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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: 10:34 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

December 10, 2021

1 State Board of Occupational Therapy
2 Education and Licensure
3 December 10, 2021
4
5

6 BOARD MEMBERS:
7

8 Kerri L. Hample, OTD, OTR/L, Chairperson
9 Arion Claggett, Deputy Commissioner, Bureau of
10 Professional and Occupational Affairs, on behalf of
11 K. Kalonji Johnson, Commissioner
12 Joanne M. Baird, Ph.D., OTR/L, Vice Chair
13 Carolyn M. Gatty, MS, OTR/L, Secretary - Absent
14 Edward J. Mihelcic, Ph.D., OTR/L
15 Lisa Livingston, MS, OTR/L, SCDCM
16
17

18 BUREAU PERSONNEL:
19

20 Nicole L. VanOrder, Esquire, Board Counsel
21 Carole Clarke Smith, Esquire, Senior Counsel
22 Kenneth J. Suter, Esquire, Board Prosecution Liaison
23 Christina Townley, Board Administrator
24 Marc Farrell, Deputy Director, Office of Policy,
25 Department of State
26 Amanda Richards, Acting Fiscal Chief, Bureau of
27 Finance and Operations, Department of State
28 Michelle Witmer, Bureau of Finance and Operations,
29 Department of State
30 Shannon Boop, Fiscal Management Specialist 1, Bureau
31 of Finance and Operations, Department of State
32
33

34 ALSO PRESENT:
35

36 Christine Daeschner, MOT, OTR/L, Pennsylvania
37 Occupational Therapy Association
38 Jen Smeltz, Republican Executive Director, Senate
39 Consumer Protection & Professional Licensure
40 Committee
41 Jerry J. Livingston, Democratic Executive Director,
42 Senate Consumer Protection & Professional Licensure
43 Committee
44 Kristen Neville, State Affairs Manager, American
45 Occupational Therapy Association
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1 ***

2 State Board of Occupational Therapy

3 Education and Licensure

4 December 10, 2021

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,
7 the Board entered into Executive Session with Nicole
8 L. VanOrder, Esquire, Board Counsel, to have attorney-
9 client consultations and for the purpose of conducting
10 quasi-judicial deliberations. The Board returned to
11 open session at 10:34 a.m.]

12 ***

13 [Nicole L. VanOrder, Esquire, Board Counsel, noted the
14 Board entered into Executive Session prior to the
15 start of the meeting to have attorney-client
16 consultations and for the purpose of conducting quasi-
17 judicial deliberations regarding item 4 as well as
18 discussing Custer v. the Bureau of Professional and
19 Occupational Affairs.

20 Ms. VanOrder also noted the meeting was being
21 recorded, and those who continued to participate were
22 giving their consent to be recorded.]

23 ***

24 Meeting Instructions

25 [Christina Townley, Board Administrator, provided

1 instructions to be followed during the virtual Board
2 meeting.]

3 ***

4 The regularly scheduled meeting of the State
5 Board of Occupational Therapy Education and Licensure
6 was held on Friday, December 10, 2021. Kerri L.
7 Hample, OTD, OTR/L, Chairperson, officially called the
8 meeting to order at 10:34 a.m.

9 ***

10 Introduction of Board Members/Attendees

11 [Kerri L. Hample, OTD, OTR/L, Chairperson, requested
12 an introduction of Board members and attendees.]

13 ***

14 Report of Board Counsel

15 Adjudications and Orders

16 MS. VANORDER:

17 Is there a motion in relation to item 4
18 on the agenda, specifically a motion to
19 approve the Final Adjudication and Order
20 in Case No. 19-67-015733 for Crystal M.
21 Pentarek, OTA?

22 CHAIRPERSON HAMPLE:

23 May I have a motion?

24 DR. BAIRD:

25 So moved.

1 CHAIRPERSON HAMPLE:

2 So moved from Dr. Baird. Could I have a
3 second?

4 DR. MIHELCIC:

5 Second.

6 CHAIRPERSON HAMPLE:

7 Second from Dr. Mihelcic. This is a
8 voice vote, so all in favor, say aye.
9 Anyone not okay, say no. I hear no
10 objections, so that motion carries
11 unanimously.

12 [The motion carried unanimously.]

13 ***

14 Miscellaneous - Election of Officers

15 MS. VANORDER:

16 There are three officers to be elected
17 today. That is for the chairperson,
18 vice chairperson, and the secretary.

19 Let's go ahead and start with the
20 chairperson.

21 Are there any nominations for
22 chairperson? This will be for the New
23 Year, so effective January 1, 2022,
24 moving forward?

