

Friday, March 17, 2017

The Maryland Board of Occupational Therapy Practice

Chairperson: Vanessa Hughes, COTA/L

**55 Wade Ave., Bland Bryant Bldg., 4th Floor
Catonsville, MD 21228**

Time: 8:30 a.m.

GENERAL SESSION MINUTES

BOARD MEMBERS PRESENT

Vanessa Hughes, COTA/L, Chairperson
Wanda R. Banks, MA, OTR/L, Vice Chairperson
Kimberly Goodman, MS, OTR/L, Secretary/Treasurer
Daniel Martin, OTR/L, FAAPM, FASSET, CMTPT/CDN
Kim Sands, OTD, OTR/L
Marylin Pierre, Esquire, Consumer Member
A.Cassandra Brown, Consumer Member

NON-BOARD MEMBERS PRESENT

Donna Ashman, Executive Director
Jo-Ann Lane, Deputy Director
Anthony DeFranco, Board Counsel
Lauren Murray, Assistant Director

8:30 a.m. Committee Work

9:00 a.m. 1. Ms. Hughes called the meeting to order.
5 min

2. Ms. Hughes asked for approval or correction of the General Session Agenda –
March 17, 2017.

- Ms. Brown made a motion. Ms. Banks seconded it.

3. Ms. Hughes asked for approval or correction of the General Session Minutes –
February 17, 2017.

- Ms. Hughes noted a typo in the administrative reports, which Ms. Ashman will correct. Mr. Martin made a motion to approve with correction. Ms. Banks seconded it.

4. Ms. Hughes asked to ratify license applications presented during the February Executive Session.

- Ms. Banks presented the license applications from the February Executive Session. There are 32 licenses, 26 OTs and 6 OTAs. All were in favor of ratification.

REPORTS

- 15 min 1. Office of Attorney General (OAG) – Tony De Franco, Board Counsel
- a. NC Dental Update
 - The NC Dental bill has passed both houses. It was heavily amended from the bill that was first introduced. Most amendments came from the Physicians Board, and some came from Mr. DeFranco on behalf of the smaller boards. Therefore, The Office of Administrative Hearings (OAH) will review most orders issued by the Boards with some exceptions. Regulations will be developed to address the implementation details.
 - b. COMAR 10.46.07, Sanctioning Guideline Worksheet
 - i. In 2010, the General Assembly passed a series of laws to clarify the disciplinary process. Boards were required to create sanctioning guidelines for discipline. When Mr. DeFranco was drafting the Board’s last order, he noticed that the Board has a regulation related to a worksheet requirement that most other Maryland Boards do not have. Mr. DeFranco recommended revising the regulation to be consistent with the other Maryland Boards. Ms. Ashman suggested that the OT proposal should be submitted with the other boards that are requesting the same change.
 - ii. Ms. Hughes asked for questions or thoughts. Ms. Pierre moved that the Board delete the section on worksheets. Ms. Sands was a second. All were in favor.
- 30 min 2. Administrative Reports – FY’17
Staff: Donna Ashman
- a. Online Licensure Update
 - Ms. Ashman and the staff are still working on online applications. One of the pieces is to revise the jurisprudence exam for the database company. The Board is on target for online licensure to begin in the Fall.
 - b. Mobile Phone App Update
 - The status is the same for online licensure, but Ms. Ashman is waiting for a quote regarding price.
 - c. Records Retention and Disposal Schedule Update
 - i. Upon submitting a revised records retention schedule to The Department for approval, Ms. Ashman discovered that there is an overriding retention schedule that is contrary to the one that the Board is proposing. Therefore, the Board needs to request an exception, and Ms. Ashman has written to Brandon Wright, Associate Director for Boards and Commission, requesting assistance.

ii. Mr. DeFranco said that there is at least one other smaller Board that has its own retention schedule, so he does not think that there should be an issue.

d. Important Dates in OT Board History

The PowerPoint has been published on the Board's website, and the Board staff intends to enhance it as time goes on.

e. Board Bulletin Status

i. A new Board Bulletin has been prepared with a link to the Important Dates in OT Board History Timeline and will be distributed next week.

ii. An additional Board Bulletin has been drafted to announce OTA position that will be vacant effective 7/1/2017.

iii. Ms. Hughes, will not be putting forth her name for reappointment, and Ms. Brown's term as consumer member is also ending July 1.

f. Facebook Page Status

The Board staff is hoping to launch the Facebook page before the renewal period, and the staff is working on the look of the page at this time.

20 min 3. Legislation/Regulations Committee –
Kim Sands, OTD, OTR/L,
Marylin Pierre, Esquire, Consumer Member
Staff: Lauren Murray, Donna Ashman

a. 2017 Legislative Proposals

i. Direct Impact

- Mr. DeFranco reported on NC Dental Bill.
- Kristen Neville asked Ms. Murray to report about HB 1471, which has been withdrawn from joint consideration by the Economic Matters . and HGO.

ii. Indirect Impact

- Ms. Murray provided a list of the Indirect Impact bills.

b.COMAR 10.46.01-07 Revisions

- The Committee will be meeting this afternoon regarding the recommendations for amendments for criminal records checks and online licensure. Hopefully the amendments will be ready for the Board to review before the next meeting.

