

# TBOTE news

The Texas Board of Occupational Therapy Examiners

March 2019

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Previous newsletters, forms, and FAQs are available from the website: [www.ptot.texas.gov](http://www.ptot.texas.gov).

## Next Board Meeting\*

May 3, 2019  
Austin, TX  
\* Subject to change

## TBOTE BOARD

Stephanie Johnston, OTR, OTD, FAOTA, Chair  
Todd M. Novosad, OTR, Vice Chair  
DeLana Honaker, OTR, PhD, CLT, FAOTA, Secretary  
Blanca Cardenas, Public Member  
Jennifer B. Clark, COTA  
Amanda Jean Ellis, Public Member  
Karen Gardner, OTR  
Sally Harris King, COTA  
Pamela D. Nelon, Public member

## Notes from the Coordinator

### Proposed or Adopted Rule Changes

The Board has proposed rule changes; please see further information in this newsletter. There were no rule changes adopted at the Board's most recent meeting.

## Fingerprint-Based Criminal Background Checks in Effect

Fingerprinting requirements went into effect January 1, 2019.

### Applicants for an OT or OTA Texas License:

Fingerprinting is a required item for initial license issuance.

### OT and OTA Licensees:

Licensees renewing an active status or retired status license or changing status to retired or active **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.

**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](http://www.ptot.texas.gov).** Refer to the related announcement for details.

## Update on TBOTE Board Member Positions

There are nine board member positions on the Texas Board of Occupational Therapy Examiners: four OT positions, two OTA positions, and three public members.

There are currently two **professional member positions** (one OT and one OTA position) and one **public member position** that must be appointed or reappointed as the terms have expired.

If you are interested in serving the people of Texas by becoming a member of the Board, please submit an application for appointment to the Governor's Appointments Office. If someone you know is interested, please share this information. The Governor strives to appoint a diverse range of individuals from throughout Texas.

**The Appointments Office is the source for information** concerning the Board membership application process and any questions regarding available positions. Please visit its webpage for information: <https://gov.texas.gov/organization/appointments>.

Information about the current makeup of the Board and members' terms may be accessed from this link: <https://www.ptot.texas.gov/page/ot-board>. The Board's mission is to protect the health, safety, and welfare of the people of Texas through the regulation and enforcement of the practice of occupational therapy.

Subchapter B of the OT Practice Act, accessible from the [Act and Rules page](#), addresses information regarding membership restrictions and serving on the Board. For example, the OT and OTA positions require that the individual has practiced for at least the three years preceding appointment to the Board, and for a public member position, that the individual or the individual's spouse is not licensed by an occupational regulatory agency in the field of health care. A board term is six years unless it is to complete the unexpired term for a member who is no longer serving. Please refer to Subchapter B for further restrictions and information.

***Note: The Board does not process or accept applications to serve as a member and cannot address further questions regarding the appointments process. Please direct any questions regarding appointments to the Governor's Appointments Office using the contact information accessible from the corresponding link above.***

## Introduction to Proposed Rule Changes from the February Board Meeting

*These are PROPOSED rule changes.*

*The current rules are in effect.*

The Board has proposed amendments to §369.2, Changes of Name or Address; §372.1, Provision of Services; and §372.2, General Purpose Occupation-Based Instruction, and has proposed the repeal of §373.3, Supervision of an Occupational Therapy Assistant.

The proposals have been published in the March 8, 2019 issue of the [Texas Register](#), and a PDF of the proposals has been uploaded to the Board's [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 repeal 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](mailto:lea@ptot.texas.gov) no later than 30 days from the date that the proposed amendments and repeal 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.*

### **Introduction to Proposed Rule Changes:**

#### **§369.2. Changes of Name or Address.**

The Board has proposed amendments to remove the requirement that an occupational therapy assistant with a regular license notify the Board of supervisor changes and to add language regarding the address of record to the section.

In the current rule, licensees and applicants are required to notify the Board of changes of supervisor within 30 days. In the proposed amendments, this has been revised to require instead that only applicants and temporary licensees notify the Board of changes of supervisor.

The proposed amendments also include the addition of a provision concerning the address of record of a licensee or applicant. Information concerning the address of record, which is the physical address that will be provided to the public, currently appears in other sections of the

OT Rules. The provision is being added to §369.2 as the section concerns changes to a licensee's or applicant's address information.

**§372.1. Provision of Services.**

**§372.2. General Purpose Occupation-Based Instruction.**

The Board has proposed amendments to cleanup and clarify the sections and to add clarifying language to §372.1 regarding the transmission of a medical referral.

Cleanups and clarifications to §372.1 include changes to provisions regarding an occupational therapist's delegation of the collection of data for an evaluation and the delegation of tasks. In the proposed amendments to such provisions, references to a temporary licensee have been removed as the references to an occupational therapy assistant therein already refer to both an occupational therapy assistant with a regular or temporary license.

The amendments also include language clarifying that when a referral is required for the provision of occupational therapy services, such may be transmitted by an occupational therapy plan of care, developed according to the requirements of the section, that is signed by the licensed referral source.

The amendments, in addition, include a clarification of a requirement regarding the inclusion of an occupational therapist's name in the intervention note.

The amendments include further cleanups and clarifications.

The proposed amendments also include a change to §372.2 to strike a reference to the supervision requirements in §373.3 because the repeal of §373.3, concerning supervision of an occupational therapy assistant, has also been proposed.

**§373.3. Supervision of an Occupational Therapy Assistant.**

The Board has proposed the repeal of §373.3. The repeal would remove requirements from the chapter concerning the supervision of an occupational therapy assistant with a regular license. Such requirements include that an occupational therapy assistant must submit the Supervision of an Occupational Therapy Assistant form with the employer information and name and license number of one of the occupational therapists working for the employer who will be providing supervision. The repeal would also remove from the OT Rules requirements concerning the Supervision Log and requirements that occupational therapy assistants with a regular license receive frequent communication supervision and interactive supervision from occupational therapists.

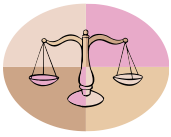
The repeal of the section would not remove all requirements concerning the supervision of an occupational therapy assistant with a regular license from the OT Rules as requirements regarding supervision already appear in further rule sections, including that in each intervention note, the occupational therapy assistant must include the name of an occupational therapist who is readily available to answer questions about the client's intervention at the time of the provision of services and that the occupational therapy assistant may not provide services unless this requirement is met.

***CE Reminder***

*As per §367.3(c) of the OT Rules, “The licensee is solely responsible for keeping accurate documentation of all continuing education requirements. Continuing education documentation must be maintained for two years from the date of the last renewal for auditing purposes.”*

*Consider strategies to enhance access to your stored CE documentation by creating a back-up system such as keeping a second copy in a different location. This way, if you are randomly selected for the OT CE Audit or otherwise must access your materials, you will have more than one method to do so.*

*For example, consider keeping electronic copies of your documentation in addition to the physical copies. If you scan your CE documentation and email yourself the file, you will have a copy you can access from any internet connection, regardless of your location or the physical condition of your documents.*



**OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN  
FEBRUARY 1, 2019 BOARD MEETING:**

- (1) Cassie Poindexter, COTA #212189 (Amarillo)** – 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) Dalia Cazares, COTA #211228 (Cypress)** – 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 thirty (30) days.***
- (3) Laura Pekala, OTR #114124 (Westfield, IN)** – 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 accepted the surrender of her license to practice in lieu of other disciplinary action by the Board.***
- (4) Daniel Panos, COTA #212153 (Missouri City)** – 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) Larissa Jo Duck, OTR #110377 (Montgomery)** - 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.***