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**WVBOT MINUTES:** August 23, 2024

**MEMBERS PRESENT:** Gene Brooks, Bambi Hill, Marty Douglas, Kathy Quesenberry, Phil Simpson (via telephone)

**ABSENT:**

**ALSO PRESENT:** Vonda Malnikoff, Jacob Greenfield, SueAnn Woods

**MEETING CALLED TO ORDER: 11:00 a.m.**

## **PUBLIC COMMENT**

Jacob Greenfield gave a WVOTA update; annual conference scheduled for October 4-5, 2024 at WVU Health Sciences Center. Also noted Amanda Acord-Vira has been named the interim program director of the WVU OT program, upon the resignation of Steven Wheeler. A national search is underway for a permanent replacement.

SueAnn Woods gave an update as the WV representative to the AOTA State Representative Assembly.

Marty motioned to approve April 19, 2024 minutes as written. Bambi seconded. Vote 5-0.

## **OLD BUSINESS**

### **TOPIC: COTA Supervision Rules**

**FINDINGS/CONCLUSIONS:** Discussed whether modifying COTA supervision rules is necessary to better protect consumers and the potential implications of doing so. Reviewed supervision rules in other states. Provided all Board members with AOTA summary of state COTA supervision rules. Discussed need for education regarding current supervision rules. Agreed to conduct an email survey of OT's and OTA's to determine if there is widespread concern that current rules are not adequate to protect consumers and/or are not being followed. Reviewed and finalized survey for distribution. Survey conducted in December. Results summarized. **Reviewed OT/OTA Collaboration Position Statement.**

**ACTION/FOLLOW-UP: Vonda to research related AOTA positions for November meeting.**

### **TOPIC: OT Licensure Compact**

**FINDINGS/CONCLUSIONS:** Discussed changes needed to Legislative Rules as a result of passage of SB221, i.e. Series 3 – Fees and Series 9 – Telehealth. Phil motioned to hold Rule changes until 2023, after Compact Commission meets to establish compact rules and determine member state fee. Bambi seconded. Vote 5-0. A state representative must be appointed to serve on the compact commission. Marty motioned to nominate Vonda. Bambi seconded. Vote 5-0. Efforts to start the process to gain authority to require FBI criminal background checks have been unsuccessful. Attended initial Commission meeting on August 3-4. Added link to OT Compact website to WV BOT website. Attended first Finance Committee meeting on October 19<sup>th</sup>. Have continued to participate in Finance Committee meetings and attend Executive Committee meetings. RFP for data system to be released within next 30 days. Latest timeline estimates March-August 2025 for completion of data system, with additional time required to integrate states. FBI Access Request completed 7/11/23. It is still unclear if Compact Legislation provides sufficient authority to require FBI CBC's. Reviewed minutes from Annual meeting held October 16, 2023. Reviewed correspondence with WV State Police regarding attempts to

obtain FBI authorization to conduct CBC's. Reviewed minutes from recent meetings. Received notification from FBI, via WV State Police, that Compact Code does not grant sufficient authority to conduct criminal background checks. Moved this item to New Business. **Reviewed status of Compact. Additional funding to be requested of AOTA and NBCOT. Data system contract awarded; development underway.**

**ACTION/FOLLOW-UP: Attend additional meetings as needed.**

**TOPIC: Legislative Rule review**

**FINDINGS/CONCLUSIONS:** Review Series 1, 3, 5, and 9 for potential amendments to be proposed in 2024. Last day to file public comment period is July 31, 2024. Reviewed draft modified Rules for Series 3, 5, and 9. Additional modifications discussed. Series 3 Fees Rule modified to reduce initial licensure fees and add fee for Compact Privilege. Marty motioned to file Series 3 rule as proposed. Phil seconded. Vote 5-0. Series 5 Advanced Practice Rule modified to add requirements for OT's / COTA's to perform advanced practice treatment techniques. Marty motioned to file as proposed. Gene seconded. Vote 5-0. Series 9 Telehealth Rule modified to add "Compact Privilege to Practice". Marty motioned to file as proposed. Phil seconded. Vote 5-0. **No comments received during comment period; Agency Approved rules filed 6/4/24; LRMRC interim meeting Tuesday, August 27<sup>th</sup> includes 13-09, as well as sunset extensions of 13-07 and 13-08. Marty to attend meeting.**

