

TBOTE news

The Texas Board of Occupational Therapy Examiners

March 2022

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

Next Board Meeting

May 6, 2022*

* Subject to change

TBOTE BOARD

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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 February Board Meeting

The rule changes noted below took effect March 1, 2022.

As of March 1, 2022, the "December, 2021" 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 "March, 2022" on the cover.

Notice of the adoptions was published in the February 18, 2022, issue of the [Texas Register](#), and notice of the rule amendments as proposed, which includes the text of the proposals, was published in the December 3, 2021, issue of the *Texas Register*. The amendments to §367.3, Continuing Education Audit, were adopted with changes.

PDFs concerning the notices of proposal and adoption may be found on 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

§367.1. Continuing Education.

§367.2. Categories of Education.

§367.3. Continuing Education Audit.

The amendments are adopted to revise current continuing education requirements and add activities eligible for continuing education credit. §367.1, Continuing Education, and §367.2, Categories of Education, were adopted without changes to the proposed text. §367.3, Continuing Education Audit, was adopted with changes to the proposed text.

The change upon adoption to §367.3, Continuing Education Audit, will replace in §367.3(e) the phrase "the name and signature of the authorized signer or the official seal, letterhead, or logo of the authorized signer if an area designated for a signature is not included" with "the name of the authorized signer and either the signature of the authorized signer or the official seal, letterhead, or logo of the authorized signer if an area designated for a signature is not included." The change will clarify that if an area designated for a signature is not included on official documentation of a CE activity, the official seal, letterhead, or logo of the authorized signer may be included.

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 changes to the section also include, with regard to the maximum credit available for certain activities and/or categories, substituting a phrase such as “maximum” with “up to a maximum of”; such amendments will not change the amount of credit available for the activities and/or categories, but will, instead, make related language more uniform throughout the chapter.

The amendments to §367.2 add additional categories of continuing education and activities eligible for continuing education. For example, the amendments 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, 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 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 adopted 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).”

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).

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 might access from any internet connection, regardless of your location or the physical condition of your documents.

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 §362.1, Definitions; §369.2, Changes of Name or Address; §369.3, Use of Titles; §371.2, Retired Status; §372.1, Provision of Services; and §373.1, Supervision of Non-Licensed Personnel.

Notice of the proposals has been published in the March 4, 2022, 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 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

§362.1. Definitions.

The amendments are proposed to clarify and cleanup the section and to replace the current definition of occupational therapy practice.

The amendments revise current definitions to increase clarity and uniformity, update and/or remove outdated and/or unnecessary definitions, and remove possible redundancy. For example, the definitions of occupational therapist registered and certified occupational therapy assistant will be removed as part of the amendments and related information will be collocated under the definitions of occupational therapist and occupational therapy assistant.

Changes will also revise the definition of non-licensed personnel, including to remove a reference to on-the-job training from the definition, particularly as the definition of an occupational therapy aide in Texas Occupations Code §454.002, Definitions, already includes such a reference.

The amendments include the replacement of the current definition of occupational therapy practice with an updated and expanded definition adapted from related information from the American Occupational Therapy Association (AOTA). The change will align the definition more closely with current language available on a national level.

The amendments also include the removal of information regarding phone numbers from the definition of a complete renewal.

§369.2. Changes of Name or Address.

§369.3. Use of Titles.

The proposed amendments to §369.2 add a requirement to notify the Board of phone number changes and revise the rule title. The proposed amendments to §369.3 cleanup and clarify the section and add information regarding the use of the title doctor.

Amendments to §369.2, Changes of Name or Address, would require licensees to update the Board of phone number changes, and a related amendment would change the title of the section from “Changes of Name or Address” to a more comprehensive title, “Change of Name or Contact Information.”

Changes to §369.3 would clarify and cleanup current provisions regarding the use of titles to increase clarity and consistency in the section.

An additional change to the section is a reference to Occupational Therapy Practice Act §454.007, Use of Title of Doctor. The amendment provides that the use of the title doctor is governed by §454.007.

§371.2. Retired Status.

The changes are proposed to revise requirements concerning voluntary charity care.

The changes would remove the requirement that the voluntary charity care that licensees on retired status may offer may only be provided for a charitable organization as defined in §84.003 of the Texas Civil Practice and Remedies Code. The changes will expand the possible opportunities licensees on retired status have to offer voluntary charity care.

The changes also include a cleanup to the section to change the phrase “OT Practice Act” to “Occupational Therapy Practice Act” to achieve greater uniformity in the board rules.

