

TBOTE news

The Texas Board of Occupational Therapy Examiners

December 2007

Notice:
Facility Registration Information.....5

Contents

New Board Members.....	1
Wall Licenses.....	2
Online Renewal Suggestions.....	2
Disciplinary Actions.....	3
Online Services.....	4
New Rules.....	5
Facility Registration.....	5
FAQs.....	6
SB 29.....	7
Proposed Amendments.....	7
Helpful Information.....	8
TBOTE Statistics.....	8

At print time 3 rule amendments have been proposed. To read the proposed rules visit the website, rules page.

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

More on this subject, page 7.

Governor Appoints Four New Board Members

Governor Rick Perry appointed two professional and two public members to the Texas Board of Occupational Therapy Examiners in August.

Stephanie Johnston, OTR of Houston is a professor and fieldwork coordinator in the Occupational Therapy Assistant program at Tomball College. She is a member of the Texas Occupational Therapy Association, American Occupational Therapy Association and World Federation of Occupational Therapists. She received a bachelor's and master's degree from Texas Women's University. Her term expires Feb. 1, 2011.

Bobby James Vasquez, OTR is regional director of rehabilitation for Cantex Senior Communities. He is a board member and founding director of Hill Country Resource Center, and member of the TrailBlazer Health Enterprises Advisory Board. Vasquez is also a member of the American Occupational Therapy Association and American Bar Association. He received a bachelor's degree from Texas Tech University, a master's degree from Webster University and a law degree from South Texas College of Law. His term expires Feb. 1, 2011.

Judith Ann Chambers of Austin is a retired counselor and teacher. She most recently worked as head counselor for Humble Independent School District and formerly served on the State Board of Examiners for Speech-Language Pathology and Audiology. Chambers is a member of the Texas Counselor's Association, Texas School Counselor Association and Association of Multi-Cultural Counseling.

Continued on page 2

TBOTE Board

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

* Public Members

Board telephone: (512) 305-6900
Email: info@ecptote.state.tx.us
Fax: (512) 305-6970
Website: www.ecptote.state.tx.us

Only original wall licenses may be hung on the wall

No copies can be hung

TBOTE Rule §369.1, Display of Licenses states: "The original license and renewal certificate must be prominently displayed in the licensee's principal place of business as designated by the licensee. The wallet-sized license renewal certificate must be carried by the licensee when in other practice settings.

Reproduction of the original license and/or renewal certificate is only authorized for institutional file purposes and not for public display."

Online Renewal Suggestions

Before you can take the JP exam online, the CE Submission form appears. Suggestions for success with this form are:

1. Download a copy of the CE Submission form from the *Forms page* of the website and keep a tally of your courses. When renewal time comes you can consult your copy of the form and transfer the CE information to the online form.
2. You cannot enter Type 1 or Type 2 on the same line. The instructions tell you to enter the same CE on two lines, once for Type 1 and again on the second line for Type 2.
3. The bar on the bottom of the CE Submission Form says: Continue/Add more lines. You can click on it for either function.
4. When the program reads 15 hours of Type 2 and a total of CE 30 hours and it automatically forwards you to the JP Exam. Don't worry! If you are audited you can mail in copies of all the hours in your CE portfolio.
5. Don't wait until the last minute! Your renewal is available online for three months ending with the last day of your birth month. Why wait to deal with computer or printer problems, Texas Online Maintenance downtime.
6. Make sure the name on your license is the name you expect to see printed on your renewal. Otherwise stop and deal with a name change first.
7. The receipt page serves as your renewal until your regular renewal card arrives in the mail. The instructions tell you to print the receipt out; that you cannot return later. The agency cannot access this page if you fail to print it.
8. Allow sufficient time! (*related article on page 7*)

New Board Members continued

She volunteers as executive director of Austin Dress for Success and as a fund raiser for the Humble Women's Shelter. Chambers received a bachelor's and master's degree from Colorado State University and a master's degree in counseling from Sam Houston State University. Her term will expire Feb. 1, 2013.

Pamela D. Nelon of Fort Worth is a realtor at Weichert Realtors - Collett & Co. and owner of Nelon Consultants, a full-service advertising, marketing and consulting agency. She is a past board member of the Fort Worth Opera and committee chair of the American Cancer Society Cowtown Ball Committee. Nelon is a past volunteer of Wings of Hope and Cook Children's Hospital. She received a bachelor's degree from Dallas Baptist University. Her term expires Feb. 1, 2011.

The board members whose terms had expired were Jean Polichino, OTR and Board Chair who served for 10+ years and whose wisdom and guidance will be greatly missed; Judith Bowen, OTR of UT Pan Am, a terrific asset to the board, who brought experience and an educational frame of reference.

