



# Communiqué

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1801 Congress Ave, Suite 10.900  
Austin, Texas 78701

512-305-6900  
ptot.texas.gov

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## Physical Therapy Board

*Harvey Aikman, PT, Chair*  
*Liesl Olson, PT, Vice Chair*  
*Kathryn "Kate" Roby, PT, Sec.*  
*Manuel "Tony" Domenech, PT*  
*Melissa Skillern, PT*  
*Omar Palomin, PT*  
*Donivan Hodge, Public Member*  
*Jacob Delgado, Public Member*  
*Glenda Clausell, Public Member*

## Next Board Meeting

**April 19, 2024**

1801 Congress Ave, Ste.10.900  
Austin, Texas 78701

## Just Because I Can Doesn't Mean I Should

*A message from the Board Chair*

Just because the Texas Physical Therapy Practice Act and Rules (Act and Rules) allow a licensee to perform an activity does not protect the licensee from being charged with a violation of the Act and Rules.

Would it be appropriate for a physical therapist (PT) with 35 years of clinical practice in outpatient Orthopedics to independently treat a pediatric patient for a neuro problem?

Could a newly licensed PT working independently accept a patient in a neonatal setting with primary treatment focus on swallowing disorders?

Is it appropriate for a male PT in a solo private practice to accept a pregnant female patient for pelvic floor dysfunction?

The answer to all three of these scenarios would on the surface appear to be "no." However, the answer may not be that simple. The Ortho PT may have spent several months preparing to see the neuro patient through independent study or continuing education. The newly licensed PT may have just completed a specialized final rotation focused on neonatal intensive care and swallowing disorders under the supervision of a pediatric specialist certified by the American Board of Physical Therapy Specialties (ABPTS). And, the male PT may have spent his entire career treating pelvic floor dysfunction.

There are many areas of practice which are authorized as within the physical therapy scope of practice, but some of these areas may require training beyond entry level. Entry level training is part of the standardized curriculum which is outlined and monitored by the process of the Commission on Accreditation in Physical Therapy Education (CAPTE) accreditation. Areas of practice which may require additional training could include Dry Needling, Spinal

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*Just Because I Can Doesn't Mean I Should, cont. from pg. 1*

Manipulation, Sharp Debridement, EMG, Pelvic Floor, and possibly even Pediatrics. This training may come from formal course work, on-site mentoring, progressive work experience, or even independent study.

According to Barbara Sanders PT, PhD, SCS, a past Board member and longtime educator, "Physical therapist entry level education is considered to be generalist education. Most programs encourage students to develop the basic tools to treat a wide variety of patients first and then to seek an opportunity for specialized practice. While most programs introduce students to dry needling, manipulation, pelvic floor issues, and other advanced practice areas, they do not prepare the graduate to be competent in these areas. Competence and safety comes with further professional education and mentored clinical practice. "

It seems obvious that additional training or certification would be needed to perform these interventions but surprisingly the Texas Board of Physical Therapy Examiners (Board) receives complaints either related to direct injury or inappropriate treatment related to these areas of practice on a regular basis. It is incumbent upon the licensee to be prepared to present to the Board proof of competency in all areas of practice. This could be in the form of graduation from a CAPTE-accredited program, completion of continuing education, mentored training, experience, advanced certification, and/or completion of a residency or fellowship.

The American Physical Therapy Association (APTA) looks at the interrelation of scope of practice as out lined below:

"The scope of practice for physical therapists has three components: professional, jurisdictional, and personal.

The professional scope of practice is grounded in the profession's unique body of knowledge, supported by educational preparation, based on a body of evidence, and linked to existing or emerging practice frameworks.

The jurisdictional (i.e., legal) scope of practice is established by a state's practice act governing the specific physical therapist's license, and the rules adopted pursuant to that act.

Personal scope of practice consists of activities for which an individual physical therapist is educated and trained and they are competent to perform."

The Board requires that each licensee not only practice within the TX legal scope of practice but also within their individual level of training and expertise. A PT/PTA must have demonstrable competence based on education and training, skill and experience in order to perform any intervention. It would be a violation of the Act and Rules for a PT/PTA to perform techniques or procedures for which they are not competent.

The supervising PT holds the primary responsibility for all physical therapy care rendered under his/her supervision after evaluation and development of a plan of care (POC). The PT is also responsible for assuring that a PTA has the competencies required to perform an intervention if delegated and should personally possess the skills in order to supervise the PTA. It would be a violation of the Act and Rules for a PT to delegate techniques or procedures to a PTA who lacks the ability or knowledge to perform the interventions in question. Further the delegation of a task to an unlicensed individual requires direct supervision as well as certainty that the individual is appropriately trained and possesses both the skills and knowledge to safely perform the delegated task.

Harvey Aikman, PT, DPT, Dip. MDT, FAAOMPT currently serves as the Chair of the Texas Board of Physical Therapy Examiners.

