



TELECONFERENCE/VIRTUAL MEETING
OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
March 13, 2018

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-3)**
- B) Approval of Minutes of November 28, 2017 (4-5)**
- C) Administrative Updates (6-12)**
 - 1) Department and Staff Updates
 - 2) Election of Officers
 - 3) Appointment of Liaisons and Alternates
 - 4) Delegation of Authorities
 - 5) Board Members – Term Expiration Dates
 - a) Brian Holmquist – 07/01/2013
 - b) Mary Kassens – 07/01/2019
 - c) Laura O'Brien – 07/01/2019
 - d) Amy Summers – 07/01/2018
 - 6) Wis. Stat. s 15.085 (3)(b) – Biannual Meeting with the Medical Examining Board
- D) Occupational License Study (13-14)**
 - 1) 2017 Wisconsin Act 59 (enacted in State Budget Bill)
- E) Legislation/Administrative Rule Matters (15-17)**
 - 1) Scope Statement for OT 4, Relating to Supervision and Practice of Occupational Therapy Assistants
 - 2) Update on Other Legislation and Pending or Possible Rulemaking Projects
- F) Teri Black, Wisconsin Occupational Therapy Association (WOTA) (18-21)**
 - 1) Occupational Therapy Dry Needling and COTA Supervision in Birth to Three and Home Health – Discussion and Possible Action
- G) Speaking Engagement(s), Travel, or Public Relation Requests**
 - 1) Consider Attendance at the 2018 NBCOT State Regulatory Leadership Forum – April 6 & 7, 2018 – Atlanta, GA **(22-26)**

H) Informational Items

I) Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Updates
- 3) Education and Examination Matters
- 4) Credentialing Matters
- 5) Practice Matters
- 6) Legislation/Administrative Rule Matters
- 7) Liaison Report(s)
- 8) Informational Item(s)
- 9) Disciplinary Matters
- 10) Presentations of Petition(s) for Summary Suspension
- 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 12) Presentation of Proposed Decisions
- 13) Presentation of Interim Order(s)
- 14) Petitions for Re-Hearing
- 15) Petitions for Assessments
- 16) Petitions to Vacate Order(s)
- 17) Petitions for Designation of Hearing Examiner
- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Appearances from Requests Received or Renewed
- 22) Speaking Engagement(s), Travel, or Public Relation Request(s)

J) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

K) Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) **Case Closings**
 - a) 16 OTB 008 **(27-30)**

L) Open Cases

M) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Application Matters
- 4) Disciplinary Matters
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petition(s) for Summary Suspensions
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Administrative Warnings
- 10) Proposed Decisions
- 11) Matters Relating to Costs
- 12) Complaints
- 13) Case Closings

- 14) Case Status Report
- 15) Petition(s) for Extension of Time
- 16) Proposed Interim Orders
- 17) Petitions for Assessments and Evaluations
- 18) Petitions to Vacate Orders
- 19) Remedial Education Cases
- 20) Motions
- 21) Petitions for Re-Hearing
- 22) Appearances from Requests Received or Renewed

N) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- O)** Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- P)** Open Session Items Noticed Above Not Completed in the Initial Open Session
- Q)** Credentialing Liaison Training
- R)** Ratification of Licenses and Certificates

ADJOURNMENT

ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

ROOM 124E

10:15 A.M. OR IMMEDIATELY FOLLOWING FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Examinations of Zero (0 at the time of agenda publication) Candidates for Licensure – Brian Holmquist

NEXT MEETING DATE: JUNE 12, 2018

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**TELECONFERENCE/VIRTUAL MEETING
OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD
MEETING MINUTES
November 28, 2017**

PRESENT: Brian Holmquist, Mary Kassens (*GoToMeeting*), Laura O'Brien, Amy Summers (*GoToMeeting*)

STAFF: Tom Ryan, Executive Director; Kimberly Wood, Program Assistant Supervisor-Advanced; and other Department staff

CALL TO ORDER

Brian Holmquist, Chair, called the meeting to order at 9:34 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

Amendment to the Agenda:

- Open Session - Under "Item G. Speaking Engagement(s), Travel or Public Relation Requests" –
Add:
 - 1) 2018 American Occupational Therapy Association (AOTA) Annual Conference and Expo

MOTION: Laura O'Brien moved, seconded by Amy Summers, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Laura O'Brien moved, seconded by Mary Kassens, to approve the minutes of November 17, 2016 as published. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE MATTERS

Position Statements of the Occupational Therapists Affiliated Credentialing Board

MOTION: Laura O'Brien moved, seconded by Mary Kassens, to delete all existing Position Statements and Frequently Asked Questions from the Occupational Therapists Affiliated Credentialing Board's webpage. Motion carried unanimously.

