

Communiqué



Gov. Perry Appoints Three to PT Board

On July 20th, Gov. Rick Perry announced the appointment of three persons to the Texas Board of Physical Therapy Examiners for terms to expire Jan. 31, 2011.

Phillip B. Palmer of Abilene (replacing Sylvia Dávila, PT, of San Antonio) is associate professor of physical therapy and director of curriculum development at Hardin-Simmons University. He is a member of the APTA, the TPTA and the Association for the Study of Higher Education. Palmer is also a member of the American Evaluation Association and the American Educational Research Association. He received a bachelor’s degree in physical therapy from the University of Texas Medical Branch in Galveston, a master of health education degree in physical therapy from the Medical College of Georgia and a doctor of philosophy in higher education from the University of North Texas.

Robert Gary Gray of Midland (replacing Mike Hines, PT, of Tyler) is a physical therapist and president of Gray Therapy Services. He is a member of the APTA and the TPTA. Gray is a former member of the advisory board of the Odessa College PTA Program and the Permian Basin Tech Prep Consortium Health Careers Curriculum Committee. Gray has been a guest lecturer at Texas Tech University Health Science Center and the Odessa College PTA Program. He has served on the Texas Workers’ Compensation Commission Medical Reference Group on Impairment Ratings. Gray attended Odessa College and the University of Texas (UT) at Austin and received a degree in allied health sciences and physical therapy from the UT Southwestern Medical School at Dallas.

Daniel Reyna of Waco (replacing the late George Scott, Jr., of Lubbock) is a manager with the internal audit department of the Brazos Higher Education Service Corporation. He is a member of the American Institute of Certified Public Accountants and the Texas Society of Certified Public Accountants. Reyna has several years experience in the banking and finance industry as an auditor with a large U.S. bank and in public accounting. He also serves as a board member of the City of Waco Tax Increment Financing Board. Reyna received a bachelor’s degree in accounting from Sam Houston State University in Huntsville.

These appointments are subject to senate confirmation. The Board and staff thank Ms. Dávila and Mr. Hines for their years of dedicated service, and wish them well.

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The “Doctoring Profession” in Texas?

At the May meeting, the Board and its general counsel discussed the issue of the term “doctor” by a PT in a clinical setting. After lengthy consideration, the Board determined that a PT is not authorized to call

himself or herself “doctor” in the clinical setting, regardless of the academic degree she or he has received. Here are the legal facts the Board considered:

- §453.006(b) of the PT Practice Act says, “A person may not use an affix indicating or implying that the person is a physician on the basis of a license issued under this chapter.”

- The Texas Occupations Code, Chapter 104, Healing Arts Practitioners, includes a list of healthcare practitioners authorized to use the term “doctor” in Texas. The Code is very specific about the fact that the term “doctor” or “Dr.” can’t be used on “any manner of professional identification, including a sign, pamphlet, stationery, or letterhead, or as a part of a signature” by anyone not on that list. PTs are not on that list. Therefore, until the law is amended, the use of the term doctor by a person practicing physical therapy in Texas is a violation of the law. (The Code can be found at <http://www.capitol.state.tx.us/statutes/oc.toc.htm>.)

PT Board and ECI Meet to Discuss Issues

The Board consistently gets questions from PTs who work in the ECI setting; so many that the setting has its own rule, §346.3. ECI is short for “Early Childhood Intervention”, which is a statewide program for families with children (birth to three years of age) with disabilities and developmental delays. ECI is funded by the state and the federal government, via the Individuals with Disabilities Education Act (IDEA).

ECI provides services through contracts with various types of organizations across the state, such as community health centers, regional Education Service Centers, school districts, and nonprofit corporations like Easter Seals. Each of those local programs uses an assortment of professionals to provide services, including PTs, OTs, speech and language therapists, and social workers. All ECI programs follow policies and procedures developed by the ECI Commission in Austin, but the

Commission allows local programs a fair amount of leeway in how they do business, based on the local resources and the needs of the families in the area.

