

TBOTE *★news*

The Texas Board of Occupational Therapy Examiners January, 2004

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New Public Board Member

Governor Perry has named Dely De Guia Cruz from Houston as the new public member on the TBOTE Board. Ms. Cruz lives in Houston and owns a nurse-staffing agency. Her term of office expires February 2009. Ms. Cruz replaces Windi Fuller of west Texas whose term expired. A big thank-you to Windi and a hearty welcome to Dely. As a reminder, all TBOTE board meetings are open to the public, with the next scheduled board meeting 9:30 am on June 18, 2004 at 333 Guadalupe St, Suite #2-510. The fall board meeting will coincide with TOTA's Mountain Central Conference and will be held October 22, 2004 at the Marriott Town Square Hotel, Sugar Land, Texas. For a list of all board meeting dates and board members, please refer to the website: www.ecptote.state.tx.us.

Changes to the Renewal Process

Changes at TBOTE in the last year include sending out reminder notices (postcards) to let licensees know it's easiest to renew online starting from our website. From our website you can take the JP exam online and continue with your renewal online where you can change your address, and pay online with a check or credit card.

There are two ways to renew online:

- 1) Take and pass the JP exam and print out the "exam key code." That is the password for completing the entire online renewal process which includes payment.
- 2) Take the JP exam and print out a blank renewal form from our "Forms" section of the website. Fill in or attach your "exam key code" letting us know you have taken and passed the JP exam and mail in the completed renewal form with your check.



Those who cannot access the online process can phone the renewal department and ask for a paper renewal to be faxed or mailed. You cannot change your name online, nor change your status from active to inactive or from inactive to active. There are a few other exceptions, but for the most part, licensees should be able to renew quite easily online. The responses we have heard have been positive.

Professional Profile

While online, check out your own profile on the Professional Profile System. Senate Bill 187, which was passed during the 77th Legislative Session, mandated that certain named occupational licensing agencies make information on the professionals they regulate available to the public via the Internet. Occupational Therapy is one of the named professions. Therefore we have already posted information about you on www.TexasOnline.com and we need you to verify that the information is accurate, and to supply the profile with additional information, such as insurance accepted (at your facility), advanced certification (s), education history, languages translated, etc. To access your own profile you will enter your license number while your social security number is your password. This is a secure site. Should you find that your work address or phone number are incorrect, please fax, email or write us the current information, as required by rule. We supply the address and phone number provided by the licensee for work address and work phone number. Home addresses and telephone numbers are NOT provided. One advantage to the profile system is that the public can look for a licensee or OT Facility by zip code, language spoken, or insurance accepted for example.

Facility Profile

Facilities have their own profiles. To access the facility profile you will need the facility's registration number and its application number. Check with the Facility Department for further assistance. The information for facilities is important to consumers, who may be looking for an OT facility by zip code, or by languages spoken or by insurance accepted, for example.

Rule Changes

§367.1. Continuing Education has a one word change in the definition of Type 2: The Board sought to clarify the definition and it now reads: A minimum of 15 hours of continuing education must be in skills **specific** to occupational therapy practice with patients or clients hereafter referred to as Type 2. (AOTA's Category 1 or 2).

§370.1. License Renewal has been amended to add: If a reserve status licensee is called into active military service, and his or her license expires during service, the licensee may follow the requirements for renewal with no penalty if the licensee:

- (i) submits the renewal within 90 days after return to reserve status; and
- (ii) submits evidence of active service and its inclusive dates.

§373.3. Supervision of a Licensed Occupational Therapy Assistant has amended the section to add:

(b) Licensees working part-time or less than a full month within a given month may pro-rate these hours, but shall document no less than four hours of supervision per month, one hour of which includes face-to-face, real time interaction by the OTR(s) and LOT(s) observing the

COTA or LOTA providing services with patients/clients. Those months where the licensee does not work, he or she shall write N/A in the COTA Supervision Log for that month.

(c) COTAs or LOTAs with more than one employer must have a supervisor at each job whose name is on file with the board.

New Facility Registration Rules Effective March 1, 2004

Please go to the website and read the whole new Chapter 376 on Registration of Facilities to get a complete picture. The major changes included are:

- ◆ Facilities must be registered **before** any patient/client treatment. If you interview for a job and the registration is not on the wall, you cannot treat. No longer are there 60 days to get the registration completed, or any grace period.
- ◆ The definition of a facility now excludes certain OT services, please read that newly revised definition.
- ◆ Each OT facility must have an OT-in-Charge, whose name is on file with the board. Changes must be reported to the board within 30 days.
- ◆ Facilities looking for an OT-in-Charge may apply for renewal and pay the regular renewal fee, if paid before the expiration date. However, the renewal will not be completed or returned to the facility until the OT-in-Charge form and a list of the name(s) of the occupational therapy practitioners employed at that facility are received by the board.
- ◆ The owner may cancel an OT facility registration if services will no longer be provided. To do so, the owner (not the OT, unless the OT is the owner) must notify the board and return the registration certificate and the current renewal certification (if applicable).
- ◆ An owner may not register the facility as a new facility in lieu of completing the renewal or paying late fees.
- ◆ Beginning March 1, 2004, all additional facilities will have their expiration dates changed to coincide with their primary facility's expiration date. The agency will phase in the synchronization process in so that the additional facilities will have 6 months – 17 months on the next renewal and until the process is complete.
- ◆ The new section, §376.10, was written to define when a change in ownership takes place and when the facility must re-register.

