

TBOTE news

The Texas Board of Occupational Therapy Examiners

May 2018

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Previous newsletters, forms, and FAQs are available from the website: www.ptot.texas.gov.

Next Board Meeting Date

August 3, 2018*

Austin, TX

*Subject to change

TBOTE BOARD

Stephanie Johnston, OTR, OTD, FAOTA, Chair
Todd M. Novosad, OTR, Vice Chair
DeLana Honaker, OTR, PhD, CLT, FAOTA, Secretary
Jennifer B. Clark, COTA
Amanda Jean Ellis, Public Member
William N. Hale, Public member
Sally Harris King, COTA
Pamela D. Nelon, Public member

Notes from the Coordinator

Proposed or Adopted Rule Changes: None

The Board did not propose or adopt any rule amendments at its May Board meeting.

Please refer to the [Act and Rules page](#) to access the current rules.

Update on Criminal Background Checks

In order to comply with a statutory amendment to the OT Practice Act made during the 85th Legislative Session regarding criminal background checks, the Board has been developing procedures and will be addressing rule changes to implement **Criminal Background Checks (CBC) through fingerprinting as part of the requirement for all new applicants for licensure and licensees as part of their renewal process.** The projected rollout for this new requirement is January 1, 2019.

What does this mean for a new licensee?

Fingerprinting will be required for all applicants for licensure either by exam or endorsement whose application is submitted on or after January 1, 2019 as part of the licensure requirements.

What does this mean for licensees renewing their license? Current licensees who renew their license on or after January 1, 2019 will have fingerprinting as a renewal requirement.

What if an applicant or licensee has had to be fingerprinted for some other reason?

Previously undergoing a CBC through fingerprinting does not exempt an applicant or a current licensee from this requirement.

Information regarding this rollout and the procedures to follow will be updated on the Board's website at www.ptot.texas.gov, will be disseminated through the email list, and will appear in upcoming editions of TBOTE News.

Applicants for TBOTE Board Members Needed ASAP

Please note that an earlier version of this article appeared in the February 2018 TBOTE News. The topic is again being addressed due to the pressing need for applicants.

There are nine board member positions on the Texas Board of Occupational Therapy Examiners: four OT positions, two OTA positions, and three public members.

There are **four professional member positions** that must be appointed or reappointed as the terms have expired (one OTA and three OT positions). And on February 1, 2019, **two additional professional member** terms will expire (one OTA and one OT).

For the TBOTE Board to continue to meet and conduct business, it must have member positions filled. However, at present, the Governor has received few applications for the Board.

If you are interested in serving the people of Texas by becoming a member of the Board, please submit an application for appointment to the Governor's Appointments Office as soon as possible. And if someone you know is interested, please share this information. The Governor strives to appoint a diverse range of individuals from throughout Texas.

The Appointments Office is the source for information concerning the Board membership application process and any questions regarding available positions. Please visit its webpage for information: <https://gov.texas.gov/organization/appointments>.

Information about the current makeup of the Board and members' terms may be accessed from this link: <https://www.ptot.texas.gov/page/ot-board>. The Board's mission is to protect the health, safety, and welfare of the people of Texas through the regulation and enforcement of the practice of occupational therapy.

Subchapter B of the OT Practice Act, accessible from the [Act and Rules page](#), addresses information regarding membership restrictions and serving on the Board. For example, the OT and OTA positions require that the individual has practiced for at least the three years preceding appointment to the Board, and for a public member position, that the individual or the individual's spouse is not licensed by an occupational regulatory agency in the field of health care. A board term is six years unless it is to complete the unexpired term for a member who is no longer serving. Please refer to Subchapter B for further restrictions and information.

Note: The Board does not process or accept applications to serve as a member and cannot address further questions regarding the appointments process. Please direct any questions regarding appointments to the Governor's Appointments Office using the contact information accessible from the corresponding link above.

Rule Reminder: Acceptable and Unacceptable Activities

Note: This is just an overview. See Chapter 367 and the full OT Act and Rules for further information and regulations.

Each licensee must complete a minimum of 30 contact hours of continuing education that meet the OT Act and Rules each renewal period. To access the full OT Act and Rules for additional information and regulations, please visit the [Act and Rules page](#). Chapter 367 of the OT Rules details CE and the Board's [Continuing Education page](#) and [FAQ section](#) offer further resources.

All activities claimed for CE credit including those approved or offered through AOTA or TOTA must meet the requirements in Chapter 367 and may not be an unacceptable activity as per §367.1(a)(2) of the OT Rules.

What is Acceptable CE?

All CE activities must meet the definition of continuing education as outlined in §367.1(a)(1). The licensee is solely responsible for keeping accurate documentation of all continuing education activities and for selecting continuing education as per the requirements in Chapter 367. Refer to Chapter 367 for further requirements.

Definition of Continuing Education; also known as CE. Continuing Education – Professional development activities that meet the requirements in Chapter 367 of the OT Rules and directly concern one or more of the following:

- (A) occupational therapy practice as defined in §362.1, Definitions, of the OT Rules,
- (B) health conditions treated by occupational therapy,
- (C) ethical or regulatory matters in occupational therapy, or
- (D) occupational therapy documentation or reimbursement for occupational therapy services.

Examples of Acceptable Activities

Note: These are representative topics. Each licensee must determine if a specific activity meets the definition of CE and is eligible for credit according to the OT Rules. Licensees are not limited to completing CE on the sample topics listed below. Please note that though topic titles may be general, the content, etc. for such courses would need to demonstrate that they met the definition of CE and further requirements in Chapter 367.

