

The Louisiana State Board of Medical Examiners
OCCUPATIONAL THERAPY ADVISORY COMMITTEE

Minutes of Meeting

August 19, 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., August 19, 2022 via Zoom virtual video.

Members present were as follows:

Raelena Crooks
Darbi Philibert, Chair
Carolyn Murphy
Kim Solari
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, IT Specialist
LaTasha Joseph, Licensing Analyst
Amy Yarbrough, LOTR, NBCOT Louisiana Ambassador; Invited Guest

1. **Old Business;**
 - a. Darbi welcomed and introduced new OTAC member, Glynn Wallace. Amy Yarbrough described her role in attending meetings as a Louisiana Ambassador to NBCT. Darbi read the OTAC Mission.
 - b. **Minutes of the meeting:** On the motion of Brenda Martin, duly seconded by Kim Solari, all present voted unanimously to approve and accept the minutes of the February 11, 2022 OTAC meeting with no changes.
2. **Executive Session;** Ingrid Franc motioned to move to Executive Session, duly seconded by Carolyn Murphy, and unanimously approved. Moved into Executive Session at 10:40 AM.

- Darbi motioned to return to public meeting, duly seconded by Ingrid Franc, and unanimously approved. Returned to public meeting at 10:51 AM.
- Darbi Philibert motioned to allow the applicant to apply for licensure without further conditions. This was seconded by Kelly Brandon, and unanimously approved.
 - No public comment.

3. **Old Business:**

- c. **Laws and Rules Course.** Ingrid Franc gave update of meeting with Susie Allen. All LSBME licensed entities, including occupational therapy, will now require taking a Laws and Rules course and quiz prior to first renewal.
 - The course and quiz will be on CE Broker.
 - Susie recommended that the subsequent annual renewal course planned by OTAC be shorter than the initial course that will be taken upon first renewal.
 - CE Broker quizzes will not give educational feedback to the test taker, and Susie therefore recommends that the occupational therapy quizzes be set up to force a 'pre-quiz' that will give feedback.
 - Dr. Van then added that there will be an attestation included each year for all licensed professionals with a check box in which they acknowledge that they are familiar with the content of their Rules.
 - Glynn suggested there be a check-off if a licensee refuses the course/quiz; Ingrid stated that OTAC has already decided to mandate an annual course and quiz.
 - No public comment.

4. **Old Business:**

- d. **Dry Needling Update.** Darbi reported that the AOTA Representative Assembly formed a sub-committee to work on a position paper, *Position Statement on Physical Agents and Mechanical Modalities*. Randall Alford, a member of LOTA, is on this sub-committee.
 - Projected completion of the position statement is December 2022 or January 2023.
 - Ten states have already proposed rules changes related to dry needling.
 - Darbi proposed a goal to have our Rules changes ready to go when the AOTA is completed with their position statement.
 - The certified hand therapy group in LA has been in touch with OTAC regarding use of dry needling. They have been told that occupational therapists in LA are currently not permitted to use this modality.

5. **New Business:**

- a. **Rules Changes and Updates.** Darbi reviewed OTAC's decision to use one hour of each meeting toward making Rules changes and updates, starting from the beginning of the Rules document. Suggested draft changes were shared and sections 173 through 1940 were updated, as seen below.
 - Sections 173, 175, and 177 – Remove all references to specific fee amounts as the fees will change over time. Dr. Van stated that an increase in all licensing fees is pending. Carolyn motioned to make this change, Brenda seconded. OTAC members voted unanimously for the change.
 - No public comment.

- Section 1903 – Suggestion to change the definition of occupational therapy to the language created by the AOTA specifically for use by licensing bodies. Change the definition of occupational therapy assistant to that recommended by the AOTA. Add the term *occupational therapy practitioner* along with a definition of this term. Raelena motioned to accept these changes, Amy seconded. All voted unanimously for the change.
 - No public comment.
- Sections 1905 and 1909 – Change the phrase *occupational therapist or an occupational therapy assistant* to *occupational therapy practitioner*. Kim motioned to accept these changes, Carolyn seconded. OTAC members voted unanimously for the change.
 - No public comment.
- Section 1907 - Kelly had a question regarding persons with Deferred Action for Childhood Arrivals (DACA) status in relationship to section 1907, A., 2. (legal ability to reside and work in the USA). Dr. Van clarified that the applicant for an occupational therapy license must have a green card or other documentation that states they have a legal right to work and live in the USA. Schools providing education to occupational therapy students should be informing persons with DACA status that they will not be able to become licensed to practice in LA without legal papers.
- Section 1913, C, 2 – Remove the requirement to submit a recent photo. Section 1913, F – Strike ‘as provided in chapter one of these rules’. Ingrid motioned to accept these changes, Darbi seconded. OTAC members voted unanimously for the change.
 - No public comment.
- Section 1915, A – Leave all original language. Section 1915, C – Change *Louisiana Department of Health and Human Services* to *Louisiana Department of Health*.
- Ingrid motioned to accept these changes, Darbi seconded. OTAC members voted unanimously for the change.
 - No public comment.
- Section 1921 - Change the phrase *occupational therapist or an occupational therapy assistant* to *occupational therapy practitioner*. Brenda motioned to accept these changes, Kim seconded. OTAC members voted unanimously for the change.
 - No public comment.
- Section 1939, B, 2 – There was much discussion among the members regarding the interpretation of supervision of an OTA who is practicing on a temporary license. The current language states, “an occupational therapy assistant holding a temporary license under this Section shall be deemed to be satisfied by on-premises direction and immediate supervision by a licensed occupational therapist for not less than 25 percent of the average weekly caseload.” Questions and comments that arose:
 - What if an OTA is employed PRN at three different sites? Is the 25% supervision satisfied by being supervised by an OT at only one site, with the total number of patients at that one site equal to at least 25% of the OTA’s total weekly caseload?

