

# TBOTE news

The Texas Board of Occupational Therapy Examiners

May 2017

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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 Date

August 18, 2017  
Austin, TX

## TBOTE BOARD

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## Notes from the Coordinator

### Sunset Review Update

See page 2 for information regarding the status of the Sunset Review.

### Adopted Rule Changes and PDF of the OT Rules

Rule amendments to §367.1, Continuing Education, and §367.2, Categories of Education, will go into effect 6/1/2017.

A revised PDF version of the OT Rules, which will contain the rule changes, will be uploaded to the website soon after the amendments are effective.

See page 3 for further information.

## Sunset Review Update: Sunset Bills

The culmination of the Sunset Review was realized on March 7, 2017 with the filing of the Sunset Bills relating to the continuation and functions of the Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE), the Texas Board of Occupational Therapy Examiners (TBOTE), and the Texas Board of Physical Therapy Examiners (TBPTE). The Senate Bill (**SB 317**) was filed by Senator Robert Nichols and the House Bill (**HB 4069**) by Representative Cindy Burkett; the degree of association of the bills was identical.

In addition to continuing the ECPTOTE, TBOTE, and TBPTE as currently structured until 2029, other amendments to the statutes regarding TBOTE include:

- Discontinue the registration of occupational and physical therapy facilities and temporarily authorize the boards to expunge facility-related administrative violations from a licensee's record.
- Provide clear statutory authority for licensure by endorsement.
- Clarify that occupational therapy assistants licensed in other states may practice in this state temporarily under the same conditions as occupational therapists.
- Remove provisions prescribing educational requirements beyond completion of an accredited program or substantially equivalent to an accredited program.
- Clarify statutes to reflect current standards and conditions.
- Continue the boards' authority to delegate to other entities the responsibility of approving continuing education and continuing competence, and require the boards to adopt rules relating to the approval of continuing competence or continuing education courses inclusive of a request for proposal and bid process.
- Require the boards to conduct fingerprint-based criminal background checks of licensure applicants and licensees.
- Require the boards to develop a disciplinary matrix.
- Remove the "good moral character" standard as a criterion for foreign-trained licensure applicants.
- Provide for governor designation of the presiding officer of each board.

The Senate version of the bill, which included further changes and an amendment regarding board member training, was engrossed and has been reported favorably out of the House Committee on Public Health without further amendments.

*One of the modifications to the bill thus far would change the effective date of facility deregulation, with regard to occupational and physical therapy facilities, to September 1, 2019.*

**Note: Any change to the Practice Act as a result of the Sunset Bills would not occur until passed by both the Texas Senate and House of Representatives and signed into law by the Governor.**

To view the history, text and actions of the bills, please follow the links below.

<http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=85R&Bill=SB317>

<http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=85R&Bill=HB4069>

For further information about the Sunset process, visit the Commission's website at

<https://www.sunset.texas.gov>.

## Introduction to Adopted Rule Changes from the May Board Meeting

Rule amendments to §367.1, Continuing Education, and §367.2, Categories of Education, will take effect on June 1, 2017.

On that date, the amendments will supersede the rule sections of the same name and number in the March, 2017 compiled PDF version of the rules. Until then, [the current rules](#) are in effect.

An up-to-date version of the compiled rules will be available from the [Act and Rules page](#) soon after the amendments take effect and will have “June, 2017” on the cover. Note that rules accessed from the [Texas Administrative Code](#) reflect any rule changes once they are effective.

Similarly, the [Continuing Education page](#) will be updated soon after the amendments take effect and will include additional resources regarding the CE requirements that will go into effect June 1, 2017.

Notice of the adoptions will be published in the May 19, 2017, issue of the [Texas Register](#).

**Note:** *If CE you have completed for your current renewal period met the requirements of the OT Rules at the time, you will be able to use it when you renew.*

*A general overview of the adopted rule changes appears below; refer to the [Act and Rules page](#) for further information. From the [Act and Rules page](#), you can also access a link to search for previous versions of the OT Rules.*

### Introduction to Adopted Rule Changes

#### **§367.1. Continuing Education.**

#### **§367.2. Categories of Education.**

The amendments concern changes to the definition of continuing education, the continuing education approval process, acceptable and unacceptable continuing education activities, and categories of continuing education.

The amendment to §367.1 will replace the current definition of continuing education with a new definition. In addition, the amendment will add to a provision regarding the continuing education approval process that “Licensees are responsible for choosing CE that meets requirements as per this chapter, regardless of the activity’s provider or pre-approved status.”

