

The following slides are for the Board's August 29, 2011 CE presentation. Please note that only individuals who pre-registered for this session are permitted to attend.

Due to space limitations, no walk-ins will be accommodated.

Welcome To The Occupational Therapy

Breakout Session

Today's Agenda:

The goal of the breakout session is to help prevent licensees from endangering their Ohio OT/OTA license by:

- Exploring recent revisions to the practice act;
- Highlighting recent topics addressed by the OT Section;
- Addressing continuing education and audit issues;
- Exploring the Enforcement Division's role in regulating the practice of Occupational Therapy;
- Questions will be addressed at the conclusion of the presentation.

EXTRA! EXTRA!

**RULE CHANGES
EFFECTIVE MAY 2011**



Limited Permit Holder status has been **ELIMINATED!**

Why?

- The mission of the Ohio OTPTAT Board is to actively promote and protect the health of the citizens of Ohio through effective regulation of the professions of occupational therapy
- The OT Section felt that this law change was in the best interest of public protection
- Individuals must pass the exam before practicing occupational therapy- passage demonstrates minimal competence
- Complete version of the 2011 OT Practice Act is available on the Board's website: www.otptat.ohio.gov

IN OTHER NEWS.....



There is a **NEW** Code of Ethical Conduct (Rule 4755-7-08)

- The Code of Ethical Conduct is divided into five main categories for easier reference:
 - (A) Operations;
 - (B) Professionalism of licensee;
 - (C) Licensee and client interactions;
 - (D) Cooperation;
 - (E) Reporting requirements.



Reporting Requirements

Licenses are to report to the Board within 30 days each of the following:

- (1) Impairment by physical or mental illness, chemical use, or chemical dependency, that affects the applicant's or licensee's ability to practice with reasonable skill and safety.
- (2) Conviction of a felony.
- (3) Conviction of a misdemeanor when the act that constituted the misdemeanor occurred during the practice of occupational therapy.
- (4) The termination, revocation, or suspension of membership by a state or national occupational therapy professional association.
- (5) The termination, revocation, suspension, or sanctioning of a credential issued by a state or national occupational therapy credentialing organization.
- (6) A positive drug and/or alcohol screening.
- (7) A finding of malpractice by a court of competent jurisdiction.

Topics Commonly Addressed by the OT Section

- Supervision guidelines, case load requirements, & supervision ratios
- IEP vs. the occupational therapy plan of care
- Transfer of care/patient abandonment
- OTA's roles/responsibilities for: a) discharge summaries, b) screens, and c) home assessments

Supervision of the OTA



- The supervising OT need not be on-site, but must be available for consultation at all times.
- OT must provide supervision, a minimum of once per week, to all OTAs who are in their first year of practice.
- OT must provide supervision, a minimum of once per month, to all OTAs beyond their first year of practice.
- Supervision requires an interactive process between the supervising OT and the OTA.
- Co-signing client documentation alone does not meet the minimum level of supervision.
- Evidence of supervision must be documented in the patient's medical file, or on a separate document such as a supervision log.

Supervision of Level II Students

- The supervising occupational therapy practitioner shall only assign duties or functions to the occupational therapy student that are commensurate with his/her education and training.
- An OT student shall be supervised by an OT. An OTA student shall be supervised by an OT or an OTA.
- In order to supervise a level II student an OT/OTA must:
 - Be licensed, and in good standing, with the Ohio OT Board
 - Must have completed one year of clinical practice experience as a fully licensed occupational therapy practitioner.
- Contact the school for specific supervision guidelines.

Caseload Requirements

- The Ohio Occupational Therapy Practice Act does not specify the number of clients on the occupational therapy caseload.
- Regardless of practice setting, OTs must provide adequate supervision in accordance with the practice act, and assure that treatments follow safe and ethical standards.
- You are responsible for your own license, so exercise your professional judgment!



Supervisory Ratios

- Regardless of practice setting, a full-time OT may supervise no more than 4 full-time OTAs.
- If the OT only provides client evaluations & supervision without a separate caseload, the OT may supervise up to 6 OTAs.

In a school setting...

- The OT is ultimately responsible for all clients/students served by the OTA. The OTA does not maintain a separate caseload.
- The OT must provide appropriate supervision and assure that treatments are rendered according to safe and ethical standards, and are in alignment with the practice act.

