

TBOTE news

The Texas Board of Occupational Therapy Examiners

December, 2015

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Next Board Meeting Date

February 19-20,
Vintage Villas
Austin, TX

TBOTE BOARD

Stephanie Johnston, OTR, Chair
Todd N. Novosad, OTR, Vice Chair
DeLana Honaker, OTR, PhD, FAOTA, Secretary
Catherine Benavidez, OT
Jennifer B. Clark, COTA
Amanda Jean Ellis, Public Member
William N. Hale, Public member
Sally Harris, COTA
Pamela D. Nelon, Public member

Notes from the Coordinator

Adopted Rule Changes: On November 6, 2015, the Board adopted amendments to the following rule sections: §364.1-§364.3 in Chapter 364, Requirements for Licensure; Chapter 370, License Renewal; and Chapter 376, Registration of Facilities. The Board also adopted new rule §363.2, Petition for the Adoption of a Rule.

In addition, the Executive Council of Physical Therapy and Occupational Therapy Examiners adopted amendments to Chapter 651.

Notice of TBOTE's and ECPTOTE's adopted amendments may be read in the November 27, 2015 issue and the December 4, 2015 issue, respectively, of the [Texas Register](#). The amendments will be effective 1/1/2016.

Please visit the Board's [Act and Rules page](#) for an introduction to and for the text of each amendment. An introduction to the adopted amendments may be found on pages 2-4 of this newsletter.

Proposed Rule Changes: On November 6, 2015, the Board proposed rule changes to §374.4, Code of Ethics. The full proposed amendment (which includes the preamble), will be published in the December 4, 2015, issue of the [Texas Register](#). A PDF of the proposed amendment has also been uploaded to the Board's [Act and Rules page](#). An introduction to the proposed amendment and information regarding public comment may be found on page 5 of this newsletter.

Updated Downloadable OT Rules Coming Soon:

Soon after the adopted amendments go into effect on 1/1/2016, an up-to-date PDF version of the current OT rules will be uploaded to reflect these changes. Until 1/1/2016, the current PDF (dated October 2015) is the current version. As of 1/1/2016, the adopted amendments will supersede the previous rule sections of the same number in the October 2015 compiled version.

**Introduction to Adopted Rule Amendments to
§364.1-§364.3; Chapter 370; and Chapter 376**

*(To read the adopted amendments on the website,
please click on the link above and select the Proposed/Adopted tab.)*

General Introduction to the Adopted Amendments:

At its November 6, 2015 meeting, the Texas Board of Occupational Therapy Examiners adopted amendments to §364.1-§364.3 in Chapter 364, Requirements for Licensure; Chapter 370, License Renewal; and Chapter 376, Registration of Facilities. The Board also adopted new rule §363.2, Petition for the Adoption of a Rule.

Please note that these ADOPTED amendments take effect on 1/1/2016. Until then, the current rules are in effect. Please go to the [Act and Rules](#) page to read the current rules or [click this link](#) to read them in the Texas Administrative Code.

To read the text of the adopted amendments with a brief introduction on the website, [click this link](#) and select the “Proposed/Adopted” tab.

Notice of the adopted amendments and the complete preambles for each will be published in the November 27, 2015 issue of the [Texas Register](#).

Please note that the October 2015 OT Rules PDF as of January 1, 2016 will no longer be the most up-to-date, compiled PDF version of the Rules.

A new, up-to-date version of the compiled OT Rules will be available for download from the website soon after 1/1/2016; this version will contain the newest adopted amendments. Please note that when additional rule adoptions become effective, a note will be placed on the website indicating when the available version is no longer up-to date.

The introductions that follow represent a general overview of the amendments. Please read the adopted amendments for further information.

Introduction to Adopted Rule Amendments to:

§364.1. Requirements for Licensure.

§364.2. Initial License by Examination.

§364.3. Temporary License.

The amendments will clarify the existing rules in general and include changes with regard to initial licensure. The amendments include changes regarding fee waivers and/or expedited services under specified conditions for active duty military service members, military veterans, and/or military spouses, as necessitated by Senate Bill 807 and Senate Bill 1307 from the 84th Legislative Session, which concern Chapter 55 of the Occupations Code. In addition, the requirement that all applicants for licensure by examination submit the receipt showing that they have ordered the NBCOT score report for Texas has been removed. According to the amendment, only those applying for a temporary license must submit such in order to ensure the Board receives notification of their passing examination score as if the

Board does not receive such, the temporary license is void. The amendments include further grammatical changes, clarifications, and cleanups.

