

TBOTE news

The Texas Board of Occupational Therapy Examiners

December 2020

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

Next Board Meeting

February 5, 2021*

* Subject to change

TBOTE BOARD

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Notes from the Coordinator

Adopted Rule Amendments

The Board adopted rule amendments at its last meeting; the Board did not propose any rule amendments. Please see further information in this newsletter regarding the adoption.

New Renewal Requirement Took Effect September 1, 2020: Training concerning Human Trafficking

HB 2059 of the last legislative session added the completion of a training course approved by the Health and Human Services Commission (HHSC) on the prevention of human trafficking as a condition for license renewal for certain health care practitioners. HB 2059 requires that HHSC approve at least one course available without charge.

This new renewal requirement took effect September 1, 2020.

Refer to the [Continuing Education](#) page for further information regarding this new requirement, including information regarding accessing a list of HHSC approved training courses.

Note that completion of this training is now a required CE activity to renew a license.

Consumer Alert: AG Paxton Warns of Scammers Impersonating Government Entities

PT Licensees have reported receiving scam calls that falsely appear as if they were made from the Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) phone number.

From the link below may be accessed a warning from the Office of the Attorney General of Texas regarding scammers impersonating government entities and "steps to beat an imposter scam."

<https://www.texasattorneygeneral.gov/news/releases/consumer-alert-ag-paxton-warns-scammers-impersonating-government-entities>

Introduction to Adopted Rule Changes from the November Board Meeting

The rule changes noted below took effect December 1, 2020.

As of December 1, 2020, the "September, 2020" compiled PDF version of the OT Rules is no longer up to date as it does not contain the adopted changes. An up-to-date version of the compiled rules is available from the [Act and Rules](#) page and has "December, 2020" on the cover.

Notice of the adoption was published in the November 20, 2020, issue of the [Texas Register](#), and notice of the rule amendments as proposed, which includes the text of the proposals, was published in the August 21, 2020, issue of the [Texas Register](#). The amendments were adopted without changes.

PDFs of the notices of proposal and adoption are also available from the [Act and Rules](#) page.

A brief introduction to the adopted rule amendments appears below; refer to the [Act and Rules](#) page for further information.

Adopted Rule Changes

§374.1. Disciplinary Actions.

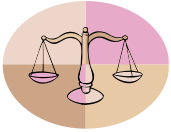
The amendments are adopted to replace "investigative costs" with "administrative penalties" in the Schedule of Sanctions, and to update other language to make the schedule consistent with other provisions in the chapter.

Changes to the Schedule of Sanctions include replacing investigative costs with administrative penalties. The Occupational Therapy Practice Act, Texas Occupations Code §454.3521, authorizes the Board to impose an administrative penalty for a violation of the chapter or a rule adopted under the chapter. The amendments to the Schedule of Sanctions Figure in §374.1 will impose administrative penalties, not to exceed \$200 for each day a violation continues or occurs, to the "Minimum Discipline," "Intermediate Discipline," and "Maximum Discipline" levels per §454.3521. The graduated penalty amounts are assessed based on the severity and type of violation per §454.3025(a).

Additional changes to the Schedule of Sanctions include updating citations to the "OT Act/Rule" column. The changes also include removing from the "Failed to Properly Renew a License" violation the reference to §367.1(b) and replacing such with a reference to the full §367.1, concerning continuing education, as further provisions in the section concern the violation. Such a change, concomitantly, will ensure that the schedule's reference to the section remains intact in the event that changes to the lettering of the section's provisions are made.

An additional cleanup removes the phrase "until conditions are met or indefinitely" from the "Maximum Discipline" column, with regard to the revocation or surrender of a license. The change is made to reflect that the administrative penalty assessed in an order is fixed, not indefinitely cumulative.

A further change to the section concerns removing from the "Minimum Discipline" and "Intermediate Discipline" columns the extraneous term "provisional" when it precedes "restricted practice." The removal is a cleanup to increase consistency in the schedule, as in other areas of the schedule, just the phrase "restricted practice" is employed for an equivalent sanction. A further change to the section involves a cleanup to correct "licensee" to "license."



NOVEMBER 06, 2020 OT BOARD MEETING

FORMAL DISCIPLINARY ACTIONS TAKEN

- (1) **Michael Moore, OTA #209911 (Jacksonville)** – 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 suspended license to practice for five (5) days.***
- (2) **Elizabeth Garcia, OTA #214942 (Dallas)** – 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 suspended license to practice for fifteen (15) days.***
- (3) **Cindy Vu, OTA #214736 (Dallas)** – 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 suspended license to practice for thirty (30) days.***
- (4) **Leighton Shawhan, OT #112108 (Harlingen)** – failed to complete the fingerprint requirement pursuant to Section 454.255 of the Act and chapter 370.1 of the board rules. ***Board Order suspended license to practice for thirty (30) days.***
- (5) **Brenda Scott, OTA #207860 (Fairfield)** – failed to complete the fingerprint requirement pursuant to Section 454.255 of the Act and chapter 370.1 of the board rules. ***Board Order suspended license to practice for thirty (30) days.***
- (6) **Kathy Barnhart, OTA #211384 (Cedar Rapids, IA)** – failed to complete the fingerprint requirement pursuant to Section 454.255 of the Act and chapter 370.1 of the board rules. ***Board Order suspended license to practice for thirty (30) days.***
- (7) **Alexandra Smith, OTA #214824 (Clemmons, NC)** – failed to complete the fingerprint requirement pursuant to Section 454.255 of the Act and chapter 370.1 of the board rules. ***Board Order accepted the surrender of license to practice in lieu of other disciplinary action by the Board.***
- (8) **Derek Salinas, OTA #212604 (McAllen)** - practiced in a detrimental manner by resigning position without sufficient prior notice resulting in loss or delay of patient treatment under the licensee’s care. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended license to practice for thirty (30) days.***
- (9) **Julianna Amspoker, OT #103782 (Wills Point)** – 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 license to practice for thirty (30) days.***
- (10) **Abbas Naqui, OT #113801 (Sugar Land)** – practiced in a detrimental manner by fraudulently documenting treatment rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended license to practice for thirty (30) days.***
- (11) **Andrew Rodriguez, OT #117995 (Longview)** - practiced in a detrimental manner by fraudulently documenting treatment rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended license to practice for thirty (30) days.***

- (12) **Ronshalay Thomas, OTA #215901 (Houston)** – practiced in a detrimental manner by fraudulently documenting treatment rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended license to practice for sixty (60) days.***
- (13) **Lakesha Williams, OTA #213417 (Beaumont)** – practiced in a detrimental manner by failing to document treatment rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended license to practice for thirty (30) days.***

ADMINISTRATIVE SUSPENSION REPORTED

- (1) **Cassie Hartline, OTA #214644 (Kemp)** – failed to complete the fingerprint requirement pursuant to Section 454.255 of the Act and chapter 370.1 of the board rules. ***Board administratively suspended license to practice.***