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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

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<b>PUBLIC MEETING MINUTES:</b>	<b>Board of Occupational Therapy Practice</b>
<b>MEETING DATE AND TIME:</b>	<b>January 7, 2009 at 4:30 p.m.</b>
<b>PLACE:</b>	<b>861 Silver Lake Boulevard, Dover, Delaware Conference Room B, Cannon Building</b>
<b>MINUTES APPROVED:</b>	<b>February 4, 2009</b>

### **MEMBERS PRESENT**

Nancy Broadhurst, Professional Member, Chairperson  
Wendy Mears, Professional Member, Vice-Chairperson  
Kimberly Pierson, Professional Member  
Rosemarie Vanderhoogt, Public Member

### **MEMBER ABSENT**

Virginia Mirro, Public Member, Secretary

### **DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Eileen Kelly, Deputy Attorney General  
Gayle Melvin, Administrative Specialist III

### **ALSO PRESENT**

Jan Gorecki  
Juli LaBadia, Court Reporter

### **CALL TO ORDER**

Ms. Broadhurst called the meeting to order at 4:33 p.m.

## **REVIEW OF MINUTES**

The Board reviewed the minutes of the November 20, 2008 meeting. Ms. Pierson made a motion, seconded by Ms. Mears to approve the minutes as presented. The motion was unanimously carried.

## **NEW BUSINESS**

### **Review of Applications for Occupational Therapist/Occupational Therapy Assistant**

Ms. Mears made a motion, seconded by Ms. Pierson to approve the following applications:

Sharon A. Askew – Occupational Therapy Assistant  
Mary Beth Weisenburger – Occupational Therapist  
Sowmya Ganesh – Occupational Therapist

The motion was unanimously carried.

### **Review of Continuing Education Activities**

Ms. Mears made a motion, seconded by Ms. Pierson to approve the following continuing education courses:

Jan Gorecki

OTA Advisory Committee Meeting – 2 hours

Hanger Prosthetics & Orthotics

Successful Rehabilitation of the Lower Extremity Amputee – 4 hours

Medtronic, Inc.

Chronic Pain Management and Advanced Pain Therapies Overview – 2 hours

Christiana Care Health System Physical Therapy PLUS

Delaware Hand Group Meeting: Distal Radius Fractures: A New Beginning – 1.5 hours

Chesapeake Rehab Equipment

CRE Education Conference 2009 – 6.5 hours

Care Resources, Inc.

Diabetic Medication: Pharmacological and Exercise Implications – 8 hours

How to Access and Treat Postural Problems in Therapy: A Lab Course – 7 hours

Yoga Therapy for the Child with Developmental Challenges – 14 hours

Interventions for Older Adults with Balance Problems – 8 hours

NDT Treatment of the Infant – 14 hours

Rehabilitation Therapy across the Continuum of Care for Individuals with Traumatic Brain Injury – 14 hours

Using Behavior Analysis to Manage Problem Behaviors – 7 hours

Visual Processing in Children with Developmental Disabilities – 14 hours

Feeding Disorders: The AEIOU Approach – 14 hours

Linking Play to Function – Utilizing Neurodevelopmental and Sensory Integration

Strategies to Facilitate Functional Skills through Play – 14 hours

The motion was unanimously carried.

Ms. Mears made a motion, seconded by Ms. Pierson that the following request be tabled and to request a timed agenda:

Institute for Natural Resources  
Advances in Women's Health: Hormones, Health & the Brain  
Reinventing Mid-Life: Sleep, Aging & Overeating

The motion was unanimously carried.

Memorandum from James Collins, Director, Division of Professional Regulation Regarding Operational Changes

Board members reviewed the memorandum from Mr. Collins regarding operational changes for the Division of Professional Regulation due to current economic conditions. Board members had questions about delegating authority to the Division to issue licenses for routine applications. Ms. Melvin advised the Board that Mr. Collins will be attending a future meeting to discuss this matter.

**OLD BUSINESS**

Discussion of Strategic Planning

Physical Agent Modalities

A discussion was held concerning physical agent modalities. The Board felt that the definition of occupational therapy services in the statute is broad enough to cover this. If a complaint is made against a licensee, the licensee would need to show proof of training in order to be performing physical agent modalities. Ms. Kelly will review the rules and regulations to see if language could be included, possibly under continuing education.

**4:45 P.M. – PUBLIC HEARING: PROPOSED CHANGES TO THE RULES AND REGULATIONS REGARDING SUPERVISION**

Ms. Broadhurst called the Public Hearing to order at 5:12 p.m. The Board proposed to revise its Rules and Regulations. The Board proposed amendments to Rule 1.3 which addresses supervision of occupational therapy assistants. Rule 1.3.3 provides that: "An occupational therapist may supervise up to three (3) occupational therapy assistants but never more than two (2) occupational therapy assistants who are under direct supervision at the same time." The proposed amendments add new Rules 1.3.4 and 1.3.5, which will require occupational therapists to notify the Board when a supervisory relationship begins and when it ends. This notification requirement will enforce compliance with Rule 1.3.3, which is designed to ensure that occupational therapy assistants receive adequate supervision. Therefore, the proposed revisions will serve to protect the public from unsafe practices. In addition, the Board proposes a minor typographical revision to Rule 1.1. Notice of the Public Hearing was published in two Delaware newspapers. Notice of the Public Hearing was published in the Delaware Register of Regulations. Verbatim testimony was recorded by the court reporter. No written comments were received. Ms. Gorecki stated that she supported the proposed revisions. At 5:15 p.m., the Board went off the record and held deliberations. At 5:33 p.m., the Board went back on the record. Ms. Mears made a motion, seconded by Ms. Vanderhoogt to accept the proposed

revisions as written. The motion was unanimously carried. Ms. Kelly will prepare the final order for Board members to sign at the next meeting. The Public Hearing closed at 5:34 p.m.

### **OLD BUSINESS CONTINUED**

#### **Discussion: Reinstatement of the Temporary License**

A discussion was held regarding reinstatement of the temporary license. The Board felt that it had eliminated as many barriers as possible for delaying the issuance of a permanent license. Ms. Pierson made a motion, seconded by Ms. Mears to take this item off the agenda and revisit it in the future if the need arises. The motion was unanimously carried.

### **OTHER BUSINESS BEFORE THE BOARD** (for discussion only)

Ms. Kelly provided the Board with language regarding emergency suspension of a license. This would require a statute change.

### **PUBLIC COMMENT**

Ms. Gorecki stated at first she was a strong supporter of having a temporary license. However, after hearing the discussions, she is now in support of the Board. She appreciates the Board changing their processes and their willingness to look at the issues. She will encourage students to order their transcripts before graduation. She also stated that she supports the Board's concerns about physical agent modalities.

### **NEXT SCHEDULED MEETING**

The next meeting will be held on Wednesday, February 4, 2009 at 4:30 p.m. in Conference Room A, 2<sup>nd</sup> floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

### **ADJOURNMENT**

There being no further business, Ms. Mears made a motion, seconded by Ms. Pierson to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 5:51 p.m.

Respectfully submitted,



Gayle L. Melvin  
Administrative Specialist III