

# TBOTE *news*

The Texas Board of Occupational Therapy Examiners

March 2009

## Contents

OT Practice Act Amendments.....	1
ECI Information.....	2
Five Rule Amendments Proposed.....	2
Registration for Satellite Hospital Out-Patient Facilities.....	2
Renewal & Min. Data Set.....	2
Disciplinary Actions.....	3
Reporting Violations/Abuse.....	3
Helpful Information.....	4

## The 2008 Rules and the subsequent Amendments are on the website

<http://www.ecptote.state.tx.us/ot/rules.html>

Previous newsletters, forms and Frequently Asked Questions are all up on the website.

Board meetings scheduled

May 22, 2009

November 13, 2009

February 25, 2010

May 26, 2010

August 20, 2010

## OT Practice Act Amendments Proposed

Four sections of the OT Practice Act have been filed as HB 1785 which make changes to the Practice Act. The Texas Occupational Therapy Association (TOTA) has worked with Rep. Kuempel in filing a bill amending the following sections of the Act:

**§454.204**, which concerns educational requirements for licensure;

**§454.252**, which concerns late fees;

**§454.253**, which concerns restoration of a Texas license and the fee; and

**§454.254** which is a clean-up of continuing education language.

To get further information contact the professional association at: 512/454-8682, or [www.tota.org](http://www.tota.org)

Photo from the House Public Health Committee's hearing on page 3.

## TBOTE Board

Cecilia Fierro, OTR, Presiding Officer  
Clarissa Meyers, OTR, Vice-Chair  
Kathleen Hill, COTA, Secretary  
Michael Carreon, COTA  
Judith Ann Chambers, public member  
Dely De Guia Cruz, public member  
Stephanie Johnston, OTR  
Pamela Nelon, public member  
Bobby James Vasquez, OTR

Board telephone: (512) 305-6900

Email: [info@ecptote.state.tx.us](mailto:info@ecptote.state.tx.us)

Fax: (512) 305-6970

Website: [www.ecptote.state.tx.us](http://www.ecptote.state.tx.us)

Board E-News: [www.ecptote.state.tx.us](http://www.ecptote.state.tx.us)

## Five Rule Amendments to be Published for Public Comment

The TBOTE Board worked at the February, 2009 board meeting on wording for the five amendments, which are now available to read and to comment at the agency's website.

The proposed amendments are:

**§362.1, Definitions.** This is further clean-up of language.

**§364.4, Licensure by Endorsement, & §370.2, Late Renewal**, which require verifications of current and previously held OT state licenses.

**§373.3, Supervision of a Licensed Occupational Therapy Assistant.**

This amendment adds language to about who supervises the occupational therapy assistant.

*Continued on page 2*

## Rule Amendments Proposed

*Continued from pg 1*

### §367.2, Categories of Education.

This amendment adds Supervision of fieldwork students as a new category for Type 2 continuing education. The amendment lays out how many continuing education contact hours, how many therapists may share the supervision, what time framework and what documentation is required to count for this new category. Public comment should be addressed to: [info@ecptote.state.tx.us](mailto:info@ecptote.state.tx.us)



### ECI Changes Coming

Recent conflict of information and lack of information has prompted the Texas Board of Occupational Therapy Examiners (TBOTE) and the Early Childhood Intervention (ECI) to plan a meeting to clarify the OT role in ECI.

This information from the meeting will be taken to the Board's May 22<sup>nd</sup> meeting, and any decision will be shared on the website when available.



### On Line Renewal & Minimum Data Set

Licensees, by law, will be adding more information into their renewals. The new questions cover education, practice settings, specialty areas of practice, etc. Adding this information to your renewal will add more time.

State Statisticians will collect the data for all health professionals for their analysis and projections. A bill from the last legislative session mandated this data collection, so plan to spend more time on your renewal process and not wait until the last minute.

When you receive your renewal postcard, your renewal is already up online for up to 90 days before expiration.

Remember to print out the last page, the summary page with your transaction receipt number, because it serves as your renewal card temporarily. The agency cannot retrieve that page nor does it have access to that unique payment /review page.

## Satellite Hospital Registration for Out-Patient OT/PT Facilities Required

From the Texas Department of State Health Services (DSHS):

“ECPTOTE (Executive Council of Physical Therapy and Occupational Therapy Examiners) has advised DSHS that hospitals that provide outpatient physical therapy or occupational therapy off site in unlicensed locations must register with ECPTOTE as an occupational therapy and/or physical therapy facility or risk being assessed an administrative penalty. However, health facilities that are licensed by DSHS under the Health and Safety Code, Chapter 241, and provide outpatient physical therapy or occupational therapy on the licensed hospital premises continue to be exempt from facility registration with ECPTOTE. See Texas Occupational Code Ann. §453.213(a) and § 454.215 (a) (Vernon 2004 & Supp. 2006).”

