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WVBOT MINUTES: September 18, 2009

MEMBERS PRESENT: Marty Douglas, Phil Simpson, Gene Brooks, Kathy Quesenberry,

ABSENT: Brenda Hambric

ALSO PRESENT: Vonda Malnikoff

MEETING CALLED TO ORDER: 11:03 a.m.

Gene motioned to enter Executive Session at 11:04 am. Marty seconded. Vote 4-0.

EXECUTIVE SESSION

Issue 2008 #49 – Complaint; **Case closed.**
Issue 2009 #52 – NSF check. **Case closed.**
Issue 2009 #53 – Reciprocity expired. **Case closed.**
Issue 2009 #54 – NSF check. **Case closed.**
Issue 2009 #55 – Limited Permit expired.
Issue 2009 #56 – Temporary license expired. **Case closed.**
Issue 2009 #57 – Review Cota application.

Phil motioned to end Executive session at 11:10 am. Gene seconded. Vote 4-0.

Gene motioned to accept application of COTA, issue 2009#57, with Kathy to contact her. Marty seconded. Vote 4-0.

Marty motioned to approve May 1st, June 4th, and June 22nd, 2009 minutes. Phil seconded. Vote 4-0.

OLD BUSINESS

TOPIC: Process for Code / Rule changes.

FINDINGS/CONCLUSIONS: Based on discussions with the House Government Organization Committee, we need to formulate our proposal for Code changes and submit to the Committee prior to the end of the 2008 Legislative Session to determine need for a study resolution. This study would be conducted by the Legislative Auditor's office during 2008 interim, to be introduced into the 2009 Legislative Session. Code changes need to be approved prior to introducing Legislative Rule changes. Meeting held December 3, 2007 to continue review of current Practice Act, using AOTA Model Practice Act as a guide. Draft was sent to AG for review and comment. Received and reviewed AG comments for sections 30-28-16 forward. Conference call was held on January 28, 2008 to review AG comments on remaining sections. Final draft was mailed to the Chairs of the House Government Organization Committee on February 5, 2008. Chairman has requested that the study (HCR 91) be assigned to the committee during the 2008 interims. A summary of major changes and draft copy was emailed to House Government Organization Committee on 4/23/08. Marty presented an overview at June interims meeting of legislative sub-committee assigned HCR91. Information meetings have been held in Princeton, Charleston, Wheeling, and Morgantown, Parkersburg and Huntington. A conference call was organized by WVOTA with WVPTA to get feedback regarding proposed changes. Kathy and Marty attended Legislative subcommittee meeting on November 16, 2008. The draft Practice Act was approved by the Joint Committee and will be introduced in the 2009 Legislative Session. House Bill 2309 passed the House 2-23-09. The bill is currently in the Senate Government Organization Committee. An information meeting was held 3-12-09 in Cumberland,

MD, and a meeting is scheduled in Martinsburg on 3-26-09. HB 2309 passed both houses on April 11th, 2009, to become effective in 90 days. Practice Act mailed with Midyear newsletter to all licensees in May.

ACTION/FOLLOW-UP: None.

TOPIC: BRIM On-Line Driver Training

FINDINGS/CONCLUSIONS: Required on-line training for all employees who drive a state vehicle, or who drive their personal vehicle and are reimbursed by the state. Employees have until June 30, 2009 to complete their training. Login instructions distributed. Kathy, Vonda, Brenda, and Phil completed training by 6/30/09 deadline.

ACTION/FOLLOW-UP: Vonda to contact BRIM to see if test can still be taken for premium credit.

TOPIC: Review of Legislative Rules

FINDINGS/CONCLUSIONS: Began review of current Legislative Rules. Initial modifications to be consistent with revised Practice Act were emailed to Board members 3-5-09. Emergency Rules for Competency Standards for Advanced Practice will need to be filed by mid-May. A draft of this Rule was reviewed and discussed. The Board agreed to split the current Legislative Rules into a series of Rules to include: Administrative Rules, Fees for Services Rendered by the Board, Continuing Education and Competence, Competency Standards for Advanced Practice, and Professional Conduct and Ethical Standards of Practice, in addition to the current Procedural Rules regarding disciplinary, complaint and contested case hearing procedures. Draft rules reviewed and approved at 5/1/09 meeting. Emergency Rule filed 5/12/09. Other legislative rules filed 5/14/09. Procedural rule filed 5/28/09. Emergency Rule approved by SOS 6/2/09. Procedural rule approved to become effective 11/1/09. Emergency Rule for Competency Standards for Advanced Practice mailed to all COTA's 6/18/09.

ACTION/FOLLOW-UP: None.

TOPIC: Review of Comments received during Legislative Rule comment period.

