

# TBOTE news

The Texas Board of Occupational Therapy Examiners

February, 2015

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*Previous Newsletters, Forms, and Frequently Asked Questions are on the website.*

[www.ptot.texas.gov](http://www.ptot.texas.gov)

## Future Board Meeting Dates

*May 8, Austin  
August 14, Austin*

## TBOTE BOARD

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## Notes from the Coordinator: Proposed Rule Changes, Withdrawn Rules, and New OT Rules PDF

**Proposed Rule Changes, Page 2:** At TBOTE’s meeting on February 6, 2015, the Board proposed amendments to Chapter 364, Requirements for Licensure; §367.2, Categories of Education; §370.3, Restoration of a Texas License; and §374.2, Detrimental Practice. Please visit the Board’s [Act and Rules page](#) for an introduction to each proposal or read the February 27, 2015 edition of the [Texas Register](#) for the proposals with their full preambles. An introduction to the proposed amendments and information regarding public comment may be found on pages 2-4 of this newsletter.

**Withdrawn Rule Changes:** At TBOTE’s meeting on February 6, 2015, the Board voted to withdraw the previously proposed amendments to §362.1, Definitions; §372.1, Provision of Services; and Chapter 373, Supervision. Many of these changes related to the proposed inclusion of telehealth as a mode of occupational therapy service delivery. The Board will continue to address the issue of telehealth and any potential rule changes regarding such. Please visit the Board’s [Act and Rules page](#) or read the February 20, 2015 edition of the [Texas Register](#) for more information.

## Updated Downloadable OT Rules Now

**Available:** Please visit the Board’s [Act and Rules page](#) to download the up-to-date PDF version of the current OT rules. Please note that the table of contents is interactive: each entry is a hyperlink to the corresponding section in the PDF.

## Introduction to Proposed Rule Amendments to

### [Chapter 364, §367.2, §370.3, and §374.2](#)

*(To read the proposed amendments on the website,  
please click on the link above and select the Proposed/Adopted tab.)*

#### **General Introduction to the Proposed Amendments:**

At its February 6, 2015 meeting, the Texas Board of Occupational Therapy Examiners proposed amendments to Chapter 364, §367.2, §370.3, and §374.2.

To read the text of the proposed amendments with a brief introduction on the website, [click this link](#) and select the “Proposed/Adopted” tab.

**Comments:** Comments on the proposed amendments may be submitted to Lea Weiss, Occupational Therapy Coordinator, Texas Board of Occupational Therapy Examiners, 333 Guadalupe Street, Suite 2-510, Austin, Texas 78701 or to [lea@ptot.texas.gov](mailto:lea@ptot.texas.gov) no later than 30 days from the date that these proposed amendments are published in the Texas Register.

If sending comments, please include the rule number in your comment and write “OT Public Comment” in the subject line if sending an email.

These proposed amendments with the complete preambles will be published in the February 27, 2015 edition of the [Texas Register](#).

#### **Introductions to the Proposed Rule Amendments:**

**Please note that these are PROPOSED amendments. They have NOT been adopted. The current rules are in effect. Please [click this link](#) to view the current rules.**

#### **Proposed Rule Amendments to:**

**§364.1. Requirements for Licensure.**

**§364.2. Initial License by Examination.**

**§364.3. Temporary License.**

**§364.4. Licensure by Endorsement.**

**Introduction:** The Texas Board of Occupational Therapy Examiners has proposed amendments to §364.1-§364.4 concerning licensing requirements for applicants applying for their first Texas occupational therapy or occupational therapy assistant license. The amendments would clarify licensing requirements and eligibility for those applying for a regular, temporary, or provisional license and would reflect the process whereby applicants who have already taken and passed the National Board for Certification in Occupational Therapy (NBCOT) certification examination may complete requirements for licensure. The proposed amendments include further cleanups and grammatical revisions, as well.