FACILITY FAQs

Question: May I open my facility and have 60 days to register?

Answer: NO. The rules have changed and you must have the registration, the licenses of OT Practitioners and the consumer complaint sign posted before patient treatment. Otherwise, you are practicing in an unregistered facility and subject to disciplinary action.

Question: May I register my facility without an occupational therapist employed?

Answer: Your application will not be complete until we receive your Therapist-in-Charge affidavit. The complete application requires the name of the Therapist-in-Charge form, and the names and license numbers of all the Board's licensees employed at the facility. You are not registered until your application is complete.

Question: I am the owner of my facility. Recently my attorney suggested that I incorporate. Will that affect my facility registration?

Answer: Your incorporation will change the ownership from you, personally to the new entity, the corporation. The Board rules state that a registration may not be sold or transferred. With the change of ownership, you will need to re-register.

Question: I have a small private practice and lately have not had the time to run the business. What shall I do?

Answer: You can cancel your registration at any time, by returning the original registration and any renewal certificates, and letting us know that you are no longer providing services.

Question: Can the Therapist-in-Charge be in charge of more than one facility?

Answer: Yes. We have no set limit but the therapist must be capable of assuring that the Board rules are followed at each facility.

Question: Can a PT clinic offer OT services?

Answer: OT and PT services may be offered in the same location, once the OT registration is obtained. That means there will be a PT-in-Charge and an OT-in-Charge. There will be an OT registration number and a PT registration number. Both registrations must hang on the wall for the public to see. Both registrations have to be renewed.

An application and a waiver are available to download from our website. When the waiver accompanies the OT application, in which PT services are already registered, at the same location, with the same ownership (same EIN), no additional fees are required. The waiver form waives the fee(s), but not the obligation to register and renew.

Question: Do I need to register a private school as a facility?

Answer: The facility rules have several exemptions to registration. Schools are exempt.

Question: The Therapist-in-Charge left; can I be the Therapist-in-Charge?

Answer: Yes, if you hold a valid Texas license and are willing to sign the OT affidavit. You must notify the Board of any change of Therapist-in-Charge, within 30 days.

Question: A nursing home wants to contract with me for services; do I need to register the nursing home?

Answer: Not if you are providing services to patients living in the nursing home, or in their own homes, as those are two of the exemptions to registration. If the nursing home decides to open an outpatient facility, they would have to check with the Department of Human Services to see if their nursing home registration covers outpatient services. If they are registered with the Department of Human Services, no registration is required with this board, if not, register the facility.

Question: If a facility is registered, does the registration cover all the sites?

Answer: No. Usually the first facility registered becomes the primary facility and the other sites owned by the same person, or entity, are "additional facilities." The additional facilities must register with this Board and renew each year. The cost is less to register and renew additional facilities.

Question: Do I need to register the public pool where I provide aquatic therapy?

Answer: Yes, because physical and/or occupational therapy services take place at that physical site. During the hours of aquatic therapy, you must display the facility registration and the public complaint notice.

Question: If I close what has been my primary facility, can I designate another facility as the primary one?

Answer: Yes, send a letter to close the primary and return the registration and renewal cards and designate one of the additional facility as the primary.

Question: The PTs have to register themselves as “portable facilities.” As an OT doing ergonomics, do I have to register myself?

Answer: NO. This is a difference is the OT and PT rules.

On the Web

The February 2003 TBOTE Newsletter is still on the web and has articles about the conversion last summer to six-digit license numbers. As explained on our website, the online renewal required that all license numbers be of the same length. We had some licenses that were three, four and six-digits. By making them all six-digit, the computer program can recognize the license numbers. We added a 1-0 or 1-0-0 in front of all OTR 3 or 4 digit license numbers and a 2-0 or 2-0-0 in front of all COTA license numbers. Thus, license # 1234 became 101234 for an OTR or 201234 for a COTA. When you go to our website to verify a licensee, you will have to use the 6-digit number.

The *Got a Question?* section of our webpage gives answers for practice questions as well as frequently asked continuing education questions. These include continuing education, practice, ECI, school-based practice and other frequently asked questions.

The *Forms* section of the web has for your convenience, a blank renewal form, COTA Supervision form, COTA Supervision Log and other useful forms. There are also new facility application forms and blank facility renewal forms under the ***Facility*** part of the website.

Fee section of the web quotes the current fees. Some legislative fee changes went into effect January 1, 2004. Late fees changed as a result of NBCOT’s increased exam fee charge.

