

# TBOTE news

The Texas Board of Occupational Therapy Examiners

September 2018

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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\*

November 16-17  
Burnet, 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  
Blanca Cardenas, Public Member  
Jennifer B. Clark, COTA  
Amanda Jean Ellis, Public Member  
Karen Gardner, OTR  
Sally Harris King, COTA  
Pamela D. Nelon, Public member

## Notes from the Coordinator

### Proposed or Adopted Rule Changes

The Board has proposed amendments. Please see further information in this newsletter regarding the proposals (including changes regarding criminal background checks). There were no rule changes adopted at the Board's most recent meeting.

### Criminal Background Checks: Update

The Board has proposed rule changes regarding Criminal Background Checks (CBCs) through fingerprinting. In addition, procedures regarding the implementation of CBCs are being developed. This is to comply with statutory amendments to the OT Practice Act made during the last legislative session requiring criminal history checks.

The projected rollout for this CBC requirement is January 1, 2019.

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

Fingerprinting will be a required item for license issuance on or after January 1, 2019.

### OT and OTA Licensees:

Licensees renewing an active status or retired status license or changing status to retired or active on or after January 1, 2019 will have fingerprinting as a required item 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 CBC through fingerprinting (for TSA, an employer, etc.) does not exempt an applicant or licensee from this requirement.

Updated information regarding this rollout and the specific procedures to follow will be updated on the Board's website at [www.ptot.texas.gov](http://www.ptot.texas.gov), will be disseminated through the mass email list, and will appear in upcoming editions of *TBOTE News*. Please continue to monitor such for updates.

## TBOTE Board Appointments and Reappointments

At the end of July, Governor Greg Abbott appointed two new members to the TBOTE Board, Blanca Cardenas as a public member and Karen Gardner as a professional member, and also reappointed members and filled any vacant positions.

In addition, Governor Abbott named Stephanie Johnston as Presiding Officer of the Board.

Consequently, all of TBOTE's member positions are filled by individuals with unexpired terms.

Thank you to everyone who expressed an interest in serving on the Board. Your efforts were well appreciated.

For a brief introduction to these newly appointed or reappointed members, please see excerpts from the Governor's press release below.

**Blanca Cardenas** of Mission is the vice president of Membership Services at the McAllen Chamber of Commerce. She is a member of the American Chamber of Commerce Executives, McAllen Crime Stoppers, and McAllen South Rotary Club. She previously served on the board of McAllen Citizen's League, American Diabetes Association, and the South Texas Youth Symphony. Cardenas attended the University of Texas Pan American.

**Karen Gardner** of Brenham is the owner of Silver Lining Therapy, LLC; the clinic specializes in community based occupational therapy activities, hippotherapy, and animal assisted therapy services. She currently is an adjunct professor for a community college and is a faculty member of the American Hippotherapy Association. Previously, she served as a supervisor and director of several rehabilitation centers and clinics. She is a member of the American Occupational Therapy Association, Texas Occupational Therapy Association, and the American Hippotherapy Association. Gardner received a Bachelor of Science in zoology and physiology from The University of Texas at Austin and a Master of Occupational Therapy from Texas Woman's University.

**DeLana Honaker Ph.D.**, of Amarillo is CEO of Health Harmony Therapy, which provides occupational therapy services centered on lymphedema and chronic venous issues. In addition to serving as a supervisor and director of several rehabilitation centers, she spent 23 years serving children with special needs, and 18 years as an adjunct and associate professor. She is a member of the Editorial Review Board of the American Journal of Occupational Therapy and the Open Journal of Occupational Therapy, and is a member of and served on several leadership roles for the American Occupational Therapy Association. Honaker received a Bachelor of Science, Master of Arts, and a Doctor of Philosophy in occupational therapy from Texas Woman's University.

**Stephanie Johnston, O.T.D.** of Magnolia is professor and fieldwork coordinator for the Occupational Therapy Assistant Program at Lone Star College – Tomball. She previously served as a supervisor of several rehabilitation centers. She is a member of the American Occupational Therapy Association, Texas Occupational Therapy Association, and World Federation of Occupational Therapy. She is a volunteer with Meals on Wheels and former

volunteer with Habitat for Humanity. Johnston received a Bachelor of Science, Master of Arts, and a Post Professional Clinical Doctorate in occupational therapy from Texas Woman's University.

**Sally Harris King** of Houston is a certified occupational therapy assistant with Harris Health System. She is a member of the American Occupational Therapy Association, Texas Occupational Therapy Association, and National Alliance for Mental Health. She is a volunteer with the Houston Food Bank and No One Dies Alone and a former volunteer with Rebuild Houston. King received an Occupational Therapy Assistant Certification from Houston Community College and has a practice area of emphasis in mental health designation from the National Board for Certification of Occupational Therapy.

**Pamela Nelon** of Fort Worth is a realtor with Virginia Cook Realtors and previously owned Nelon Consultants. She is a member of the National Association of Realtors and a past committee member of the American Cancer Society. She is a volunteer with the North Texas Animal Shelter, Safe Haven Women's Shelter, and Mayfest Festival in Fort Worth. Nelon is a licensed realtor and received a Bachelor of Arts in marketing and advertising from Dallas Baptist University.