The amendments would also add the requirement that an applicant with a history of licensure in occupational therapy must submit a verification of license from each state or territory of the U.S. in which the applicant is currently licensed or previously held a license; this must be an original verification sent directly to the Board by the licensing board in that state or territory, with any disciplinary actions reported to the Board. This is necessary as, for example, applicants for initial license by exam may have an occupational therapy license at a

different level in another state (for instance, an applicant for a Texas OT license might hold an OTA license in another state). The amendment also would clarify that U.S. active duty service members and/or their spouses shall notify the Board of their military affiliation when submitting their Uniformed Services Military ID Card in order to ensure such may be linked to their application for licensure.

The amendment to §364.3, Temporary License, in particular, would remove language stating that if an applicant does not take the first available examination, the temporary license will be revoked. The amendment would clarify, alternately, that a temporary license is void for the temporary licensee who does not take NBCOT certification examination during the 90 day window as stated on the Confirmation of Examination Registration and Eligibility to Examine form from NBCOT (according to the current rule, the applicant must submit this form as one of the conditions for receiving a temporary license).

In addition, the amendment to §364.4, Licensure by Endorsement, would remove the provisional license option for former Texas licensees who hold a current license in another state. This option was a holdover from before the adoption of §370.3, Restoration of a Texas License. Since the adoption of such, the process to return to Texas licensure is to restore a Texas license. The removal of this provisional license option, therefore, would be a cleanup. For example, in the current rule, the provisional license option for former Texas licensees requires that those who hold a current license in another U.S. state must, in addition to completing other requirements, retake and pass the NBCOT examination. Such an applicant, however, when applying for restoration by §370.3, need not retake the NBCOT examination.

#### **Proposed Rule Amendment to §367.2. Categories of Education.**

**Introduction:** The proposed amendment would clarify existing policies with regard to categories of education and includes cleanups and grammatical revisions, as well. In addition, the amendment would expand the continuing education (CE) credit that may be earned for the development of publications, media materials, or research/grant activities. The proposed amendment includes language that would allow a licensee to earn continuing education credit for the development of practice-related or instructional materials using alternative media such as video, audio, or software programs or applications to advance the professional skills of others. Mentorship has also been added as a category of continuing education for both mentor and mentee. Finally, in the proposed amendment, the list of unacceptable continuing education activities has been revised. Leadership and general cooking courses have been added as unacceptable continuing education activities; cooking for health, weight management, and stress management courses have been removed.

#### **Proposed Rule Amendment to §370.3. Restoration of a Texas License.**

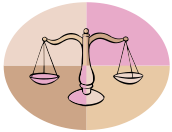
**Introduction:** The proposed amendment would clarify existing policies with regard to the restoration of a Texas license and includes cleanups and grammatical revisions, as well. The amendment would add the requirement that each applicant for restoration must submit to the Board a verification of license from each state or territory of the U.S. in which the applicant is currently licensed or previously held a license; this must be an original verification sent directly to the Board by the licensing board in that state or territory, with any disciplinary

actions reported to the Board. This is necessary as, for example, applicants for restoration without proof of a current license at the OT or OTA level may have an occupational therapy license at a different level in another state (for instance, an applicant to restore a Texas OT license might hold a current OTA license in another state, etc.).

The amendment, in addition, includes language that would clarify that those applying from the U.S. military or a non-licensing state or territory of the U.S. may, if not holding a current license, submit proof of occupational therapy employment for at least two years immediately preceding the application for a Texas license when applying for restoration by proof of current licensure or occupational therapy employment.

**Proposed Rule Amendment to §374.2. Detrimental Practice.**

**Introduction:** The proposed amendment includes an addition to a non-exclusive list of actions that are considered detrimental practice. The amendment would add language that failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with HIPAA regulations is also practicing occupational therapy in a manner detrimental to the public health and welfare. Such language is a reiteration of language in §374.4, Code of Ethics. The amendment includes a grammatical revision, as well.



**OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN**  
**FEBRUARY 6, 2015 BOARD MEETING:**

- (1) Shannon McLaughlin, OTR #111535 (McAllen)** – failed the CE audit; lacked sufficient number or type of hours timely taken for license renewal. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order suspended her license for fifteen (15) days.***
- (2) Whitney Nineham, OTR #105334 (Wichita Falls)** – practiced occupational therapy in a detrimental manner by inaccurately documenting treatments rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended her license for ten (10) days.***
- (3) Daniel Gonzalez, COTA #211598 (San Antonio)** – practiced occupational therapy in a detrimental manner by inaccurately documenting treatments rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended his license for thirty (30) days.***
- (4) Andrea Young, COTA #211093 (Houston)** – practiced occupational therapy in a detrimental manner by practicing outside the scope of her license – treating a patient beyond the number of treatments ordered. Violation of Section 454.301 of the Act and chapter 372 of the board rules. ***Board Order required thirty (30) hours of community service.***
- (5) Andrea DeJean, COTA #209481 (Nacogdoches)** – practiced occupational therapy in a detrimental manner by practicing with an expired license. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended her license for sixty (60) days.***
- (6) Gregory L. Wattron, OTR #104227 (Arlington)** – pled guilty to felony *Conspiracy to Make False Statements Relating to Health Care Matters*. Violation of Section 454.301 of the Act and Section 53.021 of the Occupations Code. ***Board Order revoked his license to practice.***

## Rule Reminder: CE Documentation Tips and the CE Audit

### CE Documentation Tips

As an OT or OTA licensee, you must complete a minimum of 30 hours of continuing education each renewal period, with a minimum of 15 hours in Type 2. The remaining hours may be in Type 2 or Type 1.

(Information regarding Type 2 and Type 1 CE can be found in [Chapter 367](#) and the Board's [Continuing Education page](#).)

In addition, you must keep accurate documentation of all continuing education activities for two years from the date of the last renewal, or a total of four years.

Information regarding categories of CE activities and the required documentation for each can be found in §367.2, Categories of Education. §367.3, Continuing Education Audit, provides further information regarding documentation. For example, continuing education documentation includes (but is not limited to) an official transcript, AOTA self-study completion certificates, copies of official sign-in or attendance sheets, course certificates of attendance, and certificates of completion. This documentation must identify you by name and license number and must include the date and title of the course, the signature of the authorized signer, and the number of CEUs or contact hours awarded for the course.

(Please visit the [Continuing Education page](#) for a sample of a certificate with the required information.)

The credit for many CE activities must be indicated in terms of contact hours, so if your documentation for such activities lists continuing education units (CEUs), learning credits, professional development units (PDUs), etc., please be sure to retain documentation demonstrating the equivalence of such in terms of contact hours (and if audited, please submit this documentation).

(Please note that if your certificates list AOTA units, you do not need additional documentation noting the equivalence in terms of hours as educational activities approved or offered by AOTA—in addition to TOTA—are pre-approved by the Board. However, you must still know when reporting your CE how many hours each unit represents, so if you are unsure of such, please contact the CE provider.)

If, for example, you completed an in-service educational program, training program, institute, seminar, workshop, facility based course, or a conference in occupational therapy, you must keep a copy of your certificate of completion or letter of verification. If you have taken home study courses, educational teleconferences, Internet-based courses, and videotape instruction, the form of documentation is a certificate of completion. As noted above, such documentation must identify you by name and license number and must include the date and title of the course, the signature of the authorized signer, and the number of CEUs or contact hours awarded for the course.

Please note that when selecting home study courses, educational teleconferences, Internet-based courses, and videotape instruction, such courses must have specified learning objectives, a post-test, and a certificate of completion. However, as it is not always possible to obtain proof of the post-test, such does not have to be included with the required CE documentation.

When selecting CE activities, always consult the most current version of the OT Rules and be sure to read §367.2(b), which lists unacceptable CE activities. Finally, please remember that all GSC/Western Schools courses are only eligible for Type 1 credit.

### **CE Audit**

The Board administers four CE Audits per year and sends by mail an audit letter to each randomly selected licensee. To ensure that you receive Board communication, keep your contact information current and remember that you must notify the board in writing of changes in name, residential and/or primary business address, and/or supervisor within 30 days of such changes.

