

**Occupational Therapy Practitioners
Advisory Council Meeting Minutes
April 23, 2009**

Attendance

<u>Members</u>	<u>MDH Staff</u>	<u>Guests</u>	<u>Absent Members</u>
Chris Harbaugh	Tom Hiendlmayr		Merri Vitse
Lynnette Buckley	Kimberly Ruberg		
Debra Sellheim	Barbara Miller		
Mary Noska			

I. Introductions

Introductions were done by those in attendance.

II. Review and Approval of Minutes from January 22, 2009

Sellheim stated that Minutes should say “College of St. Catherine” instead of “St. Catherine University” because the name change will not be in effect until June 1, 2009. With the change noted, the Minutes were approved as written.

III. Additions/Adoption of Agenda

The Revised Agenda was adopted as proposed.

IV. Staff Updates

A. Credentialing Report

Ruberg presented the Credentialing Report. She stated that as of March 31, 2009 there were 2,749 licensed OTs and 860 licensed OTAs for a total of 3,609 licensed Occupational Therapy Practitioners. She noted that 739 OT renewal packets were mailed out on April 3, 2009. Ruberg presented a report showing OTP Stats from 9/30/04 to 3/31/09 which shows a history of the numbers of practitioners for different license types.

B. Investigation and Enforcement Report

Hiendlmayr presented the Investigations and Enforcement Report for Occupational Therapy Assistants for the third quarter. He stated that four intakes were received, consisting of one allegation and three application checks. As a result, there were two investigations opened. Of the two investigations opened, one was related to an allegation of illegal practice/protected title use and the other was related to an application. One investigation was closed, and it was a CE waiver request that was withdrawn. Hiendlmayr explained that CE waiver requests are handled by I&E staff because they usually involve medical information requests. He noted that no enforcement actions were opened or closed. He stated that the current pending investigations are 14 and current pending enforcements are four for a total of 18 pending actions.

Hiendlmayr presented the Investigations and Enforcement Report for Occupational Therapists for the third quarter. He stated that 71 intakes were received, consisting of one inquiry for information and 70 application checks. He noted that no investigations were opened. One investigation was closed due to insufficient evidence. He noted that no enforcement actions were opened or closed. He stated that current pending investigations are 28 and current pending enforcements are 11 for a total of 39 pending actions.

C. Budget and Expenditure Report

Hiendlmayr presented the Third Quarter Fiscal Year 2009 Expenditure Report. He stated that the account has a positive balance due to the revenues from the OTA renewal and the first OT renewal. He noted that the second OT renewal is currently bringing revenue in that will then bring the revenues close to the budgeted amount. He stated that it is not likely that the \$35,000.00 allocated for the online renewal system will be spent this fiscal year, but the project is underway.

V. Old Business

A. Legislative Update

Hiendlmayr presented the House bill and the Senate bill. He noted that the two bills are identical. The House bill is on the floor, and the Senate bill is in finance. He noted that the bill is moving forward apart from the health omnibus bills.

B. Standard for Option 3 in 148.6425, Subd. 3(b)

Hiendlmayr presented the language for MS Section 148.6425, Subd. 3(b). He explained that at the previous meeting the Advisory Council decided that it is not clear how the Option 3 language “documentation of having completed a combination of occupational therapy courses ... approved by the commissioner” should be interpreted. He noted that the Advisory Council did not come to any conclusions at the last meeting, and they decided to keep the item on the agenda for future meetings. Hiendlmayr believes that the Advisory Council will work on addressing the language this summer. He noted that since the last meeting the staff at College of Saint Catherine has developed a proposed refresher course for OTAs, and that proposal is on the agenda under “New Business.”

VI. New Business

A. COTA Requirements re: Direct Supervision of PAMs

Hiendlmayr presented the statutory language related to supervision of occupational therapy assistants using of physical agent modalities. Noska explained that currently if an OT has an order for a patient to receive PAMs and has an OTA working under them, the OT has to be there to directly supervise the OTA’s use of PAMs. She explained that in her work environment, an OT may work in several different facilities in a day doing the evaluations, follow-ups and discharges and the OTAs are doing the treatment and discussing what is going on with the OT. Since an OT has to be present for the PAMs treatment, the OT will most likely perform the PAMs treatment while they are at the facility. Noska noted that an OTA takes the same course as an OT to get PAMs approval. She believes the restriction is a common problem in rural Minnesota. Hiendlmayr responded that the restriction probably flows first out of the supervisory limitations for

OTAs and OTs to begin with, and then the statutes initially had regulation where the PAMs were not within the scope of practice of OTPs at all. When updating the scope of practice, the agreement with physical therapist association was that OTPs would need to take a course to get PAMs approval and that OTAs using PAMs needed direct supervision from an OT who has been granted PAMs approval. He stated they would need to negotiate with the PTs before any changes could be made. Buckley inquired if PTAs do not need direct supervision. Sellheim stated they are supervised every sixth treatment for all types of treatments. Sellheim noted that PTAs get extensive PAMs training in their curriculum. Harbaugh stated that OTs have PAMs training in their curriculum. He inquired if PAMs training is a requirement in OTA curriculum. Buckley believes that it is going to be included in OTA curriculum in the future, but it is not required at this time. Harbaugh stated if the OT does the evaluation, sets up the appropriate modality and sets up appropriate treatment parameters, he believes that it would be ethical to have supervision by the OT every few visits.

