



MBOT NEWS

A Communication from the Missouri Board of Occupational Therapy

September 2008

CAUTIONARY TALES

David Lackey, OT/L Chair



David Lackey,
OT/L Chair

Most of the complaints that come before the Board are in response to allegations of fraudulent billing on the part of practitioners. In fact over the past few years the Board has dealt almost exclusively with such complaints and these have become increasingly common. These cases are notable for a couple of reasons. First of all, the practitioner's employer typically initiates a complaint after discrepancies between billing for services and services provided are discovered. By the time the Board reviews such a complaint in many cases the practitioner has been disciplined and/or employment terminated. Secondly the practitioner of course does not note intent to commit fraud. There are no immediate monetary gains to the practitioner resulting from such actions.

So then how could such a scenario evolve? The genesis seems to reside in the inherently tenuous relationship between health care as caring for the healing of others and healthcare as a revenue generating venture. These cases bear several common themes as noted by those practitioners who find themselves involved in such a complaint process. Some common perceptions cited by practitioners are noted as follows:

- Demands for productivity and billable services are challenging or even unreasonable
- Case loads are large
- Lack of orientation, training and clarification as to billing procedures and documentation
- Billing mechanisms are completed but apparently without adequate supporting documentation or supporting documentation does not end up in the proper place or proper format
- Lack of a centralized department to relate to. Limited support from other practitioners. Practitioners are operating autonomously and between several facilities or points of service delivery

In light of the above pressures a practitioner may overtly bill for services not provided or a busy practitioner may fall behind on critical documentation and try to reconstruct dates and times for services delivered from memory. Regardless of the reasons that lead to these dilemmas, lapses in diligent and accurate recording and documentation with regard to services rendered, whether intentional or not, can have a devastating impact to one's immediate employment, one's career, and one's license to practice. In spite of the challenges inherent in healthcare today, it is ultimately the responsibility of each individual practitioner to act within her or his capabilities, to set limits, to seek support, to seek clarification and to ultimately maintain an ethical practice.

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Governor

The Honorable Matt Blunt

**Department of Insurance, Financial
Institutions and Professional Registration**

Linda Bohrer, Acting Director

Division of Professional Registration

David Broeker, Director

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STATE OF MISSOURI
Division of Professional Registration

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Jefferson City, MO 65102.

EXECUTIVE DIRECTOR'S REPORT

By: Vanessa Beauchamp, Executive Director



**Vanessa Beauchamp,
Executive Director**

With the end of a renewal cycle on June 30, 2007, a new continuing competency audit began.

The Board audited five percent of licensed occupational therapists and five percent of licensed occupational therapy assistants, which equated to a total of 161 licensees.

It is a pleasure to be able to report that the majority of individuals audited met or exceeded the required continuing competency requirements. For those that did not, the Board was courteous and gave them a second chance to comply. Those individuals that still failed to comply, the Attorney General's Office has been notified and they will soon be hearing from one of the assistant attorney generals regarding what discipline the Board has voted to impose.

As a reminder, you as a licensee are responsible for maintaining continuing education documentation.

In March you should have received a new spiral bound law book. If you did not receive your copy please contact the office.

As always, if there are any questions the board staff can assist you with feel free to contact us.

Sincerely,

Vanessa Beauchamp

CONTACT WITH MEMBERS OF THE BOARD

The Missouri Board of Occupational Therapy is responsible for the regulation of the practice of occupational therapy in the State of Missouri. The powers of the board are granted to enable the board to effectively regulate the practice of occupational therapy and to carry out the intent and provisions of sections 324.050 to 324.089, RSMo.

