

The Louisiana State Board of Medical Examiners
OCCUPATIONAL THERAPY ADVISORY COMMITTEE

Minutes of Meeting

September 16, 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 10:34 a.m., September 16, 2022 via Zoom virtual video.

Members present were as follows:

Raelena Crooks
Darbi Philibert, Chair
Carolyn Murphy
Ingrid Franc, Vice Chair
Brenda Martin
Glynn Wallace
Amy Larriviere
Kelly Brandon

Also present at the Meeting:

Vincent Culotta, LSBME Executive Director
Patricia Wilton, LSBME Executive Counsel
Jacintha F. Duthu, LSBME Executive Staff Officer
Tracy Mauro, LSBME IT Support Specialist
Olivia PeLong, LSBME Executive Assistant
Kimberly Sullivan, Deputy General Counsel of Louisiana Department of Health
Elizabeth Duncan; Invited Guest.
Emily Green; Invited Guest

Members Absent:

Kim Solari

1. Old Business;

- a. **Darbi read the OTAC Mission.**
- b. **Minutes of last meeting.** On the motion of Amy Larriviere, duly seconded by Brenda Martin, all present voted unanimously to approve and accept the minutes of the August 19, 2022 OTAC meeting with no changes.
 - No public comment.

2. **Old Business;**

- c. **Interpretation of Law and Medicaid Billing in School-based Settings.** Darbi reported that Jennifer Hluchy, LOTA President, informed Darbi via email on 9/14/2022, informing her that the LOTA has decided not to pursue a change to the Practice Act to allow direct access of Occupational Therapy to address medical needs in addition to educational needs of students in school-based settings.
- The LOTA had discussed their proposal with the Department of Education and were told that only a change in the OT Practice Act (PA) would be acceptable to allow direct access, therefore a simple clarification statement from the LSBME, as previously suggested, would not suffice for billing coverage.
 - They were also told that the school systems are relying on the Medicaid reimbursement that comes only with a prescription from an authorized healthcare practitioner.
 - The LOTA president notified Jennifer Domiano, author of the legislation, that the LOTA will not be pursuing it.
 - Dr. Van clarified that the current language in the PA (Section 3003 -3 –a) allows for OTs to provide education-related services without a prescription and asked for further clarification of what the school-based OTs are seeking.
 - Elizabeth Duncan stated that they were seeking the ability of OT practitioners to provide direct evaluation and treatment to clients in school-based settings, not just the indirect evaluation and treatment implied in ‘education related’.
 - Dr. Van agreed that this would require a change in the PA in order for OTs to provide direct treatment for medically necessary reasons.
 - Glynn Wallace pointed out that the word ‘education’ is not clear in the PA, nor in the Rules. Many interpret this as OTs providing education as an intervention, not that OTs are allowed to treat education related needs without a prescription. Elizabeth Duncan agreed.
 - Dr. Van and Darbi thanked Ms. Sullivan for attending despite not needing to utilize her expertise.
 - No public comment.

3. **Old Business;**

- d. **CEU Review/CE Broker: ACOTE.** Ingrid presented draft changes to language on CE Broker. The current language implies that only self-study courses need to be approved by either LOTA, AOTA, or NBCOT.
- Ingrid also suggested adding: “A college or university occupational therapy education program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE)” to the list of approving entities.
 - Dr. Van asked how many CEUs would be earned by these courses. Ingrid stated it would be equivalent to the number of credit hours. He asked that this be clarified in the language and then sent to him and Jacintha. He will attempt to add this to this month’s LSBME Meeting Agenda.
 - Ingrid will send the draft language to them.
 - No public comment.

4. **Old Business;**

e. **Rules and Regulations Review and Update.** Darbi reviewed OTAC's decision to use one hour of each meeting toward making Rules changes and updates and started the group at where we had left on in August. Suggested draft changes were discussed and made for sections 1939 through 1951, as seen below.

- Section 1939, B, 2 – Supervision requirements for an OTA working under a temporary license. Ingrid reviewed the language that the states of MS and TX use that was provided by research from Glynn Wallace. There was then much discussion, suggestions, draft changes, and edits to suggested draft changes. The final language adds that an OTA holding a temporary license shall practice under the supervision of no more than two licensed occupational therapists. The supervision language was changed to, "...supervision by a licensed occupational therapist for not less than 50 percent of the OTA's assigned caseload which is seen in conjunction with each supervising occupational therapist on a weekly basis. This applies to each occupational therapist who is supervising the OTA."
 - Brenda motioned to accept these changes, Darbi seconded. All voted unanimously for the change.
 - No public comment.
- Section 1940 – No changes recommended.
- Sections 1943 – 1945 – Remove references to specific fee amounts found in Chapter 1.
- Section 1947A – Remove reference to specific fee amounts found in Chapter 1. There was also discussion on whether there is a grace period for new licensees whose birthdays fall close to the date of their initial application for licensure, to avoid having to renew the license immediately after receiving it. Dr. Van stated this was not allowed. However, Tracy Mauro stated that there is a four-month grace period for these situations. Dr. Van to clarify.
- Section 1947B – No changes recommended.
- Section 1947C – Change the phrase *occupational therapist or an occupational therapy assistant* to *occupational therapy practitioner*.
- Section 1949 - Remove references to specific fee amounts found in Chapter 1.
- Section 1951A – Change *he* and *his* pronouns to *they* and *their*.
- Section 1951B - Change *he* and *his* pronouns to *they* and *their*. Change the letters allowed to be used by an OTA after becoming licensed to *OTA/L* and *COTA/L* from *LOTA* and *LCOTA*, in order to avoid confusion with our state professional organization.
 - Ingrid motioned to accept the changes to Sections 1940 through 1951. Carolyn seconded. All voted unanimously for the changes.
 - No public comment.

5. New Business

a. **Determination of whether there will be a quorum for the October 28, 2022 meeting.** Ingrid reviewed the members who responded that they could or could not attend. Amy clarified that she can attend, but will have to leave the meeting at 12:00. This will allow for a quorum.

- b. **Future meeting dates** – The original November meeting date was determined to be Veteran's Day. Dr. Van stated he is available to November 18 instead. He is also available on Dec. 16.

6. The meeting was adjourned at 12:30 pm.