Caseload Ratios for School-Based Therapists

- The Practice Act does not regulate caseload levels. It is the Ohio Department of Education (ODE) that establishes the number of students that an occupational therapy practitioner may serve.
- Under the ODE rules, OT personnel may serve no more than **50** school age children with disabilities or no more than **40** preschool children with disabilities.
- An OTA who provides occupational therapy techniques must do so under the general supervision of an OT as required by the Supervision Chapter of the Ohio Administrative Code.

IEP vs. Occupational Therapy Plan of Care

- IEP goals and objectives are written by the educational team and **DO NOT** constitute the occupational therapy treatment/intervention plan
- In addition to the IEP goals/objectives addressed by the occupational therapy practitioner, the separate occupational therapy treatment/intervention plan should include intervention approaches, types of interventions to be used, outcomes, and any additional occupational therapy goals not listed in the IEP

For Additional Information on School Based Issues...

Visit the links entitled:

"Comparison of Responsibilities of School-Based Occupational Therapy Practitioners"

&

"Determination of Appropriate Caseload for School-Based OT and PT Practice"

Located in the *Publications Section* under the Occupational Therapy pull-down menu tab.

Transfer of Care (PRN Therapists Pay Attention!)

- If the evaluating OT is no longer able to provide and supervise occupational therapy care, the client must be transferred to another OT. This transfer **must** be documented in the patient's records.
- Each practice setting should determine a system for transfer of care.
- **If the client is not transferred, the evaluating OT is STILL responsible for the client's occupational therapy program, including supervising OTAs who are providing services to that client.**

Wait, Don't Leave!



- Abandonment is the inappropriate termination of the OT/client relationship by the OT. Abandonment is alleged when the relationship is severed without reasonable notice at a time when treatments are still needed.
- A facility that refuses to fill a vacant OT position does not constitute abandonment on the part of the OT, provided that the OT gave reasonable notice and took the appropriate measures necessary to transfer the care to another OT.
- Abandoning patients will result in disciplinary action!



I Need a Vacation!

- If OT-A is providing coverage for OT-B who is on a regularly scheduled day off, or is on a scheduled vacation; this would not be considered a termination of patient care. Therefore, a transfer of care would not be necessary from OT-B.
- If evaluating OT-A is no longer available to provide and supervise occupational therapy care, the client must be transferred to new OT-B. This transfer must be documented in patient records.

OTAs and Screens

Screens, or identification of candidates for therapy, may be performed by an OTA since a screen is only data gathering and non-evaluative in nature.

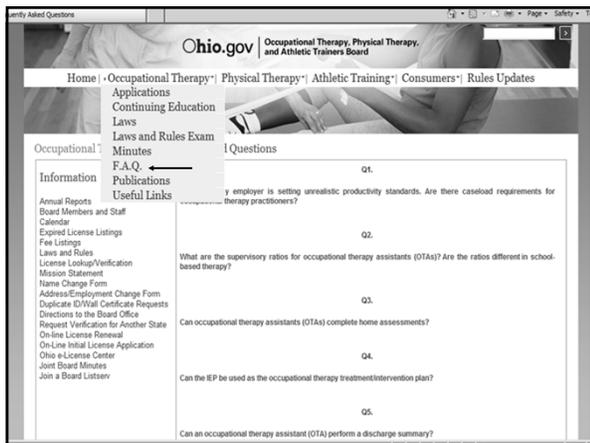
All screens must be co-signed by the OT with collaboration documented.

OTAs and Home Assessments

- A home assessment is an assessment typically performed prior to a patient being discharged to their home. It is primarily performed to determine equipment and environmental needs for the client's safety at home. It is not an evaluation performed within home health services.
- A home assessment may be performed by an OTA with a current client under an established occupational therapy treatment/intervention plan. The OTA can gather objective information and report observations, with or without the client and/or OT present. It is the responsibility of the OT to interpret the data gathered by the OTA and collaborate with the OTA to make recommendations.
- Collaboration must be documented.

OTAs and Discharge Summaries

- An OTA may gather and summarize objective information; however they may **not** interpret the data. It is the OT's responsibility to interpret the data gathered by the OTA and make the recommendations for discharge plan development.
- The collaboration between the OT and OTA must be clearly reflected in client documentation.



Submitting Correspondence

- Specific practice related questions are directed to the OT Board.
- Questions will be addressed by OT Board members during the Board meeting.
- Email, fax, or mail your questions to the Board using "OT Correspondence" as the subject line.
- Correspondence must be received one week prior to the date of the Board meeting to be included for review at that meeting.
- OT Board will respond in writing to your correspondence within (two weeks) following the Board meeting date.
- **2011 Remaining OT Board meetings: September 8 & November 17**
Correspondence from the Breakout Session will be included at the September 8th meeting.

