

TBOTE news

The Texas Board of Occupational Therapy Examiners

June, 2015

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Previous Newsletters, Forms, and Frequently Asked Questions are on the website.

www.ptot.texas.gov

Future Board Meeting Dates

August 14, Austin

TBOTE BOARD

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Notes from the Coordinator:

Adopted Rule Changes: On May 8, 2015, the Board adopted amendments to Chapter 364, Requirements for Licensure; §367.2, Categories of Education; §370.3, Restoration of a Texas License; and §374.2, Detrimental Practice. Please visit the Board's [Act and Rules page](#) for an introduction to and for the text of each amendment; the preamble for each adopted amendment may be read in the May 29, 2015 issue of the [Texas Register](#). The issue will also include the reprinted amendment to §370.3, which was adopted with a formatting change. An introduction to the adopted amendments may be found on pages 2-4 of this newsletter.

Proposed Rule Changes: On May 8, 2015, the Board proposed amendments to §362.1, Definitions; §367.1, Continuing Education; §367.3, Continuing Education Audit; §369.1, Display of Licenses; §369.2, Changes of Name or Address of Licensees; §372.1, Provision of Services; and Chapter 373, Supervision. Please visit the Board's [Act and Rules page](#) for the text of each proposal or read the May 29, 2015 issue of the [Texas Register](#) for the full proposals with their preambles. An introduction to the proposed amendments and information regarding public comment may be found on pages 5-7 of this newsletter.

Updated Downloadable OT Rules Now Available: Please visit the Board's [Act and Rules page](#) to download the newest, up-to-date PDF version of the current OT rules, which reflects rule changes effective 6/1/2015. Please note that the table of contents is interactive: each entry is a hyperlink to the corresponding section in the PDF.

Introduction to Adopted Rule Amendments to

Chapter 364, §367.2, §370.3, and §374.2

*(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 May 8, 2015 meeting, the Texas Board of Occupational Therapy Examiners adopted amendments to Chapter 364, §367.2, §370.3, and §374.2.

Please note that these ADOPTED amendments took effect on 6/1/2015. 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 have been published in the May 29, 2015 issue of the [Texas Register](#).

Please note that the February 2015 OT Rules PDF as of June 1, 2015 is no longer the most up-to-date, compiled PDF version of the Rules.

A new, up-to-date version of the compiled OT Rules is available for download from the website. The new version is effective as of June 1, 2015 and contains all rule adoptions up until that date; the June 2015 edition is the current version of the OT Rules. Please note that when additional rule adoptions become effective, a note will be placed on the website indicating when the 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.

§364.4. Licensure by Endorsement.

The Board adopts amendments to §364.1-§364.4, concerning licensing requirements for applicants applying for their first Texas occupational therapy or occupational therapy assistant license.

The amendments clarify licensing requirements and eligibility for those applying for a regular, temporary, or provisional license and reflect the process whereby applicants who have already taken and passed the National Board for Certification in Occupational Therapy (NBCOT) certification examination may complete requirements for licensure. The amendments, furthermore, add the requirement that an applicant with a history of licensure in occupational therapy must submit a verification of license from each state or territory of the U.S. in which the applicant is currently licensed or previously held a license; this must be

an original verification sent directly to the Board by the licensing board in that state or territory, with any disciplinary actions reported to the Board. The amendments also clarify that U.S. active duty service members and/or their spouses shall notify the Board of their military affiliation when submitting their Uniformed Services Military ID Card in order to ensure such may be collocated with their application for licensure.

The amendment to §364.3, Temporary License, in particular, removes language stating that if an applicant does not take the first available examination, the temporary license will be revoked. The amendment clarifies, alternately, that a temporary license is void for the temporary licensee who does not take NBCOT certification examination during the 90 day window as stated on the Confirmation of Examination Registration and Eligibility to Examine form from NBCOT.

In addition, the amendment to §364.4, Licensure by Endorsement, removes the provisional license option for former Texas licensees who hold a current license in another state. This option was a holdover from before the adoption of §370.3, Restoration of a Texas License. Individuals who have already held a Texas OT or OTA license who wish to return to Texas licensure must restore their Texas license according to §370.3, Restoration of a Texas License. The removal of this provisional license option is a cleanup.

