

TBOTE news

The Texas Board of Occupational Therapy Examiners

May 2024

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

Next Board Meeting

August 2, 2024*

* Subject to change

TBOTE BOARD

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Notes from the Coordinator

Proposed and Adopted Rules

The Board adopted rule changes and a rule review at its last meeting. ECPTOTE also adopted a rule review 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 quick FAQs regarding the requirement. Further information, including regarding the content below, is available from the [Continuing Education](#) page.

Is completing HHSC approved human trafficking prevention training a CE requirement?

Yes. This is a CE requirement for license renewal. As part of the required CE each renewal period, the licensee must complete a course approved by HHSC on the prevention of human trafficking. To renew, the licensee attests to having met CE requirements, which includes having met this training requirement. See the [Continuing Education](#) page and the [OT Rules](#) for further information.

Where can I obtain the required CE documentation for the HHSC approved human trafficking prevention training course?

Contact the course provider should you have questions regarding accessing the required documentation of course completion.

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.

Introduction to Adopted Rule Changes from the May Board Meeting

The rule changes noted below will take effect June 1, 2024. Until then, the [current rules](#) are in effect.

At its recent meeting, the Board adopted amendments concerning continuing education requirements to §367.1, Continuing Education; §367.2, Categories of Education; and §367.3, Continuing Education Audit.

As of June 1, 2024, the “December, 2023” 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, 2024” on the cover.

Notice of the adoptions was published in the May 17, 2024, issue of the [Texas Register](#), and notice of the rule amendments as proposed, which includes the text of the proposals, was published in the February 23, 2024, issue of the [Texas Register](#). The amendments to §367.1 were adopted without changes. The amendments to §367.2 and §367.3 were adopted with changes to the proposed text as published in the February 23, 2024, issue of the *Texas Register* and have been republished. The changes were to add “for” to §367.2(b)(5)(B)(i) before “each hour” and “the” to §367.3.(c) before “expiration month.”

PDFs of the notices of proposal and adoption may be found on the [Act and Rules](#) page.

It is anticipated that soon after the amendments go into effect, the website will be updated with related information, including CE information and resources on the [Continuing Education](#) and [FAQ](#) pages. Refer to those pages soon thereafter for further resources.

A brief introduction to the adopted rule amendments appears below; refer to the [Act and Rules](#) page for further information.

Adopted Rule Changes

Chapter 367, Continuing Education

The amendments are adopted 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 adopted 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.

Adopted Rule Reviews by TBOTE and ECPTOTE

Note: The information below refers to reviews of existing rules; the current OT Rules and ECPTOTE Rules are in effect and may be accessed from the links below.

[Current OT Act and Rules](#)

[Current ECPTOTE Rules](#)

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

TBOTE Adopted Rule Review

The Board has readopted the rules in the following chapters of the OT Rules in accordance with Texas Government Code §2001.039: 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 notice of intent to review these rules was published in the February 23, 2024, issue of the *Texas Register* (49 TexReg 1106).

Notice of the adopted rule review has been published in the May 17, 2024, issue of the [Texas Register](#), and a PDF of such has been uploaded to the [Act and Rules](#) page.

ECPTOTE Adopted Rule Review

ECPTOTE:

The Executive Council of Physical Therapy and Occupational Therapy Examiners (Executive Council) has readopted the rules in Chapter 651, Fees, of the EC Rules in accordance with Texas Government Code §2001.039. The notice of intent to review Chapter 651 was published in the February 23, 2024, issue of the *Texas Register* (49 TexReg 1105).

It is anticipated that notice of the adopted rule review will be published in the May 24, 2024, issue of the [Texas Register](#) and that the [Agency Publications](#) page will be updated with related information soon thereafter.



**MAY 3, 2024 BOARD MEETING
FORMAL DISCIPLINARY ACTIONS TAKEN**

1. **Kristina Stewart, OT #114768 (Houston)** - 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. **Remona Lawson, OTA #211941 (Sebring, 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 required 10 hours of community service.***
3. **Jacqueline Kitchen, OTA #216132 (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.***
4. **Sonja Kabella, OTA #215239 (Hudson Oaks)** - 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. **Kerri Blackwood, OTA #207973 (League 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.***
6. **Kierra Williams, OT #119292 (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 30 hours of community service.***
7. **Stacey Collins, OTA #216229 (Springdale, AR)** - 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 45 hours of community service.***
8. **Anthony Alviar, OTA #215178 (Walnut Creek, CA)** - 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.***
9. **Lori Kidd, OTA #211074 (San Marcos)** - 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. **Bettina Cisneros, OT #112260 (Harlingen)** - 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. **Skylar Grant, OTA #216464 (Dallas)** - 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 15 days.***
12. **Laura Riddle, OT #110008 (Commerce)** - 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 120 days.***
13. **Alexandra Alston, OTA #218103 (San Antonio)** - practiced in a detrimental manner by practicing with a void temporary license. Violation of Section 454.301 of the Act and Chapter 374 of the board rules. ***Board Order suspended license to practice for 45 days.***
14. **Cynthia Cohee-Steerman, OTA #214953 (Converse)** - 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.***
15. **Xavier Hernandez, OT #114388 (San Antonio)** - 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. **Hsin-Yen Wang, OT #115174 (Cypress)** - 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.***
17. **Ashley Soape, OTA #209293 (Carthage)** - 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 30 days and required 20 hours community service.***
18. **Ryan Borinaga, OTA #215471 (Sugar Land)** - 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 30 days and required 30 hours community service.***
19. **Meagan McSheffery, OTA #214733 (Commerce)** - practiced in a detrimental manner by practicing occupational therapy without the supervision of a licensed occupational therapist. Violation of Section(s) 454.002 and 454.301 of the Act and Chapter(s) 367 and 374 of the board rules. ***Board Order required 10 hours of community service.***
20. **Alyssa Wimberley, OT #123430 (Sulphur Springs)** - practiced in a detrimental manner by practicing occupational therapy as a student without the supervision of a licensed occupational therapist. Violation of Section(s) 454.002 and 454.301 of the Act and Chapter(s) 367 and 374 of the board rules. ***Board Order required 10 hours of community service.***