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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
LICENSURE AND EDUCATION**

TIME: 10:09 A.M.

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

June 6, 2019

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State Board of Occupational Therapy
Licensure and Education
June 6, 2019

BOARD MEMBERS:

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

BUREAU PERSONNEL:

- Nicole VanOrder, Esquire, Board Counsel
- Jacqueline A. Wolfgang, Esquire, Board Counsel
- Paul J. Jarabeck, Esquire, Board Prosecution Liaison
- David Smith, Esquire, Board Prosecutor
- Carol J. Niner, Board Administrator

ALSO PRESENT:

- Kimberly Adams, Chief of Fiscal Management, Bureau of Finance and Operations
- Amanda Richards, Bureau of Finance and Operations
- Shannon Boop, Bureau of Finance and Operations
- Amy Gerney, OTD, OTR/L, Pennsylvania Occupational Therapy Association (POTA)

1 ***

2 State Board of Occupational Therapy

3 Licensure and Education

4 June 6, 2019

5 ***

6 The regularly scheduled meeting of the State
7 Board of Occupational Therapy Licensure and Education
8 was held on Thursday, June 6, 2019. Jacqueline
9 Wolfgang, Esquire, was not present at the commencement
10 of the meeting.

11 ***

12 Official Call to Order

13 [Kerri L. Hample, OTD, OTR/L, Chairperson, officially
14 called the meeting to order at 10:09 a.m.]

15 ***

16 Introduction of Board Members, Staff, and Audience

17 [Board members, staff, and audience were requested to
18 introduce themselves.]

19 ***

20 Appointment

21 BFO Budget Presentation

22 [Kimberly Adams, Chief of Fiscal Management, Bureau of
23 Finance and Operations, referred Board members to the
24 Budget packet on the E-agenda for discussion of
25 current licensure counts, category definitions,

1 revenue sources, actual numbers and biennial totals,
2 actual expenses, proposed budget, projected budget,
3 annual budget, Board member expenses, and a pictorial
4 graph of the Board's education and licensure
5 expenditure chart.]

6 ***

7 [Katelin Lambert, Deputy Commissioner of Professional
8 and Occupational Affairs, exited the meeting at 10:17
9 a.m.]

10 ***

11 [Ted Stauffer, Legal Assistant, entered the meeting at
12 10:17 a.m.]

13 ***

14 Appointment

15 Legal Presentation - Complaint Process

16 [Paul Jarabeck, Esquire, Senior Prosecutor, referred
17 Board members to a slide presentation with regard to
18 the complaint process for further discussion. Mr.
19 Jarabeck noted there are 29 license Boards in the
20 Commonwealth of Pennsylvania, 255 professions and
21 nearly 1,000,000 professionals in Pennsylvania. He
22 noted statutes and regulations enforced by the BPOA.
23 He discussed the process after a complaint is filed
24 either via investigation or inspection, from a
25 professional society, a self report or from the

1 National Practitioner Databank.

2 Mr. Jarabeck provided information regarding the
3 disciplinary process after the complaint is received
4 in the Professional Compliance Office where it
5 receives a CP Code that is registered within the PALS
6 followed by a complaint number. He stated a letter
7 then is generated advising the complainant that a
8 complaint has been received and jurisdiction issues
9 are determined and evidence is gathered.

10 The Bureau of Enforcement and Investigations will
11 then conduct interviews/inspections, serve subpoenas
12 and orders and testify to results of the
13 investigation. A legal review of the investigation is
14 then made where the case may be closed or returned for
15 further investigation, and as well experts may also be
16 consulted and formal charges could also be filed.

17 Mr. Jarabeck then stated once there is enough
18 evidence, charges would then be filed and the case
19 would be brought before the Board. Board members had
20 questions and comments.]

21 ***

22 Approval of Minutes of the December 6, 2018 meeting

23 CHAIRPERSON HAMPLE:

24 Let's go to the minutes from
25 December 6, 2018.

1 [The Board discussed corrections to the Minutes.]

2 CHAIRPERSON HAMPLE:

3 Any other changes? Hearing none, can I
4 have a motion to approve the Minutes of
5 December 6, 2018 as amended?

6 MS. GATTY:

7 So moved.

8 CHAIRPERSON HAMPLE:

9 Could I have a second?

10 DR. BAIRD:

11 I second.

12 CHAIRPERSON HAMPLE:

13 All in favor?

14 [The motion carried unanimously.]

15 ***

16 [Jacqueline Wolfgang, Esquire, Board Counsel, entered
17 the meeting at 10:45 a.m.]

