

1 **Texas Board of Occupational Therapy Examiners**
2 **RULES COMMITTEE MEETING MINUTES**

3 August 2, 2018
4 333 Guadalupe, Suite #2-510
5 Austin, TX 78701
6 1:00 PM
7

8 **Committee Members Present:** DeLana Honaker, OTR, PhD, FAOTA,
9 Rules Committee Chair
10 Sally Harris King, COTA
11 Amanda Jean Ellis, Public Member
12

13 **Counsel Present:** Kara Holsinger, Assistant Attorney General
14

15 **Staff Present:** Mark Turek, Chief Investigator
16 Michael Briscoe, Licensing Manager
17 Lea Weiss, OT Coordinator
18

19 **Public Attendees:** None
20

21 **1. Call to Order**

22 DeLana Honaker called the roll and determined that a quorum existed. The meeting was called
23 to order at 1:11 PM.
24

25 **2. Public Comment**

26 There was no public comment.
27

28 **3. Approval of Minutes of November 2, 2017 Rules Committee meeting**

29 **Motion:** To approve the minutes as written

30 **Made by:** Sally Harris King

31 **Second by:** Amanda Jean Ellis

32 **Motion passed.**
33

34 **4. Discussion and possible action on SB 317 from the 85th Regular Legislative**
35 **session and proposing rule amendments, including amendments regarding**
36 **fingerprint-based criminal background checks, to the following rules:**

37 **A. Chapter 364, Requirements for Licensure**

38 **B. Chapter 370, License Renewal**

39 **C. Chapter 371, Inactive and Retired Status**

40 The Rules Committee discussed recommending amendments to §364.1, Requirements for
41 Licensure; §370.1, License Renewal; §370.3, Restoration of a Texas License; §371.1, Inactive
42 Status; and §371.2, Retired Status, regarding adding provisions requiring an applicant's or
43 licensee's submission of fingerprints. Such changes would be recommended pursuant to the
44 addition to the Act of §454.217 and §454.255, adopted by the 85th Legislature, requiring an
45 applicant or licensee to submit fingerprints to the Department of Public Safety for the purpose of

46 the Board obtaining criminal history record information from the Department of Public Safety
47 and the Federal Bureau of Investigation.

48

49 The Rules Committee, in addition, discussed recommending to the Board amendments to
50 §364.1, §370.1, §370.3, §371.1, and §371.2 to cleanup and clarify the sections.

51

52 Recommended cleanups and clarifications to §364.1 would pertain to provisions regarding
53 application requirements for initial Texas licensure. Provisions concerning educational
54 requirements would be revised in the recommended amendments in accordance with changes
55 to the Practice Act pursuant to SB 317 from the 85th Legislative Session (Regular). In the
56 recommended amendments, language referring to specified weeks of field work would be
57 removed and replaced with a provision that refers to the relevant section of the Act, as the Act
58 no longer specifies the number of weeks of field work. In addition, language referring to the
59 completion of an accredited OT/OTA program in §364.1 would be replaced with language
60 referring to academic requirements for applicants as specified in §454.203 of the Act.

61 Language would also be added referencing §454.205 of the Act, wherein academic and
62 supervised field work requirements for foreign-trained applicants are described.

63

64 Further cleanups in the recommended amendments to §364.1 would include removing
65 provisions that appear elsewhere in the OT Rules from the section and replacing such with a
66 provision noting that “Applicants and new licensees shall refer to Chapter 369 of this title for
67 provisions regarding information changes and verification of temporary or regular license
68 issuance and current licensure.”

69

70 Cleanups and clarifications to §370.1 and §370.3 would pertain to provisions regarding
71 application requirements for the renewal of a Texas occupational therapy license. Such
72 changes include removing “online” from provisions in the sections concerning the jurisprudence
73 examination, as such is defined in §362.1 of the OT Rules, concerning definitions, as an online
74 examination. In the recommended amendments to §370.1, references to a paper or online
75 application would be replaced with language referring to an application form as prescribed by
76 the Board and with references to further requirements licensees must meet in additional
77 sections of the OT Rules.

78

79 Cleanups and clarifications to §371.1 and §371.2 also would pertain to removing “online” from
80 provisions concerning the jurisprudence examination. Further clarifications and cleanups would
81 appear in the recommendations regarding those sections, including removing a reference in
82 §371.2 to verification of current licensure, as provisions concerning verification of current
83 licensure already appear elsewhere in the OT Rules.

84

85 Further cleanups and clarifications would appear in the recommended amendments to §364.1,
86 §370.1, §370.3, §371.1, and §371.2.

87

88 **Motion: To recommend changes to §364.1, Requirements for Licensure; §370.1,**
89 **License Renewal; §370.3, Restoration of a Texas License; §371.1, Inactive**
90 **Status; and §371.2, Retired Status, as discussed**

91 **Made by: Sally Harris King**

92 **Second by: DeLana Honaker**

93 **Motion passed.**

94

95 **5. Discussion and possible action on SB 317 from the 85th Regular Legislative**
96 **Session and proposing rule amendments to §374.1, Disciplinary Actions,**
97 **regarding a schedule of sanctions**

98 The Committee discussed recommending amendments to §374.1, Disciplinary Actions, to add
99 information concerning a schedule of sanctions to the chapter in order to comply with a recent
100 statutory amendment to the Occupational Therapy Practice Act, Tex. Occ. Code Chapter 454.

101

102 The recommended amendments would add a schedule of sanctions to the section and
103 information regarding factors considered in conjunction with the schedule of sanctions when
104 determining the appropriate penalty/sanction in disciplinary matters. The amendments would be
105 recommended pursuant to the addition to the Act of §454.3025, adopted by the 85th Legislature,
106 requiring the Board to adopt a schedule of sanctions.

107

108 **Motion: To recommend changes to §374.1, Disciplinary Actions, as discussed**

109 **Made by: Sally Harris King**

110 **Second by: Amanda Jean Ellis**

111 **Motion passed.**

112

113 **6. Discussion and possible action on questions received by the Texas Board of**
114 **Occupational Therapy Examiners related to the OT Practice Act and Board Rules**

115 There were no questions discussed and no action was taken.

116

117 **7. Discussion and possible action on future meeting dates and agenda items**

118 The Committee discussed possible meeting dates of November 16 and 17, 2018, in Burnet as
119 part of the off-site Board conference, with possible agenda items to include the discussion of
120 practice by OTs and OTAS in non-traditional, community, and wellness-based roles or settings
121 and the OT Rules and supervision.

122

123 **8. Adjournment**

124 The Committee adjourned at 1:55 PM.

125

126 **Minutes adopted on: November 16, 2018**