

BILL ANALYSIS

H.B. 1785
By: Kuempel
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 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 return and 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.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1785 amends the Occupations Code to require that any baccalaureate degree or certificate, granted before January 1, 2007, or postbaccalaureate degree of an applicant for an occupational therapist license come from a program approved by the Accreditation Council for Occupational Therapy Education, its predecessor organization, or another national credentialing agency approved by the Texas Board of Occupational Therapy Examiners. The bill adds to the requirements for renewing an occupational therapy license that has been expired for 90 days or less, payment of a late fee set by the Executive Council of Physical Therapy and Occupational Therapy Examiners that may not exceed one-half of the license examination fee, rather than be equal to one-half the fee, and for a license that has been expired for more than 90 days but less than one year, payment of a late fee set by the executive council that may not exceed the amount charged for license examination, rather than be equal to the charge. The bill removes the prohibition on license renewal for a person whose license has been expired for one year or more and requires such a person to comply with the board's requirements and procedures to reinstate the license, and pay a reinstatement fee set by the executive council, or, if the board requirements cannot be met, the person may obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license.

H.B. 1785 specifies that in order for the board to renew without examination the expired license of a person licensed as an occupational therapist or an occupational therapist assistant in Texas, who moved out of state, is currently licensed and in good standing in another state, and meets the board's requirements, the person must pay a renewal fee set by the executive council that may not exceed the license examination fee.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.