Introduction to Adopted Rule Amendments to Chapter 370, License Renewal:

These amendments concern the renewal and restoration of an occupational therapy license and clarify the existing rules in general. The amendments include, furthermore, changes regarding late fee waivers, renewal requirements extensions, and/or expedited services under specified conditions for active duty military service members, military veterans, and/or military spouses, as necessitated by Senate Bill 1307 from the 84th Legislative Session, which concerns Chapter 55 of the Occupations Code. The amendment to §370.3, in addition, clarifies that an individual whose license has been restored may provide occupational therapy services according to the terms of the license upon online verification of current licensure and license expiration date from the Board’s license verification web page. The amendments include cleanups and grammatical revisions, as well.

Introduction to Adopted Rule Amendments to Chapter 376, Registration of Facilities

These amendments concern the registration of facilities and clarify the existing rules in general. Revisions include that a change in ownership or type of ownership as described in §376.10, Change in Occupational Therapy Facility Ownership, requires that the former owner notify the Board in writing on a form prescribed by the Board within 30 days after the change in ownership, and that the new owner register the facility under new ownership. In addition, a change includes that if occupational therapy services will no longer be provided at a registered facility, the facility registration must be cancelled by submitting a form as prescribed by the Board within 30 days after the facility’s registration expires and that to resume the provision of occupational therapy services at a future date, the facility registration may be restored by meeting the requirements in §376.8, Restoration of Registration. The amendments include cleanups and grammatical revisions, as well.

Introduction to Adopted New Rule §363.2. Petition for the Adoption of a Rule.

The Texas Board of Occupational Therapy Examiners adopts a new rule, §363.2, concerning the petition for the adoption of a rule. The new rule section prescribes the form for a petition to the Board and the procedure for its submission, consideration, and disposition as provided by Texas Government Code, §2001.021.to §372.1.

Introduction to Adopted Rule Changes for ECPTOTE

At its November 20, 2015 meeting, the Executive Council of Physical Therapy and Occupational Therapy Examiners adopted amendments to Chapter 651, Fees. The amendments will be effective 1/1/2016. Until then, the rule sections of the same number are in effect. Please [click this link](#) to access the current Executive Council rules.

A PDF of the adopted amendments has been uploaded to the Board's [Act and Rules](#) page, as well.

Please note that the information that follows is just a brief introduction to the adopted amendments; additional changes appear in the full amendments.

Introduction to Adopted Rule Amendments to Chapter 651, Fees:

The amendments will increase the renewal fees for licensees and facilities between four to six dollars per renewal period depending upon license or registration type. The funds will be earmarked for instituting a program to mass email documents to licensees, facilities, and interested stakeholders. Typical items emailed would include quarterly Board newsletters, license renewal notices, Practice Act and rule changes, and similar items of interest to the regulated population.

**Introduction to Proposed Rule Changes
from the November 6, 2015 Board Meeting**
This is a PROPOSED rule change. It has NOT been adopted.
The current rules are in effect.

At its November 6, 2015 meeting, the Texas Board of Occupational Therapy Examiners proposed an amendment to §374.4, Code of Ethics.

The full proposed amendment (which includes the preamble) will be published in the December 4, 2015, issue of the [Texas Register](#). A PDF of the proposed rule change with a brief introduction has been uploaded to the Board's [Act and Rules](#) page, as well.

Please note that the information that follows is just a brief introduction to the proposed amendment; additional changes appear in the full proposal.

Comments: Comments on the proposed amendment may be submitted to Lea Weiss, Occupational Therapy Coordinator, Texas Board of Occupational Therapy Examiners, 333 Guadalupe Street, Suite 2-510, Austin, Texas 78701 or to lea@ptot.texas.gov no later than 30 days from the date that this proposed amendment is published in the *Texas Register*.

If sending comments, please include the rule number in your comment and please also write "OT Public Comment" in the subject line if sending an email.

**Introduction to Proposed Rule Amendment to:
§374.4. Code of Ethics.**

The Texas Board of Occupational Therapy Examiners proposes an amendment to §374.4, Code of Ethics, concerning the code of ethics. The amendment, if adopted, will remove the 2010 version of the Occupational Therapy Code of Ethics by the American Occupational Therapy Association from §374.4 and will replace it with the excerpted principles and related standards of conduct from the 2015 version of the American Occupational Therapy Association's Occupational Therapy Code of Ethics. The amendment includes further clarifications and cleanups, as well.