25 DR. MIHELCIC:

1 I would like to nominate Dr. Kerri
2 Hample.

3 CHAIRPERSON HAMPLE:

4 Any other nominations?

5 MS. VANORDER:

6 Is there a motion to elect Kerri
7 Hample as chairperson for the year
8 starting January 1, 2022?

9 DR. BAIRD:

10 So moved.

11 MS. LIVINGSTON:

12 I second.

13 MS. VANORDER:

14 We can do a roll call vote.

15
16 Lisa Livingston, yea, Ed Mihelcic, yes;
17 Dr. Baird, yes; Hample, yes; Mr.
18 Claggett, yes. The motion so carries.

19 [The motion carried unanimously.]

20 ***

21 MS. VANORDER:

22 The next officer to be elected would be
23 the vice chairperson.

24 Are there any nominations for the
25 vice chairperson position?

1 DR. MIHELICIC:

2 I would like to nominate Dr. Joanne
3 Baird, please.

4 MS. VANORDER:

5 Are there any other nominations or
6 discussion?

7 Is there a motion to elect Joanne
8 Baird as the vice chairperson of the
9 Occupational Therapy Board effective
10 January 1, 2022?

11 CHAIRPERSON HAMPLE:

12 So moved.

13 MR. MIHELICIC:

14 Second.

15 MS. VANORDER:

16 Let's go with another roll call vote.

17

18 Mr. Claggett, yes; Ms. Livingston, yes;
19 Dr. Mihelcic, yes; Dr. Baird, I accept
20 the nomination; Dr. Hample, yes. The
21 motion so carries.

22 [The motion carried unanimously.]

23

24 MS. VANORDER:

25 The final officer to be elected today is

1 for the position of secretary.

2 Are there any nominations for the
3 secretary position?

4 DR. MIHELICIC:

5 I'd like to nominate Ms. Lisa
6 Livingston, please.

7 MS. VANORDER:

8 Are there any other nominations or any
9 discussion? Hearing none.

10 Is there a motion to elect Lisa
11 Livingston as secretary of the
12 Occupational Therapy Board effective
13 January 1, 2022?

14 CHAIRPERSON HAMPLE:

15 So moved.

16 DR. BAIRD:

17 I second.

18 MS. VANORDER:

19 Roll call vote.

20

21 Mr. Claggett, yes; Ms. Livingston, I
22 would accept; Dr. Mihelcic, yes; Dr.
23 Baird, yea; Dr. Hample, yes. The motion
24 carries.

25 [The motion carried unanimously.]

1 ***

2 Appointment - Bureau of Finance and Operations Annual
3 Budget Presentation

4 [Michelle Witmer, Bureau of Finance and Operations,
5 Department of State, addressed licensee population
6 from a revenue standpoint. She noted 13,094 licensees
7 when the report was prepared and an increase to 13,132
8 as of this morning.

9 Ms. Witmer addressed revenue by category for the
10 biennial total, noting 98% of the revenue was coming
11 from renewals and applications.

12 Ms. Witmer provided a categorical breakdown of
13 expenses. She noted expenses incur through direct
14 cost, timesheet-based cost, and licensee-based fees.
15 She reported a budget for FY21-22 and current expenses
16 as of November 24, 2021. She noted a recent increase
17 in expenses, probably due to a payroll run since the
18 report was prepared.

19 Ms. Witmer reviewed revenues and expenses for
20 FY21-22, noting the balance. She mentioned revenue
21 continues to exceed expenses through FY24-25.

22 Ms. Witmer reviewed Board member expenses, noting
23 a breakdown of expenses by expense type. She provided
24 an overview of actual expenses for FY19-20, FY20-21,
25 and the current expenses for FY21-22.

1 Ms. Witmer stated the excess revenue goes back
2 into the Board's restricted account for the Board's
3 use.]

4 ***

5 Approval of Minutes

6 CHAIRPERSON HAMPLE:

7 Could I have a motion to approve the
8 minutes from the September 2, 2021?

9 Is there a discussion that needs to
10 be had on the minutes from September 2?

11 May I have a motion to approve
12 those minutes?

13 MS. LIVINGSTON:

14 So moved.

15 CHAIRPERSON HAMPLE:

16 How about a second?

17 DR. MIHELICIC:

18 Second.

19 CHAIRPERSON HAMPLE:

20 All in favor? Any no? That motion
21 carries unanimously.

22 [The motion carried unanimously.]

