

The Louisiana State Board of Medical Examiners
OCCUPATIONAL THERAPY ADVISORY COMMITTEE

Minutes of Meeting

February 11, 2022

Virtual Zoom Meeting

A meeting of the Louisiana State Board of Medical Examiners Occupational Therapy Advisory Committee, pursuant to lawful notice, was duly convened and called to order at 10:02 a.m., February 11, 2022 via Zoom virtual video.

Members present were as follows:

Raelena Crooks
Darbi Philibert
Michele Allison
Carolyn Murphy
Kim Solari
Ingrid Franc
Brenda Martin

Also present at the Meeting:

Vincent Culotta, LSBME Executive Director
Patricia Wilton, LSBME Executive Counsel
Jacintha F. Duthu, LSBME Executive Staff Officer

Members absent were as follows:

Amy Larriviere
Kelly Brandon

1. **Old Business; Minutes of the meeting:** On the motion of Ingrid Franc, duly seconded by Kim Solari, all present voted unanimously to approve and accept the minutes of the December 10, 2021 OTAC meeting with the following corrections: presence of Darbi Philibert, list Carolyn Murphy in members present only once, spelling of Raelena Crooks' name.
2. **New Business; Welcome new OTAC Members.** Raelena Crooks and Amy Larriviere were introduced by the Chair. Both have terms starting 1/1/2022. Raelena gave a short work history. The Chair read the Mission of OTAC, which Raelena affirmed.
 - No public comment.
3. **New Business; Dry Needling Update.** The Chair provided an update from Kristen Neville, the Manager of State Affairs of AOTA and Cherie Casteix, RA for LOTA.

- The American Occupational Therapy Association (AOTA) Representative Assembly (RA) document on Dry Needling states that it is a preparatory intervention within the scope of occupational therapy and should be paired with occupation-based practice. It is not an entry-level OT skill and will require advanced training. Consumers must be educated on potential adverse effects.
- Four states have proposed Rules changes for OTs regarding dry needling, including Mississippi. The AOTA RA task force will create a position paper and present it at the fall 2022 AOTA RA meeting.
- Dr. Van stated that the Louisiana Dept of Health Material Risk Panel has consent forms that he recommends OTs use for their dry needling patients. He advised that LSBME will want it clearly stated which parts of the body OTs may use dry needling on, highlighting risk of lung injury near the ribs. The members all agreed that they needed more information from Randall Alford or other experts in dry needling to answer this question.
- Next steps: Consult with Randall Alford and read the Rules changes made by other states.
- On the motion of Ingrid Franc, duly seconded by Brenda Martin, all present voted unanimously to approve moving forward with changing Rules and Regulations to allow OTRs to dry needle in the State of Louisiana with additional post graduate training
- No public comment.

4. New Business; Laws & Rules Course Update.

- Ingrid reviewed previously agreed-upon change of having a 10-12 question initial quiz for new licensees, and a 5 question quiz for renewals.
- The members discussed whether to wait to create an annual Laws & Rules course and quiz until after all revisions to the Rules have been completed, versus moving forward.
- Dr. Van suggested creating a Laws & Rules course and quiz based on current Rules and offering it as an optional way of earning 1 CEU.
- There was discussion regarding renewing license annually versus less often. Per Dr. Van, this change would require a vote by LSBME and would put OT out of step with the other professions. It was decided not to pursue this.
- Discussion regarding temporary permit holders and whether they should be required to take the Laws & Rules course and quiz. Dr. Van reported that there are currently 75-100 OT practitioners using temporary permits under COVID19 regulations. No action taken regarding temporary licensees as the course/quiz is currently not mandatory for any current license holders.
- On the motion of Ingrid Franc, duly seconded by Darbi Philibert, all present voted unanimously to approve moving forward with the creation of a Laws & Rules course and quiz based on current rules and offered as an option for earning 1 CEU.
- Next steps: Ingrid Franc and Dr. Van to contact Susie Allen.
- No public comment.

5. New Business; Temporary Permits for New Graduates.

Dr. Van reported that the temporary rule change allowing new graduates to get licensed to practice without State Police fingerprinting is being considered for discontinuation as fingerprinting and in-person certification exams are now available. The members expressed agreement. Dr. Van will be bringing this to the LSBME.

6. New Business; Rules and Regulations Review and Update

- Darbi shared the draft changes already made to the OT Rules. The goal of reviewing the entire document over time and then presenting the requested changes to the LSBME all at once was discussed. Dr. Van requested that the Chair and Vice-chair be present when the requested changes are presented.
- Open meeting laws were reviewed in reference to this topic. Any discussion of changes should be at the OTAC level only and in a public meeting. We can use the regularly scheduled meetings, or create separate meetings to work on the Rules. Casual conversation is OK but we are not to have any formal meetings to discuss Rules changes outside of the public meetings. Draft change documents can be sent to members so that members can review them prior to a meeting, but members cannot send feedback regarding the changes via email to any other member (Patricia Wilton). Kim Solari stated that full OTAC membership involvement in these changes is preferable to avoid the piecemeal changes of the past.
- Brenda and Raelena both expressed desire to review and revise the Rules from beginning to end as opposed to taking it in random sections.
- Patricia Wilton reported that another LSMBE Advisee Committee is scheduling separate one-hour long meetings to revise their Rules and are making progress on them.
- After discussion, the members agreed to use one hour of every scheduled meeting to work on the Rules, and to do this by going in order, starting at the beginning of our Rules. The members also agreed to complete a brief Rules over-view at this meeting.
- No public comment.

