



AK PT/OT Board - Regulations Committee Mtg - May 20, 2024 Minutes

Alaska Division of Corporations, Business and Professional Licensing

Monday, May 20, 2024 at 10:00 AM AKDT

@ Juneau - Zoom

1. Call to Order/Roll Call

Committee Members:

Valerie Phelps

Lindsey Hill

Alternate = Rebecca Dean

The Physical Therapy and Occupational Therapy Regulations Committee Meeting was called to order on Monday, May 20, 2024 by committee member Valerie Phelps at 10:00 am. Roll call taken by Valerie Phelps:

Committee Members: Lindsey Hill – present; Rebecca Dean – present; Valerie Phelps – present.

Staff: Reid Bowman, Program Coordinator 2 – present; Sheri Ryan, Licensing Examiner – present.

Guests: Kristen Neville, Manager, State Affairs, American Occupational Therapy Association (AOTA) present

2. Review/Approve Agenda

 [PHY - Regulations Mtg - Agenda - 05-20-2024 - revised.pdf](#)

Member Valerie Phelps requested to shift of approval of minutes to end of meeting. Valerie Phelps requested clarification on several topics discussed by committee at meeting before approving minutes- service delivery hours in place of internship for initial applicants and supervision of students during clinical internship. Staff and committee members clarified requested topics. Agenda approved as submitted.

3. Approve Minutes 04-15-2024 Regulations Meeting

 [PHY - Regulations Mtg - Minutes - 04-15-2024 - Draft.pdf](#)

Motion: Rebecca Dean motioned to approved the agenda as written for the Regulations Committee meeting for 04/15/2024. Lindsey Hill seconded. All in favor; none opposed.

Motion to approve minutes from 04-15-2024 Physical Therapy and Occupational Therapy Regulations Committee meeting as submitted passes unanimously.

Action Items:

Staff to post approved PHY Regulations Committee meeting minutes from 04-15-2024 to website.

4. Public Comment

No public testimony given.

5. Scheduled Committee Meetings

Committee decided to expand upcoming meetings scheduled for 06-17-2024 and 07-15-2024 from 2 hour to 4-hour meetings from 9:00 am - 1:00 pm with a couple short breaks to allow for additional work time needed to accomplish regulations to support SB74.

Action Items:

Staff to update Public Notices for 06-17-2024 and 07-15-2024 scheduled meetings.

6. Regulations Projects

- A. Explore Additional CE opportunities - incentives to serve on task forces and as board members

Committee discussed briefly. Topic to be shifted to Continuing Education/Competency Committee to explore at next meeting on 10/3/2024. If Regulations Project adopted by board, can come back for this committee to address.

- B. 12 AAC 54.040(c) - (h) and 12 AAC 54.110 (4) per 08.84.032(2) revision for removal of PT 6-month Internship for Foreign-Educated applicants - revamp "supervised field work" definition for physical therapy

- Project adopted at 11/17/2023 board meeting
- Draft regulation language need to be written
- Opening Questionnaire needs to be completed
- Item tabled for PT input

Goal is to eliminate 910-hour post-graduate internship which the board feels creates undo hardship/barrier to licensure for foreign-educated applicants. AS

08.84.032 (2) states foreign-educated applicants must complete an internship "in an institution that ordinarily provides physical therapy and is approved by the board". Solution: define "institution" in regulation as the clinical education experience portion of a CAPTE-accredited physical therapy program aka "supervised fieldwork" done before graduation. Regulation language drafted per discussion of committee members to be recommended to the Board eliminating (c) - (j) and (l) 12 AAC 54.040 and adding (m) as listed below; eliminating (4)(a) as currently written of 12 AAC 54.110 and modifying (b) to read as below (renumbered to 4).

Add 12 AAC 54.040 **(m) Internship is defined in this section as the supervised fieldwork that is part of a resident course of study and professional instruction that meets (a)(1) above.**

Add 12 AAC 54.110 **(4) satisfactory completion of an internship that meets the requirements of 12 AAC 54.040(m)**

Valerie Phelps to complete Regulations Opening Questionnaire by end of week for vote in OnBoard by committee. If approved by committee, add to upcoming Board meeting for recommendation/approval along with PT/OT Dry Needling package.