CLOSED SESSION

MOTION: Laura O'Brien moved, seconded by Amy Summers, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Brian Holmquist-yes; Mary Kassens-yes; Laura O'Brien-yes; Amy Summers-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:12 a.m.

RECONVENE TO OPEN SESSION

MOTION: Laura O'Brien moved, seconded by Mary Kassens, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 11:15 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Laura O'Brien moved, seconded by Amy Summers, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

16 OTB 007, J.J.M.

MOTION: Laura O'Brien moved, seconded by Amy Summers, to close DLSC case number 16 OTB 007, against J.J.M., for prosecutorial discretion (P7). Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Laura O'Brien moved, seconded by Amy Summers, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Laura O'Brien moved, seconded by Mary Kassens, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:16 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Laura Smith, Bureau Assistant, on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 11/22/17 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>											
3) Name of Board, Committee, Council, Sections: Occupational Therapy Affiliated Credentialing Board													
4) Meeting Date: 3/13/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters/Updates 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) Delegation of Authorities											
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A										
10) Describe the issue and action that should be addressed: 1) The Board should conduct Election of its Officers for 2018 2) The new Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider continuation or modification of previously delegated authorities													
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black; padding-bottom: 5px;"> 11) Authorization <i>Laura Smith</i> </td> <td style="width: 40%; border-bottom: 1px solid black; padding-bottom: 5px; text-align: right;"> 11/22/2017 </td> </tr> <tr> <td style="border-bottom: 1px solid black; padding-bottom: 5px;"> Signature of person making this request </td> <td style="border-bottom: 1px solid black; padding-bottom: 5px; text-align: right;"> Date </td> </tr> <tr> <td style="border-bottom: 1px solid black; padding-bottom: 5px;"> Supervisor (if required) </td> <td style="border-bottom: 1px solid black; padding-bottom: 5px; text-align: right;"> Date </td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black; padding-bottom: 5px;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </td> </tr> <tr> <td colspan="2" style="padding-top: 5px;"> Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. </td> </tr> </table>				11) Authorization <i>Laura Smith</i>	11/22/2017	Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.	
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2016 ELECTION RESULTS	
Board Chair	Brian Holmquist
Vice Chair	Laura O'Brien
Secretary	Gaye Meyer
2016 LIAISON APPOINTMENTS	
Credentialing Liaisons	Laura O'Brien, Gaye Meyer Alternate – Brian Holmquist, Amy Summers
Education and Exams Liaisons	Laura O'Brien, Amy Summers Alternate – Gaye Meyer, Brian Holmquist
Monitoring Liaisons	Laura O'Brien, Alternate – Amy Summers
Professional Assistance Procedure Liaison	Gaye Meyer Alternate – Laura O'Brien, Brian Holmquist
Legislative Liaison	Laura O'Brien Alternate – Brian Holmquist
Travel Liaison	Brian Holmquist Alternate – Laura O'Brien
Administrative Rules Liaison	Laura O'Brien Alternate – Gaye Meyer, Brian Holmquist
Screening Panel	Amy Summers, Laura O'Brien, Gaye Meyer Alternate – Brian Holmquist

MOTION: Gaye Meyer moved, seconded by Laura O'Brien, to affirm the Chair's appointment of liaisons and screening panel for 2016. Motion carried unanimously.

