TBOTE news

The Texas Board of Occupational Therapy Examiners **February 2024**

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

Next Board Meeting
*May 3, 2024**
** Subject to change*

TBOTE BOARD

Stephanie Johnston, OTR, OTD, FAOTA, Chair
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Karen Gardner, OTR, Secretary
Estrella Barrera, OTR, MOT
Jacob Boggus, Public Member
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Jennifer Clark, COTA
Eddie Jessie, Public Member
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Notes from the Coordinator

Proposed and Adopted Rules
The Board proposed rule changes and a rule review at its last meeting. ECPTOTE also proposed a rule review at its last meeting. See further information in this newsletter. The Board did not adopt 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 a quick FAQ regarding the requirement. Further information, including regarding the content below, is available from the Continuing Education page.

Are there a certain number of hours I need to complete for the HHSC approved human trafficking prevention training requirement?
The OT Rules do not require that licensees complete a specific number of hours of training as HB 2059 (86th Legislative Session) does not set a specific number. To meet the requirement, licensees must complete an HHSC approved training course and retain the documentation of such as described in the OT Rules.

The OT Rules include that the completion of one training course per renewal period to meet the training requirement is pre-approved for CE credit up to a maximum of 2 contact hours. Additional CE credit may be earned for a training course exceeding 2 hours if the additional hours meet the requirements of Chapter 367 of the OT Rules.

Remember that unless otherwise specified in Chapter 367, 1 hour of continuing education is equal to 1 contact hour. For example, the completion of a 1-hour HHSC approved human trafficking course may be counted for a maximum of 1 contact hour of CE, which is pre-approved for CE credit.

Refer to the OT Rules for further regulations.

Introduction to Proposed Rule Changes from the February Board Meeting

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

The Board has proposed amendments concerning continuing education requirements to §367.1, Continuing Education; §367.2, Categories of Education; and §367.3, Continuing Education Audit.

Notice of the proposals has been published in the February 23, 2024, 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

Chapter 367, Continuing Education

The amendments are proposed to revise current continuing education requirements, including to update requirements and assist the board in ensuring that continuing education activities taken for license renewal ensure the health, safety, and welfare of the public and directly concern occupational therapy. The amendments are also proposed to enhance the clarity of the requirements contained in and the general consistency of the chapter, to further refine the requirements for continuing education activities to ensure that relevant documentation is required and that licensees have complied with continuing education requirements, and to ensure that continuing education documentation is adequately retained. In tandem with the changes, the general structure of the sections has been reorganized for clarity.

The amendments to the sections include changes to redefine acceptable continuing education activities. The revisions enumerate two general types of acceptable activities, which are eligible for continuing education credit: those that are pre-approved for continuing education credit and other activities that meet further requirements in Chapter 367, Continuing Education, of the board rules. These two types of activities generally correspond to those that are currently eligible for continuing education credit.

The amendments to §367.1, Continuing Education, relocate and centralize general continuing education requirements in the section for the two subtypes of pre-approved continuing education activities, which include up to two hours of a human trafficking training course approved by the Texas Health and Human Services Commission (HHSC) and activities approved or offered by the American Occupational Therapy Association (AOTA) or the Texas Occupational Therapy Association (TOTA). These preapproved activities are those that currently exist in the chapter. For clarification, the amendments also add information that addresses the conversion of AOTA continuing education

units to hours or contact hours, as licensees attest to their continuing education in terms of hours or contact hours when renewing, and add clarifying information concerning documentation requirements for a required human trafficking training course. The amendments also relocate information from §367.3, Continuing Education Audit, concerning general documentation requirements to §367.1 so such is collocated with the requirements for the preapproved activities described therein. Furthermore, the amendments include the addition of a provision noting that a human trafficking training course approved or offered by AOTA or TOTA may not be used to satisfy the human trafficking training requirement unless it is also approved by the Texas Health and Human Services Commission, as described under that subsection. This addition reinforces requirements concerning the human trafficking training requirements in the current section.

The amendments to the chapter, concomitantly, include revisions that revise the requirements for those activities that fall under this second type of acceptable continuing education, namely, other acceptable activities, which are not preapproved, but that meet further requirements of the chapter and may be counted for continuing education. The amendments concentrate the requirements specific to this type of continuing education in the renamed §367.2, Other Acceptable Activities, and the opening provision of the amended §367.2 clarifies that activities that are pre-approved do not need to meet the additional requirements contained in in the section.

The amendments to §367.2 revise the criteria for the content that these other acceptable activities must concern and revise the activities considered unacceptable for continuing education. Such changes will help to ensure that professional development activities taken for license renewal ensure the health, safety, and welfare of the public and directly concern occupational therapy.

The amendments to the section also clarify that these activities must fall under the acceptable categories of continuing education, which include varied categories such as those related to courses, the supervision of students completing their occupational therapy education, the publication of materials, and other activity types.
The revised §367.2 contains the same categories of continuing education as currently contained in the section. The current board rules, likewise, include that such activities must concern acceptable content, described in the current rules under the definition of continuing education, not be an unacceptable activity, and fall under such categories of activities, though related revisions have been made to these requirements in the amendments.

The requirements for the categories of education in §367.2 have also been revised for clarification and to clean up the text and increase its consistency.

