

**WASHINGTON STATE DEPARTMENT OF HEALTH  
OCCUPATIONAL THERAPY PRACTICE BOARD  
PUBLIC MEETING MINUTES**

April 26, 2013  
10:00 AM

Department of Health – Town Center Two  
111 Israel Road SE, Room 158  
Tumwater, WA 98501

On April 26, 2013 the Occupational Therapy Practice Board met at the Department of Health, Town Center Two, Room 158, 111 Israel Road SE, WA. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

**MEMBERS PRESENT**

KARIN SCHULZE, OT, CHAIR  
BRENDA LEMPE, COTA, VICE CHAIR  
CAMILLE CURRY, OT  
MICHELLE MOULTON, PUBLIC MEMBER

**MEMBERS PRESENT VIA PHONE**

BARB SMITH, OT

**STAFF PRESENT**

STEVE SAXE, HPF OFFICE DIRECTOR  
BOB NICOLOFF, EXECUTIVE DIRECTOR  
JANETTE BENHAM, PROGRAM MANAGER  
SANDIE PEARSON, PROGRAM REPRESENTATIVE  
DIANA STALEY, COMPLIANCE UNIT MANAGER  
KIM DINSMORE, COMPLIANCE OFFICER  
PEGGY OWEN, DISCIPLINARY CASE MGR  
JANET STAIGER, STAFF ATTORNEY  
DAN HAVIRCO, STAFF ATTORNEY  
DEBRA DEFREYN, ASSISTANT ATTORNEY  
GENERAL

**Friday, April 26, 2013 – 10:00 AM – OPEN SESSION**

**1. CALL TO ORDER**

The meeting was called to order by Karin Schulze, Chair, at 10:02 a.m.

**1.1 Introductions**

Board members, staff, and guests introduced themselves.

**1.2 Approval of Agenda**

The agenda was amended to defer Item 2.2 – Performance Measures to the next scheduled meeting. The agenda was approved as amended.

1.3 Approval of January 25, 2013 Conference Call Meeting Minutes

The January 25, 2013 Conference Call Meeting Minutes were approved as presented.

1.4 Approval of Disciplinary Meeting Minutes

The Disciplinary Meeting Minutes from January 25, 2013 were approved as presented.

**2. EXECUTIVE DIRECTOR REPORT – Bob Nicoloff, Executive Director**

2.1 Current Budget Report

Bob Nicoloff, Executive Director, presented the updated budget report from July 2011 to March 2013. Mr. Nicoloff reported that the budget is in good shape. Camille Curry asked for clarification regarding the overspent line items relating to investigations and legal services. Mr. Nicoloff explained that these line items are typically the ones with the most fluctuation, since it is difficult to predict disciplinary costs when developing the program budget at the beginning of the biennium. He also added that disciplinary decisions should be focused on public safety. Steve Saxe, HPF Office Director, also explained that a “cushion” is built into the program budget to cover these types of fluctuations. Mr. Saxe also stressed the importance of focusing on public safety when making disciplinary decisions. Janette Benham, Program Manager, added that the overspent areas will be reviewed and considered by the budget office when developing the budget for the 2013 – 2015 biennium. In addition, program staff will continue to closely monitor the budget and overspent areas. An updated report will be provided at the next meeting.

2.2 Performance Measures

This item was deferred to the next board meeting.

2.3 Legislative Update

Mr. Nicoloff provided members a copy of the 2013 HSQA Legislative Meet Me Call Bill Status and Agenda for April 19, 2013. This agenda is sent to board members who participate in the weekly meet-me-calls. Board members reviewed and discussed the passage of the following bills:

- *HB 1565 – Funding the prescription monitoring program from the Medicaid Fraud Penalty Account.*

