

TBOTE *★news*

The Texas Board of Occupational Therapy Examiners

June 2009

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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

August 14, 2009

November 13, 2009

February 25, 2010

May 26, 2010

August 20, 2010

Three New Board Members Appointed By the Governor

Governor Perry appointed three professional new board members to the board. Todd Novosad of Austin is a regional rehabilitation specialist for Hallmark Rehabilitation. He is a member of TOTA. Novosad received a bachelor's degree in occupational therapy from the University of Texas Health Science Center in San Antonio. He replaces Clarissa Meyers of McAllen. Ms Meyers served as the representative to the Executive Council.

Catherine Benavidez of Carrollton is a certified case manager and president of Injury Management Organizations Inc.

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TBOTE Board

Stephanie Johnston, OTR, Chair
Bobby James Vasquez, Vice Chair
Kathleen Hill, COTA, Secretary
Katherine Benavidez, OT
Judith Ann Chambers, public member
Dely De Guia Cruz, public member
Pamela Nelon, public member
Todd Novosad, OT
Angela Sieffert, OTA

Board telephone: (512) 305-6900

Email: info@ecptote.state.tx.us

Fax: (512) 305-6970

Website: www.ecptote.state.tx.us

Board E-News: www.ecptote.state.tx.us

OT Practice Act Changes

Amendments to four sections of the OT Practice Act have been filed as HB 1785 which when effective will change the OT Practice Act. The Texas Occupational Therapy Association (TOTA) has worked with Rep. Kuempel who filed HB 1785 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 concerns continuing education.

To read more about HP 1785 click here:

<http://www.legis.state.tx.us/tlodocs/81R/billtext/html/HB01785F.htm>



Board Members: Top Row, L-R: Catherine Benavidez, OT; Pamela Nelon, public member; Todd Novosad, OTR; Angela Sieffert, OTA; Judith Chambers, public member; Bobby James Vasquez, OTR. Bottom Row, L-R: Stephanie Johnston, OTR; Kathleen Hill, COTA; and Dely De Guia Cruz, public member.

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She is a member of the American and Texas Occupational Therapy associations, Texas Association of Rehabilitation of Private Sector, Texas Association of Business, Dallas and Houston Hispanic chambers of Commerce, and Minority Women Business Council. She is also past chair of the Texas Occupational Therapy Association's Workers' Compensation Committee, and Special Interest Section for Work Programs. Benavidez received a bachelor's degree from Texas Woman's University. She replaces Cecilia Fierro of El Paso for a term to expire Feb. 1, 2015. Ms Fierro served as the board's presiding officer from 2007 and on the Rules Committee from 2001.

Angela Sieffert of Dallas is an occupational therapy assistant at the Baylor Institute for Rehabilitation. She is a volunteer for the Senior Source Money Management Program. Sieffert received a bachelor's degree from Kansas State University and occupational therapy certification from North Central Texas College. She replaces Michael Carreon of El Paso for a term to expire Feb. 1, 2015. Mr. Carreon served on the board's Education Committee since 2001.

The Board and staff would like to thank Ms Meyers, Ms Fierro and Mr. Carreon for their years of service to the Board and to the public.

Board Committee assignments may be viewed here:
<http://www.ecptote.state.tx.us/ot/board.html>



**OT Board Formal Disciplinary Actions
May 22, 2009 Board Meeting**

- (1) **Karen Taylor, COTA #208962 (Tyler)** – failed to properly renew her license; did not take required number of continuing education hours. Violation of Section 454.301 of the Act and chapter 367 of the board rules. **Board Order required thirty (30) hours of community service.**
- (2) **Rory Elizabeth Bagwell, OTR #111836 (Tyler)** – failed to properly renew her license; did not take required number of continuing education hours. Violation of Section 454.301 of the Act and chapter 367 of the board rules. **Board Order required thirty (30) hours of community service.**
- (3) **Evangelina Moncayo, OTR #104672 (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 fifteen (15) hours of community service.**
- (4) **Jacqueline Brook Jackson, OTR #110438 (Mansfield)** – 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.**
- (5) **Michiko Escobido, OTR #108105 (Denton)** – 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.**
- (6) **Cindy Martin Myers, OTR, #106836 (Lewisville)** – practiced with an expired license. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order suspended her license for thirty (30) days.**
- (7) **Mary Dunn, OTR (Woodville)** – practiced with an expired license. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order suspended her license for six (6) months.**
- (8) **Anna Leahey, COTA #210426 (Irving)** – practiced without a valid license. Violation of Section 454.201 of the Act. **Board Order suspended her license for ninety (90) days.**
- (9) **Lisa Smith, OTR #100594 (Shallowater)** – practiced in a manner detrimental to the public health and welfare by documenting treatments as provided on dates that the services were not rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order suspended her license for thirty (30) days.**

Report Violations to: 800-821-3205 or 512/305-6900 or 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 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.
- ◆ 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.
- ◆ 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.

