

From: [Sunset Advisory Commission](#)
To: [Cecelia Hartley](#)
Subject: FW:
Date: Tuesday, November 29, 2016 1:05:47 PM

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From: Gail Zitterkopf
Sent: Tuesday, November 29, 2016 1:02 PM
To: Sunset Advisory Commission
Subject:

Dear Sirs & Madam:

As a Physical Therapist (PT), I have enjoyed working as a medical professional since 2004. I am licensed in both Arizona and Texas and, until recently I was planning on doing so for the foreseeable future.

Unfortunately, as the times changes, and states examine their fiscal budget, looking to reduce financial burden. It is understandable to consider the use of “super boards” but, by combining non-medical with medical professionals you do so by jeopardizing the safety and wellness of the consumers.

As a consumer, I have previously undergone physical therapy after undergoing surgical repair of my Achilles and everything went as planned. However, I once endured a dental mistake and underwent hearings at the Arizona Dental Board as the care I received was substandard and thus required correction. In order to have my case heard by the Arizona Dental Board, my dental records were subpoenaed from my dentist as well as the 3 Dentists to which I sought a second opinion from. I found the hearing to be beneficial as a patient as the members who were dentists could provide their opinion as to minimum standard of care, as well as what needed to be performed to correct the situation. The few community members were able to identify with my situation as a consumer, however, they were unable to provide technical insight. As both a consumer and a physical therapist, I believe we owe the citizens of Texas minimum standards for safe clinical practice and when necessary to be judged by a panel of peers who not only self-regulate, but encourage innovation in Texas medical care.

Although it initially looks to be cost savings, it is done so by risking possible liability lawsuits from consumers whom were unable to be protected by a “superboard” as the board members did not have the knowledge of minimum standard of practice when deciding the rules and regulations the practitioners must follow.

Thus, it is imperative that we have a licensing board that is composed of similar professionals. The Executive Council of Physical Therapy and Occupational Therapy (OT) Examiners (ECPTOTE) is a State of Texas agency charged with protecting the health, safety, and welfare of the people of Texas by supporting the Board of PT Examiners and the Board of OT Examiners as they license and regulate qualified practitioners of physical therapy and occupational therapy and register facilities in which those services are provided. To place health care professions into a “health professions” portion of TDLR and have advisory panels would have those that are not familiar with the intricacies of professions would jeopardize patient safety.

Presently, it is recommended that PT's and OT's would no longer be able to decide what is safe practice for consumers and instead would be governed by a board of various non-health professions including:

Air Conditioning & Refrigeration, Athletic Trainers, Barbering, Boiler Safety, Combative Sports, Cosmetologist, Dietitians, Electricians, Elevator/Escalator Safety, For-Profit Legal Service, Hearing Instrument Fitters and Dispensers, Industrialized Housing and Buildings, Licensed Breeders, Midwives, Orthotists & Prothetists, Polygraph Examiners, Property Tax Professionals, Service Contract Providers, Speech-Language Pathologist & Audiologists, Temporary Common Worker Providers, Tow Trucks, Operators, Used Auto Parts Recycling, Vehicle Protection Product Warranters, Water Well Drillers & Installers.

As a physical therapist, I would be honored to be asked to serve on the board. However, I would not be able to serve the public's best interest, welfare and safety as I do not have the minimum standard of knowledge in any other area, besides physical therapy.

In general, state licensure is inherently restrictive for the licensee and exclusive to the particular profession. Only those who "meet and maintain prescribed standards" established by the state's regulatory board will, for the protection and benefit of the public, be allowed to profess their qualifications and provide their services to the public. The public is dependent upon the state to evaluate and affirm the qualifications for licensure of physical therapists and physical therapist assistants.

One of the main tools used by a state's regulatory entity to determine if a PT or PTA has met that threshold is the National Physical Therapy Exam (NPTE) of the Federation of State Boards of Physical Therapy. The NPTE is "competency specific" and covers the entire scope of practice, which for the physical therapist includes theory, examination and evaluation, diagnosis, prognosis, treatment intervention, prevention, and consultation that are consistent with the exam blueprint.

Independent licensing boards are preferred because they provide the necessary expertise for public protection through the regulation of the practice of physical therapy. Most jurisdictions have licensing board members who are appointed by an elected official, usually the governor. Public members are commonly included on boards, but often there shall be only one public member. Some jurisdictions currently have fewer than five total board members, while larger jurisdictions have far greater numbers serving on their boards. The determination of what constitutes practice within the scope of physical therapy is predominantly the responsibility of licensing board members. Because the scope of practice changes as contemporary practice evolves, boards may need to determine the appropriateness of physical therapy procedures as they relate to both established and evolving scope of practice. This would be a challenge with transition to TDLR.

Texas also has an interesting dynamic as it is the home of numerous oil companies, which bring in foreign-educated candidates for licensure, and are typically required to have their educational credentials reviewed as part of the licensure process. This review must be conducted by a credentialing agency approved by the jurisdiction in which the applicant intends to practice as a PT or work as a PTA. Occasionally, licensing authorities may handle the credentials evaluation process internally. Thus, another responsibility for the The Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE).

Finally, The Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) provides information regarding administrative disciplinary actions for immediate access and the convenience of interested persons and self regulates all license PT and OTs in the state of Texas. Again, in my opinion, only a person with a minimum education in this area is qualified to determine the minimum standards of practice and how to self-regulate it's licensee when an issue arises.

Sincerely,

Gail Zitterkopf, PT, DPT, CLT