

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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
LICENSURE AND EDUCATION**

TIME: 10:11 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
Board Room C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

June 7, 2018

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

State Board of Occupational Therapy
Licensure and Education
June 7, 2018

BOARD MEMBERS:

- Kerri L. Hample, OTD, OTR/L, Chairperson
- Ian J. Harlow, Commissioner of Professional and Occupational Affairs - Absent
- Joanne M. Baird, Ph.D., OTR/L, Vice Chair
- Carolyn M. Gatty, MS, OTR/L, Secretary - Absent
- Christine L. Hirschmann, MS, OTR/L, FAOTA
- Edward J. Mihelcic, Ph.D., OTR/L - Absent

BUREAU PERSONNEL:

- Jacqueline A. Wolfgang, Esquire, Board Counsel
- Paul J. Jarabeck, Esquire, Board Prosecution Liaison
- Carol J. Niner, Board Administrator

ALSO PRESENT:

- Kristen Neville, State Affairs Manager, American Occupational Therapy Association (AOTA)
- Shaun Conway, OTR, National Board for Certification in Occupational Therapy (NBCOT)
- Amy Gerney, OTD, OTR/L, President, Pennsylvania Occupational Therapy Association (POTA)

1 ***

2 State Board of Occupational Therapy

3 Licensure and Education

4 June 7, 2018

5 ***

6 The regularly scheduled meeting of the State
7 Board of Occupational Therapy Licensure and Education
8 was held on Thursday, June 7, 2018.

9 ***

10 Official Call to Order

11 [Kerri L. Hample, OTD, OTR/L, Chairperson, officially
12 called the meeting to order at 10:11 a.m. A lack of
13 quorum was noted.]

14 ***

15 Introduction of Board Members and Audience

16 [Board members and guests introduced themselves for
17 the record.]

18 ***

19 Approval of Minutes of the March 1, 2018 meeting

20 CHAIRPERSON HAMPLE:

21 We'll start with the minutes. Do I have
22 any comments, any issues with them? We
23 are missing two Board members. We are
24 awaiting one person to make it here, so
25 we will not vote on our minutes at this

1 point. I'm asking for any amendments or
2 changes that we need to jot down, and
3 then we can vote on them later.

4 [The Board discussed corrections to the minutes, which
5 were tabled until a later time due to the lack of a
6 quorum.]

7

8 Appointment - National Board for Certification in
9 Occupational Therapy (NBCOT) Presentation

10 [Shaun Conway, OTR, NBCOT, thanked the Board for the
11 opportunity to provide information and updates with
12 regard to current certification programs and services.

13 Mr. Conway stated the mission of NBCOT is geared
14 towards serving the public interest. The organization
15 utilizes evidence-based certification standards to
16 fulfill its role as a certification Board.

17 Mr. Conway explained that reviewers similar to
18 the Joint Commission or Commission on Accreditation of
19 Rehabilitation Facilities (CARF) conduct onsite visits
20 to review policies and procedures, databases, and
21 conduct staff interviews to assure that NBCOT "does
22 what it says it does."

23 Mr. Conway noted that NBCOT was recently notified
24 by the American National Standards Institute that it
25 had fulfilled the accreditation standards to be

1 renewed for an additional five years. He also noted
2 an application with the National Commission for
3 Certifying Agencies (NCCA) was currently under review.

4 Mr. Conway stated NCCA accredits certification
5 agencies within the United States and also that NBCOT
6 certifies occupational therapists that are
7 internationally educated and wish to practice in the
8 United States.]

9

10 [Joanne M. Baird, Ph.D., OTR/L, Vice Chair, exited the
11 meeting at 10:21 a.m. and reentered the meeting at
12 10:23 a.m.]

13

14 [Mr. Conway explained that individuals who become
15 certified initially by passing the exam as well as
16 maintaining current certification status may then
17 appropriately use the credentials "OTR" and "COTA".
18 He explained the resources made available to OTR and
19 COTA certificants as value-added benefits to national
20 certification.

