

Friday, May 20, 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: Iyna Adams, OTR/L, CPAM

9:00 a.m.

GENERAL SESSION MINUTES

BOARD MEMBERS PRESENT

Iyna Adams, OTR/L, Chairperson
Vanessa Hughes, COTA/L, Vice Chairperson
Kimberly Goodman, MS, OTR/L
Marylin Pierre, Esquire, Consumer Member
A.Cassandra Brown, Consumer Member

NON-BOARD MEMBERS PRESENT

Donna Ashman, Executive Director
Anthony DeFranco, Board Counsel
Jo-Ann Lane, Deputy Director

BOARD MEMBERS ABSENT

Wanda R. Banks, MA, OTR/L
Kim Sands, OTD, OTR/L

NON-BOARD MEMBERS ABSENT

Marilyn Pinkney, Licensing Coordinator

GUEST

Kristen Neville, Legislative/Regulations Coordinator, Boards and Commission
Trish Foley, MOTA

1. Ms. Adams called the General Session meeting to order at 9:06 a.m.
2. Ms. Brown motioned that the May 20, 2016 General Session agenda be approved.
Ms. Pierre seconded the motion. The Board voted unanimously in favor.
3. Ms. Ashman informed the members that the minutes from the April meeting will be tabled until the next meeting.

REPORTS

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

Mr. DeFranco informed the Board members that Kathleen Ellis is sending information detailing the Department's position in regard to the Supreme Court decision in the North Carolina Dental Board anti-trust case. The proposed stop gap legislation did not pass during the session, leaving the Boards open to anti-trust exposure.

Mr. DeFranco also informed the members of an ongoing debate regarding the dissemination of email addresses and whether this falls within the PIA umbrella. An official opinion will be forthcoming.

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

Ms. Pierre stated there was nothing to report.

a. 2017 Legislative pre-proposals deadline

Ms. Neville reported that concept papers are due to the Office of Government Affairs by May 27, 2016. The governor's office has requested that entities be judicious about bills and legislative proposals for the coming year. Discussion ensued regarding the Board's priorities. It was decided that the Board would not be putting forth a pre-proposal at this time.

b. OT Clean-up bill

Ms. Ashman reported that the statute has not been revised since 2000. Potential areas for update include statutory authority to assign fines and looking at renewal late fees, grace periods and waivers. This item will be placed on the agenda for the workshop.

c. Statutory Change: The Annotated Code of Maryland Health Occupations Article, Title 10, subsection 10-101, Definitions (p) (2) "Occupational therapy procedures" do not include the adjustment or manipulation of any of the osseous structure of the ~~body or~~ spine.

Discussion ensued regarding the proposed statutory change removing the words "body or" from the definition of occupational therapy procedures. Ms. Ashman reported that MOTA will survey the practitioners to find the best solution. If MOTA does not proceed with the proposal in 2017, the Board could reconsider sponsorship in 2018.

d. Telehealth Regulations Draft

Mr. DeFranco advised the Board that telehealth should be defined in regulations in light of the North Carolina anti-trust case. Ms. Ashman will gather the specific information for the Board workshop.

e. Dry Needling Regulations Draft

Ms. Neville reported that the secretary met with the Physical Therapy and Acupuncture Boards, but the secretary has not signed off on the regulations. The Attorney General Office's opinion is that regulations have to be in place.

f. Anti-Trust Developments

DHMH is working on the development of a clearly articulated policy that addresses active supervision.

FARB – Ms. Ashman distributed a FARB Model for Identifying and Addressing Antitrust Issues which was provided to the State regulator leaders at the NBCOT Leadership Conference.

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

Ms. Goodman stated that there was nothing to report at this time.

4. Administrative Reports – FY'16 – Donna Ashman, Executive Director

a. Correspondence and Inquiries for Board review

Ms. Ashman shared an email inquiry concerning CCRs. Ms. Ashman was advised to answer as follows: With regard to questions 1 and 2 concerning training, the licensee can submit their hours to be reviewed and approved by the Continuing Competency Requirement Committee. With regard to the use of Certified CBT therapist in schizophrenia, the Board is only regulated for licensing individuals. They have no jurisdiction for other certifications.

The second email that Ms. Ashman shared concerned the operation of a private practice. Since this is not under the Board's purview, Ms. Ashman was instructed to suggest that the individual seek resources familiar with small business and corporation/association articles.

