

# TBOTE news

The Texas Board of Occupational Therapy Examiners

October, 2011

## Contents

<i>New Public Member.....</i>	<i>1</i>
<i>New Online application Status check.....</i>	<i>1</i>
<i>Changes to ECI.....</i>	<i>2</i>
<i>Abandonment.....</i>	<i>2</i>
<i>New Criminal History Check Form.....</i>	<i>3</i>
<i>Proposed Rule Amendments.....</i>	<i>3</i>
<i>Agreed Orders.....</i>	<i>4&amp; 5</i>
<i>Frequently Requested Numbers.....</i>	<i>6</i>

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

*Previous newsletters, Forms and Frequently Asked Questions are on the website: [www.ecptote.state.tx.us](http://www.ecptote.state.tx.us)*

## TBOTE Board

Stephanie Johnston, OTR, Chair  
Kathleen Hill, COTA, Secretary  
Katherine Benavidez, OT  
Judith Ann Chambers, public member  
De Lana Honaker, OTR, PhD  
William Hale, public member  
Pamela Nelon, public member  
Todd Novosad, OTR  
Angela Sieffert, OTA

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*Board meetings scheduled  
December 16, 2011  
May 18, 2012*

## New Board Member Appointed

Will (William) Hale was appointed by the Governor to serve on the TBOTE Board as a public member, replacing Dely De Guia Cruz as her term of service had expired. The board thanks to Ms. Cruz for her many years of service.

Will is an attorney who serves the public as a Hays County Criminal District Attorney. He was appointed to a term to expire Feb. 1, 2015.

Re-appointed current board members to new terms expiring Feb 1, 2017 are Pamela Nelon, public member; Stephanie Johnston and DeLana Honaker, professional members. The board held an election at its September board meeting and Stephanie Johnston was re-elected to Presiding Officer, Todd Novosad was elected as Vice-Chair and Kathleen Hill was re-elected as Secretary.

## Online Applicant Status Check

A new feature has been added to our website since the last newsletter. Once new applicants apply for a license and we receive their email address, we send them an email informing them of their applicant password. With the password the applicant can view their required items online and see the date each has been received, and which items the board is waiting for. The status check also records when the application became effective, when the license is issued, when mailed, and to which address. Licensees should find the system easy and fast to use.

## Change At Hand for ECI Programs State-wide

Jean Polichino, OTR, MS, FAOTA

Early Childhood Intervention (ECI) programs that serve children from birth to 3 years of age with disabilities, developmental delay or other developmental problems, are in transition in our state. According to the July 20, 2010 *Austin American Statesman*, budget cuts resulting from the state legislative decision-making mean a \$50 million (14 percent) reduction in ECI program funding for the 2012-13 biennium. New rules proposed over the summer narrow eligibility for services, effectively reducing the number of children that will be served in our state by ECI programs.

Changes have also been made in Medicaid reimbursement procedures for ECI.

Reimbursement for children qualifying for Medicaid has historically been handled by the state. Beginning September 1, 2011, each ECI program will be responsible for claims processing for the children they serve.

Because Medicaid reimbursement will play an important role in overall program funding, occupational therapy services (along with physical therapy and speech therapy services) will play an increasing role in service delivery to children and their families.

## Understanding Abandonment

There are three basic elements that must be present in a situation for it to constitute abandonment:

1. You have accepted responsibility for a patient's care, i.e., you are the OT or OTA treating the patient, or the OT supervising the OTA treating the patient, whether an employee or contractor;
2. The patient still needs care (i.e., has not been discharged); and
3. You stop treatment of the patient (or supervision of that treatment) without

sufficient notice to allow a reasonable amount of time to arrange for a new OT or OTA to take your place.

*Examples of what is NOT considered abandonment:*

- i You give sufficient written notice that you are leaving (see below)
- i You are too ill to work
- i Your employment has been terminated, for any reason
- i You are working for a contract company that no longer has the contract to treat the patients you've been seeing
- i You refuse to accept responsibility for an assignment for which you believe you are not qualified. (This may be cause for termination, but it is not patient abandonment.)

The above examples are all circumstances that are beyond your control, and the Board considers abandonment to be a choice the licensee makes.

***Examples of what IS considered abandonment, if you leave without giving sufficient notice:***

- i You haven't been paid or the check bounced
- i Reimbursement has been denied by a reimbursing entity
- i You have an argument or disagreement with your employer, a patient, or coworker
- i You don't think your employer is dealing with you fairly
- i You don't like the patient
- i Taking a vacation day (or days) that haven't been approved by your employer when you have patients to treat or OTAs to supervise

The most important consideration is to make sure you give appropriate written notice to your employer (or your patient, if you are self employed). This allows your employer or the patient sufficient time to find a replacement for you, so that patient care is not disrupted. In most cases, four weeks notice (30 days) is adequate time for a replacement to be found. However 30 days is a suggestion, or general standard; the Board does not dictate the actual amount of time as some companies have a stated number of days required in their employment contract, for example

If a complaint of abandonment is made against you, the Board will look at the patient's condition, the circumstances, and the availability of replacements in the area to determine what it considers enough notice. If your employer tells you to leave once you have turned in your notice, you are not required to continue working, but you should document for your records that your employer has made that decision.

