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WVBOT MINUTES: November 6, 2009

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

ABSENT:

ALSO PRESENT: Vonda Malnikoff

MEETING CALLED TO ORDER: 11:05 a.m.

Marty motioned to approve September 18, 2009 minutes. Phil seconded. Vote 5-0.

Gene motioned to enter Executive Session at 11:12 am. Marty seconded. Vote 5-0.

EXECUTIVE SESSION

Issue 2009 #57 – Review Cota application. **Case closed.**

Issue 2009 #58 – LP expired. **Case closed.**

Issue 2009 #59 – LP void. **Case closed.**

Marty motioned to end Executive session at 11:15 am. Phil seconded. Vote 5-0.

OLD BUSINESS

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. Per email from BRIM, program was taken off line and can no longer be taken.

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. LRMRC has sent draft of Administrative Rule 13-01. See New Business.

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. Kathy attended conference as scheduled. Kathy shared several items from conference for Board discussion. See addendum A for list.

ACTION/FOLLOW-UP: Vonda to follow up with AG regarding questions from conference.

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. Changes made to position statements, referenced in Renewal Newsletter, and posted to website.

ACTION/FOLLOW-UP: None.

TOPIC: Renewal Newsletter

FINDINGS/CONCLUSIONS: Renewal newsletter reviewed and approved for mailing with renewal applications in October. Newsletter and renewal applications mailed 10/7/09.

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. Marty and Gene attended conference as Board representatives.

ACTION/FOLLOW-UP: None.

TOPIC: AOTA Survey

FINDINGS/CONCLUSIONS: Discussed response to AOTA survey requesting feedback on a revised Code of Ethics. Survey electronically filed 9/22/09.

ACTION/FOLLOW-UP: None.

TOPIC: Pcard Internal Control Procedure

FINDINGS/CONCLUSIONS: Draft procedure reviewed. Marty motioned to approve as written. Phil seconded. Vote 4-0. Procedure submitted to Pcard Division 9/23/09.

ACTION/FOLLOW-UP: None.

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. Change order to extend contract processed.

ACTION/FOLLOW-UP: None.

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 5-0.

TREASURER'S REPORT

Cash Balance as of November 1, 2009

\$123,227.41

DEPOSITS SINCE LAST BOARD MEETING

September 10, 2009	\$ 450.00
September 24, 2009	1,970.00
October 8, 2009	1,705.00
October 22, 2009	4,520.00
October 29, 2009	1,690.00

TOTAL DEPOSITS 10,335.00

DISBURSEMENTS SINCE LAST BOARD MEETING

September	\$ 4,492.74
October	\$ 6,512.96

NEW BUSINESS

TOPIC: LRMRC draft of Legislative Rules

FINDINGS/CONCLUSIONS: Board reviewed revised Leg Rule 13-01 as modified by LRMRC. Most changes involved deleting unnecessary definitions and sections duplicated in in the Practice Act or other rules. Supervision requirements were not changed, but moved from definitions to section 13-1-12. Marty motioned to accept changes. Brenda seconded. Vote 5-0. Our Rules will be presented at the November interim committee meeting on November 17th.

ACTION/FOLLOW-UP: Marty and Vonda to attend interim committee meeting.

TOPIC: Computer upgrades

FINDINGS/CONCLUSIONS: The Board discussed the need to upgrade the office computer and purchase a second laptop for Board member use when traveling. Gene motioned to purchase a new desktop, with upgrade to Windows 7 for existing laptop, and to purchase a new compatible laptop at the same time. Marty seconded. Vote 5-0.

ACTION/FOLLOW-UP: Vonda to obtain quotes and information regarding a user's license for software for multiple computers.

financial

	VENDOR	DATE REC'D	AMOUNT	NOTE
1	Auditor's Office	10/13/2009	\$17.00	Transactions for September 2009
2	IS&C	10/19/2009	\$14.55	WVFIMS transactions for September 2009
3	WV Div of Personnel	10/20/2009	\$32.50	Personnel billing 2nd Qtr FTE's
4	IS&C	11/5/2009	\$100.00	EDP Accounting Svcs - 1st Qtr 2010

Marty motioned to pay all bills. Phil seconded. Vote 5-0.

correspondence

	<u>correspondence</u>	<u>date rec'd</u>	<u>issue</u>
1	NPDB-HIPDB	10/5/2009	Data Bank News
2	Purchasing	10/5/2009	The Buyers Network - October 2009
3	Brickstreet	10/13/2009	Inside Brickstreet
4	NBCOT	10/13/2009	Competency self-assessment tools
5	Stateline	10/15/2009	September 2009 issue
6	Purchasing	11/2/2009	The Buyers Network - November 2009

Meeting adjourned at 1:45 following the signing of applications. The next regular Board meeting is scheduled for Friday, January 15, 2010 at 11:00 a.m. at the Morgantown office.

Addendum A

Notes from NBCOT Annual Conference

Questions for AG:

- Are Board members serving on expired terms covered by immunity clause?
- Do we need a motion to adopt agenda at the beginning of each Board meeting?
- What does WV recognize as the definition of a “meeting”?
- Is it, or does it need to be, stated in Code or Rules that the Executive Secretary has the authority to approve applications for licensure without Board approval?
- If the Board wanted to perform supervision audits at facilities, does this need to be stated in the Rules as a Power and Duty of the Board?
- If the Board wanted to require applicants to provide a criminal background check and fingerprinting as a requirement for licensure, does this need to be included in Code or Rules?
 - o If the applicant falsely answers the questions on the application related to criminal background, would the Board be liable if there was an issue?
 - o Do other licensing Boards in WV require criminal background checks for licensure?

Other items for consideration:

- Do we need to state in the minutes the reason to enter executive session?
- Are the consequences of Board members not attending meetings and conditions for removal from the Board stated in State Code?
- We should request a written opinion from AG for any legal question.
- The question on the licensure application related to criminal history should be modified to read, “Have you ever been arrested, charged, convicted, expunged, or pardoned of a felony?”
- Washington DC now requires licensees to have a picture on their license.