

Friday, October 16, 2020

The Maryland Board of Occupational Therapy Practice

Chairperson: Wanda Banks, MA, OTR/L

Via Google Hangout

GENERAL SESSION MINUTES

Board Members in Attendance:

Members of the Board

Chairperson.....Wanda Banks
Vice Chairperson.....Dan Martin
Secretary.....E.J. Quinn
OT Member.....Caitlin Brogan
OT Member.....Rae-Ann Smith
OTA Member.....Sarah Quirk
Consumer Member.....Marylin Pierre

Staff

Executive Director.....Lauren Murray
Board Counsel.....Bethan Hagaa
Compliance Officer.....Denise Goetz

Guests

MOTA Representative.....Sonia Lawson
AOTA Representative.....Kristen Neville
NBCOT Representative.....Shaun Conway
Policy Partners Representative.....Rachael Faulkner
Legislative and Regulations Coordinator.....Lillian Reese
MDH Liaison to Boards and Commissions.....Kimberly Link

GENERAL SESSION -- OPEN MEETING

1. Ms. Banks called the meeting to order at 9:08 a.m.
2. Ms. Banks asked for approval of the October General Session Agenda. Ms. Murray asked to add the Compact and the Acupuncture Bill under the Legislation/Regulations Committee report. Ms. Quirk made a motion to approve with amendments. Mr. Martin seconded it. All were in favor.
3. Ms. Banks asked for approval of the September General Session Minutes. Ms. Quirk made a motion to approve the minutes. Mr. Quinn seconded it. All were in favor.

4. Ms. Banks asked for approval of ratification of 81 OTs and 8 OTAs from September's Executive Session. Mr. Martin made a motion to approve the ratification. Ms. Quirk seconded it. All were in favor.

REPORTS

1. NBCOT Presentation

Guest: Shaun Conway, NBCOT

- a. Mr. Conway presented on some important NBCOT topics, including partnerships, information exchange and the NBCOT Navigator.

2. Administrative Reports – FY'20

Staff: Lauren Murray

a. Renewals

- a. Currently, the renewal expiration date is November 15, 2020. If the State of Emergency is still in effect on November 1st, then this date will be extended until December 15th.

b. MyLicense Upgrade Update

- a. System Automation is continuing to work on the software upgrade.
- b. Online services will not be available until this is complete.

c. Application Criminal History Question

- a. Ms. Pierre recommended that the following wording be added to the licensing and renewal applications: Have you ever been placed in an alternative sentencing or rehabilitative program (for example, diversion, probation before judgment, deferred prosecution, stays, withheld adjudication, deferred adjudication, or similar dispositions)?
 - i. Ms. Murray asked for opinions.
 - ii. Ms. Haaga asked if it could just be added as "Do you have a probation before judgment?"
 - iii. Ms. Link suggested talking to the Professional Counselors Board for their language. Ms. Murray and Ms. Haaga will speak to their Executive Director and Board Counsel.

2. Legislation/Regulations Committee –

Sarah Quirk, COTA/L

Caitlin Brogan, OT/R

Marilyn Pierre, Esquire, Consumer Member

Staff: Lauren Murray

a. Telehealth Regulations

- a. Ms. Reese offered a draft of telehealth regulations that the Legislative/Regulation Committee has reviewed.
 - i. Ms. Quirk thought it looked good.
 - ii. Ms. Brogan mentioned asynchronous vs. synchronous consultative, but then she said that keeping is basic and straightforward is much better.

iii. Ms. Murray will hold an emergency open meeting to vote on the draft after the members have read it.

b. Compact

- a. Alliance for Connected Care, a national telehealth policy group, will be advocating for legislation that creates regional agreements for licensure reciprocity for the Maryland, Virginia, and DC areas.
- b. In addition, Senator Carroza is interested in submitting a bill for the compact during this legislative session.
- c. Ms. Murray asked about renewal fees. Ms. Neville, Mr. Conway and Ms. Link provided explanations regarding renewal/privilege fees.
- d. Ms. Brogan asked about additional fees for an occupational therapist. Mr. Conway explained which fees would go to one's home state as compared to the Compact. Ms. Link provided further explanation.
- e. Ms. Faulkner said that fee provisions are included to alleviate the concerns of Board revenue.
- f. Ms. Murray did say that the Board is concerned about revenue, and Mr. Conway said that he will consult to the Council of State Governments.
- g. Ms. Goetz asked how the home state is verified. Mr. Conway said that it falls into many parameters, but one of the most critical is where does the therapist pay taxes.
- h. Ms. Goetz is also concerned about discipline and sharing investigative reports to any state in the Compact. Mr. Conway has not heard from many states regarding discipline, but he said that he will go back to the Council of State Governments to see if there are any questions or concerns regarding discipline.
 - i. Ms. Link said that the Board of Nursing has not seen any issues with discipline and clarified that home state is primary state of residence.
- i. Ms. Brogan asked if there are clear-cut guidelines regarding home state.
 - i. Ms. Neville gave further definition of "home state."
 - ii. Ms. Neville gave further information on how the compact would benefit OTs and OTAs.
- j. Ms. Haga asked if someone would be in violation of the compact if someone lives in one state but is not licensed there.
 - i. Ms. Neville said that these licensees would have to obtain a license in their own state.
- k. Ms. Haga asked about CEU requirements. Ms. Neville said that a state with no CEU requirements cannot be a part of the compact.
- l. Ms. Link said that Maryland is a very compact-friendly state which is favored by the Governor's office and legislators.
- m. Mr. Martin said that he wants to see proof that this will not impact the State Board or the disciplinary process.
- n. Ms. Murray suggested that the Board take in all information and vote on the compact at the November meeting.

c. Acupuncture Bill

- a. The Acupuncture Board is trying to submit a bill that will introduce language allowing them to perform many tasks that fall into areas from other specialties.

- b. Ms. Murray suggests that the Board watch out for movement on this bill in case statements of opposition need to be written.

3. Continuing Education Committee –

Sarah Quirk, COTA/L

Rae-Ann Smith, OT/R

Staff: Denise Goetz

Nothing to report.

4. Secretary's Report

E.J. Quinn, Consumer Member, Secretary

Nothing to report.

5. Executive Committee--

Wanda Banks, MA, OTR/L

Daniel Martin, Ph.D.

Staff: Lauren Murray

- a. Inquiry from October 15th: Does a patient need to be evaluated every 30 days or 10 visits?
 - i. This is an insurance issue. It must be based on each patient's insurance.
- b. Inquiry from September 15th: Is giving a depression/patient health questionnaire part of an OT's scope of practice?
 - i. Mr. Martin said that it is part of an OT's scope of practice.
 - ii. Ms. Banks said that depression screenings are common amongst clinicians.
 - iii. Ms. Haaga said that we should be careful about answering scope of practice questions. Ms. Murray will direct them to the scope of practice, especially the psychosocial areas.
- c. Inquiry from September 23rd: Is the certification necessary for MOCA? Will an OT will liable if he/she administers the test without certification?
 - i. The Board cannot opine on that, and they may want to reach out to counsel or review the practice standards.
- d. Inquiry from September 22nd: Is videotaping a lesson against ethics, HIPAA or a privacy issue?
 - i. Ms. Quirk and Ms. Banks have been told not to record their sessions, and parents typically need to give written permission.
 - ii. Ms. Haaga suggested that they look at 10.46.02.01.
- e. Inquiry from October 6th: May OTs work with a physician/patient on oxygen doses?
 - i. OTs cannot opine regarding what would happen in an emergent situation, but they should review the scope of practice in regards to adjusting oxygen and medication.

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

Meeting adjourned at 11:14 am.