

TBOTE news

The Texas Board of Occupational Therapy Examiners

December 2021

Contents

Notes from the Coordinator.....1
Introduction to Adopted Rule Changes.....2
Introduction to Proposed Rule Changes3
Disciplinary Actions and Administrative Suspensions.5

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

Next Board Meeting

*February 4, 2022**
** Subject to change*

TBOTE BOARD

Stephanie Johnston, OTR, OTD, FAOTA, Chair
Todd Novosad, OTR, Vice Chair
Karen Gardner, OTR, Secretary
Jacob Boggus, Public Member
Blanca Cardenas, Public Member
Jennifer Clark, COTA
Eddie Jessie, Public Member
Sally Harris King, COTA

Notes from the Coordinator

Proposed and Adopted Rules

The Board proposed and adopted rule changes at its last meeting. Please see further information in this newsletter.

Renewal Requirement Reminder: Training Concerning the Prevention of Human Trafficking

HB 2059 of the 86th 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.

As part of the minimum hours of required continuing education for each renewal, OTs and OTAs must complete a training course on human trafficking that is approved by HHSC. Documentation of completion of a training course is a certificate of completion or letter of verification indicating credit awarded. Refer to Chapter 367, Continuing Education, of the OT Rules for further CE regulations, including regarding CE documentation.

Only human trafficking training courses that are approved by HHSC pursuant to HB 2059 may be used to meet this requirement; no other courses may be used to satisfy this requirement.

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 the list of HHSC approved training courses.

The [Continuing Education](#) page addresses many frequently asked questions regarding this training and includes further details.

Note that completing this training is a CE requirement for each renewal period, not a one-time requirement.

Introduction to Adopted Rule Changes from the October Board Meeting

The rule changes noted below took effect December 1, 2021.

As of December 1, 2021, the "December, 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, 2021" on the cover.

Notice of the adoption was published in the November 12, 2021, 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 27, 2021, 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

§364.5. Recognition of Out-of-State License of Military Spouse.

The amendments allow a military spouse to show proof of residency by submitting a permanent change of station order. The amendments also include adding that individuals update the Board of certain changes.

House Bill 139 of the 87th Regular Legislative Session, codified as Texas Occupations Code §55.004(d), provides that: "A state agency that issues a license that has a residency requirement for license eligibility shall adopt rules regarding documentation necessary for a military spouse applicant to establish residency for purposes of this subsection, including by providing to the agency a copy of the permanent change of station order for the military service member to whom the spouse is married." The Bill took effect September 1, 2021. In accordance with HB 139, the amendment allows a permanent change of station order to serve as proof of residency for a military spouse requesting the authorization provided by the section.

An additional amendment concerns updating the Board of changes. Subsection (b)(2) of the section requires that a military spouse requesting the authorization submit proof of the military spouse's residency in this state and a copy of the military spouse's military identification card. The amendment adds the requirement that individuals who have received the authorization described by the section update the Board of any changes to information as specified under subsection (b)(2) within 30 days of such change(s). The change is adopted to enhance the Board's ability to remain apprised of changes to the information submitted for the authorization.

Introduction to Proposed Rule Changes from the October Board Meeting

*These are **PROPOSED** rule changes. The current rules are in effect.*

The Board has proposed amendments to §367.1, Continuing Education, §367.2, Categories of Education, and §367.3, Continuing Education Audit, and proposed new rule §370.4, Administrative Suspension and Refusal to Renew a License.

Notice of the proposals has been published in the December 3, 2021, issue of the [Texas Register](#), and a PDF of such has been uploaded to the [Act and Rules](#) page.

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 and new rule may be submitted in writing 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 within 30 days following the publication of the notice in the *Texas Register*.

It is requested when sending a comment that individuals include the rule section to which the comment refers and that comments sent by email include "Public Comment" in the email's subject line.

A general overview of the proposed changes appears below; refer to the full published proposals for further information.

Proposed Rule Changes

§367.1. Continuing Education.

§367.2. Categories of Education.

§367.3. Continuing Education Audit.