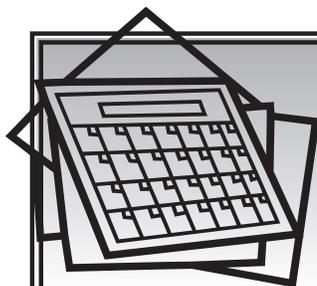
The mission of the Missouri Board of Occupational Therapy is to protect the citizens of the state through the licensing of occupational therapists and assistants, assessing their competence to practice. It is also the Board's duty to investigate all complaints against its licensees in a fair and equitable manner. The Board consists of seven (7) members; four occupational therapists, one occupational therapy assistant and two public members.

The Board would like to remind you that when Board members are contacted directly by a licensee or individual regarding an application for licensure, a complaint, investigation, or disciplinary process, any information given to that Board member could sway his or her unbiased opinion. A Board member receiving communication that could sway his or her opinion may be required to recuse themselves and not take part in a vote on the matter. This could put the Board member in an awkward position while trying to do his or her job and could put the licensee at a disadvantage.

It is strongly encouraged and recommended that all questions and concerns be referred to the Board's office. Board staff handles all the day-to-day functions of the Board. Therefore, questions can be answered based on full Board decisions and lessen miscommunication between the Board and its licensees.

If questions are on complex issues, we might recommend requesting, in writing, an advisory opinion from the Board. Our hope is to make it as easy as possible for licensees to comply with Board Statute and Regulations.

Please keep in mind that individual Board members are not authorized to make a decision for the entire Board.



2008 MEETING DATES

(Dates and Location are subject to change)

August 15th – Division of Professional Registration, Jefferson City, MO

November 14th – Division of Professional Registration, Jefferson City, MO

MESSAGE FROM DIVISION DIRECTOR



David T. Broeker
Division Director

The 94th Missouri General Assembly adjourned at 6:00 pm May 16, 2008. Numerous bills were passed during the five month session. The Division of Professional Registration and its 39 boards, as well as the professions those boards oversee have been included in several of the bills.

The laws governing the boards within the division require that fees be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the appropriate chapter. Each board's governing statute contains biennium sweep language that prevents a board from charging excessive fees. When a fund balance exceeds the allowed limit, funds are swept to general revenue. In order for a fee to be reduced, an administrative rule must be filed. The normal rulemaking process takes from 6-9 months and there are times when the boards simply cannot meet the 6-9 month period of time to allow a fee decrease to go into effect prior to a renewal period. The emergency rule process allows a rule to become effective within 10 days of filing with the Joint Committee on Administrative Rules and the Secretary of States Office. The division and its boards did not have the authority to file an emergency rule to lower licensing fees to prevent funds from sweeping to general revenue until SB788 was introduced, passed in both houses of the legislature and signed by Governor Matt Blunt. SB788 contains provisions authorizing the boards within the Division of Professional Registration to lower fees through the emergency rule process. This legislation benefits all professionals licensed with the Division of Professional Registration and I would like to thank Senator Gary Nodler for introducing the legislation.

Below are the bills that were passed by the 94th General Assembly affecting the division and its boards. The status of Truly Agreed to and Finally Passed Bills can be viewed at <http://governor.mo.gov/la2008-bybill.htm>. Complete copies of bills can be viewed at the following websites.

Senate Bills- <http://www.senate.mo.gov>

House Bills- <http://www.house.state.mo.us>

SB724 (Sen. Delbert Scott) – APRN Prescriptive Authority for Scheduled Drugs, signed into law by Gov. Blunt on 6/30/08

- Updates Missouri's controlled substance schedules;
- Amends Missouri's anti-methamphetamine law;
- Authorizes prescriptive authority of Schedule III, IV, & V controlled substance for advanced practice registered nurses; and
- Modifies Christian Science nurse titling exemption.

SB788 (Sen. Delbert Scott) – DIFP Reorganization Act, signed into law by Gov. Blunt on 7/10/08

- Implements Executive Order 06-04 moving the divisions of finance, credit unions and professional registration, and the State Banking Board, to the Department of Insurance, Financial Institutions and Professional Registration (DIFP) from the Department of Economic Development by type III transfer;
- Creates a Joint Committee on Preneed Funeral Contracts;
- Revises the right of sepulcher;
- Establishes the Accountancy Mobility Act;
- Modifies the definition of the practice of embalming;
- Revised physical therapy provisions;

MESSAGE FROM DIVISION DIRECTOR continued...