In the last five years, the Board has contacted ECI several times regarding the concerns of PTs and PTAs working in the ECI setting. In 2003, the PT Board and the Texas Interagency Council on Early Childhood Intervention (now the Division of Early Childhood Intervention Services of the state Department of Assistive and Rehabilitative Services, but still known as ECI) collaborated on a letter sent out to all local programs to clear up confusion over

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You are required to post the Board’s Consumer Information Sign at your place of business. Print a new copy of the form from our website!

<http://www.ecptote.state.tx.us>

(on the PT Forms page)

ECI Developmental Rehabilitation Services. In the last year or so, the Board has been awash in a new wave of concerns from PTs working in the setting, primarily about estimating the frequency of treatment. This spurred the Board to contact ECI to arrange a meeting so that these concerns could be addressed face to face prior to addressing them in rule. In mid-May, key ECI staff members, accompanied by a PT working in the setting, came to the Board’s office to meet with board staff and PT Board members Melinda Rodriguez and Karen Gordon.

The two hour meeting was very productive, beginning with a careful and detailed explanation by ECI of the procedures and policies it expects all local programs to follow when providing services. The Board asked numerous questions about the use of the IFSP (Individualized Family Service Plan) documentation. In the course of the discussion, it became clear that much of the “conflict” between ECI

procedures and board rules is caused by conflicting assumptions and terminology – essentially, people with different perspectives and experience unable to communicate successfully. ECI’s terminology, procedures, and documentation reflect its mix of state and federal requirements as well as the multidisciplinary nature of the program.

To help all PTs and PTAs working in the ECI setting, the ECI staff offered to develop a “crosswalk” for the terminology that is used by both the Board and ECI. (For example, the terms “referral” and “evaluation” mean different things entirely depending on whose “rule book” you are reading.) Once this crosswalk is complete, the Board and ECI will again send out a collaborative letter including this information to all local ECI program offices. If you are a PT or PTA in the ECI setting, look for this information by the end of the summer. In the meantime, if you have questions about ECI procedures and documentation and whether they conflict with the PT rules, you should take the following steps: Talk to the local ECI program office. If your questions are not answered to your satisfaction, contact ECI headquarters in Austin at 800/250-2246. If ECI staff are not able to allay your concerns about conflicts with the PT rules, contact the Board at 512/305-6900.

ECPTOTE Responds to Your Questions & Comments about the Online Renewal Process

ECPTOTE has a customer service survey online at the end of the renewal process and on our website. The results are collected and tabulated through our contract with The University of Texas. Many licensees have written about how easy and convenient the online renewal process is. However, some have written criticisms, suggestions, and comments, mostly submitted without inclusion of a name or contact information. The newsletter is a good forum to discuss those comments, suggestions, or complaints.

- ✘ *“I had some difficulty locating the needed info (for the jurisprudence exam). However this may have caused me to study the material more thoroughly in an attempt to locate info...”*
- ✘ *“I was unable to find or access the jurisprudence info to review before taking the test...”*
- ✘ *“...when renewing license, please provide study questions...”*

Response: The Board requires a jurisprudence exam with each renewal, which is clearly stated in the rules. Licensees can read and review the rules before taking the open book exam, and are encouraged to keep the rules handy while they are taking the exam. There’s a link to the rules at the start of the jurisprudence exam, and we have just added a link to the page you first see when you start the renewal process. You can always open a new browser page and access the rules at any time if you have not printed the rules out ahead of time.

Each person who takes the exam gets a random selection of 20 questions from a database of questions on the PT rules. These questions are changed when rules change, and new questions are added from time to time. The PT Rules are the study materials. If you get a question wrong, you will automatically be shown the right answer at the end of the exam. The Board doesn’t keep your score when you take the exam online. The assumption is that if you did miss a question, you will see the correct answer at the end of the exam and spend the time necessary to understand how you might have come to the wrong conclusion. If you do not understand the answer, you may certainly call the board for clarification.

- ✘ *“Where is the key code?”*
- ✘ *“...key code number looked like a 5 and was an S...”*

Response: The key code is unique to each licensee. It is a computer generated mix of letters and numbers. When you pass the JP exam the key code is displayed. Although we have eliminated several

confusing letters and numbers from the exam key code, we have had to leave in enough to allow for creation of the key code. And remember, all letters will be capitals. If you have a problem with key code acceptance, check for possible confusion between letters and numbers. The list of letters that are not used in the key code are listed on the page with the key code.