**ACTION/FOLLOW-UP: Attend future meetings of LRMRC as necessary.**

**TOPIC: Office lease renewal**

**FINDINGS/CONCLUSIONS:** Current lease expires 6/30/24. Bambi motioned to move forward with renewal of lease. Gene seconded. Vote 5-0. **Lease renewed for 3 years.**

**ACTION/FOLLOW-UP: None.**

**TOPIC: FBI Criminal History Background Checks**

**FINDINGS/CONCLUSIONS:** Received response from FBI, via WV State Police, that Compact Code does not grant sufficient authority to require CBC's of applicants for Compact Privileges. Will need to add to Practice Act. Working with Senate Attorney to write bill for 2025 Legislative session. Agreed to limit bill to adding this authority and technical change to remove duplicate section for volunteer licenses. Will attempt to limit FBI CBC requirement to applicants for Compact Privilege only. Will communicate and ask for support from WVOTA to advocate for passage.

**ACTION/FOLLOW-UP: Work with Senate Attorney on language of bill.**

**PURCHASE CARD TRANSACTIONS**

The Board reviewed all purchases made on the Purchase Card for April 16, 2024 through August 15, 2024. Marty motioned to approve all purchases. Bambi seconded. Vote 5-0.

**TREASURER’S REPORT**

Cash Balance as of July 31, 2024  
\$ 224,707.40

**APRIL - JULY DEPOSITS**

6/3/24           \$ 25  
egov receipts:  
April           \$ 5,290  
May             7,080  
June            16,270  
July             4,690

TOTAL DEPOSITS   \$ 33,355

**APRIL - JULY DISBURSEMENTS**

April           \$ 6,853.60  
May             7,515.86  
June            8,229.49  
July             7,386.51

TOTAL DISBURSEMENTS   \$ 29,985.46

Beginning cash balance 7/1/23	\$ 216,098.10
FY2024 Revenue	101,565.00
FY2024 Expenditures	90,259.19
Ending cash balance 6/30/24	\$ 227,403.91
FY2025 Revenue	4,690.00
FY2025 Expenditures	7,386.51
Ending cash balance 7/31/24	\$ 224,707.40

**NEW BUSINESS**

**TOPIC: HB5117**

**FINDINGS/CONCLUSIONS:** HB 5117 passed during 2024 legislative session modified 30-1-23, Waiver of Initial licensing fees for low-income individuals and military families. The waiver is still required, but licensing boards now “may” propose a rule to implement (changed from “shall”). Our Rule, 13-07, defines the qualifications, process and forms required to apply for a waiver. Recommend keeping Rule 13-07 as is. **Gene motioned to keep Rule as is. Marty seconded. Vote 5-0.**

**ACTION/FOLLOW-UP: None.**

**TOPIC: OTA renewal update**

**FINDINGS/CONCLUSIONS:** Total number of OTA licenses due to renew 6/30/24: 347

Non-renewals: 94 (27%)

Total OTA’s as of 6/30/24: 545

**ACTION/FOLLOW-UP: None.**

**TOPIC: FY 2026 Appropriation Request**

**FINDINGS/CONCLUSIONS:** Completed and submitted 8/7/24 with same expenditure level as FY25 budget and \$10k reduction in revenue as a result of proposed fee changes.

**ACTION/FOLLOW-UP: None.**

**TOPIC: FY 2024 Annual Report**

**FINDINGS/CONCLUSIONS:** Submitted to Legislature, Secretary of State, and Governor’s office 7/22/24.

**ACTION/FOLLOW-UP: None.**

**TOPIC: Supervision of capstone students for Continuing Education credit**

**FINDINGS/CONCLUSIONS:** Discussed request to propose a rule change to 13-04, Continuing Education and Competence, to include mentorship of capstone students as a qualifying activity for CE hours. Jacob Greenfield (WVU) described the 14 week mentorship process. Current rule awards 6 hours/student for level 2 fieldwork supervision, with a maximum of two students per renewal period. Consensus of the Board was to propose a rule change to award the same number of hours (6) for mentorship of a capstone student, with the same maximum of two students per renewal period.