- *SSB – 5524 Authorizing WA pharmacies to fill prescriptions written by PA in other states.*
- *HB 1003 – Concerning disciplinary actions against health professions licensed of the subject of a DSHS finding.* Mr. Nicoloff added that this bill strengthens actions against licensees. Boards will have the authority to take action against a licensee based on a disciplinary finding by DSHS.
- *SB 5416 – Concerning prescription information (DOH requested this legislation).* Mr. Nicoloff explained that the bill allows the electronic transmission of prescriptions for Schedule 2 drugs.
- *2SHB 1518 – Providing certain disciplining authorities with additional authority over budget development, spending, and staffing.* Mr. Nicoloff informed the members that passage of this bill means that the Medical Quality Assurance Commission (MQAC) and the Nursing Care Quality Assurance Commission (NQAC) will continue to be independent and responsible for budget development and spending as well as staffing their specific programs. The bill also allows the Chiropractic Quality Assurance Commission (CQAC) the opportunity to enter into a five-year pilot project. If CQAC chooses to enter the pilot they would also be responsible for their budget development, spending, and staffing.
- *SHB 1270 – Making the Board of Denturists the disciplining authority for licensed denturists.*
- *ESHB 1381 – Regarding administrative adjudicatory proceedings coming before DOH.* The bill places an additional level of review to disciplinary cases for secretary professions.
- *Senate Bill 1344 – Adds OTs, OTAs, licensed practical nurses, dieticians, nutritionists, and speech-language pathologists to the list of healthcare professionals who pay a surcharge to access the University of Washington web portal, HEAL WA. HEAL WA is a searchable online library that provides evidence-based information for healthcare professionals.* Mrs. Curry asked for clarification regarding the fees OT professionals are charged for access to the Health Evidence Resource for Washington (HEAL- WA) online Web portal. Specifically, she asked if the \$16 fee was per renewal cycle (two years) or was the \$16 fee per year, totaling \$32 per renewal cycle. Lisa Hodgson, Executive Director, explained that the \$16 HEAL-WA fee was charged per year, making the total HEAL-WA fee \$32, per renewal cycle for OT professionals.

Mr. Nicoloff reminded board members that while the above mentioned bills passed, they still need to be signed into law by Governor Inslee.

### **3. PROGRAM MANAGER REPORT – Janette Benham, Program Manager**

#### **3.1 Board recruitment and appointment update**

Ms. Benham updated the board regarding board member appointments. Brenda Lempe, OTA, was reappointed for a second term. Appointment information to fill both the OT and Public Member positions has been sent to the Governor’s Office. Mrs. Curry, OT, and Ms. Moulton, Public Member, are not eligible for re-appointment as they each have served two terms. Ms. Benham is not certain of the Governor’s Office timeline relating to new member appointments. She anticipates the OT and Public Member positions will be filled relatively soon.

3.2 Licensing statistics

Ms. Benham provided an updated report on OT and OTA licensing statistics. The report included licensing statistics from April 2012 and April 2013 and showed the following:

<b>April 2012</b>	<b>OT</b>	<b>OTA</b>	<b>April 2013</b>	<b>OT</b>	<b>OTA</b>
Active Licenses	2948	673	Active Licenses	3032	751
Inactive License	94	16	Inactive License	99	19
Expired License	2011	614	Expired License	2404	707
Revoked License	2	1	Revoked License	2	1
Suspended License	3	3	Suspended License	3	4
Pending Licensure	67	24	Pending Licensure	65	28

Updated statistics regarding the number of OT licensees who have received endorsements as of April 2012 were also provided. Ms. Benham noted that the data reported included a year’s worth of statistics. The number of OTs with endorsements on their licenses doubled.

Ms. Benham also reported that the technical issue with getting the endorsement(s) to print on a practitioner’s license was resolved. Endorsement(s) are now being printed on the licenses of OTs when applicable.

<b>OT ENDORSEMENT TYPE</b>	<b>April 2012</b>	<b>April 2013</b>
Wound care management	24	57
Sharp debridement	19	46

3.3 Update on Compliance Unit staffing and introduction of Compliance Unit Manager

Diana Staley, Compliance Unit Manager, and Kim Dinsmore, Compliance Officer, were introduced to the board. Ms. Staley started working as the Compliance Manager in July of 2012. The compliance unit tracks, monitors, and ensures that health professionals who have disciplinary action taken against them comply with the legal orders imposed.

In addition, the compliance unit is responsible for case management of sexual misconduct cases for secretary regulated professions, as well as tracking and monitoring unlicensed practice complaints.

Ms. Staley shared that the compliance unit monitors 700 to 850 cases and each compliance officer typically carries a caseload of approximately 170 cases. The unit is not responsible for compliance of cases from the Medical Quality Assurance Commission or the Nursing Care Quality Assurance Commission, as they have their own compliance units within their respective programs.

#### **4. RULES UPDATE – SUICIDE ASSESMENT, TRAINING, AND MANAGEMENT RULES – OTHER BOARD RULES**

- 4.1 The board discussed House Bill 1376 which amends OT practitioner requirements for suicide assessment, treatment, and management.