Sunset Process Continues for ECPTOTE

The Sunset Review of the Executive Council of Physical Therapy and Occupational Therapy Examiners Texas Board of Physical Therapy Examiners Texas Board of Occupational Therapy Examiners

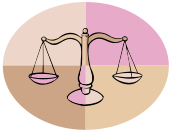
The mission and performance of the Executive Council of Physical Therapy and Occupational Therapy Examiners (executive council), Texas Board of Physical Therapy Examiners (physical therapy board), and Texas Board of Occupational Therapy Examiners (occupational therapy board) are under review by the Legislature as required under the Texas Sunset Act. The Act provides that the Sunset Commission, composed of legislators and public members, periodically evaluate a state agency to determine if the agency is still needed and to explore ways to ensure that the agency's funds are well spent. Based on the recommendations of the Sunset Commission, the Texas Legislature ultimately decides whether an agency continues to operate into the future.

The Sunset review involves three steps. First, Sunset Commission staff will evaluate the Executive Council and the Physical Therapy and Occupational Therapy boards and issue a report in April 2016 recommending solutions to problems found. A month or so later, the Sunset Commission will meet to hear public testimony on the agency and the recommendations of the Sunset staff. Based on public input and the Sunset staff report, the Sunset Commission will adopt recommendations for the full Legislature to consider when it convenes in January 2017. Please refer to the Sunset Commission website or call the office for updated information on specific dates for these meetings.

Through the Sunset review, every Texan has the opportunity to suggest ways in which the mission and operations of the Executive Council and the Physical Therapy and Occupational Therapy boards can be strengthened; suggestions from individuals other than Texans may also be sent. If you would like to share your ideas about the Executive Council and these two boards, please send an email to the address below, use the comment form on the Sunset Commission website, or contact Erick Fajardo of the Sunset staff. Suggestions are preferred by **December 14, 2015**, so they can be fully considered by the Commission staff.

Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711
512/463-1300
Fax: 512/463-0705
Email: sunset@sunset.state.tx.us

Information about the Sunset process, Sunset Commission meetings, and how to receive Sunset Commission email updates is available at: www.sunset.texas.gov



OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN

NOVEMBER 6, 2015 BOARD MEETING:

- (1) **Wiltse Parker Crompton, OTR #112922 (Tomball)** – 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.**
- (2) **Amy Cheryl Martin, OTR #112552 (Austin)** – 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 forty-five (45) hours of community service.**
- (3) **Misty Dawn Piazza, COTA #210206 (Fritch)** – 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 sixty (60) hours of community service.**
- (4) **Amy Renee Jenkins, COTA #212682 (San Antonio)** – practiced occupational therapy without a valid Texas license. Violation of Section 454.201 of the Act. **Board Order suspended her license to practice for four (4) days.**
- (5) **Iris Marie Martinez, COTA #209005 (San Antonio)** – 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.**
- (6) **Jennifer McDermott, OTR #110997 (McKinney)** – 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.**
- (7) **Tyra Anderson, OTR #101712 (Rowlett)** – practiced in a detrimental manner by using drugs to an extent that affected her professional competence; resulting in a failed drug test and termination of her employment. 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) **Catherine Hyde, COTA #205825 (Early)** – practiced in a detrimental manner by inaccurately documenting treatments 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) **Elizabeth Linden, OTR #112678 (El Paso)** – practiced in a detrimental manner by practicing outside the scope of her license – advising a patient against the recommendation of the referring physician. Violation of Section 454.301 of the Act. **Board Order suspended her license to practice for thirty (30) days.**
- (10) **Sara Snider, OTA applicant #25159 (Cypress)** – practiced occupational therapy without a valid Texas license. Violation of Section 454.201 of the Act. **Board Order to Cease and Desist from practice until such time as properly licensed with the board; and the suspension of any future license for five (5) months upon issuance.**

Rule Reminder: Unacceptable Activities not Eligible for CE

Note: This is just an overview. See Chapter 367 and the full OT Rules and Act for further information and regulations.

Each licensee must complete a minimum of 30 contact hours of continuing education that meet the OT Rules and Act each renewal period. All of the CE taken for license renewal must be directly relevant to the occupational therapy profession. A minimum of 15 contact hours of CE must be in Type 2 CE, although all of your CE may be Type 2.

To access the full OT Rules and Act for additional information and regulations, please visit the [OT Act and Rules page](#). Chapter 367 of the OT Rules details CE and the Board's [Continuing Education page](#) and [FAQ section](#) offers further resources.

When selecting CE activities, please remember that there are unacceptable continuing education activities that are not eligible for CE credit as per §367.2 of the OT Rules. For example, non-instructional time frames such as pre/post testing or introductions, breaks, or meals are not eligible for CE credit. In addition, courses that do not fit the definitions of Type 1 or Type 2, such as courses in general management and business, HIPAA, CPR, patient abuse, etc. are not eligible for credit.

