TBOTE ☆news

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

Contents

Notes from the Coordinator……..1
Introduction to Adopted Rule Changes ……2
Changes due to the Recent Legislative Session, including concerning the Address Record……..4
Disciplinary Actions……5

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

Next Board Meeting
*February 2, 2024**
** 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; see further information in this newsletter. The Board did not propose rule changes.

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.

I have already taken/will take a human trafficking training course that is not approved by HHSC. Can I use that to meet the new human trafficking training requirement?

No. Unless a human trafficking training course is approved by HHSC pursuant to HB 2059 (86th Legislative Session), it may not be used to meet the human trafficking training requirement. Refer to HHSC's related web page, a link to which is below, for information regarding training courses approved by HHSC. Refer to the OT Rules for further regulations regarding this training.
https://www.hhs.texas.gov/services/safety/texas-human-trafficking-resource-center/health-care-practitioner-human-trafficking-training

While a human trafficking training course that is not approved by HHSC cannot be used to meet the human trafficking training requirement, it might be eligible for CE, in general; refer to Chapter 367, Continuing Education, of the OT Rules, to determine if the activity might be counted toward the CE hours remaining after completing the human trafficking training requirement.

Is there a cost for the required HHSC approved human trafficking prevention training course?

HB 2059 (86th Legislative Session) requires that HHSC approve at least one course available without charge. Refer to HHSC's list of approved courses, available from the link below, for information regarding approved course(s), including those available at no charge. For any questions regarding the charge for a course, contact the course provider.
https://www.hhs.texas.gov/services/safety/texas-human-trafficking-resource-center/health-care-practitioner-human-trafficking-training

Introduction to Adopted Rule Changes from the August Board Meeting

The rule changes noted below will take effect December 1, 2023. Until then, the current rules are in effect.

At its recent meeting, the Board adopted 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.

As of December 1, 2023, the "December, 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 "December, 2023" on the cover.

Notice of the adoptions was published in the November 17, 2023, issue of the *Texas Register*, and notice of the rule amendments as proposed, which includes the text of the proposals, was published in the September 1, 2023, issue of the *Texas Register*. The amendments to §364.5. Recognition of Out-of-State License of Military Spouse, were adopted with changes and have been republished in the November 17, 2023, issue.

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

§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 SB 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. The amendments are adopted with changes to the proposed text and have been republished. The change upon adoption is to add to the section the following provision as the new subsection (i) of the section: "This section establishes requirements and procedures authorized or required by Chapter 55, Texas Occupations Code, and does not modify or alter rights that may be provided under federal law." The addition will help ensure that the section will not be construed as modifying or altering other rights provided under federal law.

With regard to the amendments, 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 has also adopted 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 adopted 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 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 are adopted without changes to the proposed text.

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 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. The amendments are adopted without changes to the proposed text.

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 has also adopted amendments to §369.2 and §370.1.

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

Note that the following concerns the amendments adopted at the last board meeting. See further information in this newsletter regarding the changes. Similar information appeared in the September 2023 newsletter.

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

The amendments, which were adopted with an effective date of December 1, 2023, 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 was the physical address (business, mailing, or home address) designated by the individual to be released to the public. Changes that took 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 was also 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 do not 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 adopted 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.

OCTOBER 27, 2023 BOARD MEETING
FORMAL DISCIPLINARY ACTIONS TAKEN

1. **Herbert Yanson, OTA #213720 (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. **Ann Reuter, OT #119159 (Menasha, WI)** - 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. **Sandra Samayoa, OTA #214820 (New Braunfels)** - 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 30 hours of community service.***
4. **Tyna Craig, OTA #210710 (Pineland)** - 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 15 days.***
5. **Marcela Pinzon, OT #110991 (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 accepted the surrender of license to practice.***
6. **Marlene Muenster, OTA #212310 (Aransas Pass)** - 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 accepted the surrender of license to practice.***
7. **Olivia Powers, OT #121072 (Navasota)** - 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.***
8. **Latoya Washington, OTA #211918 (Fairfield)** - 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.***
9. **Jean Wyble, OTA #209282 (Amarillo)** - 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. **Melinda Battenfield, OT #110674 (Houston)** - failed to properly renew license by not completing the required amount of continuing education (CE) prior to renewal. Violation of Section 454.301 of the Act and Chapter 367 of the board rules. ***Board Order suspended license to practice for 60 days and submit 24 CEs.***
11. **Christina Frogge, OTA #215575 (San Antonio)** - 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.***
12. **Sarah Martin, OTA #216676 (Plano)** - 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.***
13. **Charley Clark, OTA #216616 (San Antonio)** - 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.***

14. **Hao Wu, OT #122578 (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 required 90 hours of community service.***

15. **Dalric Davis, OTA #214501 (Fort Worth)** - 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 30 days.***

16. **Paul Singleton, OTA #211289 (Frankston)** - 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.***

17. **Erik Hager, OT #109956 (South Padre Island)** - 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.***

18. **Jenniffer Chollett, OTA #212946 (Robinson)** - 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.***

19. **Sarah Craycraft, OT #114036 (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.***

20. **Martha Garcia, OT #114047 (Edinburg)** - 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 90 days.***

21. **Teaira Wilcher, OTA #215526 (Fort Worth)** - 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.***

22. **Ruby Trejo, OTA #214447 (San Antonio)** - 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 15 days.***

23. **Jose Rodriguez, OTA #214457 (Laredo) -** practiced in a detrimental manner by violating ethical principles relating to Code of Ethics and violating Provision of Services by using techniques of an occupational therapist without an evaluation and supervising OT. Violation of Section 454.301 of the Act and Chapters 372 and 374 of the board rules. ***Board Order suspended license to practice for 90 days.***

24. **Brennan Toups, OT #120478 (Little Elm) -** practiced in a detrimental manner by violating ethical principles relating to Code of Ethics and intentionally harassing, abusing, or intimidating a patient either physically or verbally. Violation of Section 454.301 of the Act and Chapter 374 of the board rules. ***Board Order suspended license to practice for 120 days.***

25. **Sharlynn Clark, OTA #210834 (Houston)** - practiced in a detrimental manner by violating ethical principles relating to Code of Ethics by exhibiting a clear lapse of judgement and other occupational therapy standards. Violation of Section 454.301 of the Act and Chapter 374 of the board rules. ***Board Order accepted the surrender of license to practice.***

26. **Denise Paez, OTA #215078 (El Paso)** - failed to properly restore license by not completing a required course prior to restoration and indicated criminal history concerning a previous felony. Violation of Section 454.301 of the Act and Chapter 367 of the board rules. ***Board Order required 30 hours of community service and refrain from practice in the home health environment.***