



# Communiqué

333 Guadalupe, Suite 2-510 Austin, Texas 78701 <http://www.ecptote.state.tx.us> Spring 2001

## A Laundry List of Rule Changes

*June 1999 to April 2001*

Licensees haven't heard much from the Board in the last year and a half - except for those who received a CE audit letter, and some of those may wish they hadn't. A few people who think that their copy of the new rules must have gotten lost in the mail have called to check on the last publication date. However, the new issue of the rules which accompanies this newsletter is the first one printed since June 1999. (If you are interested in rule changes as they occur, new rules are posted at [www.ecptote.state.tx.us](http://www.ecptote.state.tx.us) shortly after they are adopted.)

We hope to make up for our absence with this Spring 2001 mailing. Board and staff have worked hard in the last year or so to reorganize the administrative rules and procedures of the PT and OT Boards, so that the Executive Council of PT & OT Examiners can function efficiently for both boards. Some of the effort - intellectual and fiscal - is being directed toward a remodeled database, but

much of the reorganization energy has been focused on rewriting rules and procedures and fitting the right staff in the right positions. We are not through with the process, but the March 2001 issue of the rules reflects the fact that the Board has completed the major rulemaking chores required by the reorganization.

The rules that have been amended, adopted, or repealed as of the January 2001 Board meeting are included in the March 2001 rules, with a memo listing the rules affected. The full text of the rules doesn't appear in the newsletter. What follows is a summary of the changes made to each rule since July 1999.

**Chapter 321. Definitions**  
Definitions were added for "board-approved entity," "jurisprudence exam," and "endorsement."

**Chapter 322. Practice**  
This chapter, which was created in  
*(Continued on page 2)*

**Inside...**

- Z Rule Changes ..... 1
- Z Facility Registration ..... 1
- Z Time Out from Active Licensure ..... 2
- Z Note from the Chair ..... 3
- Z Disciplinary Action ..... 4
- Z Expired Licenses..... 6
- Z CE Audit Tips ..... 7
- Z Complaints..... 8

## Facility Registration Update

*PT Facilities Currently Registered - 1,349*

The Executive Council has been registering PT and OT facilities for over five years now, and most licensees know that working in a facility which should be registered, but is not, can cause serious problems - usually, license suspension for licensees working in that facility, with the potential for monetary fines for facility owners (and licensees working there) as well.

### But I Thought It was Registered...

Good intentions don't outweigh the fact that a facility that should be registered isn't, or that a facility's registration has expired. The people who ultimately care whether a clinic is registered or renews on time are the licensees who work there, since they are the ones who always pay the price. Whether you are the "Therapist in Charge" or not, your license is on the line, so keep track of your facility's registration expiration date!

### Which Facilities are Exempt?

Sometimes facilities are unregistered because they are exempt by law - if you look at §347.6, Exemptions to Registration,

*(Continued on page 11)*

(Rule Changes, continued from page 1)  
1999 and included in the June 1999 rules, pulled together all of the rules dealing with the actual practice of physical therapy. (This

is the chapter to review before you call the Board with a practice question.) The Board has added a subsection under §322.3, *Supervision*, which clarifies that li-

censees are responsible for limiting the number of assistive personnel they supervise to the number they can supervise competently.

## Which is the Right Path for You?

# Taking Time Out from Active Licensure in Texas

**A**re you faced with Practice Status Interruptus? In other words, are you leaving Texas? Taking time off for fulltime parenthood? Whatever your reasons for taking your license off the wall, don't let it lapse unless you understand the consequences. The PT Practice Act clearly states that the Board can't renew your license if it has been expired for more than one year, and that to get licensed again requires taking the national exam to prove you still know your stuff. Few people want to go this route. However, there are two clear options (besides simply keeping your license current) for those who are putting practice in Texas on hold.



## Expiration & Restoration

If you are licensed and actively practicing in another state, you may wonder whether you need to keep your Texas license current. The answer is, probably not – depending on how long you work outside of Texas. There is one exception to the law that says the Board cannot renew your license if it has been expired for more than one year, and that's for folks like you. If you hold and have held a license in another state and have been in active practice there for at least two years, you are eligible to "restore" your Texas license. Although the Board at one time allowed expired licensees working in other states to apply by endorsement, this is no longer possible. Please consult §341.6 for all of the details.

## Going Inactive

Putting your license on inactive status is the *only* option for those who will not maintain active licensure in some state continuously. If you want to go inactive, call the Board when you get your next renewal application, since that is when you can make this choice. The requirements for this status have evolved in recent years; the CE requirements are now the same as for someone with an active license. It is not an escape route for people who are lacking CE, since you cannot go inactive unless you have the required CE. The primary advantage is financial, since the inactive fees are less than active renewal fees – although the Board has adopted an inactive renewal fee, which should take affect in September. If you are considering going inactive, please read §341.8 in the new rules carefully, and, if you have any questions, contact the Board before you send in your renewal application. **b**

## Chapter 323. Powers and Duties of the Board

The Board amended §323.1, *Types of Examinations*, to reflect changes to the exam process over the last few years.

## Chapter 325. Organization of the Board

The Board amended §325.7, *Board Member Terms*, to eliminate language which reflected the temporary process used to create staggered terms for board members.

## Chapter 329. Licensing Procedure

This chapter has been thoroughly  
(Continued on page 8)

### Executive Council of PT & OT Examiners

#### Staff

**John P. Maline**, *Exec. Director*  
**Nina Hurter**, *PT Coordinator*  
**Augusta Gelfand**, *OT Coordinator*  
**Jennifer Jones**, *Exec. Assistant*  
**Shannon Strong**, *Receptionist*

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**Rosie Gutierrez**  
**Minerva Martinez**  
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**Rita Rodriguez**  
**Laverne Steen**

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**Nell McMillin**  
**Carla White**  
**Sally DeVore**

#### Investigations

**Mark Turek**, *Chief Investigator*  
**Bonnie Krauser-Garcia**

## TBPTE

The Board is currently short one public member, Holly Hall having resigned at the beginning of the year.

