

TBOTE news

The Texas Board of Occupational Therapy Examiners

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New COTA Documentation Rules Adopted February 27, 2005

At the February 4, 2005 meeting of the Texas Board of Occupational Therapy Examiners, the proposed amendment to Chapter 373.3 was adopted *with changes*.

COTAs and LOTAs are now required to write the name of the OTR or LOT responsible for the patient or client's Plan of Care in each treatment note. For example, "Per J. Doe, OTR, Mr. Smith was seen at breakfast and practiced using adaptive equipment for improving independence at mealtimes, including a lidded cup with spout and a bowl with a suction bottom." COTAs and LOTAs may have different OTR or LOT supervisors for different patients/clients or at different facilities/locations, but this reference will make it clear who is supervising each individual patient/client. **This Rule applies to ALL treatment notes, whether in the permanent record or in the "soft file" of documentation that may not be entered into the permanent record.**

The new rule may be accessed at: www.ecptote.state.tx.us/ot/whatsnew.html or www.ecptote.state.tx.us/ot/rules.html.

Please note that Chapter 372.1 Provision of Services, (e) (8) has not changed and stays in effect. This Rule requires that all documentation that becomes part of the patient/client's permanent record is approved and co-signed by the OTR or LOT and signed on the bottom of each page.

Does Your Supervision Measure Up?

OTRs and LOTs, if you are supervising a COTA, LOTA or Temporary Licensee who is implementing your Plan of Care (POC), you need to continue to be involved in the case beyond the initial evaluation and the writing of the POC. If you are delegating intervention to a COTA, LOTA or Temporary Licensee, you are not absolving yourself of responsibility for the implementation of the Plan of Care.

TBOTE Rules, Chapter 372.1 (e) (9) require you only delegate to a COTA, LOTA or Temporary Licensee tasks that you and the person you are delegating to agree are within the competency level of that COTA, LOTA or Temporary Licensee. The OTR or LOT **must** be familiar with the scope of the COTA, LOTA or Temporary Licensee's understanding of the patient/client's condition and capacity to provide the planned intervention. The OTR or LOT should ensure the COTA, LOTA or Temporary Licensee has received any needed training, coaching and/or mentoring before assigning a patient/client or delegating a task. The COTA, LOTA or Temporary Licensee should let the OTR or LOT know if he or she does not feel they are adequately prepared to provide the intervention.

Discharge: Who Writes it?

'Only an OTR or LOT has the authority to discharge patients from occupational therapy services.' This quote is from §372.1 (f) Discharge. There has been some confusion that the COTA or LOTA can write the discharge and just have the OTR or LOT sign. **That is not the case.**

Just as in the Plan of Care, the OTR or LOT can assign to the COTA or LOTA the collection of data which will be read and interpreted for Plan of Care. Similarly, the COTA can write or collects data to be used and interpreted in writing the discharge.

It is ok for the COTA to be assigned to collect the information for those patients he/she is working directly with, and to write it down followed by the OTR carefully reviewing the information, making whatever adjustments or addendums that are necessary, determining if goals were met or not, establishing any further needs of the patient in another continuum of care, and then signing off on the discharge.

TBOTE Board Meetings

The next two scheduled board meetings will be held in Austin, **April 22** and **July 22, 2005** at the agency's offices: 333 Guadalupe, Suite 2-510. The other scheduled board meeting for 2005 is in conjunction with TOTA's MCC, **November 11** at the Crowne Plaza Hotel in San Antonio. This scheduling affords licensees an opportunity to attending a board meeting. It takes the board member into the licensee community where licensees have easy access to address the board or listen to board deliberations, disciplinary cases, rule considerations and other board business. For a list of all board meeting dates and names of board members, please refer to the website: www.ecptote.state.tx.us. All meetings are public and posted.

E-Distribution

We invite you to sign up on TBOTE's new e-distribution list so you will receive an email when there is board news. Go to the website: www.ecptote.state.tx.us and click on the link to sign up. There are 3 choices: The OT News, the PT News or both. Make your choice and enter your email address and press submit. We do not save email addresses in our database and therefore we will not be sharing these email addresses. This is not a chat room, not a two-way communication device, but simply a way for the Board to notify you of new rules, newsletters, etc.

