

Volume 2, Issue 1
April 2000

Division of Professional Registration

MBOT NEWS

A Communication from the Missouri Board of Occupational Therapy

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Special points of interest:

- House Bill 1536 – Impaired Drivers
- House Bill 1161
- Statute Changes

LETTER FROM THE CHAIR

This past year was busy and exhilarating for the Board and the staff. During the first year, we licensed a total of 2532 therapists; 1865 OTR/L; 547 COTA/L; 79 OT Limited Permit; 41 COTA Limited Permit. However, the Missouri Occupational Therapy Association doesn't know exactly how many occupational therapists there are in Missouri, so we don't know how many, if any, are practicing without licenses.

What are some of the problems associated with unlicensed practice? Our primary consideration is public safety. So, the first question is, have those individuals who deliver occupational therapy services to the citizens of Missouri met the minimal requirements established by the MBOT? In other words, have those individuals who hold themselves out to be O.T.'s actually passed the NBCOT certification exam? Have their licenses been disciplined in other states? Have they been convicted of crimes related to the integrity or practice of O.T.?

Laura Krasser, the Board's legal counsel, suggests that the Board provide a forum for consumers to voice their

concerns and complaints about practitioners. By investigating these complaints and responding to public concerns,



Judy Phillips, OTR/L, Chair

the Board helps to protect the public, which in turn strengthens the profession. In the area of substance abuse, the Board can act against impaired licensees by suspending them or placing them on probation, and requiring that they get treatment. In this way, the Board not only protects the public, but also reaches out to members of the profession who are hurting.

The Board is just beginning to research ways to ensure continued competence of Missouri occupational therapists.

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LETTER FROM THE CHAIR CONTINUED

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The Honorable Mel Carnahan

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Division of Professional Registration

Randall J. Singer, Director

Members of the State Board

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Ashland, Missouri

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MISSOURI

DEPARTMENT OF ECONOMIC DEVELOPMENT

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Once the scope and means of demonstrating continued competence is determined and the methods of enforcing the statute are devised into rule, licensees will be required to meet and maintain defined standards of practice.

These standards will facilitate professional development and advancement. Again, the profession benefits from the Board's steps to protect the public.

Finally, Medicare, Medicaid and most private third party payers require that providers comply with the laws of the state in which they practice. Therefore, an unlicensed therapist billing services to these entities may well be committing insurance fraud.

In an effort to identify as many Missouri O.T.s as possible, Board staff compiled lists from (American Occupational Therapy Association (AOTA) membership rosters and MBOT records. They cross-referenced the names with current Missouri licensees, grouping the remaining names into three categories:

- unlicensed AOTA members who have requested an application packet from the Board, but have not returned one;
- unlicensed individuals who have requested an application packet from the Board, but have not returned one; and
- unlicensed AOTA members.

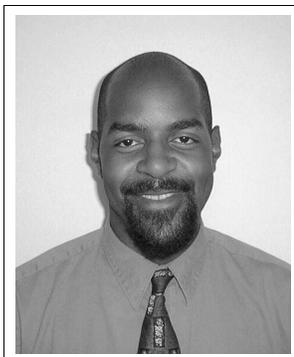
The Board is now developing a plan for contacting these individuals to ascertain if they are occupational therapists practicing in Missouri. AOTA is helping the Board investigate suspected unlicensed practitioners by providing the names of individuals who have requested information.

If you have concerns about a colleague or co-worker practicing without a license or any other questions, please contact our office by phone, email, or visit our website.

Sincerely,

Judy Phillips, OTR/L
Chairperson

NOTES FROM THE EXECUTIVE DIRECTOR



Desmond Peters

We have seen a great deal of transition and a good number of challenges during the past year. Through it all, we have realized that our communication resources are the most valuable resources at our disposal. And now that the Board has begun to move past those challenging "start-up" situations, communication will continue to be our priority.

To this point, the Board has actively communicated with the body of students, registrants and licensees through a Missouri Occupational Therapy Association (MOTA) representative. Our own Board members have brought issues before the full Board, although they will not offer practice advice or speak on behalf of the Board. We will continue to keep everyone informed as the Board deals with more enforcement and practice issues. We will also encourage continued input.