FINDINGS/CONCLUSIONS: Comment period for Legislative Rules ended 6/18/09. Fifteen comments regarding supervision of COTA's and one comment regarding student supervision were received. The primary concern was with the language requiring OTR supervision of the COTA during a patient visit every 30 or 45 days. It was felt the impact this would have on the OTR's caseload and the utilization of COTA's, especially in the school system, would limit the provision of OT services in the state. Upon discussion, the Board voted unanimously to remove the proposed co-visits from the Rule, and to more clearly define the responsibilities of the OTR, using language from AOTA's Guidelines for Supervision, Roles, and Responsibilities During the Delivery of Occupational Therapy Services. The Board also voted unanimously not to change the current student supervision rules. Upon discussion, it was agreed that the current rule is necessary and appropriate to protect consumers and provide adequate training/supervision to students. Response with modified rules sent to all those submitting comments. Agency Approved Rules filed with Secretary of State and Legislative Rule Making and Review Committee 7/2/09.

ACTION/FOLLOW-UP: Vonda to check status of rules with LRMRC.

TOPIC: FY 2010 Budget

FINDINGS/CONCLUSIONS: Budget will be prepared in April. Include new desktop computer and an additional laptop for Board member use. Need to consider possible renewal fee reductions as part of implementation of biennial renewal. Proposed fee reductions and budget reviewed at 5/1/09 meeting. The only major increase in the budget is a proposed increase by PEIA for OPEB (other post employment benefits) costs to be paid by state agencies for retiree benefits. The increase is a result of rising healthcare costs, reduced market value of trust fund, and reduced state funding. Gene motioned to accept proposed budget. Phil seconded. Vote 5-0. Budget submitted 6/18/09.

ACTION/FOLLOW-UP: None.

TOPIC: Mid-year newsletter

FINDINGS/CONCLUSIONS: Suggestion was made to wait until May to publish mid-year newsletter to include final result of Practice Act bill, with highlights of changes, and Legislative Rule update. Draft newsletter reviewed at 5/1/09 meeting. Newsletter mailed in May.

ACTION/FOLLOW-UP: None.

TOPIC: CE credit for on-line Practice Act review & test

FINDINGS/CONCLUSIONS: Discussed the proposal by Diana Davis to make an on-line presentation of the new Practice Act available to licensees to review and take a test for CE credit. Marty motioned to wait until after new Legislative Rules are passed. Gene seconded. Vote 4-0.

ACTION/FOLLOW-UP: Vonda to pursue with Diana and Infineon, Inc. regarding website capability to offer during 2011 renewal period.

TOPIC: NBCOT Annual Conference

FINDINGS/CONCLUSIONS: Annual conference has been scheduled for October 23-24, 2009 in Baltimore. Conference registration, hotel, and airline reservations made for Kathy.

ACTION/FOLLOW-UP: Kathy to attend conference.

PURCHASE CARD TRANSACTIONS

The Board reviewed all purchases made on the Purchase Card since the last board meeting. Marty motioned to accept all purchases. Phil seconded. Vote 4-0.

TREASURER’S REPORT

Cash Balance as of September 1, 2009
\$123,898.11

DEPOSITS SINCE LAST BOARD MEETING

May 14, 2009	\$ 1,255.00
May 28, 2009	1,640.00
June 11, 2009	2,753.00
June 25, 2009	2,740.00
July 9, 2009	2,340.00
July 23, 2009	2,375.00
August 13, 2009	1,430.00
August 28, 2009	1,510.00

TOTAL DEPOSITS \$16,043.00

DISBURSEMENTS SINCE LAST BOARD MEETING

April	\$ 6,534.30
May	6,544.60
June	5,654.87
July	5,593.88
August	3,333.32

NEW BUSINESS

TOPIC: Review of Position Statements

FINDINGS/CONCLUSIONS: Position statements with references to Practice Act were reviewed for modifications necessary to be consistent with new Act. Phil motioned to eliminate the position statement related to Referrals from Optometrists due to direct access eliminating the need for referrals. Gene seconded. Vote 4-0. Gene motioned to re-word the definition of Occupational Therapy with a reference to the Scope of Practice from the new Act in the position statement related to Licensure of Occupational Therapy Educators/University Faculty Positions. Marty seconded. Vote 4-0. Phil motioned to eliminate the School Based Practice position statement and add questions related to Medicaid requirements for COTA supervision and physician’s order to the School Based Practice Frequently Asked Questions, with other questions related to physician’s orders eliminated due to direct access. Gene seconded. Vote 4-0.

ACTION/FOLLOW-UP: Vonda to make changes to position statements and link to website, with reference in Renewal Newsletter.

TOPIC: Renewal Newsletter

FINDINGS/CONCLUSIONS: Renewal newsletter reviewed and approved for mailing with renewal applications in October.