DELEGATION MOTIONS

Delegated Authority for Urgent Matters

MOTION: Brian Holmquist moved, seconded by Laura O'Brien, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Gaye Meyer moved, seconded by Laura O'Brien, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: Laura O'Brien moved, seconded by Gaye Meyer, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Gaye Meyer moved, seconded by Laura O'Brien, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

MOTION: Laura O'Brien moved, seconded by Gaye Meyer, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Monitoring Delegations

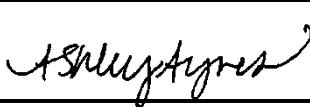
MOTION: Amy Summers moved, seconded by Gaye Meyer, to affirm the Chair's appointment of Laura O'Brien as the Monitoring Liaison, and Amy Summers as the alternate, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor' document as presented. Motion carried unanimously.

Travel Delegation

MOTION: Gaye Meyer moved, seconded by Laura O'Brien, to authorize the travel liaison to approve all Board travel. Motion carried unanimously.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Ashley Ayres Monitoring and Intake Supervisor Division of Legal Services and Compliance		2) Date When Request Submitted: December 18, 2017 <div style="border: 1px solid black; padding: 5px; font-size: small;"> Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others </div>	
3) Name of Board, Committee, Council, Sections: Occupational Therapists Affiliated Credentialing Board			
4) Meeting Date: March 13, 2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Appointment of Monitoring Liaison and Delegated Authority Motion	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: Adopt or reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet.			
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> 11)  Signature of person making this request </div> <div style="width: 60%; text-align: right;"> Authorization December 18, 2017 Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> Supervisor (if required) </div> <div style="width: 60%; text-align: right;"> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 60%; text-align: right;"> Date </div> </div> <hr/> <div style="font-size: small;"> Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. </div>			

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.
8. Grant or deny a request to appear before the Board/Section in closed session.
9. *(Except Pharmacy)* Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.
10. *(Except Pharmacy)* Grant Respondent’s petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison.
 - a. Year 1: 49 screens (including 1 hair test, if required by original order)
 - b. Year 2: 36 screens (plus 1 hair test, if required by original order)
 - c. Year 3: 28 screens plus 1 hair test
 - d. Year 4: 28 screens plus 1 hair test
 - e. Year 5: 14 screens plus 1 hair test
11. *(Dentistry only)* – Ability to approve or deny all requests from a respondent.

Current Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
 2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.
 3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
-

Proposed (New) Delegations to the Monitoring Liaison

The Monitoring Unit is proposing the following additions to the Monitoring Liaison's authority:

1. Board Monitoring Liaison may determine whether Respondent's petition is eligible for consideration by the full Board/Section.
2. Board Monitoring Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Laura Smith, Bureau Assistant, on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 2/21/18 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Occupational Therapy Affiliated Credentialing Board			
4) Meeting Date: 3/13/2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2017 Wisconsin Act 59 (enacted in State Budget Bill)	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (<u>Fill out Board Appearance Request</u>) <input checked="" type="checkbox"/> No	
9) Name of Case Advisor(s), if required: 			
10) Describe the issue and action that should be addressed: SECTION 9139. Nonstatutory provisions; Safety and Professional Services. (17w) OCCUPATIONAL LICENSE STUDY. (a) <i>Definitions.</i> In this subsection: 1. "Department" means the department of safety and professional services. 2. "Occupational license" means any of the following: a. A license, permit, certification, registration, or other approval granted under section 167.10 (6m) or chapters 101, 145, or 440 to 480 of the statutes. b. A license, permit, certification, registration, or other approval not included under subdivision 2. a. if granted to a person by this state in order that the person may engage in a profession, occupation, or trade in this state or in order that the person may use one or more titles in association with his or her profession, occupation, or trade. (b) <i>Report.</i> No later than December 31, 2018, the department shall submit a report to the governor and the chief clerk of each house of the legislature for distribution to the legislature under section 13.172 (2) of the statutes. The report shall include the department's recommendations for the elimination of occupational licenses based on all of the following: 1. The department's evaluation of whether the unregulated practice of the profession, occupation, or trade can clearly harm or endanger the health, safety, or welfare of the public, and whether the potential for the harm is recognizable and not remote or speculative. 2. The department's evaluation of whether the public reasonably benefits from the occupational license requirement. 3. The department's evaluation of whether the public can be effectively protected by any means other than requiring an occupational license. 4. The department's analysis of whether licensure requirements for the regulated profession, occupation, or trade exist in other states. 5. The department's estimate of the number of individuals or entities that are affected by the occupational license requirement. 6. The department's estimate of the total financial burden imposed on individuals or entities as a result of the occupational licensure requirement, including education or training costs, examination fees, private credential			

**State of Wisconsin
Department of Safety & Professional Services**

fees, occupational license fees imposed by the state, and other costs individuals or entities incur in order to obtain the required occupational license.

