

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Tuesday, June 28, 2016 4:48:14 PM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Tuesday, June 28, 2016 4:44 PM  
To: Sunset Advisory Commission  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS BOARD PHYSICAL THERAPY EXAMINERS

First Name: Michael

Last Name: Connors, PT, DPT, OCS

Title: President

Organization you are affiliated with: Texas Physical Therapy Association

Email: president@tpta.org

City: Midlothian

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

The Texas Association of Acupuncture and Oriental Medicine provided testimony regarding their concerns that the Texas Board of Physical Therapy Examiners (TBPTE) was operating outside of their duties by allowing physical therapists to practice dry needling. This testimony failed to recognize the May 9, 2016 Texas Attorney General's opinion regarding this issue.

The May 9th opinion (Opinion No. KP-0082), addressed to Mr. Allen Cline, the Chairman of the Texas State Board of Acupuncture Examiners, stated that "trigger point dry needling is a 'treatment...to reduce the incidence or severity of...pain to enable...a person to perform the independent skills and activities of daily living' and it therefore likely falls within the Legislature's broad definition of physical therapy....Thus, a court would likely conclude that the Board of Physical Therapy Examiners has authority to determine that trigger point dry needling is within the scope of practice of physical therapy."

This AG's opinion confirms that the TBPTE was indeed operating within their authority by allowing physical therapists to practice dry needling. We appreciate the opportunity to provide comments, and would be pleased to provide any additional information that members of the Sunset Advisory Commission might find helpful.

Any Alternative or New Recommendations on This Agency: N/A

My Comment Will Be Made Public: I agree

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Tuesday, June 21, 2016 10:07:11 AM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Tuesday, June 21, 2016 8:42 AM  
To: Sunset Advisory Commission  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS BOARD PHYSICAL THERAPY EXAMINERS

First Name: Michael

Last Name: Connors

Title: Regional Director, Greater Therapy Centers

Organization you are affiliated with: n/a

Email:

City: Midlothian

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

I am a licensed PT with 13 years of practice in the outpatient private practice setting located in the DFW area. I am writing to this commission representing myself as an individual licensee in the state of TX. I am writing in SUPPORT of the Texas Board of PT Examiners joining the national licensure compact. This action would allow PT's and PTA's the opportunity to practice without applying for licensure in an adjacent states. Removing this barrier and recognizing licensure portability would enhance a practitioners ability to move from state to state without difficulty.

I am also writing to OPPOSE the movement to take the Continuing Competence Approval Program away from the TPTA. At present, the CCAP program is administered by TPTA and involves a rigorous peer review process covering 22 specialty areas with over 100 reviewers. As a current CCAP reviewer, this double-blind process involves a comprehensive review of each submission to ensure adherence to strict quality standards.

I am also writing to OPPOSE the idea of removing statutory authority of the TBTE to engage in collaborative agreements with organizations such as TPTA for administration for CCAP.

Any Alternative or New Recommendations on This Agency: I recommend leaving the current CCAP arrangement between TPTA and TBTE.

My Comment Will Be Made Public: I agree

Texas Sunset Commission  
Public Hearing  
Wednesday, June 23, 2016  
Austin, Texas

