

Friday, January 19, 2018

The Maryland Board of Occupational Therapy Practice

Chairperson: Wanda Banks, MA, OTR/L

**55 Wade Ave., Bland Bryant Bldg., 4<sup>th</sup> Floor  
Catonsville, MD 21228  
Time: 8:30 a.m.**

**GENERAL SESSION MINUTES**

**Board Members Present**

Wanda Banks, MA, OTR/L, Chairperson  
Kimberly A. Goodman, MS, OTR/L, Secretary/Treasurer  
Kim W. Sands, OTD, OTR/L  
Sarah Quirk, COTA/L  
Marylin Pierre, Esq.  
E.J. Quinn, Capt. USN (Ret.)

**Board Members Absent**

Daniel Martin, OTR/L, FAAPM, FASSET, CMTPT/CDN

**Board Staff Present**

Carla Boyd, Board Counsel  
Donna Seidel, Executive Director  
Lauren Murray, Assistant Director

**Guests Present**

Sonia Lawson, MOTA

8:30 a.m. Committee Work

9:00 a.m. 1. Ms. Banks called the meeting to order at 9:01 am.

5 min

2. Ms. Banks asked for a motion to approve the General Session Agenda. Ms. Goodman asked that the date listed as the beginning of Ms. Banks' appointment to the Board be corrected. Ms. Quirk requested a correction of Ms. Banks' credentials. Ms. Goodman made a motion to approve with corrections. Ms. Quirk seconded it. All were in favor.

3. Ms. Banks asked for a motion to approve the minutes from the November General Session. Ms. Sands made a motion to approve. Ms. Goodman seconded it. All were in favor.

4. Ms. Banks announced the ratification of licenses for 18 OTs and 12 OTAs. Ms. Goodman made a motion to approve. Ms. Quirk seconded it. All were in favor.

## REPORTS

- 15 min    1. Office of Attorney General (OAG) --Carla Boyd
- a. Workers' Compensation Question on License Renewal Applications
    - a. During the last meeting, Ms. Seidel questioned whether the Board needed to continue to collect information from licensees relative to Workers' Compensation. Ms. Boyd stated that there is nothing under the Practice Act, but Health Occupations 1-202 requires that the Board knows if an employer offers Workers' Compensation.
    - b. Ms. Seidel added that currently, the information is only collected during renewals and asked if there is a different way that the question could be worded, since the wording seems to cause confusion for some applicants. Ms. Boyd stated that there might be a simpler way to ask the question. She noted that the Physicians Board does include the same wording in their renewal application, but some other Boards do not. Ms. Boyd suggested that this information be collected during all applications. Ms. Seidel said that she would phase the question into the other applications, but Ms. Boyd along with the Board Staff would reword the current question to be included on the renewal application for renewals in 2018.
- 30 min    2. Administrative Reports – FY'18  
Staff: Donna Seidel, Lauren Murray
- a. Update on Online Applications and Mobile Phone App
    - a. The Board Staff is moving forward with online applications and the mobile phone application. Ms. Seidel stated that the launch date for online applications is 1/31/18. The implementation plan for the first 30 days is to first offer the opportunity to apply online to those signaling a new application. After this test phase, the opportunity to apply online will be available for everyone.
    - b. An E-blast and Facebook post regarding online applications will be published soon.
    - c. The mobile application will be ready for public use soon. A direct mail will be sent to anyone with disciplinary history to alert them to the change in status terminology (Active or Expired with Disciplinary History). Ms. Banks reminded the Board that the disciplinary history is currently linked to the licensees' records on the Board's verification page, but the terminology will be more descriptive in the mobile app.
  - b. Additions to Online Services
    - a. Ms. Seidel proposed adding requests for letters of good standing, rosters and labels and continuing education reviews to online service.

- b. She stated that this would be at a one-time cost of approximately \$18,000.
- c. After this upgrade, all Board services will be available online.
- c. Criminal Records Check
  - a. Ms. Seidel explained that an E-Blast and Facebook post will be distributed regarding fingerprinting.
  - b. Fingerprinting will be required beginning February 1, 2018. The completion of moral character forms will no longer be required after February 1, 2018.
- d. Board Meeting Schedule and Inclement Weather Policy
  - a. Ms. Seidel reminded the Board that the current Inclement Weather Policy is to follow the decision of Baltimore County Public Schools. She proposed that going forward, the Board could adopt a policy to conduct the Board meeting via teleconference whenever Baltimore County Schools are closed or delayed. In preparation for such circumstances, Ms. Murray will set up a teleconference if inclement weather is predicted to occur on the same day as a Board meeting.
  - b. Ms. Murray will establish a folder in Dropbox regarding teleconference procedures. In addition, the procedure will be for Ms. Murray to send out text and email messages the morning of the meeting to alert the Board to the change of venue.
  - c. In the event of a hearing, if a quorum and all of the parties can attend, then a hearing will commence. Otherwise, it will be rescheduled. The Board may try to not schedule hearings in January and February, due to the potential for complications caused by inclement weather.
  - d. Case resolution conferences do not need a quorum. Therefore, if schools are closed, a case resolution conference may be conducted as scheduled via conference call.

