



## TELECONFERENCE

### OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD

Room 121A, 1400 East Washington Avenue, Madison

Contact: Tom Ryan (608) 266-2112

September 16, 2014

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

### AGENDA

9:00 A.M.

#### OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) **Adoption of Agenda (1-3)**
- B) **Approval of Minutes of June 3, 2014 (4-6)**
- C) **Administrative Updates**
  - 1) Staff Updates
  - 2) Appointments/Reappointments/Confirmations
    - a) Gaye Meyer – Appointment **(7)**
- D) **Legislative/Administrative Rule Matters:**
  - 1) Current and Future Rule Making and Legislative Initiatives
  - 2) Administrative Rules Report
  - 3) Review of OT 4 Scope Statement Regarding Self-Referral **(8-10)**
- E) **Education and Examination Matters**
  - 1) Continuing Education Audits **(11)**
    - a) **APPEARANCE** – Peter Schramm – Office of Education and Examinations
  - 2) Examination Failures - Discussion
- F) **Speaking Engagement(s), Travel, or Public Relation Request(s)**
  - 1) NBCOT Annual State Regulatory Conference **(12-14)**
  - 2) State and National Conferences – Discussion
- G) **Items Added After Preparation of Agenda:**
  - 1) Introductions, Announcements and Recognition
  - 2) Administrative Updates
  - 3) Education and Examination Matters
  - 4) Credentialing Matters

- 5) Practice Matters
- 6) Legislation/Administrative Rule Matters
- 7) Liaison Report(s)
- 8) Informational Item(s)
- 9) Disciplinary Matters
- 10) Presentations of Petition(s) for Summary Suspension
- 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 12) Presentation of Proposed Decisions
- 13) Presentation of Interim Order(s)
- 14) Petitions for Re-Hearing
- 15) Petitions for Assessments
- 16) Petitions to Vacate Order(s)
- 17) Petitions for Designation of Hearing Examiner
- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Appearances from Requests Received or Renewed
- 22) Speaking Engagement(s), Travel, or Public Relation Request(s)

**H) Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).**

**I) Full Board Review of Candidates for Licensure**

- 1) Timothy Reehl, OTA **(15-121)**
- 2) Portia Menges, OTA **(122-199)**

**J) Case Status Report (200)**

**K) Presentation and Deliberation on Administrative Warnings**

- 1) 13 OTB 014 (D.F.) **(201-202)**

**L) Case Closings**

- 1) 14 OTB 003 (K.L.P.M.) **(203-205)**

**M) Deliberation of Items Added After Preparation of the Agenda**

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report

- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N) Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

- O) Open Session Items Noticed Above not Completed in the Initial Open Session
- P) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- Q) Ratification of Licenses and Certificates

**ADJOURNMENT**

**ORAL EXAMINATION OF CANDIDATES FOR LICENSURE  
ROOM 124E**

**10:45 A.M., OR IMMEDIATELY FOLLOWING FULL BOARD MEETING**

**CLOSED SESSION** – Reviewing applications and conducting oral examinations of one (1) candidates for licensure – Brian Holmquist and Mylinda Barisas-Matula

**OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD  
WEB/VIRTUAL MEETING MINUTES  
June 3, 2014**

**PRESENT:** Brian Holmquist; Deborah McKernan-Ace; Mylinda Barisas-Matula

**PRESENT VIA GOTOMEETING:** Laura O'Brien; Corliss Rice

**EXCUSED:** Dorothy Olson

**STAFF:** Tom Ryan, Executive Director; Gretchen Mrozinski, Legal Counsel; Daniel Agne, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Brian Holmquist, Chair, called the meeting to order at 9:05 A.M. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Mylinda Barisas-Matula moved, seconded by Deborah McKernan-Ace, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Mylinda Barisas-Matula moved, seconded by Deborah McKernan-Ace, to approve the minutes of February 10, 2014 as published. Motion carried unanimously.

*Corliss Rice joined the meeting via telephone at 9:09 A.M.*

**LEGISLATIVE/ADMINISTRATIVE RULE MATTERS:**

**CORRESPONDENCE FROM WISCONSIN OCCUPATIONAL THERAPY ASSOCIATION  
(WOTA) REGARDING PHYSICIAN REFERRAL – CR 13-109**

**MOTION:** Mylinda Barisas-Matula moved, seconded by Corliss Rice, to address rules related to referral and supervision as barriers to small business. Motion carried unanimously.