- Modifies real estate brokers provisions relating to commercial property; and
- Authorizes the Division of Professional Registration and its boards to reduce licensure fees by emergency rules under certain circumstances.

SB850 (Sen. Jolie Justus) – Board of Optometry Meeting Notices, signed into law by Gov. Blunt on 7/10/08

- Modifies meeting notice requirements to members of the Board of Optometry.

SB1177 (Sen. Frank Barnitz) and HB1791, signed into law by Gov. Blunt on 6/4/08 – (Rep. Wayne Cooper) – Licensed Professional Counselors, approved by Gov. Blunt

- Designates LPCs as mental health professionals in certain circumstances.

HB1419 – (Rep. Dr. Charles Portwood) – Massage Therapy Licensing Provisions, approved by Gov. Blunt

- Amends massage therapy licensing provisions.

HB2065 – (Rep. Jay Wasson) – Psychology Reciprocity Requirements, approved by Gov. Blunt

- Repeals a duplicate section regarding psychologist reciprocity;
- Allows records of meritless claims against psychologists by sexually violent predators to be destroyed in certain circumstances.

HB2188 – (Rep. David Pearce) – Mortgage Fraud, approved by Gov. Blunt

- Creates civil and criminal penalties for individuals who commit mortgage fraud.

Governor Matt Blunt Seeks Missourians for State Boards and Commissions

Matt Blunt is asking Missourians to consider opportunities to serve our state by applying for appointments to Missouri's boards and commissions.

"I encourage Missourians to explore the many opportunities that are available to serve our state on one of our boards and commissions," Gov. Blunt said. "I ask all Missourians interested in serving on a board or commission to apply for an appointment and put to good use their God-given talents to help enhance the services we deliver to Missourians each and every day."

The Governor has appointment authority to more than 200 boards and commissions. Some boards require specialized skill sets, sponsorship by their state senator and advice and consent of the Missouri Senate.

Division of Professional Registration Boards & Commissions

Many of our Division of Professional Registration boards & commission members are aware, I am sure, of people who are interested in serving on one of our boards. Please refer those who are interested to the Missouri Division of Professional Registration web site at www.pr.mo.gov. Click on 'Board and Commission Appointment Application'. They should complete the entire application form and the Division & Senate authorization forms, include a current resume, list name of board(s) and commission(s) of interest and return to our office by mail or fax to the address or fax number provided.

As always, I extend my sincere thanks and appreciation to all who have served and are serving on the 39 boards, commissions, councils and advisory committees within the Division of Professional Registration. That exemplary voluntary service benefits all of our fellow Missourians. Thanks ever so much.

COMPLAINTS AND DISCIPLINARY ACTIONS

All complaints received by the Board are numbered and tracked on the complaint log. A complaint may be based upon personal knowledge or information received from other sources. The complaint must be made in writing. Verbal or telephone communications are not acceptable, but you may request a complaint form by telephone, fill it out and mail back to the Board.

In general, the complaint is considered to be a closed record and is not accessible to the public. Any complaint that is received by the Board is acknowledged in writing. The complainant will be notified of the final outcome.

Any disciplinary action taken by the Board is a matter of public record. The Board believes publication of disciplinary actions to be in the public interest and has included such in this newsletter. If you have any questions, please contact Vanessa Beauchamp, Executive Director at our office.

Please refer to sections 324.083 and 610.010.15(6), RSMo, in addition to regulation 4 CSR 205.1.040 for specific complaint handling language.



