

# Tennessee Board of Occupational Therapy



# Newsletter

Spring 2008

A regulatory agency of the State of Tennessee

Vol. 1, No. 1

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.

227 French Landing, Suite 300 – Heritage Place, MetroCenter – Nashville, TN 37243  
(615) 532-3202 or 1-800-778-4123 ext 25096 Fax (615) 253-8724 <http://tennessee.gov/health>

## **BOARD OF OCCUPATIONAL THERAPY**

Pursuant to Public Chapter 115 of the Public Acts of 2007, the Board of Occupational Therapy and Physical Therapy Examiners and its two (2) Committees (Occupational Therapy and Physical Therapy) has been replaced by the Board of Occupational Therapy and the Board of Physical Therapy.

The Board of Occupational Therapy is responsible for safeguarding the health, safety, and welfare of Tennesseans, by requiring that all who practice occupational therapy within the state be qualified to practice. The Board interprets the laws, rules, and regulations to determine the appropriate standards of practice in an effort to ensure the highest degree of professional conduct. The Board is responsible for the investigation of alleged violations of the Practice Act and rules, and is responsible for the discipline of licensees who are found guilty of such violation.

The Board of Occupational Therapy consists of five (5) members, appointed by the Governor. Three (3) members of the Board are occupational therapists, one (1) member is an occupational therapy assistant, and one (1) member is a consumer who is not an occupational therapist and is not commercially or professionally associated with the health care industry. Members may be appointed from a list of three (3) nominees submitted to the Governor by the respective organization or association for each profession.

The Board meets three (3) times per year. A quorum of the Board consists of three (3) members. The meetings are open to the public.

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## **EMERGENCY SYSTEM For Advanced Registration Of VOLUNTEER HEALTH PROFESSIONALS**

--By: Donna Tidwell, BSN, RN, EMT P; Director of  
EMS Personnel Licensure and Education

Disasters bring out the best in us; however, unfortunately, they also bring out the worst. During 9/11, healthcare professionals responded to New York City and the Pentagon to provide their services. A concern came with verifying the credentials of nurses, physicians and other multiple healthcare professionals that appeared to lend aid during this time of disaster.

Many Federal laws passed in the days after 9/11, including a federal law in 2002 that required states to establish, by August 2008, the capability for physicians, nurses, and other healthcare professionals to volunteer their assistance before a

disaster occurs. This law created the *Emergency System for Advanced Registration of Volunteer Health Professionals (ESAR-VHP)*. States began to work toward this goal when in 2005 Hurricane Katrina came and again taught us the importance of having a way during a disaster to verify credentials of healthcare professionals in order to properly utilize them.

The responsibility for ESAR-VHP (*pronounced E'sar-Vip*) lies with Health Resources and Services Administration (HRSA). The Tennessee Department of Health is working on several options for establishing this database for all healthcare providers. The plan is for a web-based system by which those wishing to volunteer during a disaster can pre-register so their credentials may be verified by the states or federal government at the time of the disaster.

The database will be linked with the licensing boards in Tennessee. In the event of a disaster anywhere, the database can be accessed by the appropriate personnel to verify that those volunteering have the appropriate credentials.

This project is important to Tennesseans as the state could be the recipient of multiple volunteers should the predicted earthquake in West Tennessee or some other overwhelming disaster occurs. A system that is nationally recognized with volunteers from across the United States would be able to assist us. Additionally, the state would not have the concern that the volunteers were not properly credentialed. This system will provide a means to verify credentials of nurses at one web site. In turn, other states where this state's providers might respond during a disaster could verify Tennessee licensees' credentials.

Tennessee has always lived up to its name as the volunteer state by providing assistance to other states in time of need like the hurricanes in Florida and other coastal states and floods in Louisiana. Soon, ESAR-VHP will make it easier and safer to dispatch qualified healthcare providers to areas of need and for healthcare providers to volunteer their services. When ESAR-VHP is live and running, consider signing up as a volunteer.

