

TBOTE news

The Texas Board of Occupational Therapy Examiners

October, 2015

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<i>Previous Newsletters, Forms, and Frequently Asked Questions are on the website: www.ptot.texas.gov.</i>	

Next Board Meeting Date

November 6,
Renaissance Richardson Hotel
Richardson, Texas

TBOTE BOARD

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Notes from the Coordinator:

Adopted Rule Changes: On August 14, 2015, the Board adopted amendments to the following rule sections: §367.1, Continuing Education; §367.3, Continuing Education Audit; §369.1, Display of Licenses; §369.2, Changes of Name or Address; §373.2, Supervision of a Temporary Licensee; and §373.3, Supervision of an Occupational Therapy Assistant. The adopted amendments will be effective 10/1/2015. Please visit the Board's [Act and](#)

[Rules page](#) for an introduction to and for the text of each amendment. An introduction to the adopted amendments may be found on pages 2-4 of this newsletter.

Proposed Rule Changes: On August 14, 2015, the Board proposed rule changes to §364.1-§364.3 in Chapter 364, Requirements for Licensure; Chapter 370, License Renewal; and Chapter 376, Registration of Facilities. The Board also proposed new rule §363.2, Petition for the Adoption of a Rule. The full proposed rule changes (which include the preamble for each), will be published in the September 25, 2015, issue of the Texas Register. PDFs of the proposed rule changes have also been uploaded to the Board's [Act and Rules page](#). An introduction to the proposed rule changes and information regarding public comment may be found on pages 5-6 of this newsletter.

Withdrawn Rule Changes: At TBOTE's meeting on August 14, 2015, the Board voted to withdraw the previously proposed amendments to §362.1, Definitions; §372.1, Provision of Services; and §373.1, Supervision of an Occupational Therapy Assistant. Many of these changes related to the proposed inclusion of telehealth as a mode of occupational therapy service delivery. The Board will continue to address the issue of telehealth and any potential rule changes regarding such.

Updated Downloadable OT Rules Now Available:

Please visit the Board's [Act and Rules page](#) to download the newest, up-to-date PDF version of the current OT rules, which reflects rule changes effective 10/1/2015. Please note that the table of contents is interactive: each entry is a hyperlink to the corresponding section in the PDF.

**Introduction to Adopted Rule Amendments to
[§367.1, §367.3, §369.1, §369.2, §373.2, and §373.3](#)**

*(To read the adopted amendments on the website,
please click on the link above and select the Proposed/Adopted tab.)*

General Introduction to the Adopted Amendments:

At its August 14, 2015 meeting, the Texas Board of Occupational Therapy Examiners adopted amendments to §367.1, Continuing Education; §367.3, Continuing Education Audit; §369.1, Display of Licenses; §369.2, Changes of Name or Address; §373.2, Supervision of a Temporary Licensee; and §373.3, Supervision of an Occupational Therapy Assistant.

Please note that these ADOPTED amendments take effect on 10/1/2015. Please go to the [Act and Rules](#) page to read the current rules or [click this link](#) to read them in the Texas Administrative Code.

To read the text of the adopted amendments with a brief introduction on the website, [click this link](#) and select the “Proposed/Adopted” tab.

Notice of the adopted amendments and the complete preambles for each have been published in the September 25, 2015 issue of the [Texas Register](#).

Please note that the June 2015 OT Rules PDF as of October 1, 2015 is no longer the most up-to-date, compiled PDF version of the Rules.

A new, up-to-date version of the compiled OT Rules is available for download from the website. The new version is effective as of October 1, 2015 and contains all rule adoptions up until that date; the October 2015 edition is the current version of the OT Rules. Please note that when additional rule adoptions become effective, a note will be placed on the website indicating when the version is no longer up-to date.

The introductions that follow represent a general overview of the amendments. Please read the adopted amendments for further information.

Introduction to Adopted Rule Amendments to:

§367.1. Continuing Education.

§367.3. Continuing Education Audit.

The amendment to §367.1 clarifies requirements for continuing education and adds the provision that each continuing education activity may be counted only one time in two renewal cycles or a total of four years.

For example, if a licensee completed a course during the renewal cycle of 12/1/2015-11/30/2017, the licensee could retake and complete the course during the renewal period of 12/1/2019-11/30/2021.

The adopted amendment to §367.3 clarifies requirements for the audit and for continuing education documentation. In addition, the amendment adds that the name of the authorized

signer must be included on the continuing education documentation and that when continuing education units (CEUs), professional development units (PDUs), or other units or credits are listed on the documentation, such must be accompanied by documentation from the continuing education provider noting the equivalence of the units or credits in terms of contact hours.

