

Minutes of the January 11, 2022 Board of Occupational Therapy Video Conference Meeting

1. ROLL CALL

Walsh-Sterup, Vice-Chairperson, called the meeting of the Board of Occupational Therapy to order at 9:08a.m. on Tuesday, January 11, 2022 in Conference Room Lower Level B at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS website at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on December 28, 2021.

Walsh-Sterup announced that this is an open meeting and the Open Meetings Act is posted.

Members Present: The following members answered roll call:

Mary Walsh-Sterup, Vice Chairperson
Dr. Marcus Doughty, Secretary
Nancy Peetz, Public Member

Members Absent:

Dr. Alfred Bracciano, Chairperson

Staff Present:

Milissa Johnson-Wiles, Assistant Attorney General
Suzanna Glover-Ettrich, DHHS Attorney
Claire Covert-ByBee, Program Manager
Siaw Hwa Tey, Health Licensing Coordinator

Guests Present:

Lindsay Tuxhorn, NOTA president
Katherine Humphrey, NOTA

2. ADOPTION OF AGENDA

MOTION: Walsh-Sterup entertained the motion to adopt the agenda. Voting aye: Doughty, Peetz, Walsh-Sterup. Voting nay: none. Motion carried.

3. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot approving the August 24, 2021 meeting minutes. Bracciano, Walsh-Sterup, and Doughty voted to approve the minutes as written. Peetz did not vote. A quorum was met, and the minutes were approved on September 1, 2021.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Doughty moved, seconded by Peetz to move into closed session at 9:10a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Walsh-Sterup, Doughty, and Peetz. Absent: Bracciano. Voting nay: None. Motion carried.

5. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION

The Board returned to open session at 9:38a.m.

MOTION: Based on applications of Sarah Jean Vrana for the Occupational Therapy Assistant licensure and Superficial Thermal Agent Modality licensure, Doughty moved, seconded by Peetz to recommend a 3 year probationary period with standard terms and conditions based upon history of conviction and substance used evaluation diagnosis. Voting aye: Walsh-Sterup, Doughty, and Peetz. Absent: Bracciano. Voting nay: None. Motion carried.

6. JURISPRUDENCE FOR INITIAL LICENSURE

This agenda item was tabled until the next meeting.

7. LEGISLATIVE UPDATE, INCLUDING LB15

Covert-ByBee indicated that bills introduction has been ongoing for 5 days, and this process will last for 10 days through January 20, 2022. 232 bills were introduced in the first 3 days of bill introduction and 52 more bills were introduced the 4th day. 11% of all those bills directly impact the licensure unit.

The carried over bill of LB15, which is the Occupational Therapy Compact bill has not gone through floor debate on this day. There were 3 bills that changed the Open Meetings Act including changes made on virtual conferencing, making minutes available to all stakeholders, allowing electronic records to be kept, and information related to closed sessions. LB709 and LB885 are the 2 bills introduced in which impacted licensure for a variety of profession. LB709 would change requirement for leading to the preliminary conviction review. It requires any credentials that are issued by any state entities to allow individuals who have a criminal history to preliminarily apply to the Board to determine if their criminal history would disqualify them from getting a license. LB885 emphasizes discrepancy and minority maternal healthcare where it requires implicit bias training annually for credential holders under the Uniform Credentialing Act. Covert-ByBee also mentioned LB824 would change some language in the Health Care Facilities Act, with the change that bathing is now added as an Activity of Daily Living (ADL).

8. UPATE ON LICENSING PROCESS

Walsh-Sterup inquired about the licensing application process. Covert-ByBee stated that the Department is doing their best to manage rapid change in the licensure unit, especially during COVID-19 and with the high turnover rate in workforce. Due to COVID-19, the Governor issued multiple Executive Orders to better serve the health care professions. Covert-ByBee gave a

brief description of EO 21-12, 21-15, and 21-18. Executive Order 21-12 mirrors some of the provisions previously seen in EO 20-10 and EO 20-37. Executive Order 21-15 was issued after EO 21-12 to allow licensees in broader professions to practice in other jurisdictions. EO 21-18 is the extension of EO 21-12, 21-15, and 21-17, which will remain in effect through March 31, 2022.

9. BOARD OPINION LETTER

The Board Opinion Letter regarding the use of OTAs as Patient Care Technicians will be posted on the Department of Health and Human Services website.

MOTION: Doughty moved, seconded by Peetz to approve the State Board of Occupational Therapy Licensure's Opinion Letter as it correctly stated. Voting aye: Walsh-Sterup, Doughty, and Peetz. Absent: Bracciano. Voting nay: None. Motion carried.

10. CONVICTION REVIEW GUIDELINES

The Board voted on conviction review guidelines in 2016 to help the Department outline the applicants with criminal history that the Board is interested in reviewing.

MOTION: Doughty moved, seconded by Peetz to keep the conviction review guidelines as current from the 2016 revision. Voting aye: Walsh-Sterup, Doughty, and Peetz. Absent: Bracciano. Voting nay: None. Motion carried.

11. ELECTION OF OFFICERS

MOTION: After discussion, Doughty moved, seconded by Peetz to elect Walsh-Sterup as Chairperson and Investigative Consultant, Doughty as Vice-Chairperson, and Bracciano as Secretary. Voting aye: Walsh-Sterup, Doughty, and Peetz. Absent: Bracciano. Voting nay: None. Motion carried.

12. NOTICE OF MEETING PUBLICATION

The Board is required to inform the public each year of the method by which it will provide notice of meetings. In the past, the Board has elected to post meeting agendas at the Nebraska State Office Building, email the agenda to the interested parties list, and post agendas on the Department's website.

MOTION: Doughty moved, seconded by Walsh-Sterup to continue with the current notification process. Voting aye: Walsh-Sterup, Doughty, and Peetz. Absent: Bracciano. Voting nay: None. Motion carried.

13. PER DIEM DISCUSSION

The Department is required to review Per Diem procedures for all licensure boards annually. Currently, this Board receives Per Diem for Board meeting days, travel days if not the same day

These minutes were approved by the Board of Occupational Therapy via mail ballot on January 28, 2021.

as Board meetings, and when representing the Board in an official capacity at the maximum rate of per diem allowed by Neb. Rev. Stat. 38-171, which is \$50.00 at the moment.

MOTION: Doughty moved, seconded by Peetz to maintain the same Per Diem guidelines for 2021. Voting aye: Walsh-Sterup, Doughty, and Peetz. Absent: Bracciano. Voting nay: None. Motion carried.

14. APPLICATION PROCESSING REPORT

Covert-ByBee presented the Licensure Application Processing Report. This was for informational purposes only.

15. TOPICS FOR NEXT MEETING

Topics for next meeting include Jurisprudence for Initial Licensure, Legislative Update, Update on LANCE, Executive Orders Update, and NBCOT Conference.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 10:55 a.m.

Respectfully submitted,

Dr. Marcus Doughty, Secretary