20 min 3. Legislation/Regulations Committee –  
 Kim Sands, OTD, OTR/L,  
 Marylin Pierre, Esquire, Consumer Member  
 Sarah M. Quirk, COTA/L  
 Staff: Donna Seidel, Lauren Murray

- a. 2018 Legislative Session
  - i. Procedures
    - a. Ms. Murray reviewed the procedure for communicating with the Legislative Regulation Committee members during the 2018 legislative session. Ms. Murray will disseminate emails to the committee members regarding proposed bills and will flag them as having either a direct or indirect impact on the practice of occupational therapy. If the Board Staff does not receive responses from the Committee, then the staff will assume that the Board will take the same opinion as the other Boards.

- b. Ms. Pierre asked which emails have priority and Ms. Murray clarified that bills with direct impact have high priority. Ms. Murray will also text the Committee if an email is a very high priority.
    - c. Editing guidelines used for review of the bills were distributed.
  - ii. SB 80 – State Board of OT Practice – Licensure Revisions
    - a. Ms. Murray shared that she testified yesterday before the Senate Committee and it is expected that the The Senate Committee will send the bill to the floor with their approval.
    - b. Ms. Seidel thanked Ms. Murray for testifying on behalf of the Board.
  - ii. SB 151 – Athletics Trainers Act – Revisions
    - a. Ms. Seidel spoke to executive directors from the Board of Physical Therapy Examiners and the Board of Chiropractic Examiners. It is her understanding that the Board of PT plans to submit a position paper opposing the bill. The Board will wait to see what those Boards say. Ms. Banks asked Ms. Lawson about MOTA’s opinion on the bill, and she will report back after speaking to MOTA. Ms. Seidel asked the Legislative-Regulations Committee to pay close attention to this bill. The Board Staff will share any reports from other Boards or MOTA with the Legislative-Regulations Committee.
  - iii. HB 166 – State Board of Massage Therapy Examiners – Revisions
    - a. Ms. Lawson shared that MOTA has not discussed this bill yet.
    - b. This bill involves assistance to the Maryland Human Trafficking Task Force. Ms. Pierre asked if this bill requires Massage Therapy Examiners to be reporters of human trafficking. Ms. Boyd said that this is correct and that this bill will give the duty to report abuse and human trafficking.
    - c. The Board members indicated that the OT Board will be in support if asked.
  - iv. HB 168 – State Board of Examiners of Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists – Inactive Status of Licenses
    - a. Upon review of the bill, the Board indicated no opposition from the Board
  - v. SB 131 – Child Abuse and Neglect
    - a. Ms. Lawson said that MOTA discussed this bill. MOTA wondered how the training would be implemented and documented and if this training applies to those working with children. MOTA did not support this last year.
    - b. Ms. Quirk said that in a school system, OTs and OTAs are already trained in this area, and the concerns from a practitioner would be regarding whether or not practitioners would need additional training as a result of the passage of this bill.
    - c. Ms. Banks said that she previously worked in a location where this type of training was reviewed annually.

- d. Ms. Pierre said that this issue does not only apply to adults and that there should not be a limit on the age of a victim.
- e. Ms. Banks asked if there are any bills being introduced related to elder abuse. Ms. Quirk thought that there was one in the past, and both Ms. Sands and Ms. Goodman noted that there are trainings available.
- f. Ms. Goodman pointed out that this bill says “periodic training” although it is not well-defined.
- g. The Board decided to follow the bill, but will give no opinion as of right now.

b. Dry Needling/MOTA Survey

- a. At the end of 2017, The Board agreed to move forward with dry needling regulations. Mr. Martin will be working on drafting those regulations.
- b. Only 21 people responded to the MOTA survey. Half of the respondents were in favor of dry needling to be completed by OTs and half were not. Ms. Lawson stated that MOTA did not see the pressing need to add dry needling to the scope of practice at this time. Ms. Lawson also thinks that there will be push back from other Boards.
- c. Ms. Banks said that she could see how dry needling would work for pain management, but that it can be a risky procedure.
- d. Ms. Seidel said that the PAMs regulations followed a similar path when they were promulgated by the Board years ago in that the Board worked with the Physical Therapy and Chiropractic Boards on a mutually agreeable proposal. Since the Physical Therapy Board has already laid the groundwork for dry-needling regulations, and Mr. Martin is so knowledgeable about the matter and has been so supportive, the timing for trying to add dry-needling to the scope of practice may be right.

c. 2018 OT Regulatory Review

- a. Ms. Seidel and Ms. Murray explained that several sections of regulations will need to be reviewed over the coming months as required by The Department of Health. A timeline for the review has been developed and the staff will potentially ask the Board for insight on any new information that may affect the regulations.

