

Monday, January 23, 2017

The Maryland Board of Occupational Therapy Practice

Via Teleconference

Chairperson: Vanessa Hughes, COTA/L, Chairperson

9:10 a.m.

GENERAL SESSION MINUTES

BOARD MEMBERS PRESENT

Vanessa Hughes, COTA/L, Chairperson
Kimberly Goodman, MS, OTR/L, Secretary/Treasurer
Daniel Martin, OTR/L, FAAPM, FASSET, CMTPT/CDN
Marylin Pierre, Esquire, Consumer Member

NON-BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

Wanda R. Banks, MA, OTR/L, Vice Chairperson
Kim Sands, OTD, OTR/L
A.Cassandra Brown, Consumer Member

GUESTS

1. Ms. Hughes called the General Session meeting to order at 9:10 a.m.
2. Ms. Goodman motioned to approve the January 23, 2017 General Session agenda. Ms. Pierre seconded the motion.
All were in favor.
3. Mr. Martin motioned to approve the November 18, 2016 General Session minutes. Ms. Pierre seconded the motion.
All members were in favor.

REPORTS

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

a. Use of Board Member Credentials

- a. Ms. Ashman and Ms. Hughes and other members of other Boards have asked how board members should represent themselves to the public when not actively serving the Board, i.e. should Board members advertise that they are Board members on their personal/professional websites, Facebook pages, etc.?

Mr. DeFranco reported that The AG's Office discourages the general use of Board member credentials. Board members should be prudent about how they represent themselves to the public. It may appear that using Board member credentials is an attempt to influence public perception or it may appear that a Board member is speaking for the Board at all times. Ms. Hughes asked for questions regarding this and there were none.

2. Legislation/Regulations Committee – Kim Sands, OTD, OTR/L, Marylin Pierre, Esquire, Consumer Member, Donna Ashman, Staff Member and Lauren Murray, Staff Member

a. OT Office Plan for Leg/Reg Committee Updates

- a. Ms. Ashman shared the office procedure for keeping the Legislative/Regulation Committee up to date on new legislation for this Legislative Session. The office will email Ms. Sands and Ms. Pierre, identifying whether the new bills are directly or indirectly impacting the Board. Descriptions of the bills will be added to specified folders in Dropbox under Committee—Legislation Regulation. Any Board member can look at these bill descriptions in Dropbox. If a bill directly impacts the Board, the Committee members are asked to state their positions.
- b. Ms. Pierre has received the emails and believes this procedure is going well. Ms. Hughes thanked the Board staff and suggested that we might need to add more committee members in the future. Ms. Ashman explained that Kristen Neville filters the bills to the Board to make sure that they are healthcare-related, and the committee looks to other boards when joint positions are in order.

b. New Legislation for this Session

- a. Information on the new bills are found in Dropbox under Committee—Legislation Regulation.

c. NC Dental Workgroup Recommendation/Legislative Proposal

- a. This proposal has not been formally introduced yet, but the draft of the proposal is in Dropbox. This is supposed to reflect the option for the Office of Administrative Hearings to review any disciplinary cases that involve anti-trust issues. Ms. Pierre thought that the bill will not affect how OTs do business and asked Mr. DeFranco for his opinion. Mr. DeFranco believes that the bill is not very different from last year's bill, but the review will now be held at the Office of the Administrative Hearings. This bill may require Boards to write more regulation. Ms. Ashman will be in touch with Kristen Neville regarding when the bill hearing is scheduled. Ms. Ashman also reminded the Board that the Secretary of Health has changed, and we are not sure how this change will impact any of the bills he was involved with.

d. Dry Needling Regulations Update

- a. Ms. Ashman has not heard back from the PT Board or Kristen Neville regarding the regulations on Dry Needling. Mr. DeFranco has not heard an update either. Ms. Ashman asked if the Board wanted to wait another month to hear from the PT Board.

