

The new section is adopted under Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 24, 2019.

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Karen Ray

Chief Counsel

Health and Human Services Commission

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Proposal publication date: September 6, 2019

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### PART 12. TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS

#### CHAPTER 364. REQUIREMENTS FOR LICENSURE

##### 40 TAC §364.5

The Texas Board of Occupational Therapy Examiners adopts new rule §364.5, concerning recognition of out-of-state license of military spouse, without changes to the proposed text as published in the September 6, 2019, issue of the *Texas Register* (44 TexReg 4851). The rule will not be republished.

The new rule is adopted to add provisions to the Occupational Therapy Rules concerning the recognition of out-of-state licenses of military spouses as required by SB 1200 of the 86th Regular Legislative Session.

New rule §364.5 will add to the Occupational Therapy Rules provisions concerning the information a military spouse seeking recognition of the out-of-state license must submit to the Board and the conditions under which the military spouse may practice in the state once the individual has received confirmation from the Board that the military spouse is authorized to engage in the practice of occupational therapy. The adoption includes further provisions pursuant to SB 1200.

One comment was received from the Texas Occupational Therapy Association (TOTA) in support of the proposed new rule. TOTA noted that career portability can be a challenge for a professional military spouse and this rule would appear to reduce the barrier without imposing financial burdens on military spouse professionals who move from other states to Texas.

The Board thanks TOTA for the comment, which does not suggest any changes to the proposal. Therefore, the Board neither considered nor made any changes to the proposal based on the comment.

The new rule is adopted under the Occupational Therapy Practice Act, Title 3, Subtitle H, Chapter 454, Occupations Code, which provides the Texas Board of Occupational Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 25, 2019.

TRD-201903953

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

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For further information, please call: (512) 305-6900



## CHAPTER 370. LICENSE RENEWAL

### 40 TAC §370.1

The Texas Board of Occupational Therapy Examiners adopts amendments to §370.1, concerning license renewal, without changes to the proposed text as published in the September 6, 2019, issue of the *Texas Register* (44 TexReg 4852). The rule will not be republished.

The amendments are adopted to remove language concerning restrictions to renewal for a licensee in default of a student loan pursuant to SB 37 of the 86th Regular Legislative Session and to cleanup and clarify provisions in the section.

The adoption includes amendments to reflect law changes, already in effect, made by SB 37, relating to a prohibition on the use of student loan default or breach of a student loan repayment as a ground for refusal to renew a license. Related changes to §370.1 are adopted to remove from the section a provision restricting the renewal of a license for an individual who has defaulted with the Texas Guaranteed Student Loan Corporation.

Additional amendments are adopted as cleanups and clarifications. An amendment is adopted to strike a reference in the section to the number of continuing education hours required per renewal period and to replace such with language referencing continuing education requirements as per Chapter 367, concerning Continuing Education, as previously adopted amendments to that chapter changed the number of required hours from thirty to twenty-four hours. Additional amendments are adopted to remove a redundant reference to the address of record, as language concerning such is already located elsewhere in the Occupational Therapy Rules, and to clarify a provision regarding a restriction on renewal for certain child support issues, including to add a reference to related statutory language in Texas Family Code.

One comment was received from the Texas Occupational Therapy Association (TOTA) in support of the proposed new rule. TOTA noted that student debt is a serious consideration that can affect an occupational therapist's or occupational therapy assistant's life and that licensure restrictions due to student debt could prevent an individual from earning a living and remove the pathway to student loan repayment.

The Board thanks TOTA for the comment, which does not suggest any changes to the proposal. Therefore, the Board neither considered nor made any changes to the proposal based on the comment.

The amendments are adopted under the Occupational Therapy Practice Act, Title 3, Subtitle H, Chapter 454, Occupations Code, which provides the Texas Board of Occupational Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 25, 2019.

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For further information, please call: (512) 305-6900

