

Friday, September 15, 2017

The Maryland Board of Occupational Therapy Practice

Chairperson: Wanda R. Banks, MA, OTR/L

**55 Wade Ave., Bland Bryant Bldg., 4th Floor
Catonsville, MD 21228**

Time: 8:30 a.m.

GENERAL SESSION MINUTES

Board Members Present

Wanda R. Banks, MA, OTR/L, Chairperson
Daniel Martin, OTR/L, FAAPM, FASSET, CMTPT/CDN, Vice Chairperson
Kim Goodman, MS, OTR/L, Secretary/Treasurer
Sarah Quirk, COTA/L
Marylin Pierre, Esquire, Consumer Member
Ed Quinn, Captain USN (Ret), Consumer Member

Board Members Absent

Kim Sands, OTD, OTR/L

Non-Board Members Present

Donna Seidel, Director
Grant Gerber, Acting Board Counsel
Carla Boyd, Board Counsel

Guests Present

Justine Stull, MOTA
Kristen Neville, MDH

1. Ms. Banks called the meeting to order at 9:00 am.
2. Ms. Banks welcomed Sarah Quirk, COTA, who has been appointed to serve on the Board as the Occupational Therapy Assistant Member. The Board also welcomed Ms. Carla Boyd who has been newly assigned as Counsel to the Board of Occupational Therapy.
3. Approval or correction of the General Session Agenda – September 15, 2017. Ms. Quirk motioned to approve the 9/15/17 agenda. Mr. Martin seconded the motion. All were in favor.

4. Approval or correction of the General Session Minutes – August 18, 2017. Mr. Martin motioned to approve the 8/18/17 minutes with correction. Ms. Goodman seconded the motion. All were in favor.

5. Ms. Quirk motioned to ratify 103 license applications, 68 Occupational Therapists and 35 Occupational Therapy Assistants. Mr. Martin seconded the motion. All were in favor.

REPORTS

1. Office of Attorney General (OAG) – Grant Gerber, Acting Board Counsel

Mr. Gerber reminded the Board of the upcoming 10/16/17 meeting with the Office of Administrative Hearings regarding regulations being drafted for the purpose of implementing Chapter 614 of the Laws of Maryland (Secretaries of Principal Departments – Supervision and Review of Decisions and Actions by Units Within Departments). Mr. Gerber also stated that there is a possibility that the Federal government may develop a different approach to the issues raised by NC Dental and that the Board should track this. Mr. Gerber provided background on the NC Dental Supreme Court case as well as the implications on Board member immunity.

2. Administrative Reports – FY'17

Staff: Donna Seidel

a. 2017 License Renewal Update

Ms. Seidel reported that 94% of the licensee eligible to renew actually renewed and that 84% of the licensees who renewed maintain current NBCOT certification. These records will be verified by NBCOT and the State continuing competency requirements will be waived.

b. Ms. Seidel reminded the Board that any licensee records that NBCOT can not verify, will be required to provide documentation in accordance with COMAR 10.46.04. Any licensees unable to do so, will be referred to the Board's Complaint Resolution Committee. A portion of the remaining 16% of licensees who are not NBCOT certified will be audited by the Board. The responses to the audit will be due to the Board prior to the meeting 10/20/17.

c. Online Licensure and Mobile Phone App Update

Ms. Seidel reported that work has started on configuring the Board's on-line initial application and mobile phone application. Ms. Seidel reviewed some of the changes that will occur when the online processes are rolled out:

i. Temporary license discussion as to the need for the paper document when it is redundant to the license online. The benefit to the paper document is that the supervision guidelines are printed on the document and serve as a physical reminder to those new to the profession. The Board decided to continue with the hard copy of the temporary licenses.

ii. Customer Service Satisfaction Survey Discussion. Ms. Seidel asked the Board if they would like to use the State's Customer Service Promise and link instead of the 2 OT surveys that we currently use. Ms. Seidel stated that the #1 recommendation that we receive is that we automate the application processes. The Board decided to use the State's customer Service Promise in lieu of the Board's current surveys. Ms. Seidel was directed to research the chain of communication that will occur if MDH receives the feedback.

