

# TBOTE news

The Texas Board of Occupational Therapy Examiners

September 2019

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Previous newsletters, forms, and FAQs are available from the website: [www.ptot.texas.gov](http://www.ptot.texas.gov).

## Next Board Meeting\*

October 25, 2019  
Austin, TX

\* Subject to change

## TBOTE BOARD

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## Notes from the Coordinator

### Proposed or Adopted Rule Changes

The Board has proposed rule changes and adopted rule changes. In addition, the Executive Council has adopted related rule changes. Please see further information in this newsletter.

## ECPTOTE Welcomes its New Executive Director

The Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) has welcomed Mr. Ralph A. Harper as its new Executive Director. Mr. Harper, previously the agency's senior accountant, assumed the full duties of the Executive Director after the retirement of the agency's long-term director, Mr. John P. Maline. ECPTOTE and TBOTE extend to Mr. Harper wishes for a happy tenure as the new director and to Mr. Maline wishes for a joyful retirement.

## Fingerprint-Based Criminal Background Checks in Effect

Fingerprinting requirements went into effect January 1, 2019.

### Applicants for an OT or OTA Texas License:

Fingerprinting is a required item for initial license issuance.

### OT and OTA Licensees:

Licensees renewing an active status or retired status license or changing status to retired or active **have fingerprinting as a required item for renewal** if they have not previously satisfied TBOTE fingerprinting requirements for the initial issuance of the license or previous renewal or change in status. Licensees renewing a license on inactive status or changing the status to inactive will not have this requirement until changing to active or retired status.

**What if an applicant or licensee has had to be fingerprinted for some other reason?** Previously undergoing a criminal background check through fingerprinting (for TSA, an employer, etc.) **does not exempt** an applicant or licensee from this requirement.

**More Information: Instructions regarding submitting fingerprints appear on the Board's website at [www.ptot.texas.gov](http://www.ptot.texas.gov).** Refer to the related announcement for details.

## General Overview of September 1, 2019 changes concerning OT Facilities and concerning CE

**Note: Further changes effective September 1, 2019, are addressed in the article that follows.**

### Occupational Therapy Facility Registration Program Discontinued Effective September 1, 2019

The Texas Board of Occupational Therapy Examiners' occupational therapy facility registration program has been discontinued as of September 1, 2019, due to changes to the OT Practice made by the 85<sup>th</sup> Legislature that repealed facility registration requirements on that date. In conjunction with these changes, Chapter 376, Registration of Facilities, was also repealed from the OT Rules, as were remaining regulations from the OT Rules concerning registering and maintaining occupational therapy facility registration.

**Due to these changes, for example,**

- Facilities will no longer register with the Board as occupational therapy facilities.
- Facilities will no longer maintain occupational therapy facility registration with the Board and will no longer renew the occupational therapy facility registration.
- Facilities are no longer required to designate an occupational therapist in charge.
- OT and OTAs who provide services in a facility are no longer required to work in registered occupational therapy facilities or facilities that met registration exemptions under the OT Rules.

**Please note, furthermore, that the following has not changed, for example,**

- OTs and OTAs in Texas must at all times comply with the OT Act and Rules.
- Occupational therapy services in Texas must be provided by OTs and OTAs licensed by this Board.

Refer to the full OT Act and Rules for further Board regulations: <https://www.ptot.texas.gov/page/ot-acts-and-rules>.

### CE Changes Effective September 1, 2019

On September 1, 2019, CE rule changes took effect, including changes to the number of hours of continuing education required per renewal period.

Due to these changes, for renewals on or after September 1, 2019, **24 hours of CE are required.\***

In addition, activities approved or offered by AOTA or TOTA are pre-approved for CE credit for license renewal.

Please note that **licensees are not required to take pre-approved CE**. For courses from other providers, licensees are responsible for ensuring, for example, that such meet the definition of CE and are not an unacceptable activity as per §367.1, Continuing Education.

**Further CE changes have taken effect**, including the expansion of the fieldwork supervision category, the addition of the AOTA Benchmark as an acceptable activity, and the removal of some requirements regarding certain categories of CE, including the removal of a post-test requirement for Internet-based courses.

Refer to Chapter 367, Continuing Education, for further regulations all CE must meet. The [Continuing Education](#) page includes additional resources, as well.

\* Note that the change in Chapter 367 to now require 24 hours of CE for license renewal supersedes a provision in §370.1 that still states that 30 hours are required. As of September 1, 2019, only 24 hours of CE are required for license renewal as stated in §367.1, Continuing Education, of the OT Rules.