The adopted amendments include further cleanups and grammatical revisions, as well.

Introduction to Adopted Rule Amendment to §367.2. Categories of Education.

The Board adopts an amendment to §367.2, concerning categories of education. The amendment clarifies existing policies with regard to categories of education and includes cleanups and grammatical revisions, as well. In addition, the amendment expands the continuing education (CE) credit that may be earned for the development of publications, media materials, or research/grant activities and includes language that would allow a licensee to earn continuing education credit for the development of practice-related or instructional materials using alternative media such as video, audio, or software programs or applications to advance the professional skills of others (not for proprietary use). Mentorship has also been added as a category of continuing education for both mentor and mentee. Finally, in the amendment, the list of unacceptable continuing education activities has been revised. Leadership and general cooking courses have been added as unacceptable continuing education activities; cooking for health, weight management, and stress management courses have been removed.

Introduction to Adopted Rule Amendment to §370.3. Restoration of a Texas License.

The Board adopts an amendment to §370.3, concerning the restoration of a Texas license with changes to the proposed amendment as published in the February 27, 2015 issue of the *Texas Register* (40 TexReg 911) and will be republished.

The change from the proposed amendment was to remove the parentheses surrounding the phrase “If not currently licensed in another state or territory of the U.S. and applying from the U.S. military or a non-licensing state or territory of the U.S., the person must submit a Verification of Employment form substantiating occupational therapy employment for at least two years immediately preceding application for a Texas license” in §370.3(a)(2)(B).

The adopted amendment clarifies requirements related to the restoration of an expired Texas license for occupational therapists and occupational therapy assistants and includes cleanups and grammatical revisions, as well.

The amendment adds the requirement that each applicant for restoration must submit to the Board a verification of license from each state or territory of the U.S. in which the applicant is currently licensed or previously held a license; this must be an original verification sent directly to the Board by the licensing board in that state or territory, with any disciplinary actions reported to the Board. The amendment, in addition, includes language that clarifies that those applying from the U.S. military or a non-licensing state or territory of the U.S. may submit, if not holding a current license, proof of occupational therapy employment for at least two years immediately preceding the application for a Texas license when applying for restoration by proof of current licensure or occupational therapy employment.

Introduction to Adopted Rule Amendment to §374.2. Detrimental Practice.

The Board adopts an amendment to §374.2, concerning detrimental practice. The amendment adds language that failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with HIPAA regulations is also practicing occupational therapy in a manner detrimental to the public health and welfare. The amendment also includes a grammatical revision.

Introduction to Proposed Rule Amendments from the May 8, 2015 Board Meeting

These are PROPOSED amendments. They have NOT been adopted.

The current rules are in effect.

At its May 8, 2015 meeting, the Board proposed amendments to §362.1, Definitions; §367.1, Continuing Education; §367.3, Continuing Education Audit; §369.1, Display of Licenses; §369.2, Changes of Name or Address of Licensees; §372.1, Provision of Services; §373.1, Supervision of Non-Licensed Personnel; §373.2, Supervision of a Temporary Licensee; and §373.3, Supervision of an Occupational Therapy Assistant.

To read the full proposed, published amendments (which include the preamble for each), please read the May 29, 2015 issue of the [Texas Register](#). PDFs of the proposed amendments have also been uploaded to the Board's [Act and Rules](#) page.

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

Comments: Comments on the proposed amendments 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 these proposed amendments are published in the Texas Register.

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

Introduction to Proposed Rule Amendment to §362.1. Definitions.

The Board proposes an amendment to §362.1, concerning definitions in that section. The amendment will clarify existing definitions with regard to and add new definitions related to telehealth. Definitions have been added for "face-to-face," "on site," and "telehealth." The definitions for "direct contact" and "first available examination" have been removed. The section has also been reorganized so that the definitions appear in alphabetical order; grammatical revisions have been made, as well.

Introduction to Proposed Rule Amendments to:

§367.1. Continuing Education.

