

P E N N S Y L V A N I A

STATE BOARD OF

Occupational Therapy Education and Licensure

NEWSLETTER

Summer 2005



Commonwealth of Pennsylvania

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Governor

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*Commissioner,
Bureau of Professional
and Occupational Affairs*

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Message from the Chairperson

by Ellen L. Kolodner, MSS, OTR/L, FAOTA

I am privileged and honored to have been elected to serve as Chairperson of the Pennsylvania Board of Occupational Therapy, Education and Licensure. The Board is responsible for “protecting the health, safety and welfare of the public from incompetent, fraudulent and unethical practitioners” (Commonwealth of Pennsylvania Licensure Board Member’s Handbook, Section 1, p.1). For the profession of occupational therapy, such protection requires that the Board monitor all aspects of professional activity including areas such as consumer access, service delivery, practitioner preparation, practitioner competence, and scope of practice. Each Board discussion is situated within the context of our evolving understanding of this important responsibility as well as our understanding of the laws and regulations of the Commonwealth that empower and constrain our work.

Every licensed occupational therapy practitioner in the Commonwealth of Pennsylvania is responsible for supporting the work of the Board. The seven individuals who have been appointed by the Governor to serve on the Board have accepted their responsibility to serve as stewards for the profession and ensure that the laws of the Commonwealth that pertain to our professional practice are followed. *You* must also accept your responsibility and serve as our eyes and ears in the field. We depend on each of you to keep us informed of your concerns regarding consumer needs and concerns, practitioner preparedness and practices, and emerging practice trends. The Practice Act was enacted to address the issue of *broad scope of practice*. It does not address specific techniques and practice settings that change over time. It does not give the Board the authority to issue advisory opinions regarding specific clinical approaches.

It is important that each practitioner stay current with the documents essential to OT practice in Pennsylvania: The Occupational Therapy Practice Act, and the regulations of the Board at 49Pa § code 42.1. Current versions of both the *Practice Act* and the *Pennsylvania Code* are available on the Board’s website at www.dos.state.pa.us. The latest copy of *the Act* includes the 2004 amendment that authorizes an occupational therapist to implement direct occupational therapy for a specific medical condition if an optometrist refers the individual.

The Board is interested in hearing your thoughts and

concerns about topics that impact your ability to provide ethical and competent occupational therapy services to Pennsylvania consumers. We continue to examine the issue of continuing education/competence. During the 2005 POTA Annual Conference, we will be holding an open hearing to hear your views on this important topic. Additionally, please remember that all Board meetings are open to the public. We welcome your participation and encourage you to contact us with your ideas and concerns. We can be reached through e-mail at ST-OCCUPATIONAL@state.pa.us. We look forward to hearing from you soon!

Right-To-Know Act and Home Addresses

The Bureau of Professional and Occupational Affairs is sensitive to its licensees’ concerns about personal privacy. However, the Pennsylvania Right-to-Know Act, 65 P.S. § 66.1, mandates release of information contained in a “public record” stored by that agency if a member of the public requests it.

The Bureau will take all reasonable steps to safeguard personal information contained in your licensure records. We realize that many of you use your home address on the licensure records maintained by the Bureau. However, given the uncertainty over what the Right-to-Know Act requires, neither the Bureau nor the board that issues your license can guarantee the confidentiality of the address shown on your licensing record. Therefore, we recommend that if you have a personal security concern, you might want to consider what many of our licensees have already done: use a business address or box number as the official address on licensure records.

Also, with the arrival of the License 2000 computer system, you may indicate to the Board an address for release to the public that may be different from your home address.

To further protect your privacy and identity, the Bureau will only accept a request to change a licensee’s address if it is submitted in writing and includes the licensee’s social security number, license number and the old and new addresses.