**Cynthia Fisher, PT**

Chair, El Paso

**Harvey D. Aikman, PT**

Vice - Chair, Mission

**Sylvia A. Dávila, PT**

Secretary, San Antonio

**Mark G. Cowart, CPA**

Public Member, Odessa

**Mary R. Daulong, PT**

Houston

**Michael G. Hines, PT**

Tyler

**Mary Thompson, PT, PhD**

Celina

**Susan K. Triplehorn**

Public Member, Pampa

## Committees

### Rules

Sylvia Dávila, **Chair**

Harvey Aikman

Cynthia Fisher

### Education

Harvey Aikman, **Chair**

Mary Thompson

Susan Triplehorn

### Investigation

Mark Cowart, **Chair**

Mary Daulong

Cynthia Fisher

### Applications Review

Mary Thompson - **Chair**

Mike Hines

Sylvia Dávila

### Exec. Council Representatives

Mary Daulong

Susan Triplehorn



## Professional Responsibility, Professional Judgment – A Note from the Chair Cynthia Fisher, PT, MS

“Your *Professional Responsibility* is to practice in compliance with the provisions of the Practice Act and Board Rules. These documents set the minimum standards, in most cases, of acceptable practice. Not all practice scenarios or environments are addressed by rule. Your *Professional Judgment* should be your guide when you apply these statutes and rules to your specific circumstances.”

**T**hese words have been in the newsletter before, and if you graduated from a Texas PT or PTA program in the last few years, you may have seen them as part of a presentation by Board staff during a visit to your graduating class. Sometimes I think we should require licensees to have a “Professional Responsibility/Professional Judgment” sign hanging in their facility along with the Consumer Information sign that’s required by rule.

If the Board did require licensees to display the Professional Responsibility/Professional Judgment sign, it wouldn’t be for the patients’ benefit. It would be for the PTs and PTAs treating them – especially for licensees who wonder why the Board doesn’t define how many miles or how many minutes away a supervising PT can be and still be considered “readily available.” It would be for PTs and PTAs who wish the Board would set a limit on how many aides they can supervise. It would be for licensees who have a hard time standing up to an employer or director or patient family member who insists that the licensee continue to provide services to a patient who isn’t progressing, and who should graduate to restorative care. It would even be for PTs and PTAs who ask how many days they have to wait to start dating a patient they just discharged!

**P**eople ask board members and staff questions like these for different reasons. Sometimes they don’t want to think a question through themselves – or they’ve called for a quick settlement of an argument they are having with another PT. Sometimes they simply lack confidence in their own judgment. Sometimes they can’t figure out where their copy of the rules is. (By the way, did you know that you can download a new copy from the board’s website?) Whatever the reason, when they call, many are surprised to be told that there is no pat answer to some of the most common questions. So their next question is usually about why the Board doesn’t answer those questions in the rules. If these are such common questions, wouldn’t it be more efficient, more convenient for everyone, to just put the answers in the rules? This is where the new Professional Responsibility/Professional Judgment sign comes in.

What is professional responsibility, exactly? You could say it’s part of the privilege and burden of professional licensure. Being licensed means that you are authorized to offer services that other, non-licensed people can-

(Continued on page 5)

# DISCIPLINARY ACTIONS

The following licensees were formally disciplined by the Board in the fiscal year ending August 31, 2000:



**(1) Paterno Aligno, PT** – allowed unlicensed persons (aides) to treat physical therapy patients without licensed supervision. Violation of Section 19 of the Act and chapters 321 and 343.4 of the Board Rules. **Board Order suspended his license for forty-five (45) days; required twenty (20) tutorial hours.**

**(2) Felix Flores, PT** – convicted of felony DWI. Violation of Section 453.351 of the Act. **Board Order suspended his license for thirty (30) days and placed him on five (5) years probation.**

**(3) Edward Summers, PT** – convicted of felony DWI. Violation of Section 453.351 of the Act. **Board Order suspended his license for thirty (30) days and placed him on six (6) years probation.**

**(4) Thomas Haak, PT** - failed to follow doctor's orders, falsified documentation, billed for services not rendered. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license for ninety (90) days; required continued counseling.**

**(5) Marie English, PT** – practiced with an expired license. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order required thirty (30) hours of community service.**

**(6) Michael Walters, PT** – practiced with an expired license. Violation of Section 19 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license for fifteen (15) days; required thirty (30) hours of community service.**

**(7) Virginia Fox, PT** – practiced with an expired license. Violation of Section 435.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended her license for fifteen (15) days.**

**(8) Patricia Smith, PT** – practiced with an expired license. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended her license for ninety (90) days.**

**(9) Cynthia Daniels, PTA** – practiced in a manner detrimental to the public health and welfare, resulting in the burn of a patient. Violation of Section 19 of the

Act and chapter 343.4 of the Board Rules. **Board Order suspended her license for ninety (90) days; required eight (8) tutorial hours.**

**(10) Jocelyn Juezan, PT** – practiced in a manner detrimental to the public health and welfare, resulting in the burn of a patient. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order suspended her license for ninety (90) days; required eight (8) tutorial hours.**

**(11) Fred Wingate, PT** – practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license for thirty (30) days.**

**(12) Sammy De Leon, PT** - practiced in an unregistered facility. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license for sixty (60) days.**

**(13) Edgar Ayeras, PT** - practiced in an unregistered facility. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order required sixty (60) hours of community service.**

**(14) Kim Webb, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order required sixty (60) hours of community service.**

**(15) Lori Frymire, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order suspended her license for fifteen (15) days; required sixty (60) hours of community service.**

**(16) Michelle Lindley, PTA** - practiced in a manner detrimental to the public health and welfare, by taking drugs from a patient's home. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order suspended her license for fifteen (15) days; restricted her practice environment; required one-year compliance with program.**

**(17) Minerva Gatling, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order required sixty (60) hours of community service.**

**(18) Douglas Allen, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and

*(Continued on page 9)*

(Note from the Chair, continued from page 3) not legally offer. The law clearly states that you have to have a certain education, a certain exam score, and so on to be allowed to call yourself a PT or a PTA. That means that in a room full of nurses, occupational therapists, massage therapists, or athletic trainers, no one but you can legally offer, provide, or get paid for providing, "physical therapy." That's the privilege of licensure, to have a range of services that no one else can provide, to be able to use a title that no one else can use.

