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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF OCCUPATIONAL THERAPY
EDUCATION AND LICENSURE
VIA VIDEOCONFERENCE**

TIME: 10:52 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

March 4, 2021

1 State Board of Occupational Therapy
2 Education and Licensure
3 March 4, 2021
4
5

6 BOARD MEMBERS:
7

8 Kerri L. Hample, OTD, OTR/L, Chairperson
9 K. Kalonji Johnson, Commissioner, Bureau of
10 Professional and Occupational Affairs
11 Joanne M. Baird, Ph.D., OTR/L, Vice Chair
12 Carolyn M. Gatty, MS, OTR/L, Secretary
13 Edward J. Mihelcic, Ph.D., OTR/L
14 Lisa Livingston, MS, OTR/L, SCDCM
15
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17 BUREAU PERSONNEL:
18

19 Nicole L. VanOrder, Esquire, Board Counsel
20 Paul J. Jarabeck, Esquire, Board Prosecution Liaison
21 David N. Smith, Esquire, Board Prosecutor
22 Carolyn A. DeLaurentis, Deputy Chief Counsel,
23 Prosecution Division
24 Kenneth J. Suter, Esquire, Board Prosecutor
25 Christina Townley, Board Administrator
26 Marc Farrell, Deputy Policy Director, Department of
27 State
28 Theodore Stauffer, Executive Secretary, Bureau of
29 Professional and Occupational Affairs
30
31

32 ALSO PRESENT:
33

34 Christine Daeschner, MOT, OTR/L, Legislation/Advocacy
35 Chair, Pennsylvania Occupational Therapy Association
36 Jen Smeltz, Republican Executive Director, Senate
37 Consumer Protection & Professional Licensure
38 Committee
39 Jerry J. Livingston, Democratic Executive Director,
40 Senate Consumer Protection & Professional Licensure
41 Committee
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1 ***

2 State Board of Occupational Therapy

3 Education and Licensure

4 March 4, 2021

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
7 10:00 a.m. the Board entered into Executive Session
8 with Nicole L. VanOrder, Esquire, Board Counsel, to
9 have attorney-client consultations and for the purpose
10 of conducting quasi-judicial deliberations. The Board
11 returned to open session at 10:50 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Occupational Therapy Education and Licensure
15 was held on Thursday, March 4, 2021.

16 ***

17 [Kerri L. Hample, OTD, OTR/L, Chairperson, officially
18 called the meeting to order at 10:52 a.m.]

19 ***

20 [Theodore Stauffer, Executive Secretary, Bureau of
21 Professional and Occupational Affairs, noted the
22 meeting was being recorded, and those who remained on
23 the line were giving their consent to be recorded.]

24 ***

25 [Nicole L. VanOrder, Esquire, Board Counsel, announced

1 the Board met in Executive session prior to the
2 meeting for the purpose of conducting quasi-judicial
3 deliberations and to have attorney-client consultation
4 regarding items on the agenda.]

5 ***

6 Introduction of Board Members

7 [Chairperson Hample requested an introduction of Board
8 members.]

9 ***

10 [Chair Hample noted the minutes of the December 10,
11 2020 meeting would be tabled until the June 2, 2021
12 meeting.]

13 ***

14 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy
15 Chief Counsel, Prosecution Division Presentation

16 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
17 Counsel, Prosecution Division, provided highlights of
18 the prosecution division's work during the past year.
19 She commended staff for their hard work to make
20 telework successful. She noted all decisions were
21 made thoughtfully and with the safety of all in mind.

22 Ms. DeLaurentis stated the Board prosecutors made
23 every effort to monitor the restrictions, waivers,
24 policies, and new procedures specific to the practice
25 in each profession regarding challenges imposed on

1 licensees by the COVID-19 pandemic.

2 Ms. DeLaurentis noted the Pennsylvania Licensing
3 System (PALS) to be a lifeline. She stated the Bureau
4 of Enforcement and Investigation (BEI) worked closely
5 with prosecution to continue investigations and figure
6 out the best methods during statewide shutdowns and
7 stay-at-home orders. She also noted the Professional
8 Compliance Office continued opening cases and
9 processing files, and legal assistants have been
10 working a hybrid schedule to ensure mailings and
11 filings are completed.

12 Ms. DeLaurentis commented that the Board, Board
13 staff, and counsel all had adapted to virtual Board
14 meetings, and prosecution would continue to work with
15 all to ensure efficient and effective presentation and
16 resolution of cases. She mentioned 2020 was a year
17 filled with challenges, but the prosecution division
18 led by the incredible senior staff rose to the
19 challenge and would continue to do so in 2021.