**Note: The information above is a general overview only. Updated PDFs of the compiled OT Act and OT Rules are available from the OT Act and Rules page and reflect the act and rule changes noted, in addition to further changes effective September 1, 2019. The OT Act and Rules page may be accessed from this link:**

<https://www.ptot.texas.gov/page/ot-acts-and-rules>.

## **Introduction to Adopted Rule Changes from the August TBOTE Board Meeting and August Executive Council Meeting**

**Note: A general overview of some of the rule changes noted below is addressed in the preceding article.**

The rule changes noted below took effect September 1, 2019. On that date, the “September, 2019” compiled PDF version of the OT Rules superseded the previous compiled PDF. An up-to-date version of the compiled rules is available from the [OT Act and Rules](#) page.

Notice of the TBOTE adoptions was published in the August 16, 2019, issue and notice of the Executive Council adoptions in the August 23, 2019, issue of the [Texas Register](#).

*A brief introduction to the adopted rule changes appears below; refer to the [OT Act and Rules](#) page for further information and regulations.*

### **Adopted TBOTE Rule Changes concerning Continuing Education**

#### **§367.1. Continuing Education.**

#### **§367.2. Categories of Education.**

#### **§367.3. Continuing Education Audit.**

Adopted changes to §367.1 include reducing the number of required continuing education hours per renewal period from 30 to 24 hours and to include language that unless otherwise specified in the chapter, 1 hour of continuing education is equal to 1 contact hour. A provision has also been adopted to add that licensees who submit their renewal with all required items prior to the month when their license expires may count CE completed during their license’s expiration month for their next renewal period. Additional changes to §367.1 include removing a number of courses from the list of activities not acceptable for continuing education. The amendments also clarify that all continuing education activities that are approved or offered by AOTA or TOTA are pre-approved by the Board.

The amendments to the section include further cleanups, including removing a provision requiring that those renewing a license more than ninety days late must submit proof of CE for the renewal as §370.1, concerning late renewal, of the OT Rules, already contains a provision addressing the submission of CE documentation for late renewal.

Adopted changes to §367.2 revise the categories of continuing education and the requirements therein and include cleanups to the section to use the term “contact hours” consistently and to remove redundant language. Revisions to the categories of continuing education include amendments regarding the CE a licensee may earn for the supervision of fieldwork students. In addition, the category was expanded to allow a licensee to earn credit for the supervision of a student completing a supervised project for the accredited educational program and for the supervision of a student completing a re-entry course through an accredited college or university. The amendments also revise the CE credit a licensee may earn for the completion of NBCOT Navigator activities and authorize CE credit for completion of the AOTA Benchmark. In addition, a provision concerning a request for special consideration for continuing education has been revised to add that such must be submitted in writing a minimum of 60, though no more than 270, days prior to expiration of the license. Adopted changes to the section include further clarifications, cleanups, and revisions.

Adopted changes to §367.3 concern cleanups and clarifications and add that documentation of CE includes letters of verification and that hours may be listed on continuing education documentation.

## **Adopted TBOTE Rule Changes concerning Occupational Therapy Facility Registration**

### **Chapter 376. Registration of Facilities.**

The repeal of the chapter is adopted in order to discontinue the registration of occupational therapy facilities as mandated by changes to the OT Practice Act pursuant to SB 317 in the 85th Regular Legislative Session. The repeal removes from the OT Rules requirements to register an occupational therapy facility with the Board and renew the registration annually and the requirement that occupational therapy practitioners may only practice in an occupational therapy facility if that facility is registered or exempt from the registration requirement.

#### **§362.1. Definitions.**

The amendment is adopted to revise the definition of “Investigation Committee” to remove the facilities reference therein in accordance with changes in statute to the OT Practice Act pursuant to SB 317.

#### **§374.1. Disciplinary Actions.**

#### **§374.2. Detrimental Practice.**

Changes to §374.1 remove from the section references to facilities in a provision concerning understanding and complying with the OT Practice Act and the OT Rules and a provision concerning the publishing of final disciplinary actions taken by the Board. In addition, the adoptions add to §374.1 that “The board may expunge any record of disciplinary action taken against a license holder before September 1, 2019, for practicing in a facility that failed to meet the registration requirements of §454.215 of the Act (relating to Occupational Therapy Facility Registration), as that section existed on January 1, 2019. The board may not expunge a record under this subsection after September 1, 2021.” The provision is being adopted pursuant to SB 317 and the addition to the OT Practice Act of §454.307, concerning record of disciplinary action and expungement.

