

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 12. TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS

CHAPTER 361. STATUTORY AUTHORITY

40 TAC §361.1

The Texas Board of Occupational Therapy Examiners proposes amendments to 40 Texas Administrative Code §361.1. Statutory Authority. The amendments cleanup the section.

The amendments to the section concern cleanups, including to replace, with regard to the location of the Board's practice act, an outdated reference to the Texas Civil Statutes with one to the Texas Occupations Code, the latter which is the current location of such.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS

Ralph A. Harper, Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering these amendments as proposed under Texas Government Code §2001.024(a)(4) because the amendments do not impose a cost on state or local governments.

LOCAL EMPLOYMENT IMPACT

Mr. Harper has determined that the proposed amendments would not impact a local economy. Therefore, a local employment impact statement is not required under Texas Government Code §2001.022 and §2001.024(a)(6).

PUBLIC BENEFIT AND COST NOTE

Mr. Harper has determined under Texas Government Code §2001.024(a)(5) that for each of the first five years the proposed amendments would be in effect, the public benefit will be enhanced clarity and uniformity of the board rules.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Harper has determined there would be no costs or adverse economic effects on small businesses, micro-businesses, or rural communities. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

TAKINGS IMPACT ASSESSMENT

Mr. Harper has determined that no private real property interests are affected by these proposed amendments and that these amendments do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, these amendments do not constitute a taking under Texas Government Code §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Harper has determined under Texas Government Code §2001.0221 that during the first five years the rule would be in effect:

- (1) the rule will not create or eliminate a government program;
- (2) the rule will not require the creation of new employee positions or the elimination of existing employee positions;
- (3) the rule will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rule will not require an increase or decrease in fees paid to the agency;
- (5) the rule will not create new regulations and will not repeal existing regulations;
- (6) the rule will not expand certain existing regulations and will not limit certain existing regulations;
- (7) the rule will not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the rule will neither positively nor adversely affect this state's economy.

COSTS TO REGULATED PERSONS

Mr. Harper has determined that the rule is not subject to Texas Government Code §2001.0045 as the rule does not impose a cost on regulated persons. In addition, the rule does not impose a cost on another state agency, a special district, or a local government.

ENVIRONMENTAL IMPACT STATEMENT

Mr. Harper has determined that the proposed amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

PUBLIC COMMENT

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.

STATUTORY AUTHORITY

The amendments are proposed under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454.

CROSS REFERENCE TO STATUTE

No other statutes, articles, or codes are affected by these amendments.

§361.1. Statutory Authority.

These rules are promulgated under the authority of the Occupational Therapy Practice Act, Title 3, Subtitle H, Chapter 454 of the Texas Occupations Code [Texas Civil Statutes, Article 8851]. These rules do not restate all the provisions of the Occupational Therapy Practice Act. The Board [board] makes decisions in the discharge of its statutory authority without regard to any person's race, creed, color, religion, sex, national origin, disability, or age.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 18, 2025.

TRD-202502961

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Earliest possible date of adoption: September 28, 2025

For further information, please call: (512) 305-6900



CHAPTER 364. REQUIREMENTS FOR LICENSURE

40 TAC §§364.1 - 364.5

The Texas Board of Occupational Therapy Examiners proposes amendments to 40 Texas Administrative Code §364.1. Requirements for Licensure, §364.2. Initial License by Examination, §364.3. Temporary License, §364.4. Licensure by Endorsement, and §364.5. Recognition of Out-of-State License of Military Service Members and Military Spouses. The amendments revise the sections, including to cleanup and clarify the sections, make changes to enhance the alignment of the sections with the Board's new licensing system, revise requirements, in general, and amend the sections pursuant to House Bill 5629 and Senate Bill 1818 of the 89th Regular Legislative Session and the changes effective September 1, 2025, that are made by such to Texas Occupations Code Chapter 55.

The amendments to the sections include cleanups and clarifications. For example, clarifying language is added with regard to applications that such are prescribed by the Board and cleanups include replacing "Examination" with "Exam" in §364.3, with regard to a form received from the National Board for Certification in Occupational Therapy (NBCOT).

Clarifications to the sections include a revision to §364.3(d) as well. The current §364.3(c)(3) already requires that to be issued a temporary license, an applicant must submit the form noted above, which must be sent directly to the Board by NBCOT and which reflects the eligibility window in which the applicant will take the examination. §364.3(d) also currently stipulates, correspondingly, that if the applicant fails the examination, fails to take the examination during the eligibility window as stated on the Confirmation of Examination Registration and Eligibility to Examine form from NBCOT, or fails to have the score reported, the temporary license is void and must be returned to the Board. The amendments will add to such the phrase "received pursuant to subsection (c)(3) of this section," with regard to the noted form. Such a clarification will add to the provision further emphasis that failure to take the examination during the eligibility window as stated on the form that was received prior to and as a condition for the issuance of the license will render the license void.

A clarification is also made to add language to §364.1(d)(1) to align such better with Texas Occupations Code §55.007, which concerns the crediting, with regard to applicants with military experience, of verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency. §55.007 includes that individuals with a restricted license or who have an unacceptable criminal history according to the law applicable to the state agency are not eligible for such a service and amendments to §364.1(d)(1) add related language.

The amendments, in addition, include revisions to better align the sections with the Board's new licensing system and facilitate a more efficient licensing process, for example, by requiring that those applying for a temporary license submit an application for such. This will assist the Board in obtaining necessary application materials and information and ensure that the section requires an application as, due to system components in the new system, the application for temporary licensure could no longer be embedded in the application for initial licensure.

A general change to the requirements in the sections pertains to removing the item in §364.1 concerning continuing an expired initial-licensing application for an additional year by submitting the application fee. The change to remove this process is made to increase the consistency in the rules and align such with the Board's other licensing applications, which expire after one year, after which time, a new, up-to-date application must be submitted. The change will ensure that applicants meet current application requirements and that the information and required items submitted for such are accurate and not outdated.

Changes are also made pursuant to the 89th Legislative Session and House Bill 5629 and Senate Bill 1818, which amend Texas Occupations Code Chapter 55. The changes, which address fee waivers, expedited services, complaint recording and publishing information, and licensure requirements for military service members, military veterans, and military spouses, and the recognition of an out-of-state license for a military service member and military spouse, will align the sections and requirements with the recent legislation.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS

Ralph A. Harper, Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering these amendments as proposed under Texas Government Code §2001.024(a)(4) because the amendments do not impose a cost on state or local governments.

LOCAL EMPLOYMENT IMPACT

Mr. Harper has determined that the proposed amendments would not impact a local economy. Therefore, a local employment impact statement is not required under Texas Government Code §2001.022 and §2001.024(a)(6).

PUBLIC BENEFIT AND COST NOTE

Mr. Harper has determined under Texas Government Code §2001.024(a)(5) that for each of the first five years the proposed amendments would be in effect, the public benefit will be enhanced clarity and consistency of the rules, efficiency in the licensure process, and conformance of board rules to related statutes in Texas Occupations Code Chapter 55.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Harper has determined there would be no costs or adverse economic effects on small businesses, micro-businesses, or rural communities. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

TAKINGS IMPACT ASSESSMENT

Mr. Harper has determined that no private real property interests are affected by these proposed amendments and that these amendments do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, these amendments do not constitute a taking under Texas Government Code §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Harper has determined under Texas Government Code §2001.0221 that during the first five years the rules would be in effect:

- (1) the rules will not create or eliminate a government program;
- (2) the rules will not require the creation of new employee positions or the elimination of existing employee positions;
- (3) the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase in fees paid to the agency and will require a decrease in licensing fees paid to the agency by certain military service members, military service members, and military spouses;
- (5) the rules will create new regulations and will repeal existing regulations;
- (6) the rules will expand certain existing regulations and limit certain existing regulations;
- (7) the rules will not increase or decrease the number of individuals subject to the rules' applicability; and
- (8) the rules will neither positively nor adversely affect this state's economy.

COSTS TO REGULATED PERSONS

The rules do not impose a cost on regulated persons. The rules are not subject to Texas Government Code §2001.0045 because the rules do not impose a cost, are necessary to protect the health, safety, and welfare of the residents of this state, and are necessary to implement legislation as House Bill 5629 and Senate Bill 1818 and require the adoption of rules to implement the changes made to Texas Occupations Code Chapter 55. Furthermore, the changes made by such legislation remove, rather than impose, certain fees. The rules, in addition, do not impose a cost on another state agency, a special district, or a local government.

ENVIRONMENTAL IMPACT STATEMENT

Mr. Harper has determined that the proposed amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

PUBLIC COMMENT

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.

STATUTORY AUTHORITY

The amendments are proposed under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454; §454.201, which requires that a person be licensed under Chapter 454 in order to practice occupational therapy; §454.202, which requires that the applicant for a license submit to the Board a written application on a form provided by the Board; §454.211, which authorizes the Board to provide for the issuance of a temporary license; §454.216, which authorizes the Board to issue a license by endorsement; and §454.301, which addresses Grounds for Denial of License or Discipline of License Holder.

CROSS REFERENCE TO STATUTE

The amendments are also proposed under the following sections of the Texas Occupations Code, as amended, as applicable, by House Bill 5629 and Senate Bill 1818 in the 89th Regular Legislative Session, which take effect September 1, 2025: §55.004, which establishes alternative licensure procedures; §55.005, which establishes expedited licensing services; §55.007, which establishes license eligibility requirements; §55.009, which establishes fee waivers for military service members, military veterans, and military spouses; and §55.0041, which establishes a recognition process for the out-of-state license of a military service member or military spouse.

The amendments are, additionally, proposed under the following sections, enacted by House Bill HB 5629, effective September 1, 2025: Texas Occupations Code §55.0042, which establishes criteria for the determination of good standing, and §55.0043, which establishes a recording and publication process regarding complaints concerning military service members, military spouses, and military veterans whose licenses are issued or out-of-state licenses are recognized under the chapter. The amendments, in addition, are proposed under Texas Occupations Code Chapter 53, which concerns consequences of a criminal conviction.

§364.1. Requirements for Licensure.