- *Alzheimer's*
- *Intervention Techniques for Alzheimer's Disease*
- *Anatomy and Physiology of the Hand*
- *Training in Physical Agent Modalities for Hand Patients*
- *Evaluation of and Treatment Strategies for Carpal Tunnel Syndrome*
- *OT Intervention for Adolescents Exhibiting Violent Behavior*
- *OT Strategies for Students with Attention Deficit Disorder*
- *Stroke and Vascular Disorders*
- *OT Intervention for Individuals Recovering from a Stroke*
- *Managing Adult Hemiplegia*
- *Ethics in Occupational Therapy*
- *Regulatory Issues in Occupational Therapy*
- *Billing for Occupational Therapy Services*

Unacceptable Activities:

As per §367.1(a)(2) of the OT Rules, certain activities are unacceptable and are not eligible for CE credit.

Unacceptable Activities. Unacceptable professional development activities not eligible for continuing education regardless of the provider or pre-approved status include but are not limited to:

- (A) Any non-instructional time frames such as breaks, meals, introductions, and pre/post testing.
- (B) Business meetings.
- (C) Exhibit hall attendance.

(D) Reading journals.

(E) Courses that provide information about the work setting's philosophy, policies, or procedures or designed to educate employees about a specific work setting.

(F) Courses in topics concerning professionalism or customer service.

(G) Courses such as: massage therapy, management and business administration, social work, defensive driving, water safety, team building, leadership, GRE, GMAT, MCAT preparation, reading techniques, general foreign languages, communicable/infectious diseases, patient abuse, disposal of hazardous waste, patient privacy, CPR, First Aid, HIPAA, FERPA, bloodborne pathogens, or similar courses.

Is the Activity an Unacceptable Activity?

Questions to ask when determining if a course is not eligible for CE credit

Note: This is just an overview. See Chapter 367 of the [OT Rules](#) for further information and regulations.

1. Is it unacceptable because it may be an activity that many of the employees in a particular practice setting must complete and does not meet requirements in Chapter 367, for example, a course that provides information about the work setting's philosophy, policies, or procedures or designed to educate employees about a specific work setting?

2. Is it unacceptable because it does not meet requirements in Chapter 367 and may even be a repetitive activity, such as courses related to recognizing abuse or neglect, HIPAA and/or FERPA, preparing for natural disasters and other emergencies, disposal of hazardous waste, mandated reporting, CPR, the prevention of infectious disease outbreaks or fires, etc.?

(For information regarding repeating acceptable CE activities, please see §367.1.)

3. Is it unacceptable because it does not meet the definition of Continuing Education and further requirements in Chapter 367, such as a course related to management and business administration, communicable/infectious diseases, leadership, team building, general foreign languages, etc.?

4. Is it unacceptable because it is a course in topics concerning professionalism or customer service?

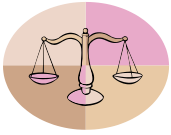
5. Is it unacceptable because it falls under any of the provisions in §367.1(a)(2) and/or fails to meet any of the other requirements regarding CE in the OT Rules?

Sample Unacceptable Activities:

The list that follows contains examples of topics that are NOT acceptable for CE credit. While many of these topics may enrich your relationship with your clients or enhance the success of your practice, they are not required in order for licensees to provide occupational therapy services.

Please note that this list is not exclusive. Courses in other topics may be unacceptable activities. Check to make sure each activity you intend to claim for CE is eligible for credit according to the OT Rules.

- Massage Therapy Registration Program
- Management and Business Administration
- General Foreign Language Course
- Social Work Courses
- Defensive Driving
- Water Safety Courses
- Team Building and/or Leadership Workshops
- GRE, GMAT, MCAT Preparation
- General Cooking Class
- Reading Techniques Courses
- Nutrition for Women
- Communicable or Infectious Diseases
- Courses such as CPR, First Aid, patient abuse, disposal of hazardous waste, patient privacy, HIPAA & FERPA, bloodborne pathogens, or similar courses
- Customer Service or Professionalism
- New Employee Orientation Courses



**OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN
MAY 4, 2018 BOARD MEETING:**

- (1) Takeisha Jones, COTA #213220 (Arlington)** – failed to properly renew her license to practice; lacked sufficient number or type of hours required for license renewal. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order required thirty (30) hours of community service.***
- (2) Giovanna Lopez, COTA #209381 (Hockley)** – failed to properly renew her license to practice; lacked sufficient number or type of hours required for license renewal. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order required thirty (30) hours of community service.***
- (3) Leigh Wartella, COTA #210308 (Austin)** – failed to properly renew her license to practice; lacked sufficient number or type of hours required for license renewal. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order required thirty (30) hours of community service.***
- (4) Joe Anthony Gonzalez, COTA #211747 (Corpus Christi)** – failed to properly renew his license to practice; lacked sufficient number or type of hours required for license renewal. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order suspended his license to practice for thirty (30) days.***
- (5) Marcus Simmons, COTA #211588 (San Angelo)** – practiced in a detrimental manner by inaccurately documenting treatment rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended his license to practice for thirty (30) days.***
- (6) Richard Graham Hale, COTA #211053 (Reklaw)** – practiced in a detrimental manner by inaccurately documenting treatment rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended his license to practice for thirty (30) days.***
- (7) Adriana Hernandez, COTA #210013 (McAllen)** – practiced in a detrimental manner by inaccurately documenting treatment rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended her license to practice for thirty (30) days.***
- (8) Frederick Uhlman, COTA #213156 (Houston)** – practiced 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 his license to practice for thirty (30) days.***
- (9) Rocky Romero, OTR #102637 (El Paso)** – practiced in a detrimental manner by practicing outside the scope of his license. Violation of Section 454.301 of the Act. ***Board Order suspended his license to practice for thirty (30) days.***