

1-1 By: Kuempel (Senate Sponsor - Nichols) H.B. No. 1785
1-2 (In the Senate - Received from the House April 14, 2009;
1-3 April 27, 2009, read first time and referred to Committee on Health
1-4 and Human Services; May 8, 2009, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 8, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the licensing of occupational therapists.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 454.204, Occupations Code, is amended to
1-11 read as follows:

1-12 Sec. 454.204. EDUCATIONAL REQUIREMENTS. To satisfy Section
1-13 454.203(a)(1):

1-14 (1) an applicant applying for an occupational
1-15 therapist license must have, from a program approved by the
1-16 Accreditation Council for Occupational Therapy Education, its
1-17 predecessor organization, or another national credentialing agency
1-18 approved by the board:

1-19 (A) a baccalaureate degree in occupational
1-20 therapy, if the applicant graduated before January 1, 2007;

1-21 (B) a certificate evidencing successful
1-22 completion of required undergraduate occupational therapy course
1-23 work awarded to persons with a baccalaureate degree that is not in
1-24 occupational therapy, if the applicant graduated before January 1,
1-25 2007; or

1-26 (C) a postbaccalaureate [~~postgraduate~~] degree in
1-27 occupational therapy; and

1-28 (2) an applicant applying for an occupational therapy
1-29 assistant license must have:

1-30 (A) an associate degree in occupational therapy;
1-31 or

1-32 (B) an occupational therapy assistant
1-33 certificate.

1-34 SECTION 2. Sections 454.252(b) and (c), Occupations Code,
1-35 are amended to read as follows:

1-36 (b) A person whose license has been expired for 90 days or
1-37 less may renew the license by paying to the executive council the
1-38 renewal fee and a late fee set by the executive council that may not
1-39 exceed [~~is equal to~~] one-half of the examination fee for the
1-40 license. If a person's license has been expired for more than 90
1-41 days but less than one year, the person may renew the license by
1-42 paying to the executive council all unpaid renewal fees and a late
1-43 fee set by the executive council that may not exceed [~~is equal to~~]
1-44 the amount charged for examination for the license.

1-45 (c) A person whose license has been expired for one year or
1-46 longer must comply with the board's requirements and procedures to
1-47 reinstate the license, and pay a reinstatement fee set by the
1-48 executive council [~~may not renew the license~~]. If the board
1-49 requirements cannot be met, the [~~The~~] person may obtain a new
1-50 license by submitting to reexamination and complying with the
1-51 requirements and procedures for obtaining an original license.

1-52 SECTION 3. Section 454.253, Occupations Code, is amended to
1-53 read as follows:

1-54 Sec. 454.253. RENEWAL OF EXPIRED LICENSE BY OUT-OF-STATE
1-55 PRACTITIONER. (a) The board may renew without reexamination the
1-56 expired license of a person who was licensed to practice as an
1-57 occupational therapist or occupational therapy assistant in this
1-58 state, moved to another state, [~~and~~] is currently licensed and in
1-59 good standing [~~has been in practice~~] in the other state, and meets
1-60 the board's requirements [~~for the two years preceding application~~].

1-61 (b) The person must pay to the executive council a renewal
1-62 fee set by the executive council in an amount that may not exceed
1-63 [~~equal to~~] the examination fee for the license.

1-64 SECTION 4. Section 454.254(d), Occupations Code, is amended

2-1 to read as follows:

2-2 (d) In adopting rules under Subsection (a)(3), the board may
2-3 authorize license holder peer organizations in this state to
2-4 evaluate and approve continuing education courses in accordance
2-5 with the board's evaluation and approval process. [~~The board may
2-6 not adopt rules implementing this subsection after January 1,
2-7 2003.~~]

2-8 SECTION 5. The changes in law made by this Act apply only to
2-9 license applications and renewals filed on or after the effective
2-10 date of this Act. A license application or renewal filed before the
2-11 effective date of this Act is governed by the law in effect at the
2-12 time the application or renewal was filed, and the former law is
2-13 continued in effect for that purpose.

2-14 SECTION 6. This Act takes effect immediately if it receives
2-15 a vote of two-thirds of all the members elected to each house, as
2-16 provided by Section 39, Article III, Texas Constitution. If this
2-17 Act does not receive the vote necessary for immediate effect, this
2-18 Act takes effect September 1, 2009.

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