

TBOTE news

The Texas Board of Occupational Therapy Examiners

May 2022

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

Next Board Meeting

August 5, 2022*

* Subject to change

TBOTE BOARD

Stephanie Johnston, OTR, OTD, FAOTA, Chair
Todd Novosad, OTR, Vice Chair
Karen Gardner, OTR, Secretary
Estrella Barrera, OTR, MOT
Jacob Boggus, Public Member
Blanca Cardenas, Public Member
Jennifer Clark, COTA
Eddie Jessie, Public Member
Sally Harris King, COTA

Notes from the Coordinator

Proposed and Adopted Rules

The Board adopted rule changes at its last meeting; the Board did not propose changes. Please see further information in this newsletter.

ECPTOTE Building Move and anticipated Downtime on/around June 6, 2022

The Executive Council of Physical Therapy and Occupational Therapy Examiners will be moving to a new location on/around June, 6, 2022. See our home page, ptot.texas.gov, for further information regarding the move, including concerning any anticipated system downtime and for our new address.

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.

New TBOTE Board Member Appointment

Governor Greg Abbott recently appointed Estrella Barrera as a member of the TBOTE Board. Estrella was appointed to fill the OT member position left vacant upon the passing of our dear board member, DeLana Honaker.

We welcome Estrella to the Board.

All of TBOTE's nine board member positions are now filled by individuals with unexpired terms and the Board is complete. Thank you to everyone who expressed an interest in serving on the Board. Your efforts were well appreciated.

For a brief introduction to our newly appointed member, please see the information below, adapted from the Office of the Governor's press release.

Governor Greg Abbott has appointed Estrella Barrera to the Texas Board of Occupational Therapy Examiners for a term ending February 1, 2023. The board licenses and regulates occupational therapy services in the State of Texas.

Estrella Barrera of Austin is the Associate Dean of Health Sciences at Austin Community College. She is a member of the Texas Occupational Therapy Association and the American Occupational Therapy Association. Additionally, she is board chair for the East Communities YMCA, board member for Lyon's Garden, and a committee member for CapMetro Access. Barrera received a Bachelor of Science in Human Services from Pan American University and a Master of Occupational Therapy from Texas Woman's University.

CE Reminder

Rule changes that became effective September 1, 2019, require that licensees earn 24 contact hours of CE for license renewal.

Refer to Chapter 367 of the OT Rules for further CE requirements, including regarding the requirement to complete an HHSC approved training course on the prevention of human trafficking.

Introduction to Adopted Rule Changes from the May Board Meeting

The rule changes noted below will take effect June 1, 2022. Until then, the [current rules](#) are in effect.

At its recent meeting, the Board adopted 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.

As of June 1, 2022, the “March, 2022” compiled PDF version of the OT Rules will no longer be up to date as it will not contain the adopted changes. 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, 2022” on the cover.

Notice of the adoptions was published in the May 20, 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 March 4, 2022, issue of the [Texas Register](#). The amendments to §362.1, Definitions, and §372.1, Provision of Services, were adopted with changes to the text as proposed.

PDFs of 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

§362.1. Definitions.

The amendments are adopted to clarify and cleanup the section. The amendments are adopted with changes to the proposed text. The change was to not adopt the proposed new definition of occupational therapy practice and instead retain the current definition.

The amendments revise current definitions in the section 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 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 amendments to §369.2 add a requirement to notify the Board of phone number changes and revise the rule title. The amendments to §369.3 cleanup and clarify the section and add information regarding the use of the title doctor. The amendments are adopted without changes to the proposed text.

Amendments to §369.2, Changes of Name or Address, will require licensees to update the Board of phone number changes, and a related amendment will 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 will 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 adopted to revise requirements concerning voluntary charity care. The amendments are adopted without changes to the proposed text.

The changes will 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 “OT Practice Act” to “Occupational Therapy Practice Act” to achieve greater uniformity in the board rules.

§372.1. Provision of Services.