- (a) All applicants for initial Texas licensure shall:

- (1) submit a completed [eomplete] application form as prescribed by the Board and non-refundable application fee as set by the Executive Council;

- (2) submit in paper or electronic form a current color photograph that meets the requirements for a U.S. passport. A photograph in electronic form must be of a high-quality resolution comparable to that of a passport photograph in paper form;

- (3) submit a successfully completed Board jurisprudence examination on the Act and Rules;

- (4) have completed academic and supervised field work requirements of an accredited educational program in occupational therapy as per §454.203 of the Act (relating to Qualifications for Occupational Therapist or Occupational Therapy Assistant License) or if foreign-trained, have met substantially equivalent academic and supervised field work requirements as per §454.205 of the Act (relating to Foreign-Trained Applicants);

- (5) submit a complete and legible set of fingerprints in the manner prescribed by the Board for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation; and

- (6) either meet the requirements in §364.2 of this title (relating to Initial License by Examination) and apply by examination or

meet the requirements in §364.4 of this title (relating to Licensure by Endorsement) and apply by endorsement.

(b) The applicant must also meet the requirements in §364.2 of this title and apply by examination if the applicant:

(1) has not passed the NBCOT certification examination;
or

(2) has passed the NBCOT certification examination and

(A) is not currently licensed as an occupational therapist or occupational therapy assistant in another state or territory of the U.S.; or

(B) if not currently licensed in another state or territory of the U.S., is applying from the U.S. military or a non-licensing state or territory of the U.S. and cannot substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license.

(c) The applicant must also meet the requirements in §364.4 of this title and apply by endorsement if the applicant has passed the NBCOT certification examination and:

(1) is currently licensed as an occupational therapist or occupational therapy assistant in another state or territory of the U.S.; or

(2) if not currently licensed in another state or territory of the U.S., is applying from the U.S. military or a non-licensing state or territory of the U.S. and can substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license.

(d) Applicants who are military service members, military veterans, and military spouses, []

(1) The Board shall credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, with respect to an applicant who is a military service member or military veteran. This paragraph does not apply to an applicant who holds a restricted license issued by another territory or state of the U.S. or has an unacceptable criminal history according to Texas Occupations Code Chapter 53 (relating to Consequences of Criminal Conviction), the Act, or the Rules.

~~[(2) The Board shall waive the application fees for a military service member or military veteran who is applying for a license by examination as per §364.2 of this title. In order to request a waiver of application fees, the military service member or military veteran must submit a copy of the Uniformed Services Military ID card or other appropriate official documentation evidencing current or former military affiliation and notify the Board of his or her military affiliation.]~~

~~(2) [(3)] The Board shall waive the application fees [and will expedite the issuance of a license] for a military service member, military veteran, or military spouse who is applying for licensure [by endorsement as per §364.4 of this title. In order to request a waiver of application fees and expedited services, the military service member, military veteran, or military spouse must submit a copy of the Uniformed Services Military ID card or other appropriate official documentation evidencing current or former military affiliation and notify the Board of his or her military affiliation].~~

(3) Alternative licensing and expedited services for military service members, military veterans, or military spouses who hold a current license in another state.

(A) A military service member, military veteran, or military spouse is eligible to apply for licensure by endorsement as per §364.4 of this title if the individual holds a current license issued by an-

other state of the U.S. that is similar in scope of practice to the license in this state, is in good standing with that state's licensing authority, and submits a statement attesting to being in good standing on a form prescribed by the Board. For purposes of this subsection, a military service member, military veteran, or military spouse is in good standing with another state's licensing authority if the individual:

(i) holds a license that is current, has not been suspended or revoked, and has not been voluntarily surrendered during an investigation for unprofessional conduct;

(ii) has not been disciplined by the licensing authority with respect to the license or person's practice of occupational therapy; and

(iii) is not currently under investigation by the licensing authority for unprofessional conduct related to the person's license or occupational therapy.

(B) Not later than the 10th business day after the date the Board receives an application from the military service member, military veteran, or military spouse, the Board shall promptly:

(i) process the application; and

(ii) issue the license to an applicant who has met requirements for licensure.

(C) The Board shall maintain a record of each complaint made against a military service member, military veteran, or military spouse to whom the agency issues a license under paragraph (3) of this section and publish at least quarterly on its website the information maintained under this subparagraph, including a general description of the disposition of each complaint.

(4) In order to request services under this subsection, the military service member, military veteran, or military spouse must, in a manner prescribed by the Board, identify the services requested, notify the Board of the individual's military affiliation, and submit a copy of the Uniformed Services Military ID card or other appropriate official documentation evidencing current or former military affiliation.

(5) [(4)] In this subsection [section], "military service member," "military veteran," and "military spouse" have the meaning as defined in Chapter 55, Texas Occupations Code, §55.001.

(e) An application for license is valid for one year after the date it is received by the Board. [At the end of the year, the application fee must be paid to continue the application process for the second year.]

(f) An applicant who submits an application containing false information may be denied a license by the Board.

(g) Should the Board reject an application for license, the reasons for the rejection will be communicated in writing to the applicant. The applicant may submit additional information and request reconsideration by the Board. If the applicant remains dissatisfied, a hearing may be requested as specified in the Act.

(h) Applicants and new licensees shall refer to Chapter 369 of this title for provisions regarding information changes and verification of temporary or regular license issuance and current licensure.

(i) The first regular license is valid from the date of issuance until the last day of the applicant's birth month, with a duration of at least two years.

§364.2. Initial License by Examination.

(a) An applicant applying for license by examination must:

(1) meet all provisions of §364.1 of this title (relating to Requirements for a License); and

(2) pass the NBCOT certification examination for occupational therapists or occupational therapy assistants with a score set by NBCOT. Score reports must be sent directly to the Board by NBCOT.

(b) The application for license must be received no later than two years following the date of the passing examination. If the application is received after this time, the applicant must take and pass the NBCOT examination for licensure purposes only. The applicant must request Board approval to take this examination. The score report must be sent directly to the Board by NBCOT.

(c) An applicant who fails an examination may take additional examinations by sending in the appropriate, non-refundable fee as set by the Executive Council and a completed [with the Board's] re-exam form as prescribed by the Board.

(d) Applicants with a history of licensure in occupational therapy in a state or territory of the U.S. If the Board cannot verify the applicant's history of licensure in occupational therapy, including disciplinary action, the applicant must submit a verification of license. The verification must be an original verification sent directly to the Board by the licensing board of the state or territory. Disciplinary action must be reported to the Board.

(e) Previous Texas licensees are not eligible for Initial License by Examination.

§364.3. Temporary License.

(a) The Board may only issue a temporary license to an applicant who is taking the NBCOT certification examination for the first time.

(b) Temporary Licensure is not available to applicants who have received a license in any state or territory of the U.S. as an occupational therapy practitioner or to applicants applying from the U.S. military or a non-licensing state or territory of the U.S. who have had occupational therapy employment for at least two years preceding application for a Texas license, unless it was as an occupational therapy assistant, and they now meet the requirements for a temporary license as an occupational therapist, or it was as an occupational therapist, and they now meet the requirements for a temporary license as an occupational therapy assistant. In this section, "occupational therapy practitioner" means an individual licensed as an occupational therapist or occupational therapy assistant in any state or territory of the U.S.

(c) To be issued a temporary license, the applicant must:

(1) meet all provisions of §364.1 of this title (relating to Requirements for a License);

(2) meet all provisions of §364.2 of this title (relating to License by Examination);

(3) submit the Confirmation of Exam [Examination] Registration and Eligibility to Examine form from NBCOT, which must be sent directly to the Board by NBCOT and which reflects the eligibility window in which the applicant will take the examination;

(4) submit a copy of the receipt showing that an NBCOT score report has been ordered for the Board;

(5) submit a completed [signed] verification of supervision on a form prescribed by the Board; and

(6) submit a completed application form for a temporary license as prescribed by the Board and [;send the Board] the non-refundable temporary license fee as set by the Executive Council.

(d) If the applicant fails the examination, fails to take the examination during the eligibility window as stated on the Confirmation of Exam [Examination] Registration and Eligibility to Examine form

from NBCOT received pursuant to subsection (c)(3) of this section, or fails to have the score reported, the temporary license is void and must be returned to the Board.

(e) An additional temporary license will not be issued.

(f) A temporary license shall be valid no longer than 180 days.

§364.4. Licensure by Endorsement.

(a) The Board may issue a license by endorsement to applicants who have passed the NBCOT certification examination and are either currently licensed in another state or territory of the U.S. that has licensing requirements substantially equivalent to this state or, if not currently licensed in a state or territory of the U.S., are applying from the U.S. military or a non-licensing state or territory of the U.S. and can substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license. Previous Texas licensees are not eligible for Licensure by Endorsement. An applicant seeking licensure by endorsement must:

(1) meet all provisions of §364.1 of this title (relating to Requirements for Licensure);

(2) arrange to have NBCOT send directly to the Board the applicant's NBCOT certification examination score report (or for applicants examined prior to 1986, a Verification of Certification form); and

(3) submit a verification of license if the Board cannot verify the applicant's history of licensure in occupational therapy, including disciplinary action. The verification must be an original verification sent directly to the Board by the licensing board of the state or territory. Disciplinary action must be reported to the Board. If the applicant is not currently licensed in a state or territory of the U.S. and is applying from the U.S. military or a non-licensing state or territory of the U.S., a completed verification of employment [Verification of Employment] form as prescribed by the Board must be submitted substantiating occupational therapy employment for at least two years immediately preceding application for a Texas license.

(b) Provisional License: The Board may grant a Provisional License to an applicant who is applying for licensure by endorsement if there is an unwarranted delay in the submission of required documentation outside the applicant's control. All other requirements for licensure by endorsement must be met. The applicant must also submit the Provisional License fee as set by the Executive Council. The Board may not grant a provisional license to applicants with disciplinary action in their license history or to applicants with pending disciplinary action. The Provisional License will have a duration of 180 days.

§364.5. Recognition of Out-of-State License of Military Service Members and Military Spouses.

(a) Notwithstanding any other law, a military service member or military spouse may engage in the practice of occupational therapy without obtaining the applicable occupational therapy license if the service member or spouse [is] currently holds a license similar in scope of practice issued by the licensing authority of another state of the U.S. and is [licensed] in good standing with that licensing authority [by another jurisdiction of the U.S. that has licensing requirements that are substantially equivalent to the requirements for the license in this state].

