

Friday, September 16, 2016

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

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

Chairperson: Vanessa Hughes, COTA/L, Chairperson

11:15 a.m.

WORKSHOP/MEETING MINUTES

BOARD MEMBERS PRESENT

Vanessa Hughes, COTA/L, Chairperson
Wanda R. Banks, MA, OTR/L
Kimberly Goodman, MS, OTR/L
Kim Sands, OTD, OTR/L
Daniel Martin, OTR/L, FAAPM, FASSET, CMTPT/CDN
A.Cassandra Brown, Consumer Member
Marylin Pierre, Esquire, Consumer Member

NON-BOARD MEMBERS PRESENT

Donna Ashman, Executive Director
Anthony DeFranco, Board Counsel
Jo-Ann Lane, Deputy Director
Denise Goetz, Case Manager

BOARD MEMBERS ABSENT

NON-BOARD MEMBERS ABSENT

GUESTS

Lauren Honeycutt
Francine Miles, MOTA
Robyn Elliott, MOTA Consultant/Lobbyist
Shaun Conway, NBCOT

1. Ms. Hughes called the General Session meeting to order at 11:15 a.m.
2. Ms. Banks motioned to approve the August 19, 2016 General Session minutes. Ms. Sands seconded the motion. All members were in favor.
3. The meeting began with a team building exercise for the Board members, staff and guests.

MOTA 2017 Presentation

Ms. Miles and Ms. Elliott presented MOTA's legislative highlights from the 2016 General Assembly. The presentation touched on the following subjects: level 5 manipulation, habilitative services coverage, the teletherapy bill, the North Carolina Anti-Trust Supreme Court case and the MOTA Annual Conference.

- Level 5 manipulation - MOTA has begun investigating the need for a statutory change to modify the Annotated Code of Maryland Health Occupations Article, Title 10, subsection 10-101, Definitions (p) (2) as "Occupational therapy procedures" do not include the adjustment or manipulation of any of the osseous structure of the ~~body~~ or spine. MOTA has contacted AOTA and requested scope of practice from all 50 states including DC and Puerto Rico. There have been no definitive responses. Ms. Elliott mentioned that Maryland and one other state have prohibitive language on this in their statute. Ms. Ashman provided background information regarding this statute definition. Mr. Martin expressed an interest in this subject as he feels this is a restraint of trade and no board should have exclusive domain. Mr. DeFranco advised Mr. Martin that he could be an advocate as long as he expressed that his views were his own and not representative of the Board. Ms. Ashman questioned MOTA whether there was support for this in the occupational therapy community or just a core group of occupational therapists. Currently, MOTA is looking internally before approaching the subject. The main issue is "manipulation" versus "mobilization".
- Habilitative services coverage - Maryland mandate requires employers to cover habilitative services but only assists children with congenital conditions. The new federal definition takes away the congenital condition in the small and individual markets, but not for the large group market. MOTA introduced a bill to change this, and the bill will become effective in 2018. MOTA will be putting a system in place to evaluate when insurance companies submit documents relating to habilitative services.
- Teletherapy bill – A bill was introduced last session requiring the behavioral health boards to adopt teletherapy standards. Ms. Hughes and Ms. Brown participated in a telehealth workgroup but it was geared more toward mental health. Ms. Pierre questioned how telehealth could be implemented within the occupational therapy field. Ms. Miles responded with the possibility of home modifications and wheelchair assessments. Ms. Hughes suggested the use of telehealth in rural communities where there may be a shortage of practitioners.
- North Carolina Anti-Trust Supreme Court Case – The Office of the Attorney General introduced a bill giving the Secretary authority to make decisions about any anti-competitive issues. The bill did not pass. A professional facilitator has been hired by the Office of the Attorney General to continue working on this subject with the executive directors of the boards, associations and the attorneys. Ms. Miles and Ms. Elliott are part of this workgroup. Although Ms. Hughes was unable to attend the first meeting, she hopes to participate in the next meeting. Ms. Neville will also be reporting back to the Board with any developments.

- MOTA Annual Conference – The 36th Annual 2016 MOTA Conference will be held on November 11 at the Double Tree Hilton in Pikesville, Maryland. Ms. Miles will inform the Board if they will be requested to present.