**B**eing a licensed professional means that you are held to certain standards. You are expected to provide services for the good of the patient, not just for your own good or profit. You have promised to follow the rules established by the Board. You have accepted Professional Responsibility for your decisions and actions. When the Board added a requirement for two hours of continuing education in ethics and professional responsibility last year, it was in recognition of

the fact that the rules do not and cannot contain all of the answers to the practical and ethical questions and dilemmas licensees face every day. To write specific rules for each licensee in each situation would be impossible – each rule would have to reflect the condition of the patient, the experience of the therapist

answer, makes you consider all the pertinent factors before acting. This is where *Professional Judgment* comes in. You have the tools needed to make a good decision – you have the technical and the (professional) ethical knowledge gained in the classroom, you have some amount of experience, and

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*You have the tools needed to make a good decision – you have the technical and the (professional) ethical knowledge gained in the classroom, you have some amount of experience, and you have the framework of the Act and rules to assist you.*

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and assisting staff, and a multitude of other factors which can change from day to day and county to county.

**S**o, the Board and every single patient have to rely on your sense of professional responsibility. It's your sense of responsibility which, in the face of no obvious an-

you have the framework of the Act and rules to assist you. These are the things that go into making a good decision when there is no obvious answer. These are the tools that you use to assess aspects of the situation, which might include the condition of a patient, the skill level of your licensed or unlicensed

(Continued on page 10)



## “Oh, no! Not that one again!”

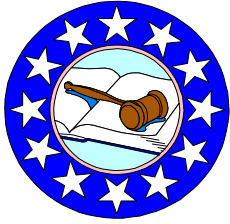
*The Board gets a few questions over and over again. Check the Q&A Boxes throughout the newsletter to see if YOU know the right answer!*

### Q & A

**Can an MD or a DC do the same treatments and modalities as a PT?** The Board gets many calls from licensees who don't realize that modalities and treatments are not restricted to the Physical Therapy profession. The distinction is that no one but a PT or PTA may advertise, bill or call the services they provide "physical therapy".

### Q & A

**Can I accept a referral from a Physician's Assistant or a Nurse Practitioner?** You may accept an order from any practitioner authorized by law to prescribe treatment. The referring practitioner must be licensed by a state board, but not necessarily by a Texas licensing board. This includes PAs and Advanced Practice Nurses (APNs).  
The text of the Practice Act changed during the 1999 Legislative session, but the intent did not. PAs and APNs may still refer for treatment. (see §322.1)



# EXPIRED LICENSES

Our records show that the following licenses expired between 1/1/2000 and 12/31/2000. Many of these people may have moved to another state or changed careers. If you see your name on this list, please call the Board if you think you are listed in error. Anyone continuing to practice physical therapy in Texas with an expired license does so in violation of the Act, and is subject to penalties. Call the board office at 512/305-6900 for more information.