Please note that for an educational activity approved or offered by AOTA, if AOTA CEUs are listed on a certificate of completion, the licensee need not retain further documentation noting the equivalence of the AOTA CEUs in terms of contact hours. However, the licensee needs to know what such represents in terms of contact hours with regard to reporting the CE completed when renewing, for example, and should contact the provider or AOTA to determine such.

Introduction to Adopted Rule Amendments to:

§369.1. Display of Licenses.

§369.2. Changes of Name or Address.

The amendments to these sections will clarify existing policies with regard to the display of licenses and changes of name and address.

A change to §369.1 will allow for new licensees, upon verification of their licensure status and expiration date on the Board's verification page, to provide services. This means that such licensees no longer need to wait to receive their license physically in hand before beginning to work or represent themselves as OTs or OTAs.

Changes to the section also clarify the process to request a replacement license. Changes to §369.2 clarify name changes. The amendments include cleanups and grammatical revisions, as well.

Introduction to Adopted Rule Amendments to:

§373.2. Supervision of a Temporary Licensee.

§373.3. Supervision of an Occupational Therapy Assistant.

The amendments will clarify supervision requirements for temporary licensees and for occupational therapy assistants. The amendments include grammatical revisions and cleanups, as well.

The amendment to §373.2 reorganizes the section to clarify supervision requirements for temporary licensees and to clarify that a temporary licensee does not become a regular licensee with those privileges until the regular license can be verified as being current and its expiration date is displayed on the Board's license verification page. (Please note that the adopted amendment to §369.1, Display of Licenses, which will also go into effect on 10/1/15, will allow for new licensees, upon verification of their licensure status and expiration date on the Board's verification page, to provide services.) A provision has also been added requiring that occupational therapists who hold a temporary license must record their required supervision on a Supervision Record.

The amendment to §373.3 reorganizes and clarifies supervision requirements for occupational therapy assistants and includes changes to required supervision hours and creates a category of supervision with hours reduced from those currently in the rule section.

Please note that once the amendment takes effect, the required number of supervision hours must be determined according to the number of hours the OTA works during a given month (please see the chart in the amendment).

Introduction to Proposed Rule Changes from the August 14, 2015 Board Meeting

These are PROPOSED rule changes. They have NOT been adopted.

The current rules are in effect.

At its August 14, 2015 meeting, the Board proposed amendments to §364.1-§364.3 in Chapter 364, Requirements for Licensure; Chapter 370, License Renewal; and Chapter 376, Registration of Facilities. The Board also proposed new rule §363.2. Petition for the Adoption of a Rule.

The full proposed rule changes (which include the preamble for each) will be published in the September 25, 2015, issue of the [Texas Register](#). PDFs of the proposed rule changes have been uploaded to the Board's [Act and Rules](#) page, as well.

Please note that the information that follows is just a brief introduction to the proposed rule changes; additional changes appear in the full proposed rule changes.

Comments: Comments on the proposed rule changes may be submitted to Lea Weiss, Occupational Therapy Coordinator, Texas Board of Occupational Therapy Examiners, 333 Guadalupe Street, Suite 2-510, Austin, Texas 78701 or to lea@ptot.texas.gov no later than 30 days from the date that these proposed rule changes are published in the Texas Register.

If sending comments, please include the rule number in your comment and write "OT Public Comment" in the subject line if sending an email.

Introduction to Proposed Rule Amendments to:

§364.1. Requirements for Licensure.

§364.2. Initial License by Examination.

§364.3. Temporary License.

The Texas Board of Occupational Therapy Examiners proposes amendments to §364.1-§364.3, concerning the requirements for initial licensure. The amendments will clarify the existing rules in general. Furthermore, the amendments include 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 requirement that all applicants for licensure by examination submit the receipt showing that they have ordered the NBCOT score report for Texas has been removed. According to the amendment, only those applying for a temporary license must submit such in order to ensure the Board receives notification of their passing examination score as if the Board does not receive such, the temporary license is void. The amendments include further grammatical changes, clarifications, and cleanups.

Introduction to Proposed Rule Amendments to:

§370.1. License Renewal.

§370.2. Late Renewal.

§370.3. Restoration of a Texas License.

The Texas Board of Occupational Therapy Examiners proposes amendments to §370.1-§370.3, concerning the renewal and restoration of an occupational therapy license. The amendments will clarify the existing rules in general. The amendments include, furthermore, changes regarding late fee waivers, renewal requirements extensions, and/or expedited services under specified conditions for active duty military service members, military veterans, and/or military spouses, as necessitated by Senate Bill 1307 from the 84th Legislative Session, which concerns Chapter 55 of the Occupations Code. The amendment to §370.3, in addition, clarifies that an individual whose license has been restored may provide occupational therapy services according to the terms of the license upon online verification of current licensure and license expiration date from the Board's license verification web page. The proposed amendments include cleanups and grammatical revisions, as well.

