

Tennessee Board of Occupational Therapy

Newsletter



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The mission of the Department of Health is to promote, protect, and improve the health of persons living in, working in, or visiting the state of Tennessee.

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Upcoming Rule Amendments Effective January 19, 2010

Chapter 11 50-02

General Rules Governing the Practice of Occupational Therapy

Rule 1150-02-.01 Definitions is amended by deleting subparagraphs (26) (a), (26) (b), (26) (c), (26) (d) and (26) (e) in their entirety and substituting instead the following language, and is further amended by inserting the following language as a properly alphabetized/numbered new paragraph and renumbering the current paragraphs accordingly, so that as amended, the new subparagraphs (26) (a), (26) (b), (26) (c), (26) (d) and (26) (e), and the new properly alphabetized/numbered paragraph shall read:

(26)

- (a) Continuous: Within sight of the individual being supervised
- (b) Close: Daily direct contact at the site of treatment.
- (c) Routine: Direct contact at least every two (2) weeks at the site of treatment, with interim supervision occurring by

other methods such as telephone or written communication.

(d) General: At least monthly direct contact with supervision available as needed by other methods.

(e) Minimal:

1. For supervision of occupational therapists, minimal supervision may be provided on an as-needed basis and may be less than monthly.

2. For supervision of occupational therapy assistants, minimal supervision is not appropriate.

(f) Direct contact - Observed treatment interventions, in-person review and/or discussion of caseload and treatment planning.

Authority: Tenn. Code Ann. § 63-13-103, 63-13-206, 63-13-207, and 63-13-216

Rule 1150-02--03 Necessity of Licensure is amended by adding the following language as new paragraph (5):

(5) Licensee Use of Titles - Any person who possesses a valid, current and active license issued by the Board that has not been suspended or revoked has the right to use the title "Occupational Therapist" or "Occupational Therapy Assistant" as

applicable, and to use the acronyms "O.T." or "O.T.A." as applicable, and to practice occupational therapy, as defined in Tenn. Code Ann. § 63-13-103. Any person to whom this rule applies must use one of the titles authorized by this rule in every "advertisement" [as that term is defined in rule 1150-2-.13(2)(a) he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the licensee to disciplinary action pursuant to Tenn. Code Ann. § 63-13-209 (a)(1) and (a)(3).

Authority: Tenn. Code Ann. § 63-13-103, 63-1-145, 63-13-209, 63-13-211, and 63-13-216.

Rule 1150-02-.10 Supervision is amended by deleting the first sentence of the introductory language in its entirety and substituting instead the following two (2) sentences, and is further amended by deleting paragraph (1) but not its subparagraphs and substituting instead the following language, and is further amended by deleting subparagraph (1)(d) in its entirety and substituting instead the following language, and is further amended by deleting paragraph (2) but not its subparagraphs and substituting instead the following language, so that as amended, the new first two (2) sentences of the introductory language, the new paragraph (1) but not its subparagraphs, the new subparagraph (1)(d), the new paragraph (2) but not its subparagraphs, the new subparagraph (2)(f), the new paragraph (3) but not its subparagraphs, and the new subparagraph (3)(f) shall read:

1150-02-.10 SUPERVISION. The Board adopts, as if fully set out herein, and as it may from time to time be amended, the current "Guidelines for Supervision, Roles, and Responsibilities

During the Delivery of Occupational Therapy Services" issued by the American Occupational Therapy Association but only to the extent that it agrees with the laws of the state of Tennessee or the rules of the Board. If

there are conflicts with state law or rules, the state law or rules govern the matter.

(1) Supervision of an Occupational Therapist on a limited permit must include initial and routine inspection of written evaluations, written treatment plans, patient/client notes and routine evaluation of performance. The supervision must be conducted in person, by a licensed occupational therapist and must be as follows:

(d) Therapists must maintain documentation of each supervisory visit, and must identify a plan for continued supervision. Records must include, at a minimum, the following information:

1. Location of visit; a method of identifying clients discussed
2. Current plan for supervision (daily, weekly, bimonthly)
3. Identification of type(s) of interventions observed. These include but are not limited to:
 - (i) Interventions
 - (ii) Training
 - (iii) Consultations
4. Other supervisory actions. These include but are not limited to:
 - (i) Discussion/recommendation for interventions and/or goals
 - (ii) Discussion/training in documentation
 - (iii) Demonstration/training in intervention techniques
 - (iv) Assessment/re-assessment/discharge
 - (v) Additional Comments

5. An agreement statement, signed and dated by both parties, that the/supervisory visit did occur and met the needs of the supervisor and/supervisee.

