

TBOTE news

The Texas Board of Occupational Therapy Examiners

September 2022

Contents

Notes from the Coordinator.....	1
ECPTOTE Building Move Complete.....	2
Introduction to Proposed Rule Changes.....	3
Disciplinary Actions.....	4

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

Next Board Meeting

October 28, 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 proposed rule changes at its last meeting; the Board did not adopt changes. Please see further information in this newsletter.

Renewal Requirement Reminder: Training Concerning the Prevention of Human Trafficking Required each Renewal Period

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.

Refer to the [Continuing Education](#) page for further information regarding this 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.

ECPTOTE Building Move Complete

The Executive Council of Physical Therapy and Occupational Therapy Examiners' move to the new George H. W. Bush State Office Building is now complete.

The agency's new address appears below. Please note that all mail should be directed to this address. The agency's phone number, website address, and email addresses have not changed.

ECPTOTE
1801 N Congress Avenue, Suite 10.900
Austin, TX 78701

The Consumer Information Sign has also been updated to reflect the agency's new address.

Refer to the OT Forms page, accessible from the link below, to access the updated sign, which should replace any signs with the agency's previous address. Remember that as per §363.1, Consumer/Licensee Information, of the OT Rules, "The sign, or a reasonable facsimile of the sign, must be displayed in a location of public access at the place(s) of business of any board licensee."

<https://ptot.texas.gov/ot-forms/>

CE Reminder

As per the OT Rules, §367.3, Continuing Education Audit, "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."

When you renew, you attest to having met CE requirements. Part of such is having the documentation of your CE, which includes the documentation of the required HHSC approved human trafficking training course. You are required to keep your CE documentation. While in order to renew, you are not required to print your CE documentation if you have retained it in electronic form, you will need to ensure that if you do ever need to print it, that you will be able to do so from the electronic version(s) you have kept. As noted, you are required to keep your CE documentation.

When determining how you will retain your CE documentation, you may wish to consider how your continued access to such might be affected by external factors. For example, consider how licensees who just store their CE documentation in their account with a CE provider or at their place of employment may find, if the time arises when they are required to submit their documentation to the Board for a CE Audit, for instance, that they experience unexpected challenges when trying to access their account/records, including the required documentation.

Remember that failure to submit documentation for the audit may result in failure of the audit and subsequent disciplinary action.

Introduction to Proposed Rule Changes from the August Board Meeting

*These are **PROPOSED** rule changes. The current rules are in effect.*

The Board has proposed amendments to §374.3, Complaint Process.

Notice of the proposal has been published in the September 9, 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 proposal 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, 1801 N Congress Avenue, Suite 10.900, Austin, TX 78701 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 proposal for further information.

Proposed Rule Changes

§374.3. Complaint Process.

The amendments are proposed to remove certified mail and notarized signatures requirements with regard to agreed orders. The changes would allow orders and notices to be sent by all the methods listed in Texas Government Code section 2001.054(c), and would not limit delivery to certified mail, return receipt requested.

Changes to the section include the removal of requirements concerning the Board's use of certified mail when sending agreed orders to the respondent to a complaint. The amendments will also remove the requirement that respondents have their signatures notarized on agreed orders.

These changes will streamline both board processes regarding mailing and requirements for respondents concerning agreed orders. The Board anticipates that these changes will increase the efficiency of investigative mailing processes and reduce the possible complications respondents to a complaint may encounter when responding to agreed orders.

The amendments also include a revision to correct a reference in the section to Texas Government Code section 2001.054(c). The change is proposed to increase the accuracy of the board rules.



**AUGUST 5, 2022 BOARD MEETING
FORMAL DISCIPLINARY ACTIONS TAKEN**

- (1) **Britni West, OT #120017 (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 (10) hours of community service.**
- (2) **Vickie Vinson, OT #110466 (Boerne)** - 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 (10) hours of community service.**
- (3) **Maria Bergara, OTA #203275 (Texas City)** - 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 (10) hours of community service.**
- (4) **Karlene Wettstein, OTA #214056 (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 suspended license to practice for (30) days.**
- (5) **Diane Lobue, OTA #211423 (Porter)** - failed to properly renew license by not completing an approved required course prior to renewal. Violation of Section 454.301 of the Act and chapter 367 of the board rules. **Board Order required (10) hours of community service.**
- (6) **Ashley Rodriguez, OTA #216060 (El Paso)** - failed to properly renew license by not completing an approved required course prior to renewal. Violation of Section 454.301 of the Act and chapter 367 of the board rules. **Board Order required (10) hours of community service.**
- (7) **Alicia Spence, OT #112549 (Fort Worth)** - 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 required (10) hours of community service.**
- (8) **Jeanette Tapia, OTA #216004 (El Paso)** - 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 (30) hours of community service.**
- (9) **Jennie Gentry, OTA #210567 (Azle)** - 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 (60) hours of community service.**
- (10) **Rene Matthey, OT #122322 (Scotts Valley, CA)** - failed to disclose criminal history involving moral turpitude on application for licensure. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order suspended license to practice for (15) days.**
- (11) **Joyce Young, OTA #211993 (Dallas)** - 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 (45) days.**
- (12) **Yesenia Rios, OTA #211935 (San Antonio)** - 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 (45) days.**
- (13) **Mary Larios, OTA #208871 (Corpus Christi)** - practiced in a detrimental manner by failing to accurately document patient intervention and violating ethical principles. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order suspended license to practice for (45) days.**