

1 **Texas Board of Physical Therapy Examiners**

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

5
6 **July 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 Amy Carter, Director of Enforcement
26 Don Meshell, Investigator
27 Cynthia Welch, Investigator
28 Priscilla Sillero, Investigator
29
- 30 **Guests:** Lindsey Green, TPTA Communications Director
31 Kristi Trammell, TPTA Liaison
32 John Monk, Executive Director - Health Professions Council (HPC)
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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 April 21, 2023 meeting
 - 42 6. Final adoption of the following rules amendments
- 43 A. Chapter 343. Contested Case Procedures
 - 44 a. §343.5. Licensure of Persons with a History of Substance Abuse,
 - 45 b. §343.6. Other Grounds for Denial of a License or Discipline of a Licensee,
 - 46 c. §343.8. Licensure of Persons with a History of Voluntary or Involuntary Psychiatric
47 Hospitalization,
 - 48 d. §343.9. Licensure of Persons with Criminal Convictions,
 - 49 e. §343.21. Witness Fees and Expenses,
 - 50 f. §343.22. Service of Notice,
 - 51 g. §343.36. Filing and Receipt of Complaints,
 - 52 h. §343.40. Informal Conference, and
 - 53 i. §343.41. Agreed Orders.
 - 54 B. §346.3. Early Childhood Intervention (ECI) Setting
55
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- 1
 - 2 7. Executive Director's Report concerning fiscal and budgetary matters, performance measures,
 - 3 ongoing projects, agency personnel matters, legislative session, and other agency business
 - 4 8. Investigation Committee Report concerning:
 - 5 A. Agreed Orders for case #s: 22640, 23015, 23105, 23148, 23168, 23218, 23222, 23227,
 - 6 23237, 23255, 23256, 23269, 23273, 23275, 23276, 23277, 23281, 23282, 23284,
 - 7 23285, 23295, 23296, 23298, 23317, 23327, 23334, 23336, 23338, 23340, 23342,
 - 8 23343, 23357, 23360, 23364, 23367, 23368, 23380, 23381, 23385, 23394, 23403,
 - 9 23410, 23418, 23426, 23429, 23431, and 23447
 - 10 B. Number of cases reviewed, Agreed Orders issued, and other investigative matters
 - 11 discussed during the Investigation Committee Meeting of May 24, 2023
 - 12 C. Performance measures, on-site investigation visits, school presentations, and other
 - 13 investigative activities that have occurred between this meeting and the Board's last
 - 14 meeting
 - 15 9. Education Committee Report concerning:
 - 16 E. The Texas Physical Therapy Association (TPTA) Continuing Competence Approval
 - 17 Program (CCAP) report
 - 18 F. Request(s) for appeal to re-take the National Physical Therapy Examination (NPTE)
 - 19 G. Request(s) for review of educational equivalency from foreign-educated applicants
 - 20 H. Request(s) for Test of English as a Foreign Language (TOEFL) waiver
 - 21 I. Request(s) for CCU medical waiver
 - 22 J. Proposing amendments to 22 TAC §329.5. Licensing Procedures for Foreign-Trained
 - 23 Applicants
 - 24 K. International Consultants of Delaware credentialing issues
 - 25 L. Issues related to physical therapy entry-level education and continuing competence
 - 26 10. Rules & Practice Committee Report concerning:
 - 27 E. PT Rules and Early Childhood Intervention (ECI) Crosswalk
 - 28 F. Proposing amendments to 22 TAC §329.1. General Licensure Requirements and
 - 29 Procedures. pertaining to confidentiality of certain information of applicants and
 - 30 licensees
 - 31 G. Proposing amendments to 22 TAC §329.6. Licensure by Endorsement and §329.7.
 - 32 Exemptions from Licensure pertaining to military service member exemption
 - 33 11. Federation of State Boards of Physical Therapy (FSBPT) Leadership Issues Forum (LIF), July
 - 34 15 – 16, 2023 in Arlington, VA and Annual Meeting, October 19 – 21, 2023 in Jacksonville, FL
 - 35 12. Election of Board Vice Chair and Secretary
 - 36 13. Board Coordinator's report concerning meetings attended since last Board meeting, Continuing
 - 37 Competence Audit results, number of current licensees, NPTE pass/fail statistics, TX
 - 38 Jurisprudence Assessment Module statistics, PT Compact statistics, and other events
 - 39 concerning the practice of physical therapy.
 - 40 14. Board Chair's report concerning meetings attended since last Board meeting, correspondence
 - 41 received on behalf of the Board, and other events concerning the practice of physical therapy.
 - 42 15. Long-term planning for future meetings, including future meeting dates and agenda items
 - 43 16. Personnel matters regarding the appointment, employment, compensation, evaluation,
 - 44 reassignment, and duties of the Executive Director of the Executive Council of Physical
 - 45 Therapy and Occupational Therapy Examiners
 - 46 17. Adjournment
 - 47
-