Read about the upcoming open forums and plan to participate. Visit our web-site to stay current on Board activities and actions. The Board has and will continue to propose legislation and rule-changes to better ensure that persons who deliver occupational therapy services are qualified to do so. As we research topics and

deal with more issues, keep up with us.

REAPPOINTMENTS

Cynthia Ballentine, OTR/L, and Dr. George Reuter, public member, have been reappointed to their positions on the Board. Their second terms will end on December 11, 2002.

CURRENT STATISTICS as of 3-14-2000

- 1914 Licensed Occupational Therapists
- 604 Licensed Occupational Therapy Assistants
- 68 Licensed Occupational Therapists Temporary Permit Holders
- 8 Licensed Occupational Therapy Assistants Temporary Permit Holders

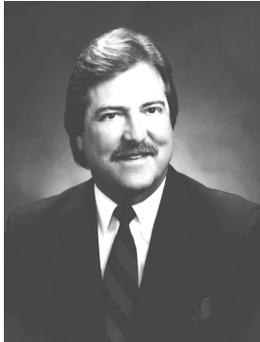
MISSION STATEMENT

The Board deliberated on and approved the following mission statement at their February 23rd meeting:

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.

Read about the open upcoming forums and plan to participate.

LETTER FROM DIVISION DIRECTOR



On September 23, 1999, the Division of Professional Registration converted to a new licensure system called PROMO. PROMO is an acronym which stands for "Professional Registration of Missouri", and it was developed by IFMC (Iowa Foundation for Medical Care). PROMO is a software program with two components - a licensure system and complaint/investigations tracking system. Following is a brief description of the changes you will experience as a result of the new licensing system.

- **License Numbering System.** With the previous mainframe system, a license number contained the profession code OT followed by a 4-digit number. With PROMO, a license number will be the year of license followed by a 6-digit number. Example: 1999134178. This is a Division-wide numbering system and will allow the Division to capture valuable licensing information on a Division-wide scale. Professions that were licensed prior to September 23, 1999 will still maintain their previous license number in the format of the profession code followed by a 4-digit number.
- **New Security License Paper.** Licenses are now being printed on a new security paper. Several small State of Missouri seals appear on the reverse of both the wallet-size card and wall-hanging document. The seals are in red ink. If you rub on a seal, it will fade. If you photocopy the license or wall-hanging document, VOID will appear on the photocopy. You will also notice that the wallet-size card is laminated and both the wallet-size card and wall-hanging document are perforated for easy removal.
- **More Accessibility to Records.** The new licensure system will allow staff to search for a licensee even if the caller is not exactly sure of the spelling. The system will also allow searches by previous last names.

Since all Board and Commissions under the Division of Professional Registration share the same core business needs, it made sense to convert previous systems to one unified licensure system for the entire Division. Right now we have a lot of data in systems, with implementation of the new PROMO system we are eager to transform that data into information and then wisdom.

Warmest Regards,

A handwritten signature in cursive script that reads "Randall Singer".

Randall Singer
Division Director

LEGISLATIVE AND REGULATORY UPDATE

Although the Board has not proposed any legislation for the current session of the Legislature, there are bills currently in the House and Senate that could affect the administration of our Board. *Please note the article concerning the changes made in last year's House Bill 343.*

House Bill 1161 has language that would prevent the boards and commissions in the Division of Profession Registration from issuing or renewing a license for anyone who is in default on any loan guaranteed by the Department of Higher Education and has not made satisfactory arrangements to ensure voluntary repayment. The Department would provide the names of such persons to the Director of the Division, who would in turn provide these names to the boards and commissions. We will follow this piece of legislation and post it's movement on our web-page.

The Board has deliberated on rule changes that would allow for the following:

-  The Board could accept written verification from an applicant's academic institution of their eligibility to sit for the first available certification examination after graduation;
-  Further clarify the regulations regarding the supervision of occupational therapy aides;
-  Remove redundant language and information required to complete the application process.

