

Minutes of the January 31, 2023 Board of Occupational Therapy Video Conference Meeting

1. ROLL CALL

Mary Walsh-Sterup, Chairperson, called the meeting of the Board of Occupational Therapy to order at 9:04 a.m. on Tuesday, January 31, 2023, in Conference Room 5G at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS website at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on January 24, 2023.

Walsh-Sterup announced that this is an open meeting, and the Open Meetings Act is posted.

Members Present: The following members answered roll call:

Mary Walsh-Sterup, Chairperson
Dr. Marcus Doughty, Vice-Chairperson (via Webex)
Dr. Alfred Bracciano, Secretary
Nancy Peetz, Member

Others Present:

T.J. O'Neill, Assistant Attorney General
Jeanne Burke, Assistant Attorney General
Jennifer Miralles, DHHS Attorney (via Webex)
Teresa Hampton, DHHS Attorney (via Webex)
Claire Covert-ByBee, Program Manager
Amy Blinston, Health Licensing Coordinator
Diane Jackson, Nebraska Board of Health

2. ADOPTION OF AGENDA

MOTION: Peetz moved, seconded by Bracciano to adopt the agenda. Voting aye: Peetz, Doughty, Walsh-Sterup, and Bracciano. Voting nay: None. Motion carried.

3. REAFFIRMATION OF MAIL BALLOT

Covert-ByBee indicated there has been one mail ballot since the last Board meeting. The Board reaffirmed the mail ballot approving the 8.23.2022 meeting minutes. Bracciano, Peetz, and Doughty voted to approve the minutes as written. Walsh-Sterup abstained. The minutes were approved on 8.30.2022.

These minutes were approved by the Board of Occupational Therapy via mail ballot on 2.8.2023.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Bracciano moved, seconded by Peetz to move into closed session at 9:05 a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Bracciano, Doughty, Walsh-Sterup, and Peetz. Voting nay: None. Motion carried.

5. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION

The Board returned to open session at 9:20 a.m. No recommendations were made.

6. UPDATE ON NEW LICENSURE DATABASE

Covert-ByBee advised that the Department of Health and Human Services is in the process of finalizing a contract with the same entity that created the current system, LIS, to upgrade the database and use a newer product, My License Office.

7. ELECTION OF OFFICERS

MOTION: After discussion, Doughty moved, seconded by Peetz, to keep the same slate of officers with Walsh-Sterup as Chairperson & Investigative Consultant, Doughty as Vice-Chairperson, and Bracciano as Secretary. Voting aye: Bracciano, Doughty, Walsh-Sterup, and Peetz. Voting nay: None. Motion carried.

8. SCOPE OF PRACTICE QUESTION

Can an OT who is credentialed for modalities in the state of Nebraska use hot laser to treat inflammatory conditions?

Covert-ByBee indicated Neb. Rev. Stat. 38-2506 defines deep thermal agent modalities as therapeutic ultrasound and phonophoresis. Deep thermal agent modalities does not include the use of diathermy or lasers. Source: Laws 2007, LB463, § 846.

172 NAC 114.002.11 further defines laser as a mechanism for emitting electromagnetic radiation using heat via the process of stimulated emission. This does not include a method where light is applied to tissue in order to influence cell or tissue functions with such low light that heating is negligible.

9. CONVICTION REVIEW GUIDELINES

MOTION: After discussion, Bracciano moved, seconded by Peetz, to keep the conviction review guidelines as currently written. Voting aye: Bracciano, Doughty, Walsh-Sterup, and Peetz. Voting nay: None. Motion carried.

These minutes were approved by the Board of Occupational Therapy via mail ballot on 2.8.2023.

10. PER DIEM DISCUSSION

The Board discussed retaining the current per diem amount of \$50/day for Board business with an additional ½ day per diem for meeting preparation.

MOTION: Peetz moved, seconded by Doughty, to keep the current per diem rate. Voting aye: Bracciano, Doughty, Walsh-Sterup, and Peetz. Voting nay: None. Motion carried.

11. 407 CREDENTIALING REVIEW PROCESS

Covert-ByBee provided the Board with information regarding the 407 Credentialing Review Process. Detailed information regarding this process is available online at: <https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

12. LEGISLATIVE UPDATE

Covert-ByBee presented the Board with information regarding the following legislative bills: LB16, LB256, LB280, LB291, LB335, LB345, LB402, LB422, LB430, LB431, LB513, LB637, LB810, LB75, LB271, LB593, LB123, LB78, and LB521. These bills may be viewed on the Nebraska Legislature website: <https://nebraskalegislature.gov>.

13. LICENSURE AND EXECUTIVE ORDER 22-08

Covert-ByBee stated EO 22-08 allows for provisional licenses to be issued while waiting exam results, and remote supervision when the supervisor deems appropriate. This EO expires June 30, 2023.

14. LICENSURE APPLICATION PROCESSING REPORT

Blinston presented the Licensure Application Processing Report. This was for informational purposes only.

15. TOPICS FOR NEXT MEETING

Topics identified for the next meeting include the APR, Legislative Update, 407 Credentialing Review Process, Update on the New Licensure Database, and Executive Orders.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 10:55 a.m.

Respectfully submitted,

Dr. Alfred Bracciano, Secretary