18 ***

19 Report of Board Counsel

20 [Nicole VanOrder, Esquire, Board Counsel, noted two
21 matters for deliberation during Executive Session.

22 Ms. VanOrder reported she had the opportunity to
23 attend the NBCOT Leadership Forum held in Baltimore,
24 Maryland, on May 21 and May 22, 2019. She provided
25 information for Board members to review.

1 Ms. VanOrder noted some issues discussed were the
2 new legislative initiatives impacting occupational
3 regulation, a segment applying story telling to a
4 regulatory activity in a way to be more persuasive in
5 argument, a segment on NBCOT research initiatives, a
6 segment on regulatory best practices and adverse
7 action by NBCOT and as well as common scope of
8 practice issues.]

9

10 [Jacqueline Wolfgang, Esquire, noted items for
11 discussion including the 16A-6712 Proposed Annex on
12 Educational Programs. She noted only two comments
13 were received back on the matter stating that no
14 feedback was received from AOTA, POTA or from ACOTE
15 and that the law requires that those entities be
16 consulted regarding the process of educational
17 programs. Ms. Wolfgang recommended that formal
18 comments and/or presentations be documented for
19 inclusion in the regulatory packages. A draft would
20 be written by Board Counsel for the Board's review and
21 signature.

22 There was discussion regarding feedback on the
23 proposed annex from Tamera Humbert, D.Ed., OTR/L,
24 Chair and Program Director of Occupational Therapy,
25 Elizabethtown College and Wendy Walsh, Ph.D., MOT,

1 OTR/L, Interim Chair and Assistant Professor,
2 Department of Occupational Therapy, Samson College of
3 Health Sciences.

4 It was suggested that when the matter is sent to
5 POTA and AOTA for review, that specific instructions
6 be provided in order to receive a more accurate
7 response.]

8 ***

9 Report of Board Administrator
10 [Carol J. Niner, Board Administrator, noted that
11 renewals opened in April at only about 50 percent with
12 one month left. Ms. Niner noted applicants do not
13 fully understand that liability insurance not only
14 pertains to them having coverage but also pertains to
15 employer coverage. It was explained that MCARE is
16 coverage for a hospital and specifically named
17 practitioners and that OTs are not included in that
18 list of practitioners.

19 Dr. Baird commented that this is the type of
20 information that should be included in a newsletter.
21 Ms. Niner noted the article would need to be written
22 by a Board member, reviewed by Counsel and provided to
23 the Commissioner's Office for approval, followed by
24 publication. There was further discussion regarding
25 topics for newsletter articles, including competency,

1 malpractice, the Code of Ethics and updates.]

2 ***

3 Report of Board Prosecution - No Report

4 ***

5 Report of Board Chairperson

6 [Kerri Hample, OTD, OTR/L, Chairperson, referred Board
7 members to discussion of several bills that may affect
8 the Occupational Therapy practice, including HB 811,
9 Criminal Convictions and HB 1172 Licensure
10 Portability. HB 15, Telemedicine was also referenced
11 for discussion. All members were asked to review AOTA
12 resources available for telehealth and also what has
13 been done in other states. A list of three states
14 would be provided to review.

15 Chairperson Hample noted she had participated in
16 the May Optometry Board meeting at which Ms. VanOrder
17 and Ms. Wolfgang were also present. She explained
18 that Optometry is writing regulations to clarify
19 interpretation of what an optometrist must do compared
20 to what an occupational therapist can do. Chairperson
21 Hample further explained that occupational therapists
22 must follow occupational therapy practice guidelines
23 and need to understand that they cannot practice
24 optometry in any way. She stated also that
25 occupational therapists need to use the words

1 occupational therapy in all advertisements and
2 settings and not any form of vision therapy.

3 Ms. Wolfgang noted she is now Regulatory Counsel
4 for all the Boards and will share information
5 regarding exposure drafts with this Board.

6 Amy Gerney, OTD, OTR/L, Pennsylvania Occupational
7 Therapy Association (POTA) added that it was "really
8 wonderful" to be invited to the table. She clarified
9 that with regard to discussion on the use of
10 purposeful activities, specifically the practice of
11 having individuals walk balance beams or jumping on a
12 trampoline while playing catch, the Optometry Board
13 was in agreement that those crossed over into the
14 practice of occupational therapy. There was further
15 discussion regarding the matter.

16 There was discussion regarding revisions to the
17 continuing education provider form effective for the
18 July 1, 2019 to July 1, 2021 period. It was noted
19 that any new applicant entering after July 1 would be
20 approved for the next biennium. Chairperson Hample
21 stated provider applications would be sent to Board
22 members for review and to make sure that what is being
23 submitted reflects the regulations, and those
24 applications not approved would be sent back for
25 clarification. Board members had further comments.