PT			PTA		
Lic. #	Name	Home City	Lic. #	Name	Home City
1121010	Ackerman, Amanda M	KINGSVILLE	1125425	Sanders, Cathleen J	SAN ANTONIO
1126001	Allain, Michael W	SAN ANTONIO	1094670	Santoro, Debra Lynn	LUCAS
1107720	Anderson, Traceyann P	DEER PARK	1104446	Santos, Ruperto Enrile	LUBBOCK
1058600	Barnes, Gregory M	HOUSTON	1120236	Schaefer, Colleen E	LONGVIEW
1119428	Beeson, Dustin Wayne	PARIS	1104875	Schick, Marcus Kip	HOUSTON
1105369	Bell, Angela Lynn	CARROLLTON	1105377	Schieder, Paula Marie	ROUND ROCK
1126381	Birch, Kenneth Steven	SHERMAN	1122539	Schraeder, Dawn M	NEW BRAUNF
1009983	Blanford, Julianne M	FRIENDSWOOD	1004109	Scott, James Gordon	HOUSTON
1120004	Bogardus, Douglas Earl	ROANOKE	1120384	Scott, Janice D	ROSENBERG
1091338	Bono, Susan Ash	HOUSTON	1120525	Seal, Debra Lynn	PLANO
1118875	Boswell, Jamie Lee	JEFFERSON CIT	1124162	Seeger, Anthony Terrance	GARLAND
1108371	Bourbeau, Traci Donette	DALLAS	1004182	Shepard, Patricia Hoevet	HOUSTON
1088532	Braun, Phillip John	CARROLLTON	1102499	Smith, Jeralee	DALLAS
1123594	Brock, Anna Lynn	HOUSTON	1127306	Smith, Kerry Meyer	HOUSTON
1092435	Brown, Michael Hill	DALLAS	1004240	Smith, Laura Kimball	HOUSTON
1092203	Brubaker, Judith Labreche	ARLINGTON	1004265	Smith, Norma Geraldyn	CORPUS CHRIS
1008522	Burgess, Frances Parker	DALLAS	1041267	Smith, Robyn Yarbrough	HOUSTON
1119691	Campbell, Stacey Y	EULESS	1107803	Speckhals, Kristie M	DALLAS
1077600	Carpenter, Leslie R	FAIRVIEW	1047785	Stajduhar, Martin Allen	COLLEYVILLE
1072460	Carson, Cinthy A	GALVESTON	1121192	Stevens, Julie Ayn	PLANO
1109429	Catras, Deborah Ann	PLANO	1038826	Teague, Rebecca Lee	DALLAS
1108298	Cavin, Laurie Jean	AUSTIN	1084929	Tesar, Stephen Edward	HUNTSVILLE
1125813	Chesnutt, Jessica	AMARILLO	1060127	Thames, Todd Andrew	SAN ANTONIO
1123131	Cline, Melinda Lorraine	SAN ANTONIO	1126704	Thomas, Tonya M	ABILENE
1105195	Conte, Kelly T	SUGAR LAND	1108660	Thompson, George Allen	AMARILLO
1067387	Cormier, Cevin Charles	LUFKIN	1125094	Varghese, Simmi Rachel	GARLAND
1102721	Countryman, Suzanne K	AUSTIN	1019842	Varvel, Vicki Hawkins	HEARNE
1103414	Dalecki, Robert E	TOMBALL	1093201	Veldink, Ron	CORPUS CHRIS
1010221	Davis, Margaret Harris	PORT NECHES	1003945	Watson, Sarah Jane	SAN ANTONIO
1010221	Davis, Margaret Harris	PORT NECHES	1107167	Welk, Karen Anderson	DALLAS
1125821	De Vera, Engelbert Dizon	VICTORIA	1056083	Wiegand, Sandra Lynn	HOUSTON
1122596	Deschenes, Beth Kipping	DALLAS	1043941	Williamson, Ingrid Haugen	FORT WORTH
1001501	Dickison, E Myrnette	HOUSTON	1093920	Woeste, Karen Lee	HOUSTON
1064343	Dyson, Laura	FT WORTH	1074466	Woodall, Cynthia Ann	CEDAR HILL
1075687	Eggleston, Steven Dale	GALVESTON	1125953	Yavorsky, Patricia	KINGWOOD
1087708	Engle, Carrie E	EL PASO	1127181	Yoshimura, Emily Sachie	HOUSTON
1105013	Esqueda, Oscar	LUFKIN	1125391	Young, Lesli Erin	SAN ANTONIO
1124493	Ewanoski, Elizabeth V	VAN			
1120673	Ewert, Teri Ann	ABILENE			
1119485	Faucher, Kathryn Ann	SAN ANTONIO			
1118867	Francis, Suzanne	HOUSTON			
1081842	Ganesh, Ramaswamy	FLOWER MOUN			
1126316	Graves, Corrie Lynn	TYLER			
1124261	Green, Christopher J	DALLAS			
1120772	Green, Dale Thomas	CONROE			
1045581	Green, Gloria Jackson	MISSOURI CITY			
1078061	Greer, Lee Fitzhugh	ALPINE			
1053148	Grim, Bonnie Jo	WAXAHACHIE			
1072908	Groenveld, Dorien Sylvia	DEL RIO			
1123040	Hammes, Christine M	AUSTIN			
1126118	Harrison, Hollie A	BAYTOWN			
1125839	Hergenrother, Dianne E	AUSTIN			
1009801	Hilton, Elizabeth Wade	HUNTSVILLE			
1075943	Hobbs, Nancy Michelle	WILLS POINT			
1121861	Hodson, Jennifer Lyn	HOUSTON			
1105765	Hoggatt, Douglas Winston	RICHARDSON			
1107829	Humes, Laura Dianne	LAKE JACKSON			
1122661	Hurley, Donna Staiunas	SAN ANTONIO			
1011443	Hutson, Jane Brownfield	HONDO			
1029080	Kannarr, Beryl Takimoto	DALLAS			
1108587	Karl, Heather Sell	HOUSTON			
1123784	Karmy, Julie Anne	BURLESON			
1067809	Katz, Bernard George	SUGARLAND			
1121473	Kelder-Olson, Debbie Ann	GRAPEVINE			
1108645	Kilpatrick, Holly Lynn	AUSTIN			
1027845	King, Jacqueline	DENTON			
1105286	King, Tisha Michelle	WEBSTER			
1118925	Kozlowski, Jill Anne	SAN ANTONIO			
1051100	Kristoferson-Moore, E	DALLAS			
1104081	Kubik, Michael J	CORPUS CHRIS			
1102481	Kubik, Rejuanne Marie	CORPUS CHRIS			
1061802	Laurence-Risker, Dorothea	STAFFORD			
1091742	Lesley, Barbara Jean	LORENZO			
1078988	Lim, Ronaldo Andy E	AMARILLO			
1090090	Lopez, Christine Dana	MAGNOLIA			
1057925	Loudon, Julie Burgess	CONVERSE			
1120145	Mangin, Christopher Eric	NACOGDOCHES			
1124972	Marinucci, Michael R	ARLINGTON			
1050482	Marlowe, Karen A	CARROLLTON			
1066207	Massarini, Michiko	CONROE			
1085405	Matthews, Wendy	ABILENE			
1105450	Mayner, Mark Anthony	PORTLAND			
1092187	Mccarthy, Laura Melinda	GARLAND			
1017564	Meissner, Shirley C	DALLAS			
1120335	Melton, Malinda Leigh	LONGVIEW			
1126324	Meyder, Therese Elena	CORPUS CHRIS			
1123883	Minahan, Laurie Ellen	PLANO			
1109007	Morris, Joy Delinda	LUBBOCK			
1107621	Motts, Susan Diane	DALLAS			
1125698	Mueller, Melinda I	MIDLAND			
1107738	Mulligan, Carol Marie	SAN ANTONIO			
1092013	Murphy, Mary Ann	MONTGOMERY			
1120061	Musteen, Marna Gayle	EL PASO			
1011484	Neal, Martha Evans	WEATHERFORD			
1076388	Neander, Renee Dawn	LEWISVILLE			
1123602	Nicholson, Wendy Ann	SAN ANTONIO			
1107282	Nimon, Vanessa Lynn	EULESS			
1047942	O'malley, Kimber Lei	FRISCO			
1002723	Opersteny, Charles J	BRYAN			
1107472	Ostrowsky, Kim Ashley	EL PASO			
1027142	O'Sullivan, John L	LONGVIEW			
1056265	Palmore, Laura Newberry	GALVESTON			
1090975	Pape, John Leonard	MCCALLEN			
1084846	Parellada, Cheryl Ann	ARLINGTON			
1126977	Parker, Stanford Lee	ORANGE			
1126217	Patel, Bina N	ROUND ROCK			
1092997	Pechaitis, Julie Lyn	SAN ANTONIO			
1122836	Phillips, Lyde Drucilla	ARLINGTON			
1124121	Piccinini, David John	EL PASO			
1106060	Prater, Robert M	FLOWER MOUN			
1124147	Raffay, Gabor	N RICHLAND HIL			
1121184	Reyes, Louie Javier	CARROLLTON			
1122240	Rians, Eileen Marie	ALLEN			
1079382	Riegel, Phillip Dale	BIG SPRING			
1059400	Ringor, Maria Esther S	SPRING			
1119766	Rivera, Elaine V	PLANO			
1015261	Roberts, Jill Ileen	LEANDER			
1106441	Rowland, Tammy Lynne	FRIENDSWOOD			
1119592	Ruonavaara, Leora Marie	CARROLLTON			
1020204	Ryder, Patrice Spake	WEBSTER			