- Should this situation be interpreted as requiring supervision of 25% of the caseload of each OT the OTA is working with?
 - Kelly stated that employers frequently do not staff the OTs and OTAs at the same location on the same day.
 - Kelly also pointed out that the supervision requirement for OTA working on a temporary license is the same as for a fully licensed COTA working their first two years.
 - Darbi asked all members to look further into this matter, and be prepared to voice recommendations on how/if this language should be changed at our next OTAC meeting.
 - Section 1939, B - Change the phrase *occupational therapist or an occupational therapy assistant* to *occupational therapy practitioner*. Brenda motioned to accept these changes, Kim seconded. OTAC members voted unanimously for the change.
 - No public comment.
- b. **CE Broker** – Ingrid shared the current language on CE Broker, pointing out that it makes it appear as if course approval by AOTA, LOTA, or NBCOT pertains only to those using an independent or self-study course.
- Ingrid also pointed out that all course work toward a post-professional OTD, PhD in occupational therapy, or bridge program to OT meets our current language of qualifying continuing education. The only thing missing is for CE Broker to include *ACOTE accredited college or university* as an approved provider.
 - Dr. Van asked Ingrid to write up the needed changes and send it to him.
 - No public comment.
- c. **Telehealth and clarification of referral sources** – Dr. Van clarified that Doctors of Osteopathy (DO) are licensed Medical Doctors and **can** refer patients to occupational therapy. Per our Practice Act, chiropractors are **not** currently able to refer patients to occupational therapy.
- Darbi summarized Dr. Van's interpretation that COTAs are currently allowed to practice Telehealth per the Telehealth Act of 2015.
 - There was discussion of whether to create a mass email to OT practitioners clarifying that both OTs and OTAs may practice telehealth. Patricia Wilton wants any mass email to include language that states that telehealth must be the most appropriate method of treatment, and that it should be considered an adjunct to traditional treatment.
 - *Coverage and Payment Parity for Physical Therapy Delivered via Telehealth* (House Bill N. 304, Act No. 144; R.S. 22:1845.1) – This Act was passed in the LA legislature in the spring of this year. It stipulates that health insurance providers in LA must cover provision of physical therapy services via telehealth, and at the same reimbursement rate as in-person. It states that no extra restrictions be placed, i.e. prior authorization or medical review, restrictions on the technology used to deliver telehealth, additional certification or training of providers, or the provider to be part of a telehealth network. It also states that the health plan does not have to reimburse any physical agentmodality provided over telehealth.

- When the LOTA learned of this legislation, they worked with the LPTA to be added to it, but were not able to. Senator Freeman will also introduce this legislation in the fall for LOTA.
 - No public comment.
- d. **Occupational Therapy Licensure Compact** – The model legislation from AOTA was shared with all members over the cloud link prior to the meeting. Darbi provided the following information:
 - Senator Peacock plans on bringing the Compact legislation up in the fall legislative session.
 - Ingrid asked about LOTA's position on this. Glynn is a member of LOTA executive committee and stated that LOTA did not request this legislation but is not fighting it.
 - Glynn also stated that the LOTA has a legal subcommittee that has reached out to member states' OT associations to get language on what to include in the legislation.
 - Twenty-one states are currently members of the Compact.
 - Our current licensure requirements already meet all requirements listed in the model legislation.
 - Dr. Van left the meeting at this time.
 - No public comment.
- e. **School System Direct Access** – An occupational therapist in the New Orleans area, is seeking to open the Occupational Therapy Practice Act, in order to change the wording to allow provision of OT services to students in schools systems without a physician's order.
 - Darbi and Ingrid provided Dr. Van's interpretation of the current language. The current language states that, "Prevention, wellness, and education related services shall not require a referral;..." (OT Practice Act, Section 3003, 4, a). Therefore, LSBME interprets this as meaning that school system practitioners may provide occupational therapy without a physician's referral.
 - Darbi plans on attending the LOTA meeting on Wed. Aug. 24, 2022 to provide this clarification (no need for physician's referral).
 - There was agreement that the Practice Act should not be opened to add language that is not needed.
 - No public comment.
- f. **Summary of AOTA State Regulatory Meeting on Ethics** – Ingrid summarized what was learned at the above meeting which took place on 5/25/2022.
 - The most common ethical complaints by occupational therapy practitioners is adhering to unrealistic productivity expectations. This is followed by an increase in sexual misconduct complaints, especially between faculty and OT/OTA students.
 - Employers have been increasingly charging OT practitioners with 'patient abandonment', when quitting their employment, even when appropriate notice has been given.
 - Six states require an ethics course for licensure renewal.

- No public comment.

- g. **Next Meetings** – The NBCOT will be presenting at the Nov. 11, 2022 meeting.
 - Next meeting dates were to be: 9/16, 10/7, and 11/11.
 - Jacintha then stated that Dr. Van is only available for the September meeting date.
 - Ingrid and Darbi will collaborate with Dr. Van on potential dates for October and November.
 - Only current next meeting date is Sept. 16, 2022 at 10:30 AM.
 - No public comment.

6. **The meeting was adjourned at 1:32 pm.**