Board members discussed scheduling a rules workshop to work on draft rule language. The legislation is effective July 27, 2013, and the CR102 cannot be filed to set the hearing until after July 27. Due to the timeline of the legislation's effective date, Ms. Benham recommended the board schedule the rules workshop prior to the July meeting. Board members moved, seconded, and voted unanimously to schedule the rules workshop for May 17<sup>th</sup> from 10:00 a.m. to 12:00 p.m. to draft rule language. The board directed Ms. Benham to proceed with drafting the CR 102 documents so they can be filed shortly after the effective date of the bill. The rules workshop will be held in Tumwater and teleconferencing capability will be made available for those unable to attend in person. Program staff will work to reserve a room and will post updated information to the listserv.

- 4.2 The board discussed other pending rules and the need to schedule rules workshops for these rules.

Ms. Benham briefed the board on the rules the board was working on prior to the rules moratorium. She also reported that the rules moratorium has been lifted and the board may resume working on the following rules:

- WAC 246-847-030 Occupational therapists acting in a consulting capacity
- WAC 246-847-055 Initial application for individuals who have not practiced within the past four years (re-entry)
- WAC 246-847-068 Expired License
- WAC 246-847-070 Inactive credential
- WAC 246-847-125 Applicants currently licensed in other states or territories

Ms. Benham reminded members that the re-entry plan had been a priority and the board drafted language prior to the rules moratorium. Board members voted to schedule time on the July meeting agenda for a rules workshop if possible.

## 5. DELEGATION OF SIGNATURE AUTHORITY

The board reviewed Signature Delegation forms and discussed delegating Signature Authority to Department of Health staff. Ms. Benham explained that the board's decision-making authority was not affected by signing the Signature Delegation form. The purpose in approving the form is to give DOH staff the authority to carry out the administrative functions of the board's decisions. Mrs. Curry moved and Ms. Lempe seconded a motion to approve the Delegation of Signature Authority form as it was presented. The full board voted unanimously in favor of the motion to approve the Delegation of Signature Authority form as it was presented.

## 6. CORRESPONDENCE

### 6.1 Request from licensee regarding teletherapy:

#### 6.1.1 Is video interaction considered being in person and onsite with the OT aide?

Board members discussed whether video interaction would be considered in person and onsite with an OT aide. Various board members noted that OT aides do not provide skilled occupational therapy services. Members also reviewed WAC 246-847-010 – Definitions. Professional supervision is defined as “in-person contact at the treatment site by an OT or OTA licensed in the state of WA.” Board members directed program staff to draft a response stating that supervision of an OT aide must be on-site and in person, referencing the specific WACs relating to supervision of an OT aide. Ms. Benham and Ms. Defreyn, AAG will work together on drafting the response on the behalf of the board.

#### 6.1.2 If not, can another OT who is physically present provide the in person contact?

The board discussed the question. Board members agreed that it could only be considered in person contact if the other OT, who was physically present, had been involved in the plan of care and was familiar with the treatment, goals, and rendering the treatment. Board members directed program staff to draft a response and to include references to the specific WAC's relating to this scenario. Ms. Benham and Ms. Defreyn, AAG will work together on drafting the response on the behalf of the board.

## 7. BYLAWS

The board reviewed and discussed a draft version of bylaws. Ms. Benham explained that the board can amend the bylaws at any time and as needed. Mrs. Curry shared that the

bylaws appeared to be “pretty standard”. The board moved, seconded and voted unanimously to approve the bylaws as presented.

## **8. AGENDA ITEMS FOR FUTURE MEETINGS**

The board requested the following items be on the agenda for future meetings:

- Technology – iPads, Wi-Fi availability on DOH campus
- Rules workshop – re-entry
- Performance measures
- Recruitment update/new board member introductions
- Budget for the 2013 to 2015 biennium

## **9. CONSENT AGENDA**

A copy of the April 2013 issue of “The Sentinel News for DOH Employees” was provided to board members.

## **10. OTHER OPEN SESSION BUSINESS**

There was no other board business for discussion at this time.

## **CLOSED SESSION – 12:37 p.m.**

### **11. APPLICATION REVIEWS**

Completed re-entry plan reviewed and approved.

### **12. DISCIPLINARY CASE REVIEWS**

See Disciplinary meeting minutes

## **OPEN SESSION – 1:27 p.m.**

### **13. ADJOURNMENT**

The board adjourned at 1:27 p.m. The next regularly scheduled board meeting is July 12, 2013 by teleconference. Updated meeting information will be posted on the Occupational Therapy website.

Respectfully submitted:

Approved:

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Janette Benham  
Program Manager

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Karin Schulze, Chair  
Occupational Therapy Practice Board