7. Any statement or analysis provided by the agency or board administering the occupational license.

8. The department's evaluation of the tangible or intangible barriers people may face in obtaining an occupational license.

SECTION 1904. 440.03 (4m) of the statutes is created to read:

440.03 (4m) Except as otherwise permitted in chs. 440 to 480, the department may require a credential holder to submit proof of the continuing education programs or courses that he or she has completed only if a complaint is made against the credential holder.

11) Signature of person making this request	Authorization	Date
Supervisor (if required)		Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		

Directions for including supporting documents:

1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 3/1/18 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Occupational Therapists Affiliated Credentialing Board			
4) Meeting Date: 3/13/18	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Administrative Rule Matters – Discussion and Consideration 1. Scope Statement for OT 4 Relating to Supervision and Practice of Occupational Therapy Assistants 2. Update on Other Legislation and Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed:			
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> 11) <div style="border-bottom: 1px solid black; padding-bottom: 5px;"><i>Dale Kleven</i></div> Signature of person making this request </div> <div style="width: 45%; text-align: right;"> Authorization <div style="border-bottom: 1px solid black; padding-bottom: 5px;"><i>March 1, 2018</i></div> Date </div> </div> <div style="border-bottom: 1px solid black; padding-bottom: 5px; margin-top: 10px;"> Supervisor (if required) </div> <div style="border-bottom: 1px solid black; padding-bottom: 5px; margin-top: 5px;"> Date </div>			
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

Occupational Therapists Affiliated Credentialing Board

Rule No.: OT 4

Relating to: Supervision and practice of occupational therapy assistants

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Board will review and possibly revise the requirements for supervision of occupational therapy assistants.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Current rules provide that, when general supervision is allowed, the supervising occupational therapist shall have direct contact with the occupational therapy assistant and face-to-face contact with the client by every tenth session of occupational therapy and no less than one time per calendar month. The Board will review and possibly revise this requirement as it pertains to circumstances, particularly in the practice areas of home health and birth to 3, when a client is only seen once per month.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.085 (5) (b), Stats., provides that affiliated credentialing boards such as the Occupational Therapists Affiliated Credentialing Board, "[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ." The proposed rule will provide guidance concerning the supervision and practice of occupational therapy assistants.

Section 448.965 (2), Stats., provides the Occupational Therapists Affiliated Credentialing Board "may promulgate rules that define the scope of practice of occupational therapy or the scope of assisting in the practice of occupational therapy."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

State employees will spend approximately 80 hours developing the proposed rule.

6. List with description of all entities that may be affected by the proposed rule:

Licensed occupational therapists and occupational therapist assistants and their patients.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Dale Kleven, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4472

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor, on behalf of Teri Black, WOTA		2) Date When Request Submitted: 3/6/2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Occupational Therapy Affiliated Credentialing Board			
4) Meeting Date: 3/13/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Teri Black, Wisconsin Occupational Therapy Association (WOTA) 1) Occupational Therapy Dry Needling and COTA Supervision in Birth to Three and Home Health – Discussion and Possible Action	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A
10) Describe the issue and action that should be addressed: See the attached documentation.			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div> <i>Kimberly Wood</i> Signature of person making this request </div> <div> 3/6/2018 Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div> Supervisor (if required) </div> <div> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div> Date </div> </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



PUBLIC AGENDA REQUEST FORM

First Name: Teri

Last Name: Black

Association/Organization: WOTA

Address Line 1: 16 N. Carroll Street

City: Madison

State: WI

Zip: 53707

Phone Number: (608) 819-2327

Email: black@madisoncollege.edu

Subject: OT Dry Needling, COTA supervision in Birth to Three and Home Health

Issue to Address: Request statement on dry needling

WOTA Request to clarify dry needling in the rules

WOTA discovered language in the Ohio OT regulatory rules that speaks to dry needling and puts it in their rules under physical agent modalities. We believe WI's OT scope of practice already allows OT's to use dry needling in these referenced sections of CH OT 4.

