

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
May 13, 2013
MINUTES**

REGULAR SESSION

Time and Place

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board May 13, 2013 at 9:00 a.m.

Members Present

Melanee Mills, Christine Gunnigle, Russ Stephenson, Bill Walsh, Ron Taylor, 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

None

Chairperson

Ms. Gunnigle, Chair, called the meeting to order at 9:00 a.m.

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 March 18, 2013 minutes were approved as submitted.

Approval of Treasurer's Report

The treasurer's report for July 1, 2012 through April 30, 2013 was discussed and approved as submitted.

Administrator's Report

The administrator's report was reviewed.

Legal Services Committee

Mr. Stephenson reported that the Committee reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of March and April 2013. The bill was reviewed by Mr. Walsh, the OT member of the Board with whom the firm collaborates on pending disciplinary matters, and Ms. Gunnigle. The Board authorized the bill to be paid. The Board agreed that future bills should be reviewed by the OT member of the Board with whom the firm collaborates on pending disciplinary matters as well as the Committee.

OLD BUSINESS

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

Board Member Orientation

Mr. Taylor presented his 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. The Board agreed his suggestions were helpful and would be formalized in a document to be sent to new Board members when they are welcomed to the Board. Mr. Wilkins will "formalize" the document on Board letterhead.

Minutes and TO DO Lists

Mr. Wilkins and the Board discussed the TO DO LIST for identification of matters to be completed and the person responsible for doing so. Mr. Wilkins was asked to report on the TO DO LIST at each meeting to keep the Board informed on completion or progress of designated tasks.

Staff Appraisals

Ms. Gunnigle reported she had received and reviewed the legal counsel and staff self-appraisals and the Board will review and discuss them during the lunch recess today. Ms. Gunnigle will meet with Mr. Wilkins to review the self-appraisals and the Board appraisals following the Board meeting.

Strategic Planning Retreat

Ms. Gunnigle reported that Dale Atkinson, an attorney from Chicago who advises many state licensing boards, was interested in facilitating the retreat. After discussion, it was agreed that June of 2014 would be a good

time to have the retreat and that the Rizzo Center in Chapel Hill was a good location. Mr. Wilkins will contact Mr. Atkinson to see if he is available as a possible facilitator in June 2014 and inquire into his fees and projected expenses.

Jurisprudence Exam

Ms. Welden reported she had discussed with IT whether there are other questions in the databank that were not reviewed by Mr. Walsh and asked IT to provide a copy of the 90+ questions in the databank. IT advised Ms. Welden he did not have a copy of the questions and it would be difficult to recreate them. The Board agreed it wanted a copy of the 90+ questions in the databank for current review for accuracy and future reference as new questions are added. Mr. Wilkins and Ms. Welden will again confer with IT about obtaining copies of the 90+ questions in the databank.

Frequently Asked Questions

Ms. Gunnigle and Ms. Welden reported on their review of the FAQs on the Board's webpage and the FAQs in the Practice Act and Rules booklet. The Board agreed to divide the first FAQ in the booklet into two separate FAQs to clarify the requirements of using the designations OT, OT/L, OTA, OTA/L, OTR and COTA. It was also agreed to remove the references to CPR not being acceptable as CCA and all the FAQs would be removed from the booklet. FAQs will only be on the Board's webpage and, to the extent possible, links to supporting documents will be provided. By removing the FAQs from the booklet and only having them on the Board's webpage, the FAQs can be more easily amended as changes occur.

The Board considered whether to reprint the Practice Act and Rules booklet that is currently provided to new applicants. The Board decided the booklet was important and should continue to be printed and provided with the packages that are sent to new applicants.

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 Rule .0901 requires written notification of change in supervision to be signed by both the OT and OTA. The Board agreed to proceed with implementing the online process for notification of change in supervision. In order to comply with Rule .0901, the OT and OTA will acknowledge and be required to attest that providing their change of supervision in writing online and their electronic signature will constitute

their writing and signing the change of supervision form as required by Rule .0901. Ms. Welden and Mr. Wilkins will review this online procedure with IT to facilitate its development and compliance with the requirements of Rule .0901 and will ask IT to develop a verification process whereby the Board can determine that both the OT and OTA are agreeing to the supervision or change of supervision.