(Continued on page 7)

The Board is just completing its third random audit of continuing education (CE) compliance. The process has highlighted several recurring problems which can be avoided easily by licensees who plan ahead. We are listing them here so that you may benefit from someone else's experience!

### Counting your CEUs before they hatch

Back in the day of sending CE in with your renewal application, you had to finish the CE before you sent in your renewal. You *couldn't* renew without completing the CE. Now you can – all you have to do is sign the renewal form and send it in. This means that some people sign the form before the CE is complete, before it is approved, or before they have even signed up to take the course. Most do so with the best intentions, but unfortunately, that's not enough. Read the form that you are signing – you are attesting that you have completed the requirements. If the course is

# CE Audit Tips



cancelled, if it isn't approved by TPTA, if you are unable to take the course due to unforeseen twists of fate – none of these things justify having submitted your renewal before your CEUs are 'hatched'. Our suggestion is don't mail the form *until* you have done everything you need to do.

### Submitting your CEUS before they are approved

The Board still allows you to get a CE course approved after you have taken it, so long as it is approved before your license expires. What this means, though, is that you are responsible for making sure that it gets approved before your license expiration date. A common problem we see in the audit is that peo-

ple don't check TPTA's list of approved courses before they take a class. (The list is available online at [www.tpta.org](http://www.tpta.org).) When it's time to submit the renewal, suddenly they are having to learn the hard way how to get a course approved – a time consuming process which requires assistance from the course sponsor. On the other hand, some folks don't think to check the approval status before they renew; the audit letter is the first thing that makes them even consider the approval status. At that point, it can be just a little too late. Think ahead. **b**



(Continued from page 6)