The amendments are proposed to revise current continuing education requirements and add activities eligible for continuing education credit.

The amendments to §367.2, Categories of Education, revise current continuing education requirements and include cleanups and clarifications. The revisions include the substitution of the phrase "Creation of a new" with "Development of a" in an item concerning the development of a formal academic course or courses from an occupational therapy program. Such a change will allow licensees to count the development of a course or courses, which includes the creation of a new course or courses, for continuing education credit. The amendments add that the required documentation for certain categories of continuing education, such as the development of a formal academic course from an occupational therapy program or the development of publications, includes an attestation by the licensee of the dates and duration of the corresponding activities completed. This documentation will ensure that licensees attest to the activities they have completed for credit for such categories. The revisions also include the replacement of an item concerning the development

of practice-related or instructional materials using alternative media by an item concerning the development of practice-related or instructional software.

The amendments to §367.2 would add additional categories of continuing education and activities eligible for continuing education. For example, the amendments would add that licensees may count the development of a professional or community/service presentation for continuing education credit.

The amendments include changes that would allow licensees to count an independent study for continuing education. Due to the change, the amendments also include the removal of the phrase “Reading journals” from a provision in §367.1, Continuing Education, concerning unacceptable activities not eligible for continuing education. Continuing education activities completed by the licensee for license renewal shall be acceptable if falling under one or more of the categories of continuing education activities included in §367.2, Categories of Education, and meeting further requirements of Chapter 367, Continuing Education. The phrase “Reading journals” has been removed as part of the proposal, however, to reduce possible confusion concerning the new independent study category and the activities that may be counted for such, which may include the reading of journals, provided such meets other requirements of that category.

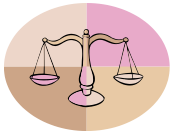
Amendments to §367.3, Continuing Education Audit, revise continuing education documentation to clarify and expand the items that may be included for such. A change to the section, with regard to items that may serve as continuing education documentation, includes striking “an official transcript” and replacing such with “transcripts.” Additional changes include the information that must be on continuing education documentation. The section currently includes that documentation must include the signature of the authorized signer. The amendments would add that if an area designated for the signature of the authorized signer is not included, the official seal, letterhead, or logo of the authorized signer may be included, instead.

§370.4. Administrative Suspension and Refusal to Renew a License.

The new rule is proposed to add to the Board rules language regarding the delegation of Board authority to certain staff to administratively suspend or refuse to renew a license pursuant to Texas Occupations Code §454.255.

The Occupational Therapy Practice Act, Texas Occupations Code §454.255(a), Criminal History Record information for License Renewal, provides that “An applicant renewing a license issued under this chapter shall submit a complete and legible set of fingerprints for purposes of performing a criminal history record information check of the applicant as provided by Section 454.217.” Section 454.255(b) further specifies that “The board may administratively suspend or refuse to renew the license of a person who does not comply with the requirement of Subsection (a).”

Proposed rule §370.4 will specify that the Executive Director, the Executive Director’s designee, or the Director of Enforcement may administratively suspend or refuse to renew the license of a person who does not comply with the requirements of the Occupational Therapy Practice Act §454.217 (relating to Criminal History Record Information for License Issuance) and §454.255 (relating to Criminal History Record Information Requirement for License Renewal).



OCTOBER 29, 2021 BOARD MEETING

FORMAL DISCIPLINARY ACTIONS TAKEN

- (1) **Sylvia Bastidas, OTA #210734 (Katy)** – practiced in a detrimental manner by filing a false or misleading report. 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.***
- (2) **Isioma Kanayo, OT #118796 (Mesquite)** – practiced in a detrimental manner by filing a false or misleading report. 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.***
- (3) **Brian Crowley, OT #111004 (Colleyville)** – practiced in a detrimental manner by filing a false or misleading report. 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) **Allison Hill, OTA #216520 (New Orleans, LA)** – practiced in a detrimental manner by filing a false or misleading report. 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.***

ADMINISTRATIVE SUSPENSIONS REPORTED

- (1) **Chad Shrader, OTA #209306 (Houston)** – 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.***