7. New Business; Rules Over-view.

- Page 1 – We will probably not have any changes here.
- Page 2 – Definitions – We may need to look at current AOTA definitions and ensure that our language is current.
- Subchapter B; Qualify to get licensed – Probably no changes.
- Subchapter C; Procedure for Applying – Probably no changes.
- Subchapter D; The Exam – May need to see if there are any tech changes that would impact this section.
- 1935A - Minor changes may be needed, i.e. no longer require a picture. Dr. Van stated that the current rule of taking the certification exam a maximum of four times is consistent across most licensing entities.
- Subchapter E; Temporary licenses – Dr. Van stated that we do need flexibility in this section in order to respond to situations like the COVID pandemic. Carolyn will look into how often the certification exam is given and how long applicants have to wait for results. This section may need revision.

- Subchapter F; License renewal – This area may need discussion, e.g. we currently do not require that OT practitioners retain their registration with NBCOT.
- Subchapter G; OTAC – The changes already drafted were summarized.
- Subchapter H; Continuing Professional Education - The changes already drafted were summarized. There was discussion regarding limiting the total number of CEUs that can be earned in a year by giving presentations and workshops. All are to bring ideas when we get to this section for revision.
- 1975A; Failure to Satisfy CE Requirements – Dr. Van feels this section will need to change in order to be consistent with other licensing entities.
- 1979A1 – Brief discussion on why employees of the state are exempted from the CEU requirements. General agreement that this should change.
- Chapter 49; Definitions – Will probably need to align our definitions with AOTA. Discussion about including the definition of ‘Periodically’ directly into the sections of our Rules where it applies, e.g. OT/OTA supervision section.
- Subchapter B; Standards of Practice – We have had discussion of screening vs evaluation and what that means for getting a referral. This section will require revision.
- 4925; Supervision of OTAs – This section will need discussion and revision, including incorporation of AOTA recommendations.
- Subchapter C; Unauthorized Practice – May not need much change in this section.
- Areas that will need discussion that we currently do not have Rules for:
 - Telehealth rules parameters, e.g. use of HIPAA compliant platforms, record keeping, emails with client information. Dr. Van wants us to draft language for Telehealth for OTs.
 - Modalities that have the potential for adverse reactions or that are invasive, e.g. pelvic floor.
- Dr. Van reminded members that no member should share any information regarding draft changes with persons outside of OTAC as this can be misinterpreted as being current language. Do not circulate any draft changes. He also reminded that no information can be shared regarding investigations of a practitioner.
- No public comments.

8. New Business; CEU Review/Approval Transfer to LOTA

- Darbi has been speaking with Jennifer Hluchy, LOTA President, about the transfer of course approval from OTAC to LOTA.
- LOTA will charge \$75 to approve any course that is submitted by a course provider that is less than 8 hours long and will charge \$100 if over 8 hours long.
- LOTA is still working on their course approval form but would like to have a link on the LSBME website that would lead course providers to the LOTA form. Dr. Van was opposed to this idea as it appears that the LSBME is endorsing LOTA. He cautioned that OTAC should not be involved in approving any aspects of LOTA’s course approval form.
- Darbi has encouraged Jennifer to ensure that courses are germane to the practice of OT and have a functional component.
- This led to discussion by Carolyn regarding what constitutes ‘germane to the practice of OT’. She expressed that under our current draft recommendations of course approval by

LOTA, AOTA, or NBCOT, it leaves out courses that would benefit persons that have been in practice for years and have already taken most of the courses that are offered and approved by those entities.

- Dr. Van stated that we can add any other approving entities that we want, e.g. AMA Category 1 courses. Michele feels we should consider adding APTA approved courses.
- Kim stated that if our license renewal was biannual, it would encourage OTs to take longer, multi-day courses. Dr. Van does not feel the LSBME would be open to biannual renewal.
- Dr. Van asked the members to view the goal as being to set a minimum level of continuing education to treat patients in Louisiana, and reminded that with CE Broker, we need to get out of the business of deciding which courses are germane.
- All members were encouraged to investigate other approval providers and come prepared when we get to this section of the Rules.
- No public comment.

9. New Business; NBCOT request.

- NBCOT has requested to attend and present at the April 8, 2022 OTAC meeting.
- There was discussion about how much time to provide to NBCOT for this presentation given the amount of work the OTAC is doing with the Rules.
- All agreed to invite them to the meeting but to limit the presentation to 30 minutes.
- No public comment.

10. New Business; The November OTAC meeting date was changed to November 11, 2022. We will not meet on 11/18/2022.

11. The meeting was adjourned at 12:22 pm.