Introduction to Proposed Rule Amendments to Chapter 376, Registration of Facilities

The Texas Board of Occupational Therapy Examiners proposes amendments to §376.1-§376.10, concerning the registration of facilities. The amendments will clarify the existing rules in general. Revisions include that a change in ownership or type of ownership as described in §376.10, Change in Occupational Therapy Facility Ownership, requires that the former owner notify the Board in writing on a form prescribed by the Board within 30 days after the change in ownership, and that the new owner register the facility under new ownership. In addition, a change includes that if occupational therapy services will no longer be provided at a registered facility, the facility registration must be cancelled by submitting a form as prescribed by the Board within 30 days after the facility's registration expires and that to resume the provision of occupational therapy services at a future date, the facility registration may be restored by meeting the requirements in §376.8, Restoration of Registration. The proposed amendments include cleanups and grammatical revisions, as well.

Introduction to New Rule §363.2. Petition for the Adoption of a Rule.

The Texas Board of Occupational Therapy Examiners proposes a new rule, §363.2, concerning the petition for the adoption of a rule. The new rule section would prescribe the form for a petition to the Board and the procedure for its submission, consideration, and disposition as provided by Texas Government Code, §2001.021.to §372.1.

Introduction to Proposed Rule Change for ECPTOTE

At its September 11, 2015 meeting, the Executive Council of Physical Therapy and Occupational Therapy Examiners proposed amendments to Chapter 651, Fees.

The full proposed amendments (which include the preamble) will be published in the [Texas Register](#), along with information regarding submitting a comment about the proposed amendments. Notice will be placed on the Board's [Act and Rules](#) page when the amendments have been published.

A PDF of the proposed amendments 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 to the proposed amendments; additional changes appear in the full proposed amendments.

Introduction to Proposed Rule Amendments to Chapter 651, Fees:

The amendments would increase the renewal fees for licensees and facilities between four to six dollars per renewal period depending upon license or registration type. The new funds will be classified as appropriated receipts. The funds would be earmarked for instituting a program to mass email documents to licensees, facilities, and interested stakeholders that in the past could only be obtained by visiting the agency web site. Typical items emailed would include quarterly Board newsletters, license renewal notices, Practice Act and rule changes, and similar items of interest to the regulated population.

Sunset Process Begins for ECPTOTE

The Executive Council of Physical Therapy & Occupational Therapy Examiners (ECPTOTE) and its two component Boards have begun the Sunset review process. Sunset is the assessment of the continuing need for a state agency to exist and is determined by answering the basic question of “Do the agency’s functions continue to be needed?” The current date that this agency will be abolished unless legislation is passed to continue its functions is September 1, 2017.

The Executive Council was created by the 73rd Legislature in 1993 to administer and enforce the Physical Therapy Practice Act and the Occupational Therapy Practice Act. This legislation merged the administrative functions of the Texas Board of Physical Therapy Examiners and the Texas Advisory Board of Occupational Therapy under the Executive Council, while keeping the rule and decision-making authority of the two boards intact. The same legislation changed the Texas Advisory Board of Occupational Therapy to the Texas Board of Occupational Therapy Examiners; i.e., it converted the advisory board to a regular licensing board.

As a result of the Sunset review process in 1993, the two governing statutes of the Physical Therapy Board and Occupational Therapy Board were to continue until 2005. Agencies typically undergo review once every 12 years. However, the 78th Legislature postponed the agency’s Sunset review until 2009, the 80th Legislature postponed it until 2013, and the 82nd Legislature postponed it further until 2017.

A Sunset Self-Evaluation Report (SER) has been submitted to the Sunset Commission by ECPTOTE and identifies problems, opportunities, and issues that need to be addressed during this Sunset review. Sunset Commission staff will be conducting an introductory meeting and a general overview meeting with agency staff on Friday, October 9th. This begins the Sunset Commission staff review, which will culminate in the publishing of a staff report of findings and recommendations at the end of April or beginning of May 2016.

During this phase of the review, interested parties and stakeholders can provide input to the Sunset Commission staff regarding the necessity of continuing the Texas Board of Occupational Therapy Examiners under the Executive Council for public protection by ensuring that individuals issued and renewing an OT or OTA license meet the standards to practice occupational therapy and that facilities that offer occupational therapy do so with only qualified practitioners. To learn more about the Sunset process, to provide comments to the Sunset Commission staff, and to view the ECPTOTE Sunset SER, please visit www.sunset.texas.gov.



OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN

AUGUST 14, 2015 BOARD MEETING:

- (1) Amadeo Sanchez, Jr., OTR #114918 (McAllen)** – practiced in a facility that was not properly registered with the board. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order required fifteen (15) hours of community service.***
- (2) Weldon Kerry Russo, OTR #109622 (Fort Worth)** – practiced in a facility that was not properly registered with the board. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order required thirty (30) hours of community service.***
- (3) Loni Michelle Smith, COTA #210228 (Tomball)** – 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 required sixty (60) hours of community service.***
- (4) Angie Tatiana Galvis, OTR #111812 (Carrollton)** – 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 and completion of the lacking hours of continuing education.***
- (5) Sherri Burns, OTR #109434 (San Antonio)** – 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 forty-five (45) hours of community service.***
- (6) Michelle Lee, OTR #116506 (Sandy, Utah)** – practiced in a detrimental manner by inaccurately documenting treatments 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.***
- (7) Judy Yeager, COTA #208467 (Corsicana)** – practiced in a detrimental manner by using drugs to an extent that affected her professional competence; resulting in a failed drug test and termination of her employment. 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.***

Rule Reminder: Expiration Dates and Setting Calendar Reminders

As per §370.1(a) of the OT Rules, a licensee may not provide occupational therapy services without a current license.

Similarly, as per §376.6(e), occupational therapy services may not be provided at a facility (if it is not exempt from registration as per the OT Rules and Practice Act) without a current facility registration.

The current license or facility registration expiration date as displayed on the Board's website is considered evidence of the current licensure or registration.

Try keeping track of your license's expiration date or the expiration date of a facility's registration by using the calendar function or other calendar program on a smart phone, tablet, or computer. For example, an alarm could be set three months prior to a license or facility expiration date, with follow-up reminders leading up to the expiration date.

A paper calendar, time planner, etc. could also be used with renewal reminders entered at selected intervals.

The Board also sends postcard reminders approximately three months prior to a license or facility registration expiration date; remember that it is the responsibility of the licensee or facility owner to renew the license or facility registration, respectively, in a timely manner, whether receiving a postcard reminder or not.

Setting such personalized reminders may help you to keep track of upcoming expiration dates and may help you to remain in compliance with the OT Rules and Practice Act with regard to maintaining licensure and working in facilities with current registrations, for example.

Please note that this article includes a brief overview of certain requirements found in the OT Rules and Practice Act. Please see the full [OT Rules and Practice Act](#) for additional information and rules and regulations. Please see the Board's website, www.ptot.texas.gov, for further renewal instructions and related links.

CE Reminder:

Please remember that all GSC/Western Schools courses are only eligible for Type 1 CE credit.



Frequently Requested Contact Information

<http://www.ptot.texas.gov/page/ot-useful-contacts>

Texas Board of Occupational Therapy Examiners (TBOTE)

Act & Rules, complaints, and practice of OT in Texas

512/305-6900 telephone

512/305-6970 fax

Website: www.ptot.texas.gov

Email: info@ptot.texas.gov

Texas Occupational Therapy Association (TOTA)

512/454-8682 telephone

512/450-1777 fax

www.tota.org

American Occupational Therapy Association (AOTA)

Specialty certification, student fieldwork, national issues, etc.

301/652-2682 telephone

www.aota.org

National Board for Certification in Occupational Therapy (NBCOT)

National certification exam and score reports

301/990-7979 telephone

301/869-8492 fax

www.nbcot.org

Dept. of Assistive and Rehab. Services (DARS)

Division of Early Childhood Intervention (ECI)

512/424-6790 telephone

512/424-6799 fax

www.dars.state.tx.us/ecis/

Medicare and Medicaid

<http://www.cms.gov/>

www.medicare.gov

Medicare Part A

888/763-9836 (Rehab Dept. Hospital)

Medicare Part B

903/463-0720 (independent practitioners)

To report Medicare fraud or abuse:

<http://www.medicarefraudcenter.org/>

800/252-8263

<http://www.hpsc.state.tx.us/medicaid/>

Medicaid provider fraud or abuse of a Medicaid recipient: 512/463-2011 or email

mfcu@aog.state.tx.us

School Based Practice

www.txspot.org

School Health and Related Services (SHARS)

[http://www.hpsc.state.tx.us/rad/acute-](http://www.hpsc.state.tx.us/rad/acute-care/shars/)

[care/shars/](http://www.hpsc.state.tx.us/rad/acute-care/shars/)

Texas Dept. Aging and Disability Services (DADS)

800/458-9858 Long term care & complaints about nursing homes, home health agencies, or assisted living facilities

800/252-8016 Nursing homes

512/719-3521 Licensing Boards

800/228-1570 Home health agencies

Elderly or disabled abuse, neglect call

800/252-5400.

www.dads.state.tx.us

Texas Dept. of State Health Services (TDSH)

512/834-6650 Hospital licensing

<https://www.dshs.state.tx.us/>

Texas Online Services

License applications, renewals, profile

TxServiceDesk@egov.com

877-452-9060 Help desk