**MOTION:** Mylinda Barisas-Matula moved, seconded by Corliss Rice, to request Department staff draft a Scope Statement relating to referral, physician orders, and supervision, and to appoint Deborah McKernan-Ace and Laura O'Brien to advise Department staff and to approve the Scope Statement for submission to the Governor's Office and for implementation no less than 10 days after publication. Motion carried unanimously.

**ADOPTION ORDER – CR 13-109,  
RELATING TO OCCUPATIONAL THERAPY PRACTICE STANDARDS**

**MOTION:** Mylinda Barisas-Matula moved, seconded by Brian Holmquist, to grant authority to Deborah McKernan-Ace to approve the Adoption Order for Clearinghouse Rule number 13-109. Motion carried unanimously.

**SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)**

**MOTION:** Laura O'Brien moved, seconded by Corliss Rice, to designate Mylinda Barisas-Matula and Deborah McKernan-Ace to speak at the Wisconsin Occupational Therapy Association (WOTA) 2014 Annual Conference on October 10-11, 2014, in Appleton, WI regarding updates from the Board, and to authorize travel. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Deborah McKernan-Ace moved, seconded by Mylinda Barisas-Matula, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Mylinda Barisas-Matula - yes; Brian Holmquist - yes; Deborah McKernan-Ace - yes; Laura O'Brien - yes; Corliss Rice - yes. Motion carried unanimously.

The Board convened into Closed Session at 10:23 A.M.

**RECONVENE TO OPEN SESSION**

**MOTION:** Deborah McKernan-Ace moved, seconded by Mylinda Barisas-Matula, to reconvene in Open Session at 10:31 A.M. Motion carried unanimously.

**CASE CLOSINGS**

**MOTION:** Mylinda Barisas-Matula moved, seconded by Corliss Rice, to close case 13 OTB 006 (J.K.E.) for insufficient evidence (IE). Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,  
IF VOTING IS APPROPRIATE**

**MOTION:** Brian Holmquist moved, seconded by Deborah McKernan-Ace, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

## **RATIFICATION OF LICENSES AND CERTIFICATES**

**MOTION:** Deborah McKernan-Ace moved, seconded by Corliss Rice, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

## **ADJOURNMENT**

**MOTION:** Mylinda Barisas-Matula moved, seconded by Deborah McKernan-Ace, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:32 A.M.

DRAFT



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

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**GOVERNOR'S APPOINTMENT**

**NAME:** Ms. Gaye Meyer

**MAILING ADDRESS:** [REDACTED]

**E-MAIL ADDRESS:** [REDACTED]

**RESIDES IN:** [REDACTED]

**TELEPHONE:** [REDACTED]

**OCCUPATION:** [REDACTED]

**APPOINTED TO:** Occupational Therapists Affiliated  
Credentialing Board  
occupational therapist asst 2

**TERM:** A term to expire July 1, 2018

**SUCCEEDS:** Ms. Deborah McKernan-Ace

**SENATE CONFIRMATION:** Required

**DATE OF APPOINTMENT:** July 1, 2014

**DATE OF NOMINATION:** June 13, 2014

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Shawn Leatherwood, Administrative Rules Coordinator</b>		2) Date When Request Submitted: <b>August 19, 2014</b> <small>Items will be considered late if submitted after 12:00 p.m. and less than:              ▪ 8 work days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: <b>Occupational Therapists Affiliated Credentialing Board</b>			
4) Meeting Date:  <b>September 16, 2014</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Review of OT 4 scope statement regarding self-referral</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  <p><b>The Board will review and approve the scope statement regarding OT 4 relating to OT self-referral of occupational therapy services for submission to the Governor's Office and publication and to authorize the Chair to approve the scope for implementation no less than 10 days after publication.</b></p>			
11) Signature of person making this request  <b>Shawn Leatherwood</b>		Authorization  _____	Date  <b>August 19, 2014</b>
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



