

TBOTE *★news*

The Texas Board of Occupational Therapy Examiners

March 2010

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The 2010 Rules and the recently amended OT Practice Act are up on the Act/Rules page of the webpage.

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

Those who subscribe to board e-news will receive notices.

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

Board meetings scheduled

May 26, 2010

August 20, 2010

November 5, 2010

TBOTE Board

Stephanie Johnston, OTR, Chair
Bobby James Vasquez, OTR, 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, OTR
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

An Open Letter to all Licensees from the Board Chair

The Texas Board of Examiners and licensee's owe a debt of gratitude to the professional association, Texas Occupational Therapy Association (TOTA) for the time and funds it expended this last legislative session in changing some of the language in the OT Practice Act.

Some amendments to the OT Practice Act included:

1. Removed the late fee and restoration fee from its link to the national exam fee.
2. Removed a phrase from the continuing education section, after which rules could not be made.
3. Removed the requirements for expired and restoration of licenses
4. Updated the educational requirements for OTs and OTAs

The revised OT Practice Act is posted on the website where you can read the amendments.

TOTA has also amended the OT Practice Act to allow TOTA to be the mandated approver of continuing education (as well as AOTA). The Education Committee and the Board have been looking at their proposal. At the February board meeting, the Board charged the Education Committee to look at mandated CE approval and the Type 1 and Type 2 issues, as well the Chapter 367 as a whole.

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The major points that have been made in favor of approved CE are:

- The quality of continuing education would be approved by OT Practitioners
- The ease for licensee to know what will count and what will not, without confusion
- The fact that some licensees attend in-services and get their information second hand, instead of hearing from the experts.

The fact that other professions, in Texas have mandated continuing education such as doctors, nurses, social workers, speech therapists, physical therapists, lawyers, etc.

The arguments against having a mandated CE approval are:

- No other state has an OT mandated CE approval system
- The cost
- The present system is working, there are so few failed CE audits
- Ability of licensee to travel for courses nationally or internationally for courses without an approval process. We have out-of state- and out of country licensees.
- The reluctance of some of the board to fix what has been perceived as not broken.

The Texas Board of Examiners is not in total agreement on this subject. The Board will look at this in the coming months and discuss it at the next Education Committee meeting and the next Board meeting. The date of these meetings will be posted on the website.

If you have suggestions or thoughtfully considered ideas for the Board, please write to us.

Address your suggestions to:
TBOTE Education Committee
333 Guadalupe St, #2-510
Austin TX 78701

You may also email info@ecptote.state.tx.us. Please put "For the Education Committee" in the subject line.

Once any amendments have been proposed, licensees may submit public comment. Those who have signed up for board e-news will receive a notice of any proposed amended rules and whatever is proposed will be posted on the website. Please encourage those you know to sign up immediately for board e-news. The sign-up is on the home page of the agency: <http://ecptote.state.tx.us>

Thank you for your thoughtful consideration.

Respectfully,

Stephanie Johnston, OTR, MA
Presiding Officer
Texas Board of Occupational Therapy Examiners

Adopted Rules and Proposed Rules

Effective March 19, 2010

Read the text on the website

Adopted Rules

Become effective March 19, 2010

§367.2, Categories of Continuing Education. The new rule removed case management from unacceptable continuing education therefore allowing case management courses that fit into Type 1 or Type 2 definitions of continuing education.

§376.1, Facility Definitions removed linked facilities as a definition as this category no longer exists. All facilities are now OT or PT facilities.

§476.3, Requirements for Registration Application, removed the references to additional and linked facilities, as all facilities are now OT or PT facilities.

§376.6, Renewal of Registration Application, removed references to additional and linked facilities, which no longer exist. All facilities are either OT or PT facilities.

§376.9, Facility Disciplinary Action, which allows all facilities owned by the same owner to be disciplined.

Proposed Rules

Published in the Texas Register
March 19, 2010

The Board has proposed amendments to five rules which were published in the March 19 issue of the Texas Register. Read the text here

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

§369.3, Use of Titles

This amendment describes exactly what designation may be used in Texas and how to sign your name, i.e. Mary Jane Brown, OTR, CHT or John Miller, OT, PhD, with the professional designation first.

§370.2 Late Renewal

This recently amended rule was amended again to provide more alternatives for former licenses wanting to return to licensure.

§373.2, Supervision of a Temporary Licensee This amendment adds on-site supervision for all Temporary Licensees.

§374.1, Disciplinary Action, adds language telling when licensees and applicants must report a felony.

§374.2, Detrimental Practice, adds language which adds abandonment to the list of detrimental practice.

Remember, you can send your comments to the board before they vote to adopt these or any proposed amendments. Send comments to:

info@ecptote.state.tx.us and write OT Public Comment in the subject line.



**OT Board Formal Disciplinary Actions
February 26, 2010 Board Meeting**

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

- (1) Jenny Kell, OTR #108852 (Dallas)** – 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.**
- (2) Karla Bowman, OTR #109925 (Uvalde)** – 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.**
- (3) Neelam Rawal, OTR #113397 (Dallas)** – practiced without a valid Texas license. Violation of Section 454.201 of the Act. **Board Order suspended her license for fifteen (15) days.**
- (4) Deneicia Gasaway, COTA #210613 (Trinidad)** – practiced without a valid Texas license. Violation of Section 454.201 of the Act. **Board Order suspended her license for one hundred and twenty (120) days.**
- (5) Kathryn Freeman, OTR #105942 (San Antonio)** – practiced in a facility that was not properly registered with the board. 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) Evelyn McClain, COTA #200925 (Fort Worth)** – failed the CE audit; failed to take the required number of board approved CE hours during the renewal period in question. Violation of Section 454.301 of the Act and chapter 367 of the board rules. **Board Order required sixty (60) hours of community service.**
- (7) Gerry Nichols, OTR #101530 (Carrollton)** – practiced in a detrimental manner by documenting treatments that 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.**
- (8) Elsa Ruiz Parks, OTR #107085 (Carrollton)** – practiced in a detrimental manner by resigning her position without sufficient prior notice – thereby abandoning her patients. 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 by OT, OTA, PT, PTA to: 800-821-3205 or 512/305-6900 www.ecptote.state.tx.us

- ◆ 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.

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