2013280	Courtney, Dale Alan	HOUSTON	2002622	Jefferson-Simien, Sandra	HUMBLE	2037190	Rusk, Stacy Ray	AMARILLO
2027019	Curry, Thomas Wayne	ODESSA	2020145	Jhangiani, Munisha M	HOUSTON	2035194	Rybczynski, Betty S	WACO
2013348	De Lisle, Theresa Jean	HORSESHOE B	2017349	Jones, Gregory A	SAN ANTONIO	2012746	Salyer, Teri Juli	GRAPEVINE
2027407	Dennee, Judy Elizabeth	MAGNOLIA	2034197	Jones, Sandra Marie	SPRING	2027654	Schluter, Debra Gayle W	LONGVIEW
2027183	Diaz, Nathaniel Aaron	DALLAS	2028785	Jones, Tamika Lynn	SAN ANTONIO	2017562	Schmidt, Phyllis A	AUSTIN
2036481	Donlon, Kathleen Hillary	SAN ANTONIO	2026623	Kindred, Timothy J	SAN ANTONIO	2026680	Seals, Robert Joseph	SAN ANTONIO
2037257	Drosos, Michael George	ABILENE	2034403	Knight, Andrea Kay	SPRING	2022911	Shackelford, Adam	RICHARDSON
2010773	Dunagan, Michelle	AMARILLO	2001764	Krebs, Anita Anderson	SAGINAW	2001301	Shaw, Deborah Louise	HOUSTON
2005021	Dunton, Michael Francis	BENBROOK	2014908	Kreiling, Trudy Lynn	GREENVILLE	2035228	Shaw, Nathan Howard	SAN ANTONIO
2013041	Dupree, Kimberly Joy	BROWNSVILLE	2034494	Lemery, Melissa Terese	HARLINGEN	2008843	Smiley, Diana A	AUSTIN
2009064	Edwards, Patricia J	HENDERSON	2005427	Lorenzen, Steven Douglas	RICHARDSON	2028116	Steiner, Jonathan Jensen	SAN ANTONIO
2033819	Ellis, Virginia Isabel	AMARILLO	2003729	Lowery, Roberta Lynn	AUSTIN	2003620	Stokes, Valli Pappas	AUSTIN
2011581	Ellis, William C	BOERNE	2028971	Lyons, Robert Vincent	SPRING	2016820	Thompson, Gary Lee	SAN ANGELO
2000386	Esquivel, Olga Cardenas	SAN ANTONIO	2036945	Madison, Amy Michelle	HOUSTON	2008280	Turner, Peggy E	AMARILLO
2029197	Farley, Amy Benae	FORT WORTH	2018560	Malek, Melanie Kay	NEW BRAUNF	2011441	Turney, Jill Kristen	GRAPEVINE
2037117	Fergon, Robin Bennett	WEATHERFOR	2010468	Martensen, Michael K	SAN ANTONIO	2029858	Valley, Terence Michael	ROUND ROCK
2029692	Galaviz, Sharon Allen	CORPUS CHRIS	2036465	Mc Govern, Glenda Fern	WICHITA FALLS	2018982	Waits, Debra E	GRANBURY
2020780	Garcia, Rosa Elia	LAREDO	2011920	Menteer, Patrick N	AUSTIN	2037604	Walker, Rob Marion	FT WORTH
2004602	Gonzales, Irma Rodriguez	HOUSTON	2037067	Miffitt, Christopher John	AUSTIN	2000840	Walker, Rosalind Loudd	SAN ANTONIO
2022499	Granstrom, Elaine Hester	NASSAU BAY	2015384	Morgan, Kristi Kayle	WACO	2034379	Whitenack, Peter Paul	DEBERRY
2003364	Gray, Elva Zepeda	SAN ANGELO	2033678	Morrison, Tamara Kay	BROWNSVILLE	2033884	Whitley, Rodney Shane	ALICE
2010443	Gregg-Hand, Diane G	AUSTIN	2037737	Muellner, Michael A	IRVING	2021986	Whomble, Carole	LUBBOCK
2020335	Gust, Andrea Anastasia	SAN MARCOS	2017166	Newman, Wendy E	PALESTINE	2000964	Willard, Sherry Lynn	FORT WORTH
2036515	Gutierrez, Carrie Ann	AUSTIN	2018628	Nino, Ray	SAN ANTONIO	2034007	Wilson, Sarah Camille	HOUSTON
2035913	Hasman, Chantel Lyn	BEAUMONT	2034445	Persinger, Heidi Lynn	SULPHUR SPRI	2037661	Zimmerman, Marilyn	AUSTIN
2022000	Haynes, Melinda A	AMARILLO	2028959	Pless, Charlotte Louise	DE SOTO			
2022564	Hoelscher, Rochelle Marie	COLUMBUS	2021242	Reeder, Melodi Amber	SAN ANTONIO			
2037372	Hubbard, Quence L	HUMBLE	2033736	Reid, III, Herbert James	TYLER			
2000709	Hutzler, Paschal Francis	SAN ANTONIO	2016663	Rodriguez, Rosemary	EL PASO			
			2012068	Rogers, Dorothy Brannon	BEAUMONT			
			2017489	Rohling, Diane M	GRAHAM			

**b**

# Feel Free to Complain!



## Who Files Complaints & How to Do It

**T**he Board fields complaints from all different directions. There are complaints from patients or their family members. There are “inhouse” complaints, the kind where board staff realize that a licensee is working with an expired license, or where the CE audit turns up someone who didn’t really have the number of CEUs they claimed. Another source of complaints is other state, federal or local agencies who discover a violation of the PT Practice Act in the course of investigating some other bad behavior.

But in large part, the Board relies on complaints filed by its own licensees. When licensees become aware of serious practice violations, they often call the Board to discuss the problem with an investigator. Sometimes a concerned licensee finds that they have been overly strict in their interpretation of the rules, but most often, they wind up filing a formal complaint based on their discussion with staff.

If you ever feel the prickles of suspicion on the back of your neck, and are almost certain that you are aware of a violation, we urge you to call the Board and ask to speak to an investigator. The investigator can quickly determine whether your concern is justified, based on the language in the Act and rules.

**T**he next step is to decide whether the knowledge you have is enough to act on. This usually means that there must be some hard evidence, not just a hunch or hearsay, since the Board must have evidence of wrongdoing to take disciplinary action. However, even if you do not have that evidence in hand, what you know may highlight a situation that requires attention.

An investigator giving it that attention may turn up the evidence to base disciplinary action on. An

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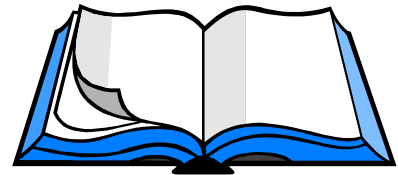
*The rules ensure that a licensee who is accused of violating the Practice Act is given due process. This allows the licensee to present the other side of the story.*

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other thing the investigator will do is help you determine the best way to submit your complaint.

*(Rule Changes, continued from page 2)*

revised since the last printing, although most of the changes were non-substantive, meaning what applicants or licensees have to do or submit hasn’t changed appreciably. The goal was two-fold: update the description of licensure procedures so that they clearly and accurately described processes which have evolved over the years, and make the process for OT and PT licensure as administratively similar as possible. Both boards benefited from the review process, and many of the small but confusing details of licensed life are now the same for PTs and OTs. For example, changes to §329.1, *General Licensure Requirements and Procedures*, include a longer grace period for notifying the Board of an address change – you now have 30 days to notify us instead of 10. Content has also been amended in §329.5, *Licensing Procedures for Foreign-trained Applicants*, where the changes include recognition of CAPTE accreditation of foreign PT programs, and changes to English language proficiency requirements. All of the sections have been rewritten and reorganized. Even though you may already have your Texas license, please review the entire chapter to refresh your memory – if nothing else, it will prepare you for your next go-round with the “open-book” jurisprudence exam.



### **Chapter 341. License Renewal**

The Board also revised this chapter thoroughly. PT and OT renewal

*(Continued on page 11)*

One thing the investigator (and the Board) *won't* do is assume automatically that the subject of the complaint is guilty. The rules ensure that a licensee who is accused of violating the Practice Act is given due process. This allows the licensee to present the other side of the story.

