TBOTE news

The Texas Board of Occupational Therapy Examiners **March 2025**

Contents

Notes from the Coordinator……1
Introduction to Proposed Rule Changes ……2
TBOTE Board Member Appointments……3
New Licensing System Transition……3
Disciplinary Actions……4

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

Next Board Meeting
*May 2, 2025**
** Subject to change*

TBOTE BOARD

Stephanie Johnston, OTR, OTD, FAOTA, Chair
Todd Novosad, OTR, Vice Chair
Karen Gardner, OTR, Secretary
Estrella Barrera, OTR, MOT
Blanca Cardenas, Public Member
Jennifer Clark, COTA
Chelsea Howell, Public Member
Eddie Jessie, Public Member
Sally King, COTA

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.

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 to §374.1, Disciplinary Actions, and §374.2, Detrimental Practice, concerning the Schedule of Sanctions in §374.1 and concerning detrimental practice.

Notice of the proposals has been published in the March 14, 2025, 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 proposal for further information.

Proposed Rule Changes
§374.1. Disciplinary Actions
§374.2. Detrimental Practice

The amendments to §374.2 will update the definition of "practiced occupational therapy in a manner detrimental to the public health and welfare" and clarify conduct that constitutes grounds to take disciplinary action against license holders.

Amendments to the Schedule of Sanctions in §374.1 will align the provisions therein with the proposed changes to §374.2; update the minimum, intermediate, and maximum discipline columns to reflect current trends in disciplinary action; and update administrative penalties for each day a violation continues or occurs. The amendments to the Schedule of Sanctions also include the addition of a violation related to failure to inform the Board of information changes pursuant to §369.2, Changes of Name or Contact Information. The amendments include general cleanups, as well, including the removal of the current §374.2(12) and corresponding item in the Schedule of Sanctions, which concerned deceptive and fraudulent advertising, as a related item is already listed under Texas Occupations Code §454.301, Grounds for Denial of License or Discipline of License Holder; in tandem with the change, that related item from §454.301 has been added to the Schedule of Sanctions.

The amendments are proposed to ensure that the rules clearly identify the conduct that may be considered detrimental practice and the corresponding discipline. The changes will also facilitate the ability of individuals and the Board to identify violations and related discipline in order to ensure the health, safety, and welfare of the public.

TBOTE Board Member Appointment

Governor Greg Abbott recently appointed Chelsea Howell as a public member of the TBOTE Board and reappointed Karen Gardner as a professional OT member. Please see an excerpt from the Office of the Governor's press release, adapted below.

Chelsea Howell Garcia of McAllen is the owner of EMRoy Express LLC, based in Edinburg. She is vice chair of the McAllen Disability Board and a member of the Organization of Women Executives. She attended Stark College and Seminary.

Karen Gardner of Brenham is the owner of Silver Lining Therapy, LLC; the clinic specializes in community based occupational therapy activities, hippotherapy, and animal assisted therapy services. She is an adjunct professor at a community college, a faculty member of the American Hippotherapy Association (AHA), and previously served as a supervisor and director for several rehabilitation centers and clinics. She is a member of the American Occupational Therapy Association, Texas Occupational Therapy Association, and the AHA. Gardner received a Bachelor of Science in Zoology and Physiology from The University of Texas at Austin and a Master of Occupational Therapy from Texas Woman's University.

New Licensing System Transition

The Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) is in the process of transitioning to a new licensing system that will allow for a greater integration of certain online and licensing functions, including concerning online renewals and initial applications.

It is anticipated that the rollout of the new system will be sometime on/around March 17, 2025.

Further information and details are available from our website.

FEBRUARY 7, 2025, BOARD MEETING
FORMAL DISCIPLINARY ACTIONS TAKEN

Linda Metcalf, OT #109911 (The Woodlands) - 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.***

Jannifer Robinson-Warren, OTA #203511 (Missouri 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 30 hours of community service.***

Sally Vesper, OT #113304 (Abilene) - 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.***

Christina Espinoza, OTA #215552 (Saginaw) - 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 1 additional CE and 30 hours of community service.***

Sonia Marroquin, OT #110927 (Edinburg) - 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 0.75 additional CE and 30 hours of community service.***

Karen Crawford, OTA #209430 (Red Oak) - 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 60 hours of community service.***

Leslie Thomas, OTA #206487 (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 30 hours of community service.***

Megan Vasquez, OTA #210964 (Ennis) - 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.***

Denielle Bonesteel, OTA #209511 (Malone, NY) - 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.***

Amanda Levine, OTA #214508 (San Diego, CA) - 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 suspended license to practice for 10 days.***

Christine Fata, OT #119915 (Fort Worth) - 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.***

Rachel May, OTA #213219 (Graham) - 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 60 hours of community service.***

Lacy Eads, OT #114055 (Lubbock) - 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 60 hours of community service.***

Brandy McLemore, OTA #215396 (Arlington) - 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 60 hours of community service.***

Tashina Brown, OTA #216025 (Nolanville) - 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 60 hours of community service.***

Kendall Glover, OT #118110 (Melissa) - 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 10 days.***

Joy Goetz, OT #112433 (Helotes) - 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 10 days.***

Kevin-Phi Le, OT #121479 (Los Angeles, CA) - 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 10 days.***

Andrew Jenkins, OTA #216137 (El Paso) - 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 15 days.***

Andrea Hertenstein, OTA #215836 (Lantana) - 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 15 days.***

Bryan Nwami, OTA #214686 (Houston) - 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 45 days.***

Zachary Markgraf, OT #125331 (Maxwell) - practiced in a detrimental manner by practicing without a valid license. Violation of Sections 454.201 and 454.301 of the Act and Chapter 372 of the board rules. ***Board Order suspended license to practice for 90 days.***

David Spates, OTA #214610 (Arlington) - 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.***

Barrie Land, OTA #211766 (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.***

Chavita Green, OT #119325 (Heartland) - 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.***

Annalee Cope, OTA #215761 (Rowlett) - 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.***

Breauna Garza, OTA #215972 (Kyle) - 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.***

Abbas Naqui, OT #113801 (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 (372) 374 of the board rules. ***Board Order suspended license to practice for 75 days.***

Diane Spotts, OT #118550 (Bellevue, WA) - practiced in a detrimental manner by violating Provision of Services by failing to have contact with the client during the evaluation. Violation of Section 454.301 of the Act and Chapters 372 and 374 of the board rules. ***Board Order suspended license to practice for 30 days.***

Maribel Albino Nieves, OT #116677 (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.***

Tristan Hernandez, OTA #215558 (Corpus Christi) - placed on misdemeanor community supervision for a crime that directly relates to the practice of occupational therapy; thereby, violating principles and related standards of conduct. Violation of Section 454.301 of the Act and Chapter 374 of the board rules. ***Board Order restricts license to practice in the home health environment for 36 months.***

Timothy Soria, OTA #218547 (Brownsville) - failed to disclose criminal history on application for licensure. Violation of Section 454.301 of the Act and Chapter 364 of the board rules. ***Board Order suspended license to practice for 15 days.***

Chelsea Hurlbut, OTA #218093 (Houston) - practiced in a detrimental manner by violating ethical principles relating to Code of Ethics and other occupational therapy standards for exhibiting unethical behavior toward another therapist. Violation of Section 454.301 of the Act and Chapter 374 of the board rules. ***Board Order suspended license to practice for 30 days.***

Ryan Borinaga, OTA #215471 (Sugar Land) - practiced in a detrimental manner by violating ethical principles relating to Code of Ethics and other occupational therapy standards for failing to complete the terms of an Agreed 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.***