### 2008 BOARD MEETING DATES

July 11<sup>th</sup> and November 7<sup>th</sup>  
 9:00 a.m., In the Iris Conference Room  
 227 French Landing, Suite 150  
 Heritage Place, MetroCenter  
 Nashville, Tennessee



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## Public Chapter 83 2007 Acts of 2007 MANDATORY DOMESTIC VIOLENCE REPORTING

The General Assembly passed a new law last legislative session (2007) that mandates health care practitioners shall report cases of suspected or confirmed domestic violence to the Tennessee Department of Health.

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The mandatory monthly reporting is by a web-based system the Department's Division of Health Statistics is developing. The system became operational in October 2007 and the Department mailed you the details of the required data to be reported and the instruction on how to use the reporting tool. The Board will also keep you informed as more information is available.

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The complete text of the Public Act, including provisions for any areas of exemption; enforcement of the Act; and action to be taken for violations of the Act, is available on the following website:

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[tennessee.gov/sos/acts/index.htm](http://tennessee.gov/sos/acts/index.htm)

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## Public Chapter 529 The Acts of 2007 PROHIBITION OF EMPLOYMENT OF ILLEGAL ALIENS

If the Commissioner of Labor and Workforce Development receives a complaint that a person, licensed by a state regulatory board, knowingly employs, recruits or refers for a fee for employment an illegal alien, that person is subject to an investigation and contested case hearing.

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If there is proof a person knowingly employed, recruited or referred for a fee for employment, an illegal alien, which occurred while acting within the scope of practice of his/her license, the regulatory board will be required to revoke, suspend, or deny the person's license.

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For the first violation, the regulatory board will be required to suspend the person's license until they show they no longer employ, recruit or refer for a fee for employment, an illegal alien. This can be made by the person filing a sworn statement that they no longer employ illegal aliens.

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If a second violation occurs within three (3) years from the first order, the regulatory agency will be required to suspend the person's license for one (1) year.

The complete text of the Public Act, including provisions for any areas of exemption; enforcement of the Act; and action to be taken for violations of the Act, is available on the following website:

[tennessee.gov/sos/acts/index.htm](http://tennessee.gov/sos/acts/index.htm)



### Public Chapter 410

#### The Acts of 2007

### “NON-SMOKER PROTECTION ACT”

Public Chapter 410 (2007) created the Non-Smoker Protection Act which prohibits smoking in all enclosed public places within the State of Tennessee including, but not limited to, the following places:

(2) “Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public including, but not limited to, banks, laundromats, factories, professional offices, and retail service establishments; and “Health care facilities”. (Nursing homes and long-term care facilities are exempt)

The legislation requires offices and health care facilities to do the following:

- Inform all existing employees and any prospective employees upon their application for employment of the prohibition on smoking; and
- “No Smoking” signs or the international “No Smoking” symbol, shall be clearly and conspicuously posted at every entrance to every public place and place of employment where smoking is prohibited.

The Department of Health, shall while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Act. Information about these inspections will be communicated with the appropriate offices and/or health care facilities in the future.

The complete text of the Public Act, including provisions for any areas of exemption; enforcement of the Act; and action to be taken for violations of the Act, is available on the following website:

[tennessee.gov/sos/acts/index.htm](http://tennessee.gov/sos/acts/index.htm)

### 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 thirty 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 giving permission of the name change.



### BOARD CONSULTANT GUIDELINES

The Tennessee Department of Health is charged with the responsibility of regulating health care professionals to protect the health, safety and welfare of the citizens of this state.

Regulation is accomplished through twenty-plus health related boards which set qualifications for the licensure and continued competency of each regulated health professional. Each board sets standards for professional practice and is responsible for the discipline of those health professionals found guilty of violations of laws and regulations.