(b) Before engaging in the practice of occupational therapy, the military service member or military spouse must:

(1) submit a completed application in the manner prescribed by the Board that includes:

(A) a copy of the member's military orders showing relocation to this state;

(B) if the applicant is a military spouse, a copy of the military spouse's marriage license;

(C) a notarized affidavit affirming under penalty of perjury that:

(i) the applicant is the person described and identified in the application;

(ii) all statements in the application are true, correct, and complete;

(iii) the applicant understands the scope of practice for the license in this state and will not perform outside of that scope of practice; and

(iv) the applicant is in good standing in each state in which the applicant holds or has held an occupational therapy license. For purposes of this subsection, a person is in good standing with another state's licensing authority if the person:

(I) holds a license that is current, has not been suspended or revoked, and has not been voluntarily surrendered during an investigation for unprofessional conduct;

(II) has not been disciplined by the licensing authority with respect to the license or person's practice of occupational therapy; and

(III) is not currently under investigation by the licensing authority for unprofessional conduct related to the person's license or occupational therapy.

(2) receive notification that the Board recognizes the applicant's out-of-state license.

[(1) notify the Board in writing of the following:]

[(A) the service member's or spouse's intent to practice in this state;]

[(B) the service member's or spouse's full name and any previous last names, social security number, date of birth, phone number, business phone number, residential address, business address, mailing address, and email address;]

[(C) the license type, license number, and jurisdiction in which the service member or spouse is currently licensed in good standing; and]

[(D) a list of all jurisdictions in which the service member or spouse has held or currently holds a license with the license type, license number, and license expiration date of each;]

[(2) submit to the Board proof of the service member's or spouse's residency in this state and a copy of the service member's or spouse's military identification card. Proof of residency may include a copy of the permanent change of station order for the military service member or, with respect to a military spouse, the permanent change of station order for the military service member to whom the spouse is married; and]

[(3) receive from the Board written confirmation that:]

[(A) the Board has verified the service member's or spouse's license in the other jurisdiction; and]

[(B) the service member or spouse is authorized to engage in the practice of occupational therapy in accordance with this section.]

(c) Not later than the 10th business day after the date the Board receives an application under subsection (b)(1) of this section, the Board shall promptly notify the applicant that:

(1) the Board recognizes the applicant's out-of-state license;

(2) the application is incomplete; or

(3) the Board is unable to recognize the applicant's out-of-state license because the Board does not issue a license similar in scope of practice to the applicant's license.

(d) [(e)] The military service member or military spouse shall comply with all other laws and regulations applicable to the practice of occupational therapy in this state, including all other laws and regulations in the Occupational Therapy Practice Act and the Texas Board of Occupational Therapy Examiners Rules. The military service member or military spouse may be subject to revocation of the authorization described by subsection (b)(2) [(b)(3)(B)] of this section for failure to comply with these laws and regulations and the Board may notify any jurisdictions in which the military service member or military spouse is licensed of the revocation of such.

(e) [(d)] A military service member or military spouse may engage in the practice of occupational therapy under the authority of this section only for the period during which the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in this state [but not to exceed three years from the date the service member or spouse receives the confirmation described by subsection (b)(3) of this section].

(f) [(e)] In [Notwithstanding subsection (d) of this section; in] the event of a divorce or similar event that affects a person's status as a military spouse, the former spouse may continue to engage in the practice of occupational therapy under the authority of this section until the third anniversary of the date the spouse submitted the application required [received the confirmation described] by subsection (b)(1) [(b)(3)] of this section.

(g) [(f)] During the authorization period described by subsection (b)(2) [(b)(3)(B)] of this section, the military service member or military spouse must:

(1) hold a license similar in scope of practice issued by the licensing authority of another state of the U.S. and be in good standing in each state in which the applicant holds or has held an occupational therapy license; [maintain a current license in good standing in another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state;]

(2) update the Board within 30 days of any changes to information submitted pursuant to subsection (b)(1) of this section [as specified in subsections (b)(1)(B)-(C) and (b)(2) of this section within 30 days of such change(s)]; and

(3) notify the Board of any judgment or settlement in a malpractice claim or any disciplinary action taken against the licensee by a licensing authority of another territory or state of the U.S. within 30 days after the judgment, settlement, or disciplinary action is signed.

[(3) notify the Board within 30 days of any disciplinary action taken against the service member or spouse by another jurisdiction.]

(h) [(g)] With [The Board will identify, with] respect to each type of license issued by the Board, the Board will publish on its website the states [jurisdictions] that issue licenses similar in scope to those issued by the Board [have licensing requirements that are substantially equivalent to the requirements for the license in this state; and not later than the 30th day after the receipt of the items described by subsections (b)(1)-(2) of this section, the Board shall verify that the military service member or military spouse is licensed in good standing in a jurisdiction].

tion of the U.S. that has licensing requirements that are substantially equivalent to the requirements for the license in this state].

(i) The Board shall maintain a record of each complaint made against a military service member, military veteran, or military spouse who holds an out-of-state license the Board recognizes under this section. The Board shall publish at least quarterly on its website the information maintained under this subsection, including a general description of the disposition of each complaint.

(j) [(h)] In this section, "military service member" and "military spouse" have the meaning as defined in Chapter 55, Texas Occupations Code, §55.001.

(k) [(i)] 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 agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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TRD-202502962

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Earliest possible date of adoption: September 28, 2025

For further information, please call: (512) 305-6900



CHAPTER 369. DISPLAY OF LICENSES

40 TAC §369.1

The Texas Board of Occupational Therapy Examiners proposes amendments to 40 Texas Administrative Code §369.1. Display of Licenses. The amendments cleanup and clarify the section and make changes to enhance the alignment of the section with the Board's new licensing system.

The amendments to the section include cleanups and clarifications. A cleanup is made, for instance, to remove language concerning a verification resource to match a similar change made elsewhere in the board rules as part of prior rulemaking and to align related online license verification information with other extant language in the board rules. With regard to fees for a replacement license, the amendments will clarify that such are set by the Executive Council of Physical Therapy and Occupational Therapy Examiners.

Amendments to the section also include further clarifications and better align the section with the Board's new licensing system, which will facilitate a more efficient license-replacement process. Currently, the section requires a written request for a replacement license and the Board provides a related form licensees may access on its website. The amendments will remove a reference to a written request and instead add language that requires a form as prescribed by the Board. The changes will assist the Board in ensuring that the necessary materials and information are submitted in a standardized format and align the rule better with the new licensing system, which requires an application for the online submission of a request.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS

Ralph A. Harper, Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners,

has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering these amendments as proposed under Texas Government Code §2001.024(a)(4) because the amendments do not impose a cost on state or local governments.

LOCAL EMPLOYMENT IMPACT

Mr. Harper has determined that the proposed amendments would not impact a local economy. Therefore, a local employment impact statement is not required under Texas Government Code §2001.022 and §2001.024(a)(6).

PUBLIC BENEFIT AND COST NOTE

Mr. Harper has determined under Texas Government Code §2001.024(a)(5) that for each of the first five years the proposed amendments would be in effect, the public benefit will be enhanced clarity and consistency of the board rules and efficiency in the replacement-license process.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Harper has determined there would be no costs or adverse economic effects on small businesses, micro-businesses, or rural communities. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

TAKINGS IMPACT ASSESSMENT

Mr. Harper has determined that no private real property interests are affected by these proposed amendments and that these amendments do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, these amendments do not constitute a taking under Texas Government Code §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Harper has determined under Texas Government Code §2001.0221 that during the first five years the rule would be in effect:

- (1) the rule will not create or eliminate a government program;
- (2) the rule will not require the creation of new employee positions or the elimination of existing employee positions;
- (3) the rule will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rule will not require an increase or decrease in fees paid to the agency;
- (5) the rule will not create new regulations and will not repeal an existing regulation;
- (6) the rule will expand certain existing regulations and will not limit certain existing regulations;
- (7) the rule will not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the rule will neither positively nor adversely affect this state's economy.

COSTS TO REGULATED PERSONS

Mr. Harper has determined that the rule is not subject to Texas Government Code §2001.0045 as the rule does not impose a

cost on regulated persons. In addition, the rule does not impose a cost on another state agency, a special district, or a local government.

ENVIRONMENTAL IMPACT STATEMENT

Mr. Harper has determined that the proposed amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

PUBLIC COMMENT

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.

STATUTORY AUTHORITY

The amendments are proposed under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454, and under §454.214, which requires a licensee to display the license.

CROSS REFERENCE TO STATUTE

No other statutes, articles, or codes are affected by these amendments.

§369.1. Display of Licenses.

(a) Licenses must be displayed in accordance with the Act, §454.214.

(b) The original license must be prominently displayed in the licensee's principal place of business as designated by the licensee. Reproduction of the original license is only authorized for institutional file purposes and not for public display.

(c) A licensee may provide occupational therapy services according to the terms of the license upon online verification of current licensure and license expiration date from the Board's license verification web page. [The Board will maintain a secure resource for verification of license status and expiration date on its website.]

(d) A licensee shall not make any alteration(s) on a license.

(e) The Board may issue a copy of a license to replace one lost or destroyed upon receipt of a completed form as prescribed by the Board and the non-refundable fee as set by the Executive Council [written request and the appropriate fee from the licensee]. The Board may issue a replacement copy of a license to reflect a name change upon receipt of a completed form as prescribed by the Board, the non-refundable fee as set by the Executive Council [written request, the appropriate fee], and a copy of the legal document (such as a marriage license, court decree, or divorce decree) evidencing the name change.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Ralph A. Harper
Executive Director
Texas Board of Occupational Therapy Examiners
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For further information, please call: (512) 305-6900



CHAPTER 370. LICENSE RENEWAL

40 TAC §§370.1 - 370.3

The Texas Board of Occupational Therapy Examiners proposes amendments to 40 Texas Administrative Code §370.1. License Renewal, §370.2. Late Renewal, and §370.3. Restoration of a Texas License. The amendments revise the sections, including to cleanup and clarify the sections and amend the sections pursuant to House Bill 5629 and Senate Bill 1818 of the 89th Regular Legislative Session and the changes effective September 1, 2025, that are made by such to Texas Occupations Code Chapter 55.

The amendments to the sections include cleanups and clarifications. For example, cleanups to §370.3 include removing references to specific sections of Chapter 367, Continuing Education, of the board rules and replacing such with references to the whole chapter. This will ensure that the references are up-to-date and that future changes to Chapter 367 that might relocate certain information to other areas of the chapter will not affect the continuing accuracy of §370.3.

