

Approved Minutes of the February 19, 2019 Board of Occupational Therapy Meeting

Marcus Doughty, Chairperson, called the meeting of the Board of Occupational Therapy to order at 9:06 a.m. on Tuesday, February 19, 2019 in the Lower Level B Conference Room 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.

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

The following Board members and Department Staff were present at the meeting Dr. Marcus Doughty; Nancy Peetz; Mary Walsh-Sterup; Dr. Alfred Bracciano; Claire Covert-ByBee, Program Manager; Antonio Carranza, Health Licensing Coordinator and Ami Huff, Assistant Attorney General.

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

Peetz moved, seconded by Bracciano to approve the minutes from the August 21, 2018 meeting. Voting aye: Bracciano, Doughty and Peetz. Voting nay: None. Abstaining: Walsh-Sterup. Motion carried.

Peetz moved, seconded by Bracciano to go into closed session at 9:11 a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Bracciano, Doughty, Peetz and Walsh-Sterup. Voting nay: None. Motion carried.

Bracciano moved, seconded by Walsh-Sterup to return to open session at 9:53 a.m. Voting aye: Bracciano, Doughty, Peetz and Walsh-Sterup. Voting nay: None. Motion carried.

Walsh-Sterup moved, seconded by Bracciano to recommend approval of the Application for Physical Agent Modality Certification for Superficial Thermal Agents and Deep Thermal Agents for Abby McClure. Voting aye: Bracciano, Doughty, Peetz and Walsh-Sterup. Voting nay: None. Motion carried.

Walsh-Sterup moved, seconded by Bracciano, to recommend issuing a 3 year probationary license as an Occupational Therapist to Kelli Lehmann based on discipline history and substance use disorder diagnoses. Voting aye: Bracciano, Doughty, Peetz and Walsh-Sterup. Voting nay: None. Motion carried.

Doughty started a discussion regarding Occupational Therapy Assistants use of deep thermal and electrical agents under plan of care established by an Occupational Therapist. The concern of the Board was rural areas that may not have an Occupational Therapist close. Doughty

These minutes were approved by the Board of Occupational Therapy on March 25, 2019.

explained that Occupational Therapy Assistants go through training similar to Occupational Therapists and they will be reviewed by an Occupational Therapist. The Board agreed and intends to write a letter to the Nebraska Association to follow the 407 credentialing process. Doughty will write the letter on behalf of the Board.

(The Board took a break at 10:11 am)

(The Board returned from break at 10:18 am)

Covert-ByBee presented information on the 2019 NBCOT State Regulatory Leadership Forum. The NBCOT funds the administrator and the Chairperson of the board to attend.

Covert-ByBee provided a legislative update to the Board. LB 29 was introduced and it approves telehealth for different professions including Occupational Therapists. The Board also discussed the Medical Cannabis Bill, a bill introduced to waive licensure fees for active duty military, individuals ages 18-25 and individuals with low income as defined by the bill, as well as LB 375 regarding pelvic exams.

Covert-ByBee updated the Board on the regulations process. She stated that there had been direction that all regulations be promulgated in the previously reported Executive Order format by the end of summer 2019. The Department is currently in the process of submitting regulations to be implemented. Covert-ByBee requested that the Board focus on a few items including how the Practical Exam is administered, updating the Continuing Education requirements to account for updated technology options, guidelines for supervision, and update unprofessional conduct regulations. The Board discussed looking at the wording discussing exam scores specifically as a point of interest.

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

The Board is required to inform the public each year the method by which it will provide notice of meetings. In the past, the Board has chosen to post meeting agendas at the Nebraska State Office Building, to email agendas to the interested parties list, and to post agendas on the Department's website. Walsh-Sterup moved, seconded by Bracciano to continue with the current notification process. Voting aye: Bracciano, Doughty, Peetz and Walsh-Sterup. Voting nay: None. Motion carried.

Topics for next meeting include, regulations specifically continuing education, initial licensure and unprofessional conduct. For the meeting after that the Board suggested licensure portability, 407 credentialing review and AOTA and NBCOT report.

Respectfully submitted,

Marcus Doughty, Secretary