

Friday, January 15, 2016

The Maryland Board of Occupational Therapy (OT) Practice (Board)

Location: Spring Grove Hospital Center  
55 Wade Avenue – Bland Bryant Building, 4<sup>th</sup> Floor  
Conference Room

Chairperson: Iyna Adams, OTR/L, CPAM

9:00 a.m.

**GENERAL SESSION MINUTES**

**BOARD MEMBERS PRESENT**

Iyna Adams, OTR/L, CPAM, Chairperson  
Vanessa Hughes, COTA/L, Vice Chairperson  
Wanda R. Banks, MA, OTR/L  
Kimberly Goodman, MS, OTR/L  
Kim Sands, OTD, OTR/L  
A Cassandra Brown, Consumer Member  
Marylin Pierre, Esquire, Consumer Member

**NON-BOARD MEMBERS PRESENT**

Donna Ashman, Executive Director  
Tony DeFranco, Board Counsel  
Marilyn Pinkney, Licensing Coordinator

**GUESTS**

Daniel Martin, Baltimore Orthopedics and Rehabilitation  
Kate Eglseder, MOTA

1. Ms. Adams opened the General Session meeting at 9:08 a.m.
2. Ms. Pierre moved that the General Session agenda for January 15, 2016 be accepted. Ms. Brown seconded the motion. All were in favor and the motion passed.
3. Ms. Banks made a motion to approve the General Session Minutes from December 15, 2015. Ms. Goodman seconded the motion. All were in favor and the motion passed.
4. Ms. Hughes moved to accept the General Session Minutes, July 17, 2015. Ms. Brown seconded the motion. All were in favor and the motion passed.

## NEW BUSINESS

1. Presentation – “Occupational Therapy Procedures” - Daniel Martin, MS, OTR/L, FASSETT, CMTPT/CDN, CPAM - Baltimore Orthopedics and Rehabilitation

Mr. Martin introduced himself to the Board and gave a presentation in support of a statutory change to the Annotated Code of Maryland, Health Occupations Article, Title 10, Occupational Therapists, Section 10-101, Definitions, (p) Occupational therapy procedures (2) “Occupational therapy procedures” do not include the adjustment or manipulation of any of the osseous structures of the body or spine. The purpose of the presentation was to request that the Board consider a change to the statute to enable the inclusion of upper extremity extra-spinal manipulation as an occupational therapy procedure. Mr. Martin stated that he felt such a change to the fundamental definition of occupational therapy procedures may inspire occupational therapists to seek further mobilization/manipulation certification to enhance patient daily living skill outcomes utilizing mutually safe and effective manual therapy techniques.

The Board had discussion to include an explanation of the history of the current definition as well as an outline of the legislative process to change a Maryland statute. As a result, Mr. Martin stated that he would also discuss this matter with the Maryland Occupational Therapy Association (MOTA) in order to survey not only the level of interest in this issue but also the possibility of MOTA’s support of a legislative proposal.

## REPORTS

1. Office of Attorney General (OAG) - Anthony DeFranco, Board Counsel.

Mr. DeFranco informed the Board that the issue of anti-trust liability should be moved from the General Session to the Executive Session.

2. Legislation/Regulations Committee – Kim Sands, OTD, OTR/L, Marilyn Pierre, Consumer Member.

a. Ms. Ashman informed the Board that she would attend the legislative hearing for SB 109, Criminal History Records Check, scheduled in Annapolis on Wednesday, January 27, 2016 at 1:00 p.m. Ms. Ashman stated that representatives from the other Boards referenced in the legislative proposal would also be in attendance, i.e., The Board of Audiology, The Board of Podiatry, and The Nursing Home Administrators’ Board. Ms. Ashman invited Ms. Pierre and Ms. Sands as members of the OT Board Legislative Committee to attend the hearing as well, but added that their attendance would not be mandatory.

b. Ms. Ashman reported that according to Ms. Kristen Neville, Legislation and Regulations Specialist, Health Occupations Boards, The Department of Health and Mental Hygiene has requested that the Boards take as few positions as possible during the 2016 legislative session. The Department anticipates a record number of legislative proposals to be introduced this year.

