, PT #1143907 (Sweetwater)** - 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.**
- 3) **Katherine Whittington, PT #1248441 (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.**
- 4) **Zachary Johnson, PTA #2123258 (Aubrey)** - 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) **David Piel, PTA #2114060 (Marble Falls)** - 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 accepted the surrender of license to practice.**
- 6) **Michael Berish, PT #1130920 (San Marcos)** - (audit) failed to properly renew license by not completing a required course during the audited renewal period. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- 7) **Guermón Ambroise, PTA #2145862 (San Antonio)** - (audit) failed to properly renew license by not completing a required course during the audited renewal period. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- 8) **Laura Mian, PT #1174756 (Austin)** - (audit) failed to properly renew license by not completing a required course during the audited renewal period. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- 9) **Jessica Kainer, PT #1293151 (Wharton)** - (audit) failed to properly renew license by not completing a required course during the audited renewal period. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- 10) **Quennie Andrada, PT #1235909 (League City)** - (audit) failed to properly renew license by not completing a required course during the audited renewal period. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. **Board Order required (10) hours of community service.**
- 11) **Vickie Tran, PT #1273750 (San Antonio)** - (audit) failed to properly renew license by not completing a required course during the audited renewal period. 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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- 12) **Joanna Garlitos, PT #1077006 (Texarkana)** - (audit) failed to properly renew license by not completing a required course during the audited renewal period. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order suspended license to practice for (5) days.***
- 13) **Bryana Keenan, PT #1266473 (Buda)** - (audit) failed to properly renew license by not completing the required amount of continuing education during the audited renewal period. Violation of Section 453.351 of the Act and chapter 341 of the Board Rules. ***Board Order suspended license to practice for (15) days.***
- 14) **Trevor Hodges, PTA #2122698 (Hockley)** - 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.***
- 15) **Melissa Rodriguez, PTA #2048052 (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 suspended license to practice for (15) days.***
- 16) **Robert Killebrew, PT #1277699 (Spring)** - 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.***
- 17) **Emily Paslay, PT #1211779 (Fort Worth)** - 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.***
- 18) **Destiny Jennings, PTA #2158497 (Katy)** - 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.***
- 19) **David Tidwell, PT #1230520 (The Woodlands)** - 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.***
- 20) **Brittany Holbert, PT #1362680 (Keller)** - 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 suspended license to practice for (15) days.***
- 21) **Christopher Mobley, PTA #2175355 (Greenville)** - 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.***
- 22) **Alaric Arro, PTA #2110120 (Fresno)** - 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 (15) days.***
- 23) **Abelardo Sanchez, PTA #2166337 (Richardson)** - 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.***
- 24) **Angelina Donadio, PTA #2153793 (Conroe)** - 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.***

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- 25) **Subash Sharma, PTA #2080477 (Sherman)** - 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 (90) days.***
- 26) **Hoa Nguyen, PT #1271689 (Arlington)** - practiced in a detrimental manner by abandoning or neglecting patient(s) under current care without making reasonable arrangements for the continuation of such care and failing to document therapy services. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for (60) days.***
- 27) **Travis Whitefield, PTA #2161610 (Kerrville)** - practiced in a detrimental manner by practicing beyond the scope of his PTA license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for (30) days.***
- 28) **Mark Malone, PT #1164493 (Boerne)** - practiced in a detrimental manner by failing to conform to the minimal standards of acceptable prevailing practice and failing to supervise supportive personnel. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. ***Board Order suspended license to practice for (60) days.***
- 29) **Giuseppe Sposito, PT #1341590 (Las Vegas, NV)** - practiced in a detrimental manner by engaging in inappropriate sexual conduct with employees and failing to notify the board in writing of changes in address of record with 30 days of the change. Violation of Section 453.351 of the Act and chapter 329 of the Board Rules. ***Board Order suspended license to practice for (30) days.***
- 30) **Jennifer Verastegui, PTA #2148590 (Laredo)** - 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 suspended license to practice for (10) days.***
- 31) **Philip Fierros, PTA #2141831 (San Antonio)** - 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 suspended license to practice for (10) days.***
- 32) **Dedrie Beck, PTA #2042174 (Bartonville)** - 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 accepted the surrender of license to practice.***
- 33) **John Caballero, PT #1275710 (Miami Lakes, FL)** - 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 accepted the surrender of license to practice.***
- 34) **Laura Calvert, PTA #2064099 (Houston)** - imprisoned following a felony conviction for DWI(s). Violation of Section 453.351 of the Act; chapter 343.9 and Section 53.021(b) of the Texas Occupational Code. ***Board Order revoked license to practice.***

Data Security Event

The Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) recently experienced a limited data breach, and steps have been taken to address the situation promptly and mitigate potential risks.

Only the names and dates of birth of PT/PTA licensees who answered the attestation questions after completing the CC Activity Summary during the online renewal process between June 30, 2022 and December 22, 2022 may have been accessed. These licensees have already been notified by email and/or letter sent by mail.

More information is available at <https://ptot.texas.gov/> under LATEST UPDATES.



Update Your Contact Info

Per PT Rules §329.1. General Licensure Requirements and Procedures (g), applicants and licensees **MUST** notify the PT Board in writing of any changes to their contact information within 30 days of the change. This includes home, mailing, and business addresses. With the proposed amendment as noted on page 2, this will include phone numbers and email addresses as well. Failure to do so could lead to disciplinary action by the PT Board.

Home addresses, home telephone numbers and personal email addresses are confidential and are prohibited from public disclosure.

Changes to your contact information can be made by clicking on the *Change Your Contact Info* link under the *Looking For?* sidebar from the Board's website homepage at <https://ptot.texas.gov/>.



Upcoming PT Board Meetings

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

- October 13, 2023
- January 26, 2024
- April 19, 2024

Committee meetings will be scheduled prior to the Board meetings as needed.

Meeting dates are subject to change. Check for updated information online at:
<https://www.ptot.texas.gov/meeting-dates>