In your letter of resignation, include the effective date of your resignation, which is the last day you will be at this place of employment, and any other information you believe may be important to establish your plans, your expectations of your employer (or the patient), and your consideration of your patients' needs. Keep a copy of this letter for your records. If for some reason you delay your resignation and continue working, document the changes to your plans, such as I agree to continue for one more week, with the date and signatures. If you encounter a situation where you feel you must discontinue treatment or leave your job, and you are concerned that your patients or license may suffer, call the Board for direction.

## **New Criminal History Evaluation Letter and Form Now Online**

People who wish to apply to the board to have their past criminal history checked by the board to see if the board will allow them to be licensed should use this new form which is available to download from our home page.

<http://www.ecptote.state.tx.us/>

Should an acceptance letter be received it can be used by the applicant both for the OT/OTA educational program and with the license application to show board review and approval.

## **Proposed Amendments**

The board has proposed several amendments for clarification and expansion. First is **§364.2** and **§364.3**, which will require applicants by exam and those seeking a temporary license to provide the board with a copy of their NBCOT exam registration, which reflects that a score report for Texas has been ordered.

**§369.3** Use of Titles has been proposed an exception for academic titles for academia and publication.

**§370.3 Restoration** was proposed for amendment for clarification regarding restoration of an expired license.

**§373.3** Supervision of a Licensed Occupational Therapy Assistant was proposed for amendment to allow an audit of the OTA Supervision Log, which occupational therapy assistants are required to maintain.

The biggest changes were to **§372.1**, Provision of Services. The board has attempted to clarify in rule and language more about Plan of Care, Discharge, and Documentation. Read the specifics here:

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

**OT Board Formal  
Disciplinary Actions  
September 2, 2011**



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

- (1) Tina Fletcher, OTR #102506 (Commerce)** – 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) Melanie May, COTA #208159 (Austin)** – 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) Brittney Kaiser, OTR #110403 (Houston)** – 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.***
- (4) Polly Fowler, OTR #103404 (Lubbock)** – practiced 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.***
- (5) Patricia Peterson, OTR #112769 (Austin)** – practiced 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.***
- (6) Sharon Donahey, OTR #102435 (Taylor)** – practiced 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 forty-five (45) days.***
- (7) Jennafer Farnham, COTA #210144 (Mansfield, LA)** – practiced with an expired license and altered documentation to show current licensure. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended her license for ninety (90) days.***
- (8) Susan Martinez, COTA #209503 (Houston)** – practiced 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 one-hundred twenty (120) days.***
- (9) Paul Franklin, OTR #105896 (San Antonio)** – practiced in a detrimental manner by using drugs to an extent that affected his professional competence; failing a drug test administered by his employer. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended his license for thirty (30) days and subjects him to random drug tests.***

- (10) **Leah Shah, OTR #112719 (Austin)** – practiced in a detrimental manner by using drugs to an extent that affected her professional competence; failing a drug test administered by his employer. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended her license for thirty (30) days and subjects her to random drug tests.***
- (11) **Katrina Sanderson, OTR #104604 (San Antonio)** – practiced in a detrimental manner by using drugs to an extent that affected her professional competence; by having taken drugs from 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 sixty (60) days and subjects her to random drug tests.***
- (12) **Curtis Marten, COTA #205255 (Sanger)** – practiced in a detrimental manner by refusing to take a drug test requested by his employer. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order accepted his surrender of his license to practice occupational therapy in lieu of further board action.***
- (13) **Elizabeth Linden, OTR #112678 (El Paso)** – 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.***
- (14) **Thalia Trevino, COTA #209787 (San Antonio)** – 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.***
- (15) **Paula Black, OTR #109660 (Lewisville)** – 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.***
- (16) **Ashley Wilson, OTR #113976 (Houston)** – practiced in a detrimental manner by resigning her position without sufficient prior notice. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order suspended her license for thirty (30) days.***
- (17) **Kelly Crumpler, OTR #111193 (Russellville, AR)** – practiced in a detrimental manner by resigning/abandoning her position without sufficient prior notice. 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) **Kristina Callander, OTA #403857 (San Antonio)** – practiced in a detrimental manner by practicing with a temporary license without on-site supervision by another licensee. Violation of Section 454.301 of the Act and chapter 373 of the board rules. ***Board Order required sixty (60) hours of community service.***



## 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](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

[www.texasonline.com](http://www.texasonline.com)

877-452-9060 Help desk