**Testimony Provided by:**

Michael Connors, PT, DPT, OCS  
President, Texas Physical Therapy Association

- Thank you Mr. Chairman and the members of the Sunset Commission for the opportunity to provide testimony. Ladies and Gentlemen, my name is Michael Connors. I am a licensed Physical Therapist in Texas and am in private practice physical therapy in the DFW area. I am the President of the Texas Physical Therapy Association.
- As was the case with previous testimony, I offer my comments today having practiced in multiple states with the attendant state licensure issues. I too, know firsthand the difficulties that can be experienced when coming in from another state to practice in Texas and agree that the Licensure Compact recommended by the Sunset Commission could go a long way in alleviating bureaucratic impediments to attracting more Physical Therapists to our state thus positively impacting the PT workforce shortage.
- I would like to address an issue that has not yet been brought-up. We strongly agree with the Sunset Commission's recommendation that the Executive Council for Physical Therapy and Occupational Therapy Examiners remain intact as an independent state agency. My comments will be focused on the Physical Therapy side of the agency; I know that my Occupational colleagues here today will offer their own comments. This state licensure board has performed its responsibilities in a superlative fashion...ultimately the purpose of any state healthcare licensure board is to protect the public. The Board of Physical Therapy Examiners has a remarkable history in that regard, having resolved 448 out of 524 complaints received in FY 2015. Additionally, the Physical Therapy Board of Examiners has completed its work in a timely fashion, and done so in a fiscally prudent manner. This board returned over \$3.9 million to the state General Revenue Fund in FY 15. There are very few state agencies that can lay claim to having performed their responsibilities as effectively as the Texas Board of Physical Therapy Examiners.

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- Lastly, I simply want to reinforce our message on the Continuing Competency (CCAP) program. We do not agree with the Sunset Commission's recommendation regarding CCAP. CCAP is a model program of collaboration between a state licensure board and a nonprofit organization. The Board of Physical Therapy Examiners should be recognized for its partnership efforts with the TPTA not punished by having its future statutory authority restricted. Ultimately, the PT Board is responsible for insuring that the public is well protected...CCAP has done exactly that. TPTA is in full support of transparency and welcomes the idea of a requirement that the Board of PT Examiners issue an RFP periodically to ensure a level playing field.
- That concludes my comments today. We thank you for the opportunity to provide our testimony and I would be happy to answer any questions you may have.

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: TBPTE Sunset Review Oppose Recommendation  
3.2  
**Date:** Friday, April 22, 2016 4:13:58 PM

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**From:** Michael Connors [mailto:mconnors@gtc-pt.com]  
**Sent:** Friday, April 22, 2016 3:51 PM  
**To:** Sunset Advisory Commission  
**Subject:** TBPTE Sunset Review Oppose Recommendation 3.2

Dear Sunset Advisory Commission (SAC) Members and Staff:

I am writing as an independent physical therapist to oppose SAC Recommendation 3.2, which would statutorily remove the Texas Board of Physical Therapy Examiner's (TBPTE) ability to delegate continuing competence approval.

I have served as a Texas Physical Therapy Association (TPTA) Continuing Competence Approval Program (CCAP) Orthopaedic Panel reviewer for over 10 years. I have a Doctorate in Physical Therapy degree, am a Certified Orthopaedic Specialist, and serve as an Assistant Professor at a Texas university-based Physical Therapy doctoral program.

It is imperative that experienced physical therapy providers continue to review continuing competence courses in their specialty area. Prior to TBPTE and the TPTA developing the CCAP program, an unqualified administrative clerk rubber stamped continuing education courses. This led to many classes being approved that were antiquated, content, content inadequate, and/or not in line with relevant clinical standards. This situation presented a significant risk to the public.

Healthcare providers must have access to accurate and current clinical information standards in order to ensure that they are able to deliver the appropriate treatment. I strongly recommend that the TBPTE be allowed to retain their authority to delegate continuing competence approval to any entity that who can meet the TBPTE's standards as a continuing competence approval authority.

I would also like to recommend that the Sunset Advisory Commission consider adding the TBPTE's Self-Evaluation Issue 20 to the list of SAC issues and recommendations. Currently in Texas, patients can be treated by a massage therapist or a personal trainer for injuries without a referral; however, as a licensed, doctoral-trained Physical Therapist, I cannot treat them without a referral, despite my more extensive training and expertise with the musculoskeletal system. Forty-seven (47) other states allow physical therapy treatment without a referral, and studies have shown that this has decreased costs with no increased risk to patients. Treatment without referral would not change the scope of practice for a physical therapist, but would allow patients the ability to access a PT without incurring unnecessary delays in access to care or additional costs.

Thank you for your consideration of my comments.

Sincerely,

Michael Connors, PT, DPT, OCS