Dry needling would fall under the Occupational Therapy Scope of practice, OT 4.02(1) "Occupational therapy," as defined at s.448.96 (5). Stats., may include the following interventions: (a) Remediation or restitution of performance abilities that are limited due to impairment in biological, physiological, psychological or neurological processes. It would also be supported under OT 4.02 Scope of practice (2) Occupational therapy interventions include the following: (r) Use of a range of specific therapeutic procedures, including wound care management, techniques to enhance sensory, perceptual, and cognitive processing; and pain management, lymphedema management and manual therapy techniques to enhance performance skills.

(f) Application of physical agent modalities. Application is performed by an experienced therapist with demonstrated and documented evidence of theoretical background, technical skill and competence.

Note: An example of standards for evaluating theoretical background, technical skill and competence is the position paper on physical agent modalities issued by the American occupational therapy association (AOTA).

This language that was found in the Ohio OT rules places dry needling with physical agent modalities. WOTA requests that OTs be able to use the selections above to indicate that OTs can use dry needling and the selection from the Ohio rules below to say that like Physical Agent Modalities it must be done with demonstrated documented proof of competence. Because dry needling is not an entry level technique we want to ensure that it is required that individuals who use it have demonstrated, documented proof of competence.

Correspondence Ohio OT regulatory Board

1. Julie Carpenter, OTR/L: Ms. Carpenter asked the Section if occupational therapist can perform dry needling and billing. **Reply:** In accordance with section 4755.04 (A)(3) of the Ohio Revised Code, it is the position of the Occupational Therapy Section that occupational therapy practitioners may use physical agent modalities, such as dry needling in the provision of occupational therapy services provided that the occupational therapy practitioner demonstrates and documents competency in the modality, in accordance with rule 4755-7-08 of the Administrative Code, and is practicing within the occupational therapy scope of practice. If the modality will be administered by an

occupational therapy assistant both the supervising occupational therapist and occupational therapy assistant must document and demonstrate competency in the techniques or modality.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor		2) Date When Request Submitted: 3/6/2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Occupational Therapy Affiliated Credentialing Board			
4) Meeting Date: 3/13/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Speaking Engagement(s), Travel, or Public Relation Requests 1) Consider Attendance at the 2018 NBCOT State Regulatory Leadership Forum – April 6 & 7, 2018 – Atlanta, GA	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Board should consider whether to designate a member to attend the 2018 NBCOT State Regulatory Leadership Forum. If a member is to attend the standard motion language is below: <div style="margin-left: 40px;"> moved, seconded by _____, to designate [NAME], as the Board's delegate, to attend the 2018 NBCOT State Regulatory Leadership Forum on April 6 & 7, 2018 in Atlanta, GA and to authorize travel. </div>			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div> <i>Kimberly Wood</i> Signature of person making this request </div> <div> 3/6/2018 Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div> Supervisor (if required) </div> <div> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div> Date </div> </div>			
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**NBCOT® State Regulatory Leadership Forum
April 6 & 7, 2018, Atlanta, Georgia**

Date and Location:

The 2018 National Board for Certification in Occupational Therapy, Inc. (NBCOT) State Regulatory Leadership Forum is scheduled for April 6 & 7, 2018 in Atlanta, Georgia.

Proposed Funding for Travel and Meeting Expenses:

The NBCOT will provide funding for the board chair (or other board member representative if the OT chair is unable to attend) and the board administrator (or another administrative representative if the primary administrator is unable to attend). *Funding will cover expenses related to airfare, hotel, meals and ground transportation.*

NBCOT's goal is to have two representatives from each state attend. Ideally, we would like to have the board administrator and board chair/member attend so that the administrative and policy perspectives are both represented. If sending the board administrator is not possible, however, two members of the board could attend and NBCOT would fund the meeting related expenses for both.

