TBOTE ☆news

The Texas Board of Occupational Therapy Examiners **September 2023**

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

Next Board Meeting
*October 27, 2023**
** Subject to change*

TBOTE BOARD

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Notes from the Coordinator

Proposed and Adopted Rules

The Board proposed rule changes at its last meeting; see further information in this newsletter. The Board did not adopt rule changes. Note that an updated PDF of the OT Act is available from the Act and Rules page and includes an amendment from the recent legislative session that changed the Board's next Sunset Review date from 2029 to 2033; see §454.003, Application of Sunset Act, of the OT Act. Similar changes were made to ECPTOTE's Act.

Renewal Requirement Reminder: HHSC Approved Human Trafficking Training Required each Renewal Period

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 the Health and Human Services Commission (HHSC).

Only human trafficking training courses that are approved by HHSC pursuant to HB 2059 of the 86th Legislative Session may be used to meet this requirement; no other courses may be used to satisfy this requirement.

See below some quick FAQs regarding the requirement. Further information, including regarding the content below, is available from the Continuing Education page.

Do I have to send the Board my certificate of completion for the HHSC approved human trafficking prevention training?

Retain your certificate as you would any required CE documentation. For example, §367.3(c) of the OT Rules requires that "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."

Do not submit your certificate to the Board unless instructed to do so. For example, if you are randomly selected for an audit, you would submit your certificate with the rest of your CE documentation. Likewise, individuals restoring a license expired one year or more would submit the documentation.

Refer to the OT Rules for further regulations.

Must I print my certificate of completion or can I just download it?

Please note the following, excerpted from §367.3 of the OT Rules.

(c) 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. You are required to keep your CE documentation. You will need to ensure that if you do ever need to print your certificate, you will be able to do so from the electronic form of the certificate you have kept. As noted, you are required to keep your CE documentation.

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 §364.5, Recognition of Out-of-State License of Military Spouse, §368.1, Open Records, §369.2, Changes of Name or Contact Information, and §370.1, License Renewal, including concerning the address of record and the recognition of an out-of-state license of military service members and military spouses.

Notice of the proposals has been published in the September 1, 2023, issue of the *Texas Register*, and a PDF of such has been uploaded to the Act and Rules page.

***Comments*:** Comments on the proposed amendments may be submitted in writing to Lea Weiss, Occupational Therapy Coordinator, Texas Board of Occupational Therapy Examiners, 1801 Congress Ave Ste 10.900, Austin, Texas 78701 or to lea@ptot.texas.gov within 30 days following the publication of this 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 proposals for further information.

Proposed Rule Changes

§364.5. Recognition of Out-of-State License of Military Spouse.

The amendments add military service members to those eligible for the recognition of an out of state license and make further changes regarding the recognition pursuant to changes required by Senate Bill 422 of the 88th Regular Legislative Session. In addition, the amendments remove from the section information concerning an address of record pursuant to changes required by Senate Bill 510 of the 88th Regular Legislative Session. The amendments also include adding that individuals provide the Board phone number and mailing address information and update the Board of related changes and include further cleanups and/or clarifications.

Senate Bill 422 requires the adoption of rules to implement changes to Texas Occupations Code §55.0041. The changes, which take effect September 1, 2023, will add military service members to those eligible to practice without obtaining the applicable occupational license. The bill also requires that not later than the 30th day after the date a military service member or military spouse submits certain information, a state agency verify the military service member's or military spouse's license and that in the event of a divorce or similar event that affects a person's status as a military spouse, the spouse may continue to engage in the business or occupation under the authority of the section until the third anniversary of the date the spouse received the confirmation described by the section. Amendments to §364.5 implement these requirements.

Senate Bill 510 adds Texas Government Code §552.11765, Confidentiality of Certain Information Maintained by State Licensing Authority. The new section, which takes effect September 1, 2023, includes that applicants', licensees', and former licensees' home addresses are confidential and not available public information. Pursuant to such, the Board proposes amendments to §364.5 to remove information concerning the election an individual may make to designate a home, mailing, or business address as the address available to the public.

An additional change to §364.5 concerns adding the requirement that individuals seeking the authorization described by the section provide the Board with their phone number and mailing address and notify the Board of changes to such. The change is proposed to enhance the Board's ability to communicate with individuals who are seeking or who have received the authorization and remain apprised of changes to such information. The change will also enhance the consistency of the Board's rules, as prior rulemaking required the same for applicants for a license and licensees.

§368.1. Open Records.

The proposed amendments concern updating the references in the section, including to update information regarding the setting of costs for the copying of records due to the abolishment of the General Services Commission. The amendments also clarify that state or federal statutes in addition to Texas Government Code Chapter 552 may affect the disclosure of certain information and add information regarding the use of a designee for the Executive Director, the agency's open records coordinator. The amendments include further cleanups, including those concerning aligning the section with Texas Government Code Chapter 552.