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

*These are PROPOSED rule changes.  
The current rules are in effect.*

The Board has proposed amendments to §364.1. Requirements for Licensure, §370.1. License Renewal, §370.3. Restoration of a Texas License, §371.1. Inactive Status, §371.2. Retired Status, and §374.1. Disciplinary Actions.

The proposals have been published in the September 7, 2018 issue of the [Texas Register](#). A PDF of the proposals has been uploaded to the Board's [Act and Rules](#) page, as well.

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 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 these proposed amendments 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 amendments appears below; refer to the full published proposals for further information.*

### **Introduction to Proposed Amendments:**

#### **§364.1. Requirements for Licensure.**

The amendments are proposed to cleanup and clarify the section and to add provisions to the section regarding the Board obtaining applicants' criminal history record information.

Cleanups and clarifications pertain to provisions regarding application requirements for initial Texas licensure. Provisions concerning educational requirements for initial Texas licensure have been revised in accordance with changes to the Occupational Therapy Practice Act, Tex. Occ. Code Chapter 454, pursuant to SB 317 from the 85th Legislative Session (Regular). The Legislature changed §454.203 of the Act, removing requirements for applicants to complete a specific number of weeks of supervised field work experience, and instead requiring the completion of field work experience requirements of an educational program in occupational therapy recognized by the Board. In the proposal, consequently, language referring to specified weeks of field work has been removed and replaced with a provision that refers to the relevant section of the Act. In addition, language referring to the completion of an

accredited OT/OTA program in §364.1 has been replaced with language referring to academic requirements for applicants as specified in §454.203 of the Act. In the proposal, language has also been added referencing §454.205 of the Act, wherein academic and supervised field work requirements for foreign-trained applicants are described.

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

The proposed amendments include adding a provision requiring an applicant’s submission of fingerprints. Such changes are proposed pursuant to the addition to the Act of §454.217, adopted by the 85th Legislature, requiring an applicant to submit fingerprints to the Department of Public Safety for the purpose of the Board obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

**§370.1. License Renewal.**

**§370.3. Restoration of a Texas License.**

The amendments are proposed to cleanup and clarify the sections and to add provisions to the sections regarding the Board obtaining licensees’ criminal history record information.

Cleanups and clarifications pertain to provisions regarding application requirements for the renewal of a Texas occupational therapy license. Such changes include removing “online” from provisions in §370.1 and §370.3 concerning the jurisprudence examination, as such is defined in §362.1 of the OT Rules, concerning definitions, as an online examination. In the proposed amendments to §370.1, references to a paper or online application have also been replaced with language referring to an application form as prescribed by the Board and with references to further requirements licensees must meet in additional sections of the OT Rules. Further cleanups and clarifications appear in the proposal.

The proposed amendments include adding provisions requiring a licensee’s submission of fingerprints. Such changes are proposed pursuant to the addition to the Act of §454.255, adopted by the 85th Legislature, requiring a licensee to submit fingerprints to the Department of Public Safety for the purpose of the Board obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

**§371.1. Inactive Status.**

**§371.2. Retired Status.**

The amendments are proposed to cleanup and clarify the sections and to add provisions to the sections regarding the Board obtaining licensees’ criminal history record information.

Cleanups and clarifications pertain to removing “online” from provisions concerning the jurisprudence examination, as such is defined in §362.1 of the OT Rules, concerning definitions, as an online examination. Further clarifications and cleanups appear in the proposal, including removing a reference in §371.2 to verification of current licensure, as provisions concerning verification of current licensure already appear elsewhere in the OT Rules.

The proposed amendments include adding provisions requiring a licensee’s submission of fingerprints. Such changes are proposed pursuant to the addition to the Act of §454.255, adopted by the 85th Legislature, requiring a licensee to submit fingerprints to the Department of Public Safety for the purpose of the Board obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

**§374.1. Disciplinary Actions.**

The amendments are proposed to add information concerning a schedule of sanctions to the chapter in order to comply with a recent statutory amendment to the Occupational Therapy Practice Act, Tex. Occ. Code Chapter 454.

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

***CE Reminder***

*As per §367.1(d), each continuing education activity may be counted only one time in two renewal cycles. For example, if a licensee completed a course during the renewal cycle of 12/1/2017- 11/30/2019, the licensee could retake and complete the course during the renewal cycle of 12/1/2021-11/30/2023 or a renewal cycle thereafter.*



**OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN  
AUGUST 3, 2018 BOARD MEETING:**

- (1) Jillian Gregston, COTA #213303 (Springfield, MO)** – 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 suspended her license to practice for sixty (60) days.***
- (2) Troy Goynes, COTA #213263 (Hockley)** – 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 required thirty (30) hours of community service.***
- (3) Leah Kalka, OTR #105899 (Lake Jackson)** – 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) Anna Haertling, OTR #115704 (Houston)** – 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 required thirty (30) hours of community service.***
- (5) Joseph Scott, COTA #213589 (San Leon)** – practiced in a detrimental manner by restraining a patient (a child) by sitting on him for an extended period of time during treatment. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended his license to practice for sixty (60) days.***
- (6) Steffanie Bourdeaux, OTR #105100 (Houston)** – practiced in a detrimental manner by inaccurately documenting treatment rendered, altering board documentation, and practicing with a suspended license. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order indefinitely suspended her license to practice under the emergency provision allowed under section 454.305 of the Act, as the continued practice by the licensee constitutes a continuing or imminent threat to the public health or welfare.***