COMPLAINTS RECEIVED



July 1, 2006 - June 30, 2007 - 7

July 1, 2007 - June 23, 2008 - 5

The following disciplinary actions were taken by the Board since the last newsletter and will be maintained as open records, according to the terms of the action:

<u>Name</u>	<u>License #</u>	<u>Disciplinary Action/Date</u>
Tammy Engelman	2000154624	Probation 6/28/2007 – 6/28/2008
Denise Klobe	004430	Probation 1/18/2007-1/18/2009
Brook Wells	2002015685	Probation 3/22/2007-3/22/2010

LICENSE STATISTICS

Occupational Therapists: 2,692

Occupational Therapy Limited Permit Holders: 7

Occupational Therapy Assistant: 829

Occupational Therapy Assistant Limited Permit Holders: 18

TAX COMPLIANCE

By: David Barrett, Division Legal Counsel



David Barrett,
Division Legal Counsel

One of the most disappointing ways that we lose members of our professions is when licensees choose not to live up to their civic obligation to pay state income taxes. Section 324.010 RSMo. requires the Division to provide the Department of Revenue with the names of everyone applying for a license or renewing a license. Those who have not paid their taxes and those who do not correct the situation with DOR within 90 days of the date a notice of intent to suspend is sent, lose the right to practice their profession until the matter is cleared up.

Recently this process has resulted in notices of intent to suspend being sent to between 1 and 2 percent of our new and renewal applicants. The Division works hard to make sure that licensees know that they have a Department of Revenue issue that needs to be cleared up. Within days of being informed that the Department of Revenue has sent a notice of intent to suspend, each board or commission sends at least one letter to its affected licensees at the licensee's address of record. Many times the issue is cleared up easily. Some of our licensees work out of state (or out of the country!) and don't have a Missouri income tax obligation. And in some cases there are glitches with names and other identifiers that are easily resolved. Further, tax liability paid in the protest or reasonably founded disputes about such liability are considered paid for the purposes of this law. If you get a notice by mistake make sure you contact the Department of Revenue immediately so that it can be corrected in the 90 day window allowed by law.

Like any suspended license, renewal fees must be paid, changes of address must be reported, and all of the other regulations of the profession must be followed. There is no end date to a tax suspension. But the licensee holds the key to resuming practice -- getting right with the DOR. The Department of Revenue issues taxpayer compliance letters when the issues are resolved; that taxpayer/licensee must then send the compliance letter to his or her licensing board or commission and comply with any other board or commission requirements so that the right to practice is promptly restored.

Farewell

On April 4, 2002, Governor Bob Holden appointed William "Bill" Markland to the Missouri Board of Occupational Therapy as a public member.

On behalf of the Missouri Board of Occupational Therapy, we would like to sincerely thank Mr. William "Bill" Markland for his years of dedication and service to the board and to the people of the state of Missouri.

Congratulations

The Missouri Board of Occupational Therapy wishes to congratulate Peggy Gettemeier on her appointment to the National Board for Certification in Occupational Therapy.

Ms. Gettemeier will start serving on the national board in 2009.

Division of Professional Registration
MISSOURI BOARD OF OCCUPATIONAL THERAPY
P.O. Box 1335
Jefferson City, MO 65102-1335

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Jefferson City, MO



MOVING?

**PLEASE NOTIFY THE
BOARD OFFICE OF
YOUR NEW ADDRESS.**

The rules and regulations require all licensees to notify the Division of all such changes by sending a letter to the office in Jefferson City, Missouri. Please include a street address to facilitate any express mail deliveries.

NAME: _____

PROFESSION: _____ LICENSE NUMBER: _____

(P.O. BOX MUST BE ACCOMPANIED BY YOUR PHYSICAL ADDRESS)

OLD ADDRESS: _____

NEW ADDRESS: _____

SIGNATURE: _____

DATE: _____

**PLEASE MAIL TO:
MISSOURI BOARD OF OCCUPATIONAL THERAPY
P.O. Box 1335, Jefferson City, Missouri 65102-1335**