

Friday, February 17, 2017

The Maryland Board of Occupational Therapy Practice

Spring Grove Hospital Campus
55 Wade Avenue
Bland Bryant Building, 4th Floor
Baltimore, MD 21228

Chairperson: Vanessa Hughes, COTA/L, Chairperson

9:15 a.m.

GENERAL SESSION MINUTES

BOARD MEMBERS PRESENT

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

NON-BOARD MEMBERS PRESENT

Donna Ashman, Executive Director
Lauren Murray, Assistant Director
Anthony DeFranco, Board Counsel

BOARD MEMBERS ABSENT

Kim Sands, OTD, OTR/L

1. Ms. Hughes called the General Session meeting to order at 9:15 a.m.
2. Ms. Brown motioned to approve the February 17, 2017 General Session agenda. Ms. Pierre seconded the motion.
3. Ms. Banks motioned to approve the January 23, 2017 General Session minutes. Ms. Goodman seconded the motion.

REPORTS

1. Office of Attorney General (OAG) – Tony DeFranco, Board Counsel

a. NC Dental Update

- i. There was a hearing on the two NC Dental Bills in both the House and the Senate on February 15, 2017. The Physicians Board recommended some amendments that would limit the scope of review by the Office of Administrative Hearings (OAH). Two administrators (Carlton Curry of the Board of Physical Therapy and Tracy DeShields of the Board of Professional Counselors and Therapists) testified at the hearing and supported the Physicians Board's amendments.
- ii. There is a subcommittee workgroup on Thursday, February 23, 2017.
- iii. There is a question of how much an OAH review will cost the Boards. When a review occurs, the amount of material to be reviewed will determine the costs. Ms. Ashman said that the administrators plan to discuss the costs at the next administrators meeting.

2. Administrative Reports – FY'17—Donna Ashman, Executive Director

a. Temporary Licenses – Continued Need?

- i. Ms. Ashman asked if The Board felt that temporary licenses are still necessary given that automation has enable the Board to process licenses much more quickly than had been done in the past. The Board discussed the matter and stated that the temporary license remains important for some licensees and enables them to accept employment sooner rather than later.
- ii. Ms. Ashman said that currently the Board does not charge for a temporary license. However, there will be expenses to the Board when the Board transitions to On-Line Applications, and the Board may wish to consider a fee for a temporary licenses. Ms. Hughes agreed that in the future, it may become necessary to charge for a temporary license.

b. On-line Applications for Initial Licensure

- i. Ms. Ashman shared a presentation on On-line Applications for Initial Licensure. She explained that moving the process on-line would save on paper, phone calls, and emails for the staff. Applicants would be able to check the status of their applications on-line, 24/7. Recordkeeping would be improved in that the dates of submissions would be digitally recorded. The Board voted to proceed with the purchase and implementation of on-line applications for all license types.
- ii. Ms. Ashman said that the Jurisprudence exam questions can be added into the online application, but that they would have to be formatted as "yes/no" questions. The Board agreed that the questions could be revised so that the test could be more automated. However, it was stressed that different formats for the questions is preferred when/if the technology allows for it.
- iii. Again, in an effort to streamline the license application process, and obtain full benefit of the move to on-line processing, Ms. Ashman asked about the continued necessity of Moral Character forms. She stated that when the Board implements Criminal Background Record Checking later this year, the moral character references may become moot. Mr. Martin said that it seemed redundant to have both. Mr. DeFranco said that none of the other Boards require anything like a moral character form to be completed as part of the application. Ms. Ashman said that the Board might want to include some of the questions from the moral character form as part of

the on-line application. Ms. Pierre expressed concern that the applicant's moral character would not be assessed, but several Board members assured her that the applicants are assessed on their moral character throughout the fieldwork experience.

- iv. Ms. Ashman discussed the attachments that would typically be needed with an application. Verifications of licensure from other states and countries and verification of certification from NBCOT currently must be sent into the office, but with online applications, the applicant could upload any type of verification of licensure or certification, and the office will verify the information. There were no objections.
- v. Ms. Ashman asked whether notarizing the applications would still be required. Mr. DeFranco said that notarization is not a requirement. He suggested that the Board could add a checkbox to the application that verifies under penalty of perjury that the applicant is the one applying/signing.
- vi. Ms. Ashman said that the Board's staff will collaborate with Mr. DeFranco about each item to be included in the new online application. Ms. Hughes asked about a timeline, and Ms. Ashman said that October/November is the target for the revised regulations, implementation of criminal records checks, and the launch of on-line applications.

c. Mobile Phone App

- i. Ms. Ashman shared a presentation of the mobile phone app with the Board. Since the Board no longer uses paper licenses, licensees can verify their licenses on the app. Since there is a space for a photo, the Board could require a photo. Ms. Pierre thought that the photo could be a privacy issue. Mr. DeFranco said that as a matter of law, someone's face is not a matter of privacy. Ms. Ashman suggested that in the space where the picture is, it could say, "Request that photo ID be presented." She will look into that.
- ii. Ms. Ashman stated that one limitation of the phone app relates to identifying licensees with disciplinary history. Ms. Ashman will continue to work on a solution to this limitation.
- iii. Ms. Ashman will keep everyone informed going forward. The Board voted to move forward with the purchase and implementation of the phone app.