The changes are adopted to cleanup and clarify the section and revise requirements regarding the provision of occupational therapy services, including services delivered via telehealth. The amendments are adopted with changes to the proposed text. The change upon adoption was to not adopt the proposed new §372.1(h)(2) and instead retain the current §372.1(h)(2).

Adopted changes to the section include those that will clarify requirements concerning the provision of occupational therapy services. For example, a provision will be added that will 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 adopted to clarify provisions regarding telehealth and the required client contact with an occupational therapy practitioner. For example, the amendments will 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 will also revise requirements concerning the contact required for an intervention session and will 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 Texas Administrative Code §373.1, Supervision of Non-Licensed Personnel.

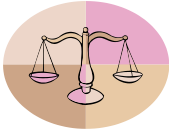
§373.1. Supervision of Non-Licensed Personnel.

The changes cleanup and clarify the section and revise requirements concerning the supervision required for the delegation of certain tasks to non-licensed personnel. The amendments are adopted without changes to the proposed text.

The section currently includes a list of tasks that an occupational therapy practitioner may delegate to non-licensed personnel. Changes to the section will 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 will 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.”



**MAY 6, 2022 BOARD MEETING
FORMAL DISCIPLINARY ACTIONS TAKEN**

- (1) **Theresa Stephens, OT #116395 (Austin)** - 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) **Tammy Sanchez, OTA #208801 (Midland)** - 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) **Kimberly Johnston, OTA #213185 (Azle)** - 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) **Sherry Burge, OTA #209859 (Humble)** - 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) **Paul Buerger, OT #109520 (Quitman)** - 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.***
- (6) **Christina Coy, OTA #210331 (Bixby, OK)** - 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.***
- (7) **Maria Navarro, OTA #211161 (San Ygnacio)** - 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.***
- (8) **Candace Snyder, OT #104281 (Plano)** - 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 suspended license to practice for thirty (30) days.***
- (9) **Carol Garner-Houston, OT #119432 (Santa Rosa Beach, FL)** - failed to properly renew license by not completing a required course prior to renewal. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order required ten (10) hours of community service.***
- (10) **Oluwaseto Abidakun, OT #115477 (Houston)** - failed to properly renew license by not completing a required course prior to renewal. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order required ten (10) hours of community service.***
- (11) **Cynthia Solis, OT #108249 (Brownsville)** - failed to respond to a previous investigation as the address was not updated within 30 days of such change. Violation of Section 454.301 of the Act and chapter 369 of the board rules. ***Board Order suspended license to practice for ten (10) days.***

- (12) **Jessica Nadeau, OT #116255 (Georgetown)** - failed to properly renew license by not meeting the fingerprint requirement in a timely manner. Violation of Section 454.255 of the Act and chapter 370 of the board rules. ***Board Order suspended license to practice for fifteen (15) days.***
- (13) **Jose Ruiz Ubias, OTA #215248 (El Paso)** - failed to properly renew license by not meeting the fingerprint requirement in a timely manner. Violation of Section 454.255 of the Act and chapter 370 of the board rules. ***Board Order suspended license to practice for fifteen (15) days.***
- (14) **Clarissa Martin, OT #110593 (Edcouch)** - failed to properly renew license by not meeting the fingerprint requirement in a timely manner and failed to respond to a previous investigation. Violation of Section 454.255 of the Act and chapter 370 of the board rules. ***Board Order suspended license to practice for thirty (30) days.***
- (15) **Kally Smith, OT #117044 (Fort Worth)** - 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 license to practice for thirty (30) days.***
- (16) **Lashundra Leflore, OT #117275 (Haltom City)** - practiced in a detrimental manner by filing a false or misleading report; specifically, billing for services without proper documentation to support the charges. Violation of Section 454.301 of the Act and chapter 372 of the board rules. ***Board Order suspended license to practice for thirty (30) days.***
- (17) **Shanecia Bethea, OTA #215721 (Katy)** - practiced in a detrimental manner by intentionally making or 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.***
- (18) **Sheila Michael, OT #113033 (Groesbeck)** - 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 forty-five (45) days.***
- (19) **Margaret Woodfin, OT #112902 (Lubbock)** - 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.***