New Board Members

Ms. Gunnigle reminded the Board that she will not seek reappointment and that Ms. Mills two terms on the Board will end September 30, 2013. The Board discussed the responsibilities of the Board and the NCOTA with regard to recommending new potential Board members to the Governor. It was agreed that a notice will be placed on the Board's webpage about the pending vacancies and that Mr. Wilkins will contact the President of NCOTA about its process of recommending possible appointees to the Governor. The Board further discussed geographic, diversity and practice area considerations for possible new Board members.

NC Legislature

Mr. Wilkins reviewed the current status of 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. Presently, it did not appear any pending bill would be passed that would adversely affect the operation of the Board, however, so long as the Legislature is in session any bill can be passed or amended and passed that would change this current status.

School Curricula Directors

Ms. Donica reported she had sent a letter to the directors of the OT educational programs in the State 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. Ms. Donica was commended for her letter to the OT educational programs and was asked to send a similar letter to the OTA educational programs in the State, which she agreed to do. The Board also agreed to put the document on the Board's webpage as a reference for persons applying for a license.

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

Mr. Wilkins reported all persons who provided oral or written comment on the proposed rules were advised of the Board's decisions and thanked for

providing input on the rules.

AOTA Conference

Ms. Gunnigle reported she and Ms. Donica attended the 2013 AOTA Conference in San Diego. Ms. Donica attended the conference as a presenter and not as a formal Board representative.

Ms. Gunnigle stated the conference was wonderful and beneficial and reported on several topics: (1) the profession is emphasizing "occupation" vs. physical or speech therapy; (2) Medicare A & B cuts, fraud and ethical concerns; (3) telehealth, state lines; (4) telesupervision of OTAs; and changing OCOTE standards. Ms. Gunnigle advised the Board that the full AOTA agenda is on the AOTA webpage and if any Board member wanted more information about a particular subject she could obtain that from the AOTA webpage for a limited period of time. Ms. Donica advised the Board she would have access to the AOTA conference materials indefinitely and to let her know also if anyone would like access to particular topics and documents.

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. Ms. Welden will send Mr. Stephenson a conference agenda and application.

NCOTA Conferences

Ms. Donica advised the Board the NCOTA conference planned for April 13, 2013 at Lenoir Rhyne College did not take place. The second conference planned for May 3, 2013 in Greenville, North Carolina did take place. Ms. Donica attended and represented the Board at the NCOTA conference in Greenville, North Carolina.

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

CLEAR Training

Ms. Welden reported on the one day Council on Licensure Enforcement and Regulation (CLEAR) training she and Ms. Daubert attended at the Board of Nursing. Topics discussed included: How to be a good board member, responsibilities of staff vs. board members, rules process, handling complaints, and continuing competence. Ms. Welden reported that

compared with other boards, the North Carolina OT Board is organized, responsive and effective. Ms. Daubert reported the CLEAR conference would also be good training for new board members.

Board Member Purchase I-Pad Upon Completion of Term

The Board has no policy on whether 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 discussed the rapid depreciation of electronic and computer related equipment and that the current I-Pads are new. It was agreed that Mr. Stephenson would check with his contacts on how this issue might be handled for tax and depreciation purposes and Mr. Wilkins will check with the Board's CPA on how other Boards have resolved this issue and how they recommend it be resolved. The issue will be placed on the agenda for the July Board meeting.

NEW BUSINESS

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

Board Mailing List

Mr. Walsh suggested the Board consider placing its Request for Mailing List form online with payment by credit card. The Board agreed it was a good idea. Ms. Welden will review this issue with IT and it will be implemented as soon as practicable.

Online Renewals

Ms. Welden reported feedback on the online renewal process was very positive and that of the 1100 renewals received thus far only 50 were not online.

Animal Assisted Therapy as CCA

The Board reviewed Mr. Wilkins' email response to a therapist's question whether a course in "animal assisted therapy" could be acceptable as CCA. The Board agreed with the response that it could if the "animal assisted therapy" is meant to be incorporated into the therapist's treatments to better the life of the therapist's clients.

