



AK PT/OT Board - Scope of Practices Committee Mtg - May 13, 2024 Minutes

Alaska Division of Corporations, Business and Professional Licensing

Monday, May 13, 2024 at 10:00 AM AKDT

@ Juneau - Zoom

1. Call to Order/Roll Call

Committee Members: Tina McLean, Enlow Walker, Lindsey Hill

The Physical Therapy and Occupational Therapy Scopes of Practice Committee meeting was called to order at 10:02 am on Monday, May 13, 2024 by Tina McLean. Roll call done by Tina McLean.

Committee members present: Tina McLean and Enlow Walker. Lindsey Hill absent.

Staff present: Sheri Ryan, License Examiner, Shane Bannarbie, Program Coordinator and Reid Bowman, Program Coordinator II.

Guests present: Kristen Neville, Manager, State Affairs, American Occupational Therapy Association (AOTA) and Hannah Petersen, OT.

2. Review/Approve Agenda

 [PHY - Agenda - SOP Mtg - 05-13-2024 - Draft.pdf](#)

No changes to the agenda. All in favor - agenda approved.

3. Approve Minutes 02-12-2024 Meeting

 [PHY - SOP mtg - Minutes - 02-12-2024 -DRAFT.pdf](#)

All in favor - minutes from 02-12-2024 approved as submitted.

4. Public Comment


No public comment given.

5. Correspondence Items

A. General Correspondence Items

 [Letter to AK Reg Boards re Veterinary Practice 3-20-24.pdf](#)

 [Obstetric TENS Units - 3-27-2024 Redacted.pdf](#)

 [Request for Clarification on Soft Tissue Mobilization Practices and Educational Requirements - 3-12-2024 Redacted.pdf](#)

- No action to be taken on letter received from Veterinary Board.
- Obstetric TENS Units - 3-27-2024
 - Discussion about current statutes and regulations not specifically addressing use of TENS unit. This question specific to creating a rental program within their practice as durable medical equipment. Concern question may be more geared towards insurance reimbursement. Response - Nothing in current scope of practice that prohibits this. Any intervention needs to be part of a full plan of care for the client. Include standard insurance related language. Staff to write draft response. Original question and drafted response to be posted in OnBoard for full board vote.
- General board discussion regarding pros/cons for addressing questions related to prescriptive nature of scope of practice.
 - Create form letter to address these type of letters. Form letter would refer questions back to statutes and regulations with "if you do not understand the statutes and regulations as written, the board would advise that you consult with your own legal counsel."
 - Board is tasked with the responsibility to fill in the gray area of statute w/regulation where statute is unclear.
 - Board wants to be as minimally prescriptive as possible re: treatment interventions.
 - Providers need to stand on own training and educational background to deductively evaluate their own skills.
 - Resource = AOTA E-18 - Intervention to Support Occupations - 2023
 - Possible action item - FAQ posted on website
- Soft Tissue Mobilization Practices and Education Requirements - 3-12-2024
 - IASTM/Gua Sha/Cupping
 - Educational standards - No certification required but do have to be educated/trained competently - Principles of Practice - Principle 1, #3 - Provide services within practitioner's level of competence as demonstrated by education, training and professional experience.

- Response - Part #1 - Any provider should be able to choose the interventions within their personal, professional, and legal scope of practice as it fits into their own background and training and choice of treatment based on their clinical judgement. Therapist should act within their scope of practice and should be able to defend their choice of and have a rationalization for treatment choices based on the plan of care. Part #2 - Yes, you may impart training to others. However, for any person who has gone through a certification course, the specific company who certified you may limit your ability to train others. Refer to any memorandums of agreement (MOA) signed for proprietary limitations. Any use of training by another professional - massage therapist or athletic trainer is not within the purview of the Board of Physical Therapy and Occupational Therapy. Any demonstration would be for general education only and not for specific patient treatment protocol.