The amendments also include clarifications, for example, by adding to the sections language such as "as prescribed by the Board," with regard to applications, and adding "Texas" in front of "Occupations Code" in §370.2.

Changes are also made pursuant to the 89th Regular Legislative Session and House Bill 5629 and Senate Bill 1818, which amend Texas Occupations Code Chapter 55. The changes, which address fee waivers, expedited services, and complaint recording and publishing information with regard to military service members, military veterans, and military spouses, will align the sections and requirements with the recent legislation.

Pursuant to such, for example, a provision regarding fee waivers for military service members, military veterans, and military spouses is added to the section. Board rules require that individuals who were previously licensed in Texas and whose licenses are expired one year or more restore a license, rather than apply for a new license. Such, for example, supports public protection by helping to ensure that individuals maintain the same license number, which allows for public licensure information, including any disciplinary action, to be associated with and searchable by the same license number for a certain license type. This allows the public to more easily access comprehensive licensing information concerning an individual. Correspondingly, though, as such individuals, as noted, are required to restore, fee waivers are added to the section for military service members, military veterans, and military spouses so that they may avail themselves of the waivers provided by amendments to Texas Occupations Code §55.009, which expand fee waivers for that cohort, pursuant to House Bill 5629.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS

Ralph A. Harper, Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners, has determined that for the first five-year period the proposed

amendments are in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering these amendments as proposed under Texas Government Code §2001.024(a)(4) because the amendments do not impose a cost on state or local governments.

LOCAL EMPLOYMENT IMPACT

Mr. Harper has determined that the proposed amendments would not impact a local economy. Therefore, a local employment impact statement is not required under Texas Government Code §2001.022 and §2001.024(a)(6).

PUBLIC BENEFIT AND COST NOTE

Mr. Harper has determined under Texas Government Code §2001.024(a)(5) that for each of the first five years the proposed amendments would be in effect, the public benefit will be enhanced clarity and consistency of the rules, efficiency in the licensure process, and conformance of board rules to related statutes in Texas Occupations Code Chapter 55.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Harper has determined there would be no costs or adverse economic effects on small businesses, micro-businesses, or rural communities. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

TAKINGS IMPACT ASSESSMENT

Mr. Harper has determined that no private real property interests are affected by these proposed amendments and that these amendments do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, these amendments do not constitute a taking under Texas Government Code §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Harper has determined under Texas Government Code §2001.0221 that during the first five years the rules would be in effect:

- (1) the rules will not create or eliminate a government program;
- (2) the rules will not require the creation of new employee positions or the elimination of existing employee positions;
- (3) the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase in fees paid to the agency and will require a decrease in licensing fees paid to the agency by certain military service members, military service members, and military spouses;
- (5) the rules will create new regulations and will not repeal existing regulations;
- (6) the rules will expand certain existing regulations and limit certain existing regulations;
- (7) the rules will not increase or decrease the number of individuals subject to the rules' applicability; and
- (8) the rules will neither positively nor adversely affect this state's economy.

COSTS TO REGULATED PERSONS

The rules do not impose a cost on regulated persons. The rules are not subject to Texas Government Code §2001.0045 because the rules do not impose a cost, are necessary to protect the health, safety, and welfare of the residents of this state, and are necessary to implement legislation as House Bill 5629 and Senate Bill 1818 and require the adoption of rules to implement the changes made to Texas Occupations Code Chapter 55. Furthermore, the changes made by such legislation remove, rather than impose, certain fees. The rules, in addition, do not impose a cost on another state agency, a special district, or a local government.

ENVIRONMENTAL IMPACT STATEMENT

Mr. Harper has determined that the proposed amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

PUBLIC COMMENT

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.

STATUTORY AUTHORITY

The amendments are proposed under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454. Specifically, the amendments to §370.2 and §370.3 are proposed under Texas Occupations Code §454.252, which requires that a person whose license has been expired less than one year may renew the license by paying the renewal fee and late fee set by the Executive Council of Physical Therapy and Occupational Therapy Examiners and which authorizes the Board to reinstate a license expired one year or more. The amendments to §370.3 are proposed under Texas Occupations Code §454.253, which authorizes the Board to renew the expired license of an individual licensed in another state and the amendments to §370.3 are proposed under Texas Occupations Code §454.254, which authorizes the Board to require license holders to attend continuing education courses specified by the Board.

CROSS REFERENCE TO STATUTE

The amendments are also proposed under the following sections of the Texas Occupations Code, as amended, as applicable, by House Bill 5629 and Senate Bill 1818 in the 89th Regular Legislative Session, which take effect September 1, 2025: §55.004, which establishes alternative licensure procedures; §55.005, which establishes expedited licensing services; and §55.009, which establishes fee waivers for military service members, military veterans, and military spouses.

The amendments are, additionally, proposed under the following sections, enacted by House Bill HB 5629, effective September 1, 2025: Texas Occupations Code §55.0042, which establishes criteria for the determination of good standing, and §55.0043, which establishes a recording and publication process regarding complaints concerning military service members, military spouses, and military veterans whose licenses are issued under the chapter.

§370.1. License Renewal.

(a) Licensee Renewal. Licensees are required to renew their licenses every two years by the end of their birth month. A licensee may not provide occupational therapy services without a current license. Licenses and license expiration dates should be verified on the Board's license verification web page.

(1) General Requirements. The renewal application is not complete until the Board receives all required items. The components required for license renewal are:

(A) a completed ~~[complete]~~ renewal application form as prescribed by the Board verifying completion of the required continuing education ~~[;]~~ as per Chapter 367 of this title (relating to Continuing Education);

(B) the renewal fee and any late fees as set by the Executive Council that may be due;

(C) a passing score on the jurisprudence examination;

(D) the licensee's residential ~~[physical]~~ address, any business ~~[work]~~ address, other mailing address, and email address; and

(E) a complete and legible set of fingerprints submitted in the manner prescribed by the Board for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation. The licensee is not required to submit fingerprints under this section if the license holder has previously submitted fingerprints under:

(i) Chapter 364 of this title (relating to Requirements for Licensure) for the initial issuance of the license;

(ii) Chapter 370 of this title (relating to License Renewal) as part of a prior license renewal; or

(iii) Chapter 371 of this title (relating to Inactive and Retired Status) as part of a prior license renewal or change of license status.

(2) The licensee is responsible for ensuring that the license is renewed, whether receiving a renewal notice or not.

(3) The renewal process is not complete until the Board's license verification web page reflects that the license has been renewed by displaying the new renewal date.

(4) Renewal fees and late fees are non-refundable.

(5) Licensees electing to change their status or renewing a license on inactive or retired status must meet further requirements as per Chapter 371 of this title (relating to Inactive and Retired Status).

(6) Licensees renewing a license expired one year or more must meet further requirements as per §370.3 of this title (relating to Restoration of a Texas License).

(b) Restrictions to Renewal. The Board will not renew a license if it receives information from a child support agency that a licensee has failed to pay child support under a support order for six months or more as provided by Texas Family Code §232.0135. If all other renewal requirements have been met, the license will be renewed when the child support agency notifies the Board it may renew the license.

§370.2. Late Renewal.

(a) A renewal application is late if all the required renewal materials do not bear a postmark or electronic time-stamp showing a date prior to the expiration of the license.

(b) If the license has been expired for less than one year, the person may renew the license by completing all renewal requirements and submitting the renewal fee and the appropriate late fee.

(c) Military Service:

(1) A licensee will be exempt from late fees and penalty for failure to timely renew a license if the licensee establishes to the satisfaction of the Board that failure to renew the license in a timely manner was because the licensee was serving as a military service member.

(2) A licensee who is a military service member is entitled to two years of additional time after the expiration of the license to complete:

(A) any continuing education requirements; and

(B) any other requirements related to the renewal of the license.

(3) In this section, "military service member" has the meaning as defined in Chapter 55, Texas Occupations Code, §55.001.

§370.3. Restoration of a Texas License.

(a) Restoration of a license expired one year or more to a person with a current license or occupational therapy employment:

(1) The Board may restore a license to a person whose Texas license has been expired one year or more if the person:

(A) is currently licensed in another state or territory of the U.S. and that license has not been suspended, revoked, cancelled, surrendered or otherwise restricted for any reason; or

(B) if not currently licensed in another state or territory of the U.S., is applying from the U.S. military or a non-licensing state or territory of the U.S. and can substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license.

(2) The person shall meet the following requirements:

(A) submit a completed restoration application form as prescribed by the Board;

(B) submit in paper or electronic form a current color photograph that meets the requirements for a U.S. passport. A photograph in electronic form must be of a high-quality resolution comparable to that of a passport photograph in paper form;

(C) submit documentation of the completion of training on human trafficking as described in Chapter 367 ~~[§367.4]~~ of this title (relating to Continuing Education) ~~[that meets documentation requirements as per §367.3 of this title (relating to Continuing Education Audit)]~~;

(D) submit a verification of license if the Board cannot verify the applicant's history of licensure in occupational therapy, including disciplinary action. The verification must be an original verification sent directly to the Board by the licensing board of the state or territory. Disciplinary action must be reported to the Board. If the applicant is not currently licensed in a state or territory of the U.S. and is applying from the U.S. military or a non-licensing state or territory of the U.S., a completed verification of employment ~~[Verification of Employment]~~ form as prescribed by the Board must be submitted substantiating occupational therapy employment for at least two years immediately preceding application for a Texas license;

(E) pass the jurisprudence examination;

(F) pay the restoration fee; and

(G) submit a complete and legible set of fingerprints in the manner prescribed by the Board for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation. The licensee is not required to submit fingerprints under this section if the license holder has previously submitted fingerprints under:

(i) Chapter 364 of this title (relating to Requirements for Licensure) for the initial issuance of the license;

(ii) Chapter 370 of this title (relating to License Renewal) as part of a prior license renewal; or

(iii) Chapter 371 of this title (relating to Inactive and Retired Status) as part of a prior license renewal or change of license status.

(b) Restoration of a license expired at least one year but less than two years to a person without a current license or occupational therapy employment:

(1) The Board may restore a license expired at least one year but less than two years to a person who was licensed in Texas and:

(A) is not currently licensed in another state or territory of the U.S.; or

(B) if not currently licensed in another state or territory of the U.S., is applying from the U.S. military or a non-licensing state or territory of the U.S. and cannot substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license.