Therapeutic Exercise/Activities

The Board reviewed Mr. Wilkins' email response to a therapist's question

whether therapeutic exercise and therapeutic activities can be considered skilled OT and included in an OT plan of care. The Board agreed with the response that therapeutic exercise and therapeutic activities are usually a part of a plan of care to work toward meeting functional goals and if led by the OT practitioner they may be considered skilled OT services.

Board Member Personal Development Form

The Board reviewed and approved the form to be used by 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.

Continued Competence Activities (CCA)

The Board discussed the procedure for licensees to document completion of their CCA online and agreed there should be a column for the licensees to justify why the CCA they list will benefit them in their OT practice and improve their continued competency as an OT practitioner. Ms. Welden will review this with IT and amend the CCA online documentation as necessary.

Telehealth

The Board reviewed an inquiry asking whether an OT may provide telehealth services pursuant their OT license. In response to the inquiry, the Board reviewed several documents regarding telehealth, telemedicine, telerehab, etc. and previous Board responses to similar questions. Mr. Wilkins will ask the OT for more information regarding her definition of telehealth, how and where she plans to use it and will direct her to review the AOTA position paper on telehealth adopted by the AOTA on March 27, 2013.

The Board discussed telehealth and whether a practitioner needed to be licensed in the state where they are located, in the state where the client is, or licensed in both states. Ms. Donica provided the AOTA's position paper regarding telehealth. Telehealth may be a good option for persons in underserved areas.

The telehealth issue will be placed on the July agenda and Board members are asked to review the AOTA position paper for the July meeting.

ACOTE Standards

Ms. Donica reported that ACOTE standards will be changing July 1, 2013.

MD Orders/OT Plan of Care

The Board reviewed Mr. Wilkins' email response to a therapist's questions (1) whether Medicare regulations allow a MD to write a plan of care for OT services and have the OT practitioner provide the treatments, and (2) can the OT practitioner provide the OT services before a plan of care has been established. The Board agreed with the response that, according to the inquirer, Medicare regulations do allow a MD to write a plan of care for OT services for the MD's patients and have the OT provide the treatments, however, the OT practitioner should review the MD's OT plan of care to determine if the plan of care is appropriate for the patient. If the plan of care is not appropriate, the OT practitioner should contact the MD and discuss the plan of care and resolve any concerns. The Practice Act and Rules do not allow an OT practitioner to provide OT treatment before an OT evaluation has been completed and a plan of care is established.

NC Medicaid Billing Code Initiative

The Board reviewed an email from the Division of Medical Assistance, NC DHHS regarding correct procedures for billing for orthotic and prosthetic devices. No action was required.

Chart for Therapist Member to Review Disciplinary Actions

The Board reviewed and approved the chart prepared by Ms. Welden that shows the terms of the therapist Board members who assist in the investigative process. Each investigative matter will have a Board member designated as the person who reviewed the file and that member will remain as the designated Board member until the matter is resolved or the member is no longer on the Board. This will prevent more than one Board member being involved in a disciplinary matter so that no more than one Board member will have to recuse themselves from participating in a disciplinary hearing.

Search Button on Board Webpage

Mr. Walsh suggested that IT provide a search button on the Board's webpage. The Board agreed and asked that Ms. Welden request that IT provide a search button on the Board's webpage.

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 12:45 p.m.

Return to Open Session

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

Closed Session Report

Mr. Wilkins reported that the Board in Closed Session agreed to dismiss four complaints due to insufficient evidence that the therapists had violated the Practice Act or Rules of the Board. Mr. Wilkins will notify the therapists and complainants.

Mr. Wilkins reported that the Board in Closed Session agreed to accept three Consent Orders. The investigations into the three complaints did provide sufficient evidence that the therapists had violated the Practice Act or Rules of the Board. The Consent Orders will be finalized and provided to the therapists and complainants.

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 July 15, 2013 at 9:00 a.m.

Christine Gunnigle, Chair

Russ Stephenson,
Secretary/Treasurer