

NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
March 18, 2013
MINUTES

REGULAR SESSION

Time and Place

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board March 18, 2013 at 9:00 a.m.

Members Present

Melanee Mills, Christine Gunnigle, Russ Stephenson, Bill Walsh, Dr. Stephen Lang and Denise Donica

Others Present

Charles P. Wilkins, Legal Counsel to the Board, Elizabeth Welden, Board Administrator, Lynne Daubert, Assistant Board Administrator and Heide Dorfman, NCOTA liaison.

Members Absent

Ron Taylor

Chairperson

Ms. Gunnigle, Chair, called the meeting to order at 9:00 a.m. Ms. Gunnigle announced she would not be seeking reappointment for second term on the Board due to personal and family commitments.

Conflict of Interest

Ms. Gunnigle called for any conflicts of interest with the meeting agenda. There were no conflicts or potential conflicts.

Approval of Minutes

The January 28, 2013 minutes were approved as submitted.

Approval of Treasurer's Report

The treasurer's report for January through February 2013 was approved as submitted. The Board noted there may be an increase in Board travel since two experienced members will not be reappointed in October 2013 and

recently appointed and newly appointed members will need to attend conferences to acquaint themselves with the duties and responsibilities of the Board.

Administrator's Report

The administrator's report was reviewed.

Legal Services Committee

Mr. Stephenson reported that the Committee reviewed a bill from the firm for the months of January and February 2013. The bill was reviewed by Mr. Walsh, the OT member of the Board with whom the firm collaborates on pending disciplinary matters. The Board authorized the bill to be paid.

Ms. Gunnigle announced she has appointed Ms. Donica to replace Mr. Walsh as the OT member of the Board with whom the firm collaborates on pending disciplinary matters. It was agreed Mr. Walsh will continue his collaboration on pending cases he has reviewed to prevent two OT Board members from having to recuse themselves if a hearing is required. Ms. Donica will collaborate on pending cases not reviewed by Mr. Walsh.

The Board agreed to amend its Disciplinary Procedure to state that the OT who collaborates on a disciplinary case will continue with that case until it is resolved, if possible, to prevent more than one OT from having to be recused from hearing a case.

OLD BUSINESS

The Board reviewed correspondence and general information received following the last Board meeting.

Strategic Planning Retreat

Ms. Gunnigle reported that Dale Atkinson, an attorney from Chicago who advises many state licensing boards was recommended to facilitate the retreat. Mr. Wilkins will contact Mr. Atkinson to see if he is available as a possible facilitator. The Board agreed a retreat is beneficial and should be held after the two new Board members are appointed, possibly in February 2014.

Board Member Orientation

Mr. Taylor was not present so his report on his review and recommendations to the orientation section of the 2011 Strategic Planning Retreat "red list" in

an effort to make the orientation process more meaningful to new Board members will be postponed to the May Board meeting.

Minutes and TO DO Lists

The Board discussed the minutes and agreed they should contain more detail, particularly regarding the reasoning for Board decisions. The TO DO LIST for identification of matters to be completed and the person responsible for doing so was also reviewed and was acceptable.

Staff Appraisals

The staff appraisal forms were renamed to show Legal Counsel vs. Board Executive Administrator and Assistant Board Administrator. Appraisals for 2013 will be completed by April 1, 2013 and sent to Ms. Gunnigle. Ms. Gunnigle will review the appraisals and make them available to Board members by April 15, 2013 and they will be on the agenda for discussion at the May 2013 meeting.

Jurisprudence Exam

Mr. Walsh reported on his review of the questions on the Jurisprudence Exam. Two questions were of particular concern. The Board agreed to delete question #27 from Sample Exam #2 due to content; to amend question #6 from Sample Exam #3 due to context; and to amend question #6 from Sample Exam #3 for accuracy. Ms. Welden will discuss with IT whether there are other questions in the databank that were not reviewed and, if so, they will be sent to Mr. Walsh for review.

Frequently Asked Questions

Ms. Mills reviewed the current FAQs on pages 43 and 44 of the Occupational Therapy Practice Act and Rules booklet and on the Board webpage for accuracy due to online renewals and other changes of the Board and may need to be expanded upon. Ms. Mills recommended that the FAQs also be reviewed by an OT and Board staff. Ms. Gunnigle agreed to review the FAQs along with Ms. Welden and to report recommended changes at the Board's May meeting.

Board Mailing List

The Board reviewed its written proposed policy of not providing a licensee's email address or telephone number as a part of any mailing list. The policy was adopted as written. The Board agreed its email policy should be placed on its webpage. The Board also reviewed and agreed to amend and update

the Request for Mailing List form to remove the term "floppy".

School Curricula Directors

Ms. Donica reported she had contacted the directors of the OT educational programs in the State about their policy of advising students of the requirements and process for obtaining a license in North Carolina and distinguishing passing the National Certification Exam from obtaining a North Carolina license. While all programs did notify students of the requirements and process to some degree, it was agreed Ms. Donica, on behalf of the Board, should send a letter to the directors of the OT educational programs in the State further describing the importance and timeliness of applying for a North Carolina license and emphasizing the difference between passing the National Certification Exam and obtaining a North Carolina license before practicing OT in North Carolina.