Meet Our Newest Board Members

Ellen L. Kolodner, MSS, OTR/L, FAOTA

Ellen Kolodner is a trained occupational therapist and social worker. Her career as an occupational therapist spans more than three decades. Over the years, she has held positions as clinician, manager, and educator. Currently, she is employed as the Director of Academic Programs for Continuing and Professional Studies at Philadelphia University. A few of Ellen's more recent professional roles include Professor and Founding Director of the Occupational Therapy Program at Philadelphia University, Director of Professional Development for NovaCare, Inc. and Academic Fieldwork Coordinator and Assistant Program Director at Thomas Jefferson University.

Ellen earned her Bachelor of Science in Occupational Therapy from the University of Pennsylvania and her Master of Social Services from Bryn Mawr College. During her long professional career, she has provided service and leadership to numerous local, state and national occupational therapy organizations. Her leadership roles have included service as AOTA Secretary, Chair of the AOTA Bylaws, Policies and Procedures Committee, Chairperson of the Gerontology Special Interest Section and ten years of service as an elected member of the Representative Assembly. Additionally, she served in a variety of capacities on the POTA Board of Directors for more than two decades. Ellen has been honored by the occupational therapy community on numerous occasions and is especially proud to have received the highest honors awarded by the Pennsylvania and American Occupational Therapy Associations- the POTA Award of Outstanding Achievement and the AOTA Award of Merit.

Ellen's professional interests focus on mentoring, professional development, clinical education and teaching and learning models. She has published numerous articles and book chapters on these topics and has presented hundreds of scholarly papers in national and international venues.

Ellen and her husband Bernie reside in Rydal, a suburb of Philadelphia. Many members of the Pennsylvania OT community have watched as Ellen and Bernie's sons grew from small children who played quietly during Board meetings into accomplished young adults. Ellen is pleased to report that she and Bernie are now "empty nesters" with a grandson who they look forward to teaching about the exciting profession of occupational therapy.

Pamela E. Toto, MS, OTR/L, BCG, FAOTA

Pam Toto is an occupational therapist with over 16 years of direct care experience. While her passion and interest focuses on older adults, Pam has provided occupational therapy services in a wide variety of settings including acute care, outpatient therapy, skilled nursing facilities, assisted living and community health. Pam's interest in the needs of older adults is quite diverse. Pam is recognized as a national advocate in promoting occupational therapy collaboration with Rebuilding Together, a national association that revitalizes homes of older adults and disabled persons to improve their safety and quality of life. Pam has presented at national and international conferences on a variety of topics including seating and positioning, functional incontinence, restraint reduction and falls prevention. Her current primary scholarly focus is on exercise and health promotion in relation to older adult wellness.

Pam is active in several occupational therapy venues: she is a part-time home health therapist with Family Home Health Services and Centers for Rehab Services, a clinical instructor in the University of Pittsburgh Department of Occupational Therapy, and a data collector for two research studies involving occupational therapy and older adults at the University of Pittsburgh Medical Center. Former professional roles included responsibilities as a manager and regional trainer of clinical programs.

Pam graduated from the University of Pittsburgh in 1989 with a Bachelor of Science degree in Occupational Therapy. She received a Master of Science degree in Health Care Supervision and Management from the University of Pittsburgh in 1996. She serves as secretary of the School of Health and Rehabilitation Science Alumni Association and was recently awarded the school's Distinguished Alumni Award for occupational therapy.

Pam is a recognized leader in the occupational therapy professional community and has been appointed and elected to several state and national positions. Her current elected national leadership role is as the chairperson of the American Occupational Therapy Association (AOTA) Gerontology Special Interest Section. She served as the secretary for the Pennsylvania Occupational Therapy Association (POTA) from 1998 through 2002 and has held several leadership positions on the POTA annual conference committee. In 2005, Pam received the Roster of Fellows honor from AOTA and in 2001 she received the Master Clinician Award in 2001 from POTA.

Pam and her family reside in Murrysville, a Westmoreland county suburb located east of Pittsburgh.

