

TBOTE news

The Texas Board of Occupational Therapy Examiners

December 2016

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Previous Newsletters, Forms, and FAQs are available from the website: www.ptot.texas.gov.

Next Board Meeting Date

February 3, 2017
Austin, TX

TBOTE BOARD

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Notes from the Coordinator

Sunset Review Update

See page 2 for information regarding the status of the current Sunset Review.

Adopted Rule Change; Updated Downloadable OT Rules Available

A rule amendment to §369.1, Display of Licenses, went into effect 12/1/2016.

An up-to-date PDF version of the current OT rules, which contains the adopted amendment, has been uploaded to the website. See page 3 for further information.

Withdrawn Rule Change

The previously proposed amendment to §367.1, which was published in September and concerned changes to the section regarding pre-approved continuing education, has been withdrawn. See page 3 for further information.

Proposed Rule Changes

The Board has proposed a rule amendment to §372.1, Provision of Services, and a new rule, §374.5, Licensure of Persons with Criminal Convictions. See page 4 for further information.

Sunset Review Update: Consolidation Report Published

At a decision hearing on August 22, 2016, the Sunset Commission **postponed consideration of the recommendation to continue the Executive Council, OT Board, and PT Board** for 12 years pending Sunset staff's evaluation of whether to consolidate certain health licensing entities.

The Sunset staff has released its Health Licensing Consolidation Project report, which **includes the recommendation to consolidate a number of boards, including the OT Board and the PT Board, under the Health Professions division of the Texas Department of Licensing and Regulation (TDLR), and to reconstitute the boards as advisory boards.**

The report may be accessed from the following link:

https://www.sunset.texas.gov/public/uploads/files/reports/Health%20Licensing%20Consolidation%20Project_11-15-2016.pdf.

Public Comment:

Public comment on the report may be submitted by visiting the link below and selecting "Health Licensing Consolidation Project": <https://www.sunset.texas.gov/input-form>.

Please note that **public comments submitted by November 29, 2016 will be included in the packets of the Sunset Commission members on the day of the hearing.**

Comments submitted after November 29 are not guaranteed to be in the members' packets, but the comments will be provided to the members. Sunset staff posts comments to a report until the fourth day after the hearing (which will be in December).

Meeting Information:

The Commission will **take public testimony in December and vote on any proposals at its January decision meeting.**

Meeting dates have been tentatively scheduled for December 8 to 9, 2016 and January 11, 2017. For further meeting information and to confirm meeting dates, visit <https://www.sunset.texas.gov/meetings>.

For further information about the Sunset process, visit the Commission's website at <https://www.sunset.texas.gov>.

Please note that any law changes or Practice Act changes as a result of the Sunset Process, including legislation regarding a possible consolidation, would not occur until the 2017 legislative session.

Introduction to Adopted and Withdrawn Rule Changes from the November Board Meeting

Adopted Amendment

An adopted amendment to §369.1, Display of Licenses, went into effect on 12/1/2016.

Notice of the adoption was published in the November 18, 2016, issue of the [Texas Register](#).

As of 12/1/2016, the amendment to §369.1 superseded the rule section of the same name and number in the previous compiled version of the rules, which listed “July 2016” on the cover.

An up-to-date compiled version of the OT Rules is available on the website and lists “December, 2016” on the cover. The current OT Rules may be accessed from the link below.

<http://www.ptot.texas.gov/page/ot-acts-and-rules>

A general overview of the adopted amendment appears below; refer to the current rules for further information.

Introduction to Adopted Amendment

§369.1. Display of Licenses.

The amendment clarifies the section by removing the provision that the wallet-sized license must be carried by the licensee when in practice settings other than the licensee’s principal place of business. The amendment also clarifies in this section that a licensee 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 page by removing language referring only to a new licensee with a regular or temporary license. This change aligns this section with other existing sections that refer to additional license types that may be verified online.

Withdrawn Amendment

The previously proposed amendment to §367.1, which was published in September and concerned changes to the section regarding pre-approved continuing education, has been withdrawn. The current §367.1 is in effect as the proposed amendment was not adopted.

Notice of the withdrawn amendment was published in the November 18, 2016, issue of the [Texas Register](#).

Introduction to Proposed Rule Changes from the November Board Meeting

***These are PROPOSED rule changes. They have NOT been adopted.
The current rules are in effect.***

The Board has proposed an amendment to §372.1, Provision of Services, and has proposed new rule §374.5, Licensure of Persons with Criminal Convictions.

The proposals (which include the preambles) have been published in the December 2, 2016, issue of the [Texas Register](#). A PDF of the proposed rule changes as published 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; refer to the full proposals for further information.

Comments: Comments on the proposed amendments 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 no later than 30 days from the date that these proposals 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.

§372.1. Provision of Services

The amendment would clarify provisions regarding the receipt of verbal and written referrals for occupational therapy services and clarify that with regard to medical conditions, a referral must be requested at any time during the evaluation process when necessary to ensure the safety and welfare of the client.

New Rule:

§374.5. Licensure of Persons with Criminal Convictions

The new section would specify the types of criminal activities that may result in denial, suspension, or revocation of a license in accordance with the Sunset Commission's adopted recommendation that the Texas Board of Occupational Therapy Examiners adopt rules regarding such.

CE Reminder

Continuing education in §367.1 of the OT Rules is defined as professional development activities that are directly relevant to the profession of occupational therapy.

Note that the definition refers to activities that are directly relevant to the profession of OT, not activities that are about professionalism. Refer to §367.2(b) and the full Chapter 367 for further information regarding unacceptable activities that are not eligible for CE credit. Courses such as those related to general management and business, team building, leadership, patient abuse, patient privacy, HIPAA, FERPA, bloodborne pathogens, or similar courses, for example, are unacceptable activities that may not be counted for CE.

Refer to Chapter 367 for further CE requirements.



**OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN
NOVEMBER 4, 2016 BOARD MEETING:**

- (1) Melissa Peavey, OTR #101195 (Richardson)** – 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) Christina Chapa, COTA #209081 (Corpus Christi)** – 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) Kimberly Rodriguez, COTA #209143 (San Antonio)** – 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 fifteen (15) days.***
- (4) Chuck Chambers, OTR #106596 (Abilene)** – 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 his license to practice for thirty (30) days.***
- (5) Isabel Torres, COTA #210611 (Corpus Christi)** – 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.***