



# Communiqué

May 2024

1801 Congress Ave, Suite 10.900  
Austin, Texas 78701

512-305-6900  
ptot.texas.gov

## Inside This Issue

- 1 Have you ever been arrested?
- 2 HHS-Approved Human Trafficking Requirement
- 3 Disciplinary Action
- 4 Upcoming PT Board Meetings
- 5 Adopted/Proposed Rules
- 5 New Licensing System Migration

## 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

**July 19, 2024**

1801 Congress Ave, Ste.10.900  
Austin, Texas 78701

## Have you ever been arrested?

By Cynthia Welch

Despite being a simple question, it is commonly misinterpreted. It does not ask if you have been convicted or if you have had a record expunged or anything else. It asks if you have ever been arrested. If the answer is yes, then that information must be disclosed either during your initial application process or your license renewal. Frequently, an applicant or licensee fails to report an arrest that if reported would have had no bearing on their application or renewal. However, once they fail to report, and the information comes back to the Texas Board of Physical Therapy Examiners (Board) through the criminal background check/monitoring process, it becomes a violation for failure to report. The Board is obligated to take disciplinary action against a licensee who violates the provisions in the PT Practice Act and PT Rules.

What's the difference between a "charge" and a "conviction?" Being charged means a formal allegation has been made against you (the original reason for the arrest). Being convicted means that you have been proven guilty. This may result in a plea bargain (charges reduced) thereby resulting in a lesser sentence (i.e. charged with a DUI, convicted of obstructing a highway). A sentence is given after a conviction. Types of criminal sentences include jail time, fines, probation/community supervision, deferred adjudication, community service, payment of restitution, etc. If you successfully completed probation/deferred adjudication, your conviction may result in a dismissal.

Many people believe that a charge that has been dismissed, expunged, occurred while on military/federal property, as a juvenile, or has not shown up on other background checks will not show up on the criminal background check performed by the Board.

Continued pg. 2

*Have you ever been arrested? cont. from pg. 1*

This is usually not true as virtually everything shows up in the DPS/FBI database and is reported to the licensure board. Even if you are advised by an attorney that it “won’t show up,” it probably will, and you will be held liable if you do not report.

What happens if you do report an arrest? There are many factors that the Board takes into consideration. First and foremost, were you honest and did you report this? What is the severity of the charge? When did it take place? Is there a pattern of behavior? What was the outcome in court? Did you complete all the conditions listed in your court order? Was anyone injured? What is the risk of future occurrence that could adversely affect patient care and safety?

While not an arrest, disciplinary action taken by another state or agency must also be reported. This also seems simple but there are a few unusual twists. If you are a holder of multiple licenses or Compact Privileges and are disciplined in another jurisdiction, you must report it to the Board. Additionally, if you are licensed or registered by another state agency and are disciplined by them, you’re required to report this to the Board within 30 days. Failure to report is an automatic violation. Many times, the Board will only monitor the actions of the other agency or state to ensure compliance with any disciplinary order.

### **The moral of the story is when in doubt, report!**

Speaking of reporting, do not forget to report any change of address and contact information to the Board as well. There is a 30-day requirement for reporting these changes. You can submit your changes online at [https://ptot.texas.gov/change\\_contact\\_info/](https://ptot.texas.gov/change_contact_info/).

### **From Initial Application: Previous Hx – Criminal Activity**

Have you ever been arrested in any jurisdiction? This includes disclosing any arrests anywhere, regardless of the outcome or reason for the arrest, including arrests with pending charges or result in deferred adjudication, deferred status, dismissal, being sealed or expunged, with or without a finding of guilt.

### **From Renewal Application: Attestation**

I attest that I have not been convicted of a felony, including a finding or verdict of guilt, an admission of guilt, or a plea of nolo contendere, in this state or any other state since license issuance or last renewal.

Cynthia Welch is Assistant Director of Enforcement for the Executive Council of Physical Therapy & Occupation Therapy Examiners



## **HHS-Approved Human Trafficking Requirement**

The renewal requirement of a Human Trafficking Prevention Training course was mandated by the Texas Legislature in 2019 with the Texas Human Trafficking Resource Center of the Health and Human Services (HHS) charged with the approval and online posting of courses that meet this requirement.

To meet this renewal requirement, choose any of the HHS-approved courses from the list available [here](#). You can claim 1 CCU for each contact hour when you are entering the course during the renewal process. Courses not on the list do not meet the requirement even if they are approved by a different entity.

## Disciplinary Actions

PT Board Formal Disciplinary Actions taken at the April 19, 2024 Board Meeting:

- 1) **Karen Olmsted, PTA #2026987 (Sulphur Springs)** - (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.**
- 2) **George Pardy, PTA #2127275 (Plano)** - 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.**
- 3) **Brandi Baxter, PTA #2080038 (Hurst)** - 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.**
- 4) **Jean Brasseaux, PT #1253330 (Leander)** - 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.**
- 5) **Abraham Sanchez, PT #1387602 (Powderly)** - 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.**
- 6) **Marie Reyes, PTA #2181006 (Victoria)** - 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.**
- 7) **Ameera Fujah, PT #1387659 (Atlanta, GA)** - failed to disclose disciplinary action on application for licensure. Violation of Section 453.351 of the Act and Chapter 343.6 of the Board Rules. **Board Order required (45) hours of community service.**
- 8) **William Burrus, PTA #2087811 (Smyrna, TN)** - failed to report disciplinary action taken by another licensing authority in another state within 30 days. Violation of Section 453.351 of the Act and Chapter 341.21 of the Board Rules. **Board Order required (45) hours of community service.**
- 9) **Tito Alvarado, PTA #2051360 (Laredo)** - 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 (30) days.**
- 10) **Mithun Raju, PT #1264977 (Stafford)** - 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.**
- 11) **Jesus Gonzalez, PTA #2161464 (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 (45) days.**
- 12) **Jose Santos, PT #1087211 (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 (45) days.**

*Disciplinary Action, cont. from pg. 3*

- 13) **Rachel Thomas, PTA #2161599 (Pittsburg)** - 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.***
- 14) **Wayne Wendt, PTA #2061748 (New Braunfels)** - 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.***
- 15) **Austin Landin, PT #1321217 (San Angelo)** - 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.***
- 16) **Carol Ward, PT #1129435 (Tyler)** - 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.***
- 17) **Alec Arro, PTA #2110108 (Houston)** - practiced in a detrimental manner by failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records; and, failing 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 (60) days.***
- 18) **Salvador Escobar, PTA #2130045 (Tyler)** - 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 suspended license to practice for (45) days.***
- 19) **Janeev Thomson, PTA #2077650 (Coppell)** - practiced in a detrimental manner by use of intoxicating liquors to an extent that affects the license holder's professional competence and behavior. 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.***



## Upcoming PT Board Meetings

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

- 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>

## Adopted/Proposed Rules

The Board took the following rulemaking actions at its April 19, 2024 meeting.

**Adopted 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.

**Proposed Rules:** The Board proposed a Rule Review in accordance with Texas Government Code §2001.039.

The text of the adopted amendments and the proposed Rule Review is available online at <https://ptot.texas.gov/act-and-rules/>.



## 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 platform with enhanced capabilities for both applicants and licensees. Automated and streamlined processes will include:

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

More information on the launch of the new system will be posted on the agency's website, included in upcoming newsletters, and distributed via email prior to the rollout.