Correspondence-Stay Informed

After each OT Section meeting, all correspondence questions and answers are posted in the OT Meeting Minutes which can be found on the Board's website.

This feature allows you to stay current on relevant OT topics from around the State of Ohio.

CE: The Basics



- OTs renew by June 30th every **ODD** numbered year
- OTAs renew by June 30th every **EVEN** numbered year
- Every renewal cycle = 20 hours of CE, including 1 hour of ethics
- Pocket ID cards are no longer issued when you renew your license.
- For licenses good for less than a 12 month period (i.e. endorsing therapists):
 - 10 CE requirement;
 - Category limits do not apply.

Be Aware of CE Category Limits:

- **Presentation**: 1 hr preparation = 2 hrs of CE, with a max of 8 hrs possible
- **Preparation to teach a technical OT course**: 1 hr preparation = 1 hr of CE, with a max of 8 hrs possible
- **Supervision of level II students**: 80 hrs supervision = 1 hr CE, with a max of 8 hrs possible
- **Independent study**: 1 chapter review = 1 hr of CE, with a max of 4 hrs possible
- **Research projects**: a max of 10 hrs of CE possible
- **Laws and rules exam**: 1 hr of CE per renewal cycle

All category requirements are outlined in rule 4755-9-01 of the practice act

ATTENTION AUDITEES!

- Audits of CE compliance are completed annually, post renewal
- Roughly 20% of the total active licensee population is audited
- Active licensees are selected by a computer generated audit list
- The Board requires **COPIES** of all CE certificates to be submitted when you are audited
- Failure to respond to the audit or failure to obtain the required number of CE needed for license renewal **WILL RESULT IN DISCIPLINARY ACTION**

How to Respond to a CE Audit

1. Receive audit notice letter in the mail, post renewal.
2. Complete enclosed tracking form with CE activity information.
3. Make sure to clearly identify your (1 hour) ethics component.
4. Fax CE tracking form and **COPIES** of all CE certificates to the Board.
5. Respond to the audit with appropriate documentation by the deadline listed in the audit notice letter.

Check Your CE Twice!

If you are audited, make sure you have:

- ✓ **No less than 20 hours of CE**
- ✓ **Your name, date, and location on all certificates**
- ✓ **At least ONE hour of ethics**
- ✓ **Copies of all CE certificates**

What Does The Enforcement Division Investigate?

- Physical abuse/injuries to a patient
- Patient neglect
- Falsification of documentation/Forgery
- Billing fraud
- Failure to transfer the care of patients
- Mental impairment issues
- Drug/alcohol abuse
- Competency issues
- Criminal convictions
- Unprofessional behavior
- Unlicensed practice/Supervision of unlicensed practice
- CE non-compliance
- Falsifying an application
- Sexual misconduct



Complaints

- Board only accepts formal written complaints.
- Board does not accept oral or anonymous complaints due to the potential witness issue it may cause at an administrative hearing.
- Complaints typically originate from consumers, licensees, legal personnel, or other healthcare providers.
- The Board can initiate it's own complaints (re: audit issues or a licensee practicing on an expired license).

Complaints Continued

- Complaint forms are located on the Board's website under the "Consumer" / "Enforcement" icon.

Should you file a complaint?

- As healthcare professionals, you have an ethical obligation to report any behavior you believe is unethical and/or illegal, per the OT Practice Act: Code of Ethical Conduct: 4755-7-08(A)(9)

OTERP

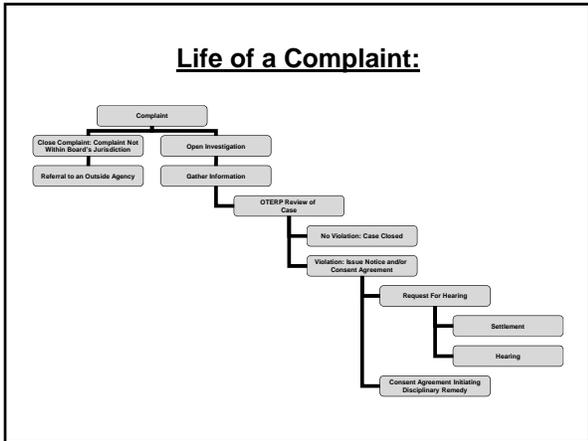
- What is OTERP?
 - Occupational Therapy Enforcement Review Panel
- Who is OTERP?
 - Enforcement staff, AAG, & 1 (or 2) liaisons from the OT Board
- Purpose of OTERP?
 - To review clinical components of complaints, determine violations, initiate discipline
- When does OTERP meet?
 - OTERP meets (the morning) prior to the Board meeting to review all cases
- Why does the OTERP exist?
 - Consumer protection