48

49 1. Call to order

50

51 Dr. Aikman as the presiding Board Member called the meeting to order at 9:04 a.m.

52

53 2. Roll call for members

54

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

56

57 3. Excusing Board member absences

1 All Board members present.

2
3 **4. Public Comment**

4
5 There was no public comment.

6
7 **5. Minutes from the April 21, 2023 meeting**

8
9 Motion: To approve the minutes as submitted.

10 Made by: Liesl Olson

11 Second: Melissa Skillern

12 Motion passed unanimously.

13
14 **6. Final adoption of the following rules amendments**

15
16 **A. Chapter 343. Contested Case Procedures**

- 17 a. §343.5. Licensure of Persons with a History of Substance Abuse,
18 b. §343.6. Other Grounds for Denial of a License or Discipline of a Licensee,
19 c. §343.8. Licensure of Persons with a History of Voluntary or Involuntary Psychiatric
20 Hospitalization,
21 d. §343.9. Licensure of Persons with Criminal Convictions,
22 e. §343.21. Witness Fees and Expenses,
23 f. §343.22. Service of Notice,
24 g. §343.36. Filing and Receipt of Complaints,
25 h. §343.40. Informal Conference, and
26 i. §343.41. Agreed Orders.

27
28 Motion: To approve final adoption of the sections of Chapter 343. Contested Cases
29 listed above.

30 Made by: Tony Domenech

31 Second: Glenda Clausell

32 Motion passed unanimously.

33
34 **B. §346.3. Early Childhood Intervention (ECI) Setting**

35
36 Motion: To approve final adoption of §346.3. Early Childhood Intervention (ECI)
37 Setting

38 Made by: Melissa Skillern

39 Second: Liesl Olson

40 Motion passed unanimously.

41
42 **7. Executive Director's Report concerning fiscal and budgetary matters, performance**
43 **measures, ongoing projects, agency personnel matters, legislative session, and other**
44 **agency business.**

45
46 Mr. Harper and John Monk, Health Professions Council ED updated the Board on the recent
47 agency data security breach and the steps that have been implemented to address the incident.

48
49 Mr. Harper gave the Executive Director's Report that included the following:

- 50 • The conclusion of the 83rd Legislature Session with appropriation of all exceptional items;
51 • Agency still has three (3) positions posted, two (2) in Licensing and one (1) in Accounting;
52 • Transitioning from current data base to VERSA;
53 • Financial Reports for FY 2023 as of June 30, 2023; and
54 • Performance Measures for 3rd Quarter FY 2023.

1 **8. Investigation Committee Report concerning:**
2

3 **A. Agreed Orders for case #s:** 22640, 23015, 23105, 23148, 23168, 23218, 23222, 23227,
4 23237, 23255, 23256, 23269, 23273, 23275, 23276, 23277, 23281, 23282, 23284, 23285,
5 23295, 23296, 23298, 23317, 23327, 23334, 23336, 23338, 23340, 23342, 23343, 23357,
6 23360, 23364, 23367, 23368, 23380, 23381, 23385, 23394, 23403, 23410, 23418, 23426,
7 23429, 23431, and 23447
8

9 The Board voted to ratify the following Agreed Orders:

10 23105, 23148, 23168, 23222, 23227, 23237, 23256, 23269, 23273, 23275, 23277, 23281,
11 23282, 23284, 23285, 23295, 23296, 23317, 23327, 23334, 23338, 23340, 23342, 23343,
12 23357, 23364, 23367, 23368, 23381, 23403, 23410, 23418, 23426, 23429, and 23431.
13
14

15 **B. Number of cases reviewed, Agreed Orders issued, and other investigative matters**
16 **discussed during the Investigation Committee Meeting February 27, 2023.**
17

18 Ms. Carter reported that the Committee reviewed 155 cases, held ten (10) informal conferences,
19 and issued forty-three (43) Agreed Orders with thirty-four (34) being accepted and seven (7)
20 requesting an informal conference. Two who had received an informal conference are still not in
21 agreement.
22