6. It is the responsibility of the supervising occupational therapist to provide and the limited permit holder to seek a quality and frequency of supervision that ensures safe and effective occupational therapy service delivery. Both parties (supervisor and supervisee) must keep copies of the supervisory records. Visit

records must be maintained for three (3) years, and must be provided to the Board and/or its representative, upon request.

(2) Supervision of an Occupational Therapy Assistant on a limited permit means initial direction and routine inspection of the service delivery and provision of relevant in-service training. The supervising occupational therapist must provide additional supervision, if the patient's required level of care is beyond the level of skill of an entry level Occupational Therapy Assistant on a limited permit. This decision is based on client's level of care, OTA caseload, experience and demonstrated performance competency. Supervision of an Occupational Therapy Assistant on a limited permit must include initial and routine inspection of patient notes and routine evaluation of performance. The supervision must be conducted in person by a licensed occupational therapist and must be as follows:

(f) Therapists must maintain documentation of each supervisory visit, and must identify a plan for continued supervision. Records must include, at a minimum, the following information:

1. Location of visit; a method of identifying clients discussed
2. Current plan for supervision (daily, weekly, bi-monthly)
3. Identification of type(s) of interventions observed. These include but are not limited to:
 - (i) Interventions
 - (ii) Training
 - (iii) Consultations
4. Other supervisory actions. These include, but are not limited to:
 - (i) Discussion/recommendation for interventions and/or goals
 - (ii) Discussion/training in documentation
 - (iii) Demonstration/training in intervention techniques
 - (iv) Assessment/re-assessment/discharge
 - (v) Additional Comments

5. An agreement statement signed and dated by both parties, that the supervisory visit did occur and met the needs of the supervisor and supervisee.

6. It is the responsibility of the supervising occupational therapist to provide and the limited permit holder to seek a quality and frequency of supervision that ensures safe and effective occupational therapy service delivery. Both parties (supervisor and supervisee) must keep copies of the supervisory records. Visit records must be maintained for three (3) years, and must be provided to the Board and/or its representative, upon request.

(3) Supervision of an Occupational Therapy Assistant (OTA) with permanent licensure means initial direction and inspection of the service delivery and provision of relevant in-service training, according to the level of supervision the occupational therapy assistant requires. It is the responsibility of the occupational therapist and the occupational therapy assistant to seek the appropriate quality and frequency of supervision that ensures safe and effective occupational therapy service delivery. This decision is based on client's level of care, OTA caseload, experience and demonstrated performance competency.

(f) Therapists must maintain documentation of each supervisory visit, and must identify a plan for continued supervision. Records must include, at a minimum, the following information:

1. Location of visit; a method of identifying clients discussed
2. Current plan for supervision (daily, weekly, bi-monthly, monthly, other)
3. Type of supervision provided. These include but are not limited to
 - (i) in person
 - (ii) phone contact
 - (iii) electronic contact
4. Identification of type(s) of interventions observed. These include but are not limited to:
 - (i) Interventions
 - (ii) Training
 - (iii) Consultations

5. Other supervisory actions. These include but are not limited to:

- (i) Discussion/recommendation for interventions and/or goals
- (ii) Discussion/training in documentation
- (iii) Demonstration/training in intervention techniques
- (iv) Assessment/re-assessment/discharge
- (v) Additional Comments

6. An agreement statement, signed and dated by both parties, that the supervisory visit did occur and met the needs of the supervisor and supervisee.

7. It is the responsibility of the supervising occupational therapist to provide and the occupational therapy assistant to seek a quality and frequency of supervision that ensures safe and effective occupational therapy service delivery. Both parties (supervisor and supervisee) must keep copies of the supervisory records. Visit records must be maintained for three (3) years, and must be provided to the Board and/or its representative, upon request.

Authority: Tenn. Code Ann. § 63-13-103, 63-13-205, 63-13-206, 63-13-207, and 63-13-216,

Rule 1150-02-.15 Disciplinary Actions, Civil Penalties, and Screening Panels is amended by adding the following language as new subparagraph (1)(f):

(1)

(f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:

1. During any period of probation, suspension; or
2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or
3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or

4. As a stand-alone requirement(s) in any disciplinary order.

Authority: Tenn. Code Ann. § 63-13-209 and 63-13-216.

Filing a Complaint

While the Department of Health hopes that you will never have to file a complaint against a health care practitioner, doing so is a simple matter. You may contact the Complaint Division of the Department of Health at 1-800-852-2187 to request a [complaint form](#).

