

# TBOTE news

The Texas Board of Occupational Therapy Examiners

November, 2012

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**Those who subscribe to Board e-news will receive notices of proposed rules, adopted rules, newsletters, etc.**

<http://www.ptot.texas.gov/subscribe-to-eneews>

*Previous newsletters, Forms and Frequently Asked Questions are on the **website**.*

[www.ptot.texas.gov](http://www.ptot.texas.gov)

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*Next Board Meeting Date*  
*Jan 25, 2013*  
*May 17, 2013*

## Proposed and Adopted Rules

The OT Board proposed amendments to several rules

### §367.1-3 Continuing Education

The proposed amendments are to incorporate consistent information about what is required for verification of each type of CE taken. Read the proposed amendment to see what you need to have to prove your CE.

The other major change is a new category for obtaining CE. Read more.

<http://www.ptot.texas.gov/occupational-therapy/ot-board/ot-act-rules#proposed-amp-adopted-rules>

**Reminder: Attending a business meeting does not count for CE.**

### **FACILITY RULES:**

[§376.4, §376.6, §376.8, Facility Renewals, Late Renewals and Restoration.](#)

### §651 Fees

The Executive Council has also proposed new fees for facility restoration, which is the final piece of the change in facility rules regarding facility restoration

### Adopted

**§376.10, Change in Occupational Therapy Facility Ownership**, was adopted without changes at the September Board meeting. Read those changes here.

## Sign your name professionally

The best example is written in §369.3 which says except for academic use OR when signing as an author for a publication, all licensees are either OT/OTR or OTA/COTA: for example, Mary Jones, OT, CHT or Mary Jones, OTR, CHT. The other example is Mary Jones, OTA, or Mary Jones, COTA. The licensee must be maintaining their registration or certification with NBCOT to use their copyrighted designations: COTA and OTR.

In Texas the professional designation comes first followed by other certification(s), degree(s) or honors. **We do not use OTR/L or LOT; not COTA/L or LOTA.**

If you are paying NBCOT and renewing your OTR or COTA credential you can use these designations, if you are not paying NBCOT you must use and sign OT or OTA.

## New! Disciplinary Actions Online

Those seeking to read an Agreed Order for a license who has been disciplined will not need to make an open records request any more. The Agreed Orders have been scanned and when you click on the date that a licensee has been disciplined, a pdf of the Agreed Order will open.

## STUDENT SUPERVISION & OTHER EXEMPTIONS TO THE OT ACT

§454.005 of the OT Practice Act say:

- (a) This chapter does not apply to a holder of a license issued by another state agency who is performing health care services within the scope of the applicable licensing act.
- (b) The licensing provisions of this chapter do not apply to:
  - (1) an occupational therapy aide assisting a license holder under this chapter;
  - (2) a person engaged in a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if:
    - (A) the activities and services constitute a part of a supervised course of study; and
    - (B) the person is designated by a title that clearly indicates the person's status as a student or trainee;
  - (3) a person fulfilling the supervised field work experience requirements of §454.203, if those activities and services constitute a part of the experience necessary to meet the requirement of that section;
  - (4) an occupational therapist performing a special project in patient care while working toward an advanced degree from an accredited college or university;
  - (5) an occupational therapist who does not live in this state and who:
    - (A) is licensed by another state or who meets the requirements for certification established by the American Occupational Therapy Association as an occupational therapist registered (OTR) or a certified occupational therapy assistant (COTA); and
    - (B) comes into this state for not more than four consecutive months to:
      - (i) provide or attend an educational activity;
      - (ii) assist in a case of medical emergency; or
      - (iii) engage in a special occupational therapy project; or
  - (6) a qualified and properly trained person acting under a physician's supervision under Section 157.001.