20 Ms. DeLaurentis informed the Board that 35 cases
21 were opened in 2020 and 208 in 2019 with 79 cases
22 closed in 2020 for the Board of Occupational Therapy
23 Education and Licensure. She noted 37 open cases as
24 of January 1, 2021. She thanked Timothy Smith for his
25 assistance providing information for 2020.

1 Ms. DeLaurentis addressed enforcement actions
2 with 3 cases that resulted in discipline in 2020 for
3 the Board of Occupational Therapy Education and
4 Licensure. She reported 23 warning letters in 2020, 1
5 suspension, and 2 revocations or voluntary surrenders.

6 Dr. Baird requested more information regarding
7 the significant difference in opened cases in 2019 at
8 208 and only 35 in 2020.

9 Ms. DeLaurentis will provide information to Board
10 counsel.

11 Mr. Jarabeck explained that the number of cases
12 opened was affected whenever there was a verification
13 of an individual halt in malpractice insurance. He
14 agreed it was a precipitous drop but also explained
15 that individuals may not have been receiving as much
16 therapy as one would see on a regular basis.

17 Ms. DeLaurentis discussed 2020 overall
18 prosecution as a whole. She noted 44 immediate
19 temporary suspensions in 2020 and 67 in 2019. She
20 mentioned 1 of the 1,223 opened COVID-19 cases are for
21 the Board of Occupational Therapy Education and
22 Licensure. She reported the total number of open
23 cases as of January 1, 2021, was 12,250, and the total
24 number of cases opened overall in 2020 was 13,394,
25 which is down from 2019 at 16,295. She noted 13,274

1 files were closed in 2020.

2 Ms. DeLaurentis noted most general COVID
3 complaints involved violations of the Governor's
4 orders, Secretary of Health orders, and Centers for
5 Disease Control and Prevention (CDC) guidelines.]

6 ***

7 Introduction of Audience Members

8 [Chairperson Hample requested an introduction of
9 audience members.]

10 ***

11 Report of Board Prosecution

12 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
13 announced he would be leaving due to a reorganization
14 within the office. He expressed his appreciation for
15 the opportunity to work with the Board. He informed
16 Mr. Suter, who would be taking over as liaison, of
17 prior discussion concerning finding a legislative
18 means for getting mental and physical examinations to
19 be part of the Board to ensure public protection and
20 safety.]

21 ***

22 Report of Board Chairperson

23 [Kerri L. Hample, OTD, OTR/L, Chairperson, mentioned
24 the American Occupational Therapy Association (AOTA)
25 Conference and believed it would be virtual again this

1 year, opening up the opportunity for more of the Board
2 members to attend.

3 Chairperson Hample addressed the legislative
4 component of physical and mental examinations, stating
5 the Board is open and willing to have a discussion
6 about moving forward. She noted the need for language
7 changes in the act, because it was created in the
8 1980s. She welcomed conversations with professional
9 associations and encouraged those conversations to
10 continue.

11 Chairperson Hample commented that COVID had
12 changed occupational therapy practice on all fronts,
13 noting some of that change would go away when COVID
14 was no longer present, but some of it would remain.
15 She was eager to see how things would change moving
16 forward.

17 Chairperson Hample addressed COVID regulations
18 and fieldwork for students, noting quite a few
19 students who had graduated were unable to complete the
20 fieldwork component and may cause a workforce
21 shortage. She encouraged Board members to keep
22 looking at those in the practice areas and listen to
23 what is working and not working with the purpose of
24 assessing the need for changes a policy perspective in
25 order to move forward.]

1 ***

2 Report of Commissioner

3 [K. Kalonji Johnson, Commissioner, Bureau of
4 Professional and Occupational Affairs, mentioned prior
5 discussion regarding whether the waiver process would
6 provide any benefit to the Board. He stated a more
7 comprehensive look at the act was needed but would
8 continue to keep that offer on the table. He
9 encouraged the associations to reach out and think
10 outside of the box for ways to help in the long term
11 as well.

12 Commissioner Johnson continued to offer his
13 thoughts and prayers for everyone to stay safe and
14 healthy.]

15 ***

16 Report of Board Administrator

17 [Christina Townley, Board Administrator, reported that
18 the processing time for initial applications was
19 roughly 15 business days. She also mentioned renewals
20 would be opening in probably late April or early May
21 and would provide an update on the renewal numbers at
22 that time.

23 Chairperson Hample requested information
24 concerning whether renewals had been impacted by COVID
25 as far as requirements or waivers.

1 Ms. Townley was not aware of an extension to the
2 deadline, noting the Board can already take continuing
3 education online and the waiver did not really apply.

4 Chairperson Hample questioned whether there had
5 been any issues with receiving fingerprints due to
6 COVID. She noted hearing of individuals having long
7 turnaround times delaying them from practice.

