TBOTE news

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

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

Next Board Meeting
*November 8, 2024**
** Subject to change*

TBOTE BOARD

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Notes from the Coordinator

Proposed and Adopted Rules

The Board neither proposed nor adopted rule changes at its last meeting.

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 auditing purposes for four years from the end of the expiration month of the corresponding renewal period or for a late renewal or a restoration, for four years from the end of the month when the late renewal or restoration was completed."

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 auditing purposes for four years from the end of the expiration month of the corresponding renewal period or for a late renewal or a restoration, for four years from the end of the month when the late renewal or restoration was completed.

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.

CE Requirements:
A General Overview

Effective June 1, 2024, amendments took effect concerning continuing education to §367.1, §367.2, and §367.3 of Chapter 367, Continuing Education, of the OT Rules.

Below, you may find a general overview of CE requirements, which reflects the amendments.

About CE

Required CE Hours and Required Training

Texas OT and OTA licensees are required to complete 24 contact hours of continuing education each renewal period in order to maintain licensure, and the CE must include a course on human trafficking that is approved by the Texas Health and Human Services Commission (HHSC) and meets requirements as per the OT Rules.

Licensees may earn more than the required minimum of CE hours.

Refer to Chapter 367 of the OT Rules for further CE information and requirements. The licensee is solely responsible for keeping accurate documentation of all continuing education activities and for selecting continuing education as per the requirements in Chapter 367.

Acceptable CE

To be counted for license renewal, an activity must be an acceptable activity.

With the exception of the HHSC approved human trafficking course noted above, licensees are not required to take a course approved by a specific entity or take courses pre-approved by the Board.

There are two types of acceptable activities: pre-approved activities and other acceptable activities.

See the information below, adapted from §367.1(d).

Acceptable Activities. In order to be eligible for continuing education, activities must either be *pre-approved activities* or meet the requirements for *other acceptable activities*.

(1) Pre-Approved Activities.

(A) Course Approved by the Texas Health and Human Services Commission on Human Trafficking. Up to a maximum of two hours of CE credit are pre-approved for a training course on human trafficking as provided under subsection (b)(3)(A) of the section (relating to Pre-Approved Credit and Additional Credit).

(B) Activities Approved or Offered by the American Occupational Therapy Association (AOTA) or the Texas Occupational Therapy Association (TOTA).

(i) Professional development activities approved or offered by AOTA or TOTA are preapproved for CE credit for license renewal. However, a human trafficking training course approved or offered by AOTA or TOTA may not be used to satisfy the requirements of subsection (b)(3) of the section (relating to Training on Human Trafficking) unless it is also approved by the Texas Health and Human Services Commission, as described under that subsection.

(2) Other Acceptable Activities. In order to be eligible for CE, activities that are not pre-approved must meet further requirements in §367.2 (relating to Other Acceptable Activities).

Determining if an Activity is Acceptable

The licensee is solely responsible for selecting continuing education as per the requirements in Chapter 367.

For pre-approved activities: Refer to §367.1, Continuing Education. Pre-approved activities do not need to meet the requirements specified in §367.2, Other Acceptable Activities.

For other acceptable activities: Refer to §367.1, Continuing Education, and §367.2, Other Acceptable Activities.

Remember that all CE must meet further requirements in §367.3, Continuing Education Audit, in addition to any further requirements pertaining to the license renewal, restoration, and/or change of license status.

CE Documentation Retention

Please note the following, excerpted from §367.3, Continuing Education Audit.

(c) The licensee is solely responsible for keeping accurate documentation of all continuing education requirements. Continuing education documentation must be maintained for auditing purposes for four years from the end of the expiration month of the corresponding renewal period or for a late renewal or a restoration, for four years from the end of the month when the late renewal or restoration was completed.

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.

Birth Month CE and Renewing Early

As per §367.1(b)(4), licensees who submit their renewal with all required items prior to the month when their license expires may count CE completed during their license's expiration month for their next renewal period. Please note that if you are you are counting CE activities as per §367.1(b)(4), you will need to renew with a paper renewal form.

Example: The license expires July 31, 2022, and the licensee wishes to take CE in July, 2022, for the next renewal in 2024, as the licensee has already earned enough CE for the 2022 renewal. The licensee would need to renew during the month or two preceding the birth month, i.e., renew in May, 2022, or June, 2022 (and verify the renewal on our license verification page). If the licensee does so, then the licensee may begin earning CE in July, 2022, for the next renewal period, which would end July, 2024. However, the licensee will need to renew by paper in 2024.

Additional CE information

The following is not comprehensive; refer to Chapter 367 for further regulations CE must meet.

Please note the following regarding the CE hours remaining after completing the required HHSC approved human trafficking training course and determining the CE credit earned for such according to the OT Rules.

* There are many ways to earn CE for free. For example, refer to §367.2, Other Acceptable Activities, for categories of continuing education. Many of the categories included in that section, including those concerning the supervision of OT and OTA students, presentations by licensees, and mentorship, may be completed for free. Refer to the section for further regulations regarding these categories, including with regard to the maximum amount of CE that may be earned from each. See the links on the *Continuing Education* page for further resources. Remember that HHSC must also approve at least one human trafficking training course that is free of charge.