Action Items:

1. Valerie Phelps to submit Completed Opening Questionnaire for Regulations Project for Foreign Educated Applicants Internship Elimination by 5-24-2024.
 2. Staff to add above to OnBoard once received for approval vote by Regulations Committee. When approved, add to Board meeting agenda for consideration/approval.
- C. 12 AAC 54.600 (3) – cleanup language regarding verification of applicant’s licensure status – specifically “one of which must indicate a current license in good standing”.
- Project adopted at 2/16/2024 board meeting
 - Regulation language revised- needs to be reviewed
 - Opening Questionnaire drafted - needs to be reviewed
 - Needs inclusion of 150 hour internship regulations project to finalize

 [12 AAC 54.600 Regulations project DRAFT revised 04-15-2024.pdf](#)

Draft regulation language reviewed. Discussed rationale for addition of 24-month limitation for passing NPTE for application by examination for physical therapy to 12 AAC 54.030(5) similar to existing requirement for application by examination for occupational therapy in 12 AAC 54.600((6)(B). This would address the renewal situation on continuing education not completed in the concluding licensing period. This regulations project completed 12 AAC 54.600(3) objective but committee would still need to finalize 150-hour post-graduate internship for 12 AAC 54.600(6)(c) + 12 AAC 54.950(e) in order for entire regulation to be referred to the board.

D. 12 AAC 54.600(6)(c) + 12 AAC 54.950(e) - 150-hour post-graduate internship requirement for Initial applicants and new license whose original license lapsed for 5 years or more (re-entry) - revamp definition of internship for these sections

- Project adopted at 2/16/2024 board meeting
- Draft regulation language needs to be written
- Opening Questionnaire needs to be completed
 - Committee collected re-entry examples utilized by other states for review. FSBPT link shared - Jurisdiction Licensure Reference Guide - Reinstating Active License After Lapse in Licensure (Re-Entry)
<https://www.fsbpt.net/lrg/Home/ReinstatingActiveLicenseAfterLapseInLicensure>
 - pended 4-15-2024 for further discussion and review of options
 - temporary license for PT/OT while performing "documented service delivery" - see Action Items 04-15-2024
 - determination of pathway - combination of remedial education and supervised service delivery - 10 hours for every year out of practice/max 80 hours

 [Re-entry chart - OT.pdf](#)

 [Reentry guidelines - OT.pdf](#)

 [NBCOT overview on reentering and students.pdf](#)

 [ReentryOfPhysicalTherapyProviders201605.pdf](#)

 [White paper for therapists FSBPT ReEntry.pdf](#)

 [Action Items 4-15-2024.pdf](#)

Consensus of committee to replace 150-hour post graduate internship currently required under 12 AAC 54.100(5)(C); 12 AAC 600(6(C); and 12 AAC 54.950(e) with a combination of remedial education and supervised service delivery such as 10 hours for every year out of practice with a max of 80 hours. Possibly model Michigan's regulation.

Statute: Michigan Compiled Laws 333.16171, License for practice of health profession; exemptions.

Sec. 16171.

Under the circumstances and subject to the limitations stated in each case, the following individuals are not required to have a license issued under this article for practice of a health profession in this state:

(a) A student who is in a health profession training program, that has been approved by the appropriate board, while performing the duties assigned in the course of training.

Regulation: Michigan Administrative Code R 338.1229a. Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed individual; requirements.

(1) An occupational therapist who delegates the performance of selected tasks to an unlicensed individual as allowed under section 16215 of the code, MCL 333.16215, shall supervise the unlicensed individual consistent with section 16109(2) of the code, MCL 333.16109, and satisfy the requirements of this rule.

As used in this rule, "unlicensed individual" means an individual who does not hold an occupational therapist license, an occupational therapy assistant license, or another health professional license and who may be able to perform the tasks identified in this rule.

(2) An occupational therapist who delegates tasks to an unlicensed individual shall provide direct supervision of the unlicensed individual.