Two public members were replaced: Dr. Grace Butler, a retired professor and president of *Hope Through Grace*, a Houston non-profit cancer prevention organization serving the un-insured and under-insured. She recently participated in a cancer round table discussion with President Bush. Also missed is David Cabrales, a Dallas attorney formerly of Locke Liddell & Sapp PLLC, who was tapped by the Governor to serve as his General Counsel.

The next scheduled TBOTE board meeting will be held on Friday, February 1, 2008 in the agency's office in Austin. All board meetings are open to the public.



OT Board Formal Disciplinary Actions

Failed the CE Audit

Julie Amendola, OTR #100122 (Arlington) – failed the CE audit. Violation of Section 454.301 of the Act and Chapter 367 of the board rules. **Board Order required thirty (30) hours of community service and the lacking CEs, February 17, 2007**

Practice without a License

Brandy Adkins, COTA #209750 (Converse) – practiced without possession of a valid license. Violation of Section 454.214 of the Act and Chapter 370 of the board rules. **Board Order required thirty (30) hours of community service, February 17, 2007**

Mary Delahoussaye, OTR #111970 (Austin) – 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, February 17, 2007**

Elizabeth Inga, OTR #104402 (Dallas) – 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 February 17, 2007**

Jamie Winter, OTR #111819 (Austin) – practiced with an expired license. Violation of Section 454.301 of the Act and Chapter 374 of the board rules. **Board Order required eight (8) hours of community service, May 11, 2007**

Nancy French, OTR #110339 (Flower Mound) – practiced with an expired license. Violation of Section 454.301 of the Act and Chapter 374 of the board rules. **Board Order required eight (8) hours of community service, May 11, 2007**

Tiffany Leleux, OTR #111805 (Pearland) – 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, May 11, 2007**

Kristen Omert, OTR #112130 (Lewisville) – practiced with an expired license. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order required eight (8) hours of community service, October 12, 2007**

Staci Treadwell, COTA #209792 (Groom) – 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, October 12, 2007**

Anna Chamberlain, OTR #106345 (Beaumont) – 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, October 12, 2007**

Jennifer Silva, OTR #110289 (El Paso) – 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 fifteen (15) days, October 12, 2007**

Leena Lukose, OTR #111822 (Fort Worth) – 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, October 12, 2007**

Steven Lambert, OTR #111925 (Whitesboro) – practiced with an expired license. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order suspended his license for thirty (30) days, October 12, 2007**

Practiced in Unregistered Registration

Mary Lucas, OTR #111293 (Carrollton) – practiced in a facility not properly registered with the board. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order required sixty (60) hours of community service, October 12, 2007**

Detrimental Practice

Kathy Braucher, OTR #100240 (LaPorte) – practiced in a manner detrimental to the public health and welfare by practicing under the influence of alcohol. Violation of Section 454.301 of the Act and Chapter 374 of the board rules. **Board Order suspended her license for thirty (30) days, February 17, 2007**

Jose Padal, OTR #111753 (San Antonio) – practiced in a manner detrimental to the public health and welfare by documenting treatments provided on a date that no such services were rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order suspended his license for thirty (30) days, May 11, 2007**

Hasina Magharibi, COTA #203346 (Houston) – practiced in a manner detrimental to the public health and welfare by documenting treatments provided on dates that no such services were rendered. Violation of Section 454.301 of the Act and Chapter 374 of the board rules. **Board Order suspended her license for sixty (60) days, May 11, 2007**

Kevin Harris, COTA #208276 (Houston) – practiced in a manner detrimental to the public health and welfare by documenting treatments provided on dates that no such services were rendered. Violation of Section 454.301 of the Act and chapter 374 of the board rules. **Board Order suspended his license for ninety (90) days, October 12, 2007**

Unethical or Unlicensed Practice Hotline: 800-821-3205 or 512/305-6900
Online complaint form on the home page: www.ecptote.state.tx.us

ECPTOTE Online Services

Change your Address: On the homepage, www.ecptote.state.tx.us is a link that says Change your Address. No stamp, no fax, just click on the link and enter your new home and/or work address and we will change the information in the database.

Read proposed or adopted rules, Act/Rules page: <http://www.ecptote.state.tx.us/ot/rules.html>

Sign up for Board e-news: From the home page: <http://www.ecptote.state.tx.us/lists/subscribe.php>

For OT Forms, CE Submission Form, COTA Supervision Log, etc: OT Forms page: <http://www.ecptote.state.tx.us/ot/forms>

Newly Adopted Rules

This is a synopsis; please refer to the 2007 rules for the new language.

§362.1 Definitions.

