

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
March 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 March 16, 2015 at 9:00 a.m.

Members Present

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

Others Present

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

Members Absent

Ron Taylor and Ron Skow

Chairperson

Mr. Walsh, Chair, called the meeting to order at 9:10 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 January 19, 2015 minutes were approved as submitted.

To-Do List

The January 19, 2015 to-list was approved as submitted and reviewed.

Approval of Treasurer's Report

The treasurer's report for January 1, 2015 through February 28, 2015 was discussed and approved as submitted.

Administrator's Report

The administrator's report was reviewed and approved as submitted.

Legal Services Committee

Ms. Donica reported the Committee reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of January and February 2015 for eleven (11) disciplinary proceedings and was of the opinion the bill was in order. The Board authorized the bill 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.

Online Progress/Documentation of Supervision

Board staff informed the Board that implementation of notification by email to the supervising OT when an OTA adds an OT through the supervision chart as a supervisor has been completed by IT services. Board staff informed the Board the 2015 renewal email will be sent this week and will encourage all licensees to update their supervisee/supervisor information so the online profile is up-to-date. Board staff informed the Board the data entry and online system are not synched. Board staff informed the Board that, with the 2015 renewal, licensees will be required to upload certificates through the online renewal process. The Board's website will be updated to reflect these changes. Mr. Walsh, as an employer of a PT, informed the Board he received a verification letter on behalf of a PT who did not renew his/her license in NC. Board staff informed the Board the licensee is notified of non-renewal but not the employer.

NC Legislature

Mr. Wilkins reported that HB 74, which passed the legislature in 2013, provides for a study regarding licensing boards being placed under an "umbrella" and a "sunset provision". Mr. Wilkins also reported on session law directing the General Assembly's Program Evaluation Division to conduct

a survey on each occupational licensing agency and reported the results of the survey were made available in December 2014. Mr. Wilkins reported he has been meeting with a group of attorneys who represent various licensing boards and advised the group has responded to the Program Evaluation Division and their study and the group has submitted proposed legislation to the chair of the Joint Legislative Administrative Procedure Oversight Committee. Mr. Wilkins will provide a copy of the proposed legislation to the Board following the Board meeting. Mr. Wilkins informed the Board the Joint Legislative Administrative Procedure Oversight Committee will be meeting today, March 16, 2015, at 2:00 pm to discuss the U.S. Supreme Court decision in FTC vs. the NC Dental Board and the Program Evaluation Division's recommendations on occupational licensing agencies.

FARB Regulatory Law Seminar/Forum

Board members were advised the FARB Regulatory Law Seminar is meeting in Denver, CO on October 1-4, 2015.

Board member training in 2015 with Dale Atkinson

The Board reviewed an email from Dale Atkinson's office confirming Sunday, November 15, 2015 for a one-day seminar for the members. Board staff agreed to contact Dale Atkinson and have a draft agenda prepared by the May meeting.

Online applications/paperless feasibility

The Board discussed consideration of online applications and reviewed a proposal from IT services on how to implement the online application process. The Board agreed to set a goal to implement online applications by July 1, 2015. The Board requested IT services to provide an update on the implementation of online applications for the May Board meeting.

NEW BUSINESS

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

NCOTA Annual Conference

Board members were advised the NCOTA Annual Conference is meeting in Raleigh, NC on October 17, 2015.

AOTA Annual Conference

Board members were advised the AOTA Annual Conference is meeting in Nashville, TN on April 16-19, 2015. Ms. Donica agreed to attend.

CLEAR Annual Conference

Board members were advised the CLEAR Annual Conference is meeting in Boston, MA on September 17-19, 2015. Ms. Mills agreed to attend.

NBCOT Updates

The Board discussed the email dated February 3, 2015 regarding the NBCOT updates.

US Supreme Court ruling – FTC v. NC Dental Board

The Board reviewed emails sent by Mr. Wilkins in regards to the US Supreme Court ruling between the FTC and NC Dental Board.

Email from Cathy Driscoll – CCA requirements

The Board reviewed an email from Cathy Driscoll on February 1, 2015, requesting changes to CCA requirements by allowing more than six points for fieldwork supervision. The Board agreed the Board only allows a maximum of six points in this category so the licensee will complete CCAs in various categories for each renewal period.

Email from Denise Donica – moral character forms

The Board reviewed a February 18, 2015 email from Denise Donica informing the Board of concerns of completing moral character forms for an applicant who may have a criminal history background and providing the form back to the applicant. The Board agreed to request information from IT services on developing a program for the online application process where the individual completing the moral character form will submit the moral character form directly to the Board instead of to the applicant.

Email from Gwendolyn Marseille – practice question

The Board reviewed a March 4, 2015 email from Gwendolyn Marseille regarding a non-employee occupational therapist performing hospital pediatric patient eligibility evaluations. The Board agreed it is within the scope of practice for an occupational therapist to perform eligibility evaluations on children while they are hospitalized, however, the Board suggested it is the hospital's decision whether to allow the occupational therapist, as a non-employee, to do evaluations regarding eligibility for an

early intervention program.

Email from Nadine Gardner – treating patients with chronic respiratory conditions

The Board reviewed a February 25, 2015 email from Nadine Gardner regarding treating patients with chronic respiratory conditions. The Board agreed that some of the activities listed are within the scope of occupational therapy, for example, coaching on the use of breathing techniques such as pursed lips and diaphragmatic breathing. However, some breathing techniques and the use of devices such as an incentive spirometer or PEP training device appear to be more so within the scope of practice of respiratory therapy. The Board agreed to copy the NC Respiratory Care Board on its response. The Board also agreed to respond to Ann Spock, OT/L, with the same response as Nadine Gardner as she previously requested information on this topic.

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 11:50 a.m.

Closed Session Report

Mr. Wilkins reported the Board was advised in Closed Session that he is investigating three pending complaints and five new complaints. One complaint was finalized with a Consent Order; one complaint was finalized with a Letter of Admonishment; and one complaint was dismissed.

Adjournment

The Open Session adjourned at 12:35 p.m.

Next Meeting

The next Regular Session meeting will be held at the office of the Board on May 18, 2015 at 9:00 a.m.

Bill Walsh, Chair

Denise Donica, Secretary/Treasurer