Board Member Personal Development Form

The Board reviewed a form used by previous Board members to plan and monitor their personal development as a Board member by attending conferences and engaging in other activities that would benefit the member and the Board in fulfilling the mission of the Board. It was agreed the form should be reviewed at the May Board meeting to see if any amendments need to be made to the form.

Documentation of Supervision

The Board reviewed a Memorandum from Mr. Wilkins regarding suggestions for facilitating an online notice and change of supervision for OTAs and OTs to notify the Board in lieu of sending in a written notification as currently required. The Board noted that to make supervision an online process would require a change to Rule .0901 which currently requires written notification signed by both the OT and OTA. The Board agreed to proceed with implementing the online process in anticipation of a rule change. Mr. Wilkins was asked to draft a proposed change to Rule .0901 to facilitate online notification of supervision and supervision changes and to review other rules for compliance with other online processes.

Discussion of Proposed Amendments to Rules .0301, .0802 and .0803

On November 12, 2012, the Board received public comment during its hearing on its proposed Rules .0301, .0802 and .0803. The last day for receiving written public comment was January 28, 2013. Public written comment was received on all three proposed rule changes.

Rule .0301. All written and oral public comment on Rule .0301 was supportive of the proposed change. Upon motion made, seconded and passed, the Board approved its proposed amendments to Rule .0301 and directed Mr. Wilkins to proceed with the rule approval procedure.

Rule .0802. The Board reviewed the written and oral public comment and objections to its proposed changes to Rule .0802. Following a full and frank discussion, the Board remained of the opinion that the proposed amendments to Rule .0802 were appropriate and supported its mission to protect the public. In its deliberations the Board considered current pending and past disciplinary matters that required Board involvement and discipline, the availability of ethics education and the time and expense of the Board when a licensee fails to obtain their continuing competency activities in a timely manner. Upon motion made, seconded and passed, the Board approved its proposed amendments to Rule .0802 and directed Mr. Wilkins to proceed with the rule approval procedure.

Rule .0803. The Board reviewed the written and oral public comment and objections to its proposed changes to Rule .0803. Following a full and frank discussion, the Board was of the opinion that the proposed amendments to Rule .0803 were not necessary at this time to support the Board's mission to protect the public. In its deliberations the Board considered current oversight and approval of continuing education courses and providers by the American Occupational Therapy Association. Upon motion made, seconded and passed, the Board agreed to withdraw its proposed amendments to Rule .0803 and directed Mr. Wilkins to proceed with withdrawing the rule from the rule approval procedure.

Board staff were asked to advise those persons who provided written or oral public comment or objections to its proposed changes of the decisions of the Board regarding the rule about which the person provided comment.

During discussions on the proposed amendments to Rule .0803, the Board reviewed its current requirements regarding a licensee's continuing competence activities. The Board agreed this issue should be an agenda item for the May Board meeting for further discussion.

AOTA Conference

Ms. Gunnigle was authorized to attend the 2013 AOTA Conference in San Diego. Ms. Donica is also attending the conference as a presenter, but not as a formal Board representative.

CAC Annual Meeting

Mr. Stephenson was authorized to attend the CAC meeting in Seattle on October 29 and 30, 2013, if he is available to attend.

NCOTA Conferences

The Board was advised the NCOTA has a conference planned for April 13, 2013 at Lenoir Rhyne College and a second conference planned for May 3, 2013 in Greenville, NC. Ms. Donica will represent the Board at the May 3, 2013 conference in Greenville, NC.

The NCOTA has planned its Fall conference for October 19-20, 2013 in Raleigh, NC. The Board will request that it be a presenter at the October meeting.

NEW BUSINESS

The Board reviewed correspondence and general information received following the last Board meeting as set forth in the agenda.

NC Legislature

Mr. Wilkins reviewed several bills pending in the North Carolina Legislature that, if passed, would affect the function and possible existence of the Board as well as other professional licensing boards in North Carolina. Also discussed was a bill to provide licensure for music therapists.

CLEAR Articles

Mr. Wilkins reviewed several articles from the Council on Licensure Enforcement and Regulation (CLEAR) regarding legislation pending in other states that, if passed, would affect the function and possible existence of professional licensing boards in those states.

Meeting Minutes Format Committee

The Board agreed the implementation of more detailed minutes and the TO DO LIST were improving the Board's ability to keep up with agenda items and issues to be considered by the Board or completed by particular Board or staff members. It was agreed there was no need for a committee at this time.

Ethics and SEI Requirements

Ms. Gunnigle reminded Board members of their requirements to fulfill their ethics training and SEI forms.

Closed Session

Upon motion duly made, seconded and passed, and pursuant to NCGS 143-318.11(a)(1) and (6) as well as NCGS 143-318.18(6), the Board went into Closed Session at 1:50 p.m.

Return to Open Session

The Board returned to Open Session at 2:00 p.m.

Board Member Purchase I-Pad Upon Completion of Term

Ms. Mills asked if a Board member who completes his or her term on the Board is permitted to purchase the I-Pad provided to the Board member by the Board. The Board has no policy on this issue other than the I-Pads provided to Board members for Board business are the property of the Board. The issue will be placed on the agenda for the May Board meeting.

Adjournment

The Open Session adjourned at 2:10 p.m.

Next Meeting

The next Regular Session meeting will be held at the office of the Board on May13, 2013 at 9:00 a.m.

Christine Gunnigle, Chair

Russ Stephenson,
Secretary/Treasurer