§372.1. Provision of Services.

The changes are proposed to cleanup and clarify the section and revise requirements regarding the provision of occupational therapy services, including services delivered via telehealth.

Changes to the section include those that would clarify requirements concerning the provision of occupational therapy services. For example, a provision would be added that would clarify that the occupational therapist is

responsible for determining whether an evaluation is needed and if a referral is required for an occupational therapy evaluation.

The changes are also proposed to clarify provisions regarding telehealth and the required client contact with an occupational therapy practitioner. For example, the amendments would clarify that when such contact may be in person or via telehealth, a combination of in-person contact and telehealth may be used.

The changes would also revise requirements concerning the contact required for an intervention session and would allow for such contact to also be satisfied by synchronous audio contact, provided that the occupational therapy practitioner makes use of store-and-forward technology in preparation for or during the intervention session. The changes include adding a definition of store-and-forward technology.

In addition, the amendments include the removal of a provision that requires the on-site presence of the occupational therapy practitioner for the initial application of devices that are in sustained skin contact with the client. The change may facilitate the possible expansion of occupational therapy services for consumers and allow for the occupational therapy practitioner, as applicable, to make determinations regarding the initial applications of such devices in compliance with further sections of the Occupational Therapy Practice Act and Board Rules, including §373.1, Supervision of Non-Licensed Personnel.

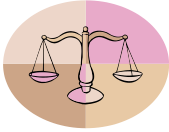
§373.1. Supervision of Non-Licensed Personnel.

The proposed changes cleanup and clarify the section and revise requirements concerning the supervision required for the delegation of certain tasks to non-licensed personnel.

The section currently includes a list of tasks that an occupational therapy practitioner may delegate to non-licensed personnel. Changes to the section would remove general items that are not specific to occupational therapy practice. Such items concern routine department maintenance, transportation of clients, preparation or set up of intervention equipment and work area, and assisting clients with their personal needs during the intervention.

The changes would also include the removal of a provision that requires the on-site presence of the occupational therapy practitioner for the initial application of adaptive/assistive equipment and splints. The change will enable services to be provided via telehealth, make occupational therapy services more accessible for consumers, and allow the occupational therapy practitioner to determine when on-site supervision is necessary.

The section also includes a change to add the clarifying phrase “of the services provided” with regard to the requirement as per subsection (c) of the section that “Supervision of other non-licensed personnel either on-site or via telehealth requires that the occupational therapy practitioner maintain line of sight.”



**FEBRUARY 4, 2022 BOARD MEETING
FORMAL DISCIPLINARY ACTIONS TAKEN**

- (1) **Catherine Collins, OT #116301 (Krum)** - failed to properly renew license during the audited renewal period. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order required ten (10) hours of community service.***
- (2) **Berthide Joachin, OTA #213036 (Porter)** - failed to properly renew license during the audited renewal period. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order required ten (10) hours of community service.***
- (3) **Kamie Lancaster, OT #113934 (Fort Worth)** - failed to properly renew license during the audited renewal period. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order required ten (10) hours of community service.***
- (4) **Mallory Spencer, OTA #215209 (Henderson)** - failed to properly renew license during the audited renewal period. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order required ten (10) hours of community service.***
- (5) **Celeste Harvey, OTA #210322 (San Antonio)** - failed to properly renew license during the audited renewal period. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order required thirty (30) hours of community service.***
- (6) **Jacalyn Mitchell-Stephens, OTA #201051 (Houston)** - failed to properly renew license during the audited renewal period. 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) **Adrienne Gaither, OT #107792 (San Antonio)** - 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 required thirty (30) hours of community service.***
- (8) **Crystal Curry, OTA #213992 (Houston)** - 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.***
- (9) **Katherine Dykes, OTA #215810 (Ben Wheeler)** - 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.***
- (10) **Tejauna Clark, OTA #214571 (Saginaw)** - 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.***
- (11) **Christina Barragan, OTA #216184 (Zapata)** - 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 ninety (90) days.***
- (12) **Audra Chambers, OTA #211426 (Heath)** - failed to complete the provisions of an Agreed Order. 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.***
- (13) **Priscilla Navarro, OTA #212199 (El Paso)** - failed to complete the provisions of an Agreed Order. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended license to practice for forty-five (45) days.***
- (14) **Cara Squires, OT #120370 (San Marcos)** - practiced in a detrimental manner by failing to give sufficient notice of resignation resulting in loss or delay of patient treatment. 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.***