

# EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY EXAMINERS

## TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS

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### Issue 1

*The Requirement to Register Physical Therapy and Occupational Therapy Facilities Is Unnecessary.*

#### Change in Statute

**Rec. 1.1, Adopted** Discontinue the registration of physical and occupational therapy facilities and temporarily authorize the boards to expunge facility-related administrative violations from a licensee's record.

### Issue 2

*The Physical and Occupational Therapy Statutes Unnecessarily Impede Increasingly Mobile Workforces.*

#### Change in Statute

**Rec. 2.1, Adopted** Adopt the Physical Therapy Licensure Compact.

**Rec. 2.2, Adopted** Provide clear statutory authority for licensure by endorsement.

**Rec. 2.3, Adopted** Clarify that occupational therapy assistants licensed in other states may practice in this state temporarily under the same conditions as occupational therapists.

**Rec. 2.4, Adopted** Remove provisions prescribing educational requirements beyond completion of an accredited program or substantially equivalent to an accredited program.

## Issue 3

### *Key Elements of the Boards' Statutes, Rules, and Policies Do Not Conform to Common Licensing Standards.*

#### Change in Statute

- Rec. 3.1, Adopted** Clarify statutes to reflect current standards and conditions.
- Rec. 3.2, Modified** In lieu of the staff recommendation, continue the authority of the Texas Board of Occupational Therapy Examiners (OT board) and Texas Board of Physical Therapy Examiners (PT board) to delegate to other entities the responsibility of approving continuing education and continuing competence, and require the boards to adopt rules relating to the approval of continuing competence or continuing education courses inclusive of a request for proposal and bid process and implement that process within 12 months, and no less than once every four years thereafter.
- Rec. 3.3, Adopted** Require the boards to conduct fingerprint-based criminal background checks of licensure applicants and licensees.
- Rec. 3.4, Adopted** Require the boards to develop a disciplinary matrix.
- Rec. 3.5, Adopted** Remove the “good moral character” standard as a criterion for foreign-trained licensure applicants.

#### Management Action

- Rec. 3.6, Adopted** Direct the OT board to adopt rules to specify the types of criminal activities that may result in denial, suspension, or revocation of a license.
- Rec. 3.7, Adopted** Direct the OT board to grant administrative dismissal to staff for low-level misdemeanor offenses.
- Rec. 3.8, Adopted** Direct the agency to develop a formal process to refer non-jurisdictional complaints to the appropriate agency.

## Issue 4

*The State Has a Continuing Need to Regulate Physical Therapy and Occupational Therapy.*

### Change in Statute

- Rec. 4.1, Postponed** The Sunset Commission postponed consideration of the recommendation to continue the executive council, PT board, and OT board for 12 years pending Sunset staff's evaluation of whether to consolidate certain health licensing entities. The Sunset staff will report its findings in November, the Commission will take public testimony in December and vote on any proposals at its January decision meeting.
- Rec. 4.2, Modified** Apply the standard Sunset across-the-board requirements to the executive council, PT board, and OT board, as modified to apply the newly updated Sunset across-the-board recommendation on board member training.