✉ *"Would like to see the verification of licensure updated by the first day of the month due to HR will not let us allow therapists to work if their name is not on that site & their hard copy is still in the mail."*

Response: The License Verification Page of our website is now being updated almost daily. All new and renewed licenses are listed each time the list is updated. Check it out!

✉ *"It is a hassle to download the rules, etc. I liked it must better when it was updated and mailed to me."*

Response: The Executive Council includes about 8,000 OT licensees and almost 15,000 PT licensees. Printing and mailing out rules and newsletters is a very expensive proposition, but we try to do it each year. Rules can and do change after we print the rules, so we emphasize that by signing up for **Board E-News**, you will receive an email when there is a new rule or newsletter to read. The link to sign up is on our homepage. Remember that employers, HR departments, insurers, CE providers and others who don't get our mailings are accessing the rules too!

Doing the Numbers

* As of August 2006, there are 9,509 actively licensed PTs in Texas, and 4,269 PTAs.

* There are 230 PTs and PTAs on inactive status.

✉ *"I had a lot of trouble online and liked the paper renewal."*

Response: There is a link on the PT Forms page to download a paper renewal form, or you can call the board and ask for one to be mailed to you. We ask that you take the jurisprudence exam online, since it is quicker for all of us that way. However, if you really want the jurisprudence exam on paper, you may request that one be mailed to you by the Board. It will increase the length of time your renewal process takes by weeks.

✉ *"The only part I would change is when I was in the ECPTOTE website and clicked onto 'renew license' and was thrust into a whole different looking website with all sorts of professions and had to locate mine."*

Response: We've changed the interface and you no longer see that page - though it is interesting to see how many different licensees are renewing online! Thanks for the feedback.

✉ *"I had a hard time getting the webpage to accept 'none' as a valid response in the business address..."*

Response: This is a major issue for us, too. The renewal process is based on a statewide template designed to be used by many agencies and their licensees. Currently, the template does not accept blanks in required Business Address fields, which means you must enter the word "none" in the name, address, and city fields, and select Texas for the state field. Use the number "9" for all digits in the zip code and phone number fields. This isn't the ultimate solution, we hope, but it will allow us to notice and remove the "bad" information from your record when we receive it. Though the Board has requested that the template be changed, it would be a major expense and would affect all other agencies using the renewal template. We continue to work with the Texas Dept. of Information Resources on this problem. In the meantime, we will request that the instructions on the renewal page be changed so that what you must do is clearer.

✉ *"I am licensed in several states, and trust me when I tell you some other states could take a lesson or two from the Texas board. I never have any trouble getting though to a real live person and this website makes my life so easy come renewal time. Thanks so much."*

Response: Now that's what we like to read on our Consumer Service Survey! Seriously, we do read your comments and share them with the Board. We do make changes when possible and most of our responders like the online renewal process and find it quick and easy.



Disciplinary Action Taken by the Board On May 19, 2006

Failed CE Audit

Lori Espinoza, PT #1139954 (San Antonio) - **failed CE audit: lacked proof of ethics course taken within renewal period.** Violation of §453.351 of the Act and Chapter 341 of the Board Rules. *Board Order required fifteen (15) hours of community service and completion of an ethics course.*

Dalia Zambrano, PTA #2025179 (Edinburg) - **failed CE audit: did not take required number of approved hours within the renewal period.** Violation of §453.351 of the Act and Chapter 341 of the Board Rules. *Board Order required thirty (30) hours of community service.*

Luann Feld, PT #1071017 (Fort Worth) – **failed CE audit: did not submit proof of completion of the required number of approved hours taken within renewal period.** Violation of §453.351 of the Act and Chapter 341 of the Board Rules. *Board Order required her to submit proof of timely completed CEs by July 31, 2006 or license will be suspended for thirty (30) days.*

Aulus Cocholice, PT #1070142 (Houston) – **failed CE audit: lacked proof of ethics course taken within renewal period.** Violation of §453.351 of the Act and Chapter 341 of the Board Rules. *Board Order required thirty (30) hours of community service.*