Mr. Martin confirmed that in an email from the PT Board it was requested that the OT Board wait until the PT regulatory proposal is through the pipeline. Therefore, the Board agreed to wait for an update next month. Ms. Hughes thanked Mr. Martin for taking the lead and believes that having the PT Board coming to talk with the Board would be helpful. Ms. Hughes thanked the Board for their patience regarding this topic. Ms. Ashman reminded the Board that the Legislature does not consider regulations during the Legislative session. The Board can still work on regulations but cannot submit them during this time.

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

The committee members had nothing to report.

4. Jurisprudence Exam Committee – Wanda Banks, MA, OTR/L, Marylin Pierre, Esquire, Consumer Member, Donna Ashman, Staff Member and Lauren Murray, Staff Member

a. New version of JP exam to the Board for review.

- a. Ms. Murray asked the Board members to take the new version of exam and send comments to the committee. The committee especially wants comments in terms of clarity. Ms. Hughes asked Ms. Murray to email Ms. Banks, Ms. Brown and Ms. Sands to make sure that they take the new version of the exam.

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 January 4, 2017, regarded the collecting of information about the history of Occupational Therapy in Maryland to be sent to MOTA. Ms. Hughes asked Ms. Murray to create a timeline of important changes that have occurred in Occupational Therapy over the years.
- ii. The second inquiry, dated January 6, 2017, requested the Board's permission for a student from another state to do his/her fieldwork in Maryland. Ms. Hughes believed that all fieldwork was organized at the academic level or by AOTA. Ms. Goodman agreed that it should be coordinated through the schools. Mr. DeFranco reminded the Board that fieldwork is exempted from a license requirement. Ms. Ashman will respond to the university.
- iii. The third inquiry, dated January 9, 2017, regarded whether or not Medicare Part B patients could be seen by a COTA in a home health setting and what supervision would be needed. Ms. Hughes said that the level of supervision needs to be the same supervision outlined in the regulations. Ms. Ashman will prepare a response.
- iv. The fourth inquiry, dated January 10, 2017, regarded where a licensee could go to find standards and stipulations for billing for various insurance companies. Ms. Hughes said that the licensee should contact the insurance company(ies) directly. Ms. Ashman will respond.
- v. The fifth inquiry, dated January 10, 2017, regarded whether work with feeding and swallowing should fall under the duties of an OT or an SLP. Ms. Ashman said that we do have a feeding and swallowing position statement on the website that states that it is in the scope of Occupational Therapy. Ms. Ashman will refer to the position statement in

her response and state that whether the SLP or OT handles the feeding and swallowing work is dependent on the situation. Ms. Goodman will look over Ms. Ashman's response before she sends it.

- vi. The sixth inquiry, dated January 10, 2017, regarded whether or not OTAs are allowed to update established goals. Ms. Hughes said that she believed OTAs are allowed to update established goals, but they need to be under the supervision of an OTR and have discussed it with the OTR. Ms. Goodman referenced Regulation 10.46.01, and Ms. Hughes suggested directing the licensee to that regulation. Ms. Ashman will put a response in writing, and Mr. Martin, Ms. Goodman and Ms. Hughes will provide her with feedback. Ms. Ashman suggested that we may want to form a question for Jurisprudence Exam regarding this.
- vii. The seventh inquiry, dated January 13, 2017, regarded whether or not OTs could remove sutures. Mr. DeFranco said that if removing sutures is a natural byproduct of the scope of practice of OT, then it should be fine. Mr. Martin agreed that it would be a natural byproduct, as OTs do wound care as well. Ms. Ashman referred to the Board's Wound Care Position Statement on the website and the competency guidelines.

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

a. Criminal Background Records Check Update—Lauren Murray

1. Ms. Murray reported on the Criminal Backgrounds Check Meeting and alerted the Board to when the Rapback program begins (March 1st). Ms. Ashman said the Board will begin requiring background checks for new applicants in March or April, but then the Board will start requiring it of all licensees as part of the renewal process in 2018 or later. She asked Mr. DeFranco if the Board needed additional regulations to go along with the background checks. Mr. DeFranco said that the Board might need to alter current regulations and think about whether to put in regulations regarding what the procedures will be once there's a positive hit on someone committing a crime. Ms. Hughes suggested having a committee for criminal background checks and to put that on the agenda for next month. Ms. Ashman said that the office staff will look into the regulations and see what the other Boards did with their regulations when they started background checks. Ms. Hughes asked that anyone who would be interested in the committee to let her know at the next meeting.

