

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY**  
**September 16, 2019**  
**MINUTES**

**REGULAR SESSION**

**Time and Place**

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board September 16, 2019 at 9:00 a.m.

**Members Present**

Denise Donica, Dr. Stephen Lang, Ron Taylor, Laura Echols, Lynn Losada and Danielle Ward.

**Others Present**

Charles P. Wilkins, Legal Counsel to the Board and Elizabeth Kirk, Board Administrator.

**Members Absent**

Leonard Trujillo

**Chairperson**

Ms. Losada, Chair, called the meeting to order at 9:10 a.m.

**Conflict of Interest**

Ms. Losada called for any conflicts of interest with the meeting agenda. There were no additional conflicts or potential conflicts.

**Approval of Minutes**

The July 22, 2019 minutes were approved.

**To-Do List**

The July 22, 2019 to do-list was approved as submitted and reviewed.

**Approval of Treasurer's Report**

The treasurer's report for July 1, 2019 through August 31, 2019 was discussed

and approved as submitted.

### **Administrator's Report**

The administrator's report was reviewed and approved as submitted.

### **Legal Services Committee**

Mr. Taylor reported the Committee reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of July and August 2019 for twenty (20) disciplinary proceedings. The total hours worked was 46.50 and the total fees are \$11,625. The Board closed 6 disciplinary files following the July 2019 Board meeting and currently has 14 disciplinary files pending. Upon motion made and seconded, the bill was approved for payment. Ms. Losada appointed Ms. Donica as Chair of the Committee.

### **OLD BUSINESS**

The Board reviewed correspondence and general information received following the last Board meeting.

### **Strategic Planning Retreat**

The Board held a retreat on June 14-16, 2019 at the Rizzo Conference Center in Chapel Hill, NC. The Board reviewed the retreat to-do list developed by Board staff and agreed to continue working on the to-do list.

### **NC Legislature**

Mr. Wilkins reported on proposed bills pending in the North Carolina General Assembly.

### **CLEAR 2019 Annual Meeting**

Board members were advised the 2019 Annual Meeting is meeting in Minneapolis, Minnesota on September 18-21, 2019. Mr. Trujillo agreed to attend.

### **AOTA**

#### **a. 2020 Annual Conference**

Board members were advised the AOTA Annual Conference is meeting in Boston, Massachusetts on March 26-29, 2020. Ms. Ward, Ms. Donica, Ms. Losada and Mr. Trujillo agreed to attend.

**b. Email regarding telehealth resources**

Board members reviewed an email dated July 25, 2019 from Kristen Neville, Manager State Affairs for AOTA, regarding the AOTA position paper on telehealth laws, regulations/rules and policy statements. The AOTA position paper on Telehealth in OT was available for review. It was suggested that further investigation of the Physical Therapy licensure compact be carried out.

**c. July 2019 ACOTE Actions**

Board members reviewed an email dated August 26, 2019 regarding the July 2019 ACOTE Actions.

**d. Update on Licensure Compact**

Board members reviewed an update on the interstate professional licensure compact for occupational therapy.

**NCOTA Fall Conference**

Board members were advised the NCOTA fall conference is meeting in Raleigh, North Carolina on November 1-3, 2019. Ms. Ward and Mr. Wilkins agreed to attend and provide updates on behalf of the Board on Saturday, November 2. The Board discussed possible presentation, including a scavenger hunt, Board update and agreed there would be no ethics presentation.

**NBCOT Regulatory Leadership Forum**

**a. Email regarding retake policy**

Board members reviewed an email dated August 1, 2019 regarding the retake policy for the OTR and COTA certification exams.

**b. Regulatory E-Newsletter September 2019**

Board members reviewed an email dated September 5, 2019 regarding the E-Newsletter for September 2019.

**FARB 2019 Regulatory Law Seminar**

Board members were advised the FARB Regulatory Law Seminar is meeting in St. Louis, Missouri on October 3-6, 2019.

**Public Hearing for Rules Changes - .0801, .0804, .0805**

The Board held a public hearing on the changes to the rules regarding continuing competence activities. The Board received written comment but no one appeared for the hearing to provide oral comment. The Board will continue with the rules review process with a projected effective date of

January 2, 2020.

## **NEW BUSINESS**

### **Letter and response to Kelly Wilk-Downs**

Board members reviewed emails dated August 9, 2019 and August 26, 2019, respectively, with suggestions for the Board to consider. The Board further discussed a response to those suggestions from Ms. Kirk. The Board will consider Ms. Wilk-Downs' suggestions once further information is provided.

### **Email from Connie Reynolds regarding Medicaid training**

Board members reviewed an email dated August 27, 2019 from Connie Reynolds regarding Medicaid Managed Care training and whether it could be counted as a continuing competence activity for license renewal. The Board agreed the training does not meet the requirements set forth in Section .0800 of the Rules of the Board regarding approved activities for maintaining continuing competence.

### **Email from Melissa Wickham regarding supervision**

Board members reviewed an email dated August 28, 2019 from Melissa Wickham regarding supervision in a home health setting. The Board agreed there is no requirement in the Practice Act or Rules that an OT and an OTA being supervised by the OT see a client together. Pursuant to Rule .0103(21), the OT and the OTA may determine it is necessary or preferable that the OT and OTA see the client together, but that is a decision to be made between the OT and OTA. Likewise, there is no requirement in the Practice Act or Rules that the supervising OT be present in the home of the client for a therapy session at least every month nor is there a requirement that the supervising OT and OTA meet **directly** once a month to discuss home health care clients. General supervision of the OTA by the supervising OT is required to be at least monthly, but the supervision is not required to be "directly" and may be by appropriate methods contained in Rule .0103(21) as determined by the OT and OTA after considering the circumstances of the client. Of course additional supervision of the OTA by the OT may be required by the facility or third party payors which may be in addition to the supervision requirements of the Practice Act or Rules. There is also the requirement that the supervising OT and OTA comply with the general requirements of Rule .0904.

### **Closed Session**

Upon motion duly made, seconded and passed, and pursuant to NCGS 143-318.11(a)(1) and (6) as well as NCGS 143-318.18(6), the Board went into

Closed Session at 11:10 a.m.

**Return to Open Session**

The Board returned to Open Session at 11:55 a.m.

**Closed Session Report**

**Disciplinary Matters**

Mr. Wilkins reported the Board was advised in Closed Session that twelve cases are currently being investigated.

**Adjournment**

The Open Session adjourned at 11:55 a.m.

**Next Meeting**

The next Regular Session meeting will be held at the office of the Board on November 11, 2019 at 9:00 a.m.

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Lynn Losada, Chair

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Danielle Ward, Secretary/Treasurer