OTR, LOT, COTA, LOTA

These are the four designations in the rules for our licensees other than for those with temporary licenses, who are OT or OTA. People in other states may use the /L to indicate licensure, but this is not required or recognized in Texas and **therefore should not be used.**

Check Licenses and Registrations

Are you going for an interview and don't know if the facility is registered? Wonder when a facility registration expires? Wonder when a license expires? If you are the supervising OTR, you need to know. If you do not want to get caught working in a facility with an expired registration, you need to know. Typical consequences of working in an unlicensed facility run from community service to license suspension.

If you are the employer hiring an OTR or COTA, you need to know if the license is current and when it expires. You do not want to hire someone who thinks his or her NBCOT certification is a Texas license, as it is not. How do you check? Go up to our webpage and verify an individual's license or facility's registration. <http://www.ecptote.state.tx.us/license/>

GSC Courses Are Strictly Type 1

Read the last newsletter and check this out.
<http://www.ecptote.state.tx.us/ot/newsletter.html>

Formal Disciplinary Actions

Below are the Agreed Orders approved at the Board's October meeting: Five of the seven disciplinary actions listed below were Agreed Orders as a result of failing to meet TBOTE's CE requirements. The rules in Chapter 367 are clear in stating that licensees must accumulate a minimum of 30 hours of CE, with a minimum of 15 of those hours in Type 2. Some licensees decided to take a chance on renewing without having met the requirement. Audit failures include those who have fewer hours than required or have CE hours, but are deficient in Type 2 hours. One solution is to aim for more than 15 Type 2 hours so that one poor CE choice does not jeopardize your audit results.

Audit letters have recently been modified requesting licensees to identify their CE submissions (copies of CE certificates, sign-in sheets, transcripts, etc.) as Type 1 or Type 2, and if the title on the certificate is not sufficient to identify the submission as Type 2, to write a paragraph explaining that choice as Type 2.

The factor determining whether you earn CE from TBOTE for a course is whether it teaches **OT** practice. Just the fact that a course is being offered to OT practitioners is not sufficient for it to meet Type 1 or Type 2 criteria. As written before, annual requirements for employers such as sexual harassment, disposal of hazardous waste, etc. do not meet the CE requirement and thus do not earn OT CE.

Suggestions for earning appropriate CE:

- Do not count on what you receive in the mail for making your CE decisions. If you are using the “approved provider” lists through AOTA or TOTA, ask AOTA or TOTA whether the course is Type 2. AOTA’s Category 1 & 2 meets the qualification for our Type 2.
- Aim for all Type 2 CE, and fill in with Type 1. Check with Chapter 367 as the authoritative source.

OT Board Formal Disciplinary Actions Taken February 4, 2005

- (1) Terri Caldwell, COTA #208049 (Amarillo)** – failed to properly renew her license. Violation of Section 454.254 of the Act and chapter 367 of the board rules. ***Board Order required thirty (30) hours of community service and CE.***
- (2) C. Kellie Stepherson, OTR #109167 (Longview)** – failed to properly renew her license. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order suspended her license for thirty (30) days and required CE.***
- (3) Dian Wise, OTR #107808 (Alexandria, LA)** – failed to properly renew her license. Violation of Section 454.301 of the Act and chapter 367 of the board rules. ***Board Order suspended her license for thirty (30) days and required CE.***
- (4) Janice Boyd, COTA #203274 (Clifton)** – failed to properly renew her license. Violation of 454.301 of the Act and 367 of the board rules. ***Board Order suspended her license for (30) days and required CE.***
- (5) Ashley Peoples, OTR #106668 (Rowlett)** – failed to properly renew her license. 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 CE.***
- (6) Kevin Harris, COTA #208276 (Houston)** – practiced occupational therapy in a manner detrimental to the public health and welfare by documenting treatments 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 his license for forty-five (45) days.***
- (7) Stephanie Sargent, COTA #209203 (Waxahachie)** - practiced occupational therapy in a manner detrimental to the public health and welfare by practicing with an expired license. Violation of Section 454.301 of the Act and chapter 374 of the Board Rules. ***Board Order required that she ‘cease and desist’ from the practice of occupational therapy until such time as she retakes and passes the licensure exam and receives a Texas license; directs her to give a presentation to an accredited OT/OTA school program about her license issuance and expiration and this action by the board.***

Former disciplinary actions: check earlier newsletters posted on our website: www.ecptote.state.tx.us.