Licensees selected for the audit must submit by the deadline documentation of the CE for the renewal period the audit is considering, which is stated in the audit letter. (For information regarding required documentation, please see above.) Please note that knowingly providing false information or failure to respond during the audit process is grounds for disciplinary action.

The audit letter is accompanied by a CE Response form on which the licensee must record the required Type 2 CE activities and give a descriptive summary of each and how it applies to the licensee's practice of occupational therapy (in addition to any other necessary information as to why s/he counted such as a Type 2 activity).

In addition, licensees should submit whenever possible supporting documentation that helps demonstrate how an activity fits the Type 2 category. An official course description and learning objectives, for example, are useful as a certificate often lists just the name of a course and does not provide further information about its content. When selecting courses to take for CE, licensees should keep such in mind and retain this information.

Please remember that when submitting CE documentation to the Board, only copies of documentation should be sent as such will not be returned.

Finally, please note that the Board does not contact licensees to inform them that their audit materials have been received. By the end of the audit, however, licensees will either receive an emailed letter stating they have satisfied the CE requirements or they will be contacted regarding their submission and any questions or concerns the Board may have. Please remember that the CE Audit process is not instantaneous and can take some time to conclude.



## **Frequently Requested Contact Information**

<http://www.ptot.texas.gov/page/ot-useful-contacts>

### **Texas Board of Occupational Therapy Examiners (TBOTE)**

Act & Rules, complaints, and practice of OT in Texas

512/305-6900 telephone

512/305-6970 fax

Website: [www.ptot.texas.gov](http://www.ptot.texas.gov)

Email: [info@ptot.texas.gov](mailto:info@ptot.texas.gov)

### **Texas Occupational Therapy Association (TOTA)**

512/454-8682 telephone

512/450-1777 fax

[www.tota.org](http://www.tota.org)

### **American Occupational Therapy Association (AOTA)**

Specialty certification, student fieldwork, national issues, etc.

301/652-2682 telephone

[www.aota.org](http://www.aota.org)

### **National Board for Certification in Occupational Therapy (NBCOT)**

National certification exam and score reports

301/990-7979 telephone

301/869-8492 fax

[www.nbcot.org](http://www.nbcot.org)

### **Dept. of Assistive and Rehab. Services (DARS)**

Division of Early Childhood Intervention (ECI)

512/424-6790 telephone

512/424-6799 fax

[www.dars.state.tx.us/ecis/](http://www.dars.state.tx.us/ecis/)

### **Medicare and Medicaid**

<http://www.cms.gov/>

[www.medicare.gov](http://www.medicare.gov)

#### **Medicare Part A**

888/763-9836 (Rehab Dept. Hospital)

#### **Medicare Part B**

903/463-0720 (independent practitioners)

To report Medicare fraud or abuse:

<http://www.medicarefraudcenter.org/>

800/252-8263

<http://www.hpsc.state.tx.us/medicaid/>

Medicaid provider fraud or abuse of a Medicaid recipient: 512/463-2011 or email

[mfcu@aog.state.tx.us](mailto:mfcu@aog.state.tx.us)

### **School Based Practice**

[www.txspot.org](http://www.txspot.org)

### **School Health and Related Services (SHARS)**

[http://www.hpsc.state.tx.us/rad/acute-](http://www.hpsc.state.tx.us/rad/acute-care/shars/)

[care/shars/](http://www.hpsc.state.tx.us/rad/acute-care/shars/)

### **Texas Dept. Aging and Disability Services (DADS)**

800/458-9858 Long term care & complaints about nursing homes, home health agencies, or assisted living facilities

800/252-8016 Nursing homes

512/719-3521 Licensing Boards

800/228-1570 Home health agencies

Elderly or disabled abuse, neglect call

800/252-5400.

[www.dads.state.tx.us](http://www.dads.state.tx.us)

### **Texas Dept. of State Health Services (TDSH)**

512/834-6650 Hospital licensing

<https://www.dshs.state.tx.us/>

### **Texas Online Services**

License applications, renewals, profile

[TxServiceDesk@egov.com](mailto:TxServiceDesk@egov.com)

877-452-9060 Help desk