

# TBOTE news

The Texas Board of Occupational Therapy Examiners

June 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\*

August 2, 2019

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

## 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.

## Update on TBOTE Board Member Positions

*Note: This article originally appeared in the March 2019 newsletter.*

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 currently two **professional member positions** (one OT and one OTA position) and one **public member position** that must be appointed or reappointed as the terms have expired.

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. 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 [OT 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.***

## Introduction to Adopted Rule Changes from the May Board Meeting

**Note: The adoptions noted below went into effect June 1, 2019.**

The Board adopted amendments to §369.2, Changes of Name or Address; §372.1, Provision of Services; and §372.2, General Purpose Occupation-Based Instruction, and adopted the repeal of §373.3, Supervision of an Occupational Therapy Assistant. The adopted rule changes include clarifications regarding the transmission of a medical referral.

The following changes also took effect June 1, 2019, due to the removal from the OT Rules of §373.3, Supervision of an Occupational Therapy Assistant, and further adopted rule changes.

- OTAs with a regular license are no longer required to submit to the Board the Occupational Therapy Assistant Supervision Form.
- OTAs with a regular license are no longer required to notify the Board of supervisor changes.
- OTAs with a regular license are no longer required to receive specific supervision hours or maintain a supervision log.

Further supervision requirements concerning an OTA with a regular license remain in the OT Act and Rules after June 1, 2019. For example, an OTA with a regular license must practice under the general supervision of an OT. The OT is responsible for the plan of care and all amendments thereto. In addition, the supervising OT may only delegate to an OTA tasks that they both agree are within the competency level of that OTA. Furthermore, in each intervention note, the OTA must include the name of an OT who is readily available to answer questions about the client's intervention at the time of the provision of services and the OTA may not provide services unless this requirement is met.

Refer to the full [OT Act and Rules](#) for further requirements.

Supervision requirements for temporary licensees have not changed.

Visit the [OT Act and Rules](#) page for further information and to access an up-to-date version of the compiled rules, which has “June, 2019” on the cover.

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

*These are PROPOSED rule changes.*

*The current rules are in effect.*

The Texas Board of Occupational Therapy Examiners (TBOTE) has proposed the repeal of Chapter 376, Registration of Facilities, and proposed amendments to §362.1, Definitions; §367.1, Continuing Education; §367.2, Categories of Education; §367.3, Continuing Education Audit; §374.1, Disciplinary Actions; and §374.2, Detrimental Practice.

The proposals have been published in the June 14, 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 TBOTE proposed amendments and repeal 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 repeal 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 TBOTE Rule Changes concerning Continuing Education**

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

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

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

Proposed changes to §367.1 include reducing the number of required continuing education hours per renewal period from 30 hours to 24 hours, and to include language that unless otherwise specified in the chapter, one hour of continuing education is equal to one contact hour. A provision is also being proposed to the section 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 proposed amendments also clarify that all continuing education activities that are approved or offered by the AOTA or the 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, Late Renewal, already contains a related provision.

Changes to §367.2 would revise the categories of CE and the requirements in that section and include cleanups to the section to use the term “contact hours” consistently and to remove redundant language. Revisions to the categories of CE 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 proposed amendments would also revise the CE credit a licensee may earn for the completion of NBCOT Navigator activities and would authorize CE credit for completion of the AOTA Benchmark. In addition, a provision concerning a request for special consideration has been revised.

Proposed changes to the section include further clarifications, cleanups, and revisions.

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

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

*Note: Due to changes to the OT Practice Act that take effect September 1, 2019, **occupational therapy facility registration requirements, including facility registration and renewal, will end September 1, 2019, unless continued by further action of the Legislature. The changes below are proposed changes only. The current rules regarding facility registration remain in effect until the Act changes** referenced throughout this overview **take effect.***

*Updated information regarding the future discontinuation of the occupational therapy facility registration program will be available from 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 an upcoming TBOTE News. Please continue to monitor such for updates.*

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

The repeal is proposed in order to discontinue the registration of occupational therapy facilities as mandated by changes to the OT Practice Act from SB 317 of the 85th Regular Legislative Session. The repeal would remove 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 facility if that facility is registered or exempt from the registration requirement.