The amendments will improve the accuracy of the information in the section, clarify that statutes other than those contained in Chapter 552 may affect the agency's disclosure of information, and align the section more closely with Texas Government Code Chapter 552.

§369.2. Changes of Name or Contact Information.

§370.1. License Renewal.

The proposed amendments concern removing from the sections information concerning an address of record pursuant to changes required by Senate Bill 510 of the 88th Regular Legislative Session.

Senate Bill 510 adds Texas Government Code §552.11765, Confidentiality of Certain Information Maintained by State Licensing Authority. The bill, which takes effect September 1, 2023, includes that applicants', licensees', and former licensees' home addresses are confidential and not available public information. Pursuant to such, the Board proposes amendments to §369.2 and §370.1 to remove information concerning the election an individual may make to designate a home, mailing, or business address as the address available to the public.

Changes due to the Recent Legislative Session, including concerning the Address of Record

Note that the following concerns the amendments proposed at the last board meeting. See further information in this newsletter regarding the changes.

As previously noted in this newsletter, on September 1, 2023, notice of the OT Board's recent proposed rule changes, including text of the recent proposed amendments, was published in the *Texas Register*.

The proposed amendments include changes to remove the address of record from the OT Rules, including from §364.5, Recognition of Out-of-State License of Military Spouse, §369.2, Changes of Name or Contact Information, and §370.1, License Renewal. The address of record is the physical address (business, mailing, or home address) designated by the individual to be released to the public. Changes that take effect pursuant to Senate Bill (SB) 510 of the 88th Regular Legislative Session make certain information confidential, including the home address, email address, and home phone number of an applicant for a license or a licensee or former licensee.

In response to the legislation, as of September 1, 2023, home addresses and email addresses will no longer be provided to the public, and the Board does not provide the public home phone numbers.

As of that date, information in the OT Rules regarding an address of record will also be superseded by these legislative changes until any future rule adoptions concerning related proposed changes may take effect. It is also anticipated that as of/soon after September 1, 2023, related areas of our website and applications/forms will also reflect these changes.

Remember that OT and OTA applicants and licensees are still required to report to the Board contact information changes, including changes to business, mailing, or home addresses, within 30 days of the change(s). See for example §369.2(a) of the OT Rules, included below. The full OT Act and Rules may be accessed from https://ptot.texas.gov/ot-acts-and-rules/.

(a) A licensee or applicant shall notify the Board in writing of changes in name, phone number, business phone number, residential address, business address, mailing address, and/or email address within 30 days of such change(s). Applicants and temporary licensees, in addition, shall notify the Board in writing of changes of supervisor within 30 days of such change(s). A copy of the legal document (such as a marriage license, court decree, or divorce decree) evidencing a change in name must be submitted by the licensee or applicant with any written notification of a change in name. To request a replacement copy of the license to reflect a name change, refer to §369.1 of this title (relating to Display of Licenses).

Individuals who need to update their contact information, including addresses, may do so by submitting a Change Your Contact Info form, available from the Looking For? menu on our homepage, https://ptot.texas.gov/.

If you have not had any contact information changes since you last updated the Board of your information (for example, as part of the initial licensing or renewal process or by submitting a Change Your Contact Info form, for example)**, you <u>do not</u> need** to submit a Change Your Contact Info form or update your information.

In addition, individuals are asked to remain mindful of the fact that the Executive Council of Physical Therapy and Occupational Therapy Examiners, the agency that houses the Board, is a small state agency, and the processing of unnecessary/redundant contact information change requests (via our Change Your Contact Info form or via email, for example) could divert staff's attention away from other necessary, timely functions, such as license issuance and renewal. Thank you in advance for your consideration.

The proposed amendments also include changes in response to SB 422, including to allow for the recognition of the out-of-state license of a military service member. Due to SB 422, legislative changes go into effect September 1, 2023, that, likewise, supersede related provisions in §364.5, Recognition of Out-of-State License of Military Spouse, of the OT Rules.

Recent Data security event

The Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) recently experienced a limited data breach, and steps have been taken to address the situation promptly and mitigate potential risks.

ECPTOTE has provided similar information to that contained below on the homepage of its website, https://ptot.texas.gov/, under Latest Updates, and sent notification to individuals whose personal data may have been exposed in this incident.

What Happened?

On June 28, 2023, the Health Professions Council (HPC), which provides IT support to our organization and several other regulatory agencies, was notified by the Department of Information Resources (DIR) of a breach affecting the Behavioral Health Executive Council (BHEC). This breach was discovered through information posted by a known hacker group, SiegedSec. While investigating the unauthorized access to the BHEC database, HPC realized that the breached data actually pertained to ECPTOTE rather than BHEC.

HPC immediately initiated an internal investigation to assess the scope and extent of the incident. Through this investigation, it was determined that the breach primarily impacted a log file that resulted from a diagnostic script remaining from our transition from the old on-site website to the current cloud-based website. We want to emphasize that HPC has not identified any evidence of data misuse.