23 ***

24 Adoption of Agenda

25 MS. VANORDER:

1 Is there a motion to adopt the agenda?

2 CHAIRPERSON HAMPLE:

3 So moved.

4 DR. MIHELICIC:

5 Second.

6 CHAIRPERSON HAMPLE:

7 All in favor? Any objection? That
8 motion carries.

9 [The motion carried unanimously.]

10 ***

11 Report of Board Counsel - Regulations

12 [Nicole L. VanOrder, Esquire, Board Counsel, noted
13 16A-6712 was approved by the Independent Regulatory
14 Review Commission (IRRC), which clarified the Board's
15 procedures.

16 Chairperson Hample further explained that their
17 current statute and regulation specified an old
18 accreditation process that is no longer in existence
19 and left things vague and ambiguous regarding the way
20 a student could move from the education process
21 through the National Board for Certification in
22 Occupational Therapy (NBCOT) interstate licensure.

23 Chairperson Hample stated the document clarifies
24 things for all moving forward and takes away the
25 subjectivity about a master's versus doctorate entry-

1 level approach. She noted it gives the entry-level
2 requirement to the accrediting body but still gives
3 the Board the ability to pull it back.

4 Ms. VanOrder reported movement on 16A-6713
5 regarding the licensure by endorsement package to
6 allow further ease of entry for potential applicants
7 from a substantially similar jurisdiction to enter the
8 state. She mentioned that it is not used very often
9 with occupational therapy due to the standardization
10 of requirements across the states with NBCOT testing;
11 however, there are situations where it might be
12 beneficial for perhaps a military spouse or foreign
13 national.

14 Ms. VanOrder noted receiving comments from the
15 Office of General Counsel, who were satisfied with the
16 responses and forwarded the regulation to the Office
17 of Attorney General.

18 Ms. VanOrder noted just receiving a message that
19 the Office of Attorney General made some comments, and
20 she will be looking at those and see how quickly she
21 can turnaround those as well. She provided a
22 Regulatory Status Report for the Board's review.]

23

24 [Joanne M. Baird, Ph.D., OTR/L, Vice Chair, exited the
25 meeting at 10:59 a.m.]

1 ***

2 Report of Board Prosecution

3 [Kenneth J. Suter, Esquire, Board Prosecutor, had
4 nothing to offer regarding consent agreements.

5 Mr. Suter recognized that the Board just elected
6 officers for next year and suggested looking at the
7 Probable Cause Screening Committee. He mentioned that
8 the Board does not have a lot of matters that go to
9 the Probable Cause Screening Committee, but
10 prosecution would go to those people for an immediate
11 temporary suspension or potentially a petition for
12 appropriate relief.

13 Mr. Suter noted the importance of those
14 individuals being available to prosecution in a very
15 quick turnaround time. He also noted they would be
16 recused from further consideration when the matter
17 comes before the Board.

18 Mr. Suter commented that the Board would not want
19 a large Probable Cause Screening Committee but
20 suggested they consider it and make a decision so it
21 would be set up for next year.

22 Ms. VanOrder thanked Mr. Suter for raising that
23 issue because Ms. Gatty was the member of the Probable
24 Cause Screening Committee but is no longer with the
25 Board. She mentioned the need to note who is going to

1 serve on the Probable Cause Screening Committee going
2 forward and suggested it be one individual to avoid
3 quorum issues.

4 Chairperson Hample asked Dr. Mihelcic whether he
5 would serve on the Probable Cause Screening Committee,
6 and he agreed.]

7 MS. VANORDER:

8 Is there a motion to have Ed Mihelcic to
9 serve as the Probable Cause Screening
10 Committee member for occupational
11 therapy? This will be effective today,
12 as we need to have someone who is
13 readily available.

14 CHAIRPERSON HAMPLE:

15 So moved.

16 MS. LIVINGSTON:

17 I second.

18 MS. VANORDER:

19 Roll call vote.

20
21 Dr. Mihelcic, I gladly accept; Mr.
22 Claggett, yes; Dr. Hample, yes; Ms.
23 Livingston, yes. The motion carried.

24 [The motion carried unanimously.]

25

1 Report of Board Chairperson

2 [Kerri L. Hample, OTD, OTR/L, Chairperson, asked for
3 two Board members willing to assist Ms. Baird with the
4 continuing education applications for provider
5 approval. She informed Board members that they are
6 able to submit time for payment.

7 Ms. Livingston and Dr. Mihelcic volunteered to
8 assist Dr. Baird with the applications, and
9 Chairperson Hample offered to take any applications
10 that are out of their scope of practice.