§367.3. Continuing Education Audit.

The Board proposes amendments to §367.1, concerning continuing education, and §367.3, concerning the continuing education audit. The proposed amendment to §367.1 clarifies requirements for continuing education and adds the provision that each continuing education activity may be counted only one time in two renewal cycles or a total of four years. The proposed amendment to §367.3 clarifies requirements for the audit and for continuing education documentation. In addition, the proposal adds that the name of the authorized signer must be included on the continuing education documentation and that when continuing education units (CEUs), professional development units (PDUs), or other units or credits are listed on the documentation, such must be accompanied by documentation from

the continuing education provider noting the equivalence of the units or credits in terms of contact hours.

Introduction to Proposed Rule Amendments to:

§369.1. Display of Licenses.

§369.2. Changes of Name or Address of Licensees.

The Board proposes amendments to §369.1-§369.2, concerning display of licenses and changes of name or address. The amendments will clarify existing policies with regard to the display of licenses and changes of name and address. A change to §369.1 will allow for new licensees, upon verification of their licensure status and expiration date on the Board's verification page, to provide services. Changes to the section also clarify the process to request a replacement license. Changes to §369.2 clarify name changes and the name of the section has been changed to indicate that the section refers to changes of name or address. The proposed amendments include cleanups and grammatical revisions, as well.

Introduction to Proposed Rule Amendment to §372.1. Provision of Services.

The Board proposes an amendment to §372.1, concerning the provision of services. The amendment will clarify the existing rule in general and with regard to telehealth and will add the requirement that the occupational therapist who screens, evaluates, writes, or implements the plan of care is responsible for determining the need for the physical presence of an occupational therapy practitioner during any interactions with clients. The amendment, furthermore, clarifies that occupational therapists may provide consultation or monitored services or screen or evaluate the client to determine the need for occupational therapy services without a referral and that an occupational therapist or occupational therapy assistant may perform a screening, consultation, or monitored services. The amendment also adds that an occupational therapist who performs the initial evaluation must be physically present with the client during the initial evaluation process and that devices (such as wheelchair positioning devices, splints, therapeutic tape, etc.) that are in sustained skin contact with the client require the physical presence of the occupational therapy practitioner for any initial or subsequent applications and/or monitoring of the device. The amendment also clarifies the requirement that an occupational therapy assistant must be able to contact an occupational therapist who is available to answer questions about the client's intervention at the time of the provision of occupational therapy services. The proposed amendment includes cleanups and grammatical revisions, as well.

Introduction to Proposed Rule Amendments to:

§373.1. Supervision of Non-Licensed Personnel.

§373.2. Supervision of a Temporary Licensee.

§373.3. Supervision of an Occupational Therapy Assistant.

The Board proposes amendments to §373.1-§373.3, concerning supervision requirements for non-licensed personnel, temporary licensees, and occupational therapy assistants. The amendments will clarify supervision requirements in general and with regard to supervision via telehealth. The proposed amendments include grammatical revisions and cleanups, as well.

The proposed amendment to §373.1 clarifies that when non-licensed personnel are assisting in the construction of adaptive/assistive equipment, the licensee must be physically present for any initial applications to the client. “Splints” has been removed from this provision as proposed changes to §372.1, concerning provision of services, include the provision that devices (such as wheelchair positioning devices, splints, therapeutic tape, etc.) that are in sustained skin contact with the client require the physical presence of the occupational therapy practitioner for any initial or subsequent applications and/or monitoring of the device.

§373.2 has been reorganized to clarify supervision requirements for temporary licensees and to clarify that new licensees, upon verification of their licensure status and expiration date on the Board’s verification page, may provide services according to the conditions of the license. A provision has also been added requiring that occupational therapists who hold a temporary license must record their required supervision on a Supervision Record.

The proposed amendment to §373.3 reorganizes and clarifies supervision requirements for occupational therapy assistants and includes changes to required supervision hours. The amendment also clarifies the requirement that an occupational therapy assistant must be able to contact an occupational therapist who is available to answer questions about the client’s intervention at the time of the provision of occupational therapy services.



OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN

MAY 8, 2015 BOARD MEETING:

- (1) **Brittni Chapa, OTR #115508 (San Antonio)** – practiced in a facility that was not properly registered with the board. 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) **Bambi Levingston, OTR #111668 (Fort Worth)** – practiced in a facility that was not properly registered with the board. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order required thirty (30) hours of community service.**
- (3) **Corey Starks, OTR #112295 (Longview)** – practiced in a facility that was not properly registered with the board. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order required thirty (30) hours of community service.**
- (4) **Dorinda Rodriguez, OTR #107359 (Edinburg)** – practiced in a facility that was not properly registered with the board. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order required sixty (60) hours of community service.**
- (5) **Marilyn Barine, OTR #109177 (Lewisville)** – failed the CE audit; 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) **Fernando Chong, COTA #210695 (Lufkin)** – failed the CE audit; 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 forty-five (45) hours of community service.**
- (7) **Monica Allison, COTA #207850 (Teague)** – failed the CE audit; 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 sixty (60) hours of community service.**
- (8) **Mira Rollins, OTR #110430 (Cedar Hill)** – 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 her license for thirty (30) days.**
- (9) **Nisha Cooksey-Johnson, COTA #212374 (Waco)** – practiced occupational therapy 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 for thirty (30) days.**
- (10) **Neal Sessions, COTA #211301 (Houston)** – practiced occupational therapy 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 his license for thirty (30) days.**
- (11) **Jennifer Rau, OTR #116252 (The Woodlands)** – allegedly practiced occupational therapy in a detrimental manner by resigning her position without sufficient prior notice – thereby abandoning the patients she was scheduled to treat. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order accepted the voluntary surrender of her license to practice.**

Rule Reminder: Renewing On Time

If your license's expiration date is approaching, please do not wait until the last minute to renew. You may renew your license at any time during the three months prior to its expiration date.

Renewing online is convenient, but it does involve a series of steps. For example, after logging into the Board's website, successfully entering your continuing education, passing the jurisprudence exam, and receiving your key code to renew online, you are directed to an external website (Texas Online) to make your payment. The Board's website or the Texas Online System is occasionally unavailable due to scheduled and unscheduled maintenance, there may be internet browser issues, etc. If your renewal is delayed and you do not complete all requirements and make payment before your license expires, you will be subject to late fees. If the month changes over the weekend and the online system allows you to renew late, you will still be subject to late fees if your time stamp is past your expiration date.

You may, alternately, renew a current, unexpired license by mailing in the paper renewal application form (which includes the CE Submission form), payment, and any other required documents, in which case, all of your renewal required items must be postmarked before your license expires. In addition, you must take and pass the jurisprudence exam online before your license expires.

Please remember that you may not renew online if you are renewing late, are on Inactive or Retired status, do not have your SSN on file with the Board, or have a hold based on student loan, child support, or other issue. If the license has been expired for more than one year, it may not be renewed; see §370.3, Restoration of a Texas License, for information.

If you have not supplied the Board with your SSN, submit the SSN affidavit to the Board in a timely manner so you may be added to the list of licensees eligible to renew online. For those with child support or loan issues, the Board must receive a release from the appropriate agency before the license can be renewed. Those renewing late or on Inactive status must download a License Renewal form and mail it in with payment and those on Retired status must download the Retired License Application/Renewal Form and mail it in with payment.

Please see the [Forms](#) page to access these documents.

Finally, please remember that as per §370.1(a), "Licensee Renewal. Licensees are required to renew their licenses every two years by the end of their birth month. A licensee may not provide occupational therapy services without a current license. The licensee's expiration date is displayed on the board's website and should be considered evidence of current licensure. Licensees and employers should verify licenses and registrations on the board's website."

If your license does not show as being current and unexpired on the License Verification page of our website, you may not provide occupational therapy services. Remember that once you have submitted all required materials and made payment, it will take at least one or more business days for your license to show as being renewed on our website.

Please note that this article is just an overview of the renewal process; please see the full [OT Rules and Practice Act](#) for additional information and rules and regulations. Please see the [License Renewal](#) page for further information, renewal instructions, and related links.

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