**F**inally, remember this: if you have evidence or knowledge of wrongdoing – whether it’s harming a patient directly, or practicing without a license – and you do nothing to stop it, you are condoning it. Condoning a violation is in the list of detrimental practices in the PT rules, so be aware that doing nothing isn’t the safest path at all. If you need more information on how to make a complaint, call the Board and ask to speak to an investigator. **b**



*(Disciplinary Action, continued from page 4)*

chapter 343.4 of the Board Rules. **Board Order suspended his license for forty-five (45) days.**

**(19) Sharon Zechman, PT** - falsified documentation. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules.

**Board Order suspended her license for thirty (30) days.**

**(20) H&H Physical Therapy** – failed to renew and maintain the registration of their physical therapy facility. Violation of Section 18 of the Act and chapter 347 of the Board Rules. **Board Order assessed \$500 fine.**

**(21) The Spine Center** – failed to renew and maintain the registration of their physical therapy facility. Violation of Section 18 of the Act and chapter 347 of the Board Rules. **Board Order assessed \$3,600 fine.**

**(22) David Allian, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order suspended his license for sixty (60) days.**

**(23) Ken Cooper, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order suspended his license for thirty (30) days.**

**(24) Claudia Starr, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order suspended her license for fifteen (15) days.**

**(25) Leslie Jarbeau, PT** - practiced in an unregistered facility. Violation of Section 435.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended her license for fifteen (15) days; required thirty (30) hours of community service.**

**(26) Deborah Goldstein, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 322 of the Board Rules. **Board Order suspended her license for thirty (30) days.**

**(27) Januarius Carag, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 322 of the Board Rules. **Board Order suspended his license for thirty (30) days.**

**(28) Franchelle Kiel Hickman, PTA** - practiced in an

unregistered facility. Violation of Section 453.351 of the Act and chapter 322 of the Board Rules. **Board Order suspended her license for thirty (30) days.**

**(29) Marta Vergara, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 322 of the Board Rules. **Board Order suspended her license for sixty (60) days.**



**(30) Ray Nofi, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order suspended his license for sixty (60) days; required sixty (60) hours of community service.**

**(31) Josephine Flees, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order suspended her license for fifteen (15) days; required thirty (30) hours of community service.**

**(32) James Wray, PTA** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order suspended his license for fifteen (15) days; required thirty (30) hours of community service.**

**(33) Patrick Menteer, PTA** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order suspended his license for fifteen (15) days; required thirty (30) hours of community service.**

**(34) Michael Fisher, PT** - practiced in an unregistered facility. Violation of Section 19 of the Act and chapter 343.4 of the Board Rules. **Board Order suspended his license for thirty (30) days; required thirty (30) hours of community service. b**

(Note from the Chair, continued from page 5)  
 assisting personnel, your own experience with a particular condition or treatment, and any number of other factors.

In short, a big part of being a professional is that you are expected to apply your own “gray matter” to the “gray areas” in the Act and rules, as well as in life. If the Board could come up with a hard-and-fast answer for most of the questions licensees ask, you would be incredibly limited professionally, since you wouldn’t have to think about anything at all - and wouldn’t be allowed to, either. No decisions, no judgment, just a whole lot of looking things up in the rules. To keep this from happening to the PT profession in Texas, the Board tries diligently to make rules which give you a framework for decision making, and to leave many decisions for you

to make.

**H**owever – and this a big however – if the rules are unclear,

*However – and this a big however – if the rules are unclear, or do not seem to apply to your situation, the Board is always available to you as a resource.*

or do not seem to apply to your situation, the Board is always available to you as a resource. Once you have attempted to determine the best path by reading the rules, and before you frustratedly flip the

coin to reach a decision, call, email or write the Board. Board staff are available to assist you in working through the cloud of uncertainty. If need be, they will make sure that the Board addresses your question in the most appropriate way. Ultimately, your question may wind up on a board meeting agenda. If the Board can’t answer your question based on the rules as they exist, it may have to propose a new rule, or rule amendment. After all, change is the only certain thing, and the rules are often a little behind the crest of a new wave. **b**

**Q & A**

**Say the PT or PTA treats the patient in the morning. Does the PT or PTA have to interact with the patient during the time the aide carries out the identical treatment in the afternoon?**

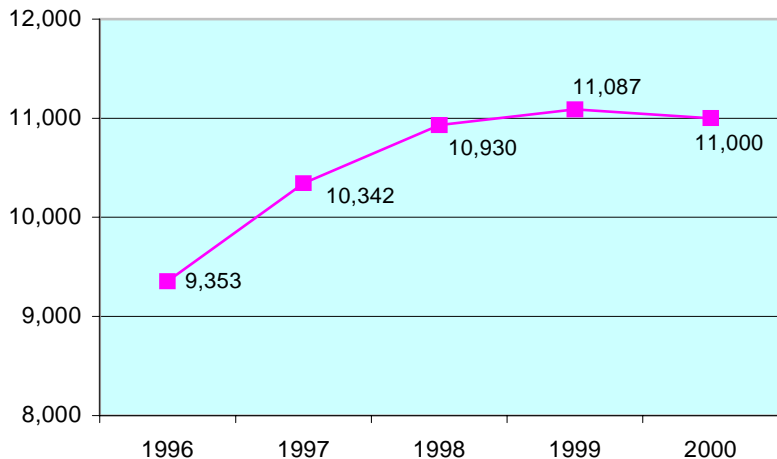
YES. The PT or PTA must interact with the patient DURING EACH treatment session. This requirement is not based on the nature of the treatment.