Ms. Ashman reminded the Board that throughout the legislative session she would email healthcare related proposals to the legislative committee with a courtesy copy to the remainder of the Board. Ms. Ashman requested that the committee notify her of any issues that might require a direct response from the Board.

Ms. Ashman reported, also according to Ms. Neville, that SB 63/HB 56 (the Right to Try Act) has been scheduled for a hearing on January 28 in both houses (SB 63 in the Senate Finance Committee and HB 56 in the House Health and Governmental Operations Committee GO). Ms. Ashman summarized the most concerning part of the bill as follows:

21-2B-04.

(A) A HEALTH OCCUPATIONS BOARD MAY NOT REVOKE, FAIL TO RENEW, SUSPEND, OR TAKE ANY ACTION AGAINST A HEALTH CARE PROVIDER'S LICENSE BASED SOLELY ON THE HEALTH CARE PROVIDER'S RECOMMENDATION TO AN ELIGIBLE PATIENT REGARDING ACCESS TO OR TREATMENT WITH AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE, PROVIDED THE RECOMMENDATION IS CONSISTENT WITH MEDICAL STANDARDS OF CARE ...

Ms. Ashman stated that the Board should be prepared to take a position on this bill, if necessary, as well as the following bills currently proposed:

SB 28 - State Government - Web Sites - Language Access

Providing that, beginning October 1, 2016, a state agency shall, as part of providing equal access to public services for those with limited English proficiency, translate web sites that may be reasonably expected to be used by the general public into any language spoken by an individual who speaks any language that constitutes at least 3% of the population according to the last census.

SB 63/HB 56 - Investigational Drugs, Biological Products, and Devices - Right to Try Act

This is a bill that would allow a terminally ill patient to obtain from a drug manufacturer an investigational drug, biological product or device recommended to the patient by their treating physician. An investigational drug, biological product, or device is defined as a drug, product, or device that has completed Phase 1 of a clinical trial, but has not been approved by the FDA and remains under investigation in a clinical trial approved by the FDA. The bill also prohibits a health occupations board from taking disciplinary action against a health care provider based solely on the provider's recommendation of the investigational drug, biological product, or device provided the recommendation is consistent with standards of care.

SB 66 - Professional Corporations - Approval of Corporate Name by Licensing Unit and Professional Organization - Exemption

Exempting professional corporations in which a majority of the stockholders are individuals who are licensed, certified, or otherwise authorized to practice a health occupation under certain from the requirement that, except under certain circumstances, the name of a professional corporation must be approved by the appropriate licensing unit and professional organization. Currently, only a professional corporation where the majority of stockholders are physicians are exempt.

SB 67 - State Government - Administrative Procedure Act - Effective Date of Adopted Regulations

Making the effective date of a regulation contingent upon when the notice of adoption is published: January 1 if the notice of adoption is published from September 1 - November 30; April 1 if the notice of adoption is published from December 1 -February 29; July 1 if the notice of adoption is published from March 1 - May 31; and October 1 if the notice of adoption is published June 1 - August 31. Currently, a regulation is effective 10 days from the date which the notice of adoption (or final action) is published. Exemptions from the new proposed effective dates are regulations required by federal law, regulations which DHMH or DLLR are required by state law to adopt on or before a specified date within 12 months after the effective date of the law, or DHMH finds that the earlier effective date is in the best interest of the health and safety of the public.

c. It is anticipated that The Notice of Final Action for the currently proposed changes to COMAR 10.46.04, Continuing Competency Requirements, will be published in the Maryland Register on February 19, 2016 with an effective date of February 29, 2016. Ms. Ashman reported that she is working on the implementation plan to transition from annual renewal to biennial renewal.

3. Continuing Competency Requirement Committee – Kimberly Goodman, MS, OTR/L, Kimberly Sands, OTD, OTR/L.

a. Ms. Goodman reported that the continuing competency requirement sponsor submissions have been reviewed and are business as usual.

b. Ms. Ashman reported that one of the CCR audit candidates had submitted a course that was pre-approved by The Board based on its AOTA Approved Provider status. However, the course in question likely would not have been approved by the Maryland Board if it had been submitted outside of that program. The Board directed Ms. Ashman to draft a letter of inquiry to AOTA and to forward it to Ms. Goodman for review before distribution.