David Sisson, PTA #2024966 (Borger) – **failed CE audit: lacked proof of ethics course taken within renewal period.** Violation of §453.351 of the Act and Chapter 341 of the Board Rules. *Board Order required forty-five (45) hours of community service and completion of an ethics course.*

Woys Hinson, PTA #2031367 (Crawford) – **failed CE audit: did not take required number of approved hours within renewal period.** Violation of §453.351 of the Act and Chapter 341 of the Board Rules. *Board Order required forty-five (45) hours of community service.*

Susan Rodgers, PTA #2031748 (Gilmer) – **failed CE audit: did not submit proof of completion of the required number of approved hours taken within renewal period.** Violation of §453.351 of the Act and Chapter 341 of the Board Rules. *Board Order required her to submit proof of timely completed CEs by June 30, 2006 or license will be suspended for thirty (30) days.*

Matthew Smalling, PT #1130342 (Humble) – **failed CE audit: lacked proof of ethics course taken within renewal period.** Violation of §453.351 of the Act and Chapter 341 of the Board Rules. *Board Order required thirty (30) hours of community service.*

Practiced with an Expired License

Sally Fryer, PT #1066306 (Dallas) - **practiced with an expired license.** Violation of §453.351 of the Act and Chapter 322 of the Board rules. *Board Order required sixty (60) hours of community service.*

Arturo Dominguez, PTA #2009239 (San Antonio) - **practiced with an expired license.** Violation of §453.351 of the Act and Chapter 322 of the Board rules. *Board Order required forty-five (45) day suspension of his license.*

Catherine Phillips, PT #1036945 (Plano) – **practiced with an expired license.** Violation of

James Johnston, PTA (Columbus) – **practiced with an expired license.** Violation of §435.201 of the Act and Chapter 322 of the Board rules. *Board Order required he “cease and desist” from the practice of physical therapy until he retakes and passes the licensing exam; and the one-hundred and twenty (120) day suspension of that license.*

Jefferson Justin, PT #1073153 (Texarkana) – **practiced with an expired license.** Violation of §435.201 of the Act and Chapter 322 of the Board rules. *Board Order required fifteen (15) hours of community service.*

Mary Sue King, PT #1071835 (San Antonio) – **practiced with an expired license.** Violation of

§435.201 of the Act and Chapter 322 of the Board rules. *Board Order required eight (8) hours of community service.*

§435.201 of the Act and Chapter 322 of the Board rules. *Board Order suspended her license for thirty (30) days.*

Other

Sandra Ryan, PT #1048569 (Victoria) - was convicted of a felony that included jail time.

Violation of §453.351 of the Act and §53.021 of the Texas Occupations Code. *Board Order revoked her license.*

PT RULE UPDATE

The most recent full edition of the Board's rules is the **August 2005** issue at www.ecptote.state.tx.us. This issue includes all adopted rules and amendments through August 2005. The **August 2006** issue should be available on the website by September. Check back for the latest version, or sign up for the free, voluntary eNews distribution list: <http://www.ecptote.state.tx.us/lists/subscribe.php>

Since August 2005, the Board has adopted changes to the following rules. The full text of these amendments can be found at www.ecptote.state.tx.us/pt/rules. These changes will be included in the next issue.

- **§341.5, Waiver of Continuing Education Units (CEUs)** – clarifying that a request of waiver of CEUs must be submitted prior to the expiration of the license.
- **§329.5, Licensing Procedures for Foreign-Trained Applicants** – making many changes, large and small, to the requirements for foreign-trained applicants.

PROPOSED AMENDMENTS AND NEW RULES PENDING

The Board voted to propose the following new rules and amendments at the May meeting. You can find the full text of the rules at <http://www.ecptote.state.tx.us/pt/rules.html>, the PT Act and Rules page of the website.

- **§321.1, Definitions**
- **§322.1, Provision of Services**
- **§322.3, Supervision**
- **§329.2, Licensure by Examination**
- **§329.5, Licensing Procedures for Foreign-Trained Applicants**
- **§341.9, Retired Status**

If you have comments or questions about the proposed rules, please contact Nina Hurter, PT Coordinator, at nhurter@mail.capnet.state.tx.us or 512/305-6900.