8 Ms. Townley explained that individuals could be
9 obtaining the fingerprints before ever applying and
10 waiting a long time before submitting an application.
11 She noted a Federal Bureau of Investigation (FBI)
12 background check or fingerprint is obtained for the
13 state level check. She stated many Pennsylvania
14 residents apply, but Pennsylvania does not require
15 fingerprints for the background checks.

16 Chairperson Hample further explained that people
17 in New Jersey were trying to practice in Pennsylvania
18 but having issues getting fingerprinted.

19 Commissioner Johnson commented that New Jersey
20 allows third-party vendors, who work with the state
21 and offered to do more research, noting the issue may
22 not be on the provisioning side but on the processing
23 side.

24 Ms. VanOrder noted one application for review to
25 be discussed during Executive Session.]

1 ***

2 Miscellaneous

3 [Kerri L. Hample, OTD, OTR/L, Chairperson, referred to
4 Act 116 of 2020 regarding continuing education
5 carryover.

6 Ms. VanOrder described Act 116 of 2020 as
7 additional power granted by the legislature and
8 available to all boards to provide carryover of
9 continuing education credits in excess of the number
10 of the biennial renewal period. She also mentioned
11 the possibility of administrative hurdles related to
12 Act 116 of 2020.

13 Ms. VanOrder explained that carryover would be
14 for only one biennial renewal period, so for those who
15 took a course in 2020, and at their 2021 renewal
16 period that was an excess course, then it could carry
17 over into the next one but could not carryover again
18 into a second period.

19 Ms. Gatty mentioned the importance of having
20 timeline restrictions and not having 48 continuing
21 education units (CEUs) frontloaded that is 2 years
22 old.

23 Commissioner Johnson explained that the Act
24 provides the boards with discretion and the ability to
25 outline carryover. He stated the legislature wanted

1 to limit carryover so someone could not bank
2 continuing education (CE) for 3 cycles and then try to
3 circumvent the requirement to keep present with
4 education by just banking every 3 to 6 years.

5 Commissioner Johnson further explained that the
6 legislature in Act 116 does not allow an individual to
7 carry over more than 2 years of continuing education.
8 He noted with this new renewal cycle that the overage
9 an individual built up in this upcoming biennial
10 period could only be carried as late as 2023.

11 Ms. VanOrder commented that the Board has the
12 choice to accept Act 116 or not and noted the Board
13 could make additional regulations and start the
14 regulatory process if they choose to accept it.

15 Ms. Townley noted there would be some challenges
16 concerning the continued competency with limited Board
17 staff if a third-party was not brought in to assist,
18 where staff would have to review the first set of
19 continuing education (CE) and any additional CE
20 submitted to carryover and then the next period have
21 to review the previous periods along with the new
22 periods to make sure there is no overlap.

23 Ms. Townley expressed concern regarding the
24 impact on the 15-day processing time for initial
25 applications, which would be prolonged without a third

1 party to assist.

2 Commissioner Johnson agreed that it is just
3 another task the limited staff would have to engage
4 in, noting the importance of leveraging technology to
5 do that with third parties. He mentioned the need to
6 examine the development and how it translates in the
7 cost. He did not want the administrative challenge to
8 detrimentally persuade the Board from having a
9 discussion about the utility of carryover.

10 Chairperson Hample advocated for audit results to
11 be shared with the Board because they had not had any
12 results in quite some time. She also wanted a system
13 that would not overburden the initial application
14 system because they have to be separate.

15 Commissioner Johnson commented that many
16 organizations were actively engaged in CE brokering or
17 CE auditing up to 100% of the package. He noted the
18 Department was actively pursuing technology and
19 finding solutions to allow for that.

20 Ms. Townley requested more information regarding
21 how continued competency for carryover would be
22 counted for fieldwork supervision or presentations
23 that were also included in the regulations.

24 Chairperson Hample stated the National Board for
25 Certification in Occupational Therapy (NBCOT) did it

1 the same way, where so many credits were received for
2 taking a fieldwork student. She noted maximums, where
3 an individual could only take 12 hours of fieldwork in
4 a biennium and the rest from somewhere else.

5 Dr. Baird commented that this one particular
6 piece would only be pertaining to the continuing
7 education component, and the other pieces would all
8 stay the same.

9 Ms. VanOrder commented that the Board could make
10 that clear in the regulatory process to further define
11 the process under the act.

12 Dr. Baird stated the option would provide more
13 flexibility and possibly allow some sort of licensure
14 compact if the legislature were in agreement. She
15 also commented that allowing the option would also
16 align nicely with NBCOT and allow license holders to
17 think in 2- and 3-year increments.

18 Commissioner Johnson stated the option would have
19 to be promulgated through regulations and allow the
20 opportunity for discussion regarding third-party
21 solutions that meet the criteria. He offered to
22 provide background information for the next meeting.