1 It was suggested that information clarifying the
2 matter should be published in the newsletter.]

3 ***

4 Report of Deputy Commissioner - No Report

5 ***

6 Report of Board Administrator

7 [Carol J. Niner, Board Administrator, had no further
8 report.]

9 ***

10 Miscellaneous

11 2019 AOTA Conference Information

12 [Chairperson Hample noted that information regarding
13 the conference was sent via email. Dr. Baird
14 appreciated the opportunity to have attended the
15 conference.]

16 ***

17 ACOTE Actions

18 [Chairperson Hample referred members to information
19 regarding ACOTE actions for review.]

20 ***

21 2019 Annual POTA Conference - King of Prussia

22 [Chairperson Hample requested names of Board members
23 who would be interested in attending the Annual POTA
24 Conference scheduled for October 18 and 19, 2019 in
25 King of Prussia. If approved, Ms. Gatty, Chairperson

1 Hample, Dr. Baird would all be interested in
2 attending.]

3 ***

4 Board Meeting Dates

5 2020 Proposed Meeting Dates

6 [Board members discussed and approved the 2020
7 proposed meeting dates.]

8 ***

9 CHAIRPERSON HAMPLE:

10 Before going into Executive Session, can
11 we vote for the three of us to be
12 submitted as traveling and presenting for
13 Pennsylvania Occupational Therapy
14 Association, October 18 and 19, 2019 in
15 King of Prussia, Pennsylvania?

16 MS. GATTY:

17 So moved.

18 DR. BAIRD:

19 Second.

20 CHAIRPERSON HAMPLE:

21 All in favor?

22 [The motion carried unanimously.]

23 ***

24 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
25 12:16 p.m. the Board entered into Executive Session

1 with Nicole VanOrder, Esquire, Board Counsel, for the
2 purpose of conducting quasi-judicial deliberations and
3 to have attorney-client consultation. The Board
4 returned to open session at 1:03 p.m.]

5 ***

6 MOTIONS

7 MS. VANORDER:

8 Pursuant to Section 708(a)(5) of the
9 Sunshine Act, the Board entered into
10 Executive Session with Board Counsel to
11 have attorney /client consultations for
12 the purpose of conducting quasi-judicial
13 deliberations regarding Teana Thomas,
14 Case No. 18-67-012005 and Tara Dunning,
15 Case No. 17-67-05113.

16 CHAIRPERSON HAMPLE:

17 How about a motion?

18 DR. BAIRD:

19 I move that the Board grant the Motion
20 to Enter Default and Deem Facts Admitted
21 and that the Board Counsel draft an
22 Adjudication and Order in accordance
23 with the Board's discussions in
24 Executive Session in the following
25 matter: Commonwealth of Pennsylvania

1 I also make a motion to ratify the Order
2 dated April 5th, 2019 and to open the
3 record and remand the matter for a
4 hearing regarding Case No. 17-67-05113
5 Tara Dunning.

6 MS. GATTY:

7 Second.

8 CHAIRPERSON HAMPLE:

9 All in favor?

10 [The motion carried unanimously.]

11 ***

12 CHAIRPERSON HAMPLE:

13 Can we have a motion to approve the dates
14 for the 2020 Board meetings?

15 MS. GATTY:

16 So moved.

17 CHAIRPERSON HAMPLE:

18 Second?

19 DR. BAIRD:

20 Second.

21 CHAIRPERSON HAMPLE:

22 All in favor?

23 [The motion carried unanimously.]

24 ***

25 Adjournment

1 CHAIRPERSON HAMPLE:

2 Can I have a motion to adjourn?

3 MS. GATTY:

4 So moved.

5 DR. BAIRD:

6 Second.

7 CHAIRPERSON HAMPLE:

8 All in favor? We're adjourned.

9 [The motion carried unanimously.]

10 ***

11 [There being no further business, the State Board of
12 Occupational Therapy Licensure and Education Meeting
13 adjourned at 1:06 p.m.]

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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.



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OCCUPATIONAL THERAPY
LICENSURE AND EDUCATION
REFERENCE INDEX
June 6, 2018

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TIME	AGENDA
10:09	Official Call to Order
10:09	Introduction of Board Members and Audience Members
10:11	Appointment - BFO Budget Presentation
10:19	Appointment - Legal Presentation
10:46	Approval of Minutes
10:51	Report of Board Counsel
11:16	Report of Board Administrator
11:25	Report of Board Chairperson
12:08	Miscellaneous
12:16	Executive Session
1:03	Return to Open Session
1:03	Motions
1:06	Adjournment