

Texas Board of Occupational Therapy Examiners
RULES COMMITTEE MEETING MINUTES
Rules Committee
February 5, 2015
333 Guadalupe, Suite #2-510
Austin, TX 78701
1:00 PM

Committee Members Present: DeLana Honaker, OTR, PhD, FAOTA,
Rules Committee Chair
Amanda Jean Ellis, Public Member
Sally Harris, COTA

Counsel: Kara Holsinger, Assistant Attorney General

Staff Present: Mark Turek, Chief Investigator
Cynthia Machado, Licensing Manager
Randall Glines, Assistant 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 1:02 PM.

2. Public Comment

There was no public comment.

3. Approval of the Minutes of November 6, 2014

Motion: To approve the minutes as written

Made by: Amanda Jean Ellis

Second by: Sally Harris

Motion passed.

4. Discussion and possible action on proposing rule amendments to the following rules:

A. §364.1, Requirements for Licensure; §364.2, Initial License by Examination; §364.3, Temporary License; and §364.4, Licensure by Endorsement

The Committee discussed proposing amendments to Chapter 364 to clarify licensing requirements and eligibility for those applying for a regular, temporary, or provisional license and to clarify the requirements for licensure for applicants who have already taken and passed the National Board for Certification in Occupational Therapy (NBCOT) certification examination. The Committee discussed adding the requirement that an applicant with a history of licensure in occupational therapy must submit a verification of license from each state or territory of the U.S. in which the applicant is currently licensed or previously held a license. The Committee considered adding that U.S. active duty service members and/or their spouses shall notify the Board of their military affiliation when submitting their Uniformed Services Military ID Card so such may be linked to their application.

The Committee discussed removing from §364.3, Temporary License, language stating that if an applicant does not take the first available examination, the temporary license will be revoked. The Committee considered adding language that would clarify that a temporary license is void for the temporary licensee who does not take NBCOT certification examination during the 90

1 day window as stated on the Confirmation of Examination Registration and Eligibility to Examine
2 form from NBCOT; according to the current rule, the applicant must submit this form as one of
3 the conditions for receiving a temporary license.
4

5 The Committee discussed removing from §364.4, Licensure by Endorsement, the provisional
6 license option for former Texas licensees who hold a current license in another state as this was
7 a holdover from before the adoption of §370.3, Restoration of a Texas License.
8

9 **Motion: To recommend changes to §364.1, Requirements for Licensure; §364.2,**
10 **Initial License by Examination; §364.3, Temporary License; and §364.4,**
11 **Licensure by Endorsement, as discussed**

12 **Made by: Sally Harris**

13 **Second by: Amanda Jean Ellis**

14 **Motion passed.**
15

16 **B. §370.3, Restoration of a Texas License**

17 The Committee discussed adding language that would clarify existing policies with regard to the
18 restoration of a Texas license and adding the requirement that each applicant for restoration
19 must submit to the Board a verification of license from each state or territory of the U.S. in which
20 the applicant is currently licensed or previously held a license. The Committee, in addition,
21 discussed adding language that would clarify that those applying from the U.S. military or a non-
22 licensing state or territory of the U.S. may, if not holding a current license, submit proof of
23 occupational therapy employment for at least two years immediately preceding the application
24 for a Texas license when applying for restoration by proof of current licensure or occupational
25 therapy employment.
26

27 **Motion: To recommend changes to §370.3, Restoration of a Texas License, as**
28 **discussed**

29 **Made by: Sally Harris**

30 **Second by: DeLana Honaker**

31 **Motion passed.**
32

33 **C. §374.2, Detrimental Practice**

34 The Committee discussed adding an item to a non-exclusive list of actions that are considered
35 detrimental practice as per §374.2, Detrimental Practice. The Committee discussed adding that
36 failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and
37 nonverbal communication, including compliance with HIPAA regulations is also practicing
38 occupational therapy in a manner detrimental to the public health and welfare.
39

40 **Motion: To recommend changes to §374.2, Detrimental Practice, as discussed**

41 **Made by: Sally Harris**

42 **Second by: Amanda Ellis**

43 **Motion passed.**
44

45 **5. Discussion and possible action on the following rules:**

46 **A. §362.1, Definitions**

47 **B. §372.1, Provision of Services**

48 **C. §373.1, Supervision of Non-Licensed Personnel; §373.2, Supervision of a**
49 **Temporary Licensee; and §373.3, Supervision of an Occupational Therapy**
50 **Assistant**

1 The Committee discussed §362.1, Definitions; §372.1, Provision of Services; §373.1,
2 Supervision of Non-Licensed Personnel; §373.2, Supervision of a Temporary Licensee; and
3 §373.3, Supervision of an Occupational Therapy Assistant, and the manner in which such rules
4 would be affected by the amendments proposed to these sections at the November 7, 2014
5 TBOTE meeting. The Committee discussed, in particular, requirements related to an initial
6 evaluation and re-evaluations.

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

9 The Committee discussed the next possible meeting date of May 7, 2015 in Austin, TX. The
10 Committee discussed planning to review the OT Rules over the next series of meetings and to
11 add agenda items as appropriate.

12
13 **7. Adjournment**

14 **Motion: To adjourn**

15 **Made by: DeLana Honaker**

16 **Second by: Sally Harris**

17 **Motion passed.**

18
19 The Rules Committee adjourned at 2:40 PM.

20
21 **Minutes adopted on: May 7, 2015**