

SUBJECT: Regulation of occupational therapists

COMMITTEE: Public Health — favorable, with amendment

VOTE: 6 ayes — Coleman, Capelo, Glaze, Maxey, McClendon, Uresti
0 nays
3 absent — Gray, Delisi, Hilderbran

WITNESSES: For — None
Against — None
On — John Maline, Executive Council of Physical Therapy and Occupational Therapy

DIGEST: HB 867 would amend the Occupational Therapy Practice Act (art. 8851, VTCS) to change the composition of the Texas Board of Occupational Therapy Examiners (TBOTE) and expand the board's enforcement powers.

The bill would increase the number of TBOTE members from six to nine, with three of those members' terms to expire on February 1 of each odd-numbered year. The governor would have to appoint the three new members, who would have to be an occupational therapist (OT), an OT assistant, and a public member. Four board members would have to be OTs and two would have to be OT assistants and residents of Texas. Members could receive reimbursement for meals, lodging, and transportation expenses.

HB 867 would authorize TBOTE to subpoena the attendance of a witness for examination under oath and the production of records, documents, and other evidence relevant to an investigation of an alleged violation of the act. If the person failed to comply with the subpoena, TBOTE could bring action in a district court in Travis County or in another county. If the court found good cause for the subpoena, it would have to order compliance and could punish with contempt a person who did not comply.

HB 867 would delete the requirement that an applicant for an OT provisional

license be sponsored by and practice with an OT already licensed by TBOTE. It also would allow TBOTE to temporarily suspend a license on an emergency basis if the license holder was a threat to the public. Such a suspension would require a two-thirds vote by the board. Notice and hearing would not be required before an emergency suspension if a hearing on whether to institute a disciplinary hearing were scheduled within 14 days of the emergency suspension. TBOTE would have to adopt procedures and standards for a temporary suspension.

The board could impose an administrative penalty of up to \$200 per day on an individual or facility who violated the act or board rules, according to the seriousness of the violation, potential harm to the public, history of previous violations, and other considerations. The offender would have options to stay the enforcement.

This bill would take effect September 1, 1999, and would apply only to expenses incurred on or after that date.

NOTES:

The companion bill, SB 310 by Cain, passed the Senate on March 11 and was reported favorably by the House Public Health Committee on April 14 and sent to the Local and Consent Calendars Committee.