These measures are accomplished by three state agencies working in tandem. The agencies are:

- **Division of Health Related Boards (HRB)** - This division provides administrative and investigative services for the boards.
- **Office of Investigations** - This office is responsible for investigating complaints against any licensee. Investigations are usually precipitated when a complaint is received from the public.
- **Office of General Counsel (OGC)** - Their function is to provide legal advice to the department and the boards, which are administered by the Division of Health Related Boards (HRB). OGC also represents the department in administrative and disciplinary hearings. OGC does not provide legal advice to licensees or applicants for licensure.

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## General State of Functions:

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.
- Complaint File Review – In conjunction with the Department's Office of General Counsel, a consultant will provide and apply expertise as a practitioner of the profession, while the litigation attorney will provide the legal expertise. Together the consultant and the state's attorney will make the decisions concerning the disposition of pending complaint files.
- Review of applications and supporting documents and make initial determination as to the eligibility/ineligibility for licensure where the board's statutes and rules grant authority.
- Review of continuing education documentation for compliance with the board's statutes and rules.
- Undertaking of any other matter authorized by the board and serve on ad hoc committees.

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.

## Minimum Qualification for a Board Consultant:

1. Must hold a current license issued by the board with which he/she will consult.
2. Have never had his/her license restricted, sanctioned, revoked or otherwise disciplined in this state or any state, jurisdiction or territory.
3. Have a general knowledge or applied practice as detailed in the Tennessee Code Annotated, rules or the specified board/profession.
4. Are not currently under disciplinary review, which could possibly lead to legal or ethical disciplinary sanction, restriction, or similar action or condition by the Division of Health Related Boards or other licensure/certification board or professional association in any other state or locality.
5. Are an actual bona fide resident and a legally practicing professional licensed for at least five (5) years in the specified profession in this state preceding such appointment to this position.

6. Are not regularly employed by nor is a member of the governing body, training program, college or university for the specified profession.

## How the process will work:

1. A list will be compiled consisting of licensees who meet the criteria and indicate a willingness to be a board consultant. It is the state's intent that these actions will preserve the integrity of the process by avoiding the appearance of impropriety and/or conflicts of interest.  
If a consultant has a personal/professional relationship with the applicant or licensee, the consultant shall recuse himself/herself. The Division will then assign another consultant.
2. When there is a need for a board consultant by either of the above entities, a telephone contact will be made to schedule a date, time and location for the task to be accomplished. Most tasks will require the individual to travel to Nashville. The division offices are open between the hours of 8 a.m. and 4:30 p.m., Central Time, Monday- Friday.
3. Once a consultant is placed on the contact list, rejecting a consultation opportunity on three (3) consecutive requests by the department or failure to appear at a scheduled time shall be just cause for removal from the contact list.

## General Compensation Rates and Procedure for Compensation-Monthly Basis:

In order to be paid for travel to include mileage, lodging and meals, the individual must complete and submit a travel claim for reimbursement of travel expense no later than five (5) days after the end of the month in which travel occurred. All written signatures on the travel claim must be original (no copies).

Telecommunications costs while on travel status-local phone calls, fax charges and long distance calls for state business will be reimbursed. Individuals must provide a statement furnishing the date, name and location called for long distance calls and fax charges.

If you meet the qualifications listed here previously, and are interested in assisting with this crucial part of licensure and regulation, please submit a current resume which clearly reflects your employment history.

This cover letter should include your license number with expiration date. It should also state that you meet the minimum qualifications listed here previously, and unequivocally state that you understand the stipulations in the above paragraphs. You must provide a telephone number where you can be reached during our business hours. Please send your resume and cover letter to:

Tennessee Department of Health  
Division of Health Related Boards  
*The name of the professional board*  
227 French Landing, Suite 300

## 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 forty-five (45) days prior to the expiration of the license to the current address on record. **Licensees are responsible for renewing their licenses on-time and keeping the Board apprised of current information.** Licenses can be renewed on-line one-hundred-twenty (120) days prior to expiration at [Tennessee.gov/health](http://Tennessee.gov/health). Click on the "License Renewal" link and follow the prompts. It is a violation of the law and of the Board's rules to practice on an expired license.