23 Marc Farrell, Deputy Policy Director, Department
24 of State, commented that the Board of Psychology had
25 carryover in their regulations for a few years and

1 recently voted to abandon it because they thought it
2 was a logistical nightmare to manage.

3 Mr. Suter noted being familiar with the Board of
4 Psychology as former Board counsel. He stated the
5 Board did not have an outside vendor. The problem was
6 not the carryover in terms of the limit but with the
7 resources for an audit when considering 10 years.

8 Ms. VanOrder suggested the Board consider tabling
9 the issue to obtain additional information about the
10 overall consensus of the boards in relation to what
11 resources might be used and the cost of those
12 resources.

13 Commissioner Johnson will be working with Marc
14 Farrell and Cynthia Montgomery to provide a
15 comprehensive document to be shared with the boards
16 for consideration of where the other 28 boards and
17 commissions sit, their current scheme, and their
18 current capacity and frequency for auditing.]

19

20 Regulatory Counsel

21 [Nicole L. VanOrder, Esquire, Board Counsel, informed
22 the Board that the educational program regulations
23 were published as proposed. She stated no comments
24 were received from the Independent Regulatory Review
25 Commission (IRRC), and she is drafting the final

1 regulatory package to be published in a final form.]

2

3 [Kerri L. Hample, OTD, OTR/L, Chairperson, noted the
4 next scheduled Board meeting date on June 2. She also
5 noted September 2 and December 10 as the remaining
6 2021 Board meeting dates.]

7

8 [Carolyn M. Gatty, MS, OTR/L, Secretary, informed
9 everyone that she officially resigned from her
10 position at Genesis Rehab Services and provided a new
11 email address.]

12

13 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
14 on behalf of Ms. DeLaurentis, provided a correction to
15 today's presentation regarding the total number of
16 cases opened, which should have been 60.]

17

18 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
19 12:02 p.m. the Board entered into executive session
20 with Nicole L. VanOrder, Esquire, Board Counsel, to
21 have attorney-client consultations and for the purpose
22 of conducting quasi-judicial deliberations regarding
23 items 2 and 3 on the agenda. The Board returned to
24 open session at 12:47 p.m.]

25

1 So moved.

2 COMMISSIONER JOHNSON:

3 Second.

4 CHAIRPERSON HAMPLE:

5 All in favor? Anyone say no?

6 [The motion carried unanimously.]

7 ***

8

9 [Kerri L. Hample, OTD, OTR/L, Chairperson, reminded
10 everyone to renew their licenses before July 1, 2021.]

11 ***

12 Adjournment

13 CHAIRPERSON HAMPLE:

14 Is there a motion to adjourn our meeting
15 today?

16 MS. GATTY:

17 So moved.

18 CHAIRPERSON HAMPLE:

19 Second?

20 COMMISSIONER JOHNSON:

21 Second.

22 CHAIRPERSON HAMPLE:

23 All in favor? Anyone no?

24 [The motion carried unanimously.]

25 ***

1 [There being no further business, the State Board of
2 Occupational Therapy Education and Licensure Meeting
3 adjourned at 12:51 p.m.]

4 ***

5
6 CERTIFICATE

7
8 I hereby certify that the foregoing summary
9 minutes of the State Board of Occupational Therapy
10 Licensure and Education Meeting, was reduced to
11 writing by me or under my supervision, and that the
12 minutes accurately summarize the substance of the
13 State Board of Occupational Therapy Licensure and
14 Education Meeting.

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17 Kelly Gallick,

18 Minute Clerk

19 Sargent's Court Reporting

20 Service, Inc.
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STATE BOARD OF OCCUPATIONAL THERAPY
EDUCATION AND LICENSURE
REFERENCE INDEX

March 4, 2021

	TIME	AGENDA
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10		
11	10:00	Executive Session
12	10:50	Return to Open Session
13		
14	10:50	Official Call to Order
15		
16	10:52	Introduction of Board Members
17		
18	10:55	Appointment - Carolyn A. DeLaurentis,
19		Esquire, Deputy Chief Counsel,
20		Prosecution Division Presentation
21		
22	11:07	Introduction of Audience
23		
24	11:09	Report of Board Prosecution
25		
26	11:11	Report of Board Chairperson
27		
28	11:15	Report of Commissioner
29		
30	11:18	Report of Board Administrator
31		
32	11:23	Miscellaneous
33		
34	11:58	Report of Regulatory Counsel
35		
36	12:02	Executive Session
37	12:47	Return to Open Session
38		
39	12:47	Report of Board Counsel
40		
41	12:49	Report of Board Administrator
42		(Continued)
43		
44	12:51	Adjournment
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