Off-Site Out-Patient Hospital Registration must be completed by December 31st

Postcards were mailed to licensees about the recently ruling by the Texas Department of State Health Services (DSHS), which registers hospitals. DSHS determined that the registration of hospitals does not cover off-site facilities that offer PT and/or OT on an out-patient basis. Therefore these facilities must register with this board.

In another ruling the Texas Department of Aging and Disability (DADS) has determined that their registration or licensing of nursing homes and assisted living facilities do not include out-patient services. If you are working in a nursing home or assisted living facilities which provides out-patient OT and/or PT services; these facilities must be registered with this board.

New Early Childhood Intervention Document Posted to the Website

Occupational Therapist Peggy McGrane from the Harris County Department of Education; and Guillermo Lopez of Any Baby Can, ECI worked with Ms. Christine Watkins of DARS ECI to produce a document of common understanding of the interrelationship of the OT licensing rules and the ECI policy for occupational therapy practitioners working in the ECI setting.

The document clarifies terminology and compares ECI requirements to the OT rules. That document is now posted to the website for licensees' information. Click here to read:

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

Contact ECI at: AskECI@dars.state.tx.us or 512-424-6745. or this board at 512.305-6900.

Rules Adopted and Proposed

Five rules were adopted and eleven amendments were proposed. Read the wording of the proposed amendments, on the Act/Rules page: <http://www.ecptote.state.tx.us/ot/rules.html>. The proposed rules are further clean-up making the rules follow in accordance with the Practice Act in terms of OT and OTA. The adoption included Fieldwork Supervision as Type 2 continuing education credit.

Online CE Submission Form

The online program was designed to recognize a minimum of 30 continuing education hours with a minimum of 15 in Type 2 before it moves you on to the Jurisprudence Exam (JP). Recent questions have influenced a new instruction page with a sample of how to enter the hours.

Should you be audited you will be able to submit all your CE activities, not be limited to just those on the CE Submission Form.

Suggestions for success in using the CE Submission Form:

1. Abbreviate your courses, even though it's a free form text box; keep it short.
2. Enter 5.5 hours, but not 5.75; two digits after the decimal is not accepted.
3. Enter the course twice if you are counting both for Type 1 and for Type 2. You cannot center both Type 1 and Type 2 on the same line. Enter the course or conference and a date and the number of hours in Type 1 on one line and on the next line enter the same data with the number of Type 2 hours.
4. Download a copy of the CE Submission Form from the Forms page and enter your CE information onto the form before starting on the computer, so that valuable time is not wasted looking through various certificates.
5. If you have entered 30 hours of CE with the minimum of 15 in Type 2 and the program is not moving you to the JP exam, click on the Add More bar. That should do the trick.

Questions about Supervision

§373.1 of the OT Rules address supervision of non-licensed personnel. The occupational therapy practitioners are responsible for training the aides, techs, specialists, etc. (non-licensed personnel). When licensees delegate to the non-licensed personnel any OT treatment or intervention, the licensee is held responsible. Each treatment the licensee must communicate with the patient during the patient treatment. The OT Practitioner must be available to respond to the needs of the patient. These and other specifics are covered in this section of the rules.

§373.2 address supervision of temporary licensees. All documentation written by the temporary licensee must be co-signed. Other OTs, besides the one named in the Supervision Form may supervise the temporary licensee, and may sign the notes. These and other specifics are covered in this section of the rules.

§373.3 Supervision of the licensed occupational therapy assistant. Every OT who is delegating the OTA should be participating the supervision hours and knowledgeable about whether the OTA has the skills to carry out the plan of care as delegated. There should be a Supervision Form for each job the OTA has (not the same company with different locations). All the OTs can rotate or share in the supervision hours and use the time to instruct. These and other specifics are covered in this section of the rules.

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

Email: info@ecptote.state.tx.us

Texas Occupational Therapy Association (TOTA)

512/454-8682 telephone

512/450-1777 fax

www.tota.org

American Occupational Therapy Association (AOTA)

Specialty certification, student fieldwork, national issues, etc.

301/652-2682 telephone

www.aota.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

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/

Early Childhood Education DARS, ECI

4900 N Lamar

Austin, TX 78751-2399

<http://www.dars.state.tx.us/ecis/index.shtml>

Medicare and Medicaid

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

Medicaid: 800/252-8263

SHARS

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

Texas Dept. of State Health Services (TDSH)

512/834-6650 Hospital licensing

www.tshs.state.tx.us

Texas Online Services

License applications, renewals, profile

www.texasonline.com

877-452-9060 Help desk