Who May Use the Designation Occupational Therapist and Offer to Provide Occupational Therapy Services?

by Herbert Abramson, Senior Counsel in Charge

The Occupational Therapy Practice Act defines an occupational therapist as “[a] person who is **licensed** to practice occupational therapy pursuant to this act and who offers such services to the public under any title incorporating the words “occupational therapy,” “occupational therapist” or any similar title or description of occupational therapy services.” Similarly, the Act defines occupational therapy assistant as “[a] person **licensed** to assist in the practice of occupational therapy, under the supervision of an occupational therapist.” 63 P.S. § 1503 (emphasis added).

The Act also makes it “unlawful for any person to practice or to indicate an ability to practice occupational therapy **unless licensed**. . . .” Similarly, the Act forbids anyone to “use the title occupational therapist or a title set forth in [the] act as it relates to the practice of occupational therapy **unless licensed** and whose license is in good standing. . . . 63 P.S. § 1506 (emphasis added).

The Act allows “[a]n individual who is **issued a license** as an occupational therapist” to “use the title “occupational therapist” or “licensed occupational therapist,” or use the letters “O.T.R./L” or “L./O.T.R.” in connection with the title or place of business to denote his or her licensure.” Similarly “[a] person who is **issued a license** as an occupational therapy assistant may use the words “occupational therapy assistant” or “licensed occupational therapy assistant” or he or she may use the letters “C.O.T.A./L.” or “L./C.O.T.A.” in connection with his or her name or place of business to denote his or her licensure.” 63 P.S. § 1513 (emphasis added).

The requirement of Pennsylvania licensure under the Act does not extend to a person employed as an occupational therapist or occupational therapy assistant by the federal government “as long as that person provides occupational therapy solely under the direction or control of the organization by which the person is employed.” Also exempt from the requirement of Pennsylvania licensure is “[a] person pursuing a course of study leading to the degree or certificate in occupational therapy . . . provided the activities . . . are part of a supervised course of study and the person is designated by a title which clearly indicates

the status of student or trainee and not licensed occupational therapist.” Finally, the Act exempts from the requirement of licensure “[a] person fulfilling the supervised fieldwork experience requirements of this act provided [the] activities . . . constitute a part of the experience necessary to meet the requirements of that program.” 63 P.S. § 1507.

If you have reason to believe that someone is practicing occupational therapy or is practicing as an occupational therapist assistant in violation of the law, you may file a complaint with the Bureau of Professional and Occupational Affairs. A complaint form may be obtained by calling the Complaints toll free number 1-800-822-2113 or downloading a complaint form from the Department of State website www.dos.state.pa.us.

Supervision of Aides by a Licensed Occupational Therapy Practitioner

Health care professionals continually face the challenge of providing ethical, quality care within a severely constrained fiscal model of delivery. Occupational therapy professionals are frequently asked to utilize aides and other unlicensed personnel as therapy extenders. It is important that each licensed practitioner fully understand the parameters of correct supervision and use of an aide.

An occupational therapy aide is an individual who is assigned by an occupational therapy practitioner to perform delegated, selected skilled tasks in specific situations under the direction and intense (daily) close supervision of an occupational therapy practitioner. The occupational therapist and/or occupational therapy assistant is ultimately responsible for the activities of the aide and is accountable for the quality of the work the aide performs. Responsibility for the performance of a duty delegated by an occupational therapy assistant shall lie with both the assistant and with the occupational therapist who supervises that assistant. Section 42.21 of the board’s regulations, 49 Pa.Code 42.21, defines minimum standards of practice. The Occupational Therapist or Occupational Therapy Assistant may delegate non-treatment aspects of occupa-

tional therapy to the aide provided certain conditions outlined in the Code are met. The aide is not allowed to perform any activities that require licensure under the Act.