11 Chairperson Hample addressed prior discussions
12 with the Pennsylvania Occupational Therapy Association
13 (POTA) regarding POTA moving forward with a compact in
14 the state of Pennsylvania. She mentioned that 10
15 states have already joined the OT Compact and believed
16 POTA will be moving forward as the 11th. She
17 commented that the Board has no responsibility pushing
18 it to move but will have to make sure their
19 regulations jive with it as it comes to fruition.

20 Ms. VanOrder commented that the boards that have
21 become part of the compact have not been able to
22 actually implement the compact yet due to some issues
23 primarily with the Federal Bureau of Investigation
24 (FBI) fingerprinting.

25 Chairperson Hample noted being aware of the FBI

1 piece but is hopeful that will work itself out. She
2 mentioned that POTA members are also aware of that,
3 noting that the compact may not be able to be
4 implemented right away even if it moves forward and
5 passes.]

6

7 Report of Commissioner - No Report

8

9 Report of Board Administrator - No Report

10

11 Miscellaneous - American Occupational Therapy

12 Association (AOTA) Inspire 2022 Annual Conference

13 & Expo

14 [Kerri L. Hample, OTD, OTR/L, Chairperson, asked
15 whether any Board members wished to attend the AOTA
16 2022 Conference. She mentioned that Board
17 representatives would be expected to attend sessions
18 relevant to their role as Board members and provide
19 the Board with a brief synopsis of what they learned.
20 She noted that all Board members could attend
21 virtually but in-person attendance would be limited.

22 Ms. VanOrder noted that there is a strong
23 preference for virtual attendance and not being sure
24 whether in-person attendance would be approved since
25 it is available virtually. She suggested putting that

1 vote on the record to see if that would be approved.

2 She noted a two-member limit historically for
3 those attending in person and did not believe that
4 would apply to virtual attendees.

5 Chairperson Hample and Ms. Livingston noted they
6 would like to attend virtually.]

7 ***

8 [Nicole L. VanOrder, Esquire, Board Counsel, informed
9 the Board that Commissioner Johnson is going to be
10 leaving the office for a different position.

11 Chairperson Hample noted the Board enjoyed
12 working with Commissioner Johnson and appreciated all
13 of his support over the last two years.

14 Arion Claggett, Deputy Commissioner, Bureau of
15 Professional and Occupational Affairs, offered to
16 relay the comment to Commissioner Johnson.]

17 ***

18 [Kerri L. Hample, OTD, OTR/L, Chairperson, noted the
19 next scheduled Board meeting is on March 3, 2022. She
20 also noted subsequent meetings on June 2, September 1,
21 and December 8.]

22 ***

23 [Nicole L. VanOrder, Esquire, Board Counsel, wanted to
24 clarify that the previous motion to attend the
25 conference was to approve any Board member who wanted

1 to attend the conference virtually, and there was not
2 a motion to pursue whether anyone could attend in
3 person.]

4 ***

5 Adjournment

6 CHAIRPERSON HAMPLE:

7 Can I have a motion to adjourn?

8 DR. MIHELICIC:

9 So moved.

10 CHAIRPERSON HAMPLE:

11 How about a second?

12 MS. LIVINGSTON:

13 Second.

14 CHAIRPERSON HAMPLE:

15 All in favor? Anybody no?

16 [The motion carried unanimously.]

17 ***

18 [There being no further business, the State Board of
19 Occupational Therapy Education and Licensure Meeting
20 adjourned at 11:19 a.m.]

21 ***

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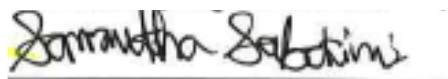
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CERTIFICATE

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



Samantha Sabatini,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OCCUPATIONAL THERAPY
EDUCATION AND LICENSURE
REFERENCE INDEX

December 10, 2021

| TIME | AGENDA |
|-------|--|
| | Executive Session |
| 10:34 | Open Session |
| 10:34 | Official Call to Order |
| 10:34 | Introduction of Board Members/Attendees |
| 10:38 | Report of Board Counsel - Adjudications and Orders |
| 10:40 | Miscellaneous - Election of Officers |
| 10:45 | Appointment - Bureau of Finance and Operations Annual Budget Presentation |
| 10:52 | Approval of Minutes |
| 10:53 | Adoption of Agenda |
| 10:53 | Report of Board Counsel - Regulations |
| 11:00 | Report of Board Prosecution |
| 11:04 | Report of Board Chairperson |
| 11:10 | Miscellaneous - AOTA Inspire 2022 Annual Conference & Expo |
| 11:19 | Adjournment |