Action Items:

1. Staff to write draft response for Obstetric TENS Units 3-27-2024 question as discussed. Original question and drafted response to be posted in OnBoard for full board vote.
2. Staff to work with Tina McLean on draft response for Soft Tissue Mobilization Practices and Educations Requirements - 3-12-2024 as discussed for review at next committee meeting.

B. PT Scope Correspondence

 [PT Clarification- Can PTs prescribe DME - Pelvic Health - Vaginal Dilators - 02-26-2024 Redacted.pdf](#)

DME - Pelvic Health - Response - Physical therapists can recommend durable medical equipment as part of their plan of care for their patients within the physical therapy scope of practice as defined in AS 08.84.190(6). The Board of Physical Therapy and Occupational Therapy does not have jurisdiction over insurance related matters when it comes to reimbursement issues.

Action Item:

1. Staff to write draft response for DME Pelvic Health -02-26-2024 as discussed for review at next committee meeting.

C. OT Scope Correspondence

 [School-Based OT PT Question - 05-07-2024.pdf](#)

 [School-Based OT Licensure Question - 05-09-2024.pdf](#)

 [Type C Special Services Certificate - Education and Early Development.pdf](#)

 [occupational therapy dry needling - 4-9-2024 Redacted.pdf](#)

- School-Based OT/PT Question - 05-07-2024 from Hannah Petersen, PT, DPT - Dr. Petersen was present virtually via Zoom for this portion of the meeting.
 - Discussion of 08.84.150(6) Licensure exceptions and 12 AAC 54.825 Standards for Practice of Telerehabilitation by Occupational Therapist.
 - If OT is directing aide and virtually present, aide is being utilized as an instrument of the OT as a non-licensed personnel carrying out occupational skills but not practicing occupational therapy. As long as compliant with the statute and regulations, allowance for teacher or teacher's aide to be utilized to assist OT in school setting by school district (employer).
 - Dr. Petersen expressed concern regarding decline shown in fine motor skills for students who used virtual sessions without COTAs or OTs versus in-person therapy services.
 - Currently no limitation on where this exception is allowed - Dr. Petersen requested that the board consider adding parameters as telehealth evolves limiting to remote villages that are not road accessible and not allowing in urban areas such as Fairbanks or Anchorage. Note - Licensure exception 08.84.150(6) is in statute. Legislature approval required to change.
 - Response - quote 08.84.150(6) Licensure exceptions and 12 AAC 54.825 Standards for Practice of Telerehabilitation by Occupational Therapist. The responsible occupational therapist, whether virtual or in-person, is ultimately responsible for the full care plan of that student/patient. That recommendation may include that services be

provided in-person due to decline in fine motor skills, for example. Include 08.02.130 Telehealth requirements + link to state website on Telehealth information.

- School-Based OT Licensure Question - 05-09-2024
 - Anyone practicing occupational therapy in the state of Alaska must have a license + Unlawful Acts 08.84.130(c).
 - AS 08.84.150(b) License required; exceptions address the situations where an occupational therapist is not required to have a license. If you are the occupational therapist practicing occupational therapy in the state and developing the plan of care for students/patients, you are required to have an active license in the state of Alaska.
 - Type C Certificate requirement - as to the question of whether or not you may have to have a Type C certificate in addition to an AK OT licensure - the PT/OT board does not have purview. Consult the Alaska Department of Education and Early Development for more information regarding.

- Occupational Therapy Dry Needling - 4-9-2024
 - Position statement "Retracted" as if never there. Board does not have an answer at this time. Due to conflicting legal opinions, the board is currently seeking regulatory authority to clarify dry needling allowed under occupational therapy scope of practice. The regulation project is ongoing. No determination has yet been made as regulations project is not complete.
 - Provide services within practitioner's level of competence as demonstrated by education, training and professional experience - Principle 1, item 3.
 - Resource - AOTA Final Draft - Physical Agent, Mechanical, and Instrument Assisted Modalities (PAMIMs) 2024 final draft
 - Resource - AOTA Policy E-18
 - Resource - AOTA Code of Ethics
 - Individual decision - trained and educated to the level of treatment choices that you are administering to your patient which should be part of your full plan of care. Personal choice and clinical decision. Consult with your own legal counsel.