(3) An occupational therapist who delegates tasks under subrule (2) of this rule shall also comply with all of the following:

(a) Before delegating a task, the occupational therapist shall evaluate the qualifications of the unlicensed individual under the occupational therapist's direct supervision, including verification of the unlicensed individual's training and education.

(b) Examine and evaluate the patient or client before delegating tasks to be performed by an unlicensed individual.

(c) Provide predetermined procedures and protocols for tasks that are delegated.

(d) Maintain a record of the unlicensed individuals to whom tasks have been delegated, under section 16213 of the code, MCL 333.16213.

(e) Monitor an unlicensed individual's practice of assigned tasks.

(4) An occupational therapist shall not supervise more than 3 unlicensed individuals who are providing services to patients or clients at the same time.

(5) An occupational therapist shall not delegate any of the to an unlicensed individual:

(a) An occupational therapy intervention.

(b) An assessment.

(c) An evaluation.

(6) Under section 16171 of the code, MCL 333.16171, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an ACOTE accredited or WFOT approved occupational therapist educational program or an ACOTE accredited occupational therapy assistant educational program approved by the board.

Discussed ability to issue temporary permit for time period when "supervised service delivery" and remedial education are being accomplished in lieu of current 150-hour post graduate internship requirement. Statute does allow for temporary permit to be issued when applying by credentials per AS 08.84.065(b). In order to issue a temporary permit when applying by examination per AS 08.84.065(c) +(e), possible solution would be for board to redefine "examination" for "purposes of this section only as" something different - PEAT (practice exam) or NBCOT practice modules or linked to examination(s) of last remedial education requirements.

Lindsey Hill to work on draft language to encompass discussion as listed above.

Action Items:

Lindsey Hill to work on draft language to replace 150-hour post graduate internship currently required under 12 AAC 54.100(5)(C); 12 AAC 600(6)(C); and 12 AAC 54.950(e) with a combination of remedial education and supervised service delivery and temporary permit requirements.

- E. Supervision of Students during clinical internship of PT/PTA and OT/OTA – aka “supervised fieldwork” prior to graduation
 - Project adopted at 2/16/2024 board meeting
 - Motion passed 04-15-2024 to recommend to Board to dismiss this Regulations Project. Conflict if regulations written, board would be dictating standards for educational institutions since new definitions of "supervised field work" put it under CAPTE or ACOTE standards. See 12 AAC 54.070 and 12 AAC 54.620.

- F. Examiner Suggestions
 - 12 AAC 54.500(b) + 54.805 - Posting of a license or permit - update language
 - need solution for travelers; individuals without physical location

 [Examiner Suggestions DRAFT approved 04-15-2024.pdf](#)

- G. SB74 Regulations Project Anticipated - language to support PT Licensure Compact effective 07-01-2024

 [SB0074B.pdf](#)

7. Next Steps

- Staff to post approved PHY Regulations Committee meeting minutes from 04-15-2024 to website.
- Staff to update Public Notices for 06-17-2024 and 07-15-2024 scheduled meetings.
- Valerie Phelps to submit completed Opening Questionnaire for Regulations Project for Foreign Educated Applicants Internship Elimination by 5-24-2024.
- Staff to add completed Opening Questionnaire for Foreign Educated Applicants Internship Elimination to OnBoard once received for approval vote by Regulations Committee. When approved, add to Board meeting agenda for consideration/approval.
- Lindsey Hill to work on draft language to replace 150-hour post graduate internship currently required under 12 AAC 54.100(5)(C); 12 AAC 600(6)(C); and 12 AAC 54.950(e) with a combination of remedial education and supervised service delivery and temporary permit requirements.
- Discuss suggested language options for posting permits.
- SB74 Regulations project top of the list for next meeting.

8. Adjourn

The Physical Therapy and Occupational Therapy Regulations Committee Meeting was adjourned at 12:02 pm AKDT on Monday, May 20, 2024.

Next meeting Monday, June 17, 2024 at 10:00 am.

06-28-2024 - Motion to approve Minutes from PHY Regulations Committee meeting from May 20, 2024 as written passes unanimously.