5 min 4. Continuing Education Committee –
Kimberly Goodman, MS, OTR, Kim Sands, OTD, OTR/L, Staff: Denise Goetz
Ms. Ashman shared an email that she received recognizing and thanking Ms. Goetz for the excellent customer service regarding continuing education.

20 min 5. Executive Committee –
Vanessa Hughes, COTA/L, Chairperson

Wanda Banks, MA, OTR/L, Vice Chairperson
Kimberly Goodman, MS, OTR/L, Secretary/Treasurer
Staff: Donna Ashman

- a. Correspondence & Inquiries for Board review:
 - a. 2/23/17—An email regarding teachers in another state completing checklists for an OT.
 - i. The email does not clarify if the checklist is for OT components.
 - ii. Ms. Banks suggested that the OT send an email to the teacher, asking how the child is doing. Technically, if the teacher is filling out a checklist, then the OT is not practicing in DC.
 - iii. Ms. Sands said that if OTs could not ask for items like these checklists, then they would be very limited as to how to obtain necessary input related to clients.
 - iv. Ms. Banks and Ms. Sands do not believe that a teacher completing this checklist would be a violation of the practice act.
 - v. Mr. DeFranco agreed that as long as the teacher isn't doing an OT evaluation, it would not be a violation of the practice act.
 - vi. Ms. Hughes asked if Ms. Banks and Ms. Sands will work with Ms. Ashman to draft a response.
 - b. 2/24/17—An email from an OTR practicing in Maryland, looking for information on how to branch into other areas of the healthcare system.
 - i. Ms. Hughes stated that the Board is not the proper source for job networking and suggested that the licensee contact MOTA.
 - c. 3/1/17—An email regarding regulations for how a plan of care is written.
 - i. The Board indicated that there are no requirements in the regulations as to how the plan of care is written.
 - d. 3/2/17—An email asking if OTs are permitted to administer oxygen with or without a doctor's order.
 - i. Ms. Goodman said that her facility considers oxygen a medication, so it requires a physician order.
 - ii. In accordance with 10.46.02, Code of Ethics, an occupational therapy licensee is authorized to follow a physician's order as to how to adjust or wean off of oxygen.
 - e. 3/13/17—An email asking if an OT can help a child with learning disabilities find a job that is a good fit.
 - i. Ms. Banks said that if the child were in high school and in a program, then that school system would help with a transition plan.
 - ii. Ms. Hughes said that the parent could privately hire an OT to do an assessment, but a job coach might be a better fit for that,

and an occupational therapist could be hired to help the child adapt to a job that has been identified.

- f. 3/14/17—An email asking if an OT can supervisor a home health aide. Ms. Hughes stated that the home health aide would have to be supervised by an RN, unless the aide is providing support for tasks within the OT Treatment Plan.
- g. 3/16/17—An email from an OT asking if she can use her Maryland license while working in Peru.
 - i. Ms. Ashman said stated that the Board regulates the Maryland license in the State of Maryland.
 - ii. Ms. Ashman will prepare a response quoting the federal government exception in the Statute, but adding that the Board does not regulate what happens in Peru. It would be up to Peru.
- h. 2/21/17—An email asking if an OTA student can document a patient's chart or perform a screen.

Ms. Hughes suggested that Ms. Ashman refer the individual to the AOTA for guidelines on the supervision of students.

15 min 6. Jurisprudence Exam Committee –
Wanda Banks, MA, OTR/L
Marylin Pierre, Esquire, Consumer Member
Staff: Lauren Murray, Donna Ashman

- a. Status Report for Online Licensure
 - i. Ms. Murray and Ms. Ashman created yes/no questions that are in Dropbox.

UNFINISHED BUSINESS

- 15 min 1. AOTA Annual Conference & Centennial Celebration, 3/30/17-4/2/17
- a. 3/29/17, Licensure Portability Stakeholder Meeting, 2 p.m. -5 p.m.
 - b. 3/31/17, State Regulatory Forum, 2 p.m. – 5 p.m.
 - c. Other programs of Board interest.
 - Ms. Goodman is attending. She stated that if anyone else wants her to attend a specific session, just let her know.

NEW BUSINESS

- Ms. Hughes suggested an off-site Board meeting, possibly at her worksite, the Howard County Loan Closet. The Board is considering this for the June 2017 meeting.

ANNOUNCEMENTS

- 5 min.
1. Board announcements
 - a. Ms. Hughes shared that she will not apply for reappointment to the Board when her term ends on 6/30/17.
 - b. Ms. Murray announced that she is having a baby girl in September.
 2. Maryland State Ethics Commission (SEC)
Financial Disclosure Filing deadline 4/30/17.

ADJOURNMENT—10:25 a.m.

- 1 hour
1. Executive Session
 2. Lunch