The changes also eliminate failure to register or renew a facility registration and practicing in an unregistered facility from the list of practices considered detrimental to the public health and welfare in §374.2 and from a schedule of sanctions in §374.1.

## **Adopted ECPTOTE Rule Changes concerning Occupational Therapy Facility Registration**

### **§651.1. Occupational Therapy Board Fees.**

### **§651.3. Administrative Services Fees.**

The amendments are adopted to discontinue the fees associated with the application, renewal, and associated fees for occupational therapy facilities, pursuant to changes from SB 317.

## Introduction to Proposed TBOTE Rule Changes from the August Board Meeting

*These are **PROPOSED** rule changes.*

*The current rules are in effect.*

The Texas Board of Occupational Therapy Examiners (TBOTE) has proposed amendments to §370.1, License Renewal, and proposed new rule §364.5, Recognition of Out-of-State License of Military Spouse.

The proposals have been published in the September 6, 2019, issue of the [Texas Register](#), and a PDF of the proposals has been uploaded to the [OT Act and Rules](#) page.

Please note that the information that follows is just a brief introduction; refer to the full proposals for further information.

**Comments:** Comments on the proposed amendments and new rule may be submitted to Lea Weiss, Occupational Therapy Coordinator, Texas Board of Occupational Therapy Examiners, 333 Guadalupe Street, Suite 2-510, Austin, Texas 78701-3942 or to [lea@ptot.texas.gov](mailto:lea@ptot.texas.gov) no later than 30 days from the date that the proposed amendments and new rule are published in the *Texas Register*.

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

*A general overview of the proposed changes appears below; refer to the full published proposals for further information.*

### **Proposed Rule Changes**

#### **§370.1. License Renewal.**

The proposal includes amendments to reflect law changes already in effect due to SB 37 of the 86<sup>th</sup> Regular Legislative Session. Related changes to §370.1 are proposed as a cleanup to remove a provision restricting the renewal of a license for an individual who has defaulted with the Texas Guaranteed Student Loan Corporation (TGSLC), as that provision has been superseded by the above law changes and is no longer in effect.

Additional amendments are proposed as cleanups and clarifications. An amendment is proposed 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 CE requirements as per Chapter 367, Continuing Education, as adopted amendments to that chapter changed the number of required hours from thirty to twenty-four hours effective September 1, 2019. Further amendments are proposed to remove a redundant reference to the address of record, as language concerning such is already located elsewhere in the OT 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.

#### **§364.5. Recognition of Out-of-State License of Military Spouse.**

The new rule is proposed to add provisions to the OT Rules concerning the recognition of out-of-state licenses of military spouses as required by SB 1200 of the 86<sup>th</sup> Regular Legislative Session. §364.5 would add 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 spouse may practice in the state once the individual has received confirmation from the Board that the spouse is authorized to engage in the practice of occupational therapy. The proposal includes further provisions pursuant to SB 1200.



**OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN  
AUGUST 2, 2019 BOARD MEETING**

- (1) **Emily Beyer, OTR #115218 (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 required thirty (30) hours of community service.**
- (2) **Christine Kenney, COTA #214320 (El Paso)** – 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 her license to practice for thirty (30) days.**
- (3) **Jennifer Molina, OTR #116118 (Royse City)** – failed to properly renew her license to practice; lacked sufficient number 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) **Tara St Clair, COTA #208382 (Corsicana)** – failed to properly renew her license to practice; lacked sufficient number 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.**
- (5) **Audra Chambers, COTA #211426 (Waxahachie)** - practiced in a detrimental manner by fraudulently 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.**
- (6) **Timothy Hatters, OTR #116073 (Boerne)** – 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) **Roshunda Hill, OTR #113412 (Desoto)** - 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) **David Ozment, COTA #210633 (San Antonio)** – 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.**
- (9) **Kafayat Sumon, COTA #215293 (Richmond)** - 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.**
- (10) **Sherri Kilpatrick, COTA #213777 (Carthage)** - 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.**
- (11) **Courtney Lopez, OTR #114125 (Mansfield)** - 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 fifteen (15) days.**
- (12) **Miguel Sanchez, COTA #209868 (Laredo)** – 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 forty-five (45) days.**
- (13) **Vanda Parece-Wright, OTR #115126 (San Antonio)** - practiced in a detrimental manner by using drugs to an extent that affected her professional competence by refusing to take a drug test leading to an immediate termination of her employment. 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.**