Some definitions were deleted, some added, and others we re-defined to recognize the broad range of OT treatment or intervention, stepping away from a purely medical model. The new definition of occupational therapy practice based on the AOTA Practice Framework was chosen. Other definitions were added for Client, Direct Contact, Evaluation, Intervention, Outcome, and Screening and especially a new definition for Occupational Therapy Practice.

§364.1, Registration for License

As of June 1, 2007, new licensees receive a license with a minimum period of two-years. Some will be for a longer time to the end of the birth month, but none will be shorter. Licensees will begin participation in continuing education from the time of the license issuance. Former licensees who restore their Texas license will also receive two-years on the restored license and also begin accruing continuing education hours.

Those licensees whose first license was issued prior to June 1, 2007, begin their continuing education participation after they renew and get a two-year license.

§367.1, Continuing Education, §367.2 Categories of Education

Going forward, all new licensees will participate in continuing education with their first license.

§370.1, License Renewal and a new §370.2, Late Renewal.

Chapter 370 received a make-over recognizing online renewal. Rules affecting late renewal and military reserve activation were moved to the new section, §370.2, Late Renewal.

§376.1, (3) Facility Definitions

A definition was added for OT linked facilities, a facility in which PT services at the same location with the same owner(s). OT linked facilities may now register or renewal online.

Facility Registration New Interpretation

The Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) has been meeting with the Texas Department of Aging and Disability Services (DADS) and the Texas Department of State Health Services (DSHS) over the past few months to discuss exemption from facility registration.

The facility registration program began in 1994. Over the years, the development of new business models for traditionally exempt facilities, such as nursing homes and hospitals, has created questions regarding whether those facilities are completely exempt from registration. For example, licensed nursing facilities and assisted living facilities by definition provide services specifically to residents of those facilities.

Now, however, many such facilities offer OT and/or PT services to people who do not live in those facilities. Licensure by DADS does not cover services to non-residents (outpatients). ECPTOTE has determined that a nursing home or assisted living facility that provides services to non-residents, i.e. services not regulated by DADS, cannot be considered "exempt" from facility registration.

For similar reasons, ECPTOTE has informed DSHS that satellite hospital facilities which offer PT and/or OT services exclusively to outpatients must also register with ECPTOTE, since DSHS does not regulate such services.

This article is an early advisory only. Once ECPTOTE has finalized its procedures for registering these types of facilities, licensees will be notified by mail and information will be posted on the websites of ECPTOTE, DADS, and DSHS

Frequently Asked Questions

Q: Can the COTA write the discharge?

A: No. The COTA can write treatment notes and record measurable data assigned by the OTR. The last treatment note may be one written by the COTA.

The OTR should review the COTA's notes as well as her/his own and determine if the patient's goals were met or not; determine if the patient has needs in another continuum of care and write those recommendations (i.e. restorative nursing program) and finally, sign the discharge.

Q: Can I count a college course for my continuing education and renewal?

A: Yes. Check out §367.2 (a) (1). College courses must still meet the definition for Type 1 or Type 2. Your transcript is your proof for CE audit.

Q: Do I have to receive supervision hours at my second part-time job?

A: Yes. Your OTR at the part-time job must still know your skills and know that you can carry out his/her treatment plan. According to §373.3 (b) those working less than 20 hours a week must document no less than 4 hrs a month with 1 of those hours in face-to face supervision.

Q: I am working PRN without a contract. Can I still be accused of abandonment?

A: Yes. You need to give written notice and keep a copy for your files. Check your contract to see if you need to give 2 weeks or 30 days notice. If you decide to extend your work after the last day, put any changes in writing.

Q: Can I start treatment with no plan of care; just verbal orders from the OTR?

A: No.

Q: Can I sign my name Mary Smith, OTR/L?

A: §369.3 of the rules only allow OTR or LOT, COTA or LOT. There is no "/L" recognized.

Q: How many years must I be in practice in order to supervise a fieldwork student?

A: Look to AOTA's Fieldwork Supervision Guidelines. Students are still under the school's aegis (protection) and not subject to the TBOTE Rules while students.

Q: Does a CE course need to be approved?

A: No. Each course must meet the definition for Type 1 or Type 2 as written in the rules. Become familiar with these definitions and know the difference. Then you can chose appropriately for your CE portfolio. The rules give you the freedom and the responsibility for your choices.

Q: Can I change the facility information on-line at the time of renewal?

A: No. You cannot make that change online and must do so in 30 days and prior to online renewal. A departing therapist should sign the TIC form on the right side, where it says I am no longer the Therapist in Charge and fax it in. The new therapist must send in a new TIC form. Without a TIC the facility cannot renew online.