Please note that all activities claimed for CE credit, including those approved or offered through AOTA or TOTA, must meet the definitions of Type 1 or Type 2 and therefore, may not be an unacceptable activity as per §367.2(b).

When considering whether an activity is an unacceptable activity and not eligible for credit, please consider the following.

1. Is it unacceptable because it is a repetitive activity that is not directly relevant to the occupational therapy profession, such as a one concerning bloodborne pathogens, disposal of hazardous waste, mandated reporter training, CPR, etc.?

(For information regarding repeating acceptable CE activities, please see §367.1.)

2. Is it unacceptable because it is an activity that many of the employees in a particular practice setting must complete and is not directly relevant to the occupational therapy profession, such as courses related to recognizing abuse or neglect, mandated reporter training, HIPAA and/or FERPA, preparing for natural disasters and other emergencies, the prevention of infectious disease outbreaks or fires, etc.?

3. Is it unacceptable because it is not specific to occupational therapy practice with clients and/or not directly relevant to the occupational therapy profession, such as a course related to communicable/infectious diseases, general management and business, leadership, grant writing, massage therapy, etc.

4. Is it unacceptable because it falls under any of the provisions in §367.2(b) and/or fails to meet any of the other requirements regarding CE in the OT Rules and Act?

Sample Unacceptable Activities:

The list below contains examples of topics NOT relevant to occupational therapy and NOT acceptable for CE credit. While many of these topics may enrich your relationship with your clients or enhance the success of your practice, they are not required in order for licensees to provide occupational therapy services.

Please note that this list is not exclusive. Courses in other topics may be unacceptable activities. Check to make sure each activity you intend to claim for CE is eligible for credit according to the OT Rules.

- Massage Therapy Registration program
- General Management and Business
- General Foreign Language course
- Grant Writing workshops
- Social Work courses
- Defensive Driving
- Water Safety courses
- Team Building and/or Leadership workshops
- GRE, GMAT, MCAT preparation
- General cooking class
- Reading Techniques courses
- Nutrition for Women
- Geriatric Anthology
- Communicable or Infectious Diseases
- Repetitive courses such as: CPR, patient abuse, disposal of hazardous waste, patient privacy, HIPAA & FERPA, bloodborne pathogens, etc.

CE Reminder:

Please remember that all GSC/Western Schools courses are only eligible for Type 1 CE credit.



Frequently Requested Contact Information

<http://www.ptot.texas.gov/page/ot-useful-contacts>

Texas Board of Occupational Therapy Examiners (TBOTE)

Act & Rules, complaints, and practice of OT in Texas

512/305-6900 telephone

512/305-6970 fax

Website: www.ptot.texas.gov

Email: info@ptot.texas.gov

Texas Occupational Therapy Association (TOTA)

512/454-8682 telephone

512/450-1777 fax

www.tota.org

American Occupational Therapy Association (AOTA)

Specialty certification, student fieldwork, national issues, etc.

301/652-2682 telephone

www.aota.org

National Board for Certification in Occupational Therapy (NBCOT)

National certification exam and score reports

301/990-7979 telephone

301/869-8492 fax

www.nbcot.org

Dept. of Assistive and Rehab. Services (DARS)

Division of Early Childhood Intervention (ECI)

512/424-6790 telephone

512/424-6799 fax

www.dars.state.tx.us/ecis/

Medicare and Medicaid

<http://www.cms.gov/>

www.medicare.gov

Medicare Part A

888/763-9836 (Rehab Dept. Hospital)

Medicare Part B

903/463-0720 (independent practitioners)

To report Medicare fraud or abuse:

<http://www.medicarefraudcenter.org/>

800/252-8263

<http://www.hpsc.state.tx.us/medicaid/>

Medicaid provider fraud or abuse of a Medicaid recipient: 512/463-2011 or email

mfcu@aog.state.tx.us

School Based Practice

www.txspot.org

School Health and Related Services (SHARS)

[http://www.hpsc.state.tx.us/rad/acute-](http://www.hpsc.state.tx.us/rad/acute-care/shars/)

[care/shars/](http://www.hpsc.state.tx.us/rad/acute-care/shars/)

Texas Dept. Aging and Disability Services (DADS)

800/458-9858 Long term care & complaints about nursing homes, home health agencies, or assisted living facilities

800/252-8016 Nursing homes

512/719-3521 Licensing Boards

800/228-1570 Home health agencies

Elderly or disabled abuse, neglect call

800/252-5400.

www.dads.state.tx.us

Texas Dept. of State Health Services (TDSH)

512/834-6650 Hospital licensing

<https://www.dshs.state.tx.us/>

Texas Online Services

License applications, renewals, profile

TxServiceDesk@egov.com

877-452-9060 Help desk