Upon Department approval and filing with the Secretary of State's office, we will publish the proposed rulemakings in our next newsletter, as well as post on the web-site. As with all administrative rulemaking, there will be two well publicized thirty (30) day public comment periods in the whole process. Your comments are welcome.



We will follow this piece of legislation and post it's movement on our web-page.

IMPAIRED DRIVERS

House Bill 1536, which became effective on August 28, 1999, allows for the identification and reporting on individuals who may possess a medical condition that potentially impairs their ability to operate a motor vehicle. Occupational therapists are specifically mentioned in the statutory language, although you are not required to make such report. The subsequent statute, section 302.291, RSMo. can be viewed

at the following address: <http://www.moga.state.mo.us/statutes/c300-399/3020291.htm>

The Department of Revenue has recently developed forms by which health-care professionals can inform the Director of Revenue of impaired drivers. There are also brochures describing the options available, as well as the possible outcomes. Visit their web-site at

www.dor.state.mo.us/dmv/dlforms.htm or contact Linda Kemp at the following address for reporting forms, as well as brochures:

Drivers License Bureau
PO Box 200
Jefferson City MO 65105-0200
Phone (573) 751-4600
Fax (573) 522-1037
dormail@mail.dor.state.mo.us

PRESENTATION ON THE LICENSURE PROCESS

In response to the great number of questions that we receive at the office, Board staff have developed a PowerPoint slideshow which outlines the basic timeline and steps of the licensure application process. The presentation details the forms needed and the order in

which they should be submitted. It also covers the application process for the NBCOT certification examination, which is a requirement for licensure.

The Executive Director, along with a Board member, will make this

presentation at schools of occupational therapy to practicums and classes of graduating students. If your school, or schools in your area, would be interested in hosting a licensure presentation, please contact our office.

FORUM ON COMMUNITY-BASED PRACTICE ISSUES

The Board will host a forum to discuss the issues that are developing around community-based practice. This quickly growing area of practice may have circumstances and situations that were not considered when the Practice Act and regulations were being developed. As changes in reimbursement have caused an increase in the number of practitioners seeking these employment opportunities, the Board is inviting Dr. Carolyn Baum, Director and Associate Professor of Occupational Therapy at the Washington University School

of Medicine in St. Louis, to present information and issues that she has encountered while studying the topic.

The forum will take place in conjunction with the Board's May 24th meeting, which will be held at the Washington University School of Medicine. We invite you to attend to hear to Dr. Baum's observations and insights, share your own personal experiences, and direct questions at Dr. Baum or the Board. We are currently exploring the possibility of a similar forum in Kansas City

in conjunction with the August 23rd Board meeting, with knowledgeable practitioners in the area. After we gather information and gain a better understanding of the issues, the Board may propose new legislation and/or regulations for this area of practice.

Put these events on your calendar and watch the mail and our website for more specific details. Plan to attend these forums and positively affect the future of your profession.



COMPLAINTS AND DISCIPLINARY ACTIONS

All complaints received by the Board are numbered and tracked on a 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 it 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 Desmond Peters, Executive Director, at our office.

Please refer to state statute sections 324.083 and 610.010.15 (6), RSMo Supp. 1997, in addition to regulation 4 CSR 205-1.040 for specific complaint handling language.

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

Name	License #	Violation	Disciplinary Action/ Date
1999			
□ Dillon, Courtenay Minor, OTL/R	OC 5039	Pled guilty to fraudulent use of credit device	Probation from 4-23-99 until 2-24-02; ended 09-09-99.
2000			
□ Dickneite, Wynette Lynette, COTA/L	2000145524	Unlicensed practice	1-yr. Probation; 01-28-00;
□ Hill, Lisa Michelle, OTL/R	2000145525	Unlicensed practice	1-yr. Probation; 01-28-00;
□ Vitale, Anthony James, OTL/R	2000145526	Unlicensed practice	1-yr. Probation; 01-28-00;
□ Alwes, Linda Cheri, COTA/L	2000148931	Unlicensed practice	1-yr. Probation; 03-01-00;
□ Whiteside, Tracey Jean, COTA/L	2000148932	Unlicensed practice	1-yr. Probation; 03-01-00.