(2) The person shall meet the following requirements:

(A) submit a completed restoration application form as prescribed by the Board;

(B) submit in paper or electronic form a current color photograph that meets the requirements for a U.S. passport. A photograph in electronic form must be of a high-quality resolution comparable to that of a passport photograph in paper form;

(C) submit copies of the completed continuing education showing 36 hours of continuing education as per Chapter 367 of this title (relating to Continuing Education) that includes training on human trafficking as described in that chapter;

(D) submit a verification of license if the Board cannot verify the applicant's history of licensure in occupational therapy, including disciplinary action. The verification must be an original verification sent directly to the Board by the licensing board of the state or territory. Disciplinary action must be reported to the Board;

(E) pass the jurisprudence examination;

(F) pay the restoration fee; and

(G) submit a complete and legible set of fingerprints in the manner prescribed by the Board for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation. The licensee is not required to submit fingerprints under this section if the license holder has previously submitted fingerprints under:

(i) Chapter 364 of this title (relating to Requirements for Licensure) for the initial issuance of the license;

(ii) Chapter 370 of this title (relating to License Renewal) as part of a prior license renewal; or

(iii) Chapter 371 of this title (relating to Inactive and Retired Status) as part of a prior license renewal or change of license status.

(c) Restoration of a license expired two years or more to a person without a current license or occupational therapy employment:

(1) The Board may restore a license expired two years or more to a person who was licensed in Texas and:

(A) is not currently licensed in another state or territory of the U.S.; or

(B) if not currently licensed in another state or territory of the U.S., is applying from the U.S. military or a non-licensing state or territory of the U.S. and cannot substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license.

(2) The person shall meet the following requirements:

(A) submit a completed restoration application form as prescribed by the Board;

(B) submit in paper or electronic form a current color photograph that meets the requirements for a U.S. passport. A photograph in electronic form must be of a high-quality resolution comparable to that of a passport photograph in paper form;

(C) submit documentation of the completion of training on human trafficking as described in Chapter 367 [~~§367.4~~] of this title (relating to Continuing Education) [~~that meets documentation requirements as per §367.3 of this title (relating to Continuing Education Audit)~~];

(D) submit a verification of license if the Board cannot verify the applicant's history of licensure in occupational therapy, including disciplinary action. The verification must be an original verification sent directly to the Board by the licensing board of the state or territory. Disciplinary action must be reported to the Board;

(E) pass the jurisprudence examination;

(F) pay the restoration fee;

(G) submit a complete and legible set of fingerprints in the manner prescribed by the Board for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation. The licensee is not required to submit fingerprints under this section if the license holder has previously submitted fingerprints under:

(i) Chapter 364 of this title (relating to Requirements for Licensure) for the initial issuance of the license;

(ii) Chapter 370 of this title (relating to License Renewal) as part of a prior license renewal; or

(iii) Chapter 371 of this title (relating to Inactive and Retired Status) as part of a prior license renewal or change of license status; and

(H) satisfy one of the following no more than two years prior to the submission of the application:

(i) complete a re-entry course through an accredited college or university and submit the certificate of completion or transcript to the Board;

(ii) obtain an advanced or post-professional occupational therapy degree, with an official transcript sent to the Board; or

(iii) take and pass the NBCOT examination for licensure purposes only (after requesting Board approval to take the ex-

amination) and have the passing score reported to the Board directly by NBCOT.

(d) Military service members, military veterans, and military spouses.

(1) Fee waiver. The Board shall waive the restoration fee for a military service member, military veteran, or military spouse.

(2) Expedited services.

(A) With regard to a military service member, military veteran, or military spouse who within the five years preceding the application date held the license in this state, the Board shall promptly, not later than the 10th business day after the date the individual submits an application for restoration:

(i) process the application; and

(ii) restore the license to an individual who has met requirements for restoration.

(B) The Board shall maintain a record of each complaint made against a military service member, military veteran, or military spouse whose license is restored under paragraph (2) of this subsection and publish at least quarterly on its website the information maintained under this subparagraph, including a general description of the disposition of each complaint.

(3) In order to request services under this subsection, the military service member, military veteran, or military spouse must, in a manner prescribed by the Board, identify the services requested, notify the Board of the individual's military affiliation, and submit a copy of the Uniformed Services Military ID card or other appropriate official documentation evidencing current or former military affiliation.

(4) In this subsection, "military service member," "military veteran," and "military spouse" have the meaning as defined in Chapter 55, Texas Occupations Code, §55.001.

[(d) The Board shall expedite the restoration of a license to a military service member, military veteran, or military spouse. To request expedited services, the military service member, military veteran, or military spouse must submit a copy of the Uniformed Services Military ID card or other appropriate official documentation evidencing current or former military affiliation and notify the Board of his or her military affiliation. In this section, "military service member," "military veteran," and "military spouse" have the meaning as defined in Chapter 55, Occupations Code, §55.001.]

(e) The licensee whose license has been restored shall refer to Chapter 369 of this title for provisions regarding verification of current licensure.

(f) The restoration fee as set by the Executive Council is non-refundable.

(g) Restoration requirements must be met within one year of the Board's receipt of the application. Restoration requirements are based on the length of time the license has been expired and whether the individual has a current license or occupational therapy employment as specified in this section at the time of the license's restoration.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

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For further information, please call: (512) 305-6900



CHAPTER 371. INACTIVE AND RETIRED STATUS

40 TAC §371.1, §371.2

The Texas Board of Occupational Therapy Examiners proposes amendments to 40 Texas Administrative Code §371.1, Inactive Status, and §371.2, Retired Status. The amendments cleanup and clarify the sections and make changes to enhance the alignment of the sections with the agency's new licensing system and support a more efficient licensing process.

Cleanups include changes to §371.1 to combine the requirements to put a license on and renew a license on inactive status as the requirements for both are equivalent. Similar changes are made, with regard to retired status, to §371.2. Such changes will simplify the sections.

The amendments to the sections include clarifications. For example, language is added, with regard to applications, that such are prescribed by the Board. A further clarification concerns the duration a licensee may remain on inactive status. Section 371.1(a) already included that one may remain on inactive status for no more than six consecutive years, but corresponding text did not also appear before "three renewals"; and a renewal cycle is of a two-year duration. The amendments will replace "three renewals" with "three consecutive renewal cycles" so that the text will include "A licensee may remain on inactive status for no more than three consecutive renewal cycles or six consecutive years."

Amendments to the section also include further clarifications and better align the section with the Board's new licensing system. Currently, the sections include descriptive qualifiers such as "renewal application form" or "retired status form" with respect to certain forms required for licensing actions concerning changing or renewing certain licensing statuses. Such qualifiers are limiting and may serve as impediments to making the licensing process more efficient, for instance, by referencing certain application types that, due to changes in internal licensing software or capabilities, for example, may no longer accommodate or may not best accommodate such processes. Indeed, the agency's move to a new licensing system has created opportunities for the development of application processes that may make such functions more efficient and removing such qualifiers supports the more agile development of such.

The amendments also include the addition of a requirement that those seeking to return to active status from retired status submit a related application. The change will ensure that when such a request is submitted, the necessary information and materials are submitted for such, which will ensure a more efficient licensing process. Such will also facilitate the integration of this licensing action into the agency's new licensing system.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS

Ralph A. Harper, Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners, has determined that for the first five-year period the proposed

amendments are in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering these amendments as proposed under Texas Government Code §2001.024(a)(4) because the amendments do not impose a cost on state or local governments.

LOCAL EMPLOYMENT IMPACT

Mr. Harper has determined that the proposed amendments would not impact a local economy. Therefore, a local employment impact statement is not required under Texas Government Code §2001.022 and §2001.024(a)(6).

PUBLIC BENEFIT AND COST NOTE

Mr. Harper has determined under Texas Government Code §2001.024(a)(5) that for each of the first five years the proposed amendments would be in effect, the public benefit will be enhanced clarity and consistency of the rules and efficiency in the replacement-license process.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Harper has determined there would be no costs or adverse economic effects on small businesses, micro-businesses, or rural communities. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

TAKINGS IMPACT ASSESSMENT

Mr. Harper has determined that no private real property interests are affected by these proposed amendments and that these amendments do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, these amendments do not constitute a taking under Texas Government Code §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Harper has determined under Texas Government Code §2001.0221 that during the first five years the rules would be in effect:

- (1) the rules will not create or eliminate a government program;
- (2) the rules will not require the creation of new employee positions or the elimination of existing employee positions;
- (3) the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will create a new regulation and will not repeal an existing regulation;
- (6) the rules will not expand certain existing regulations or limit certain existing regulations;
- (7) the rules will not increase or decrease the number of individuals subject to the rules' applicability; and
- (8) the rules will neither positively nor adversely affect this state's economy.

COSTS TO REGULATED PERSONS

Mr. Harper has determined that the rules are not subject to Texas Government Code §2001.0045 as the rules do not impose a cost

on regulated persons. In addition, the rules do not impose a cost on another state agency, a special district, or a local government.

ENVIRONMENTAL IMPACT STATEMENT

Mr. Harper has determined that the proposed amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

PUBLIC COMMENT

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.

STATUTORY AUTHORITY

The amendments are proposed under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454, and §454.212, which allows for the Board to provide for a license holder to place the holder's license on inactive status.

CROSS REFERENCE TO STATUTE

The proposed amendments to §371.2 implement Texas Occupations Code §112.051, which requires each licensing entity to adopt rules providing for reduced fees and continuing education requirements for a retired health care practitioner whose only practice is voluntary charity care. No other statutes, articles, or codes are affected by these amendments.

§371.1. Inactive Status.

(a) Inactive status indicates the voluntary termination of the right to practice occupational therapy by a licensee in good standing with the Board. The Board may allow an individual who is not actively engaged in the practice of occupational therapy to put an active license on inactive status at the time of renewal. A licensee may remain on inactive status for no more than three consecutive renewal cycles [renewals] or six consecutive years and may not represent oneself [himself or herself] as an occupational therapist or occupational therapy assistant.

(b) A licensee on inactive status must renew every two years before the license expiration date.

(c) [(b)] Required components to put a license on inactive status or renew a license on inactive status are:

(1) a completed [renewal] application form as prescribed by the Board documenting completion of the required continuing education as described in Chapter 367 of this title (relating to Continuing Education);

(2) the inactive status fee and any late fees that may be due;
and

(3) a passing score on the jurisprudence examination.