21 Mr. Conway stated new practitioners involved in
22 the initial practice analysis study would have one to
23 three years of certification time. He discussed the
24 examination outline or blueprint for both the
25 occupational therapist registered (OTR) exam and the

1 COTA exam.

2 Mr. Conway addressed exam administration and
3 NBCOT's collaboration with Prometric, a test
4 development provider, which he stated "is easily
5 accessible." He referred to the scoring calendar on
6 the NBCOT website. Mr. Conway discussed Aspire study
7 tools made available by NBCOT.

8 Mr. Conway commented that NBCOT has assigned a
9 unique user name and password to Ms. Niner, as the
10 primary administrator for Pennsylvania. Ms. Niner can
11 designate users and access the administrator's portal.
12 He noted three portals accessible through the NBCOT's
13 website including one for regulatory Board
14 administrators, educational program directors, and
15 exam candidates.

16 Mr. Conway discussed credential verification
17 certificate reports issued by NBCOT and authorized by
18 the federal government to be issued to internationally
19 educated occupational therapists.

20 Mr. Conway reviewed the online credential
21 verification tool for the Board administrator and/or
22 staff to obtain the certification status of any
23 occupational therapist who has ever taken the NBCOT
24 exam and to discover whether any disciplinary action
25 had been taken against that person by NBCOT.

1 Mr. Conway offered comments on professional
2 practice standards and the code of conduct. Actions
3 taken against a license by a state regulatory Board
4 can be forwarded to NBCOT as a complaint related to an
5 individual's code of conduct and national
6 certification.

7 Mr. Conway discussed the disciplinary action
8 process and the flowchart on NBCOT's website. He
9 referred members to certain disciplinary actions for
10 further discussion.

11 Ms. Niner added that disciplinary actions for all
12 Boards within the PA Bureau of Professional and
13 Occupational Affairs are published on a monthly basis.

14 Chairperson Hample commented that in the past the
15 vast majority of people disciplined by the Board did
16 not have registered (R) or certified (C) credentials
17 and had elected not to maintain that certification.

18 Mr. Conway clarified that NBCOT would have
19 jurisdiction over individuals who are currently
20 certified and as well inactive.

21 Ms. Wolfgang stated that disciplinary actions are
22 reported to the National Practitioner Data Bank.

23 Mr. Conway discussed the types of behavior and
24 the early determination review process for individuals
25 with legal issues in their background. Ms. Wolfgang

1 clarified that the process is conducted for
2 certification purposes.

3 Mr. Conway noted that under the behavior
4 category, a majority of the individuals tend to have
5 substance abuse and substance-related convictions, but
6 that each case depends on the specific merits of what
7 occurred in the person's background and does not
8 absolutely prevent certification.

9 Ms. Wolfgang questioned what the pathway for the
10 exam was if NBCOT determined a person could not be
11 certified due to a felony conviction. Mr. Conway
12 suggested there be further discussion on that matter.

13 Mr. Conway addressed documentation and billing
14 problems, OTAs practicing without a license, and
15 NBCOT's Disciplinary Action Summary. Board members
16 viewed a video related to copyrighted examination-
17 related information being shared on social media. Mr.
18 Conway discussed sanctions imposed in the recent past
19 for such actions.

20 Mr. Conway emphasized that everyone has access to
21 the online verification service at NBCOT's website.

22 Mr. Conway referred to reports generated by the
23 Institute of Medicine in early 2000 that challenged
24 all healthcares, which stated there is little to no
25 evidence that supports that traditional continuing

1 education was making a difference in enhancing
2 knowledge or skill and ultimately the outcomes are
3 provided by a healthcare practitioner. He stated
4 NBCOT's Board of Directors reviewed these reports a
5 number of years later and made recommendations to
6 develop mechanisms that allow for more interaction
7 with certified individuals attempting to move beyond
8 traditional continuing education and to look at
9 continuing competence throughout a practitioner's
10 lifespan.

11 Mr. Conway discussed NBCOT's recommended goals
12 included relevancy and individualized development
13 plans. He further discussed the information-gathering
14 process and the outcome of this initiative.

15 Mr. Conway referred to options or tools that are
16 available to certificants to make choices based on
17 their own professional development needs, including
18 the Navigator. Board members viewed a video on the
19 Navigator assessment experience.