The form must be completed in its entirety. All materials received in connection with the complaint will become property of the Department of Health and cannot be returned. Please return the complaint to:

**Office of Investigations
227 French Landing, Suite 201
Heritage Place Metro Center
Nashville, TN 37243**

When to File a Complaint/What to Expect

The state of Tennessee is graced with some of the finest health care professionals, educational institutions, postgraduate programs and treatment facilities in the United States. The majority of health practitioners in Tennessee are competent and caring individuals and most persons are satisfied with the level of care they receive.

However, when a problem is experienced with a practitioner, you have the right to report him/her. If you believe that a practitioner's performance or behavior is not acceptable, you may file a complaint through Health Related Boards, Office of Investigations.

- Go to <http://health.state.tn.us/boards/complaints.htm>

Issues Not Within Board Authority

- Fees and/or billing disputes (amounts charged for services, overcharges, etc)

Contact Consumer Affairs at 1-800-342-8385

***As of November 30, 2009, there were 1,818 active occupational therapists and 951 active occupational therapy assistants.**

BOARD MEETING SCHEDULE

July 22, 2010
October 21, 2010

ADDRESS – NAME CHANGES

Did you know that it is mandatory, by law, for you to keep the Board informed of an address and/or name change?

When such changes occur you should notify the Board no less than 30 days of the new address and/or name change. Such changes should include the old address/name and new address/name. The request should reference the individual's profession, Board and license number.

Name changes should be accompanied with a copy of the marriage certificate, divorce decree or any other court document authorizing the name change.

BOARD CONSULTANT GUIDELINES

Following a general protocol, board consultants may be called upon to participate in the following:

- Review and evaluation of complaints filed with the Office of Investigations for alleged violations of the Practice Act and/or rules.
- Review of applications and supporting documents to make initial determination as to the eligibility/ineligibility for licensure.
- Review of continuing education documentation for compliance. All work is strictly confidential and shall not be disclosed to anyone except the board's authorized administrative staff, the Office of Investigations and the Office of General Counsel

Qualifications for a Board Consultant:

1. Current license issued by the board.

2. No discipline in this state or any state, jurisdiction or territory.
3. General knowledge or applied practice as detailed in the Statutes, rules or the specified Board/profession.
4. Resident and a legally practicing professional licensed for at least five years in the specified profession in this state.
5. Not regularly employed by nor a member of a governing body, training program, college or university for the specified profession.

How to Apply:

If you meet the qualifications and are interested in applying, please submit a current resume which reflects your employment history. Please include your license number with expiration date. You must provide a telephone number where you can be reached during business hours. Please send your resume and cover letter to:

Tennessee Department of Health
Division of Health Related Boards
The Board of Occupational Therapy
227 French Landing, Suite 300
Heritage Place, MetroCenter
Nashville, TN 37243

THE DIVISION OF HEALTH RELATED BOARDS

The administrative staff of the Division of Health Related Boards supports the Board by issuing licenses to those who meet the requirements of the law and rules. Occupational therapists may be granted licensure by examination or reciprocity from other states. Renewal notices are mailed from the Board's administrative office 45 days prior to the expiration of the license to the current address on record. ***Licenseses are responsible for renewing their licenses on-time and keeping the Board apprised of current information.***

RENEWING YOUR LICENSE ONLINE

Did you know you can renew your professional license online? The Department of Health has implemented an online process that allows all professions to renew their licenses online. The process is quick, simple, secure, and convenient – and even allows you to pay for your renewal with a credit card.

Here's how to renew online, step by step:

Step One - Log in. As a professional, you'll need to select your Board, profession and enter your profession license number, your date of birth and social security number or your transaction number from your renewal notice.

Step Two – Update Your Information. Here you'll have the opportunity to update your home address, your work address and even your billing address. Once you've completed entering that information, you're halfway done!

Step Three – Enter your Renewal Information. At this step you'll answer all necessary questions and provide information on licenses from other states. You'll have the ability to update your education information and list your principal place of employment.

Step Four – Payment. Here's where it all comes together. By entering your credit card through the secure site and choosing "submit," you will have completed the online renewal application. **Only choose submit one time!**

What Happens Next?

Your renewal information will be posted to the Department of Health's licensing system, and once you have met all of the criteria for your profession, you will be mailed your renewal certificate.

That's it – you're done! So, come check it out and renew online – or even just update your information. We'll see you at <https://www.tennesseeanytime.org/hlrs/begin.jsp>!

Making the Renewal Process Work

Common Pitfalls to Avoid:

If you choose not to renew online, you

can ensure that the renewal process will work...and work the first time, every time, for you. There are common pitfalls that are shared by persons in each profession. Recognizing these common errors may assist you in avoiding them and ensure trouble-free renewals.