**ACTION/FOLLOW-UP: Vonda to provide a comparison of the current AOTA Model Continuing Competence Guidelines to our current Rule at the November meeting to identify other possible changes/updates. Modified Rule would be proposed summer 2025 for the 2026 Legislative Session.**

**Bills paid April 2024 – July 2024**

BRIM	4/1/2024	paid	\$676.00	insurance premium for qtr ending 6/30/24
PEIA	4/4/2024	paid	\$336.00	1% PEIA transfer for reserve fund
STO-egov fees	4/8/2024	paid	\$83.25	Mar 24 egov payments
Dept of Admin	4/17/2024	paid	\$175.73	Shared Services payroll billing Q3 FY 2024
WVInteractive	4/22/2024	paid	\$40.00	Website hosting Mar 2024
Phil Simpson	4/22/2024	paid	\$200.00	perdiem for 4/19/24 board mtg
Bambi Hill	4/22/2024	paid	\$200.00	perdiem for 4/19/24 board mtg
Kathy Quesenberry	4/22/2024	paid	\$200.00	perdiem for 4/19/24 board mtg
Gene Brooks	4/22/2024	paid	\$200.00	perdiem for 4/19/24 board mtg
Marty Douglas	4/22/2024	paid	\$200.00	perdiem for 4/19/24 board mtg
Phil Simpson	4/22/2024	paid	\$284.08	travel for board mtg 4-19-24
Bambi Hill	4/22/2024	paid	\$238.52	travel for board mtg 4-19-24
Gene Brooks	4/22/2024	paid	\$217.08	travel for board mtg 4-19-24
Marty Douglas	4/22/2024	paid	\$255.94	travel for board mtg 4-19-24

IS&C	4/24/2024	paid	\$63.47	Centrex phone billing March 2024
STO-egov fees	5/7/2024	paid	\$111.15	April egov payments
WVInteractive	5/20/2024	paid	\$40.00	Website hosting April 2024
IS&C	5/21/2024	paid	\$63.51	Centrex phone billing April 2024
STO-egov fees	6/6/2024	paid	\$159.30	May egov payments
Certemy	6/6/2024	paid	\$2,489.50	Q17 payment
WVInteractive	6/19/2024	paid	\$40.00	Website hosting May 2024
AG's Office	6/25/2024	paid	\$84.00	May 2024 billing
IS&C	7/1/2024	paid	\$63.59	Centrex phone billing May 2024
BRIM	7/1/2024	paid	\$676.00	insurance premium for qtr ending 9/30/24
STO-egov fees	7/9/2024	paid	\$418.95	June egov payments
IS&C	7/11/2024	paid	\$63.97	Centrex phone billing June 2024
PEIA	7/15/2024	paid	\$50.00	FY2025 admin fee
Dept of Admin	7/17/2024	paid	\$178.54	Shared services payroll billing Q4 2024
WVInteractive	7/22/2024	paid	\$40.00	Website hosting June 2024

**Correspondence:**

1	NBCOT (Shaun & Francielle)	4/19/2024	email thank you for allowing them to present at Board meeting
2	Jacob Greenfield (WVOTA)	4/24/2024	WVOTA conference October 5th at WVU
3	AOTA	5/8/2024	Final official document, Physical Agent, Mechanical, and Instrument-Assisted Modalities within Occupational Therapy Practice
4	NBCOT	6/17/2024	Retirement Announcement of President/CEO Paul Grace
5	AOTA	7/1/2024	Summer 2024 State Affairs Newsletter
6	NBCOT	7/1/2024	Announcement of new President & CEO Ben Price
7	NBCOT	7/2/2024	2024 State Regulatory Leadership Forum Sept 10-11, 12:30-5:00 pm
8	AOTA (Kristen Neville)	7/30/2024	email correspondence regarding accessibility of AOTA practice resources
9	NBCOT	8/10/2024	Request for action
10	NBCOT	8/14/2024	E-newsletter August 2024
11	AOTA (Kristen Neville)	8/15/2024	Save the Date: Dry Needling Webinar - Nov 12, 2024
12	Leg Rule Making Review Comm	8/16/2024	Agenda for 8/27/24 includes WVBOT rules; representative requested

Meeting was adjourned at 2:10 p.m. after the signing of applications.

The next regular Board meeting is scheduled for Wednesday, November 6th, 2024 at the Holiday Inn & Suites Charleston West at 6:00 pm, the evening before the State Auditor's Licensing Board Seminar.