Program Content:

Content for the 2018 Leadership Forum will primarily focus on the current climate of state regulation throughout the country. Though we are still finalizing the program, we hope to include possible presentations addressing the following and/or other topics:

- Federal Trade Commission on antitrust and anticompetitive laws
- State legislative initiatives to combine, restructure or deregulate boards
- Right to Safe Practice initiative
- Scope of practice and legislation specific to OT
- Exam security

Proposed Program Schedule:

- Friday, April 6th: Registration will begin at 3:00 pm and meeting at 4:00 pm
- Friday, April 6th, 4:00 – 7:00 pm: Program Content
- Friday, April 6th, 7:00 – 9:00 pm: Reception
- Saturday, April 7th, 9:00 am – 5:00 pm: Program Content

Hotel:

The Leadership Forum will be held at the Loew's Atlanta Hotel, 1065 Peachtree St NW, Atlanta, GA 30309. The conference hotel rooming rate is \$194.00 per night + 16.9% tax.

Meals:

Meals (breakfast, lunch and dinner) will be covered by NBCOT on travel days and at the Leadership Forum.

Expenses:

Airfare, hotel and majority of meals will be billed directly to NBCOT's master account. Outstanding expense(s) directly associated with the Leadership Forum e.g. meal on travel day, parking at airport, etc. will be reimbursed upon completion of an NBCOT travel expense report and submission of supporting receipt(s).

DRAFT

NBCOT® Occupational Therapy State Regulatory Leadership Forum

Emerging Changes in Occupational Regulation: A New Horizon Ahead

**April 6 and 7, 2018
Atlanta, Georgia**

Friday, April 6, 2018

- | | |
|-----------------------|--|
| 3:00 – 4:00 PM | Registration |
| 4:00 - 4:30 PM | NBCOT Welcome and Announcements: |
| 4:30 – 5:30 PM | Enforcing antitrust and anticompetitive laws, Derek Moore, Esq.,
Federal Trade Commission (FTC) |
| 5:30 – 6:30 PM | Overview of research outcomes which conclude that state based
licensure of the professions and occupations increases
opportunities for employment while not effectively increasing
wages - Beth Redbird, PhD, Assistant Professor, Northwestern
University |
| 6:30 – 7:00 PM | Group Discussion |
| 7:00 – 9:00 PM | Reception/Dinner (To be provided) |

Saturday, April 7, 2018

- | | |
|-----------------------|---|
| 7:00 - 8:30 AM | Breakfast (To be provided) |
| 8:30 - 9:45 AM | Broad overview of both state and federal legislative initiatives
including right to earn a living and anti-trust immunity in addition to
legislation which seeks to consolidate, combine or deregulate
state regulatory boards. This presentation will include insight into
the potential impact of these various legislative initiatives on
healthcare across the board e.g. medicine, nursing, allied health,
etc.– Lisa Robin, MLA, Chief Advocacy Officer, Federation of
State Medical Boards (FSMB) |

9:45 - 10:45 AM	Scope of Practice and State Legislative Overview – Chuck Willmarth, Associate Chief Officer, Health Policy and State Affairs, American Occupational Therapy Association (AOTA)
10:45 – 11:00 AM	Break
11:00 - 12:00 PM	Breakout group discussions (Board chairs/members and Board administrators) focus on content from morning presentations about the climate of occupational regulation across the states)
12:00 - 1:30 PM	Lunch (To be provided)
1:30 – 2:30 PM	Exam security presentation with focus on how technology is impacting the test administration process, Debra Persinger, PhD, Executive Director, Federation of State Massage Therapy Boards (FSMB)
2:30 – 2:45 PM	Break
2:45 – 3:45 PM	NBCOT Update – Barbara Williams, DrOT, MS, OTR, Associate Director, External and Regulatory Affairs <ul style="list-style-type: none"> • Results from NBCOT Predictive Study • Results from State Regulatory Research-based Initiative • Enhancements to NBCOT’s Disciplinary Action Program <ul style="list-style-type: none"> ○ Back-ground checks ○ Presumptive Denial
3:45 - 4:45 PM	Right to Safe Practice Initiative - Grady Colson Barnhill, MEd, Interim Director of Exam Development, National Commission on Certification of Physician Assistants (NCCPA)
4:45 – 5:00 PM	Wrap-up and Adjournment