Roles of the OTERP Members

- Enforcement Staff (Investigators)
 - Gather information based on initial complaint and present findings to OTERP members
- OT Liaison
 - Review clinical aspects of case, determine if a violation exists, initiate/recommend disciplinary action
- Board AAG, assigned from the Ohio Attorney General's Office
 - Provide legal guidance and approve legal documents

About the OTERP OT Member

- OTERP OT liaison is elected to the position from the current OT Board members
- OTERP OT liaison is a licensed and practicing OT
- OT liaison usually serves on OTERP for a majority of their term and is responsible for training their replacement
- OTERP OT liaison is responsible reviewing clinical components of cases and for initiating/recommending disciplinary action against a licensee at Board meetings
- OTERP OT liaison abstains from voting on actions due to case involvement



Post Disciplinary Action

- Federal law requires the Board to report all disciplinary actions to the Department of Health and Human Services' Healthcare Integrity and Protection Data Bank (HIPDB).
- Disciplinary actions are **PERMANENT** and **ARE** public record.
- Be Advised: Administrative actions cannot be expunged from a licensee's record.
- The final disciplinary action and copies of the accompanying disciplinary documents (Notice & CA) appear on the Board's website and can be accessed by anyone conducting an online license verification.

How YOU can protect your license:

- Do your CE.
- Be proactive – Do not wait until the deadline to renew your license.
- Visit the Board's website regularly and familiarize yourself with any law changes (every May) and general Board news.
- Notify the Board of any address or employment change within 30 days. (If you don't, you may not receive pertinent information which may subject your license to disciplinary action).
- Use the Board's website to verify that a license is in good standing.
- OTs: Keep open lines of communication with the OTAs you supervise, and be aware of their license expiration date.
- If you have any questions or concerns, submit correspondence or contact the Board.

Ohio.gov Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Home | Occupational Therapy | Physical Therapy | Athletic Training | Consumers | Rules Updates

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board License Verification

Information

- Annual Reports
- Board Members and Staff
- Calendar
- Expired License Listings
- Fee Listings
- Laws and Rules
- License Lookup/Verification
- Mission Statement
- Name Change Form
- Address/Employment Change Form
- Duplicate ID/Valid Certificate Requests
- Directions to the Board Office
- Request Verification for Another State
- On-Line License Renewal
- On-Line Initial License Application
- Ohio e-License Center
- Joint Board Minutes
- Join a Board Listserv

OHIO License CENTER

Search Instructions: We recommend that searches be performed by either License Number or Name. Do NOT attempt to use a combination of Name and License Number. The use of City, State, Zip and County should not be necessary for most searches.

License Search [back]

Select a Board:

Select a Profession:

Occupational Therapy, Physical Therapy, and Athletic Trainers Board License Verification

OHIO License CENTER

Name and Address [back]

Name: James Jeffrey Galper
City/State: Wadsworth, OH

License and Registration Information

Credential	License Type	Initial Issue Date	Current Issue Date	Expiration Date	Status	Discipline
AT.000049	Athletic Trainer	05/18/1991	10/01/2010	09/29/2012	ACTIVE	

Understanding License Verification: When interpreting the verification information provided on this site, you should pay close attention to the "Current Issue Date," the "Expiration Date," and the "Status." The "Current Issue Date" and "Expiration Date" fields provide the time frame of the most recent license period. The "Status" field describes the actual status of the license for the period provided.

For a license to be valid, the current date must be within the "Current Issue Date" and "Expiration Date" range and the "Status" must indicate an "Active" status. If either the current date is outside the range displayed or the status indicates something other than "Active," the license may not be active.

Status Definitions: Below are descriptions of the most common "Active" statuses.

ACTIVE - the license is current within the date range displayed.
ACTIVE IN RENEWAL - the license is current within the date range displayed, but the individual has not completed the renewal process.

It's Your License.

- Be conscious of the decisions you make and how they affect your practice.
- Don't let the environment you work in jeopardize the standing of your license.
- **TAKE CARE OF YOUR LICENSE!**

You Are Done!

- You will receive an email verifying your attendance today.
- Retain the email for your CE records.
- Questions from presentation material?