Read this on the DSHS website:

<http://www.dshs.state.tx.us/HFP/opt.shtm>

Visit our website for the facility registration:

[www.ecptote.state.tx.us](http://www.ecptote.state.tx.us)

Questions: 512/305-6900

### Facility Therapist in Charge

Remember the form you used to let us know that you are the Therapist in Charge? That same form may be signed to let us know when you are no longer the Therapist in Charge.

You have 30 days by rule to notify us of your work address change and that you are no longer the Therapist in Charge. You don't want the facility to use your license number for renewal; but want them to responsibly fill the position.



## OT Board Formal Disciplinary Actions

### ***OT Board Formal Disciplinary Actions Taken***

FEBRUARY 20, 2009 BOARD MEETING:

**Janet Lopez, OTR #100802 (San Antonio)** – practiced with an expired license. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order required thirty (30) hours of community service.***

**Report Violations to: 800-821-3205 or 512/305-6900 or [www.ecptote.state.tx.us](http://www.ecptote.state.tx.us)**



**File a complaint or notify authorities if you see violations or patient abuse. The Code of Ethics requires that you report violations.**

- ◆ To report violations by an OT or OTA, call 800-821-3205 or 512/305-6900 or [www.ecptote.state.tx.us](http://www.ecptote.state.tx.us) or use the online report form at: <http://www.ecptote.state.tx.us/complaints/index.html>.
- ◆ To report violation by other health professionals: Call the Health Professional Council at 800-821-3205 or visit their website at [www.hpc.state.tx.us](http://www.hpc.state.tx.us).
- ◆ To report violations by a nursing home, home health agency, or assisted living facility: call the Department of Aging and Disability Services (DADS) or call 800-458-9858.
- ◆ To report Medicaid provider fraud: call the Attorney General's Medicaid Fraud control Unit at 512/463-2011 or email [mfcu@oag.state.tx.us](mailto:mfcu@oag.state.tx.us).
- ◆ To report that an elderly or disabled person being abused, neglected, or exploited and in immediate danger: call 911, local law enforcement or the Department of Family and Protective Service's hot line at 800/252-5400.



House Hearing on HB 1785 on OT Practice Act amendments on March 24, 2009.

L-R: John Maline, Executive Director, ECPTOTE; TBOTE OT Coordinator, Augusta Gelfand; Stephanie Johnston, OTR and TBOTE Board Member; Esther Bell, OTR and former TOTA President; Rep. Kuempel, House Sponsor of HB 1785; Mary Hennigan, OTR and TOTA ED; Mandeep Chapha, Rep. Kuempel's Legislative Director; and Kathy Hutto, TOTA's Legislative Advisor.

## *Frequently Requested Numbers*



### **Texas Board of Occupational Therapy Examiners (TBOTE)**

Act & Rules, complaints, and practice of OT in Texas

512/305-6900 telephone

512/305-6970 fax

Website: [www.ecptote.state.tx.us](http://www.ecptote.state.tx.us)

Email: [info@ecptote.state.tx.us](mailto:info@ecptote.state.tx.us)

### **Texas Occupational Therapy Association (TOTA)**

512/454-8682 telephone

512/450-1777 fax

[www.tota.org](http://www.tota.org)

### **American Occupational Therapy Association (AOTA)**

Specialty certification, student fieldwork, national issues, etc.

301/652-2682 telephone

[www.ota.org](http://www.ota.org)

### **National Board for Certification in Occupational Therapy (NBCOT)**

National certification exam, and score reports

301/990-7979 telephone

301/869-8492 fax

[www.nbcot.org](http://www.nbcot.org)

### **Dept. of Assistive and Rehab. Services (DARS)**

Division of Early Childhood Intervention (ECI)

512/424-6790 telephone

512/424-6799 fax

[www.dars.state.tx.us/ecis/](http://www.dars.state.tx.us/ecis/)

### **Medicare and Medicaid**

[www.medicare.gov](http://www.medicare.gov)

#### **Medicare Part A**

888/763-9836 (Rehab Dept, Hospital)

#### **Medicare Part B**

903/463-0720 (independent practitioners)

Medicaid provider fraud, or abuse of a

Medicaid recipient: 512/463-2011 or email

[mfcu@aog.state.tx.us](mailto:mfcu@aog.state.tx.us)

**Medicaid:** 800/252-8263

### **SHARS**

[www.tea.state.tx/interagency/shars.html](http://www.tea.state.tx/interagency/shars.html)

### **Texas Dept. Aging and Disability Services (DADS)**

800/458-9858 Long term care & complaints about nursing home, home health agency, or assisted living facility.

800/252-8016 Nursing homes

512/719-3521 Licensing boards

800/228-1570 Home health agency

Elderly or disabled abuse, neglect call 911 or local law enforcement or Department of Family & Protective Services' hot line: 800/252-5400.

[www.dads.state.tx.us](http://www.dads.state.tx.us)

### **Texas Dept. of State Health Services (TDSH)**

512/834-6650 Hospital licensing

[www.tshs.state.tx.us](http://www.tshs.state.tx.us)

### **Texas Online Services**

License applications, renewals, profile

[www.texasonline.com](http://www.texasonline.com)

877-452-9060 Help desk