Formal Disciplinary Actions

These are the Agreed Orders for the first half of the agency’s FY 2004. The Agreed Orders from last year are in the 2003 Newsletter, available on our website

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

FORMAL DISCIPLINARY ACTIONS TAKEN BY THE BOARD IN THE FIRST 2 QUARTERS OF FY04:

(1) Carmen Garcia, COTA #201860 (San Antonio) – practiced occupational therapy in a manner detrimental to the public health and welfare by failing to properly renew her license. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order required sixty (60) hours of community service; 9.5 hours of CE.***

(2) Derick Randle, COTA #207034 (Houston) – practiced occupational therapy in a manner detrimental to the public health and welfare by failing to properly renew his license. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order required sixty (60) hours of community service; 8.5 hours of CE.***

(3) Jun Zhao, OTR #108909 (Plano) – practiced occupational therapy in a manner detrimental to the public health and welfare by falsifying treatment notes to indicate services rendered 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 forty-five (45) days; required sixty (60) hours of community service.**

(4) **Leonor Brown, OTR #104000 (Austin)** – practiced in a manner detrimental to the public health and welfare by practicing with an expired license. Violation of 454.301 of the Act and 374 of the board rules. **Board Order required that she ‘cease and desist’ from the practice of occupational therapy until such time as she regains licensure through the board (re-examination).**

(5) **Holly Barratt, OTR #109400 (Galveston)** – practiced occupational therapy in a manner detrimental to the public health and welfare by failing to properly renew her 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; 16 hours of CE.**

(6) **Kimberly Odom, OTR #110408 (Carbon)** – 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 sixty (60) hours of community service.**

(7) **Sherry Austin, COTA #209107 (Friendswood)** - 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 ninety (90) hours of community service.**

(8) **Mary Anne Dillon, OTR #100429 (Houston)** – 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 thirty (30) hours of community service.**

(9) **Kristen Ballard, OTR #110050 (Bellaire)** – practiced 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 suspended her license for fifteen (15) days.**

(10) **Jennifer Caywood, OTR #108369 (Killeen)** – 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 forty-five (45) hours of community service.**

(11) **Marcy Carpenter, COTA #207866 (Gainesville)** – practiced occupational therapy in a manner detrimental to the public health and welfare by practicing beyond the scope of her license. Violation of Section 454.301 of the Act and chapter 362 of the Board Rules. **Board Order suspended her license for fifteen (15) days.**

(12) **Melanie Anne Hourican, OTR #110958 (Fort Worth)** – practiced occupational therapy without a valid license. Violation of Section 454.201 of the Act. **Board Order suspended her license for ninety (90) days.**

(13) **Joanna Auger, OTR #110363 (Fort Worth)** – 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 suspended her license for sixty (60) days.**

(14) **Sandra Gonzalez, OTR #105591 (Galveston)** – practiced occupational therapy in a manner detrimental to the public health and welfare by falsifying treatment notes to indicate services rendered 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 thirty (30) days.**

(15) **Catherine Smith, COTA #209279 (Austin)** - practiced occupational therapy without a valid license. Violation of Section 454.201 of the Act. **Board Order suspended her license for sixty (60) days.**

(16) **Jessica Scott, COTA #209277 (Houston)** – practiced occupational therapy in a manner detrimental to the public health and welfare by practicing after the expiration of her temporary license. Violation of Section 454.301 of the Act and chapter 374 of the Board Rules. **Board Order required sixty (60) hours of community service.**

(17) **Tara Loomis, COTA #207905 (Fort Worth)** – practiced in a manner detrimental to the public health and welfare by practicing beyond the scope of her license, resulting in injury to a patient. Violation of Section 454.301 of the Act and chapter 374 of the Board Rules. **Board Order suspended her license for thirty (30) days.**

(18) **Lucila Covington, OTR #100372 (Arlington)** – 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 regains licensure through the board (re-examination).**

(19) **Sergio Longoria, COTA #207021 (Corpus Christi)** – practiced occupational therapy in a manner detrimental to the public health and welfare by failing to properly renew his license. Violation of Section 454.301 of the Act and chapter 374 of the Board Rules. **Board Order required sixty (60) hours of community service; 23 hours of CE**

(20) **Wanda Simpson, COTA #208316 (Denton)** – practiced in a manner detrimental to the public health and welfare by failing to properly renew her license. Violation of Section 454.301 and chapter 374 of the Board Rules. **Board Order suspended her license for sixty (60) days; 30 hours of CE.**

Changes coming to TBOTE

Coming soon...

- ◆ Original applications online!
- ◆ Facility renewal online is coming this Spring according the Texas Online Authority.
- ◆ Newsletters posted on the website, following each board meeting
- ◆ Proposed & adopted rules to be published on our website. The adopted rules have been on the website for years. Now we will post the rules we are proposing.

Contact the OT Coordinator directly: augusta.gelfand@mail.capnet.state.tx.us