

TBOTE news

The Texas Board of Occupational Therapy Examiners

March 2020

Contents

Notes from the Coordinator.....	1
Update on TBOTE Board member positions.....	2
Introduction to Proposed Rule Reviews.....	3
Disciplinary Actions.....	4

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

Next Board Meeting*

May 1, 2020

* Subject to change

TBOTE BOARD

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Notes from the Coordinator

Proposed Rule Reviews

The Board and the Executive Council have proposed rule reviews. Please see further information in this newsletter. No rule changes were adopted at the last Board meeting and proposed rule changes from the last meeting will not proceed in the proposed rule change process at this time.

Telehealth: General Overview

Note: This is a general overview of Board regulations only. Refer to the full [OT Act and Rules](#) for further Board regulations.

Telehealth may be used as a mode of service delivery for the provision of occupational therapy services by occupational therapy practitioners (OTs and OTAs licensed by the Texas Board of Occupational Therapy Examiners) with clients located in Texas at the time of the provision of services.

It is the responsibility of the occupational therapy practitioner to ensure that all technologies used for telehealth meet the requirements in the OT Act and Rules.

An occupational therapy practitioner (i.e., an OT or OTA) when using telehealth, as when using any mode of occupational therapy service delivery, must be in compliance with the full OT Act and Rules.

§362.1, Definitions; §372.1, Provision of Services; and §374.4, Code of Ethics, for example, contain Board regulations concerning the provision of services via telehealth. Refer to the full [OT Act and Rules](#) for further Board regulations.

Please note that the information above pertains only to Texas Board of Occupational Therapy Examiners' regulations concerning telehealth. The OT Act and Rules do not contain sections that are specific to different payer sources or practice settings, for example.

Update on TBOTE Board Member Positions

There are nine board member positions on the Texas Board of Occupational Therapy Examiners: four OT positions, two OTA positions, and three public members.

There is currently one **public member position (not an OT or an OTA professional position)** vacant on the Board. The Board thanks Pamela Nelon, former public member, for her service and dedication during her term.

If someone you know would be interested in serving the people of Texas by becoming a public member of the Board, please share this information. The Governor strives to appoint a diverse range of individuals from throughout Texas.

The Appointments Office is the source for information concerning the Board membership application process and any questions regarding available positions. Please visit its webpage for information:

<https://gov.texas.gov/organization/appointments>.

Please note that individuals may continue to submit applications to serve on the Board as a professional OT or OTA member; such applications may be considered the next time appointments are needed for a professional member.

Information about the current makeup of the Board and members' terms may be accessed from this link: <https://www.ptot.texas.gov/page/ot-board>. The Board's mission is to protect the health, safety, and welfare of the people of Texas through the regulation and enforcement of the practice of occupational therapy.

Subchapter B of the OT Practice Act, accessible from the [OT Act and Rules](#) page, addresses information regarding membership restrictions and serving on the Board. For example, the OT and OTA professional member positions require that the individual has practiced for at least the three years preceding appointment to the Board, and for a public member position, that the individual or the individual's spouse is not licensed by an occupational regulatory agency in the field of health care. A board term is six years unless it is to complete the unexpired term for a member who is no longer serving. Please refer to the full Subchapter B for further information.

Note: The Board does not process or accept applications to serve as a member and cannot address further questions regarding the appointments process. Please direct any questions regarding appointments to the Governor's Appointments Office using the contact information accessible from the corresponding link above.

Proposed Rule Reviews by TBOTE and ECPTOTE

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

An assessment will be made by the Texas Board of Occupational Therapy Examiners regarding TBOTE's rules and by the Executive Council of Physical Therapy and Occupational Therapy Examiners regarding ECPTOTE's rules.

The notices of TBOTE's and ECPTOTE's proposed rule reviews were published in the [Texas Register](#) on March 20, 2020; a PDF of the notices has been uploaded to the Board's [Act and Rules](#) page, as well.

Any proposed changes to these rules as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period prior to final adoption.

TBOTE:

The Texas Board of Occupational Therapy Examiners has filed notice of its intent to review the following chapters of Title 40, Part 12 of the Texas Administrative Code: Chapter 361, Statutory Authority; Chapter 362, Definitions; Chapter 363, Consumer/Licensee Information; Chapter 364, Requirements for Licensure; Chapter 367, Continuing Education; Chapter 368, Open Records; Chapter 369, Display of Licenses; Chapter 370, License Renewal; Chapter 371, Inactive and Retired Status; Chapter 372, Provision of Services; Chapter 373, Supervision; Chapter 374, Disciplinary Actions/Detrimental Practice/Complaint Process/Code of Ethics/Licensure of Persons with Criminal Convictions; and Chapter 375, Fees. The review is conducted in accordance with Texas Government Code §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During the review, the Board will assess whether the reasons for initially adopting the rules continue to exist.

Comments on the review may be submitted to Lea Weiss, Occupational Therapy Coordinator, Texas Board of Occupational Therapy Examiners, 333 Guadalupe Street, Suite 2-510, Austin, Texas 78701-3942 or to lea@ptot.texas.gov no later than 30 days after the date that the notice is published in the *Texas Register*.

ECPTOTE:

The Executive Council of Physical Therapy and Occupational Therapy Examiners has filed notice of its intent to review Title 22 Texas Administrative Code Chapter 651, Fees. The review is conducted in accordance with Texas Government Code §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During the review, the Executive Council of Physical Therapy and Occupational Therapy Examiners will assess whether the reasons for initially adopting the rules continue to exist.

Comments on the review may be submitted to Randall Glines, Staff Services Officer, Executive Council of Physical Therapy and Occupational Therapy Examiners, 333 Guadalupe Street, Suite 2-510, Austin, Texas 78701-3942 or to randall@ptot.texas.gov no later than 30 days after the date that the notice is published in the *Texas Register*.

CE Reminder

As per §367.1(c), each continuing education activity may be counted only one time in two renewal cycles. For example, if a licensee completed a course during the renewal cycle of 12/1/2017- 11/30/2019, the licensee could retake and complete the course during the renewal cycle of 12/1/2021-11/30/2023 or a renewal cycle thereafter.



**OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN
FEBRUARY 07, 2020 BOARD MEETING**

- (1) Chressye Wallace, OTR #112588 (Cypress)** – failed to properly renew her license to practice; lacked sufficient number of hours required for license renewal. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order required thirty (30) hours of community service.***
- (2) Priscilla Navarro, COTA #212199 (El Paso)** – practiced in a detrimental manner by practicing with an expired license. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended her license to practice for thirty (30) days.***
- (3) Victor Wilson, OTR #114879 (Austin)** – practiced in a detrimental manner by inaccurately documenting treatment rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended his license to practice for thirty (30) days.***
- (4) Shatorria Mays, OTR #114640 (Frisco)** – practiced in a detrimental manner by inaccurately documenting treatment rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended her license to practice for thirty (30) days.***
- (5) Adam Peebles, COTA #211406 (Corpus Christi)** - practiced in a detrimental manner by fraudulently documenting treatment rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended his license to practice for sixty (60) days.***
- (6) Sarah Plotycia, OTR #115424 (Mineola)** - practiced in a detrimental manner by fraudulently documenting treatment rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended her license to practice for ninety (90) days.***