[(e) Requirements for renewal of inactive status. An inactive licensee must renew the inactive status every 2 years. The components required to maintain the inactive status are:]

~~[(1) a completed renewal application form documenting completion of the required continuing education as described in Chapter 367 of this title (relating to Continuing Education);]~~

~~[(2) the inactive status fee and any late fees that may be due; and]~~

~~[(3) a passing score on the jurisprudence examination.]~~

(d) Requirements for reinstatement to active status. A licensee on inactive status may request to return to active status at any time. The components required to return to active status are:

(1) a completed ~~[renewal]~~ application form as prescribed by the Board;

(2) the active status renewal fee and any late fees that may be due;

(3) a passing score on the jurisprudence examination;

(4) proof of the required continuing education, if required; and

(5) a complete and legible set of fingerprints submitted in the manner prescribed by the Board for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation. The licensee is not required to submit fingerprints under this section if the license holder has previously submitted fingerprints under:

(A) Chapter 364 of this title (relating to Requirements for Licensure) for the initial issuance of the license;

(B) Chapter 370 of this title (relating to License Renewal) as part of a prior license renewal; or

(C) Chapter 371 of this title (relating to Inactive and Retired Status) as part of a prior license renewal or change of license status.

(e) If the inactive status license has been expired one year or more, in order to return to active status, the individual must follow the procedures to restore the license according to §370.3 of this title (relating to Restoration of a Texas License).

(f) The inactive status fees and any late fees as set by the Executive Council are nonrefundable.

(g) Licensees on inactive status are subject to the audit of continuing education as described in §367.3 of this title (relating to Continuing Education Audit).

§371.2. *Retired Status.*

(a) The Retired Status is available for an occupational therapy practitioner whose only practice is the provision of voluntary charity care without monetary compensation.

(1) "Voluntary charity care" means occupational therapy services provided as a volunteer with no compensation.

(2) "Compensation" means direct or indirect payment of anything of monetary value.

(3) The designation used by the retired status licensee is Occupational Therapist Registered, Retired (OTR, Ret) or Occupational Therapist, Retired (OT, Ret), or Certified Occupational Therapy Assistant, Retired (COTA, Ret) or Occupational Therapy Assistant, Retired (OTA, Ret).

(b) To be eligible for retired status, a licensee must hold a current license on active or inactive status or an active or inactive status license that has been expired less than one year. The license may only be put on retired status at the time of renewal.

(c) A licensee on retired status must renew every two years before the license expiration date.

(d) [(e)] Requirements to put a license on [for initial] retired status or renew a license on retired status are:

(1) a completed application [retired status] form as prescribed by the Board;

(2) a passing score on the jurisprudence examination;

(3) completion of 6 hours of continuing education as described in Chapter 367 of this title (relating to Continuing Education) that includes training on human trafficking as described in that chapter;

(4) the retired status fee and any late fees that may be due; and

(5) a complete and legible set of fingerprints submitted in the manner prescribed by the Board for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation. The licensee is not required to submit fingerprints under this section if the license holder has previously submitted fingerprints under:

(A) Chapter 364 of this title (relating to Requirements for Licensure) for the initial issuance of the license;

(B) Chapter 370 of this title (relating to License Renewal) as part of a prior license renewal; or

(C) Chapter 371 of this title (relating to Inactive and Retired Status) as part of a prior license renewal or change of license status.

[(d) Requirements for renewal of retired status: A licensee on retired status must renew every two years before the expiration date. The retired occupational therapy practitioner shall submit:]

[(1) a completed retired status form;]

[(2) a passing score on the jurisprudence examination;]

[(3) the retired status fee and any late fees that may be due;]

[(4) completion of 6 hours of continuing education each license renewal period as described in Chapter 367 of this title (relating to Continuing Education) that includes training on human trafficking as described in that chapter; and]

[(5) a complete and legible set of fingerprints submitted in the manner prescribed by the Board for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation. The licensee is not required to submit fingerprints under this section if the license holder has previously submitted fingerprints under:]

[(A) Chapter 364 of this title (relating to Requirements for Licensure) for the initial issuance of the license;]

[(B) Chapter 370 of this title (relating to License Renewal) as part of a prior license renewal; or]

[(C) Chapter 371 of this title (relating to Inactive and Retired Status) as part of a prior license renewal or change of license status.]

(e) Requirements for return to active status. A licensee who has been on retired status less than one year must submit a completed application form as prescribed by the Board, the active status renewal fee and the late fee as described in §370.1 of this title (relating to License Renewal), and 18 additional hours of continuing education as described in Chapter 367 of this title (relating to Continuing Education). A licensee who has been on retired status for one year or more

must follow the procedures for §370.3 of this title (relating to Restoration of Texas License).

(f) The occupational therapy practitioner may continue to renew the retired status license indefinitely.

(g) Licensees on retired status are subject to the audit of continuing education as described in §367.3 of this title (relating to Continuing Education Audit).

(h) A retired occupational therapy practitioner is subject to disciplinary action under the Occupational Therapy Practice Act.

(i) The retired status fees and any late fees as set by the Executive Council are nonrefundable.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 18, 2025.

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Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Earliest possible date of adoption: September 28, 2025

For further information, please call: (512) 305-6900



CHAPTER 374. DISCIPLINARY ACTIONS/DETRIMENTAL PRACTICE/COMPLAINT PROCESS/CODE OF ETHICS/LI-CENSURE OF PERSONS WITH CRIMINAL CONVICTIONS

40 TAC §374.1, §374.2

The Texas Board of Occupational Therapy Examiners proposes amendments to the Schedule of Sanctions figure in 40 Texas Administrative Code §374.1, Disciplinary Actions, and §374.2, Detrimental Practice. The amendments will revise the sections, including to add items concerning reporting certain information to the Board and clarify and cleanup related items concerning detrimental practice.

An amendment to §374.1 will add a provision requiring licensees to report disciplinary action by another licensing authority and judgments or settlements in a malpractice claim. The amendment is proposed to ensure that the Board is apprised of such and, thus, better able to identify the possible need to investigate any related violations of the OT Act and Rules.

A related amendment to the Schedule of Sanctions in the section will include the addition of a violation that corresponds to the new item. Likewise, an additional amendment is made to the Schedule of Sanctions to add an item that corresponds to a similar, extant item in the section regarding reporting felony convictions. The amendments are proposed to identify the corresponding discipline for such violations.

The amendment to §374.2 will update the definition of "practiced occupational therapy in a manner detrimental to the public health and welfare" to clarify conduct that constitutes grounds for disciplinary action against license holders for failing to give sufficient prior written notice of resignation. The amendment will remove existing text that addresses a different term of notice for those

with an existing contract or who are self-employed and have a comparable written agreement with clients; the change will ensure that the item specifies that fourteen days' written notice is required. The change will clarify the provision and the required minimum days' notice that must be given by licensees to help ensure that sufficient notice is given to avoid the loss or delay of occupational therapy services. The revision will also add language to the provision identifying such as "patient abandonment." A related change to the Schedule of Sanctions in §374.1 is made to correspond to the revision. 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.

The amendments include further cleanups to remove language such as "in this paragraph" from §374.2 and related items in the Schedule of Sanctions.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS

Ralph A. Harper, Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering these amendments as proposed under Texas Government Code §2001.024(a)(4) because the amendments do not impose a cost on state or local governments.

LOCAL EMPLOYMENT IMPACT

Mr. Harper has determined that the proposed amendments would not impact a local economy. Therefore, a local employment impact statement is not required under Texas Government Code §2001.022 and §2001.024(a)(6).

PUBLIC BENEFIT AND COST NOTE

Mr. Harper has determined under Texas Government Code §2001.024(a)(5) that for each of the first five years the proposed amendments would be in effect, the public benefit will be the greater ability of the Board to identify violations of the OT Act and Rules and to address violations in order to ensure the health, safety, and welfare of the public. There would not be an additional anticipated economic cost to persons required to comply with the proposed amendments because Texas Occupations Code Chapter 454, the Occupational Therapy Practice Act, already allows for the Board to impose an administrative penalty and proposed changes do not exceed that amount authorized by Texas Occupations Code §454.3521(b).

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Harper has determined there would be no costs or adverse economic effects on small businesses, micro-businesses, or rural communities. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

TAKINGS IMPACT ASSESSMENT

Mr. Harper has determined that no private real property interests are affected by these proposed amendments and that these amendments do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result,

these amendments do not constitute a taking under Texas Government Code §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Harper has determined under Texas Government Code §2001.0221 that during the first five years the rules would be in effect:

- (1) the rules will not create or eliminate a government program;
- (2) the rules will not require the creation of new employee positions or the elimination of existing employee positions;
- (3) the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will create new regulations and will not repeal an existing regulation;
- (6) the rules will not expand certain existing regulations and will limit certain existing regulations;
- (7) the rules will not increase or decrease the number of individuals subject to the rules' applicability; and
- (8) the rules will neither positively nor adversely affect this state's economy.

COSTS TO REGULATED PERSONS

These rules are not subject to Texas Government Code §2001.0045 because the rules are necessary to protect the health, safety, and welfare of the residents of this state and the Board is required to adopt a schedule of administrative penalties and other sanctions by rule pursuant to Texas Occupations Code §454.3025(a). The administrative penalties in the Schedule of Sanctions are necessary to deter the practice of occupational therapy in a manner detrimental to the public health and welfare. In addition, the rule does not impose a cost on another state agency, a special district, or a local government.

ENVIRONMENTAL IMPACT STATEMENT

Mr. Harper has determined that the proposed amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

PUBLIC COMMENT

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.

STATUTORY AUTHORITY

The amendments are proposed under Texas Occupations Code §454.102, which authorizes the Board to adopt rules to carry out its duties under Chapter 454. The amendments are also proposed under §454.3025, which requires the Board by rule to adopt a schedule of administrative penalties and other sanctions that the Board may impose under this chapter, and under

§454.3521, which authorizes the Board to impose an administrative penalty, not to exceed \$200 for each day a violation continues or occurs, under this chapter for a violation of this chapter or a rule or order adopted under this chapter. The amendments, lastly, are proposed under Texas Occupations Code §454.301, which includes that the Board may deny, suspend, or revoke a license or take other disciplinary action against a license holder if the applicant or license holder has practiced occupational therapy in a manner detrimental to the public health and welfare.

