

Texas Board of Occupational Therapy Examiners
RULES COMMITTEE MEETING MINUTES
Rules Committee
August 13, 2015
333 Guadalupe, Suite #2-510
Austin, TX 78701
1:00 PM

Committee Members Present: DeLana Honaker, OTR, PhD, FAOTA,
Rules Committee Chair
Sally Harris, COTA

Committee Members Absent: Amanda Jean Ellis, Public Member

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

Public Attendees: Anna Clinton, Presence Learning

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 2:04 PM. DeLana Honaker welcomed Anna Clinton from Presence Learning as a public attendee.

2. Public Comment

There was no public comment.

3. Approval of the Minutes of May 7, 2015

Motion: To approve the minutes as written

Made by: Sally Harris

Second by: DeLana Honaker

Motion passed.

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

A. Chapter 364, Requirements for Licensure

The Committee discussed changes to sections §364.1, Requirements for Licensure; §364.2, Initial License by Examination; and §364.3, Temporary License, to clarify the existing rules in general. Further changes discussed included changes regarding fee waivers and/or expedited services under specified conditions for active duty military service members, military veterans, and/or military spouses, as necessitated by Senate Bill 807 and Senate Bill 1307 from the 84th Legislative Session, which concern Chapter 55 of the Occupations Code. In addition, the Committee discussed language changes related to removing the requirement that all applicants for licensure by examination submit the receipt showing that they have ordered the NBCOT score report and placing the requirement in §364.3, Temporary License, as those applying for a temporary license must submit such in order to ensure the Board receives notification of their passing examination score. The Committee did not discuss language changes to §364.4, Licensure by Endorsement.

1 **Motion: To recommend changes to §364.1, Requirements for Licensure; §364.2,**
2 **Initial License by Examination; and §364.3, Temporary License, as**
3 **discussed**
4 **Made by: Sally Harris**
5 **Second by: DeLana Honaker**
6 **Motion passed.**

7
8 **B. Chapter 370, License Renewal**

9 The Committee discussed changes to Chapter 370, license renewal, to clarify the chapter with
10 regard to renewal and restoration requirements. The Committee, furthermore, discussed
11 changes regarding late fee waivers, renewal requirements extensions, and/or expedited
12 services under specified conditions for active duty military service members, military veterans,
13 and/or military spouses, as necessitated by Senate Bill 1307 from the 84th Legislative Session,
14 which concerns Chapter 55 of the Occupations Code. The Committee, in addition, discussed
15 language clarifying that an individual whose license has been restored may verify such on the
16 Board's license verification page and may begin to work as a licensee once such has been
17 verified.

18
19 **Motion: To recommend changes to Chapter 370, License Renewal, as discussed**
20 **Made by: Sally Harris**
21 **Second by: DeLana Honaker**
22 **Motion passed.**

23
24 **C. Chapter 376, Registration of Facilities**

25 The Committee discussed language changes to Chapter 376 regarding clarifying provisions in
26 the chapter. Revisions include that a change in ownership or type of ownership as described in
27 §376.10, Change in Occupational Therapy Facility Ownership, requires that the former owner
28 notify the Board in writing on a form prescribed by the Board within 30 days after the change in
29 ownership, and that the new owner register the facility under new ownership. The Committee,
30 furthermore, discussed language including that if occupational therapy services will no longer be
31 provided at a registered facility, the facility registration must be cancelled by submitting a form
32 as prescribed by the Board within 30 days after the facility's registration expires and that to
33 resume the provision of occupational therapy services at a future date, the facility registration
34 may be restored by meeting the requirements in §376.8, Restoration of Registration.

35
36 **Motion: To recommend changes to Chapter 376, Registration of Facilities, as**
37 **discussed**
38 **Made by: Sally Harris**
39 **Second by: DeLana Honaker**
40 **Motion passed.**

41
42 **5. Discussion and possible action on proposing a new rule to Chapter 363,**
43 **Consumer/Licensee Information, concerning the petition for adoption of rule**
44 **changes**

45 The Committee discussed language related to the addition of a new rule section, §363.2,
46 concerning the petition for the adoption of a rule, which would prescribe the form for a petition to
47 the Board and the procedure for its submission, consideration, and disposition as provided by
48 Texas Government Code, §2001.021.

49
50 **Motion: To recommend proposing new rule §363.2, Petition for the Adoption of a**
51 **Rule, as discussed**
52 **Made by: Sally Harris**

1 **Second by: DeLana Honaker**

2 **Motion passed.**

3
4 **6. Discussion on the following rules:**

5 **A. §362.1, Definitions**

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

7 **C. §373.1, Supervision of Non-Licensed Personnel; §373.2,**
8 **Supervision of a Temporary Licensee; and §373.3, Supervision**
9 **of an Occupational Therapy Assistant**

10 **D. §369.1, Display of Licenses; and §369.2, Changes of Name or**
11 **Address of Licensees**

12 The Committee discussed the amendments proposed at the May 8, 2015 Board meeting and
13 discussed language related to physical presence and the supervision of non-licensed personnel
14 with regard to proposed language related to the possible inclusion of telehealth in the OT Rules
15 as a mode of occupational therapy service delivery.

16
17 **7. Discussion and possible action on questions received by the Texas Board of**
18 **Occupational Therapy Examiners related to the OT Practice Act and Board Rules**

19 The Committee discussed questions related to the OT Practice Act and Board Rules as
20 received by the Texas Board of Occupational Therapy Examiners

21
22 **8. Discussion and possible action on future meeting dates and agenda items**

23 The Committee discussed meeting next on November 6, 2015, during the TOTA Mountain
24 Central Conference, in Richardson, Texas, with topics to include the possible inclusion of the
25 2015 AOTA Code of Ethics and removal of the 2010 AOTA Code of Ethics from §374.4, Code of
26 Ethics, of the OT Rules.

27
28 **9. Adjournment**

29 The Committee adjourned at 4:09 PM.

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31 **Minutes adopted on: November 6, 2015**