

## Minutes of the February 4, 2020 Board of Occupational Therapy Meeting

### **1. ROLL CALL**

Dr. Alfred Bracciano, Chairperson, called the meeting of the Board of Occupational Therapy to order at 9:09 a.m. on Tuesday, February 4, 2020 in the Lower Level Conference Room B at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda at least ten (10) days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Division of Public Health at least twenty-four (24) hours prior to the meeting.

Bracciano announced that this is a public meeting and the Open Meetings Law is posted.

**Members Present:** The following members answered roll call:

Dr. Alfred Bracciano, Chair  
Mary Walsh-Sterup, Vice-Chair  
Dr. Marcus Doughty, Secretary

**Members Absent:**

Nancy Peetz, Member

**Others Present:**

Claire Covert-ByBee, Program Manager  
Antonio Carranza, Health Licensing Coordinator

### **2. ADOPTION OF AGENDA**

**MOTION:** Walsh-Sterup moved, seconded by Bracciano, to adopt the agenda. Voting aye: Bracciano, Doughty, and Walsh-Sterup. Voting nay: None. Absent: Peetz. Motion carried.

### **3. APPROVAL OF NOVEMBER 12, 2019 MINUTES**

**MOTION:** Walsh-Sterup moved, seconded by Bracciano, to approve the minutes from the August 27, 2019 meeting. Voting aye: Bracciano, Doughty, and Walsh-Sterup. Voting nay: None. Absent: Peetz. Motion carried.

### **4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION**

There were no items for discussion for closed session.

### **5. BOARD RECOMMENDATIONS – OPEN SESSION**

There were no recommendations.

## **6. 172 NAC 114 PROMULGATION UPDATE**

Covert-ByBee stated the regulations are currently with the Attorney General's Office awaiting review for constitutionality. Once approved by the Attorney General's Office, they would be sent to the Governor's Office for approval. Once approved by the Governor's Office they would be sent to the Secretary of State's Office to be filed and would be put into effect after five days.

## **7. LEGISLATIVE UPDATE**

Covert-ByBee advised this is a short session which opened on January 8<sup>th</sup> and is likely to end in Mid-April. She stated while there weren't a lot of bills that would directly impact the practice of Occupational Therapy there were a few that could be of interest to the Board. LB 753 was introduced to create an Interstate Compact for Audiologists & Speech-Language Pathologists. Covert-ByBee went through some of the technical issues encountered with the bill. LB 1167 would require members of the public to be able to speak at each meeting subject to the Open Meetings Act. LB 1187 was introduced to change provisions to the Occupational Board Reform Act which would expand reciprocity for occupational licenses in Nebraska.

Walsh-Sterup shared information on LB 956 which would mandate that managed care organizations provide in writing any material changes for the providers in orange envelopes.

## **8. AOTA INVITE TO STATE REGULATORY FORUM**

The Board discussed the invitation from the American Occupational Therapy Association to their annual conference held March 26-29 to gauge interest from members as well as administrators in attending the conference.

## **9. LICENSURE APPLICATION PROCESSING REPORT**

Carranza shared the Application Processing Report. This was for informational purposes only.

## **10. PER DIEM DISCUSSION**

Covert-ByBee stated the Department has been reaching out to each Board to determine how they'd like to be compensated for per diem. The Uniform Credentialing Act, specifically section 38-171, provides that "each member of a board shall receive a per diem... for each day actually engaged in the discharge of his or her duties." The maximum per diem amount is \$50, however, it can be provided for more than just the day of the meeting. The Department has the authority to provide per diem to Board members for attending a board meeting in person or conference call, any extra days traveling for board meetings, days spent preparing for any board meeting or other function where the member would be representing the board and days spent attending any conference, hearing etc. where the member is representing the Board. The Board discussed retention, compensation for individuals using paid time off and travelling long distances and consistency with other boards.

**MOTION:** Walsh-Sterup moved, seconded by Doughty to provide per diem for travel days, Board meeting days, one day of preparation for meetings or other functions when representing

*These minutes were approved by the Board of Occupational Therapy via mail ballot.*

the Board, and days spent representing the Board in an official capacity at outside hearings, meetings and other events. Voting aye: Bracciano, Doughty, and Walsh-Sterup. Voting nay: None. Absent: Peetz. Motion carried.

#### **11. ELECTION OF OFFICERS**

**MOTION:** After discussion, Walsh-Sterup moved, seconded by Doughty to keep all officers the same with Bracciano as Chairperson, Walsh-Sterup as Vice-Chairperson, Doughty as Secretary and Bracciano as Investigative Consultant. Voting aye: Bracciano, Doughty, and Walsh-Sterup. Voting nay: None. Absent: Peetz. 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, to email the agenda to the interested parties list, and to post agendas on the Department's website. The Department and Board decided to continue publication this way.

#### **13. MAIL BALLOT APPROVAL OF MEETING MINUTES**

Carranza stated that in an effort to continue to improve communication with stakeholders and provide information to the public as quickly as possible the Department is changing the approval of meeting minutes to a mail ballot approval process. Once the minutes are prepared by the Department, they will be emailed to the Board members to approve via mail ballot and posted to the website as soon as they are approved. If there are corrections to be made, the Board can defer to discuss at the next meeting and approve an amended version at that time. The Board discussed and agreed with no objections.

#### **14. TOPICS FOR NEXT MEETING**

Suggested topics for next meeting were Compact information, AOTA Conference Report and NBCOT Regulatory Conference Report

#### **15. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:24 a.m.

Respectfully submitted,

Marcus Doughty, Secretary