* There is no maximum of contact hours that may be earned for the renewal period for the following: in-service educational programs, training programs, institutes, seminars, workshops, facility-based courses, internet-based courses, conference sessions, and home-study courses with specified learning objectives. Hour for hour credit on program content only, no maximum. Documentation shall include a certificate of completion, letter of verification, transcript, or sign-in/attendance sheet. Documentation must identify the licensee by name and include the date and title of the activity; the name of the authorized signer; either the

signature of the authorized signer or the official seal, letterhead, or logo of the authorized signer if an area designated for a signature is not included; and the number of hours or contact hours awarded for the activity. When the documentation lists a unit of credit other than hours or contact hours, such as continuing education units (CEUs), professional development units (PDUs), or other units or credits, it must be accompanied by documentation from the continuing education provider noting the equivalence of the units or credits in terms of hours or contact hours. (Refer to §367.1, Continuing Education, for specific documentation requirements for pre-approved activities.)

Remember that a contact hour is not the same as a learning credit, PDU, etc. When you renew, you must attest to your CE in contact hours.

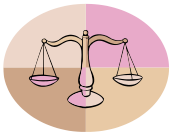
* NBCOT Navigator® Activities. CE credit may be earned for the completion of NBCOT Navigator activities. For such activities, 1 NBCOT CAU is the equivalent of 1 contact hour. No maximum. Documentation is a certificate of completion or letter of verification. Documentation must identify the licensee by name and include the date and title of the activity; the name of the authorized signer; either the signature of the authorized signer or the official seal, letterhead, or logo of the authorized signer if an area designated for a signature is not included; and the number of hours, contact hours, or CAUs awarded for the activity. When the documentation lists a unit of credit other than hours, contact hours, or CAUs, such as continuing education units (CEUs), professional development units (PDUs), or other units or credits, it must be accompanied by documentation from NBCOT noting the equivalence of the units or credits in terms of hours or contact hours. Self-reflections and self-assessments, reading list and research portal activities, professional development plans, or similar activities are not eligible for CE credit.

Information regarding categories of CE activities for other acceptable activities, including additional categories and any limits concerning the number of contact hours that may be earned from and the required documentation for each, can be found in §367.2, Other Acceptable Activities. §367.3, Continuing Education Audit, provides further information regarding documentation.

Note: *The Continuing Education page includes a number of useful resources concerning selecting CE activities and CE documentation.*

Refer to the full Chapter 367 and the full OT Rules for further CE and renewal requirements. See the FAQ page for frequently asked questions.

Refer to §371.2, Retired Status, of the OT Rules for additional information regarding CE requirements for those initiating or renewing retired status.



AUGUST 2, 2024, BOARD MEETING
FORMAL DISCIPLINARY ACTIONS TAKEN

1. **Brandon Benavides, OTA #211991 (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. **Kristen Wechsler, OT #115253 (North Richland Hills)** - 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. **Robert Whitford, OT #106970 (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.***

4. **Elizabeth Fitzgibbons, OT #116293 (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.***

5. **Kathryn Nicholson, OT #103277 (The Hills)** - 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. **Gwen Hanson, OT #109562 (Bedford)** - 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. **Mackenzie Printy, OTA #216398 (Spring)** - 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.***

8. **Evelyn Aponte, OTA #215624 (El Paso)** - 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.***

9. **Troy Webb, OT #107543 (Odessa)** - 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.***

10. **Susan Garcia, OTA #207321 (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 accepted the surrender of license to practice.***

11. **Steven Martinez, OTA #217222 (Sacramento, CA)** - had a license to practice occupational therapy revoked by licensing authority in another state. Violation of Section 454.301 of the Act and Chapter 374 of the board rules. ***Board Order accepted the surrender of license to practice.***

12. **Mary Larios, OTA #208871 (Corpus Christi)** - practiced in a detrimental manner by practicing with a suspended 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. **Kathryn Scott, OTA #215587 (Wimberley)** - 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.***

14. **Jaime Acosta, OTA #211119 (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.***

15. **Der Juana Thompson, OTA #210898 (Plano)** - 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. **Gregory Verheeck, OT #114398 (Buda)** - 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.***

17. **Roshara Clough, OTA #213053 (Hutto)** - 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.***

18. **Jeremy Trainer, OT #113173 (Georgetown)** - 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.***

19. **Kyhl Myers, OT #117528 (Lubbock)** - 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. **Leandra Paine, OTA #217091 (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 90 days.***

21. **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 90 days.***

22. **Markie Hays, OTA #217059 (Tyler)** - 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.***

23. **Kimberly Collins, OTA #216319 (Glenn Heights)** - practiced in a detrimental manner by failing to give sufficient notice of resignation resulting in loss or delay of patient treatment and inaccurately 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.***

24. **Morgan Cook, OT #123982 (San Antonio)** - 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.***

25. **Arlisha Piggues, OTA #213482 (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***.

26. **Jacob Stumbaugh, OT #117104 (Laguna Vista)** - practiced in a detrimental manner by violating ethical principles relating to the Code of Ethics and used drugs to an extent that it affected his professional competence. 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 to refrain from practice in the home health environment for 36 months.***

27. **Jessica Melton, OT #114423 (Sulphur Springs)** - practiced in a detrimental manner by violating ethical principles relating to the Code of Ethics and used drugs to an extent that it affected her professional competence. Violation of Section 454.301 of the Act and Chapter 374 of the board rules. ***Board Order suspended license to practice for 30 days.***

28. **Terry Mock, OTA #211321 (Kress)** - practiced in a detrimental manner by violating ethical principles relating to the 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 to refrain from practice in the home health environment, pediatric environment, and maintain a direct line of supervision for 36 months.***