

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Physical Therapy Board Sunset Staff Report
Date: Friday, April 22, 2016 8:01:18 AM
Attachments: [image001.png](#)

From: Gutierrez, Michelle L [mailto:mgutierrez28@utep.edu]
Sent: Thursday, April 21, 2016 8:22 PM
To: Sunset Advisory Commission
Subject: Physical Therapy Board Sunset Staff Report

Sunset Advisory Commission:

Hello! I appreciate you taking the time to read this email. I am a physical therapist that has been licensed in Texas since 1995. I am also licensed in New Mexico since 1997 and have resided in New Mexico that whole time. I have served on the New Mexico Licensing Board, and during that time, I used The Texas Board of Physical Therapy Examiners (TBPE) as an example to improve our Board.

I was a student in 1993 here in Texas and I remember the Sunset Review very well as it was a very interesting learning experience about our profession. Now I am not only a physical therapist, practicing in both states, but I am a faculty at The University of Texas El Paso in the Doctor of Physical Therapy Program. So I am encouraging my students to learn about this process as well.

I am glad that Mr. Fajardo believes that the TBPE has been “a stable, well-run agency, with an experienced, capable staff.” I have to agree with that! I was disappointed, however, that he stated that TBPE have “flown under the radar”, I felt he was suggesting it was the TBPE’s fault. As you know, this is not TBPE’s decision, but the legislators.

That being said, I would like to give comment on TBPE executive summary. Specifically in response to physical therapy.

Issue 1: The Requirement to Register Physical Therapy and Occupational Therapy Facilities Is Unnecessary.

I would like to say that although the review says it serves no valid purpose, I would disagree. Back in 1993 there were many clinics that were offering Physical Therapy, however did not have a licensed Physical Therapist working at that facility. As I recall this was a HUGE reason to require registration of facilities. The reason for the TBPE is to protect the public. If the registration of facilities is no longer required, there will be loss of accountability to facilities and no consumer protection. Consumers were duped in the past, how would TBPE be able to keep this from happening again now? Non-physical therapy entities should not be able to say they are providing physical therapy. And consumers should be able to trust that they are being seen by a licensed physical therapists if that is what they are requesting.

Issue 2: The Physical and Occupational Therapy Statutes Unnecessarily Impede Increasingly Mobile Workforces.

I would like to comment that I am in favor of adopting the Physical Therapy Licensure Compact and to provide clear statutory authority for licensure by endorsement. I would have to say that the TBPTE has been fairly quick compared to many other states in licensing individuals for a physical therapy license due to their efficient and well-staffed organization. However, as a dual state licensee (and I practice for the Federal Government, so I don't even require both) I can definitely see the benefit of not only hastening the process to allow licensed individuals to practice in the State, but also to better protect the consumers if a licensed individual is disciplined or suspended or worse. There would be less delay in stopping the practice of a licensee if needed with a Licensure Compact.

Issue 3: Key Elements of the Boards' Statutes, Rules, and Policies Do Not Conform to Common Licensing Standards

Bottom line upfront: I oppose this statement in regards to removing the boards' authority to delegate to other entities the responsibility of approving continuing education and continuing competence while clarifying their authority to preapprove course providers.

As stated prior I was on the New Mexico Physical Therapy Board, and I know what it entails to approve continuing competence courses. The NM PT board office was overwhelmed with the requests for approval of courses and was not able to do a good job. We were having poor quality courses that were not evidence based, PTs were paying to take courses to improve their practice, and this was not always the case. We had a dilemma of how do we (the NM PT board) protect the public in this manner. While on the NM PT board, we followed suit from how the Texas Physical Therapy Association (TPTA) did the reviews of courses and requested that the New Mexico Physical Therapy Association review requests for courses as TPTA did. The TPTA were assuring courses were meeting the standards that were set in the rules and regulations and were quality, evidence based courses. Texas does a phenomenal job in following these standards, and many states will accept courses for their licensed PTs if it has been approved in Texas, without approval in their state. Texas uses three content specialists to approve or deny the courses that are requested. I can't say that New Mexico even did this well after the change. How will the TBPTE continue do this without the TPTA? Will they will be obligated to hire Physical Therapists to review the courses? This will not be cost effective, I assure you. Or will they just rubber stamp the approvals, just to make money for the state coffers, not assuring quality courses and not assuring consumer safety. A peer reviewed course is always the best practice to assure quality course and consumer safety.

I would refute the statement that this does not conform to common licensing standards. I believe that as it is clearly stated in the TBPTE rules and regulations to have the approval process done in the best practice and this it has been considered legal, not only by the TBPTE attorney but by the Texas Attorney General's office and the legislatures. Other states are striving to emulate Texas in this manner.

The second bullet: require the boards to conduct fingerprint-based criminal background checks of licensure applicants and licensees. I agree, this is a must! How can a board protect the public without this. However, in my opinion, it needs to be repeated every so often.

Issue 4: The State Has a Continuing Need to Regulate Physical Therapy and Occupational Therapy

I agree. I feel that the TBPTE has done an amazing job of protecting the public/consumers and in licensing Physical Therapists.

Fiscal Implication Summary

I don't know how \$966, 000 each year is a *small* negative fiscal impact to the state as referenced in the Executive Summary.

Respectfully,

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