5 min      4. Continuing Education Committee –  
 Kimberly Goodman, MS, OTR, Kim Sands, OTD, OTR/L, Staff: Denise Goetz  
 a. Nothing to report

15 min      5. Executive Committee –  
 Wanda Banks, MA, OTR/L, Chairperson  
 Daniel Martin, OTR/L, FAAPM, FASSET, CMTPT/CDN, Vice Chairperson  
 Kimberly Goodman, MS, OTR/L, Secretary/Treasurer

Staff: Lauren Murray, Jo-Ann Lane, Donna Seidel

- a. Correspondence & Inquiries for Board review
  - a. No correspondence requiring Board review was submitted this month.

- 10 min
6. Jurisprudence Exam Committee –  
Wanda Banks, MA, OTR/L  
Marylin Pierre, Esquire, Consumer Member  
Staff: Lauren Murray, Donna Seidel
    - a. Nothing to report as the current review has been completed and the new exam will be included with the launch of online applications.
    - b. This section will be taken off of the agenda until reviewing in a year.

### UNFINISHED BUSINESS

- 5 min
1. New Board Member Orientation Summary – Sarah Quirk, OTA/L
    - a. Ms. Quirk, Mr. Quinn and Ms. Boyd attended the New Board Member orientation. Ms. Quirk found that it was very informative and thorough.
    - b. Ms. Boyd said that they changed the presentation format. They used to be all PowerPoint presentations, but this year there was a practical component to the orientation. She did suggest that working in smaller rooms may have helped minimize the noise so that the small groups could focus a little better.
    - c. Ms. Seidel asked if the Board of OT could learn from any of the model programs or best practices shared at the Orientation. Ms. Boyd complimented the Board of OT in being the best run Board that she oversees, and she is trying to implement some of the OT Board's best practices and procedures in her other Boards.
    - d. Mr. Quinn said that it was an interesting day, especially because of the live interaction with others.
  2. Committee Assignments Distributed – Lauren Murray
    - a. New positions were announced.
    - b. The Board discussed the addition of a Telehealth Committee.
      1. Ms. Banks agrees that the Board should have a Telehealth Subcommittee because she receives many questions about it.
      2. Ms. Pierre thinks telehealth is even more possible with people using cellphones.
      3. Ms. Goodman said that presenters at the AOTA conference gave examples of telehealth.
      4. Ms. Seidel said that the biggest hurdle right now is license portability. Ms. Boyd said that she worked with the nursing compact in Virginia, and they are working through the bumps, but telehealth is coming.
      5. Ms. Sands asked if she could be on the Telehealth Subcommittee instead of the Legislative-Regulatory Committee and the Practice Act Clean-Up Bill Committee. Ms. Sands will be backup for the Legislative-Regulation Committee.

6. In the future, Ms. Goodman might be interested in the Telehealth Subcommittee.

c. Ms. Quirk will join the Continuing Competency Requirement Committee on an as needed basis.

3. Open Meetings Act Training – Donna Seidel

a. Ms. Banks, Ms. Seidel, Mr. Martin and Ms. Murray had been assigned to complete the Open Meetings Act Training.

**NEW BUSINESS**

- 5 min
1. NBCOT Leadership Forum, Atlanta, GA, 4/6/18–4/7/18 – Donna Seidel
    - a. Ms. Seidel will be attending with either Mr. Martin or Ms. Banks, if Mr. Martin cannot attend.
  - 2 AOTA Conference Salt Lake City, UT, 4/19/18-4/22/18 – Donna Seidel
    - a. AOTA is offering free registration to Board members.
    - b. The Board can fund one Board member to go, including lodging and airfare. Ms. Quirk said that she might be able to attend on behalf of the Board.

**ANNOUNCEMENTS**

- 5 min
1. OT Board member term ending 6/30/18 – Donna Seidel
    - a. Kim Bennardi said that Ms. Banks’ term is ending on June 30, 2018 and that she is eligible for reappointment. Ms. Banks’ certificate indicates her start date as that July 1, 2014, but she began her term with the Board along with Ms. Goodman and Ms. Sands in 2015.
    - b. Ms. Seidel will check with Ms. Bennardi, and Ms. Murray will check Ms. Banks’ folder
    - c. Ms. Banks is interested in doing another term if possible.
  2. Mileage reimbursement rates changed to \$ 0.545 effective 1/1/18.

**ADJOURNMENT at 10:36 am.**

- 1.5 hours
1. Executive Session
  2. Lunch