20 Mr. Conway addressed four new OTR types of tools
21 implemented in 2018, including childhood visual
22 impairment, adult developmental delay, caregiver
23 education, dementia, and telehealth. He noted two new
24 COTA types of tools for 2018, which are orthotics and
25 health literacy.

1 Mr. Conway reviewed the effectiveness of
2 information gathered in 2018 on the Navigator. He
3 addressed a different study being conducted at the
4 University of Puget Sound with regard to an
5 information technology database known as ProQuest that
6 interphases with the Navigator. He described ProQuest
7 as a database available to all certificants as another
8 value-added evidence resource. It was noted that
9 ProQuest is continuously updated to provide the most
10 current information available.

11 Mr. Conway informed the Board of many research
12 initiatives that NBCOT has supported or helped to fund
13 in terms of the American Occupational Therapy
14 Foundation and the American Occupational Therapy
15 Association.

16 Mr. Conway referred to the Navigator project as a
17 five-year initiative that commenced in 2015 with the
18 number of certificants rising significantly.

19 Dr. Baird questioned how a competency assessment
20 unit translates to instructional time and whether the
21 user must achieve a certain score on a posttest before
22 obtaining the competency assessment unit. Mr. Conway
23 explained there is a minimum threshold to be met in
24 order to successfully complete the experience.

25 Dr. Baird questioned the difference between

1 conceptual understanding and understanding how that
2 translates to a time or a score for virtual
3 performance.

4 Mr. Conway explained that on average the CAU
5 translates to that same amount of time as a
6 Professional Development Unit or one clock hour, but
7 that someone familiar with the Navigator content may
8 more quickly finish that experience. There was
9 further discussion regarding CAUs.

10 Mr. Conway noted many state regulatory Boards
11 around the country choose to recognize or accept the
12 NBCOT Navigator as an optional type of activity for
13 continuing education purposes. He further noted that
14 to date, 37 state licensing Boards and the District of
15 Columbia have confirmed their recognition or
16 acceptance of the Navigator tools as optional type of
17 activity for their jurisdiction's continuing education
18 purposes.

19 Chairperson Hample noted that NBCOT awards one
20 contact hour for self-assessment, which Pennsylvania
21 does not recognize.]

22

23 Report of Regulatory Counsel

24 [Jacqueline A. Wolfgang, Esquire, Regulatory Counsel,
25 informed the Board that the 2015 AOTA Code of Ethics

1 was now Final Regulation No. 16A-6710.

2 Ms. Wolfgang noted that Regulation 16A-6711
3 General Revisions offers further explanation of the
4 regulatory process with regard to malpractice and
5 continued competency for certified OT assistants.

6 Ms. Wolfgang addressed new language to
7 incorporate accreditation requirements into the
8 regulations as well as possible language regarding the
9 entry-level clinical doctorate requirement.

10 Ms. Wolfgang requested the Board to approve
11 language in Section 42.13 of the regulations which
12 would include the requirement that the applicant has
13 successfully completed the academic requirements of an
14 educational program for occupational therapy or
15 occupational therapy assistant that is accredited by
16 the American Occupational Therapy Association's
17 Accreditation Council for Occupational Therapy
18 Education (ACOTE) or predecessor organizations or
19 accredited by a nationally recognized accreditation
20 agency that accredits occupational therapy programs
21 and approved by the Board.

22 Ms. Wolfgang discussed the language of an
23 equivalent program which under Section 8 states that
24 an applicant has to complete the academic requirements
25 of an approved educational program in occupational

1 therapy recognized by the Board with the advice and
2 consultation of recognized national accrediting
3 agencies and professional organizations, including the
4 American Occupational Therapy Association. Ms.
5 Wolfgang suggested obtaining support from AOTA and
6 ACOTE with respect to accreditation information in the
7 preamble to reflect the regulatory process of the
8 Board consistent with the law.

9 Ms. Wolfgang suggested moving forward with the
10 accreditation aspect of the doctorate degree.

11 Ms. Wolfgang stated that people are no longer
12 graduating with certificate programs but noted that
13 certified individuals who passed the exam in the past
14 are practicing at many levels of the profession.