CROSS REFERENCE TO STATUTE

No other statutes, articles, or codes are affected by these amendments.

§374.1. Disciplinary Actions.

(a) The board, in accordance with the Administrative Procedure Act, may deny, revoke, suspend, or refuse to renew or issue a license, or may reprimand or impose probationary conditions, if the licensee or applicant for licensure has been found in violation of the rules or the Act. The board will adhere to procedures for such action as stated in the Act, §§454.301, 454.302, 454.303, and 454.304.

(b) The board recognizes four levels of disciplinary action for its licensees.

(1) Level I: Order and/or Letter of Reprimand or Other Appropriate Disciplinary Action (including but not limited to community service hours).

(2) Level II: Probation--The licensee may continue to practice while on probation. The board orders the probationary status which may include but is not limited to restrictions on practice and continued monitoring by the board during the specified time period.

(3) Level III: Suspension--A specified period of time that the licensee may not practice as an occupational therapist or occupational therapy assistant. Upon the successful completion of the suspension period, the license will be reinstated upon the licensee successfully meeting all requirements.

(4) Level IV: Revocation--A determination that the licensee may not practice as an occupational therapist or occupational therapy assistant. Upon passage of 180 days, from the date the revocation order becomes final, the former licensee may petition the board for re-issuance of a license. The former licensee may be required to re-take the Examination.

(c) The board shall utilize the following schedule of sanctions in all disciplinary matters.

Figure: 40 TAC §374.1(c)

[Figure: 40 TAC §374.1(e)]

(d) The board shall consider the following factors in conjunction with the schedule of sanctions when determining the appropriate penalty/sanction in disciplinary matters:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of the violation; and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation;

(5) the economic harm to the public interest or public confidence caused by the violation;

(6) whether the violation was intentional; and

(7) any other matter that justice requires.

(e) Licensees who provide occupational therapy services are responsible for understanding and complying with Chapter 454 of the Occupations Code (the Occupational Therapy Practice Act), and the Texas Board of Occupational Therapy Examiners' rules.

(f) Final disciplinary actions taken by the board will be routinely published as to the names and offenses of the licensees.

(g) A licensee who is ordered by the board to perform certain act(s) will be monitored by the board to ensure that the required act(s) are completed per the order of the board.

(h) The board may expunge any record of disciplinary action taken against a license holder before September 1, 2019, for practicing in a facility that failed to meet the registration requirements of §454.215 of the Act (relating to Occupational Therapy Facility Registration), as that section existed on January 1, 2019. The board may not expunge a record under this subsection after September 1, 2021.

(i) A licensee or applicant is required to report to the board a felony of which he/she is convicted within 60 days after the conviction occurs.

(j) A licensee shall submit to the board a copy of any judgment or settlement in a malpractice claim or any disciplinary action taken against the licensee by a licensing authority of another territory or state of the U.S. within 30 days after the judgment, settlement, or disciplinary action is signed.

§374.2. *Detrimental Practice.*

§454.301(a)(6) of the Act (relating to Grounds for Denial of License or Discipline of License Holder) states, "practiced occupational therapy in a manner detrimental to the public health and welfare," which is defined, but not limited to, the following:

(1) failing to document occupational therapy services or inaccurately recording, falsifying, or altering client records;

(2) making or filing a false or misleading report, or failing to file a report when it is required by law or third person or obstructing or attempting to obstruct another person from filing such a report;

(3) failing to report or otherwise concealing any conduct by self or another licensee likely to be a violation of the Act or Rules;

(4) drug diversion, which [~~In this paragraph, "drug diversion"~~] refers to when a medication is diverted from the person to whom it was prescribed;

(5) not providing the supervision required by the Act or Rules for those individuals to whom occupational therapy services are delegated;

(6) practicing occupational therapy without receiving the supervision required by the Act or Rules;

(7) impersonating another person holding a license; aiding, abetting, authorizing, condoning, or allowing the practice of occupational therapy or the representation of oneself as an occupational therapy practitioner by a person without a license; or aiding, abetting, authorizing, condoning, or allowing the use of a license by a person other than the holder of the license;

(8) practicing occupational therapy or representing oneself in a manner not authorized by the license;

(9) failing to cooperate with the agency by not responding to agency correspondence addressed to the individual's designated address(es) or by not furnishing papers or documents requested or not responding to subpoenas issued by the agency within 90 days;

(10) failing to complete the requirements of an agreed order;

(11) interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or Board or by the use of threats, intimidation, or harassment against any clients or witnesses with the potential of preventing them from providing evidence in a disciplinary proceeding or any other legal action;

(12) practicing occupational therapy without a valid license, including after the expiration, surrender, or revocation of the license, during the suspension of the license, or after the license is void;

(13) failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to:

(A) using occupational therapy techniques or modalities for purposes not consistent with the development of occupational therapy as a profession or science or as a means of promoting the public health and welfare;

(B) delegating, performing, or attempting to perform techniques or procedures in which one is untrained by education or experience;

(C) delegating occupational therapy functions or responsibilities to an individual lacking the competency to perform such;

(D) harassing, abusing, or intimidating a client either physically or verbally;

(E) causing or enabling physical or emotional injury to or the impairment of the dignity or safety of the client; and

(F) violating the principles or related standards of conduct of §374.4 of this title (relating to Code of Ethics);

(14) engaging in sexual contact or an inappropriate relationship with a client, including, but not limited to:

(A) engaging in inappropriate behavior with or comments directed toward a client; and

(B) becoming financially or personally involved in an inappropriate manner with a client;

(15) intentionally or knowingly offering to pay or agreeing to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for receiving or soliciting clients or patronage, regardless of source of reimbursement, unless said business arrangement or payments practice is acceptable under 42 United States Code §1320a-7b(b) or its regulations;

(16) recommending therapeutic devices or modalities sold by a third person for the purpose or with the result of receiving a fee or other consideration from a third person;

(17) failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with Health Insurance Portability and Accountability Act (HIPAA) regulations; and

(18) patient abandonment. "Patient abandonment" means failing to provide sufficient prior written notice of resignation of employment or termination of contract, or if self-employed, sufficient

prior written notice to existing clients or any licensees under the individual's supervision, resulting in the loss or delay of occupational therapy services. "Sufficient" [In this paragraph, "sufficient"] means at least 14 days [; however, should an employment contract, or if self-employed, a comparable written agreement with clients, specify a different period of time, "sufficient" means the term dictated by such, up to and including 30 days].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 18, 2025.

TRD-202502966

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Earliest possible date of adoption: September 28, 2025

For further information, please call: (512) 305-6900



CHAPTER 375. FEES

40 TAC §375.1

The Texas Board of Occupational Therapy Examiners proposes amendments to 40 Texas Administrative Code §375.1. Fees. The amendments clarify and cleanup the section and remove unnecessary provisions.

The amendments to the section include clarifications. For example, revisions include replacing "TAC" with Texas Administrative Code and clarifying and simplifying text concerning refunds to correspond to extant language elsewhere in the board rules that fees are non-refundable.

The amendments also remove an outdated reference to the requirement that applicants for a license pay the application fee plus the appropriate license fee. In the past, such fees were consolidated into one application fee and the amendments are made to ensure that the section reflects such changes.

Further cleanups include removing a provision concerning payments after an insufficient funds check has been processed by the Board and an item concerning the suspension of a license for failure to pay child support as such are no longer necessary; in the case of the former, an individual is not required to submit payment in a particular manner after such a check has been processed and, in the case of the latter, the Board does not suspend licensees for such as §370.1(b) of the board rules already includes that the Board will not renew a license if it receives information from a child support agency that a licensee has failed to pay child support under a support order for six months or more as provided by Texas Family Code §232.0135 and that if all other renewal requirements have been met, the license will be renewed when the child support agency notifies the Board it may renew the license. Such amendments will ensure that the section, likewise, reflects the other current extant rules and licensure processes.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS

Ralph A. Harper, Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering

these amendments as proposed under Texas Government Code §2001.024(a)(4) because the amendments do not impose a cost on state or local governments.

LOCAL EMPLOYMENT IMPACT

Mr. Harper has determined that the proposed amendments would not impact a local economy. Therefore, a local employment impact statement is not required under Texas Government Code §2001.022 and §2001.024(a)(6).

PUBLIC BENEFIT AND COST NOTE

Mr. Harper has determined under Texas Government Code §2001.024(a)(5) that for each of the first five years the proposed amendments would be in effect, the public benefit will be enhanced clarity and uniformity of the board rules.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Harper has determined there would be no costs or adverse economic effects on small businesses, micro-businesses, or rural communities. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

TAKINGS IMPACT ASSESSMENT

Mr. Harper has determined that no private real property interests are affected by these proposed amendments and that these amendments do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, these amendments do not constitute a taking under Texas Government Code §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Harper has determined under Texas Government Code §2001.0221 that during the first five years the rule would be in effect:

- (1) the rule will not create or eliminate a government program;
- (2) the rule will not require the creation of new employee positions or the elimination of existing employee positions;
- (3) the rule will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rule will not require an increase or decrease in fees paid to the agency;
- (5) the rule will not create new regulations and will repeal existing regulations;
- (6) the rule will not expand certain existing regulations and will not limit certain existing regulations;
- (7) the rule will not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the rule will neither positively nor adversely affect this state's economy.

COSTS TO REGULATED PERSONS

Mr. Harper has determined that the rule is not subject to Texas Government Code §2001.0045 as the rule does not impose a cost on regulated persons. In addition, the rule does not impose a cost on another state agency, a special district, or a local government.

ENVIRONMENTAL IMPACT STATEMENT

Mr. Harper has determined that the proposed amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

PUBLIC COMMENT

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.

STATUTORY AUTHORITY

The amendments are proposed under Texas Occupations Code §454.102, which authorizes the Board to adopt rules to carry out its duties under Chapter 454, and under §454.104, which authorizes the Board to recommend to the Executive Council necessary fees. The amendments are also proposed under Texas Occupations Code §452.154, which authorizes the Executive council to set fees.

CROSS REFERENCE TO STATUTE

No other statutes, articles, or codes are affected by these amendments.

§375.1. Fees.