Examples of non-treatment activities include: transporting patients; setting up a work area or equipment; performing clerical and housekeeping duties; attending to personal needs of patients/clients; assisting patients/clients with non-treatment aspects of occupational therapy services, such as monitoring and cuing patients/clients as they participate in activities. At no time should the aide be evaluating, treating or recording occupational therapy progress notes on the chart. These activities would be considered unlawful and the unlicensed practice of occupational therapy. If you are supervising occupational therapy aides, please review the Practice Act and regulations. Report all concerns regarding supervision not in compliance with the Board's regulations. A complaint can be filed by calling 1-800-822-2113. Failure to comply with these regulations constitutes unprofessional conduct under section 16(a)(2) of the act (63 P. S. § 1516(a)(2)).

Supervision of the Occupational Therapy Assistant

One of the most frequent questions brought before the board relates to the supervision of the occupational therapy assistant. § 42.22 Pa. Code addresses the issue of supervision of the licensed occupational therapy assistant. Section 3 of the act (63 P. S. § 1503) provides that occupational therapy assistants may assist in the practice of occupational therapy only under the supervision of an occupational therapist. "Under the supervision of an occupational therapist" means that the occupational therapist is currently licensed by the Board. Further, this means that the occupational therapist evaluates the patient or client, prepares a written program plan, and assigns treatment duties based on the program plan to an occupational therapy assistant currently licensed by the Board and specifically trained to carry out those duties. The occupational therapist monitors the occupational therapy assistant's performance and accepts professional responsibility for the occupational therapy assistant's performance.

Supervision includes the following: communicating to the occupational therapy assistant the results of patient/client evaluation and discussing the goals and program plan for the patient/client; periodically reevaluating the patient/client and, if necessary, modifying the program plan; case man-

agement; determining program termination; providing information, instruction and assistance as needed; observing the occupational therapy assistant periodically; preparing on a regular basis, but at least annually, a written appraisal of the occupational therapy assistant's performance and discussing that appraisal with the assistant. Notwithstanding subsections (a)(1) and (b)(2) of the Code, the supervisor may assign to a competent occupational therapy assistant the administration of standardized tests, the performance of activities of daily living evaluations and other elements of patient/client evaluation and reevaluation that do not require the professional judgment and skill of an occupational therapist.

The supervisor shall have supervisory contact with the occupational therapy assistant at least 10% of the time worked by the assistant in direct patient care. "Supervisory contact" means face-to-face individual contact, telephone communication, contact through written reports or group conferences between a supervisor and two or more supervisees. Face-to-face individual contact shall occur onsite at least once a month and shall include observation of the assistant performing occupational therapy. The specific mode, frequency and duration of other types of supervisory contact depend on the treatment setting, the occupational therapy assistant's caseload, the condition of patients/clients being treated by the assistant and the experience and competence of the assistant as determined by the supervisor. The supervisor shall ensure, however, that supervisory contact within each calendar month includes a combination of face-to-face, telephone and written communication.

The supervisor shall maintain a supervisory plan and shall document the supervision of each occupational therapy assistant. Documentation shall include evidence of regular supervision and contact between the supervisor and the assistant. A supervisor who is temporarily unable to provide supervision shall arrange for substitute supervision by an occupational therapist currently licensed by the Board. The substitute shall provide supervision that is as rigorous and thorough as that provided by the permanent supervisor.

If you are supervising occupational therapy assistants or are an occupational therapy assistant, please review the Practice Act and regulations. Report all concerns regarding supervision not in compliance with the Board's regulations. A complaint can be filed by calling 1-800-822-2113. Failure to comply with these regulations constitutes unprofessional conduct under section 16(a)(2) of the act (63 P. S. § 1516(a)(2)).

Disciplinary Actions

Following is the disciplinary actions taken by the Board from March 31, 2004 through March 31, 2005. Each entry includes the name, certificate or registration number (if any), and last known address of the respondent; the disciplinary sanction imposed; a brief description of the basis of the disciplinary sanction and the effective date of the disciplinary sanction.