15 Chairperson Hample questioned its impact on
16 individuals with a National Board Certification (NBC)
17 that never practiced but maintained certification and
18 becoming licensed in Pennsylvania. Ms. Wolfgang
19 responded that the individual would be able to be
20 licensed under a waiver provision.

21 Chairperson Hample noted the importance of
22 closing the gap between the current regulation and the
23 law. Ms. Wolfgang noted concerns with adding
24 doctorate language.

25 Ms. Baird agreed with the proposed language

1 changes to include an accredited entry-level education
2 for an occupational therapist or occupational
3 therapist assistant. She also agreed with the
4 proposed language for application for licensure.

5 Ms. Hischmann noted a need to clarify the
6 language with regard to AOTA.

7 Ms. Wolfgang questioned whether the Board had any
8 changes to language regarding the fieldwork component,
9 as it currently states, successfully completed a
10 period of supervised fieldwork experience at a
11 recognized educational institute or training program
12 approved by the educational institution where the
13 academic requirements for an OT were met with a
14 minimum of six months of supervised fieldwork and two
15 months supervised fieldwork for an OTA.

16 Ms. Baird suggested removing the specific length
17 of time and changing the wording to successfully
18 complete a period of supervised fieldwork experience
19 at a recognized educational institute or training
20 program that would be approved by the educational
21 institution where the academic requirements were met
22 and indicating that the program has been accredited by
23 a Board-approved agency.

24 Chairperson Hample suggested that the word
25 "minimum" be removed and the language should read has

1 successfully completed a period of supervised
2 fieldwork as allocated by the accrediting body.

3 Ms. Wolfgang explained that the six months for
4 OTs and two months for OTAs is a minimum statutory
5 requirement and the law. She suggested keeping
6 minimum in the language.

7 Board members agreed that the equivalent program
8 for OTAs would be a minimum of an associate's degree
9 and for OTs, a master's degree or certificate program
10 for OTs.]

11 ***

12 Public Session

13 [Kristen Neville, State Affairs Manager, American
14 Occupational Therapy Association (AOTA), noted an
15 agreement between AOTA and the Pennsylvania
16 Occupational Therapy Association (POTA) to define the
17 equivalent program as including a doctorate. AOTA's
18 suggestion is that with regard to the definition of
19 eligible program, that entry level doctorate should be
20 added to the master's degree and not to touch on ACOTE
21 or accredited program.

22 Ms. Wolfgang explained that the language can
23 state a certificate, master's or doctorate, and that
24 an individual with an entry level doctorate would be
25 granted a license.

1 Shaun Conway, NBCOT, suggested adding doctorate
2 and not addressing ACOTE and the name of the
3 accrediting body. There was discussion with regard to
4 additional options.

5 Amy Gerney, President, POTA, noted POTA's
6 willingness to collaborate with regard to statutory
7 changes, that POTA's Counsel Michael Allen was being
8 kept apprised of the progress, and a lobbyist was in
9 place.

10 Ms. Wolfgang will continue to work on the
11 language and draft the preamble. She discussed
12 options for moving forward with the regulations.

13 Ms. Wolfgang discussed the need for improvement
14 to the definition of unprofessional conduct. Board
15 members were asked to review the regulations and
16 provide comment. Ms. Wolfgang noted topics for
17 further review, such as unprofessional conduct, not
18 including reciprocal discipline, reporting duties and
19 proof of CE.

20 Ms. Hischmann requested that Ms. Wolfgang present
21 material to the Board in advance of the meeting so
22 members may be better prepared for discussion.

23 Ms. Baird asked fellow Board members to review
24 the regulations that might need updated and focus on
25 efforts to become more proactive.

1 Chairman Hample noted supervision of OTAs, regs,
2 and Practice and Referral Section 14 in the
3 Occupational Therapy Practice Act as areas for review.
4 Ms. Wolfgang suggested that members review the section
5 in the regs for inconsistencies with regard to Written
6 and Oral Orders, Section 42.25.

