

TBOTE news

The Texas Board of Occupational Therapy Examiners

December 2009

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The 2009 Rules will be posted to the website after January 1, 2010 and those who are subscribed to board e-news will receive a notice

<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
February 25, 2010
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

§370.2 Late Renewal Adopted Five other rules proposed

The proposed rule which was published in the *Texas Register*, sent out through board e-news, received 3 public comments, and was adopted to take affect on January 1, 2010.

The substance of the amendment was to rectify changes brought about through OT Practice Act changes which allow the board to change how it treats former licensees who return to Texas to practice. This will be an easier process, much like a renewal. The board received the authority to establish a fee for restoration and late renewal. The Executive Council of Physical Therapy and Occupational Therapy Examiners proposed the fee changes, which were proposed and adopted to take place on January 1, 2010. After that date, late fees and restoration fees will be lower, as per the new adopted fee schedule.

The last part of this rule amendment deals with those who let their Texas license expire and stay in Texas with no license. Those whose license is expired more than 2 years may return to licensure if they take the NBCOT exam “for licensure purposes only;” take an advanced OT degree or take a re-entry course through an accredited college or university., but those whose license is expired less than 2 years may do additional continuing education. Again, contact the board to see about your situation.

Four of the proposed rules eliminate the linked facility category, the additional and primary facility references in the Facility Registration rules. After January 1, 2010, all OT facilities will be the same. The 5th rule amendment removes case management from the CE not allowed category. Case Management courses must meet the Type 1 or Type 2 definitions to qualify for CE credit.

The Top Ten Question List

Frequently Asked Questions and Answers

1. Discharge: Who writes it?

'Only an occupational therapist has the authority to discharge patients from occupational therapy services, §372.1 (f) Discharge. There has been some confusion that the OTA or COTA can write the discharge and just have the OT or OTR sign.

That is not the case.

Just as in the Plan of Care, the occupational therapist can assign to the occupational therapy assistant the collection of data which will be read and interpreted for Plan of Care. Similarly, the occupational therapy assistant can write or collect data to be used and interpreted in writing the discharge.

Therefore, It is ok for the occupational therapy assistant to be assigned to collect the information for those patients he/she is working directly with, and to write it. However, the occupational therapist must 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.

2. Supervision of a Tech, Aide or other Non-Licensed Personnel

Both Occupational Therapists and Occupational Therapy Assistants can delegate tasks to Non-Licensed Personnel. Since the Aide, Tech, etc. has no license we hold the OT or OTA responsible for harm to a patient. The licensee must interact with the patient during each treatment session. This means going into the treatment room and speaking with the patient.

§373.1 cover what Aides, etc. can and cannot do. The licensee must be available to respond to the needs of the patient. The Aide cannot introduce any treatment for which the patient has not shown previous performance ability. A licensee must always be available for patient care as the aide or tech cannot work unsupervised. . The tech cannot start treatment in the morning before the licensee is available, or in the afternoon after the licensee has left. Please check §373.1 for more information.

3. Supervision of an Occupational Therapy Assistant.

Every occupational therapy assistant must be have supervision hours which are written into the Supervision Log. The time spent discussing patients assigned, progress of patients, changes in the plan of care, etc. all count for regular supervision. The hours spent in person, face to face are also recorded on the Supervision Log.

The occupational therapy assistant must always have an occupational therapist available to speak with whether in person or on the phone. This therapist is the one whose name is entered in the treatment note, not the OT who write the plan of care, if that OT is not accessible. Recent updates to §373.3 mandate that every OT who delegates to an OTA, whether full time, part-time, or PRN, participate in the supervision time. This supervision time may be done so that all the OTs do some of the supervision time each month. For others, they will have one OT take this month, and another OT supervise the next month, etc. Each method is fine; as long as all the OTs, who delegate are participating.

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4. Continuing Education

Licenses are able to look at the definition for Type 1 and Type 2 as written in Chapter 367 of the rules and place their CE in the appropriate column.

CPR and other facility required repetitive courses do not count for CE. Newly amendment rules allow CE for Supervision of fieldwork students, check our §367.2 to find out how.

5. Abandonment

This is an issue which required that every licensee put their resignation in writing and keep a copy for their records. Usually a 30 days written notice is sufficient, but if you decide to stay longer write an amendment to your resignation letter. If you sign an employment contract, look at the resignation clause, and see what is required. Being asked to leave is not abandonment. Walking out or phoning in a resignation is not evidence for concern for the well being of your patients. Rather it is a violation of the OT Code of Ethics.

6. Facility Registration, but I'm not the Therapist in Charge!

Board rules require that OT practitioners work in facilities that are exempt from registration or current with their registration. Look at the facility registration where you work and notice the annual expiration date. You cannot provide treatment after that date in a facility with an expired registration. Note that other licensees are in newsletters for disciplinary action for this violation. This issue matters to every licensee in a registered facility, or one that should be registered.

If you are the Therapist in Charge: This form no longer needs to be notarized, however if you leave the employment of a registered facility, you must also fax or mail us the signed Therapist in Charge form stating that you are no longer the Therapist in Charge.

7. Where are my new rules?

We are no longer mailing the Act, Rules or newsletters, as our licensee population is now over 10, 000 licensees.

Please sign up for board e-news on our homepage, and encourage everyone you know to do the same
<http://www.ecptote.state.tx.us/lists/subscribe.php>

8. I have some practice questions, where can I find this information?

Have you visited the *Got a Question* page on the website?
<http://www.ecptote.state.tx.us/ot/questions.html>

If your question is not answered in the rules or on that page phone the board at 512/305-6900. Some issues, such as billing are not addressed by the board.

9. Do fees ever go down?

Yes, as of January 1, 2010, the late fee(s) and restoration fee will be reduced. Also if you own your own business, the fee will be reduced to \$215. Visit the Fees page on the website in January to read the revised fees for licensees and facilities.

10. Am I an OT, an OTR or a LOT?

NBCOT copyrighted the initials OTR and COTA, so licensees who are not maintaining their certification with NBCOT must use OT or OTA. The language was amended in the OT Rules to reflect the same language and references in the OT Practice Act. Read more on this subject at *Got a Question* page on the website.





**OT Board Formal Disciplinary Actions
November 13, 2009 Board Meeting**

(1) Susane Moore, LOT #106465 (Waco) – practiced in a manner detrimental to the public health and welfare 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.***

(2) Anne Valentine, OTR #104513 (Dallas) – practiced in a manner detrimental to the public health and welfare resulting in the burn of a patient under her care. 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.

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