

NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
November 16, 2015
MINUTES

REGULAR SESSION

Time and Place

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board November 16, 2015 at 9:00 a.m.

Members Present

Bill Walsh, Melanee Mills, Dr. Stephen Lang, Lynn Losada, Ron Taylor and Denise Donica.

Others Present

Charles P. Wilkins, Legal Counsel to the Board and Elizabeth Kirk, Board Administrator.

Members Absent

None

Chairperson

Mr. Walsh, Chair, called the meeting to order at 9:05 a.m.

Conflict of Interest

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

Approval of Minutes

The September 21, 2015 minutes were approved as submitted.

To-Do List

The September 21, 2015 to do-list was approved as submitted and reviewed.

Approval of Treasurer's Report

The treasurer's report for September 1, 2015 through October 31, 2015 was discussed and approved as submitted.

2014-15 Financial Audit

The 2014-15 Financial Audit was reviewed and approved as submitted.

Administrator's Report

The administrator's report was reviewed and approved as submitted. Upon motion made, seconded and passed, the Board agreed to transfer \$100,000 from the Board's operating account into the Board's Designated Funds Account and to purchase a Certificate of Deposit with the funds.

Legal Services Committee

Ms. Donica reported the Committee reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of July and August for sixteen (16) disciplinary proceedings and for the months of September and October 2015 for eight (8) disciplinary proceedings and was of the opinion the bills were in order. The Board authorized the bills to be paid.

OLD BUSINESS

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

Strategic Planning Retreat

The Board held a retreat on June 6-8, 2014 at the Rizzo Conference Center in Chapel Hill, NC. The Board reviewed the retreat to-do list developed by Board staff and agreed to continue working on the to-do list.

NC Legislature

Mr. Wilkins reported on proposed laws pending in the North Carolina General Assembly that may affect professional licensing boards.

Online Progress/Online applications/paperless feasibility

Devin Lushbaugh, IT services for the Board, discussed various online projects including online applications, restructuring the website for use with different tablets and adding supervision information to the License Verification tab. Mr. Lushbaugh informed the Board the online application will be ready for review in December and can be tested for implementation

in January 2016.

FARB Regulatory Law Seminar/Forum

Board members were advised the 2016 FARB Forum is meeting in Clearwater Beach, FL on January 28-31, 2016, the Regulatory Law Seminar is meeting in Chicago, IL on September 29-October 2, 2016 and the 2017 FARB Forum is meeting in San Antonio, TX on January 26-29, 2017.

NCOTA Annual Conference

Mr. Taylor and Mr. Walsh reported on the Board's presentation at the NCOTA Annual Conference on October 17-18, 2015 in Raleigh, NC. The Board agreed to volunteer to offer a one-hour ethics training session at future fall NCOTA conferences. The Board also reviewed questions provided by the conference attendees.

AOTA Annual Conference

Board members were advised the AOTA Annual Conference is meeting in Chicago, IL on April 7-10, 2016. Mr. Walsh agreed to attend.

CLEAR Annual Conference

Board members were advised the CLEAR Winter Symposium is meeting in Savannah, GA on January 6, 2016, 2017 International Congress is meeting in Melbourne, Australia and Annual Conference is meeting in Portland, OR on September 15-17, 2016.

NBCOT

a. Provider's Request for Pre-Approval of CCA

The Board reviewed NBCOT's request for pre-approval of its continuing competence activity. Mr. Wilkins contacted Shaun Conway, Senior Director for Credentialing Services, to address some questions for the request for pre-approval at the Board's meeting in January.

b. Contact for seminar in January

Mr. Wilkins contacted Shaun Conway, Senior Director for Credentialing Services, to attend the Board's January 2016 meeting to discuss several topics such as information on website, continuing competence activities, complaints and social media. Mr. Conway agreed to attend the Board's January 2016 Board meeting.

c. FTC Staff Guidance on Active Supervision of State Regulatory

Boards

The Board reviewed an email dated October 15, 2015 and its attached FTC Guidance on Active Supervision of State Regulatory Boards. Mr. Wilkins advised this issue may be discussed by the NC Legislature when it reconvenes in April 2016.

NEW BUSINESS

2015 CCA Audit

Ms. Kirk reported on the 2015 CCA audit. Twenty-three (23) licensees were contacted via email to make corrections to their CCA documentation. Twelve (12) licensees corrected their CCA documentation and nine (9) licensees have not replied. Board staff informed the Board the nine (9) licensees that have not responded will be given another opportunity to respond or will be served with a Notice of Hearing for the January 2016 meeting. Two (2) licensees are missing CCA points and will be required to complete the extra CCAs for their 2016 license renewal.

NBCOT 2016 State Regulatory Leadership Forum

Board members were advised the NBCOT Leadership Forum is meeting in New Orleans, Louisiana on May 11-13, 2016.

Question regarding home health aide visit

The Board reviewed an email dated November 10, 2015 from Beth Parker regarding her employer having an OT perform home health aide services. The Board agreed neither the Practice Act nor Rules of the Board prohibit an employer from asking that an OT provide activities normally performed by a Home Health Aide. If an OT provides activities normally performed by a Home Health Aide, the OT should not document such activities in the OT notes and should not sign any Home Health Aide notes using the OT credentials. Non-skilled OT services are not OT and cannot be documented or billed as OT. Also, the OT determines the POC for the patient and follows the POC. The OT should not change the POC to accommodate an absence or shortage of Home Health Aide staff.

If the OT performs activities normally performed by a Home Health Aide, the OT should be aware of and complete any training and practical work required of a Home Health Aide prior to performing such activities. The OT should also check to determine if there are any Medicare or Medicaid requirements that must be followed.

New therapist member to review disciplinary files

Mr. Walsh appointed Mr. Taylor to review the disciplinary files with Mr. Wilkins, Legal Counsel for the Board.

HB74 – Rules Review Commission Periodic Review of Rules

The Board reviewed the “Cheat Sheet” and Rule Chart provided by Board staff, which helps understand the rules review process required by House Bill 74. Upon motion made, seconded and passed, the Board agreed all 52 rules of the Board of Occupational Therapy are necessary without substantive public interest.

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 1:25 p.m.

Closed Session Report

Mr. Wilkins reported the Board was advised in Closed Session that one complaint was dismissed and five are currently being investigated.

Adjournment

The Open Session adjourned at 1:30 p.m.

Next Meeting

The next Regular Session meeting will be held at the office of the Board on January 18, 2016 at 9:00 a.m.

Bill Walsh, Chair

Denise Donica, Secretary/Treasurer