

BILL ANALYSIS

Senate Research Center
81R10052 JAM-F

H.B. 1785
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law provides that if a person licensed as an occupational therapist in Texas moves to another state and allows the license to expire, the person may only renew the license in Texas without reexamination if the person has been licensed as an occupational therapist in the other state and in active practice for the previous two years. However, this restriction does not apply to a licensed occupational therapist who has never lived or practiced in Texas and who may be applying for a provisional license. In addition, the Texas Board of Occupational Therapy Examiners (board) has not been under Sunset Advisory Commission review since 1993, but over that period of time has identified a number of statutory issues that require updating.

H.B. 1785 authorizes an occupational therapist formerly licensed in Texas to obtain Texas licensure if the therapist meets requirements set by the board. The bill also updates the Occupational Therapy Practice Act to bring provisions in line with current practice.

H.B. 1785 amends current law relating to the licensing of occupational therapists.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Occupational Therapy Examiners is modified in SECTION 4 (Section 454.254, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 454.204, Occupations Code, as follows:

Sec. 454.204. EDUCATIONAL REQUIREMENTS. Provides that to satisfy Section 454.203(a)(1) (relating to the completion of academic requirements of an educational program in occupational therapy recognized by the Texas Board of Occupational Therapy Examiners (TBOTE)):

- (1) an applicant applying for an occupational therapist license must have, from a program approved by the Accreditation Council for Occupational Therapy Education, its predecessor organization, or another national credentialing agency approved by TBOTE a baccalaureate degree in occupational therapy, if the applicant graduated before January 1, 2007; a certificate evidencing successful completion of required undergraduate occupational therapy course work awarded to persons with a baccalaureate degree that is not in occupational therapy, if the applicant graduated before January 1, 2007; or a post-baccalaureate degree, rather than a postgraduate degree, in occupational therapy; and
- (2) an applicant applying for an occupational therapy assistant license must have an associate degree in occupational therapy, or an occupational therapy assistant certificate.

SECTION 2. Amends Sections 454.252(b) and (c), Occupations Code, as follows:

- (b) Authorizes a person whose license has been expired for 90 days or less to renew the license by paying to the Executive Council of Physical Therapy and Occupational Therapy Examiners (executive council) the renewal fee and a late fee set by the executive council that is prohibited from exceeding, rather than is equal to, one-half of the

examination fee for the license. Authorizes the person, if a person's license has been expired for more than 90 days but less than one year, to renew the license by paying to the executive council all unpaid renewal fees and a late fee set by the executive council that is prohibited from exceeding, rather than is equal to, the amount charged for examination for the license.

(c) Requires a person whose license has been expired for one year or longer to comply with TBOTE's requirements and procedures to reinstate the license, and pay a reinstatement fee set by the executive council, rather than prohibiting the person from renewing the license. Authorizes the person, if TBOTE requirements cannot be met, to obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license. Makes a nonsubstantive change.

SECTION 3. Amends Section 454.253, Occupations Code, as follows:

Sec. 454.253. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE PRACTITIONER. (a) Authorizes TBOTE to renew without reexamination the expired license of a person who was licensed to practice as an occupational therapist or occupational therapy assistant in this state, moved to another state, is currently licensed and in good standing in the other state, and meets TBOTE's requirements, rather than is currently licensed and has been in practice in the other state for the two years preceding application. Makes a nonsubstantive change.

(b) Requires the person to pay to the executive council a renewal fee set by the executive council in an amount that is prohibited from exceeding, rather than equal to, the examination fee for the license.

SECTION 4. Amends Section 454.254(d), Occupations Code, to authorize TBOTE, in adopting rules under Subsection (a)(3) (relating to the requirement that TBOTE develop a process to evaluate and approve continuing education courses), to authorize license holder peer organizations in this state to evaluate and approve continuing education courses in accordance with TBOTE's evaluation and approval process. Deletes existing text prohibiting TBOTE from adopting rules implementing this subsection after January 1, 2003.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: upon passage or September 1, 2009.