

## Minutes of the August 23, 2022 Board of Occupational Therapy Video Conference Meeting

### **1. ROLL CALL**

Bracciano, Chairperson, called the meeting of the Board of Occupational Therapy to order at 9:01a.m. on Tuesday, August 23, 2022, in Conference Room 5G 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 10, 2022.

Bracciano announced that this is an open meeting, and the Open Meetings Act is posted.

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

Dr. Alfred Bracciano, Chairperson  
Dr. Marcus Doughty, Secretary  
Nancy Peetz, Member

**Members Absent:**

Mary Walsh-Sterup, Vice-Chairperson

**Others Present:**

T.J. O'Neill, Assistant Attorney General  
Suzanna Glover-Ettrich, DHHS Attorney (via Webex)  
Claire Covert-ByBee, Program Manager  
Amy Blinston, Health Licensing Coordinator  
Barbara Williams, NBCOT (via Webex)

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

**MOTION:** Bracciano entertained a motion to adopt the agenda, moving item 9, NBCOT Liaison, to be discussed after item 5. Peetz moved, seconded by Doughty. Voting aye: Peetz, Doughty, and Bracciano. Absent: Walsh-Sterup. Voting nay: None. Motion carried.

### **3. REAFFIRMATION OF MAIL BALLOT**

Covert-ByBee indicated there have been 2 mail ballots since the last Board meeting. The Board reaffirmed the mail ballot approving the January 11, 2022 meeting minutes. Bracciano, Peetz, and Doughty voted to approve the minutes as written.

The Board approved a new instructor via mail ballot for the College of Saint Mary's Board-approved Physical Agent Modality course on 2.22.2022. Bracciano, Doughty, and Walsh-Sterup voted to approve instructor Maureen Hoppe.

*These minutes were approved by the Board of Occupational Therapy via mail ballot on 8.25.2022.*

Per regulation 172 NAC 114 004.04, "If there is a change in instructors, the provider must request approval of the instructor by submitting a curriculum vitae for the new instructor. The Board will evaluate the curriculum vitae and reaffirm or deny the physical agent modality course approval."

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

**MOTION:** Doughty moved, seconded by Peetz to move into closed session at 9:06a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Bracciano, Doughty, and Peetz. Absent: Walsh-Sterup. Voting nay: None. Motion carried.

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

The Board returned to open session at 9:13a.m.

**MOTION:** Doughty moved, seconded by Peetz to recommend issuing an OTA license to Kayla Kelly. Voting aye: Bracciano, Doughty, and Peetz. Absent: Walsh-Sterup. Voting nay: None. Motion carried.

#### **6. SCOPE OF PRACTICE QUESTION**

*Can a COTA work in early intervention and provide home visits using the coaching model?*

After discussion, the Board offered the opinion that an OTA may work in a variety of settings, including early intervention and in the home of a patient, if they are not performing the initial assessment/evaluation, they are working within their scope of practice and are in accordance with supervisory requirements as outlined in statute/regulation.

**MOTION:** Bracciano entertained a motion to affirm the opinion that an OTA can work in a variety of settings, including early intervention and in the home of a patient, as long as they are not performing the initial assessment/evaluation, they are working within their scope of practice and are in accordance with supervisory requirements as outlined in statute/regulation. Doughty moved, seconded by Peetz. Voting aye: Peetz, Doughty, and Bracciano. Absent: Walsh-Sterup. Voting nay: None. Motion carried.

#### **7. OT COMPACT COMMISSION MEETING REPORT AND UPDATE**

Covert-ByBee attended the initial Occupational Therapy Compact meeting and provided the Board with the inaugural meeting packet for their review. Covert-ByBee is the Commissioner for the State of Nebraska and volunteered to join the OT Compact Rules Committee. Covert-ByBee provided website information for the OT Compact where interested parties may keep up with what is happening with the compact and commission ([OTCompact.Org](http://OTCompact.Org)).

## **8. JURISPRUDENCE FOR INITIAL LICENSURE**

Covert-ByBee provided information to the Board regarding Physical Therapy (PT) jurisprudence exam requirements and explained how this works within state compacts. A person purchasing privileges in another jurisdiction must have a license in their home state, then pass a jurisprudence exam if required in the state for which they are purchasing privileges to practice. Some jurisdictions require a jurisprudence exam for initial licenses only, others also require the licensee to pass a jurisprudence exam for renewal. The OT Compact is in its beginning stages and it is yet to be determined how the Compact will operate. Covert-ByBee will look into whether this will be a requirement for Nebraska's participation in the OT Compact. A jurisprudence exam in Nebraska may require a change in both regulations and state statute.

## **9. NCBOT LIAISON**

Barbara Williams provided information to the Board regarding her organization, the National Board of Certification for Occupational Therapy (NBCOT). Williams indicated NBCOT strives to serve public interest and offers a number of services ranging from professional development activities, ethics and new case simulations, practice assessments, and examinations.

## **10. LICENSURE AND EXECUTIVE ORDER 22-02**

Covert-ByBee provided the Board with executive orders issued by Governor Ricketts for reference. Executive order 22-02 directly refers to orders 21-15 and 21-12 and is set to expire on September 30, 2022. These orders were issued to address healthcare workforce shortages.

## **11. UPDATE ON THE NEW LICENSURE DATABASE- LANCE**

Covert-ByBee indicated that the Department of Health and Human Services is no longer moving forward with LANCE, however, is looking at other databases that would provide similar customer accessibility options.

## **12. SCHEDULE MEETINGS FOR 2023**

The Board of Occupational Therapy scheduled meetings for January 31st and August 29th, 2023.

## **13. APPLICATION PROCESSING REPORT- APR**

Blinston presented the Licensure Application Processing Report. This was for informational purposes only.

*These minutes were approved by the Board of Occupational Therapy via mail ballot on 8.25.2022.*

**14. TOPICS FOR NEXT MEETING**

Covert-ByBee indicated that the standard topics will include a Legislative Update, Application Processing Report, Compact Update, and Update on Executive Orders (if any). The Board requested that the Department provide information regarding the 407 Credentialing Review Process and opening regulations to potentially include a jurisprudence exam for Occupational Therapy licensure.

**15. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:30a.m.

Respectfully submitted,

Dr. Marcus Doughty, Secretary