7. Application Review Committee – Wanda R. Banks, MA, OTR/L

Staff: Lauren Murray, Jo-Ann Lane

Ms. Murray confirmed that at the previous meeting, Ms. Banks presented 24 occupational therapists (OT) and 17 occupational therapy assistants (OTA) for ratification as follows:

OTs - 24

Asirvatham, Thajus
Bland, Carlisle
Brashear, Sarah M.
Carr, Shanteria J.
Chambers, Elisha D.
Cunningham, Tiffany
Dada, Adebimpe Y.
Farmer, Alison L.

Fowler-Marques, Lindsey E.
Grabler, Melissa M.
Harris, Krystal C.
Lasam, Jelle Marie
Lopez-Alicea, Dayraliz
Mills, Denise R.
Nguyen, Tiana T.
Parker, Kimaya

Podnar, Ashley D.
Reter, Janine E.
Sanders, Meredith N.
Vogel, Mary A.
Wenger, Alyssa M.

McClintock, Kelly L. –
reinstatement
Novak, Robin M. -
reinstatement
Regeimbal, Lauren -
reactivation

OTAs – 17

Broadwater, Kristan M.
Chambers, Melissa A.
De Castro, Berenice
Galindo, Daniella P.
Goloub, Jewel D.
Graham, Alexis

Herlich, Michael
Leyone, Janelle
Li, Jiayong
Logan, Heather R.
Nightengale, Kirstie L.
Purdue, Jysseka Lynn

Riggleman, Tiffany R.
Shetter, Samantha
Swayngim, Amy M.
Welsh, Katherine L.

Hyland, Erin--reinstatement

Mr. DeFranco said that it is required that the licenses be ratified in open session. Ms. Ashman asked about presenting the licenses in executive session and then ratifying them in the next month's general session. Ms. Hughes said that she would prefer it that way. There were no objections. Ms. Ashman said that she will prepare the agenda that way for next month, where the Board will ratify the applicant list at the beginning of the general session.

Going forward, the Board meeting minutes will denote "prepared by" and "submitted by." The Board staff will try to get the minutes to Ms. Goodman in advance so that she can make any changes ahead of the meeting.

8. New Business

- a. AOTA Annual Conference & Centennial Celebration, 3/30/17-4/2/17
 - i. 3/29/17, Licensure Portability Stakeholder Meeting, 2 p.m. -5 p.m.
 - ii. 3/31/17, State Regulatory Forum, 2 p.m. – 5 p.m.
 - iii. Ms. Ashman asked about Board member attendance at the conference. The Board can fund one Board member to one conference a year. Ms. Hughes is attending the conference, but she is not asking the Board to pay. Ms. Hughes said that Ms. Goodman had expressed interest in the conference many months ago, so the Board should take that into consideration. Ms. Ashman said that the Board could pay for Ms. Goodman's travel expenses for the conference, if she is interested. The office will work on the travel request for Ms. Goodman and Ms. Goodman will present to the Board after the conference.
 - iv. Ms. Hughes mentioned that AOTA is providing one night's accommodations complimentary attendees of the License Portability Meeting. Ms. Ashman said that anyone/everyone may use AOTA's offer, but only one person may be funded by the Board, and that would be Ms. Goodman for 2017.

ANNOUNCEMENTS

Maryland State Ethics Commission (SEC)

- a. Financial Disclosure Filing deadline 4/30/17.
 - a. Ms. Ashman said that Board members should complete their updated financial disclosure by 4/30/17.

There will be two Board Vacancies (Ms. Hughes' and Ms. Brown's) as of June 30th and recruitment announcements have been issued.

ADJOURNMENT

The meeting was adjourned at 10:37 a.m.

Prepared by: Lauren Murray, Assistant Director

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