OT Board 2017 Legislation Discussion

Ms. Ashman distributed a listing of possible Statute changes in dropbox. The changes would serve to clean up the antiquated language in the Board's Statute. The Board would need to be ready with a concept paper in May or June of 2017 to be considered during the 2018 General Assembly session. It was decided that a committee would be established to tackle this task. Ms. Sands, Mr. Martin, Ms. Brown and Ms. Pierre volunteered to serve on the Clean-up Legislative Committee.

Correspondence

The Board members discussed the first item of correspondence dated September 1, 2016. The author inquired whether epi-pens needed to be available in a private practice clinic. The members discussed the question and agreed that epi-pens do not fall under the Board's jurisdiction. It would be a facility/practice decision. The second question concerned the length of retention for medical records of a juvenile; i.e., 18th or 21st birthday. Mr. DeFranco cited that DHMH regulations state records shall be maintained for a minimum of five years or until the patient is 21 years old.

The next piece of correspondence, dated September 6, 2016, questioned the need for Board review of courses that appear on the NBCOT Provider Registry. The inquirer felt the course should be pre-approved since the Board waives continuing competency requirements if an individual is currently certified with NBCOT. Mr. Conway explained that NBCOT does not review, approve or endorse the content of the courses that appear on the registry. This is not to be confused with AOTA's approved providers. It is merely a registry that NBCOT offers to continuing education providers to list courses on a registry that can be accessed by NBCOT certificants as an option for identifying potential continuing education opportunities. One cannot assume that NBCOT has pre-approved the course content. Therefore, the Board's Continuing Competency Review committee would still need to review the content of these courses if they wish to have Board approval.

The last piece of correspondence, dated September 15, 2016 questioned the level of OTA supervision required for Medicare Part B clients. Occupational therapists and occupational therapy assistants need the same level of supervision as indicated in our regulations.

Jurisprudence Exam Revisions

Ms. Banks opened the discussion regarding the revision of the jurisprudence exam. Ms. Ashman explained that the exam is designed to educate new applicants in the Board's regulations, and applicants/licensees can apply for one continuing education unit upon successful completion. Ideally, this exam could be reviewed annually or biennially by highlighting certain regulatory subjects one year and concentrating on the other areas the next year. The members identified the following areas for the test: supervision, ethical boundaries, new criminal records background check, acceptance of electronic documents, NBCOT waiver and continuing education. Discussion

ensued regarding the automation of the exam and the cost of professional advice from a psychometrics expert assessment. Ms. Ashman will research the cost of a psychometrician. In the meantime, the Jurisprudence Exam committee will begin working on the revisions. Ms. Banks also pointed out a typographical error in the exam.

Regulations: Criminal Background Records Check

This item will be tabled for discussion at a later meeting.

NBCOT Navigator Presentation

Mr. Conway conducted a PowerPoint presentation and demonstration of the NBCOT Navigator Assessment Tools. These online competency assessment tools are available to OTR and COTA certificants. The competency assessment resources include: a self-reflection questionnaire, mini practice quizzes, case simulations, orthotic builder, OT knowledge library, PICO (patient/problem, intervention, comparison, and outcome) and self-assessment tools. Each area has course descriptions and assessment objectives. Units are awarded per tool, and NBCOT accepts up to 14 units for each 3-year renewal.

Board Counsel Notes

Mr. DeFranco explained that in anti-trust violations, Board members can be sued individually. Since the Board is comprised of market participants, Mr. DeFranco explained that two items need to be in place to receive immunity from anti-trust violations: advancing state policy and active state supervision. The Board is advancing state policy when it issues a license. By establishing bureaucratic supervision to review charging documents and disciplinary actions, Board members would be immune. Mr. DeFranco informed the members that the Attorney General's office would defend them if they were individually sued.

