

TBOTE news

The Texas Board of Occupational Therapy Examiners

December 2018

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Previous newsletters, forms, and FAQs are available from the website: www.ptot.texas.gov.

Next Board Meeting*

February 1, 2019

Austin, TX

* Subject to change

TBOTE BOARD

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Notes from the Coordinator

Proposed or Adopted Rule Changes: The Board adopted amendments at its November meeting. Please see further information in this newsletter regarding the adoptions. The rule changes will go into effect January 1, 2019.

No rules were proposed at the November meeting.

Updated OT Rules: A revised PDF of the compiled OT Rules will be uploaded to the website soon after the adoptions are in effect.

Update on Fingerprint-Based Criminal Background Checks

The Board has adopted rules regarding fingerprinting, which will be effective January 1, 2019.

Applicants for an OT or OTA Texas License:

Fingerprinting will be a required item for license issuance on or after January 1, 2019.

OT and OTA Licensees:

Licensees renewing an active status or retired status license or changing status to retired or active **on or after January 1, 2019 will have fingerprinting as a required item for renewal** if they have not previously satisfied TBOTE fingerprinting requirements for the initial issuance of the license or previous renewal or change in status. Licensees renewing a license on inactive status or changing the status to inactive will not have this requirement until changing to active or retired status.

Please note that if your license is renewed prior to January 1, 2019, you will need to comply with the requirement for your subsequent renewal.

What if an applicant or licensee has had to be fingerprinted for some other reason? Previously undergoing a criminal background check through fingerprinting (for TSA, an employer, etc.) **does not exempt** an applicant or licensee from this requirement.

More Information: Instructions regarding submitting fingerprints appear on the Board's website at www.ptot.texas.gov. Refer to the related announcement for details.

Introduction to Adopted Rule Changes from the November Board Meeting

The Board has adopted amendments to §364.1. Requirements for Licensure; §370.1. License Renewal; §370.3. Restoration of a Texas License; §371.1. Inactive Status; §371.2. Retired Status; and §374.1. Disciplinary Actions.

The rule changes will take effect January 1, 2019. Until then, [the current rules](#) are in effect.

On January 1, 2019, the March, 2018 compiled PDF version of the OT Rules will no longer be up-to-date as it will not contain the recently adopted changes. An up-to-date version of the compiled rules will be available from the [Act and Rules page](#) soon after the changes take effect and will have “January, 2019” on the cover.

Notice of the adoptions has been published in the December 7, 2018, issue of the [Texas Register](#). Any rules adopted with changes have been republished in that issue.

A general overview of the adopted rule changes appears below; refer to the [Act and Rules page](#) for further information and regulations. From that page, you can also access a link to search for previous versions of the OT Rules.

Introduction to Adopted Rule Changes

§364.1. Requirements for Licensure.

The amendments are adopted to cleanup and clarify the sections and to add provisions to the sections regarding the Board obtaining licensees’ criminal history record information.

Cleanups and clarifications pertain to provisions regarding application requirements for initial Texas licensure. Provisions concerning educational requirements have been revised in accordance with changes to the Occupational Therapy Practice Act, Tex. Occ. Code Chapter 454, pursuant to SB 317 from the 85th Legislative Session (Regular). The Legislature changed §454.203 of the Act, removing requirements for applicants to complete a specific number of weeks of supervised field work experience, and instead requiring the completion of field work experience requirements of an educational program in occupational therapy recognized by the Board. In the amendments, consequently, language referring to specified weeks of field work has been removed and replaced with a provision that refers to the relevant section of the Act. In addition, language referring to the completion of an accredited OT/OTA program in §364.1 has been replaced with language referring to academic requirements for applicants as specified in §454.203 of the Act. In the amendments, language has also been added referencing §454.205 of the Act, wherein academic and supervised field work requirements for foreign-trained applicants are described.

Further cleanups in the amendments include removing provisions that appear elsewhere in the OT Rules from the section and replacing such with a provision noting that “Applicants and new licensees shall refer to Chapter 369 of this title for provisions regarding information changes and verification of temporary or regular license issuance and current licensure.” Further cleanups and clarifications appear in the amendments.

The amendments include adding a provision requiring an applicant’s submission of fingerprints. Such changes are adopted pursuant to the addition to the Act of §454.217, adopted by the 85th Legislature, requiring an applicant to submit fingerprints to the Department of Public Safety for the purpose of the Board obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

The amendments were adopted with changes to clarify the provision concerning submitting fingerprints.