iii. Ms. Seidel referenced the Project Notes document that was in the Dropbox for the meeting. She distributed copies for discussion. Regarding the attestation to be included in the online application process, it was decided that the language will be provided by Board Counsel, Carla Boyd.

iv. Ms. Seidel directed the Board members to the new licensure statuses being added to accommodate the Board's on-line licensure verification and the new mobile application. Going forward, licensees with disciplinary history will be specifically designated as "with disciplinary history." The Board had discussion and re-confirmed that they choose to include the disciplinary history designation for those licensees with disciplinary history. The Board understands that the full site would need to be opened in order to view public orders. Ms. Seidel stated that advance information about these changes can be announced via OT Board Bulletins and the Board's Facebook page so that those impacted will be aware. Ms. Neville clarified that in Maryland, there is no opportunity for licensee disciplinary records to be expunged. Ms. Seidel reminded the Board that the OT mobile application may be the first in Maryland adding to the likelihood that the licensees may complain about the availability of this information.

v. Ms. Seidel distributed a copy of a Licensee Information page that was updated at the request of the particular licensee. It indicated "Probation Lifted" and that all requirements had been satisfied. Ms. Seidel asked the Board if they would like to add this type of closure to disciplined licensee records going forward. The Board agreed that this measure would improve transparency. It was decided to add this step to the Board's Complaint Resolution Processes. Any licensee with a past disciplinary issue may request that the Board add a statement of closure to their record on a case by case basis.

d. Records and Retention Schedule is still in the process of being approved. This will enable the Board office to destroy paper records when a digital record exists.

e. Ms. Seidel informed the Board that the Board's website now has an option to be translated into many different languages.

f. Ms. Seidel said there had been no progress on the wall but that the new neighbors have been very respectful of the Board office privacy. In addition, Ms. Seidel inquired as to whether the Board would like to obtain quotes on adding ductless air conditioning and heating the Board

office space. The Board agreed that Ms. Seidel should research the possibilities. And finally, Ms. Seidel stated that she would reach out to the neighbors in the building to discuss the future possibility of WiFi for the Board's conference room.

g. Ms. Banks stated that the Board member committee assignment discussion would be deferred until October or November so that Ms. Quirk would have time to attend a Board orientation program.

h. Ms. Seidel distributed a copy of the Board member contact list and asked the Board to update it. The revised document will be distributed next month.

3. Legislation/Regulations Committee.

a. Ms. Seidel stated that the non-substantive changes recommended by AOTA and MOTA had been incorporated into the Board's proposed regulations. Ms. Neville reminded Mr. Gerber that his comments on the changes were needed for the proposal to move forward.

b. Ms. Seidel reported that proposed "clean-up" of the Board's statute will be included in a Departmental bill in 2018.

c. Ms. Seidel stated that the proposed amendments to the Medicare regulations (COMAR 10.09.17.01-.04 and .06) which were reviewed by the Board in August, had been revised with a new Statement of Purpose.

d. Mr. Martin discussed the Dry Needling regulations recently distributed by the Board of Physical Therapy Examiners. He stated that he would like to move forward with developing Dry Needling regulations for the OT Board. He summarized the PT Board regulations and recommended that the OT proposal be modeled in the same fashion. Ms. Banks motioned that the Board develop regulations on Dry Needling, Mr. Martin seconded the motion, all were in favor. Mr. Martin volunteered to take the lead on the project with an estimated timeframe of the Spring of 2018.

4. Continuing Competency Requirement Committee.

a. Ms. Goodman said that there nothing to report from the Continuing Competency Committee.

5. Executive Committee

a. The Board reviewed several pieces of correspondence and instructed Ms. Seidel to draft responses.

6. Jurisprudence Exam Committee.

a. Ms. Seidel said that the jurisprudence exam has been updated to be included as part of the online initial application process. In addition, the exam will include a few questions from the newly revised regulations.

7. New Business.

a. Ms. Neville reported on the New Board Member Orientation Program scheduled for Monday, December 4, 2017. She said that more specific information of the program will be distributed in the near future.

The general session portion of the meeting adjourned at 11:10 a.m.

Prepared by:

Donna Seidel, Director
Maryland Board of Occupational Therapy

Submitted by:

Kimberly Goodman, MS, OTR/L, Board Secretary/Treasurer