

Texas Sunset Advisory Commission

Thursday, June 23, 2016

Dear members,

Thank you for inviting me here today to provide public testimony regarding the Texas Board of Physical Therapy Examiners, an agency which has not gone through the Sunset process since 1993. My name is Gary Gray and I have had the pleasure of serving on the Board for the past 10 years. Our Board is comprised of 6 Physical Therapists and 3 public members and licenses almost 25,000 Physical Therapists and Physical Therapist Assistants. I am currently in my second and final term and have had the opportunity to Chair the Board for the past 4 years, a position voted on by my peers on the Board. I will focus my comments on several issues that I feel need to be brought to your attention and for those issues on which you've already heard testimony, I will keep my comments brief. I would like to ask, however, that I be able to return following all testimonies regarding the Physical Therapy Board in order to provide clarification, refute inaccuracies, and answer any questions you may have.

ISSUE 1 – The Requirement to Register Facilities

The recommendation is to discontinue this process. Please understand that the facility registration process was born of a need to find out who owned facilities at a time when there seemed to be an influx of random practices being opened with care provided by unlicensed personnel. If anything, the facility registration process allowed the Board a mechanism of potential control and action in these cases while also providing what is now close to \$1M to the General Revenue Fund. If some adjustments were made, as you have heard today, I feel that the registration process still has great merit for consideration.

ISSUE 2 – Statutes Impede Increasingly Mobile Workforces

We support adoption of these recommendations including the adoption of the "Physical Therapy Licensure Compact" (2.1) and the provision of clear statutory authority for licensure by endorsement (2.2). These proposals should improve upon the existing workforce and supply of PTs and PTAs. Started by the Federation of State Boards of Physical Therapy in 2015, the Licensure Compact still has positions available on their decision making Board (initial 10 States), meaning the sooner that we can support joining this program by statute, the better chance that Texas will have in securing a position on that Board.

ISSUE 3 – Key Elements of the Board's Statutes, Rules, and Policies Do Not Conform to Licensing Standards

We do not support the recommendation to remove the Board's authority to delegate to other entities the responsibility of approving continuing education and continuing competence (3.2). This is a process that has worked extremely well for over 15 years. I can assure you that there is no evidence of favoritism, preferred nation status, or collusion between the licensing agency and any current providers of this service. The TPTA happens to be the only entity to date who meets the requirements set forth by

the Board according to the Board's rules. The current process is dependent upon the Board's oversight, providing clear assurance of competency by licensees and protection of the public. The current process includes mandatory and scheduled audits and reports, assuring compliance with the Board's Rules. As important, the Board simply does not have the available recourses to assure appropriate and sound decision making regarding approval of continued education/continuing competence. It would be impossible for the Board to take on this function and do it with the current level of assurance, quality, and protection. Any concerns that other potential providers of this service are locked out are unfounded, however, I would be happy to recommend language changes that might ease that concern while allowing the program to continue in its current form. Yes, I realize that the current method may be different from what other agencies do, but that doesn't mean it's wrong. I would certainly rather be a leader with excellent methods and ideas, than one who follows, just because that is the traditional way.

Regarding recommendation 3.3 - the recommendation for background checks are certainly supported by our Board. However, I kindly ask you to reconsider the description of such as "finger-print based". While this language may be consistent with current language used with other State boards and agencies, it is actually very binding considering that the method of requiring finger-printing to check backgrounds is one of many, is often not up-to-date, and may limit entities from progressing to newer methods and uses of technology. Sometimes the status quo isn't good enough and needs to be reconsidered

ISSUE-4 – Continuation of the Board

I want to thank the staff for recognizing that this Board is one that should remain autonomous (4.1). Personally, I think any consideration to move us under the umbrella of any other agency would have be consequentially disastrous.

The recommendation in 4.2 that the presiding officer be appointed by the Governor warrants my last comments. Again, just because other agencies do things a certain way, does not necessarily mean it's the best way. Being elected to Chair an agency by peers serving alongside you provides assurance of earned trust and respect. It may even be a vote of confidence that you know how to manage and run a meeting in accordance with State law. I can reflect on many real situations where an appointment of the presiding officer could have negatively affected a board and its duties. Just something to consider.

Thank you for your time and for allowing me to speak today. I am certainly available to answer any questions you may have.

Respectfully submitted,



Gary Gray, PT