ACTION/FOLLOW-UP: **Vonda to mail in October with renewal applications.**

TOPIC: Annual Report

FINDINGS/CONCLUSIONS: Annual report filed on-line 8/4/09.

ACTION/FOLLOW-UP: **None.**

TOPIC: WVOTA Annual Conference

FINDINGS/CONCLUSIONS: WVOTA has asked for a Board representative to hold a question and answer open forum during 10/31 annual conference in Charleston.

ACTION/FOLLOW-UP: **Marty and Phil tentatively scheduled to attend.**

TOPIC: AOTA Survey

FINDINGS/CONCLUSIONS: Discussed response to AOTA survey requesting feedback on a revised Code of Ethics.

ACTION/FOLLOW-UP: **Vonda to electronically file response to survey.**

TOPIC: Pcard Internal Control Procedure

FINDINGS/CONCLUSIONS: Draft procedure reviewed. Marty motioned to approve as written. Phil seconded. Vote 4-0.

ACTION/FOLLOW-UP: **Vonda to submit approved Pcard Internal Control procedure.**

TOPIC: Copier Contract Renewal

FINDINGS/CONCLUSIONS: Three year copier rental contract has expired. Options are to renew current contract for 12 months at a 30% discount or request quotes for a new copier from all nine qualified regional vendors. Gene motioned to renew current contract. Marty seconded. Vote 4-0.

ACTION/FOLLOW-UP: **Vonda to submit change order to renew current contract.**

financial

	<u>Vendor</u>	<u>Date rec'd</u>	<u>Amount</u>	<u>Note</u>
1	Auditor's Office	6/11/2009	\$19.00	Transactions for May 2009
2	Attorney General's office	6/16/2009	\$91.00	May phone calls re: rules
3	IS&C	6/22/2009	\$22.93	WVFIMS transactions for May 2009
4	IS&C	7/9/2009	\$20.62	WVFIMS transactions for June 2009
5	Auditor's Office	7/13/2009	\$15.00	Transactions for June 2009
6	Attorney General's office	7/13/2009	\$56.00	June phone calls
7	IS&C	7/16/2009	\$100.00	EDP Accounting Svcs - 4th qtr
8	WV Div of Personnel	8/5/2009	\$32.50	Personnel billing 1st Qtr FTE's
9	Auditor's Office	8/11/2009	\$10.00	Transactions for July 2009

10	IS&C	8/27/2009	\$15.84	WVFIMS transactions for July 2009
11	IS&C	9/14/2009	\$31.81	WVFIMS transactions for August 2009
12	Auditor's Office	9/15/2009	\$5.00	Transactions for August 2009
13	Attorney General's office	9/16/2009	\$21.00	August phone call

Marty motioned to pay all bills. Phil seconded. Vote 4-0.

correspondence

	<u>Correspondence</u>	<u>Date rec'd</u>	<u>Issue</u>
1	Purchasing	5/1/2009	The Buyers Network - May 2009 issue
2	Brickstreet	5/18/2009	Results of worker's comp premium audit - \$33 credit
3	Stateline	5/18/2009	April 2009 issue
4	WV Board of Optometry	5/28/2009	Request to provide administrative support
5	Purchasing	6/1/2009	The Buyers Network - June 2009 issue
6	Stateline	6/11/2009	May 2009 issue
7	Board of Risk & Ins Mgmt	6/18/2009	Certificates of Liability & Property Insurance
8	State Treasurer	6/22/2009	Spring 2009 Currency Notes
9	Office of Technology	6/24/2009	FY2010 schedule of rates
10	Brickstreet	6/30/2009	Inside Brickstreet - Summer 2009
11	Purchasing	7/1/2009	The Buyers Network - July 2009 issue
12	NPDB-HIPDB	7/13/2009	Data Bank News - July 2009
13	AOTA	7/14/2009	Academic Programs Annual Data Report
14	Stateline	7/14/2009	June 2009 issue
15	AOTA	7/21/2009	State Policy Update July 2009
16	Office of Technology	7/29/2009	Request for Licensing and Permit Information per SB553
17	NBCOT	8/3/2009	Visa Certificates issued in 2nd Qtr 2009
18	Purchasing	8/3/2009	The Buyers Network - August 2009 issue
19	Grady Bowyer	8/3/2009	Email regarding increased RHBT ARC; advising not to pay yet
20	Stateline	8/25/2009	July 2009 issue
21	Grady Bowyer	9/3/2009	Annual Licensing Board seminar date change and agenda
22	Purchasing	9/3/2009	The Buyers Network - September 2009 issue
23	WV Office of Technology	9/16/2009	Cyber Security Seminar

ACTIONS ARE IN BOLD

Meeting adjourned at 1:15 p.m. following the signing of applications. The next regular Board meeting is scheduled for Friday, November 6, 2009 at 11:00 a.m. at the Morgantown office.