Hiendlmayr stated the way to pursue the issue is to come to some agreement within the Advisory Council and MOTA as to what language would be changed and then take it to the physical therapy association to hear their concerns about the proposal. Harbaugh suggest language saying “working under the parameters established by the occupational therapist” and then supervision every fifth visit. Buckley noted that in her employment setting, she has shown competency by performing tasks six times under supervision. She stated that once every fifth visit is not enough because the OT needs to establish the competency of the OTA. Harbaugh stated that the OT should establish the baseline parameters and should follow up. He noted that the language already includes “demonstrates competency,” and the question is: how many visits should be followed up on by the OT? Hiendlmayr summarized the language as “the first session would be set up and delivered by the OT to determine the parameters” and then “direct observation of the OTA on the [third, fourth or fifth] subsequent treatment.” Harbaugh endorsed the PTA supervision language of “a physical therapist must provide on-site observation of the treatment and documentation of its appropriateness at least every six treatment sessions” because the PT is not only looking at the treatment but also the documentation. Sellheim inquired about the communication going on between an OT and the OTA. Buckley noted that the OTA cannot change what they deliver unless the OTA meets with the OT and the OT decides to modify the treatment. Noska stated that if the OT is not on-site the OTA might call the OT to discuss modification of the treatment. Harbaugh noted that the PTA supervision language says “the physical therapist is not required to be on site, but must be easily available by telecommunications.” Sellheim agreed that was important.

B. OTA Refresher Course Proposal Review

Hiendlmayr presented the OTA refresher course proposal from Marianne Christiansen at College of St. Catherine. The proposal includes a cover letter and a detailed outline of the proposed course. Ms. Christiansen would like to hear back from the Advisory Council in terms of the comprehensiveness of the plan, and College of St. Catherine would design the content and online learning during the summer. College of St. Catherine will send the information to the Advisory Council for final approval by the Commissioner in the fall. The college is planning to provide the course for the first time in late spring or early fall

of 2010, and then the course will be offered twice a year in January and June. Hiendlmayr noted that PAMs is not in the OTA refresher course. Harbaugh inquired if an OTA lets their license lapse, are they removed from the PAMs roster? Ruberg responded that once a practitioner is on the PAMs roster they are not removed. Harbaugh inquired if a practitioner takes a refresher course to renew their license after a four year lapse, can they immediately practice PAMs again? Ruberg confirmed the practitioner could practice PAMs. Harbaugh stated that he did not like that. Hiendlmayr explained that there is not an expiration date for the PAMs roster. Sellheim noted that is a continuing competence issue. Harbaugh stated that this issue should be a future agenda item. He noted it might be easy to add language stating if the license lapsed for two years or more the practitioner would be removed from the PAMs roster. Ruberg noted that there is nothing in the CE requirements that requires practitioners with PAMs certification to take a minimum number of continuing education hours related to PAMs. Harbaugh noted that there are some practitioners that have PAMs certification, but never use it. Hiendlmayr stated that the renewal applications track some information about practitioners' usage of PAMs. Harbaugh reiterated that this issue should be addressed in future meetings.

Harbaugh commented that he likes that the course is available online, and he likes the six education modules option. Buckley stated that in the description she sees a lot of "identify" and "understand." She would like to see more the words describing that role. Sellheim noted that the objectives are written on a pretty low level. Buckley stated that the information appears to be a light overview, instead of have a lot of "demonstrates." Harbaugh noted that it would be hard to demonstrate when the course is online. Sellheim stated that she does not like the use of "understand" in the course objective because how do you measure that? She suggested using measurable terms like "describe," "demonstrate," "competence," "test out," "state," and "define." Harbaugh noted that there will be an assessment at the end of each module. Noska inquired if the course is pass/fail or if the course is pass/pass? Buckley inquired what the passing rate is? Noska inquired whether each module would have the same weight, and whether the "hands on" weekend be weighted more or less than the modules? Sellheim stated that she would be fine if the course is pass/fail, but she would like to know what the pass rate is. Hiendlmayr will provide the comments to Ms. Christiansen, and ask her to submit for the next meeting a revised proposal.

Next Meeting

October 8, 2009

2:30 P.M. to 4:30 P.M.

Snelling Office Park

St. Croix Room

1645 Energy Park Drive

Saint Paul, MN 55108

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