

Friday, September 18, 2020

The Maryland Board of Occupational Therapy Practice

Vice Chairperson: Daniel Martin, PhD

Via Google Hangout

GENERAL SESSION MINUTES

**In Attendance**

**Members of the Board**

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.....Rachel Faulkener

**Board Members Absent**

Chairperson.....Wanda Banks

**9:00—GENERAL SESSION -- OPEN MEETING**

1. Mr. Martin called the meeting to order at 9:06 am.
2. Mr. Martin asked for approval of the September General Session Agenda. Ms. Murray asked that the following items be added: Credit Card Transactions to Administrative Reports, Temporary Licenses Time Limits to Old Business, Choosing Wisely Topics to New Business, and Teletherapy Regulations to Legislative/Regulations Committee. Ms. Quirk made a motion to approve the agenda with amendments. Mr. Quinn seconded it. All were in favor except for Ms. Smith, whose microphone was muted.

3. Mr. Martin asked for approval of the July General Session Minutes. Mr. Quinn made a motion. Ms. Quirk seconded it. All were in favor except Ms. Smith, who was having technical issues.

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

## REPORTS

### 1. NBCOT Presentation

Guest: Shaun Conway, NBCOT

a. The presentation will be rescheduled.

b. NBCOT Leadership Convention has been changed to webinars and will be once a week for several weeks.

c. AOTA/NBCOT Compact

a. Mr. Conway asked for thoughts on the AOTA/NBCOT Compact.

b. Mr. Conway asked if we would like to see the draft of the legislation.

i. Ms. Murray asked for an updated draft.

ii. Ms. Neville said that a final draft will be available soon.

iii. There will potentially be a webinar or rollout once the final draft is complete.

iv. Ms. Faulkner said that the Senate Chamber that they will have a limit on bill introductions, so legislators will only be able to present a certain number of bills, so having a bill drafted as soon as possible is imperative.

v. Ms. Quirk asked about representation of OTAs and supervision in the compact.

1. Mr. Conway said that the bill said that compact privileges could be obtained for both OTs and OTAs.

2. There is language in the draft bill that speaks to supervision of OTAs.

3. Ms. Neville is not sure if supervision works the same way. Mr. Martin said that someone must be supervised by someone within that state.

vi. Ms. Murray asked about revenue.

1. Mr. Conway said that there would be a compact fee and then the states would have a fee as well.

2. Ms. Faulkner said that PT has draft regulations.

3. Ms. Murray will reach out to the PT Board for a draft of these regulations.

vii. Ms. Hagaa asked about the amount of continuing education required.

1. Ms. Neville said that there are no minimum standards for CEUs.

2. Licensees would follow the requirements of their home state.

viii. Ms. Goetz said that she thinks it will cause disciplinary problems.

1. Mr. Martin will send Ms. Goetz a draft.

2. Ms. Faulkner said that MOTA did participate in one of the stakeholder calls and was concerned about discipline. She said that

the disciplinary language is in many other compacts in Maryland, including one for the Physicians' Board.

- ix. Mr. Martin provided the latest draft to the Board.
- x. The Board's decision as to whether to join the Compact will be discussed at the next meeting.
- xi. Mr. Martin asked if Board members could reach out to Mr. Conway within the next few days to give more feedback.