Here's how:

- **Sign Your Renewal** All applications must bear the licensee's signature.
- **Return The Renewal Form Intact** Don't separate the one-page renewal form. While it looks like you could, and perhaps should, separate your renewal application, return the original form in ONE PIECE.
- **Keep Your Address Current** Mail (including your renewal form) is generated using a computer program, which downloads the address the Committee's office has on file for you. If the Committee's office has an incorrect address, the incorrect address will be used for your renewal.
- **If answering "YES" to any one of the three questions on the back of your renewal, provide an explanation.** The Committee's office cannot process your renewal until we have written documentation [letter from your physician, court/disciplinary Board order(s), etc.] and your written explanation of the events which made you answer "Yes" on your renewal.
- **Mail The Appropriate Fee With Your Renewal Application** Some renewals are received without the fees, or fees are sent separately from renewals, or fees are sent in the wrong amounts.

If any of these errors are made, the renewal application will not be smoothly processed, if at all. Remember, failure to renew by the end of the thirty (30) day grace period means the licensee can no longer practice legally and will subject the license/registration to administrative revocation for which reinstatement will be required.

Continuing Education Audit January 2009 through June 2009

Occupational Therapist

Licensees Audited – 19

Licensees in Compliance – 11

Licensees Non-Compliance – 8

Occupational Therapy Assistants

Licensees Audited – 10

Licensees in Compliance – 5

Licensees Non-Compliance – 5

Policies

Called to Active Military Duty

PURPOSE: To protect licensees who are active in military service, who have been deployed for action and are not available to renew their licenses or to obtain required continuing education in a timely manner.

POLICY: The division shall allow special consideration for renewal of the licenses of military personnel who were called to active duty, and were unable to obtain required continuing education or to renew their license timely.

PROCEDURES:

Any licensee who held an active license with Health Related Boards at the time he/she was called to active duty in the military of the United States, and was unable to renew that license while on active duty, shall notify the appropriate Board office in writing.

1. The licensee shall submit a letter stating the reason for non-renewal of the license was active duty in the U.S. Military.

2. Dates and proof of service shall be submitted to the office by the licensee.

B. Upon receipt of notification and proof of active service, the licensee shall be allowed to

renew the license with no late renewal or penalty fees added to the cost of renewal.

1. A copy of all documentation regarding notification and proof of active service shall be included in the permanent licensure file of the licensee.

C. A licensee whose license has been expired for one year or less shall not be required to complete required continuing education for renewal of the license at that time.

D. A licensee whose license has been expired for more than one year shall be required to obtain one-half of the required continuing education in order to have the license renewed.

Lapsed License

The Board for Occupational Therapy recognizes that an individual may inadvertently allow his/her license to expire. However, statute prohibits an individual from working as an OT or OTA unless he/she has an active and unrestricted license. While the board does not condone an individual working on an expired license, recognition is given to the fact that the problem does exist. As such, the board has adopted the following procedures for reinstatement of an expired or administratively revoked license.

- Immediately upon recognition that his/her license has expired, the individual must stop practicing and contact the Board's administrative office to request a reinstatement application.
- Upon receipt of the reinstatement application, the individuals are to complete the application in its entirety, providing a detailed work history since the license expiration date. The application is to be signed, notarized, and returned to the board's administrative office, along with any additional information and all fees specified in the instructions.

- Upon receipt of a completed reinstatement application, supporting documentation, including continuing education, and fees, the board administrator may immediately reinstate a license which has been in an expired status for less than three months.

If the reinstatement application received reflects in the work history that the individual has worked in excess of three months on an expired license, the board will present to the licensee, official notice which specifies payment of a fine in the amount of \$100 per month for every month worked in excess of three months from the expiration date.

Adopted by the Board of Occupational Therapy on the 2nd day of November, 1998.

For further information, please use the contact information provided below:

Tennessee Board of Occupational Therapy

Local (Nashville Calling Area) 615-532-3202
 Nationwide (Toll Free) 800-778-4123
 227 French Landing, Suite 300
 Heritage Place MetroCenter
 Nashville, TN 37243

Proposed Topics for Rulemaking Hearing

The board discussed at the meeting held November 19, 2009 the following amendments:

- Supervision of Level I fieldwork placements for O.T. Doctoral Students; 1150-2-.10
- Continuing education credit for Level I fieldwork direct supervision; 1150-2-.12(11)(s)
- Time period between the completion of didactic and clinical work; 1150-2-.05 & -.05

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