# STATEMENT OF SCOPE

## OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD

Rule No.: OT 4

Relating to: Self-Referral of occupational therapy services

Rule Type: Permanent

**1. Finding/nature of emergency (Emergency Rule only):**

N/A

**2. Detailed description of the objective of the proposed rule:**

The objective of the proposed rule is to amend current Wisconsin Administrative Code to allow occupational therapists to self-refer occupational therapy services which would increase the number and types of services an occupational therapist may provide.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

An occupational therapist may receive an order or a referral to perform occupational therapy services for a patient. Orders identify the need for occupational therapy evaluation and intervention while a referral is the act of requesting occupational therapy services. Currently, physicians, dentists or podiatrists may order occupational therapy evaluation. However, occupational therapists may accept referrals from a variety of health care professionals including advance practice nurses, chiropractors, optometrists, physical therapists and physician assistants. Wis. Admin. Code OT 4.03 (2) (b). Furthermore there are some services occupational therapist can perform without the need of a referral such as consultation, habilitation, screening, client education, wellness, prevention, environmental assessments, and work-related ergonomic services. According to Wis. Admin. Code OT 4.03 (2)(e) neither an order or a referral from a physician is required for evaluation or intervention if OT services are provided in an educational environment, including in a child's home if the child has disabilities.

The proposed rule seeks to clarify that occupational therapists are able to self-refer occupational therapy services along with the host of other health care professionals that are listed above. Currently, the rule allows other health care professionals to refer occupational therapy services. However, the rule does not specifically state that occupational therapists are allowed to self-refer. Occupational therapists self-referring would allow patients greater access to health care and would alleviate occupational therapists from relying solely on receiving orders and referrals from other health care professionals in order to provide health care services.

The proposed rule will also provide clarity to the process of renewing a license after 5 years by updating provisions regarding licensure renewal and reinstatement. The term reinstatement will be defined as a process by which a licensee whose license has been surrendered or revoked or has a license with unmet disciplinary requirements which has not been renewed within five years of the renewal date may apply to have their license reinstated with or without conditions.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

Section 15.085 (5) (b), Stats., provides that affiliated credentialing boards such as the Occupational Therapists Affiliated Credentialing Board, "[s]hall promulgate rules for its own guidance and for the

guidance of the trade or profession to which it pertains. . .” The proposed rule will provide guidance to occupational therapists regarding the topic of who may refer occupational therapy services.

Section 227.11 (2) (a), Stats., provides that, “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

State employees will spend approximately 80 hours developing the proposed rule.

**6. List with description of all entities that may be affected by the proposed rule:**

Licensed occupational therapists and their patients will be affected by the proposed rule.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

This proposed rule will have minimal or no economic impact on small businesses.

**Contact Person:** Shawn Leatherwood (608) 261-4438, Shancethea.Leatherwood@yahoo.com

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Submitted

**State of Wisconsin  
Department of Safety and Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Peter Schramm, CE Specialist		<b>2) Date When Request Submitted:</b> 9/3/2014 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Section:</b> Occupational Therapy Examining Board			
<b>4) Meeting Date:</b> 9/16/2014	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Continuing Education Audits	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes (Fill Out Board Appearance Request) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Discussion of continuing education audits, per the request made by the Occupational Therapists Affiliated Credentialing Board at the June 3, 2014 meeting.			
<b>11) Authorization:</b>			
Peter Schramm		9/3/2014	
<b>Signature of person making this request</b>		<b>Date</b>	
Jill M. Remy		9/3/2014	
<b>Supervisor signature (if required)</b>		<b>Date</b>	
<b>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</b>		<b>Date</b>	
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