## 2. Administrative Reports – FY'20

Staff: Lauren Murray

- a. Renewals
  - a. As of Thursday, September 17, 2020, 1552 OTs and 432 OTAs have renewed their licenses. 293 OTs and 181 OTAs are still pending.
  - b. Currently, the expiration date for this renewal period is October 15, 2020, but this will likely be extended if Maryland is still under a State of Emergency on October 1<sup>st</sup>.
- b. MyLicense Upgrade Update
  - a. After waiting many months, the Board Staff was finally directed to work with DOIT regarding a new licensing software.
  - b. Because of this, System Automation figured out a way to keep from changing our licensing platform. They will add a "Various Programming" fee to our hosting contract which will cover the cost of the upgrade and the transfer of child support information to MDThink by paying a small amount on a monthly basis.
  - c. Mr. Martin asked for a motion to approve the change to the hosting contract. Mr. Martin made a motion. Ms. Quirk seconded it. All were in favor, except Ms. Smith who was having technical difficulties.
- c. Credit Card Transactions
  - a. The Board will no longer be able to use Bank of America and so as of September 30<sup>th</sup> until the My License update is complete, credit card transactions will not be available.
  - b. Ms. Murray will send out alerts via bulletin and Facebook post. The links for online services will be disabled on September 30<sup>th</sup>.
- d. Application Criminal History Question
  - a. Ms. Murray asked if the following question could be added to applications and renewals: "Have you ever been sentenced with probation before judgment?"
    - i. Ms. Brogan asked about the definition of a probation before judgment.
    - ii. Ms. Hagua said that it is an alternate disposition instead of a conviction.
  - b. Mr. Martin agreed that this was good question to add.
  - c. Ms. Hagua thinks that it will add too many attestations.
  - d. Mr. Quinn suggested, "Have you ever been arrested?"
  - e. Ms. Pierre does not agree because she believes it encompasses too much. She prefers a different type of question that is found on the naturalization paperwork and will email it to Ms. Murray.
  - f. This will be discussed again next month.
- e. OTA Telehealth Clarification

- a. Ms. Murray asked if based on the Board's position statement, are OTAs permitted to perform telehealth?
- b. Mr. Martin believes that OTAs should be able to perform telehealth.

2. Legislation/Regulations Committee –

Sarah Quirk, COTA/L

Caitlin Brogan, OT/R

Marylin Pierre, Esquire, Consumer Member

Staff: Lauren Murray

- a. NBCOT Compact
  - a. This was discussed earlier in the meeting.
- b. Dry Needling
  - a. Mr. Martin said there is nothing new at the moment and figuring out how to move forward.
- c. Telehealth Regulations
  - a. Lillian Reese informed Ms. Murray that Boards should be drafting or updating regulations regarding telehealth.
  - b. Ms. Murray will work with the Legislation/Regulations Committee to create a draft to present at October's Board Meeting, based on the telehealth regulations created by the Physicians' Board.
  - c. Ms. Faulkner is happy to hear that the Board is forming telehealth regulations and wondered if they will be fast-tracked. Ms. Murray suggested that she reach out to Ms. Reese.

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

Correspondence

- a. From September 10, 2020: An OT in Virginia asked if she must have a Maryland license to treat a student who is a resident of Virginia but is currently with a guardian in Maryland.
  - a. Ms. Brogan said that the therapist must have a Maryland license.
  - b. As a follow-up, Ms. Murray asked if the student is with foster parents in Maryland but a ward of DC and a student of DC, does the same rule apply?

According to that, Ms. Murray believes that a Maryland license would be required.

- b. From September 4, 2020: An OT wants to know if she can provide certain wellness services as part of an OT program. These would include therapeutic exercise, massage, myofascial release, and cupping.
  - a. Mr. Martin said that yes, it can be done, but insurance may not agree.
- c. From July 27, 2020: An inquiry was made regarding the use of an aide during a telehealth evaluation.
  - a. Ms. Quirk and Mr. Martin remember that this was previously discussed, and the answer is no.
- d. From August 26, 2020: An inquiry was made regarding the use of a Clinical Exercise Physiology program can be approved occupational therapy education.
  - a. Mr. Martin believes this is a question for NBCOT.
  - b. Ms. Smith said that they must have an OT or OTA degree in order to sit for the NBCOT exam.
- e. From August 18, 2020: An inquiry was made asking if an OTA could do distance evaluations if the OT is on vacation.
  - a. Ms. Quirk said that the OT is responsible for the evaluation, but the OTA can gather information.
  - b. If the OT is there virtually, then it should be fine.
- f. From August 15, 2020: An inquiry was made by a CHT regarding what must be included in notes and goals.
  - a. These are mostly Medicare questions, so she could need to reach out to Medicare.
  - b. This is also not a scope of practice issue.

#### **UNFINISHED BUSINESS**

1. The time limits for temporary licenses has been reverted to their original time limit as NBCOT should be caught up with testing.

#### **NEW BUSINESS**

1. AOTA has asked for suggestions for Choosing Wisely topics. Ms. Murray will provide the link if anyone is interested in contributing.
2. Mr. Martin is researching the public consent orders with disciplinary history cases and is creating a predictive model to identify which characteristics or distinctions could help the Board better understand why they are disciplined.

#### **ANNOUNCEMENTS**

The meeting was adjourned at 10:55 am.