The amendments to §367.2, for example, include the restructuring of the category concerning the supervision of students to clarify the requirements of the category, in general, and to include an hourly breakdown of possible CE credit for certain types of supervision, rather than just expressing such in terms of weeks.

Like the amendments to §367.1, Continuing Education, the amendments to §367.2 also include for clarification the relocation of certain information concerning documentation from §367.3, Continuing Education, to those areas of the section that concern the corresponding activity types.

The amendments to §367.2 include further changes to certain categories to ensure that relevant documentation is required and contains necessary identifying information, such as that related to names of licensees and information concerning providers, and that licensees have complied with requirements. Such changes, for example, include

adding language that ensures that the section articulates that documentation of fieldwork supervision identify the licensee by name and include information concerning the authorized signer, information that already typically appears on such documentation, and that when a supervisor shares a student with another individual, the supervisor include an attestation addressing the dates of supervision provided.

The amendments to the section also include the removal of the category concerning the AOTA Benchmark as access to the activity has been indefinitely suspended by AOTA.

The amendments to §367.3, Continuing Education, in addition to, as noted, relocating for clarity certain information from the section to other sections of the chapter, also include further changes to increase the retention period for continuing education documentation. Increasing the retention period will help ensure that licensees are required to retain documentation for a sufficient period of time that may substantiate, when applicable, that specific activities were not counted more frequently than allowed by board rules.

Proposed Rule Reviews by TBOTE and ECPTOTE

According to §2001.39 of the Texas Government Code, a state agency is required to review and consider for readoption each of its rules every four years and to assess whether the reasons for initially adopting the rules continue to exist.

An assessment will be made by the Texas Board of Occupational Therapy Examiners regarding TBOTE's rules and by the Executive Council of Physical Therapy and Occupational Therapy Examiners regarding ECPTOTE's rules.

Notices of TBOTE's and ECPTOTE's proposed rule reviews were published in the February 23, 2024, issue of the *Texas Register*, and PDFs of such have been uploaded to the Act and Rules page and the Agency Publications page, respectively.

Any proposed changes to these rules as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period prior to final adoption.

TBOTE:

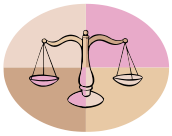
The Texas Board of Occupational Therapy Examiners has filed notice of its intent to review the following chapters of Title 40, Part 12 of the Texas Administrative Code: Chapter 361, Statutory Authority; Chapter 362, Definitions; Chapter 363, Consumer/Licensee Information; Chapter 364, Requirements for Licensure; Chapter 367, Continuing Education; Chapter 368, Open Records; Chapter 369, Display of Licenses; Chapter 370, License Renewal; Chapter 371, Inactive and Retired Status; Chapter 372, Provision of Services; Chapter 373, Supervision; Chapter 374, Disciplinary Actions/Detrimental Practice/Complaint Process/Code of Ethics/Licensure of Persons with Criminal Convictions; and Chapter 375, Fees. The review is conducted in accordance with Texas Government Code §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During the review, the Board will assess whether the reasons for initially adopting the rules continue to exist.

Comments on the review may be submitted 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.

ECPTOTE:

The Executive Council of Physical Therapy and Occupational Therapy Examiners has filed notice of its intent to review Title 22 Texas Administrative Code Chapter 651, Fees. The review is conducted in accordance with Texas Government Code §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During the review, the Executive Council of Physical Therapy and Occupational Therapy Examiners will assess whether the reasons for initially adopting the rules continue to exist.

Comments on the review may be submitted to Randall Glines, Staff Services Officer, Executive Council of Physical Therapy and Occupational Therapy Examiners, 1801 Congress Ave Ste 10.900, Austin, Texas 78701 or to randall@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.



FEBRUARY 2, 2024 BOARD MEETING
FORMAL DISCIPLINARY ACTIONS TAKEN

1. Rachel Sorgi, OT #120680 (McKinney) - 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. Tobechukwu Edeh, OTA #212823 (Beaumont) - 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. Mo Dasabe, OTA #208620 (Mansfield) - 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. Melinda Gann, OTA #212854 (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 suspended license to practice for 15 days.***

5. Felicia Youngblood, OTA #209153 (Cedar Hill) - 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.***

6. Carlos Lugo, OTA #216763 (Los Fresnos) - 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.***

7. Crispin Saenz, OTA #216702 (El Paso) - 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. Karen Allison, OT #102226 (Crowley) - 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.***

9. Stephanie Sargent, OTA #209493 (Missouri City) - failed to respond to a previous investigation for not completing a required course prior to renewal as the address was not updated within 30 days of such change. Violation of Section 454.301 of the Act and Chapters 367 and 369 of the board rules. ***Board Order suspended license to practice for 30 days.***

10. Michael Jones, OTA #218201 (Arlington) - 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.***

11. Maureen Sweeney, OT #123940 (Clarksburg, WV) - failed to disclose disciplinary action 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.***

12. Caleb Beraud, OT #120104 (Tyler) - practiced in a detrimental manner by intentionally harassing, abusing, or intimidating a patient either physically or verbally and failed to notify the Board in writing of changes in residential address, mailing address, and/or email address within 30 days of such change(s). Violation of Section 454.301 of the Act and Chapters 369 and 374 of the board rules. ***Board Order suspended license to practice for 60 days.***

13. Diana Keough, OT #108528 (San Antonio) - 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.***