**State of Wisconsin  
Department of Safety & Professional Services**

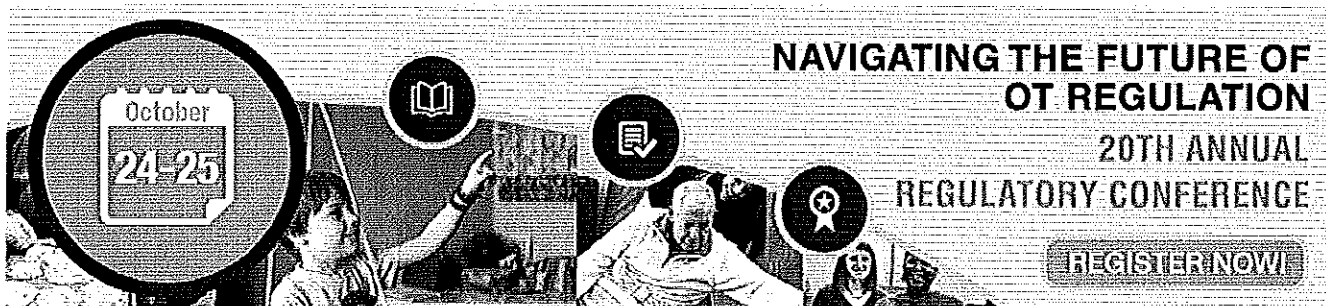
**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Brian Holmquist		<b>2) Date When Request Submitted:</b>  8/8/2014 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
<b>3) Name of Board, Committee, Council, Sections:</b>  Physical Therapy Examining Board			
<b>4) Meeting Date:</b>  9/16/2014	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  NBCOT Annual State Regulatory Conference	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled? If yes, who is appearing?</b>  No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  The Board will consider a member attending this conference.			
<b>11) Authorization</b>			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

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*The essential credentialing  
 organization for occupational therapy*



## Agenda

*Alexandria, VA*

### Friday, October 24, 2014

#### 4:00 PM - 7:00 PM — Current and Future State of Licensure Portability and Telehealth

States are continuing to be leaders in using telerehabilitation and other telehealth to reform health care delivery. This program will provide a national overview of state regulatory and legislative activity including the potential impact on occupational therapy practice and service delivery. In addition, various models of licensure portability will be discussed, including one profession's initiative to explore an interstate license compact and how this model may significantly improve regulatory processes.

Further, several occupational therapy state regulators will discuss their state's experiences in the context of portability and telehealth and the challenges they continue to face as they grapple with complex regulatory issues.

#### 7:00 PM - 8:00 PM — Reception (Sponsored by NBCOT)

### Saturday, October 25, 2014

#### 8:00 AM - 8:30 AM — Continental Breakfast (Sponsored by NBCOT)

#### 8:30 AM - 8:45 AM — Welcome and Introductions

Saturday's sessions will provide an encompassing dialogue on numerous topics related to emerging regulatory issues. Attendee participation will highlight this interactive day of dialogue and learning.

#### 8:45 AM - 9:45 AM — NBCOT Update

This session will highlight key metrics of NBCOT's certification program and provide an overview of the accreditation standards to which NBCOT is held accountable, from NCCA and ANSI to ISO Standard 17024. In line with these standards, a certification renewal practice analysis study was conducted, resulting in the creation of evidence-based tools supporting continuing competency needs. Using gaming technologies as the platform, these products offer certificants a dynamic interface to engage in continued professional development.

#### 9:45 AM - 10:00 AM — Break

#### 10:00 AM - 11:00 AM — Update on Health Reform

Hear a summary update on the challenges and implementation processes of the Affordable Care Act and issues related to the roles and tasks of licensing boards.

#### 11:00 AM - 12:00 PM — Sunset Review Process

A sunset review occurs when a state law, including those that create and empower state agencies, provides that the law shall cease to have effect after a specific date, unless legislative action is taken to extend the law. This session will examine the process and will review one state's experience.

**1:15 PM - 2:15 PM — Issues Impacting Entry-level Occupational Therapy Education**

This session will highlight issues impacting occupational therapy education, including the debate on entry-level degree requirements for both occupational therapists and occupational therapy assistants; growth in programs and student enrollment; fieldwork models; and faculty shortages.

**2:15 PM - 2:30 PM — Break****2:30 PM - 3:30 PM — Benefits and Challenges of Aligning State & National Standards**

Learn about decisions of the Maryland Board of Occupational Therapy Practice and the New Hampshire Occupational Therapy Governing Board to offer the NBCOT three-year certification renewal cycle as an option to meeting the state's continuing education requirement.

**3:30 PM - 4:30 PM — Taking a Proactive Approach to Reports of Character Issues**

Dialogue with a panel of state regulators who will review and discuss their respective approaches to processing character-related issues. What constitutes a character-related behavior will also be discussed by regulators from each of the three to four states represented.

**4:30 PM — Wrap-up and Adjournment**

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