### RENEWING YOUR LICENSE ON-LINE

Did you know you can renew your professional license on line? 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 on line, step by step:

**Step One – Login 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 [www.tennessee.gov](http://www.tennessee.gov)!

### 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 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.

**\*Licensed Health Professionals in Tennessee as of April, 2008**

**Occupational Therapists – 1,900  
Occupational Therapy Assistants – 900**

**\*Source: Tennessee Department of Health, Division**

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Changes of Address

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## Cover Tennessee: Health Care for Tennessee's Uninsured

Governor Phil Bredesen's multi-pronged effort, **Cover Tennessee**, extends health insurance to uninsured individuals in Tennessee through three insurance programs and a pharmacy assistance program.

**CoverTN** is an affordable and portable health insurance initiative for working Tennesseans who are uninsured. Comprehensive coverage for

children is provided through **CoverKids**, and chronically ill adults are eligible for **AccessTN**.

**CoverRx** is a statewide pharmacy assistance program designed to assist those who have no pharmacy coverage, but have a critical need for medication.

**Cover Tennessee** provides health insurance coverage that is affordable to participants and affordable to the state.

More information on all **Cover Tennessee** programs is available at [www.CoverTN.gov](http://www.CoverTN.gov) or by calling **1-866-COVERTN**.

### Overview of Programs

#### [CoverTN](#)

CoverTN is a partnership between the state, small businesses and self-employed individuals to provide coverage for the most needed medical services. CoverTN is a voluntary initiative for uninsured Tennesseans to obtain private insurance. The individual owns the plan, not the state or the company. To promote personal responsibility, premiums are based on weight, tobacco use and age – with an average monthly premium of \$50 for each payer.

**CoverTN** is affordable. The program features no deductibles and pricing is simple and straight-forward: \$20 co-payment for a doctor's office visit and \$10 for most

prescription drugs. There is also coverage for hospitalization and other medical needs.

Enrollment is a two-step process. Once a business is confirmed as eligible, BlueCross BlueShield of Tennessee, the program's insurer, sends out enrollment materials, and individuals have 90 days to make a decision.

#### [CoverKids](#)

CoverKids offers comprehensive health insurance coverage to uninsured children 18 years-old and younger, and maternity coverage for pregnant women with household incomes below 250 percent of the federal poverty level. Families above the income limit, who wish to purchase coverage for their child, can "buy in" to the program by paying monthly premiums. The coverage is similar to the benefits offered to dependents of state employees. BlueCross BlueShield of Tennessee administers the program.

#### [AccessTN](#)

AccessTN provides comprehensive health insurance options to uninsurable Tennesseans. AccessTN, a high-risk pool, was created for persons with one of 55 specified medical conditions, or those who are unable to get insurance in the commercial market because of their health status. BlueCross BlueShield of Tennessee administers the program.

#### [CoverRx](#)

CoverRx is a statewide pharmacy assistance program designed to assist those who have no pharmacy coverage, but have a critical need for medication. CoverRx is not health insurance. It provides up to five prescriptions per month. (Insulin and diabetic supplies will not count against the monthly limit.) Express Scripts administers the program.

[www.covertn.gov](http://www.covertn.gov)  
**1-866-COVERTN**

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Tennessee Board of Occupational Therapy  
227 French Landing, Suite 300  
Heritage Place MetroCenter  
Nashville, TN 37243



**Board of Occupational Therapy  
Board Members as of April 10, 2008**

Jeff E. Snodgrass Gray, TN Occupational Therapist Chairman	Janet M. Neely Knoxville, TN Occupational Therapy Assistant Board Member	M. Sloan Lake Pulaski, TN Occupational Therapist Board Member	Manoj M. Tendolkar Knoxville, TN Occupational Therapist Board Member	Lisa R. Short Brentwood, TN Citizen Board Member
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**Board Administrative Staff**

Marva Swann Unit Director	Tomica Walker Board Administrator	Laquita Crutcher Licensing Technician
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