What Personal Information Was Involved?

The names and dates of birth of those who completed the following between June 30, 2022, and December 22, 2022, may have been accessed.

- OT and OTA licensees who completed the Jurisprudence Examination (JP Exam) after completing the CE Submission Form during the online renewal process
- PT and PTA licensees who answered the attestation questions after completing the CC Activity Summary during the online renewal process

Steps Taken to Address the Incident:

1. **Isolation and containment:** Upon detecting the breach, HPC immediately isolated the affected systems to prevent further unauthorized access. They have also implemented enhanced security measures to strengthen our overall infrastructure.
2. **Internal review and risk assessment:** In collaboration with our web hosting company and the Cybersecurity Analysts at DIR's Network Security Operations Center, HPC conducted a thorough review to identify vulnerabilities that led to the breach. The potential risks associated with the compromised data have been assessed and measures to address them have been implemented.
3. **Enhanced security measures:** Additional security protocols to reinforce our systems against future breaches have already been implemented.
4. **Collaboration with law enforcement and regulatory bodies:** The incident has been reported to the Office of the Attorney General and the Department of Information Resources, as required. We are fully cooperating with their investigations and adhering to all necessary legal and regulatory procedures.
5. **Continuous monitoring and improvement:** We are dedicated to continuous monitoring of our systems for potential vulnerabilities or threats. To ensure the ongoing effectiveness of our security measures, HPC will conduct additional audits, penetration testing, and security assessments through our web host.
6. **Notifying affected individuals:** As part of our commitment to transparency, we have emailed information similar to that contained in this article to individuals whose personal data may have been exposed in this incident and mailed similar information to the small percentage of individuals whom we could not contact by email.

We sincerely apologize for any inconvenience or concern this incident may have caused. Protecting your personal information remains one of our top priorities, and we are committed to maintaining the trust you have placed in us.

AUGUST 4, 2023 BOARD MEETING
FORMAL DISCIPLINARY ACTIONS TAKEN

(1) **Laura Kamin, OT #115717 (Conroe)** - 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) **Ruth Kuloba, OTA #215100 (Lorena)** - 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) **Maris Bellows, OT #120618 (Dallas)** - 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) **Veronica Candela, OTA #211356 (Corpus Christi)** - 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.***

(5) **Carlos Herrera, OT #120558 (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 required 10 hours of community service.***

(6) **Melissa Dandignac, OT #114267 (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 10 hours of community service.***

(7) **Susan Didino, OT #115550 (Sarasota, FL)** - 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 5 days.***

(8) **Dawn Wasley, OTA #209468 (Sherman)** - 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 20 days.***

(9) **Amanda Myers, OTA #212424 (Waskom)** - 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 10 hours of community service.***

(10) **Ashley Soape, OTA #209293 (Carthage)** - 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 10 hours of community service.***

(11) **Jessica Chambers, OTA #216231 (Tallahassee, 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 10 hours of community service.***

(12) **Precious Harris, OT #120867 (Montgomery, AL)** - 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 10 hours of community service.***

(13) **Ryan Borinaga, OTA #215471 (Sugar Land)** - 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 30 hours of community service.***

(14) **Terry Pelot, OT #121576 (Appleton)** - 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 30 hours of community service.***

(15) **Kendall Lacy, OT #119508 (Wichita Falls)** - 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.***

(16) Caroline Ramirez, OT #121034 (Chicago, IL) - 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 30 days.***

(17) Grace Mandal, OTA #216192 (Arlington) - 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 30 days.***

(18) LaTara Hart, OT #118175 (Grand Prairie) - 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.***

(19) Annie Lee, OT #122564 (Missouri City) - 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.***

(20) Gian Louis, OTA #217086 (Humble) - 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.***

(21) Elizabeth Boatright, OTA #211395 (Purdon) - 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.***

(22) Susan Martinez, OTA #209503 (Hockley) - 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 60 days.***

(23) Lisa Lewis, OT #111987 (Houston) - 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 60 days.***

(24) Tammy Yates, OTA #207763 (Troy) - 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 60 days.***

(25) Megan Goldner, OT #120748 (Austin) - 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 60 days.***

(26) Tiffany Johnson, OT #113794 (Houston) - 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 60 days.***

(27) Cathy White, OT #104941 (Mt Pleasant) - 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 120 days.***

(28) Jose Rey, OTA #213133 (Sunland Park, NM) - practiced in a detrimental manner by violating Code of Ethics principles and related standards of conduct. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended license to practice for 15 days.***

(29) Ashley Simpkins, OTA #217853 (Aubrey) - failed to disclose criminal history 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.***

(30) Aaron Lopez, OT #118455 (El Paso) - failed to comply with a previous Board Order by not completing the provisions listed in the Order. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended license to practice for 45 days.***