Action Items:

1. Staff to draft response for School-Based OT/PT question - 05-07-2024 as discussed for review at next committee meeting.
2. Staff to draft response for School-Based OT Licensure question - 05-09-2024 as discussed for review at next committee meeting.
3. Staff to draft response for Occupational Therapy Dry Needling question – 4-9-2024 as discussed for review at next committee meeting.

6. Strategic Plan - Goal 2.C - Term Protection - Physical Therapy - AS 08.84.130

Use of term "physical therapy" in advertising by other healthcare providers
Statutory change - work in collaboration with APTA-AK
See APTA issue brief for more info

This item will require statutory change. "DPT" for physical therapy and "OTD" for occupational therapy. Committee work to write prospective language for statutory change for additions into AS 08.84.130 False Claim of license prohibited - update (a) for physical therapy with "DPT" and (c) for occupational therapy with "OTD".

Action Items:

1. Goal 2.C - Term protection - Physical Therapy - AS 08.84.130 tabled to next meeting. Recommendation to Board to update goal 2.C to include Occupational Therapy and OTD. Staff to update AS 08.84.130 as appropriate.
2. Staff to request sample statutory language for DPT from other states.

7. Strategic Plan - Goal 1.A - Develop updated statutory scope of practice for occupational therapy

Language has already been developed by Scope of Practices workgroup in 2023 and adopted by the PT/OT board. Need to secure a sponsor (House and Senate) for the bill this fall. Recommend to Board to develop another work group and involve state and national association(s) AKOTA and AOTA and any industry stakeholders.

8. Strategic Plan - Goal 1.B - Develop updated statutory scope of practice for physical therapy

Tabled to next committee meeting for discussion.

9. Next Steps

Both committee members Tina McLean and Enlow Walker will be traveling out of state through Canada - over the next month. Concern regarding internet availability. Next

Legislative meeting scheduled 05/23/2024. Decision made to cancel. Scope of Practices meeting scheduled 06-10-2024. Decision made to cancel. Move all pending items to following Scope of Practices meeting scheduled 07-08-2024.

Action Items:

1. Staff to write draft response for Obstetric TENS Units 3-27-2024 question as discussed. Original question and drafted response to be posted in OnBoard for full board vote.
2. Staff to work with Tina McLean on draft response for Soft Tissue Mobilization Practices and Educations Requirements - 3-12-2024 as discussed for review at next committee meeting.
3. Staff to write draft response for DME Pelvic Health -02-26-2024 as discussed for review at next committee meeting.
4. Staff to draft response for School-Based OT/PT question - 05-07-2024 as discussed for review at next committee meeting.
5. Staff to draft response for School-Based OT Licensure question - 05-09-2024 as discussed for review at next committee meeting.
6. Staff to draft response for Occupational Therapy Dry Needling question – 4-9-2024 as discussed for review at next committee meeting.
7. Goal 2.C - Term protection - Physical Therapy - AS 08.84.130 tabled to next meeting. Recommendation to Board to update goal 2.C to include Occupational Therapy and OTD. Staff to update AS 08.84.130 as appropriate.
8. Staff to request sample statutory language for DPT from other states.
9. Goal 1.A and 1.B tabled to next committee meeting. Staff to add to agenda for 07/08/2024 committee meeting for discussion.
10. Staff to update Public Notices for 05/23/2024 Legislative Committee meeting and 06/10/2024 Scope of Practices Committee meeting to canceled and update website.

10. Adjourn

The Physical Therapy and Occupational Therapy Scope of Practices Committee meeting adjourned at 11:41 am on Monday, May 13, 2024. Next Scope of Practices committee meeting scheduled July 8, 2024.

Minutes approved 08/16/2024 unanimously by PHY Scope of Practices Committee.