The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 4, 2025.

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Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts Effective date: November 24, 2025 Proposal publication date: July 25, 2025

For further information, please call: (512) 475-2220



### TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### PART 15. TEXAS FORENSIC SCIENCE COMMISSION

CHAPTER 651. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES SUBCHAPTER C. FORENSIC ANALYST LICENSING PROGRAM

#### 37 TAC §651.222

The Texas Forensic Science Commission (Commission) adopts amendments to 37 Texas Administrative Code Chapter §651.222, Voluntary Licensure Forensic Analyst and Technician Licensing Requirements without changes to the text as published in the August 29, 2025 issue of the *Texas Register* (50 TexReg 5672). The rule will not be republished. The adoption: 1) permits latent print analysts working in unaccredited laboratories to fulfill the International Association for Identification certification requirement for licensure through successful completion of a competency exam administered by the Texas Division of the International Association for Identification or proctor approved by the Commission; and 2) qualifies crime scene reconstruction analysts with a high school diploma or equivalent degree for licensure.

Reasoned Justification for Rule. The adopted amendments qualify additional latent print analysts for a voluntary license by permitting latent print analysts working in unaccredited laboratories to take a competency exam administered by the Texas Division of the International Association for Identification or proctor approved by the Commission in lieu of a required International Association for Identification certification exam. The required certification exam is expensive and often difficult to achieve for personnel working in unaccredited crime laboratory settings, which are typically smaller law enforcement agencies without the funding necessary to sponsor candidates for supplemental trainings or certification exams. With regard to crime scene reconstruction analysts, many crime scene personnel have significant military and law enforcement experience that should qualify them for licensure in lieu of an associate's or other advanced degree. Allowing candidates for crime scene reconstruction analyst licensure who have achieved a high

school diploma or equivalent degree will permit these types of candidates to qualify for voluntary licensure by the Commission.

Summary of Comments. The public comment period on the rule proposal began on August 29, 2025, and ended October 10, 2025. The Commission did not receive any comments.

Statutory Authority. The rule amendments are adopted under the general rulemaking authority provided in Code of Criminal Procedure, Article 38.01 §3-a and its authority to license forensic analysts under §4-a(b).

Cross reference to statute. Code of Criminal Procedure, Article 38.01§ 4-a(b).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission Effective date: November 25, 2025 Proposal publication date: August 29, 2025 For further information, please call: (512) 936-0661



### 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 adopts amendments to 40 Texas Administrative Code §361.1. Statutory Authority. The amendments cleanup the section. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5677) and will not be republished.

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.

No comments were received regarding adoption of the amendments.

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

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504077 Ralph A. Harper Executive Director

Texas Board of Occupational Therapy Examiners

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# CHAPTER 364. REQUIREMENTS FOR LICENSURE

40 TAC §§364.1 - 364.5

The Texas Board of Occupational Therapy Examiners adopts 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 were made by such to Texas Occupations Code Chapter 55. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the Texas Register (50 TexReg 5678). The amendments will not be republished.

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.

No comments were received regarding adoption of the amendments.

The amendments are adopted 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.

The amendments are also adopted 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 took 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, adopted 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 adopted under Texas Occupations Code Chapter 53, which concerns consequences of a criminal conviction.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202504078 Ralph A. Harper Executive Director

Texas Board of Occupational Therapy Examiners

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#### CHAPTER 369. DISPLAY OF LICENSES

#### 40 TAC §369.1

The Texas Board of Occupational Therapy Examiners adopts 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 are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5683) and will not be republished.

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.

No comments were received regarding adoption of the amendments.

The amendments are adopted 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.

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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#### CHAPTER 370. LICENSE RENEWAL

#### 40 TAC §§370.1 - 370.3

The Texas Board of Occupational Therapy Examiners adopts 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 were made by such to Texas Occupations Code Chapter 55. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5684) and will not be republished.

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.

A joint public comment was received from Angela Macauley, Interim President and CEO, and Barbara Williams, Vice President of External and Regulatory Affairs, on behalf of the National Board for Certification in Occupational Therapy (NBCOT). The comment expressed NBCOT's support and gratitude for the adopted changes to §370.3, which retain as one of the options for an individual whose license had been expired two years or more and who either is not currently licensed in another state or territory of the U.S. or who does not have two years of experience in occupational therapy in the U.S. military or a non-licensing state or territory of the U.S. immediately preceding the application for restoration the option of restoring the license by retaking the NBCOT certification examination.

The Board appreciates and agrees with NBCOT's comment and notes that changes regarding the restoration options for this cohort have not been amended as part of the proposal.

