

Minutes of the August 27, 2024 Board of Occupational Therapy Practice Meeting

1. ROLL CALL

Mary Walsh-Sterup, Chairperson, called the meeting of the Board of Occupational Therapy to order at 9:00 a.m. on August 27, 2024, in the Goldenrod Conference Room 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 August 15, 2024.

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 OTR/L, Chair
Dr. Marcus Doughty Vice-Chair
Dr. Alfred Bracciano, Secretary
Nancy Peetz, Member

DHHS Staff Present:

Abby Hoy-Nissen, Assistant Attorney General (via Webex)
Claire Covert-ByBee, Program Manager
Kim Hitzel, Board Coordinator
Suzanna Glover-Ettrich, DHHS Legal (via Webex)

Members of the Public Present:

Melissa Kimmerling, Representing NOTA and the National Board for Certification in Occupational Therapy Ambassador. policyandadvocacy.nota@gmail.com

Kristen Neville, American Occupational Therapy Association kneville@aota.org

2. ADOPTION OF AGENDA

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

3. REAFFIRMATION OF MAIL BALLOT

Covert-ByBee indicated there were four mail ballots since the last Board meeting.

Approval of the January 30, 2024, board meeting minutes. Voting to approve: Bracciano, Doughty, Peetz, Walsh-Sterup. Voting nay: none. Minutes approved February 9, 2024.

Approval to send letter of support on behalf to the Council of State Governments. This was a letter sent in support of the HRSA Licensure Portability Grant to establish a multi-state licensure compact data system. This is one step in the process to enact a national compact for Occupational Therapy. Voting to approve: Walsh-Sterup, Doughty, Bracciano, and Peetz. Voting nay: None. Letter approved March 26, 2024.

Approval of the 12-week Anger Management Course provided by Open Path to fulfill the Order of Agreed Settlement for Eric Brenner. Voting to approve: Doughty, Peetz, Bracciano, and Walsh-Sterup. Voting nay: None. Course approved April 23, 2024.

Approval of the June 25, 2024, board meeting minutes. Voting to approve: Doughty, Peetz, Walsh-Sterup. Voting Nay: None. Voting to abstain: Bracciano. Minutes approved June 27, 2024.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Bracciano moved, seconded by Doughty to move into closed session at 9:03a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Doughty, Bracciano, Walsh-Sterup, and Peetz. Voting nay: None. Motion carried.

5. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION

The Board returned to open session at 9:08 a.m.

In the matter of the application for the Union Adventist University Occupational Therapy Program for Physical Agent Modalities courses for Superficial Thermal Agents, Deep Thermal Agents, and Electrotherapeutic Agents certifications the following motion was made.

MOTION: Doughty moved, seconded by Walsh-Sterup to approve the program. Voting aye: Doughty, Bracciano, Walsh-Sterup, and Peetz. Voting: nay None. Motion approved.

In the matter of the application for the Union Adventist University Occupational Therapy Assistants Program for the Physical Agent Modalities courses for Superficial Thermal Agents certification the following motion was made.

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

6. APPLICATION PROCESSING: TEMPORARY AND PERMANENT

Discussion was held about the application process for temporary and full licensure for occupational therapists and occupational therapy assistants. The statutes from the Occupational Therapy Practice Act Neb. Rev. Stat. 38-2517 and 38-2518 specify how a license can be issued and states that the temporary license is only valid until the exam results are posted.

The Department recommends that applicants apply for both the temporary and full license at the same time. The temporary license allows for the occupational therapist or occupational therapy assistant to practice in association with a licensed occupational therapist until the results of the exam are available to the Department. When the exam results are received from National Board for Certification in Occupational Therapy the temporary license becomes null and void. The Statutes and Regulations will need to be changed before the licensure process can be updated.

Kristen Neville asked if the expiration date could be changed for the temporary license and that is not allowed under the Statutes and Regulations.

The discussion included a request to update the website to help applicants understand this process.

7. CREDENTIALING REVIEW PROCESS: OCCUPATIONAL THERAPY UPDATE

The Nebraska Department of Health and Human Services website (ne.gov) lists the “Letter of Intent” and the “Response to Letter of Intent” for the scope of practice expansion that is being proposed. Melissa Kimmerling of Nebraska Occupational Therapy Association (NOTA) provided additional information to the board about the process.

8. LEGISLATIVE UPDATE

The LB16 bill passed this year. One section of the law impacts the convictions that may be considered if the Board wishes to disqualify (deny) an applicant an initial license based on convictions. It essentially defines “disqualifying convictions”. This does not impact the Board’s ability to consider all convictions in matters where a license is issued with probation or limitations. Only denials.

9. OCCUPATIONAL THERAPY COMPACT UPDATE

Progress is being made on the work required for the Compact to become operational. More information is available at otcompact.org.

10. LICENSURE DATABASE UPDATE

Covert-ByBee reported that the project is on time and slated to be operational by late 2024 or early 2025.

11. LICENSURE APPLICATION PROCESSING REPORT

Covert- Bybee stated that the application processing report was prepared for informational purposes only. The renewal period is complete for all Occupational Therapy and Occupational Therapy Assistants.

12. SCHEDULED MEETING DATES FOR 2025

Meeting dates for 2025 will be January 28, 2025, at 9:00 am and August 19, 2025, at 9:00 am.

13. TOPICS FOR NEXT MEETING

These minutes have been approved by the Board of Occupational Therapy Practice

Topics identified for the next meeting include: Legislative Update, Application Processing Report, Election of Officers, Per Diem Discussion, Update of the Licensure Database, Voting for Delegates, Compact Update, NBCOT Report Out, Credentialing Review Act, NOTA, Notice of Meeting Publication, AOTA, and Public Comment.

14. PUBLIC COMMENT

15. ADJOURNMENT

Walsh-Sterup adjourned the meeting at 10:19 a.m.

Respectfully submitted,

Alfred Bracciano, Secretary