## OT BOARD FORMAL DISCIPLINARY ACTIONS TAKEN NOVEMBER 2, 2012 BOARD MEETING

- (1) **Erin Dossey, COTA #211761 (Kirvin)** – practiced occupational therapy without a valid Texas license. Violation of Section 454.201 of the Act. ***Board Order suspended her license for thirty (30) days.***
- (2) **Stacey Thompson, COTA #208557 (Amarillo)** – practiced occupational therapy in a manner detrimental to the public health and welfare by inaccurately documenting treatments rendered. 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) **Tanya Lughermo, OTR #104584 (Spring)** – failed the CE audit; lacked sufficient Type 2 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.***
- (4) **Mary McVea, OTR #103250 (Comfort)** – failed the CE audit; lacked sufficient Type 2 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.***

### ***Executive Council of PT and OT Examiners, John Maline***

During a recent conference, I had an interesting conversation with several OTs about the budget of the Executive Council. They had questions about high licensing fees, and about where that money goes, and how the agency is funded. I think their real underlying question was, with such high fees, why are licensees receiving even fewer services? These OTs felt that since there are so many OTs, OTAs, PTs, PTAs and facilities licensed in Texas, there should be more than enough money to continue to print renewal certificates and mail out printed copies of the Acts and rules. That instead of a decline in services, there should be more and better services. Their questions about the funding of the Executive Council (which supports the OT Board and PT Board operations) prompted me to briefly try and answer these questions.

The Council is required by Texas law to cover agency expenses through licensing fees, but the money we collect is not ours to spend. With few exceptions, all funds collected by the Executive Council (for example, application and renewal fees, fines, etc.) are deposited directly into the state's General Revenue Fund. That's the largest state account into which almost all state revenues flow, and which is used to run state government and pay for all state services.

The Texas Legislature meets every two years, so every two years the Executive Council, like other state agencies, must appear before the Legislature and present its case for funding for the next two years. The Legislature can decide to give the agency less than in the previous two years, keep it the same, or increase it for specified and approved purposes - for example, money given to the agency is earmarked for salaries, technology upgrades, professional services, etc. However, if an agency is given or “appropriated” funds above what it received the previous year to cover such items, the agency is required to raise fees to cover that increase.

The Executive Council, like most regulatory agencies, finds itself generating much more revenue (your fees) for the state than we spend. During this past fiscal year (2012) we deposited about \$4,600,000 into the General Revenue Fund. We were appropriated or given \$1,042,000 by the Legislature to meet our mission of licensing and regulating OTs and PTs in Texas, which evolved into about \$950,000 available to cover our operating expenses. Of that amount we had to raise about 10% ourselves from the sales of mailing lists. As you can see, we were appropriated about 25% of the total fees collected last year.

Meanwhile, as the agency budget appropriation has remained relatively static or decreased over the past few years, the workload has significantly increased. Below are some rough comparison numbers between 2004 and 2012 which highlight this:

	FY2004	FY2012
Agency Budget	\$900,000	\$963,000
Revenues to State	\$2,740,000	\$4,600,000
Licensees & Facilities	21,796	35,525
Disciplinary Cases	370	606
Employees since 1994	18	18

Our sole mission is to protect the public. We must use our budget to fund the most important activities to accomplish our mission, and so have made the decisions to cut less important activities. For example, if given the choice between letting an investigator go or continuing to fund newsletter mail-outs, the choice is obvious. In an agency this size, salaries for staff are the biggest expense. We could have reduced the number of staff that process applications and renewals and answer questions from licensees, but instead the Boards agreed to push almost all licensing transaction activities onto the internet, including the printing of renewal certificates.

The bottom line: Legislators are faced with competing public needs and scarce resources, especially in recent times. We cannot keep your fees for our own use in running the agency or serving licensees, but must instead live within the budget given us by the Legislature.

On our website is a link to the agency’s most recent strategic plan. If you wish to know more about the information I have provided, such as numbers, statistics, requirements, etc., you can find it there in great detail.



## Frequently Requested Numbers

<http://www.ptot.texas.gov/occupational-therapy/ot-resources/ot-links>

### 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.aota.org](http://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](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/)

### Early Childhood Education DARS, ECI

4900 N Lamar

Austin, TX 78751-2399

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

### Medicare and Medicaid

<http://www.cms.gov/>

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

#### Medicare Part A

888/763-9836 (Rehab Dept, Hospital)

#### Medicare Part B

903/463-0720 (independent practitioners)

Medicare fraud, or abuse of a Medicare: 800-447-8477.

**Medicaid:** 800/252-8263

<http://www.hhsc.state.tx.us/medicaid/>

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)

### School Health and Related Services (SHARS)

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

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

[TxServiceDesk@egov.com](mailto:TxServiceDesk@egov.com)

877-452-9060 Help desk