(a) Fees are prescribed by the Executive Council and may be subject to change by legislative mandate;^[5] refer to 22 Texas Administrative Code [TAC] §651.1 and §651.3 [of the Executive Council Rules]. The fees are required to be paid before a license or a renewal is

issued. The application fee will be submitted with the application and is non-refundable.

~~[(b) A cashier's check, certified check, or money order must accompany all future payments to the board after an insufficient funds check has been processed by the board.]~~

~~[(c) An applicant for a license shall pay the application fee plus the appropriate license fee.]~~

~~(b) [(d)]~~ The Board ~~[board]~~ will not refund any ~~[application] fee for an application that is denied [or license fee to an applicant who is denied a license]~~. Applicants requesting that the Board ~~[board]~~ cease the ~~[license]~~ application process shall forfeit all fees paid. Such requests must be received by the Board ~~[board]~~ in writing.

~~(c) [(e)]~~ There shall be no refunds issued to individuals who have had their licenses suspended or revoked.

~~[(f) Licensees who have had their licenses suspended for failure to pay child support shall pay all applicable fees before licenses will be reissued.]~~

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 18, 2025.

TRD-202502967

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Earliest possible date of adoption: September 28, 2025

For further information, please call: (512) 305-6900

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Figure: 40 TAC §374.1(c)

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
Failing to document occupational therapy services or inaccurately recording, falsifying, or altering client records	Sec. 454.301(a)(6) §374.2(1)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Making or filing a false or misleading report, or failing to file a report when it is required by law or third person or obstructing or attempting to obstruct another person from filing such a report	Sec. 454.301(a)(6) §374.2(2)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to report or otherwise concealing any conduct by self or another licensee likely to be a violation of the Act or Rules	Sec. 454.301(a)(6) §374.2(3)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Drug diversion, <u>which</u> [In this paragraph, "drug diversion"] refers to when a medication is diverted from the person to whom it was prescribed	Sec. 454.301(a)(6) §374.2(4)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Not providing the supervision required by the Act or Rules for those individuals to whom occupational therapy services are delegated	Sec. 454.301(a)(6) §374.2(5)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Practicing occupational therapy without	Sec. 454.301(a)(6) §374.2(6)	30-60 hours community service +up to	30-60 day license suspension	Revocation or Surrender of license	Alternative disciplinary decisions or

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
receiving the supervision required by the Act or Rules		\$150 per violation per day	+up to \$200 per violation per day	+up to \$200 per violation per day	pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Impersonating another person holding a license; aiding, abetting, authorizing, condoning, or allowing the practice of occupational therapy or the representation of oneself as an occupational therapy practitioner by a person without a license; or aiding, abetting, authorizing, condoning, or allowing the use of a license by a person other than the holder of the license	Sec. 454.301(a)(6) §374.2(7)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Practicing occupational therapy or representing oneself in a manner not authorized by the license	Sec. 454.301(a)(6) §374.2(8)	30-60 hours community service +up to \$150 per violation per day	30-60 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to cooperate with the agency by not responding to agency correspondence addressed to the individual's designated address(es) or by not furnishing papers or documents	Sec. 454.301(a)(6) §374.2(9)	15-30 day license suspension +up to \$150 per violation per day	45-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
requested or not responding to subpoenas issued by the agency within 90 days					
Failing to complete the requirements of an agreed order	Sec. 454.301(a)(6) §374.2(10)	30-45 day license suspension +up to \$150 per violation per day in addition to the incomplete requirements from previous agreed order(s) and previous fines	60-90 day license suspension +up to \$200 per violation per day in addition to the incomplete requirements from previous agreed order(s) and previous fines	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or Board or by the use of threats, intimidation, or harassment against any clients or witnesses with the potential of preventing them from providing evidence in a disciplinary proceeding or any other legal action	Sec. 454.301(a)(6) §374.2(11)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Practicing occupational therapy without a valid license, including after the expiration, surrender, or revocation of the license, during the suspension of the license, or after the license is void	Sec. 454.301(a)(6) §374.2(12)	30-60 hours community service or 15-45 day suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to conform to the minimal standards of acceptable	Sec. 454.301(a)(6) §374.2(13)(A)	15-30 day license suspension +up to \$150	45-90 day license suspension +up to \$200	Revocation or Surrender of license +up to \$200	Alternative disciplinary decisions or pursuing other

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
prevailing practice, including, but not limited to, using occupational therapy techniques or modalities for purposes not consistent with the development of occupational therapy as a profession or science or as a means of promoting the public health and welfare		per violation per day	per violation per day	per violation per day	courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, delegating, performing, or attempting to perform techniques or procedures in which one is untrained by education or experience	Sec. 454.301(a)(6) §374.2(13)(B)	15-30 day license suspension +up to \$150 per violation per day	45-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, delegating occupational therapy functions or responsibilities to an individual lacking the competency to perform such	Sec. 454.301(a)(6) §374.2(13)(C)	15-30 day license suspension +up to \$150 per violation per day	45-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to conform to the minimal standards of acceptable prevailing practice, including, but not	Sec. 454.301(a)(6) §374.2(13)(D)	15-30 day license suspension with restricted practice +up to \$150 per	45-90 day license suspension with restricted practice +up to \$200 per	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
limited to, harassing, abusing, or intimidating a client either physically or verbally		violation per day	violation per day		the nature of the situation, repeat of violation, or development.
Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, causing or enabling physical or emotional injury to or the impairment of the dignity or safety of the client	Sec. 454.301(a)(6) §374.2(13)(E)	15-30 day license suspension with restricted practice +up to \$150 per violation per day	45-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, violating the principles or related standards of conduct of §374.4 of this title (relating to Code of Ethics)	Sec. 454.301(a)(6) §374.2(13)(F) §374.4	15-30 day license suspension +up to \$150 per violation per day	45-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Engaging in sexual contact or an inappropriate relationship with a client, including, but not limited to, engaging in inappropriate behavior with or comments directed toward a client	Sec. 454.301(a)(6) §374.2(14)(A)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Engaging in sexual contact or an inappropriate relationship with a client, including, but not limited to, becoming financially or personally involved in an inappropriate	Sec. 454.301(a)(6) §374.2(14)(B)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
manner with a client					
Intentionally or knowingly offering to pay or agreeing to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for receiving or soliciting clients or patronage, regardless of source of reimbursement, unless said business arrangement or payments practice is acceptable under 42 United States Code §1320a-7b(b) or its regulations	Sec. 454.301(a)(6) §374.2(15)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Recommending therapeutic devices or modalities sold by a third person for the purpose or with the result of receiving a fee or other consideration from a third person	Sec. 454.301(a)(6) §374.2(16)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with Health Insurance Portability and Accountability Act	Sec. 454.301(a)(6) §374.2(17)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
(HIPAA) regulations					
<u>Patient abandonment.</u> <u>"Patient abandonment"</u> <u>means failing</u> [Failing] to provide sufficient prior written notice of resignation of employment or termination of contract, or if self-employed, sufficient prior written notice to existing clients or any licensees under the individual's supervision, resulting in the loss or delay of occupational therapy services. <u>"Sufficient"</u> [In this paragraph, "sufficient"] means at least 14 days [; however, should an employment contract, or if self-employed, a comparable written agreement with clients, specify a different period of time, "sufficient" means the term dictated by such, up to and including 30 days]	Sec. 454.301(a)(6) §374.2(18)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failed CE Audit	§367.3	30-60 hours community service and completion of CE hours +up to \$150 per violation per day	30-60 day license suspension and completion of CE hours +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failed to properly renew license	Sec. 454.252 Sec. 454.255	30-60 hours community	30-60 day license	Revocation or Surrender	Alternative disciplinary

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
	§367.1 §370.1	service and completion of CE hours +up to \$150 per violation per day	suspension and completion of CE hours +up to \$200 per violation per day	of license +up to \$200 per violation per day	decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Used drugs or intoxicating liquors to an extent that affects the applicant's or license holder's professional competence	Sec. 454.301(1)	30-60 day license suspension with restricted practice +up to \$150 per violation per day	90-120 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Been convicted of a crime, other than a minor offense defined as a "minor misdemeanor," "violation," or "offense," in any court if the act for which the applicant or license holder was convicted is determined by the Board to have a direct bearing on whether the applicant or license holder should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant	Sec. 454.301(2)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Obtained or attempted to obtain a license by fraud or deception	Sec. 454.301(3)	Letter of cease and desist for attempter; if licensed, 30-60 day license suspension +up to \$150 per violation per day	90-120 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
Been grossly negligent in the practice of occupational therapy or in acting as an occupational therapy assistant	Sec. 454.301(4)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Been found mentally incompetent by a court	Sec. 454.301(5)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-120 day license suspension with restricted practice and fitness to practice statement from physician +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Advertised in a manner that in any way tends to deceive or defraud the public	Sec. 454.301(7)	Letter of cease and desist if unlicensed; if licensed, 30-45 day license suspension +up to \$150 per violation	60-90 day license suspension +up to \$200 per violation	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Had a license to practice occupational therapy revoked or suspended or had other disciplinary action taken against the applicant or license holder by the proper licensing authority of another state, territory, or nation	Sec. 454.301(8)	30-60 hours community service +up to \$150 per violation per day	30-60 day license suspension with restricted practice or concurrent board order +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>Failed to report to the Board a felony of which he/she is convicted within 60 days after the conviction occurs</u>	<u>Sec. 374.1(i)</u>	<u>60-90 day license suspension, restrictions + up to \$150 per violation per day</u>	<u>90-180 day license suspension, restrictions +up to \$200 per violation per day</u>	<u>Revocation or Surrender of license +up to \$200 per violation per day</u>	<u>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat</u>

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
					<u>of violation, or development.</u>
Failed to submit to the board a copy of any judgment or settlement in a malpractice claim or any disciplinary action taken against the licensee by a licensing authority of another territory or state of the U.S. within 30 days after the judgment, settlement, or disciplinary action is signed	<u>Sec. 374.1(i)</u>	<u>15-30 day license suspension, restrictions, +up to \$150 per violation per day</u>	<u>45-60 day license suspension, restrictions, +up to \$200 per violation per day</u>	<u>Revocation or Surrender of license +up to \$200 per violation per day</u>	<u>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</u>
Failed to notify the Board of changes of name or contact information as per §369.2	§369.2	15-30 day license suspension +up to \$150 per violation per day	45-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.