**Q & A**

**Who is held responsible when physical therapy is provided in a non-exempt facility with an expired registration, or no registration at all ?**

Any PT or PTA who works in that facility, as well as the owner of the facility, and the “Therapist In Charge” if the facility registration is expired. The Board historically suspends the licenses of all licensees who work at the

**Total # of PTs and PTAs Actively Licensed at Fiscal Year End**  
*Performance Measure Data*



**\$ FACT \$**

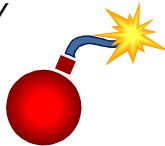
*All fees collected by the Executive Council go directly to the State’s general revenue fund. No fees go into the Executive Council’s budget.*

*(Facility Registration Update, continued from page 1)*

several specific practice settings are named – home health and educational institutions (colleges, universities, school). That rule also points you to the Texas Health and Safety Code for other exempt facilities, such as hospitals, nursing homes, etc. If a facility is *licensed* (not Medicare “certified”) under Title 4, Subtitle B of the Health and Safety Code, it does not have to register as a PT facility.

At one time there was some confusion about how to determine whether a facility is exempt from registration

*The people who ultimately care whether a clinic is registered or renews on time are the licensees who work there, since they are the ones who always pay the price.*



with this Board. If you are unsure whether your facility is exempt, call the state agency responsible for licensing your “type” of facility. (Look on the back page of this newsletter for phone numbers.) You can also find out more by going to the websites for the Texas Department of Health, (<http://www.tdh.state.tx.us/license.htm>), and the Texas Department of Human Services (<http://www.dhs.state.tx.us/programs/lrc/certification.html>). Both of these sites are excellent sources of information, with the types of facilities licensed by either agency clearly listed. A recent addition to the TDH site is a list of hospitals licensed by the agency, including satellite facilities covered by that license number. If you cannot find your facility, or facility “type” listed at one of those websites, your facility probably needs to be on *our* list.

### Who Must Register?

Ok, so if you are not an exempt facility, what are you? *You are any location where physical therapy takes place.* You could be:

- n an outpatient clinic that offers physical therapy only;
- n a work hardening facility with a PT and a chiropractor;
- n a CORF (comprehensive outpatient rehabilitation facility) with PT, OT and SLP;
- n a physician’s office where a PT works;
- n a gym where a PT hangs a shingle;
- n a public pool where a PT or PTA does aqua therapy, or a private ranch where a PT offers hippotherapy;
- n an industrial site where a PT sets up shop to

provide services to the employees...or any number of other places or kinds of facilities where physical therapy is practiced. PTs (and PTAs) are constantly coming up with new ideas. If you don’t know what you are, you are welcome to call the Facilities Department and ask for help.

### Getting Registered...

Registering your facility is easy – call us (512/305-6900) or email us ([info@ecptote.state.tx.us](mailto:info@ecptote.state.tx.us)) to request an application. If you have more than one location, you will need an application for your primary facility, and addendum applications for your additional facilities. The fee is \$300 for the first facility, and \$100 for each additional facility with the same owner/ownership group. If a PT facility is registered, and OT services are offered at the same location, the OT facility may request a fee waiver when it registers or renews – contact the Facilities Department or go to [www.ecptote.state.tx.us](http://www.ecptote.state.tx.us) for more information. But don’t forget – both PT and OT must be registered, and each must have its certificate displayed, fee or no fee.

### ...And Staying Registered

Last but not least – some facility information has to be updated when changes occur, or at time of renewal. Check Chapter 347 for the details, but the Board sets strict requirements for reporting changes in the Therapist in Charge, for example. And don’t forget – a facility’s registration must be renewed annually. If the issuance date on your facility’s registration certificate is more than a year ago, you should have a renewal certificate posted along side the original certificate. If you don’t, you could be working in an unregistered (expired) facility. **b**

*(Rule Changes, continued from page 8)*

processes are now very similar, with the exception of Continuing Education (CE) procedures and requirements. PTs and PTAs will find that §341.1, *Requirements for Renewal*, §341.6, *License Restoration*, and §341.8, *Inactive Status*, may need careful review before the next license renewal date. Please take the time to look over the entire chapter, as all licensees are affected by these particular rules! **b**



## INFORMATION PLEASE!

**Got a Question? The Board is the right place to call if your question has to do with the practice of physical therapy, or the proper care and maintenance of your Texas license. Someone else has the answer if your question is about something not covered by the Act and rules.** For example, questions about reimbursement, CPT codes, starting a business, or specialty certification are outside the Board's authority. Below is a list of contacts who may be better able to help you. **Save this page for future reference!**

**TBPE**  
*www.ecptote.state.tx.us*  
**512/305-6900 (voice)**  
**512/305-6951 (fax)**

### Texas PT Association

**(TPTA) - CE course approval, list of approved courses**

*www.tpta.org*            **512/477-1818**

**American PT Association (APTA) - Speciality certification**

*www.apta.org*            **800/999-2782**

**Federation of State Boards of Physical Therapy – Score transfer reports**

*www.fsbpt.org*            **800-981-3031**

### MEDICARE & MEDICAID QUESTIONS

**Trailblazer Health Enterprises (Medicare Program administrator)** *www.the-medicare.com*

**Medicare Part A** (rehab depts, hospitals) **888/763-9836**

**Medicare Part B** (independent practitioners) **903/463-0720**

**Medicaid** **800/252-8263**

### STATE REGULATION/CERTIFICATION – HEALTHCARE FACILITIES

**TX Department of Human Services (DHS)**

*http://www.dhs.state.tx.us/programs/ltc/certification.html*

long term care **800/458-9858**

nursing home **800/252-8016**

**TX Department of Health (TDH)**

*http://www.tdh.state.tx.us/license.htm*

home health agency **800/228-1570**

hospital licensing **512/834-6650**

### OTHER USEFUL STATE CONTACTS

**TX Dept of Economic Development – Legal aspects of opening a business in Texas**

*http://www.tded.state.tx.us/guide/*            **512/936-0100**

**TX Workers' Comp Commission**            **512/804-4000**