Q: Does the change of address card I sent my post office suffice for TBOTE?

A: No. We not forward mail containing licenses and/or renewals cards. Send us an email, fax, post card, letter; or even easier, change your address online from our homepage. The link is on the homepage, under Online Services. http://www.ecptote.state.tx.us/ot/forms/address_change.php

Q: Can I take my CE during my birth month?

A: Yes. Your license is valid until the last day of the month. It's not recommended that you wait until the last day of the month as the state's online system may be down, being updated, or repaired, or you may have computer problems. Remember to print out and post the online receipt page which serves as your renewal card and allows you to continue to treat while awaiting your renewal card.

Q: Can my tech have his/her own case load?

A: No. Refer to §373.1 for the board's rules on Supervision of Non-Licensed Personnel. The case load belongs to the occupational therapist. The therapist may delegate to the COTA. The aide, tech or specialist is not a licensee and does not have a case load. The OTR or COTA must interact with the patient during each and every treatment session, even if the tech is in the room under the watchful of the OTR/LOT or COTA/LOTA. The OT Practitioner must be able to respond immediately to the needs of the patient, so onsite presence is required.

Senate Bill 29

Senate Bill 29, which passed in the 2007 session mandates that health professions agencies collect data that is needed by the Statewide Health Coordinating Council (SHCC). This agency, along with other named agencies, is working with the Department of Information Resources (DIR) to work out the new procedure for collecting this data

Once the data has been entered it will be stored for your future additions or corrections. This data is not data that this agency will store or maintain in the agency's database. An example of this is the last degree earned. Over a career, a licensee may earn additional degrees or certifications. We do not collect that data in our licensing database, but SHCC does.

Some of the new data is required; some is voluntary; but licensees will have to participate. It will take additional online time. The good news is that the data will be saved; so when you return again you can update data, and will not have to start from square one. You can update at any time, not just at renewal time. This reinforces the suggestion that you not wait until the last minute to renew your license. It may take longer, especially starting in 2008.

If the online reporting is part of the renewal system, it will take longer for licensees to complete their renewal.

Another part of the online renewal system is the opportunity to sign up to volunteer for the state-wide Texas Emergency Systems for Advance Registration of Volunteer Health Professionals (ESAR-VHP). Again, this is entirely voluntary.

Sunset Review

A bill at the end of the session postponed ECPTOTE, and the OT & PT Boards out of the Sunset review process at this time. This is the second time this agency has been postponed, as we were scheduled for Sunset in 2005, postponed to 2009; the new legislation now postpones the Sunset Review process until 2013.

Proposed New Rule Amendments

In December proposed rule amendments (changes) were posted in the *Texas Register* for public comment:

§367.1 Continuing Education

§372.1, Provision of Services

§373.3 Supervision of a Licensed Occupational Therapy Assistant

Check the website for the proposed rules.

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

This is the rule amendment process:

Step 1: Rules are proposed, discussed and voted at a Rules Committee meeting.

Step 2: The Rules Committee reports their recommendations to the TBOTE Board and the whole board votes on the amendments.

Step 3: The proposed rules amendments are reviewed and voted on at the Executive Council of PT and OT Examiner's board meeting.

Step 4: The proposed rule amendments are printed in the *Texas Register* for public comment.

Step 5: At the next TBOTE board meeting, the board reviews any and all public comment and votes again. They may adopt the rule as published, without any changes; adopt the rule with non-substantive changes; send the rule back to the Rule Committee for more work; or not vote to adopt, perhaps because of public concern, perhaps because of other information.

At the October 12, 2007 TBOTE Board meeting, several rule amendments were proposed for publication. They were discussed as part of the agenda at the November 30th ECPTOTE meeting. Three rules were voted to be published; one was not.

The next scheduled meeting for TBOTE is February 1, 2008, when the Board will vote whether to adopt the 3 proposed rule amendments. They will also consider the one rule amendment which did not move forward.

Those who are signed up for board e-news will receive an email to notify them of the rule proposal/adoption. The final wording will be posted on the website when it goes into affect.

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/

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

TBOTE Statistics

New occupational therapist and occupational therapy assistants who took the NBCOT national exam for licensure purposes passed with 92.31%

The Board issued 608 new licenses this past year: September 1 to August 31st for both in state and out of state applicants.

The total number of licensees as of August 31, 2007 was 8,364: 6,107 occupational therapists and 2,257 assistants. Even with the tremendous growth; the need for occupational therapy practitioners is not satisfied.

The percentage of those applying online for a Texas license was 75.25% for OTRs and 79.35% for COTAs. For those renewing their Texas license online the percentage was 90.47% for OTRs and 89.75% for COTAs.