7 Ms. Wolfgang also suggested the language be
8 reviewed and updated with regard to the licensing
9 exam.

10 Ms. Wolfgang questioned why this Board does not
11 have a memorandum of understanding or letter of
12 agreement with the entity that provides the licensure
13 exam. Mr. Conway noted that all of the states use the
14 licensure exam as passing the entry-level examination
15 and recognize that in order to issue a license to
16 practice.]

17 ***

18 Report of Prosecutorial Division

19 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
20 added that there was a portion of the regulation that
21 refers to the inability to safely practice by reason
22 of mental illness, drug addiction, et cetera, and that
23 there was nothing within the law that provides the
24 opportunity for examination. He discussed the matter
25 being noted under the Unprofessional Conduct as a

1 basis for prosecution.

2 Ms. Wolfgang suggested reciprocal discipline
3 could be handled under regulatory and will evaluate
4 whether anything can be done on a regulatory basis for
5 the mental or physical examination. She indicated
6 that if there is movement to update the Occupational
7 Therapy Practice Act, this would be something that
8 should be included.]

9

10 [The Board recessed from 12:29 p.m. until 12:42 p.m.]

11

12 Report of Board Chairperson

13 [Kerri L. Hample, OTD, OTR/L, Chairperson, discussed
14 her attendance at the 2018 AOTA Conference.
15 Chairperson Hample noted discussion regarding higher
16 education trends regarding how fieldwork would change,
17 noting that the trend for education was moving much
18 more toward skills to enter the workforce rather than
19 education, fast-tracking educational components, and
20 the doctorate.

21 Chairperson Hample also attended a hearing held
22 on ACOTE Standards regarding a third draft. She
23 encouraged ACOTE to compare all of the state
24 regulations with what was being proposed. She also
25 suggested that ACOTE review the authority of states.

1 telehealth, noting that many states have successfully
2 added that piece to their licensure. She stated many
3 states have overarching regulations that cover all
4 disciplines.

5 Dr. Baird expressed her opinion that Pennsylvania
6 may fall into that basket and advocated for direct
7 representation from the Board on that decision-making
8 process.

9 Dr. Baird discussed the trend of audits on a
10 regular, rather than intermittent basis with about a
11 30 percent audit rate and the finding that it was both
12 within the professional development content as well as
13 the requirements.

14 Dr. Baird noted that many states are now fully
15 paperless and have one-day issuance of licenses. She
16 mentioned that Pennsylvania still has blue laws, which
17 are things not allowed on Sundays. The infrastructure
18 supporting one-day issuance with online and automatic
19 verification was noted.

20 Ms. Hischmann noted PowerPoints that Dr. Baird
21 included regarding the number of states with licensed
22 professions compared to Pennsylvania, how licensure
23 affected wages, and the number of women in
24 professions.]

25

1 Miscellaneous

2 [Chairperson Hample noted the ACOTE Announcement of
3 OTA Survey.]

4 ***

5 Adjournment

6 [There being no further business, the State Board of
7 Occupational Therapy Licensure and Education Meeting
8 adjourned at 1:03 p.m.]

9 ***

10

11 CERTIFICATE

12

13 I hereby certify that the foregoing summary
14 minutes of the State Board of Occupational Therapy
15 Licensure and Education Meeting, was reduced to
16 writing by me or under my supervision, and that the
17 minutes accurately summarize the substance of the
18 State Board of Occupational Therapy Licensure and
19 Education Meeting.

20

21



22

Kayla R. Wargo,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

STATE BOARD OF OCCUPATIONAL THERAPY
LICENSURE AND EDUCATION
REFERENCE INDEX
June 7, 2018

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9	10:11	Official Call to Order
10		
11	10:12	Introduction of Board and Audience
12		
13	10:15	Appointment - Shaun Conway, OTR,
14		National Board for Certification in
15		Occupational Therapy
16		
17	11:27	Report of Board Counsel
18		
19	11:27	Report of Regulatory Counsel
20		
21	11:56	Public Session
22		
23	12:27	Report of Prosecutorial Division
24		
25	12:29	Recess
26	12:42	Return to Open Session
27		
28	12:42	Report of Board Chair
29		
30	12:48	Other
31		
32	1:00	Miscellaneous/Discussion
33		
34	1:03	Adjournment
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		