The amendments are adopted 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 adopted 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 adopted 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 adopted under Texas Occupations Code §454.254, which authorizes the Board to require license holders to attend continuing education courses specified by the Board.

The amendments are also adopted 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 took 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, adopted 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.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas Board of Occupational Therapy Examiners

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# CHAPTER 371. INACTIVE AND RETIRED STATUS

#### 40 TAC §371.1, §371.2

The Texas Board of Occupational Therapy Examiners adopts 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. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5688) and will not be republished.

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. §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.

No comments were received regarding adoption of the amendments.

The amendments are adopted 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.

The adopted 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.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Ralph A. Harper
Executive Director
Texas Board of Occupational Therapy Examiners
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CHAPTER 374. DISCIPLINARY ACTIONS/DETRIMENTAL PRACTICE/COMPLAINT PROCESS/CODE OF ETHICS/LICENSURE OF PERSONS WITH CRIMINAL CONVICTIONS

40 TAC §374.1, §374.2

The Texas Board of Occupational Therapy Examiners adopts amendments to 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. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5691) and will not be republished.

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 adopted 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 adopted 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 adopted 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.

Public comment was received from Judith Joseph, Executive Director of the Texas Occupational Therapy Association (TOTA), and from Kristen Neville, Manager of State Affairs, on behalf of the American Occupational Therapy Association (AOTA), regarding the proposed amendments to §374.2(18) and, ostensibly, the related item in the Schedule of Sanctions in §374.1. The comments both addressed §374.2(18) as it pertains to occupational therapy assistants and expressed their concerns regarding scenarios in which an occupational therapy assistant may not be able to provide occupational therapy services due to an unexpected departure of the supervising occupational therapist. Both comments requested that the Board consider adding language to the rules to address such a scenario and/or providing further information to individuals about how such scenarios should be addressed.

The Board disagrees with the comments.

§454.002 of the Occupational Therapy Practice Act defines an occupational therapy assistant as a person licensed by the Board who assists in the practice of occupational therapy under the general supervision of an occupational therapist. Similarly, §372.1(g)(3) of the board rules requires that in each intervention note, the occupational therapy assistant must include the name of an occupational therapist who is readily available to answer questions about the client's intervention at the time of the provision of services and that the occupational therapist in the intervention note may be different from the occupational therapist who wrote the plan of care. The item further requires that the occupational therapy assistant may not provide services unless this requirement is met. Additionally, §372.1(f)(9) includes that except where otherwise restricted by rule, the supervising occupational therapist may only delegate

to an occupational therapy assistant tasks that they both agree are within the competency level of that occupational therapy

An occupational therapy assistant may not provide services unless under the supervision of an occupational therapist. For example, an occupational therapy assistant may not provide services if an occupational therapist is not readily available to answer questions about the client's intervention at the time of services.

An occupational therapy assistant's not providing services when a supervising occupational therapist is not available does not constitute grounds for abandonment; instead, such is what is required by Board regulations.

The Board, additionally, does not have control over whether an individual files a complaint regarding any matter pertaining to occupational therapy, regardless of whether such actually pertains to any violation of the Occupational Therapy Practice Act and board rules. However, a complaint based solely on the fact that an occupational therapy assistant did not provide services because a supervising occupational therapist was not available would not constitute grounds for disciplinary action by the Board against the occupational therapy assistant.

Questions regarding the scenario raised in the comments are not those typically posed to the Board by licensees, employers, or consumers. A frequently asked question (FAQ) entry on the Board's website, furthermore, already addresses that abandonment is a choice the licensee makes and includes information that a licensee's refusing to accept responsibility for an assignment for which the licensee feels unqualified is not considered abandonment, though adding further information regarding the related scenario may be an element considered during future revisions of the FAQ. Finally, the extant §374.2 and the related item in the Schedule of Sanctions in §370.1 already address the requirement to receive supervision: the sections, for example, include that practicing occupational therapy without receiving the supervision required by the Occupational Therapy Practice Act and board rules is, itself, detrimental practice.

The amendments are adopted 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 adopted 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 adopted 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.

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202504084 Ralph A. Harper **Executive Director** 

Texas Board of Occupational Therapy Examiners

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#### CHAPTER 375. FEES

#### 40 TAC §375.1

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §375.1. Fees. The amendments clarify and cleanup the section and remove unnecessary provisions. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the Texas Register (50 TexReg 5694) and will not be republished.

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.

No comments were received regarding adoption of the amendments.

The amendments are adopted 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 adopted under Texas Occupations Code §452.154, which authorizes the Executive council to set fees.

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Ralph A. Harper Executive Director

Texas Board of Occupational Therapy Examiners

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