§370.1. License Renewal.

§370.3. Restoration of a Texas License.

The amendments are adopted to cleanup and clarify the sections and to add provisions to the sections regarding the Board obtaining licensees’ criminal history record information.

Cleanups and clarifications pertain to provisions regarding application requirements for the renewal of a Texas occupational therapy license. Such changes include removing “online” from provisions in §370.1 and §370.3 concerning the jurisprudence examination, as such is defined in §362.1 of the OT Rules, concerning definitions, as an online examination. In the amendments to §370.1, references to a paper or online application have also been replaced with language referring to an application form as prescribed by the Board and with references to further requirements licensees must meet in additional sections of the OT Rules. Further cleanups and clarifications appear in §370.1 and §370.3.

The amendments include adding provisions requiring a licensee’s submission of fingerprints. Such changes are adopted pursuant to the addition to the Act of §454.255, adopted by the 85th Legislature, requiring a licensee to submit fingerprints to the Department of Public Safety for the purpose of the Board obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

The amendments were adopted with changes to clarify the provisions concerning submitting fingerprints.

§371.1. Inactive Status.

§371.2. Retired Status.

The amendments are adopted to cleanup and clarify the sections and to add provisions to the sections regarding the Board obtaining licensees’ criminal history record information.

Cleanups and clarifications pertain to removing “online” from provisions concerning the jurisprudence examination, as such is defined in §362.1 of the OT Rules, concerning definitions, as an online examination. Further clarifications and cleanups appear in the amendments, including removing a reference in §371.2 to verification of current licensure, as provisions concerning verification of current licensure already appear elsewhere in the OT Rules.

The amendments include adding provisions requiring a licensee’s submission of fingerprints. Such changes are adopted pursuant to the addition to the Act of §454.255, adopted by the 85th Legislature, requiring a licensee to submit fingerprints to the Department of Public Safety for the purpose of the Board obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

The amendments were adopted with changes to clarify the provisions concerning submitting fingerprints.

§374.1. Disciplinary Actions.

The amendments are adopted to add information concerning a schedule of sanctions to the chapter in order to comply with a recent statutory amendment to the Occupational Therapy Practice Act, Tex. Occ. Code Chapter 454.

The amendments would add a schedule of sanctions to the section and information regarding factors considered in conjunction with the schedule of sanctions when determining the appropriate penalty/sanction in disciplinary matters. The amendments are adopted pursuant to the addition to the Act of §454.3025, adopted by the 85th Legislature, requiring the Board to adopt a schedule of sanctions.

CE Reminder

The OT Rules includes the following from §367.2, Categories of Education, regarding home study courses, educational teleconferences, Internet-based courses, and video instruction. Refer to the full Chapter 367, Continuing Education, for further requirements all CE must meet.

(4) Home study courses, educational teleconferences, Internet-based courses, and video instruction, no maximum.

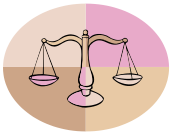
(A) These courses must have:

(i) Specified learning objectives;

(ii) A post-test; and

(iii) A certificate of completion or letter of verification.

(B) Educational teleconferences or Internet courses must reflect a pre-determined number of contact hours.



**OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN
NOVEMBER 16, 2018 BOARD MEETING:**

- (1) Cory Chacon, COTA #207015 (El Paso)** – 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) Veronica Garcia, COTA #211367 (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) Eric McQueen, OTR #109796 (Houston)** – failed to properly renew his 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 suspended his license to practice for thirty (30) days.***
- (4) Angela Mae Nelson, COTA #211875 (Keller)** – 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 sixty (60) hours of community service.***
- (5) Alexis Melissa Vo, OTR #115151 (Leander)** – 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 suspended her license to practice for fifteen (15) days.***
- (6) Darryl Adams, COTA #212119 (Lake Kiowa)** – failed to properly renew his 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.***
- (7) Debra Jean Smith, COTA #213031 (Grand Prairie)** – 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.***
- (8) Stephanie Sargent, COTA #209493 (Garland)** – 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.***
- (9) Kevin Harris, COTA #208276 (Houston)** – 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 ended prior license suspension with conditions under which the licensee can practice for the next twenty-four (24) months.***