

TBOTE news

The Texas Board of Occupational Therapy Examiners

September 2009

Contents

<i>Act Changes.....</i>	<i>1</i>
<i>Adopted Rules.....</i>	<i>2</i>
<i>Registration for Facilities.....</i>	<i>2</i>
<i>Disciplinary Actions.....</i>	<i>3</i>
<i>Reporting Violations/Abuse.....</i>	<i>4</i>
<i>November Board Meeting.....</i>	<i>5</i>
<i>Address Changes.....</i>	<i>5</i>
<i>Helpful Information.....</i>	<i>6</i>

The 2008 Rules and the subsequent Amendments are on the website

<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

November 13, 2009

February 25, 2010

May 26, 2010

August 20, 2010

Practice Act Changes

House Bill 1785 was passed in the recent 2009 legislative session. The credit for the Act amendments goes to Rep. Kuempel and Sen. Nichols, who carried the bill and TOTA who worked to get the legislation passed. 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 will be posted to the website, when available.

In light of the changes the TBOTE Board has proposed a rule amendment to §370.2, Late Renewal. The proposed amendment will change the restoration process to make it more like the renewal process. Applicants must have all state licenses obtained since leaving Texas verified and at least one must be current. The restoration fee will become the same as renewal fee. This amendment has been published and posted to the website for public comment. The board will again look at this rule amendment at its November 13th meeting and vote whether to adopt it. If so, it will become effective January 1, 2010.

Those staying in Texas with an expired Texas license may still re-take the national exam “for licensure purposes only.” However the Board has proposed several other options. Read the proposed rule on the website here:

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

TBOTE Board

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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

Facility Registration Changes

December 31, 2009 Deadline for Facility Registration Set

Current law exempts Nursing Homes, Assisted Living Centers and Hospitals, among others from registration with this board. However, the Texas Department of Aging and Disability (DADS) has determined that their registration or licensing of nursing homes and assisted living facilities does not include out-patient services, only OT or PT services for residents. If you are working in a nursing home or assisted living facilities which provides out-patient services for any non-residents, including employees, the facility must register with this board

The Texas Department of State Health Services (DSHS) has determined that hospital registration means a building physically attached to the hospital. Therefore, a hospital "outpatient only" facility that is not physically connected to the hospital itself must register with the board. If you are working for an off-site, out-patient, hospital owned facility; it too must register with this board. There is more information on our website: <http://www.ecptote.state.tx.us/facility/>

Both DADS and DSHS have posted notices on their website on the registration requirement. In August 2009, we mailed postcards to all licensees about this change.

OTs and OTAs who are working in facilities should know if the facility where they work is registered with this board. You can verify that registration on our website. Facility registrations expire annually. It is in your best interest, even if you do not have personal responsibility for renewing a facility registration, to know when that registration expires so you can advise and remind administration that you cannot provide treatment after the expiration date. If you do not see a current registration, you cannot treat. Look at the PT and OT newsletters and you will see those licensees who ignored the expiration dates. New facilities must obtain the registration before treatment may occur.

<http://www.ecptote.state.tx.us/facility/index.html>

Adopted Rules

Effective Sept 7, 2009

[§364.1 Requirements for Licensure](#)
[§364.3 Temporary License](#)
[§369.3 Use of Titles](#)
[§371.2 Retired Status](#)
[§372.1 Provision of Services](#)
[§373.1 Supervision of Non-Licensed Personnel](#)
[§373.2 Supervision of a Temporary Licensee](#)
[§376.1 Facility Definitions](#)
[§373.3 Requirements for Registration Application](#)
[§376.4 Requirements for Registered Facilities](#)
[§376.6 Renewal of Registration Application](#)

Adopted Rules

Effective June 18, 2009

[§362.1 Definitions](#)
[§364.4 Requirements for Licensure](#)
[§367.2 Categories of Continuing Education](#)
[§370.2 Late Renewal](#)
[§373.3 Supervision of a Licensed OTA](#)



**OT Board Formal Disciplinary Actions
August 14, 2009 Board Meeting**

- (1) Lesley Berry, OTR #103127 (Abilene)** – practiced with an expired license. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order required eight (8) hours of community service.***
- (2) Amy Mahabir, OTR #111999 (Friendswood)** – 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) Tara Mackenzie, OTR #111171 (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.***
- (4) Carol Foran, OTR #101751 (Wimberley)** – 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.***
- (5) Hilda Martinez, OTR #106118 (El Paso)** – 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.***
- (6) Ruben Rivera, OTR #111124 (El Paso)** – practiced in a facility not properly registered with the board. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order required fifteen (15) hours of community service.***
- (7) Susan Byerly, OTR #103283 (Midland)** – practiced in a facility not properly registered with the board. 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.***
- (8) Rebeca Saulter, OTR #100940 (McAllen)** – practiced in a facility not properly registered with the board. 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.***

(9) Gregory Wattron, OTR #104227 (Dallas) – practiced in a facility not properly registered with the board. 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.***

(10) Kathryn Nicholson, OTR #103277 (Austin) – practiced in a facility not properly registered with the board. Violation of Section 454.301 of the Act and chapter 374 of the board rules. ***Board Order required sixty (60) hours of community service.***

(11) Linda Barnett, OTR #107244 (Fort Worth) – practiced in a manner detrimental to the public health and welfare by documenting treatments as provided on dates that the services 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.***

(12) Cynthia Lumsden, COTA #209650 (Brenham) – practiced in a manner detrimental to the public health and welfare by documenting treatments as provided on dates that the services 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.***

(13) Angela Williams, COTA #210101 (Henderson) – practiced in a manner detrimental to the public health and welfare by documenting treatments as provided on dates that the services 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.***

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.

November TBOTE Board Meeting

The Texas Board of Occupational Therapy Examiners will be holding a quarterly board meeting in conjunction with TOTA's annual conference. This year the Mountain Central Conference is November 13, 2009 at the Hotel Omni in San Antonio. You can attend the board meeting on Friday, November 13th or meet us in our booth in the exhibit hall. For more information about the conference, please check with TOTA at: www.tota.org

Address Changes

The revised online renewal form has three address fields: your home physical address, your preferred mailing address and one business address. If you want to use a PO Box or work address for your preferred mailing address; this is the address that will be shared with label purchasers. However we do need a physical home address. Agency policy is that we cannot send your license or renewal card to your PO Box unless we also have your physical address. Those who move, including from abroad should give us their current address (es) within 30 days as required by law. We can now enter foreign addresses, provinces, counties, etc. Here is our online address change link: http://www.ecptote.state.tx.us/ot/forms/address_change.php

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