23 **C. Performance measures, on-site investigation visits, school presentations, and other**
24 **investigative activities that have occurred between this meeting and the Board's last**
25 **meeting**
26

27 Ms. Carter reported on performance measures, on-site investigation visits and school presentations
28 since the last meeting.
29

30 **9. Education Committee Report concerning:**
31

32 **E. The Texas Physical Therapy Association (TPTA) Continuing Competence Approval**
33 **Program (CCAP) report**
34

35 Dr. Domenech reported that the Committee had reviewed and discussed the CCAP report as
36 submitted by TPTA, and that there is no action recommended.
37

38 **F. Request(s) for appeal to re-take the National Physical Therapy Examination (NPTE)**
39

40 Dr. Domenech reported that the Committee reviewed and discussed one (1) request to appeal for
41 an additional re-take of the NPTE, and that the requestor had consistently low scores with no proof
42 of remediation between exam takes and no evidence of plans to relocate to Texas such as applying
43 for a PTA license by endorsement.
44

45 Motion: To recommend that the request for an additional attempt to re-take
46 the NPTE be denied.

47 Made by: Education Committee

48 Second: None needed.

49 *Motion passed unanimously.*
50

51 **G. Request(s) for review of educational equivalency from foreign-educated applicants**
52

53 Dr. Domenech reported that the Committee reviewed and discussed the remediation in general
54 education required as the result of a previous request for review of the educational evaluation
55 submitted by an applicant by exam.
56
57

1 Motion: To recommend that the remediation be approved and the education
2 be deemed substantially equivalent.
3 Made by: Education Committee
4 Second: None needed.

5 *Motion passed unanimously.*
6

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

8
9 Dr. Domenech reported that there were no requests to review.

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

11
12 Dr. Domenech reported that there were no requests to review.

13 **J. Proposing amendments to 22 TAC §329.5. Licensing Procedures for Foreign-Trained** 14 **Applicants**

15
16 Dr. Domenech reported on a meeting that he and Ms. Gordon had with Jaime Nolan, Managing
17 Director, Foreign Credentialing Commission on Physical Therapy (FCCPT) during the recent
18 FSBPT LIF meeting regarding the credentialing process for foreign educated physical therapists.
19 The Committee determined that the requirements of foreign educated applicants by endorsement
20 be separated from the requirements for by exam applicants, and agreed that more research was
21 needed regarding the TOEFL requirement.
22

23 **K. International Consultants of Delaware credentialing issues**

24
25 Dr. Domenech reported on a recent meeting that he, Ms. Gordon, Adriana Delgado - Licensing
26 Manager, and Latisha Coffee – Assistant Licensing Manager had with Robin Jenkins, Chief
27 Customer Experience Officer, CGFNS International/ICD and two (2) ICD staffers on June 20, 2023
28 to discuss concerns regarding the processing of education credentials evaluations. The takeaways
29 from the meeting were that ICD recognized that there were internal problems and have been
30 implementing corrective measures since the onboarding of a new CEO in January, and that the ICD
31 issues with foreign trained applicants should continue to be monitored.
32

33 **L. Issues related to physical therapy entry-level education and continuing competence**

34
35 Dr. Domenech reported that there were no additional issues discussed.
36

37 **10. Rules & Practice Committee Report concerning:**

38 **E. PT Rules and Early Childhood Intervention (ECI) Crosswalk**

39
40 Dr. Skillern reported that the Committee had reviewed and discussed the final version of the PT
41 Rules/ECI Crosswalk.
42

43 Motion: To recommend approving the PT Rules/ECI Crosswalk.

44 Made by: Rules & Practice Committee

45 Second: None required

46 Motion passed unanimously.
47

48 **F. Proposing amendments to 22 TAC §329.1. General Licensure Requirements and** 49 **Procedures. pertaining to confidentiality of certain information of applicants and** 50 **licensees**

51
52 Dr. Skillern reported that the Committee reviewed and discussed recommending amendments to
53 §329.1. General Licensure Requirements and Procedures that eliminates reference to an address
54 of record, changes the wording from residential to home address, and adds phone numbers and
55

1 email addresses to the change of information that a licensee is required to report to the board. She
2 also noted that the amendment clarifies that name changes must be submitted on a form prescribed
3 by the board with the appropriate fee and a copy of legal documentation enacting the name change,
4 and eliminates the requirement of making a name change with the renewal application.

5
6 Motion: To recommend proposing amendments to §329.1. General Licensure Requirements
7 and Procedures as described above.

