

Testimony: Sunset Advisory Commission
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- My name is Harvey Aikman, I am a licensed Physical Therapist in Texas and the owner of Ortho Sports Physical Therapy, I am also a current member of the TBPTE appointed by Governor Abbott on April 22, 2016. I previously served on the TBPTE under an appointment by George W. Bush. I have served on all of the various committees of the board and as the board's chair in the past. However, I am not here today representing the TBPTE but rather I am here as a private citizen.
- First let me thank the Sunset Commission for their hard work and excellent effort to keep all interested parties involved and informed in their process.
- I am here to offer historical context for the issue that is the subject of Sunset staff recommendation 3.2 which is related to the Continuing Competency Accreditation Program or CCAP, and more specifically to the relationship between the professional association TPTA and TBPTE. TPTA administers the continuing competency approval program on behalf of the Board, with systematic routine board oversight. The Sunset staff report raised concern related to the CCAP program and suggested that the Board had: "inappropriately delegated education approvals" by having a "sole approval authority" (TPTA) manage the program.
- CCAP was collaboratively developed (Board & TPTA) to strengthen the quality of the board's continuing education approval program. This action was taken by the Board at the request of licensees who complained that they paid for specific continuing educational content, but then attended courses only to find out that the speaker either did not have the professional credentials required or was more interested in providing a vacation or happy hour opportunity.
- Board staff did not have any physical therapy educational background and therefore did not have any content expertise to assess whether or not a provider was appropriately trained to provide course content or that the course content was clinically relevant. As a result courses were generally all approved provided they filled out the form. It was not even a good rubber stamp process.
- The education committee of the board worked with the Texas Physical Therapy Association to develop a program for continuing education approval and review over a period of 6 months at which time a memorandum of understanding was presented to the full board for consideration.

- Frank Knapp, the board's Attorney General's representative at the time asked the board to hold on approval until our next board meeting so that he could take the MOU back to the AG's office for review. Of course the Board was happy to agree.
- The CCAP program was then taken up for review at the next board meeting only after the AG's representative stated that he had found no problems with the agreement and that the board could proceed. CCAP had not only met the state's letter of the law, but the spirit of the law as well. At that meeting the MOU between TSBPTE and the TPTA was passed.
- Since that time the board and TPTA have worked together to insure that Texas physical therapists receive quality continuing education. Each quarter the education committee reviews the actions of CCAP and presents a comprehensive report to the full board.
- There have been times when an applicant for CEU approval requested an appeal to the board regarding a decision under the CCAP agreement. The board has addressed all of these – sometimes upholding the CCAP decision and other times reversing it. Occasionally there have been unusual circumstances that were referred to the board directly by CCAP. The point is that the board while delegating many of the day to day activities of Continuing Competency approval still remains actively involved and retains the ultimate authority to approve or deny any course.
- Removing the authority for the board to delegate these activities would drastically reduce the board's ability to insure the quality of continuing education courses offered to our licensees unless the budget for the board was dramatically increased so that the board could hire content experts such as those who volunteer their services to TPTA.
- The board has reviewed other vendors/organizations who have proposed providing continuing education review services, but to date there have not been any that met the same standards as TPTA. This is a program that works, works well, and provides a level of public protection that the Board was previously unable to deliver. The fact that it also saves the state money is just an added bonus.

Thank you for allowing me to provide you with this back ground information. I am happy to answer any questions you might have at this time or in the future.