

Texas Board of Occupational Therapy Examiners
RULES COMMITTEE MEETING MINUTES
November 6, 2014
Sugar Land Marriott Town Square
Sugar Land VII Room
16090 City Walk
Sugar Land, TX 77479
2:00 PM

Committee Members Present: DeLana Honaker, OTR, PhD, FAOTA,
Rules Committee Chair
Jennifer B. Clark, COTA
Amanda Jean Ellis, Public Member

Staff Present: John Maline, Executive Director
Mark Turek, Chief Investigator
Cynthia Machado, Licensing Manager
Lea Weiss, OT Coordinator

1. Call to Order

DeLana Honaker, Rules Committee Chair, called the roll and established that a quorum existed. The meeting was called to order at 2:05 PM.

2. Public Comment

There was no public comment.

3. Approval of the Minutes of June 12, 2014

Motion: To approve the minutes as written

Made by: Amanda Jean Ellis

Second by: Jennifer B. Clark

Motion passed.

4. Report on attendance at the NBCOT Annual Regulatory Conference on October 24-25, 2014 by DeLana Honaker, OTR, PhD, FAOTA and Lea Weiss

DeLana Honaker and Lea Weiss discussed their attendance at the conference and noted presentation topics, including a panel on telehealth.

5. Discussion and possible action on proposing a new rule §372.2, Provision of Services, to add a section on Telehealth

The committee discussed that it would not be proposing a new rule §372.2, Provision of Services, to add a section on Telehealth as Telehealth is simply a mode of occupational therapy service delivery.

6. Discussion and possible action on proposing rule amendments, including amendments regarding Telehealth, to the following rules:

A. §362.1, Definitions

The committee proposed adding to §362.1, Definitions, definitions of “telehealth,” “face-to-face,” and “on-site” and removing the definition for “direct care.” The committee discussed that according to the proposed definition, telehealth may only be used as a mode of service delivery by occupational therapy practitioners licensed by this board with clients who are located in

1 Texas at the time of the provision of occupational therapy services. The committee also
2 proposed using language such as “electronic/communications technology” to refer to
3 communication by methods such as telephone, email, text, and videoconferencing, in addition to
4 using “client,” as defined in §362.1(7), throughout any proposed amendments.
5

6 **B. §363.1, Consumer/Licensee Information**

7 The committee determined that it would not be proposing an amendment to §363.1,
8 Consumer/Licensee Information.
9

10 **C. §364.1, Requirements for Licensure, and §364.4, Licensure by**
11 **Endorsement**

12 The committee determined that it would not be proposing amendments to §364.1, Requirements
13 for Licensure, and §364.4, Licensure by Endorsement.
14

15 **D. §369.1, Display of Licenses**

16 The committee determined that it would not be proposing an amendment to §369.1, Display of
17 Licenses.
18

19 **E. §372.1, Provision of Services**

20 The committee determined that it would propose an “a” inclusion to §372.1, Provision of
21 Services, such that the occupational therapist who screens, evaluates, or implements the plan
22 of care would be responsible for determining the need for the physical presence of an
23 occupational therapy practitioner during any interactions with clients.
24

25 The committee discussed issues related to compliance with federal and state regulations such
26 as HIPAA and other regulations related to privacy, security, confidentiality, etc. The committee
27 emphasized that as telehealth was just another mode of service delivery, an occupational
28 therapy practitioner, when selecting electronic/communications technologies for telehealth or
29 when utilizing telehealth, for example, would be responsible for adhering to and complying with
30 the same regulations as an occupational therapy practitioner utilizing other modes to deliver
31 occupational therapy services.
32

33 **F. §373.1, Supervision of Non-Licensed Personnel; §373.2,**
34 **Supervision of a Temporary Licensee; and §373.3, Supervision of an**
35 **Occupational Therapy Assistant**

36 The committee determined that it would propose an amendment to §373.1, Supervision of Non-
37 Licensed Personnel, to allow for supervision of non-licensed personnel to be conducted in
38 person or via telehealth.
39

40 In addition, the committee determined that it would be proposing an amendment to §373.2,
41 Supervision of a Temporary Licensee, to clarify that when providing services, an occupational
42 therapy assistant with a temporary license must receive supervision by an occupational therapy
43 assistant or occupational therapist with a regular license who is on the premises, and that an
44 occupational therapist with a temporary license must receive supervision by an occupational
45 therapist with a regular license who is on the premises. The committee, furthermore,
46 determined that it would propose language that would clarify the existing requirement that an
47 occupational therapy assistant with a temporary license must receive at least four hours of
48 supervision per month and that an occupational therapist with a temporary license must have
49 encounters twice a month with an occupational therapist who is physically present with the
50 temporary licensee when s/he is providing occupational therapy services.
51

1 The committee, with regard to §373.3, Supervision of an Occupational Therapy Assistant,
2 determined that it would propose language that would clarify that a full-time occupational
3 therapy assistant must receive at least two hours of supervision per month by an occupational
4 therapist who is physically present with the occupational therapy assistant when s/he is
5 providing services, and that an occupational therapy assistant working part time, PRN, or less
6 than a full month must receive at least one hour of supervision per month by an occupational
7 therapist who is physically present with the occupational therapy assistant when s/he is
8 providing services. Finally, the committee proposed cleanups to the section to clarify
9 supervision requirements, in general.

10
11 **G. §376.1, Facility Definitions; §376.4, Requirements for Registered**
12 **Facilities; and §376.5, Exemptions to Registration**

13 The committee determined that it would not be proposing amendments to §376.1, Facility
14 Definitions; §376.4, Requirements for Registered Facilities; and §376.5, Exemptions to
15 Registration.

16
17 **7. Discussion and possible action on future meeting dates and agenda items**

18 The Committee discussed the next possible meeting date of February 5, 2015 in Austin, TX.

19
20 **8. Adjournment**

21 **Motion: To adjourn**

22 **Made by: Jennifer B. Clark**

23 **Second by: Amanda Jean Ellis**

24 **Motion passed.**

25
26 The Rules Committee adjourned at 4:10 PM.

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28 **Minutes adopted on: February 5, 2015**