8 Made by: Rules and Practice Committee

9 Second: None required

10 Motion passed unanimously.

11
12 **G. Proposing amendments to 22 TAC §329.6. Licensure by Endorsement and §329.7.**
13 **Exemptions from Licensure pertaining to military service member exemption**

14
15 Dr. Skillern reported that the Committee reviewed and discussed recommending amendments to 22
16 TAC §329.6. Licensure by Endorsement and §329.7. Exemptions from Licensure pertaining to
17 military service member exemption that authorizes a military service member to engage in the
18 practice of physical therapy without obtaining a license as a physical therapist or physical
19 therapist assistant if the military service member is currently licensed in good standing by
20 another jurisdiction that has licensing requirements that are substantially equivalent to the
21 requirements for the licensure in this state and the military service member is stationed at a
22 military installation in this state. She explained that the amendments are recommended
23 pursuant to SB 422 amendment of Sec. 55.0041. RECOGNITION OF OUT-OF-STATE LICENSE
24 OF MILITARY SERVICE MEMBERS AND MILITARY SPOUSES, of Chapter 55, Occupations Code
25 which passed during the 88th Legislative Session.

26
27 Motion: To recommend proposing amendments to §329.6. Licensure by Endorsement and
28 §329.7. Exemptions from Licensure pertaining to military service member exemption
29 as described above.

30 Made by: Rules & Practice Committee

31 Second: None needed.

32 Motion passed unanimously.

33
34 Dr. Aikman recessed the Board at 10:13 a.m.

35
36 Dr. Aikman reestablished a quorum through rollcall, and called the Board back into session at 10:20
37 a.m. Ms. Olson exited the meeting at this time.

38
39 **11. Federation of State Boards of Physical Therapy (FSBPT) Leadership Issues Forum (LIF),**
40 **July 15 – 16, 2023 in Arlington, VA and Annual Meeting, October 19 – 21, 2023 in**
41 **Jacksonville, FL**

42
43 Dr. Domenech and Ms. Gordon reported on the various sessions of interest at the recent
44 Leadership Issues Forum.

45
46 Ms. Gordon reported that the slate of candidates for FSBPT positions had been finalized, and that
47 she and Ms. Olson had attended a virtual Candidates Forum on July 6th.

48
49 **12. Election of Board Vice Chair and Secretary**

50
51 Liesl Olson was elected Vice Chair, and Kate Roby was elected Secretary of the PT Board.

52
53 Donivan Hodge was appointed as the public member, and Harvey Aikman was appointed as the
54 professional member to the Executive Council.

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

5
6 Ms. Gordon reported on the following:

- 7 • Meetings/webinars/school presentation since the last Board meeting;
- 8 • Total number of PTs, PTAs as of 6/30/2023;
- 9 • NPTE Pass/Fail statistics for PTs - April 2023 and PTAs - July 2023;
- 10 • PT Compact Status and Compact Privileges statistics for 2nd Quarter 2023;
- 11 • Compact Compliance Report for 2nd Quarter 2023;
- 12 • TX JAM statistics for 2nd Quarter of 2023; and
- 13 • Legislative Bills Monitoring through end of session.

14 **14. Board Chair's report concerning meetings attended since last Board meeting,**
15 **correspondence received on behalf of the Board, and other events concerning the**
16 **practice of physical therapy.**

17
18
19 Dr. Aikman reported on several PT Compact issues including ratification of by-laws amendments
20 and adding an alternate delegate from each member state.

21
22 **15. Long-term planning for future meetings, including future meeting dates and agenda**
23 **items**

24
25 The Board's next meetings were scheduled for October 13, 2023, January 26, 2024, and April 19,
26 2024 with plans for the January meeting to be in person.

27
28 **16. Personnel matters regarding the appointment, employment, compensation, evaluation,**
29 **reassignment, and duties of the Executive Director of the Executive Council of Physical**
30 **Therapy and Occupational Therapy Examiners**

31
32 Dr. Aikman called the Board into Executive Session at 11:03.

33
34 Dr. Aikman call the Board back into Open Session at 11:34 a.m. and determined that a quorum still
35 existed. He reported that no action was taken during the Executive Session.

36
37 **17. Adjournment**

38
39 Motion: To adjourn the meeting.

40 Made by: Glenda Clausell

41 Second: Tony Domenech

42 *Motion passed unanimously.*

43
44 Dr. Aikman adjourned the meeting at 11:35 a.m.

45
46 **Date reviewed by the Board:** 10/13/2023

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