The amendment, furthermore, will add provisions regarding unacceptable activities to §367.1. Such language is based on provisions regarding unacceptable activities in the current §367.2, which as part of the amendments, have been relocated to §367.1 and include further changes and additions. Such changes include the addition of language regarding that such activities are not eligible for continuing education regardless of the provider or pre-approved status. Changes also include

adding language regarding courses that provide information about the work setting's philosophy, policies, or procedures or designed to educate employees about a specific work setting and courses in topics concerning professionalism or customer service to a list of unacceptable activities not eligible for continuing education. Changes to this list also include the replacement of "general management and business" and "communicable diseases" with "management and business administration" and "communicable/infectious diseases." A provision from §367.2 regarding self-promotion by program providers has also been relocated to §367.1 as part of the amendment.

Related to the changes to §367.1, language regarding unacceptable activities and self-promotion by program providers has been struck in the amendment to §367.2. The amendment to §367.2, in addition, will replace in provisions concerning academic courses that such must be "related to occupational therapy" with the requirement that such must be "from an occupational therapy program" and adds "or courses" to a related provision concerning the creation of a new academic course or courses, which is eligible for a maximum of ten hours of continuing education. In the amendment, furthermore, references to the specific NBCOT Navigator™ activities that are eligible for continuing education have been removed and replaced by language referring to activities of that category that are not eligible.

The amendments include further clarifications and cleanups, as well.

## Renewal Postcard and Emails

TBOTE is now sending two email reminders regarding upcoming occupational therapy license and facility registration expiration dates. The first email is sent approximately three months prior to and the second approximately two months prior to a license's or registration's expiration date.

The renewal postcards are now being mailed approximately one month prior to a license's or registration's expiration date.

The licensee or facility owner is responsible for ensuring that the license or registration, respectively, is renewed, whether receiving a renewal notice or not.

## Email Contact Information

If you are an applicant or licensee of or own a facility registered with TBOTE or are an individual who has signed up to be included on the Board's mass email sign-up list and you have not received a mass email from the Board this month with this newsletter, please update your email address. (In general, mass emails are sent approximately every two to four months.)

*If you are receiving mass emails (for example, those concerning proposed or adopted rule changes, newsletters, upcoming renewal dates if applicable, etc.), that means the Board has a working email address for you so there is no need to update it and remember that licensees, applicants, and facility owners do not need to sign up to receive mass emails. In addition, you may be receiving emails, but they may be in your junk/spam folder. Be sure to check your spam/junk folder and if any of the Board's emails are in such, review your email settings and ensure you have emailOT@ptot.texas.gov as one of your safe senders.*

If you are a licensee, applicant, or registered facility owner and just your email address needs to be updated, from the sidebar menu on the [homepage](#) of the website, select "Contact Us" and in the message, include your name and license number, facility registration number, or application number if you have one, and note that you are writing to update your email address and then include such. If your other contact information (such as phone number, mailing address, etc.) also needs to be updated because it has changed since the last time you submitted it (for example, during your last renewal, etc.), use the "Change Contact Info" link, instead.

If you are another individual who has signed up for the mass email list and you are not receiving emails, sign up with another email address using [this link](#).

When submitting your contact information to the Board, for example, during the application or renewal process, through our online forms, etc., please ensure that you have entered your information correctly and remember to review for errors. For example, check to make sure you have used a period after your email provider ("gmail.com" not "gmail,com"), make sure your email user name is spelled correctly, etc.

Note that certain email accounts may be temporary for the user or may block mass emails. For example, accounts with an employer or through an educational institution you have attended may not exist past an employment or graduation date or may have filters or settings that block mass emails such as those sent by the Board.



**OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN  
MAY 5, 2017 BOARD MEETING:**

- (1) Dominique Smith, COTA #211177 (San Angelo)** – 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) Nikki Clark Smith, COTA #209626 (Gilmer)** – 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.***
- (3) Richard Wilde, COTA #208464 (Palo Pinto)** – failed to properly renew his 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.***
- (4) Melanie Thibodeaux, COTA #211424 (Lumberton)** – 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.***
- (5) Anitra Perry, COTA #211934 (Orange)** – 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.***
- (6) Adam Coleman, COTA #212849 (South Padre Island)** – 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 his license to practice for seven (7) days.***
- (7) Sarah Plotycia, OTR #115424 (Marble Falls)** – practiced in a detrimental manner by resigning/abandoning 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 suspended her license to practice for thirty (30) days.***
- (8) Kristine Babington, COTA #212949 (Fort Worth)** – 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 fifteen (15) days.***