Every effort has been made to ensure that the following information is correct. However, this information should not be relied on without verification from the Prothonotary's Office of the Bureau of Professional and Occupational Affairs. One may obtain verification of individual disciplinary action by writing or telephoning the Prothonotary's Office at P.O. Box 2649, Harrisburg, PA 17105-2649; (717) 772-2686. Please note that the names of persons listed below may be similar to the names of persons who have not been disciplined by the Board.

Sandra P. Pyle, license no. **OC-000515-L**, of North Wales, Montgomery County, was actively suspended for a period of three (3) months effective June 15, 2004, and ordered to pay a civil penalty of \$3,000.00, because Pyle practiced as an occupational therapist while her license was expired. (06-14-04)

John H. Williams, O.T., license no. **OC-006650-L** of Chambersburg, Franklin County, was suspended for not less than one (1) year, with the suspension immediately stayed in favor of not less than one (1) year of probation, because Williams, practiced without reasonable skill and safety to patients due to a physical or mental condition which impaired judgment or coordination. (09-13-04)

Matthew Anthony Lenhard, of Philadelphia, Philadelphia County, was granted a license to practice Occupational Therapy subject to three years of probation. (11-30-04)

UNETHICAL OR UNLICENSED ACTIVITY

If you believe the practice or service provided by a licensed professional to be unethical, below an acceptable standard or out of the scope of the profession; or if you are aware of unlicensed practice, please call the Bureau of Professional and Occupational Affairs complaints hotline at:

In Pennsylvania: 1-800-822-2113

Out of State: 1-717-783-4854

A complaint form is available on the Department of State's internet site. www.dos.state.pa.us

Licensure...You're Almost There So Be PREPARED!

by Pamela E. Toto, MS, OTR/L, BCG, FAOTA

For many students in the final stages of completing academic requirements in occupational therapy programs, the process of seeking occupational therapy licensure in Pennsylvania may seem like a simple last step to reaching their goals. The process is clearly outlined and readily available for all interested parties in the Occupational Therapy Practice Act, which can be found on the Department of State website at www.dos.state.pa.us/therapy.

Despite its apparent straightforward process, there are certain points to keep in mind to ensure that students who are recently emerging from occupational therapy educational programs are practicing legally under the act and are completing the proper steps necessary to ensure a smooth and efficient notification of licensure by the Board. These tips include:

Passing the NBCOT exam does not automatically grant a person licensure in the state of Pennsylvania; an applicant must satisfy all four requirements listed in Section 8 of the Occupational Therapy Practice Act and have received the actual license from the Pennsylvania Occupational Therapy Education and Licensure Board. Until receipt of the license, the applicant may not practice as a licensed clinician but can provide services under a temporary license if it was granted by the Board prior to taking the NBCOT examination.

A temporary license may be issued if an applicant meets the requirements outlined in Section 9 of the Occupational Therapy Practice Act. A person on a temporary license may continue to practice on a temporary license even if they have failed the NBCOT examination but have applied for reexamination. Section 42.15 of the Pennsylvania Code and the State Board of Occupational Therapy Education and Licensure, however, lists additional important provisions. Subsection (a)(2) notes that the applicant must apply to take the examination on the next scheduled date. Additionally, Subsection (a)(2)(i) specifically notes that the temporary license expires automatically if the applicant fails to take the licensure reexamination on that date, unless they are granted an excuse by the Board.

If an applicant fails the NBCOT examination twice, they are not eligible for another temporary license for a period of one year from the date of notice and may not necessarily be issued another temporary license even after the completion of one year, except at the discretion of the Board.

In summary, the licensure process can easily be viewed as the most critical step to professional practice. Careful planning and attention to details will make this final transition a success!

P.O. Box 2649
Harrisburg, PA 17105-2649

Board Members and Staff

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Remaining 2005 Meeting Dates

June 10

September 23

November 18