Missouri Board of Occupational Therapy
P.O. Box 1335
Jefferson City, MO 65102
Telephone: 573/751-0877

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Jefferson City, MO 65101

UPCOMING MEETINGS

- Board Meeting**
Wednesday, May 24, 2000 10:00 am
Washington University, School of Medicine
St. Louis, MO
Details and directions to be announced
- Open Forum on Community-Based Practice**
Wednesday, May 24, 2000 TBA
Washington University, School of Medicine
St. Louis, MO
- Board Meeting**
Wednesday, August 23, 2000 10:00 am
Kansas City, MO
Details and directions to be announced
- Open Forum on Community-Based Practice**
Wednesday, August 23, 2000 TBA
Kansas City, MO
- Board Meeting**
Wednesday, November 8, 2000 10:00 am
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, MO



Statute Changes

The following language reflects the changes that were made to the state statutes concerning the practice of Occupational Therapy, as result of the 1999 House Bill 343, effective August 28, 1999. The additions to the original statutes are in **bold** print, with the exceptions of the section titles. The deletions are in *[brackets]*. Please add this update page to your current Occupational Therapy lawbook. Also note that our fax number has been changed to [573] 526-3489.

Chapters 324.050 to 324.089--Occupational Therapy

324.050. Occupational Therapy Practice Act—definitions. -

1. Sections 324.050 to 324.089 shall be known and may be cited as the "Occupational Therapy Practice Act".

2. For the purposes of sections 324.050 to 324.089, the following terms mean:

(7) "**Occupational therapy aide**", a person who assists in the practice of occupational therapy under the direct supervision of an occupational therapist or occupational therapy assistant **at all times** and whose activities require an understanding of occupational therapy but do not require training in the basic anatomical, biological, psychological and social sciences involved in the practice of occupational therapy;

324.056. License to practice required, when—supervision of occupational therapy assistants. —

2. A licensed occupational therapy assistant shall be directly supervised by a licensed occupational therapist *[at all times]*. The licensed occupational therapist shall have the responsibility of supervising the occupational therapy treatment program. No licensed occupational therapist shall have under his or her direct supervision more than four occupational therapy assistants.

(L. 1997 S.B. 141 § 3)

324.063. Missouri board of occupational therapy, members, terms, removal. —

1. There is hereby created within the division of professional registration a board to be known as the "Missouri Board of Occupational Therapy". The board shall consist of six members, all of whom shall be citizens of the United States and registered voters of the state of Missouri. The governor shall appoint the members of the board with the advice and consent of the senate for terms of three years; except as provided in subsection 3 of this section. Nonpublic members shall have been engaged in rendering occupational therapy services, in teaching or in research in occupational therapy for at least five years immediately preceding the person's appointment to the board. Three board members shall be occupational therapists. One member shall be an occupational therapy assistant. Such members shall at all times be holders of licenses for the practice of occupational therapy in this state; except for the members of the first board who shall be registered pursuant to section 334.838, RSMo, on August 28, 1997, and shall meet the requirements for licensure pursuant to sections 324.050 to 324.089. The remaining two members shall be members of the public. All members shall be chosen from lists submitted by the director of the *[department of economic development]* **division of professional registration**.

324.071. Application for a license—certification, when. —

1. The applicant applying for a license to practice occupational therapy shall provide evidence of being [*currently*] **initially** certified by a certifying entity and has completed an application for licensure and all applicable fees have been paid.

324.086. Disciplinary action or sanction, when. — The division, in collaboration with the board, may discipline or sanction any holder of a license or permit issued pursuant to sections 324.050 to 324.089 for any one or any combination of the following:

(10) Unethical conduct as defined in the ethical standards for occupational therapists and occupational therapy assistants adopted by the division and filed with the secretary of state;

(11) Failure to give notification of the suspension, probation or revocation of any past or currently held licenses, certificates or registrations required to practice occupational therapy in this or any other jurisdiction or the failure to renew or surrender such license, certificate or registration; [*or*]

(12) Discipline in another state or by a certifying body; or

~~[(12)]~~ **(13)** Otherwise violate any provision of sections 324.050 to 324.089.

(L. 1997 S.B. 141 § 13)