Board Officers and Committees

Ms. Brown presided over the nomination process for the open positions of Vice Chairperson and Secretary/Treasurer. After tabulating the secretive ballot responses, Ms. Brown announced that Ms. Banks was elected Vice Chairperson and Ms. Goodman was elected Secretary/Treasurer. In addition, standing and ad-hoc committees were staffed. They are as follows:

Standing Committees:

- Complaint Review Committee: Vanessa Hughes (outgoing Complaint Liaison) will complete the outstanding complaints, and Daniel Martin (incoming Complaint Liaison) will begin working with any new complaints that are sent to the Board for review and action.
- Continuing Competency Requirement Review Committee: Kim Goodman and Kim Sands

- Application Review Committee: Wanda Banks
- Nominations Committee: A. Cassandra Brown

Ad Hoc Committee(s):

- Legislative & Regulatory Review Committee: Kim Sands and Marylin Pierre
- Jurisprudence Exam Committee: Wanda Banks and Marylin Pierre
- A new ad-hoc committee was formed entitled "Practice Act Clean-Up Bill Committee". This committee will include Kim Sands, Marylin Pierre, A. Cassandra Brown, and Daniel Martin.

Ms. Hughes requested that each committee have a subfolder under the General Session folder in dropbox for standard operating procedures as well as suggestions.

Brainstorming Session

The Board members then brainstormed over Board goals for the upcoming year. Some items were deemed statutory; therefore, they will need to wait until the 2018 legislative session. This included a provision to discipline licensees for failing to cooperate with an investigation and fining authority.

Other goals involved regulations and will be addressed by the Legislative and Regulatory Review Committee with input from the other Board members. These include:

- Training/education for dealing with a vulnerable population
- The use of nick names on documentation and notes
- Telehealth
- Dry needling (Physical Therapy Board is awaiting approval of regulations from the Secretary.)
- Criminal Records Background Check

Other goals included streamlining the jurisprudence exam, creating remote meeting capabilities and a social media presence for the Board. Ms. Honeycutt was tasked with spearheading the creation of a Facebook page for announcements as well as investigating different options for remote meetings. In addition, educational blocks could be added after the Board meetings. Ms. Ashman reminded the members that a verification phone application and online licensure applications are forthcoming.

The Board members also discussed the necessary criteria for the allowance of carry-over contact hours for continuing competency requirements. Presently, the licensee must request the allowance from the Board but there are no parameters in place. The members of the Continuing Competency Requirement Committee will formulate a plan. Suggestions include a review of the course content as well as allowance of up to half of CCR hours into the next renewal cycle.

Upcoming Board Meetings

The October Board meeting may be conducted via teleconference. Ms. Pierre, Ms. Honeycutt and Mr. DeFranco will not be in attendance. Mr. Gerber will fill in for Mr. DeFranco. Ms. Ashman apprised the members that Board meeting agendas must be posted on the website at least 24 hours prior to the meeting due to the Open Meetings Act.

A hearing is scheduled for the November Board meeting. Ms. Pierre will conduct the hearing since Ms. Hughes is recused. The Board meeting will follow the hearing. Ms. Ashman asked the members to consider whether they wanted a holiday meeting in November since she would be absent from the December meeting.

Board Ratification

Ms. Banks presented 40 applicants for ratification. The Board voted unanimously to approve and ratify 22 occupational therapists (OT) and 18 occupational therapy assistants (OTA) as follows:

OTs - 21

Bess, Keith
Blocker, Kelsey L.
Campbell, Jennifer A.
Chrest, Amanda
Derby, Brianna
Dunn, Suzanne
Fields, Ashley L.

Guidry, Noel C.
Kumpf, Ann S.
Kussman, Thresa M.
Lozinak, Allison E.
Lucas, Megan K.
Lutz, Jordan E.
Matchette, Sarah

Nofiu, Luqman O.
Pandit, Priyanka P.
Paratore, Alissa M.
Reyes, Jose Maria F.
Smith, Regina C.
Weaver, Jennifer A.
White, Samantha P.

OT reinstatements - 1

Teabout, Linda N.

OTAs - 17

Cordrey, Lori M.
Cruz, Elizabeth
Darnell, Hannah C.
Donacin, Darcica A.
Ford, Amaris
Garbarino, Margaret


Gardner, Melissa B.
Harbeson, Helen
Jimenez Cedillo, Jenny M.
Kaeding, Madeline
Knight, Tara L.
Kopec, Christina

Lawford, TrudyAnn
Omolabi, Olakunle
Turner, Sierra
Ward, Amber L.
Wilson, Matthew C.

OTA reinstatement - 1

Laughlin, Marilyn S.

The meeting was closed at 5:00 p.m.



Kimberly Goodman, MS, OTR/L
Secretary/Treasurer