**§362.1. Definitions.**

The amendment is proposed to revise the definition of “Investigation Committee” to remove the facilities reference in accordance with changes to the OT Practice Act.

**§374.1. Disciplinary Actions.**

**§374.2. Detrimental Practice.**

The amendments, required to enact statutory changes to the OT Practice Act from SB 317, are proposed to remove from the chapter facilities related language concerning disciplinary actions and detrimental practice and to add language regarding the expunction of facility related violations.

Changes to §374.1 would remove from the section references to facilities. In addition, the proposal would 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 proposed due to the addition to the OT Practice Act of §454.307, concerning record of disciplinary action and expungement, which takes effect September 1, 2019.

The changes would 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.

**CE Reminder**

*As per §367.3(c) of the OT Rules, “The licensee is solely responsible for keeping accurate documentation of all continuing education requirements. Continuing education documentation must be maintained for two years from the date of the last renewal for auditing purposes.”*

*Consider strategies to enhance access to your stored CE documentation by creating a back-up system such as keeping a second copy in a different location. This way, if you are randomly selected for the OT CE Audit or otherwise must access your materials, you will have more than one method to do so.*

*For example, consider keeping electronic copies of your documentation in addition to the physical copies. If you scan your CE documentation and email yourself the file, you will have a copy you can access from any internet connection, regardless of your location or the physical condition of your documents.*

## Introduction to Proposed ECPTOTE Rule Changes from the May Executive Council Meeting

*These are PROPOSED rule changes.*

*The current rules are in effect.*

**Note:** See the note under “Proposed TBOTE Rule Changes concerning Occupational Therapy Facility Registration” earlier in this newsletter regarding occupational therapy facility changes and the effective date of such.

The Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) has proposed amendments to §651.1, Occupational Therapy Board Fees, and §651.3, Administrative Services Fees.

The proposals have been published in the June 14, 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 including regarding proposed ECPTOTE rule changes.

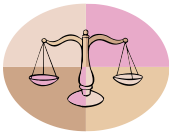
**Comments:** Comments on the ECPTOTE proposed amendments may be submitted electronically to [John@ptot.texas.gov](mailto:John@ptot.texas.gov) or in writing to Mr. John Maline, Executive Director, Executive Council of Physical Therapy and Occupational Therapy Examiners, Suite 2-510, 333 Guadalupe, Austin, Texas 78701. Comments must be received no later than 30 days from the date that the proposed amendments are published in the *Texas Register*.

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

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

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

The amendments are proposed to discontinue the fees associated with the application, renewal, and associated fees for occupational therapy facilities, pursuant to changes from SB 317 of the 85th Regular Legislative Session.



**OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN  
MAY 3, 2019 BOARD MEETING:**

- (1) Rachel Bruns, COTA #212433 (Temple)** – 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) Ashley Henson, COTA #212169 (Amarillo)** – 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) Crystal Molina, COTA #211291 (Pharr)** – 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) Meridyth Crawford, OTR #114254 (Rockwall)** – 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 sixty (60) hours of community service.***
- (5) Danny Martinez, COTA #212309 (Weslaco)** - 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 fifteen (15) days.***
- (6) Paula Jane Case, OTR #114453 (Northfield, MN)** – 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 accepted the surrender of her license to practice in lieu of other disciplinary action by the Board.***
- (7) Candy Spurlock, COTA #213631 (Monahans)** - 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) Sarah Price, COTA #208839 (Cedar Park)** – 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.***
- (9) Wanja Walchli, COTA #211126 (Dallas)** - 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) Raygenna Marie Heath, COTA #209252 (Whitney)** – 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 sixty (60) days.***