## Disciplinary Actions

PT Board Formal Disciplinary Actions taken at the January 26, 2024 Board Meeting:

- 1) **Randy Dayao, PT #1319866 (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 (10) hours of community service.**
- 2) **Brenda McGowen, PTA #2001624 (New Waverly)** - 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 (60) hours of community service.**
- 3) **David Conner, PTA #2078060 (Dallas)** - failed to properly renew license by not completing the required amount of continuing education 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) **Jodeanna Castro, PTA #2016861 (Lubbock)** - (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.**
- 5) **Cruz Morales, PTA #2154678 (Odessa)** - (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.**
- 6) **Barbara Loden, PTA #2005302 (Arlington)** - (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.**
- 7) **Jennifer Powers, PTA #2142373 (The Woodlands)** - (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 (30) days.**
- 8) **Mary Hodge, PT #1065225 (Lavon)** - 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.**
- 9) **Kristen Classen, PT #1319455 (Katy)** - 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.**
- 10) **Tena Dennick, PTA #2007209 (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 (60) hours of community service.**
- 11) **Dwan Nash, PTA #2161719 (Houston)** - failed to cooperate with the agency by not responding to agency correspondence addressed to the license holder's official address within 90 days. 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.**
- 12) **James Fenton, PT #1173630 (Johnson City, TN)** - failed to report disciplinary action taken by another licensing authority in another state to the board within 30 days. 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.**

*Disciplinary Action, cont. from pg. 3*

- 13) **John Frischenmeyer, PT #1385332 (Lewisville)** - 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.***
- 14) **Clinton Titone, PTA #2131050 (Houston)** - 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.***
- 15) **Helen Handy, PTA #2055703 (Houston)** - 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.***
- 16) **Juan Saucedo, PTA #2026672 (Seguin)** - 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.***
- 17) **Matthew Lawson, PTA #2131896 (Austin)** - 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.***
- 18) **Elijah Walugembe, PTA #2143976 (Eules)** - 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.***
- 19) **Oluwadare Kolurejo, PT #1351279 (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 (60) days.***
- 20) **Hoa Nguyen, PT #1271689 (Arlington)** - 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 (120) days.***
- 21) **Steve Rutledge, PTA #2097597 (Palestine)** - practiced in a detrimental manner by failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained. 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.***
- 22) **Paul Erickson, PT #1098655 (Arlington)** - practiced in a detrimental manner by failing to conform to the minimal standards of acceptable prevailing practice by causing emotional injury or impairment of dignity to the patient/client. 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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*Disciplinary Action, cont. from pg. 4*

- 23) **Terry Robinson Jr., PT #1055077 (Flower Mound)** - practiced in a detrimental manner by failing to conform to the minimal standards of acceptable prevailing practice by causing emotional injury or impairment of dignity to the patient/client, engaging in sexual contact with a patient, and interfering with an investigation or disciplinary proceeding by the use of threats or harassment against a patient. 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.**
- 24) **Darion Office, PT #1371437 (North Richland Hills)** - 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 322.4 of the Board Rules. **Board Order required (30) hours of community service.**



## Adopted/Proposed Rules

The Board took the following rulemaking actions at its January 26, 2024 meeting.

**Adopted Rules: §341.3. Qualifying Continuing Competence Activities** - the amendments broaden the category of residencies and fellowships by allowing completion of a residency or fellowship accredited by an entity other than the American Board of Physical Therapy Residency and Fellowship Education (ABPTRFE) to qualify for CCUs and requires the Board to maintain a list of approved residencies and fellowships. Additionally, the amendments eliminate oPTion as a qualifying activity as the Federation of State Boards of Physical Therapy (FSBPT) has discontinued the self-assessment tool.

**Proposed Rules: §329.5. Licensing Procedures for Foreign-Trained Applicants** – the amendments remove unnecessary barriers to the licensing of foreign-educated applicants by expanding the acceptance of educational evaluations for applicants by exam and by endorsement; by eliminating the requirement for an applicant by endorsement to demonstrate English proficiency by taking the Test of English as a Foreign Language (TOEFL); and by providing exceptions to the TOEFL requirement for an applicant by exam if certain conditions are met.

**§346.1. Educational Settings** – the amendments clarify the role of physical therapists and physical therapist assistants in the educational setting by updating the references to federal law that pertain to physical therapy services provided to students with disabilities in the education setting, eliminating the requirement for a reexamination to be performed onsite to allow for the reexamination to be performed via telehealth, and updating the section to reflect contemporary practice within the setting.

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 an upcoming edition of the *Texas Register*, <https://www.sos.state.tx.us/texreg/index.shtml>, for public comment.

## Upcoming PT Board Meetings

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

- April 19, 2024
- July 19, 2024
- October 25, 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>



## New Licensing System Migration

The Executive Council of Physical Therapy & Occupational Therapy Examiners (ECPTOTE) is in the process of migrating the agency's custom-built licensing system to a new licensing solution with enhanced capabilities for both applicants and licensees. Automated and streamlined processes will include:

- Completion of initial application for licensure and temporary license with payment of fee(s),
- Renewal of all license status (Active, Inactive, Retired, Restoration) with payment of fee(s),
- Upload of certain associated documents directly into the system, and
- Auto-population of saved data including answers to minimum data set questions during renewal.

Projected launch of the new system is in May 2024. More information will be posted on the agency's website and included in upcoming newsletters.