4. Administrative Reports – Donna Ashman, Executive Director

a. The Board reviewed inquiries from two separate licensees relative to lymphedema. The Board had discussion and directed Ms. Ashman to draft responses to the inquiries. Ms. Hughes will review the responses before distribution.

b. Ms. Ashman informed the Board that the Legislative and Information Technology Audits are ongoing. Ms. Ashman will leave the items on the agenda until the audits are complete.

c. Ms. Ashman informed the Board that she is working on an implementation plan to transition from annual renewals to biennial. Ms. Ashman reminded the Board that the revisions to COMAR 10.46.04 include a change in the timeframe for earning contact hours. The new timeframe will correspond with the renewal cycle. Ms. Ashman stated that after the 2/29/16 effective date of the changes to COMAR 10.46.04, an Eblast will be sent to licensees attempting to explain the changes.

d. Because of the recent resignation of the Board's contractual Health Occupations Investigator, Ms. Ashman reported that she is exploring the possibility of a contractual arrangement with a corporate entity specializing in investigative services. Ms. Hughes supported the idea and offered to participate in the hiring process. Ms. Ashman stated that she would arrange a meeting with the company before the next Board meeting.

#### **NEW BUSINESS**

1. Ms. Banks presented 10 occupational therapy applications for Board ratification. Included were 4 occupational therapy applications and 6 occupational therapy assistant applications. Two applications were referred for consideration during the Board's executive session. Therefore, the final vote for license ratification will take place after the executive session.

#### **ANNOUNCEMENTS**

1. Ms. Ashman announced that since NBCOT no longer hosts an annual conference for regulators, they will be hosting a Leadership Forum from May 11 through May 13, 2016. Ms. Ashman and Ms. Adams have been invited to attend. All expenses will be paid by NBCOT.

#### **ADJOURNMENT**

Pursuant to the Maryland Government Article, Section 10-508(a)(13), Annotated Code of Maryland, Ms. Adams adjourned the General Session meeting at 10:21 a.m.

#### **NEW BUSINESS**

The General Session meeting was reopened at 11:35 a.m. Ms. Banks motioned to ratify all of the licensure applications presented to the Board including the two that were

reviewed during the executive session. Ms. Hughes seconded the motion. All in favor, the motion passed.

**Pre reviewed applicants December 19 – January 15, 2016**

Liller, Krista	OCCUPATIONAL THERAPIST	
Siak, Elise	OCCUPATIONAL THERAPIST	
Pre-reviewed OTs		2
Kahn, Paula	OCCUPATIONAL THERAPIST	
Pre-reviewed OT reinstatements		1
Johnson, Antonette	OCCUPATIONAL THERAPY ASSISTANT	
Bonaventure, Fabienne	OCCUPATIONAL THERAPY ASSISTANT	
Hall, Janis	OCCUPATIONAL THERAPY ASSISTANT	
Alam, Haroon	OCCUPATIONAL THERAPY ASSISTANT	
Pre-reviewed OTAs		4
Stanton, Mary	OCCUPATIONAL THERAPY ASSISTANT	
Pre-reviewed reinstated OTAs		1
Grand Total Pre-reviewed licensees		8

**Applicants awaiting CCR review:**

<b>Total applicants with reviewed CCR</b>	<b>0</b>

**Applicants awaiting Board review:**

Gregory, Lisa	OCCUPATIONAL THERAPIST
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Sigler, Donovan	OCCUPATIONAL THERAPY ASSISTANT
<b><u>Total Applicants Board Reviewed</u></b>	2

**TOTAL NUMBER OF LICENSES GRANTED:**

<b><u>OCCUPATIONAL THERAPISTS</u></b>	4
<b><u>OCCUPATIONAL THERAPY ASSISTANTS</u></b>	6
<b><u>GRAND TOTAL</u></b>	10

**ADJOURNMENT**

Pursuant to the Maryland Government Article, Section 10-508(a) (13), Annotated Code of Maryland. Ms. Adams adjourned the General Session meeting at 11:37 a.m.

Submitted by:  
*Donna Ashman*  
 Executive Director