d. OT Bulletins – GovDelivery Service

- i. The Board sent out a test copy of the bulletin earlier this week. This is a free service for the Board because the state has a contract with GovDelivery. This will allow the Board to send out messages to the licensees all at once. When the Board's Facebook page is live, the Board plans to use the same banner as a cover photo.
- ii. Ms. Brown asked if the bulletin should explain what "a GovDelivery service" is. Ms. Ashman will clarify in the bulletin.

e. Timeline: Important Dates in Maryland OT History

- i. Back in December, MOTA asked the Board for important dates in OT history, so Ms. Ashman and Ms. Murray put together a timeline in a PowerPoint format. Ms. Hughes was concerned about including the future items, so the Board will wait to add these items, except for the Sunset Review and OT Board Requiring Criminal Background checks.

f. Records Retention and Disposal Schedule

- i. Keeping up with our technology initiative, the Board will be retaining more records electronically and will be able to destroy all of the old paper records. The next step is to submit the retention and disposal schedule to the Department of General Services.
- ii. Mr. DeFranco made a few suggestions to the proposed schedule
- iii. Ms. Hughes asked if any additional equipment will be needed to scan all of the records, but Ms. Ashman assured her that the office has the equipment needed for the transition at this time.
- iv. Ms. Hughes suggested that the Board staff work on a time capsule of old documents/log books.

3. Legislation/Regulations Committee—Kim Sands, OTD, OTR/L, Marilyn Pierre, Esquire, Consumer Member, Staff: Lauren Murray, Donna Ashman

- a. Ms. Pierre had nothing new to report.
- b. Ms. Murray provided the Board with summaries of the bills from the 2017 Session. Ms. Murray noted the status of the bills in the category of “Direct Impact.” Ms. Hughes asked that information in Dropbox be updated as the bills progress through the session, and Ms. Murray will comply by including updates and letters of concern/information.
- c. Dry Needling Regulations Update
 - i. Comment period ended 12/14/16. The OT Board will move forward with a proposal after the regulations proposed by the Board of Physical Therapy have been approved.
- d. Ms. Ashman and Ms. Murray have been reviewing COMAR 10.46.01-07 to make recommendations relative to the inclusion of criminal records checks, on-line applications, etc. The next step will be to meet with the Legislation/Regulations Committee to discuss the recommendations.

4. Continuing Education Committee – Kim Goodman, MS, OTR/L, Kim Sands, OTD, OTR/L, and Denise Goetz, Staff Member

- a. Ms. Goodman had nothing to report.

5. Executive Committee – Vanessa Hughes, COTA/L, Wanda Banks, MA, OTR/L, Kimberly Goodman, MS, OTR/L, and Donna Ashman, Staff Member

- a. Correspondence & Inquiries for Board review
 - i. The first inquiry, dated February 3, 2017, regarded the use of a sensory swing in a school setting. Ms. Banks believes that this should be decided by the school and not the Board. There are no regulations regarding the use of indoor swings in the regulations. Ms. Ashman will respond.
 - ii. The second inquiry, dated February 7, 2017, regarded direct care. Ms. Goodman summarized that the requirements for orders are based on each facility. Ms. Ashman will respond.
 - iii. The third inquiry, dated February 9, 2017, regarded laser therapy. Mr. Martin explained that there are two types of lasers, and OTs only use the type that is in the category of low-level lasers, i.e., nothing that generates heat. These lasers are used to treat wounds, nerve injuries, muscular skeletal pain, etc. There is a certification required, and it is already listed in the regulations in electro-physical modalities. The regulations also say that an

OT must be competent in the modality that he/she chooses to use. Mr. Martin will look at Ms. Ashman's response before she sends it out.

- iv. The fourth inquiry, dated February 14, 2017, regarded Proposed Rule CMS 6012 P.
 1. It was suggested that Ms. Ashman reply that this is a matter for the State and National Associations to address.
 - v. Follow-up on an inquiry from a COTA regarding Acute Care in a Hospital.
 1. Ms. Ashman updated a response previously drafted to say that the OT needs to establish the initial goals, but in collaboration with the OT, the OTA may recommend a change in previously established goals. Documentation is based on hospital/facility policy as long as it is in keeping with the Board's regulations.
6. Jurisprudence Exam Committee-- Wanda Banks, MA, OTR/L, Marylin Pierre, Esquire, Consumer Member, Staff: Lauren Murray and Donna Ashman
- a. Status Report
 - i. Ms. Ashman and Ms. Murray will revise the questions on the updated Jurisprudence Exam to be yes/no questions. Ms. Hughes said that in the future, the Board would like multiple choice questions instead of the 'yes/no' format, and Ms. Ashman will inform the software company.

7. Unfinished Business

- a. AOTA Annual Conference & Centennial Celebration, 3/30/17-4/2/17
 - i. Ms. Goodman will attend the conference, and the Board will pay for her stay. AOTA is providing free registration.
 - ii. Ms. Hughes asked if Ms. Goodman would look into information focused on telehealth and dry needling. Other Board members requested Ms. Goodman to obtain information regarding anything about OTs moving to Doctorate and OTAs moving to Bachelor's level.
 - iii. Ms. Goodman suggested that the Board look at the agenda and let her know if there are any specific sessions they would like her to attend.

ANNOUNCEMENTS

Maryland State Ethics Commission (SEC)

- a. Financial Disclosure Filing deadline 4/30/17.

ADJOURNMENT

The meeting was adjourned at 11:52 a.m.

Prepared by: Lauren Murray, Assistant Director

Submitted by: Kimberly Goodman, MS, OTR/L, Secretary/Treasurer