The third email concerned the possibility of identity theft since a licensee's birth date is visible when they were registering their username and password to be used in the online renewal application. Ms. Lane will speak with the vendor about eliminating this information in future renewal applications.

The fourth piece of correspondence concerned insurance reimbursement for a home assessment. The Board does not regulate insurance or answer questions about insurance and Ms. Ashman was directed to direct the licensee to the third party payers for information.

- b. Legislative audit – the research portion of the audit has been completed.
- c. 2016 Renewals – Ms. Lane reported that approximately one third of the licensee base has renewed. It has become apparent that payments cannot be made through Google Chrome. An Eblast will be sent informing the individuals whose renewals are still pending.
- d. L2000/MyLicense database migration – Ms. Ashman informed the Board members that she and Ms. Lane met with the vendor, System Automation, and the Dental Board regarding monthly billing for the existing database and migration.
- e. Webpage redesign – Ms. Lane reported that a webmaster committee has been formed for DHMH to address future changes and to exchange best practices.
- f. Bylaw Revision – Discussion ensued about amending the bylaws to address 1 or 3 year appointments. Ms. Hughes felt 12 months was not sufficient for a person to become acclimated to the position. In addition, Secretary position duties was amended to strike out the word “prepare” and change to review and sign approved Board minutes. Ms. Brown moved that the Board proceed with the status quo until the Chair leaves the Board and Ms. Hughes becomes Chair. Ms. Pierre seconded the motion. All were in favor. Ms. Ashman will revise the bylaws and have them ready for ratification by the next meeting or the Board workshop.

UNFINISHED BUSINESS

1. Board member travel policy. Ms. Ashman will research the other Boards for guidance in developing an out of state travel policy.
2. Board member vacancy – MOTA has submitted to the governor's office the nominations for vacated Board member position .
3. Nominations for Board Officers – The Board Officers will remain status quo until Ms. Adams leaves the Board.

4. NBCOT Leadership Forum – May 11 –13, 2016

Ms. Adams apprised the members of the NBCOT Leadership forum that took place in New Orleans on May 11 through 13, 2016. Ms. Ashman added that Maryland is one of 27 states that is accepting the NBCOT waiver for continuing education.

5. Board Member Workshop – Ms. Ashman reviewed a draft of the September workshop agenda. She will have more details next meeting.

6. SB 109 – Criminal Background Records Check – Ms. Ashman reported that this bill was passed and can be implemented as early as October 2016. Ms. Neville reported that the Board of Physicians is describing the implementation of this bill in its regulations. She also reported that this allows for FBI rap-back reports in case there are convictions between the initial application and renewal. Regulations do not have to be in place before the background check can be implemented.

NEW BUSINESS

1. License Ratification – Ms. Adams will propose ratification of the applicants following the adjournment of the executive session meeting.

2. June 17, 2016 Board meeting.

a. Executive Session – In Ms. Hughes' absence, Ms. Brown volunteered to serve as the Board's Complaint Liaison at the Case Resolution Conference scheduled for 9:00 a.m.

b. Luncheon at the café – In celebration of Ms. Adams' service to the Board, Ms. Ashman proposed having lunch at the café on June 17.

The meeting was adjourned at 11:50 a.m.

The meeting was reopened at 1:04. The Board ratified 18 occupational therapists and 5 occupational therapy assistants.

Pre reviewed applicants:

Occupational Therapists:

Jackson, Allana M.
Steinberg, Shane F.
Chrzastowski, Hayley
Mills, Sheresa A.
Nordstrom, Michelle J.
Goodson, Miranda D.
Bertaut, Cindy J.
Burger, Matthew W.
Posey, Rachel E.
Sanders, Brett B.
Hernandez, Elvis A.
Jaidar, Christine C.
Middleton, Erica G.
Ahounou, Kazim L.
Kirkland, Kirby
Wimberg, Kathryn

Reinstated Occupational Therapists:

Knoerlein, Sandra L.
Melanson, Cindy Richelle

Occupational Therapy Assistants:

Ward, Patrick N.
Paul, Kristen
Espinoza, Fredy
Frazier, Nicole

Applicants awaiting Board review:

Perrin, Jennifer

TOTAL NUMBER OF LICENSES RATIFIED:

OCCUPATIONAL THERAPISTS	18
OCCUPATIONAL THERAPY ASSISTANTS	5
GRAND TOTAL	23