



AK PT/OT Board - Scope of Practices Committee Mtg - November 15, 2024

Alaska Division of Corporations, Business and Professional Licensing
Juneau - Zoom
2024-11-15 09:00 - 11:00 AKST

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AK PT/OT Board - Scope of Practices Committee Mtg November 15, 2024

Alaska Division of Corporations, Business and Professional Licensing
Friday, November 15, 2024 at 9:00 AM AKST to 11:00 AM AKST
Juneau - Zoom

Meeting Details:

<https://us02web.zoom.us/j/82316167402?pwd=Z1AwbXF4ZForVlAzZWdFemZsVmdzQT09>

Meeting ID: 823 1616 7402

Passcode: 584342

Call-in: +1 253 205 0468 US

Agenda

- | | |
|--|-----------------|
| 1. Call to Order/Roll Call | 9:00 AM |
| Committee Members: Tina McLean, Enlow Walker, Tori Daugherty | |
| 2. Review/Approve Agenda | 9:05 AM |
| 3. Approve 09-13-2024 Minutes | 9:10 AM |
| 4. Public Comment | 9:15 AM |
| 5. Correspondence Items | 9:30 AM |
| 6. Next Steps | 10:55 AM |
| 7. Adjourn | 11:00 AM |



AK PT/OT Board - Scope of Practices Committee

Mtg - September 13, 2024 Minutes

Alaska Division of Corporations, Business and Professional Licensing
Friday, September 13, 2024 at 9:00 AM AKDT
@ Juneau - Zoom

These are DRAFT minutes prepared by staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.

1. Call to Order/Roll Call

Committee Members: Tina McLean, Enlow Walker, and Tori Daugherty

The Physical Therapy and Occupational Therapy Scope of Practices Committee meeting was called to order on Friday, September 13, 2024 by committee member, Tina McLean at 9:01 am. Meeting held virtually on Zoom. Roll call taken by Tina McLean. Committee members present: Tina McLean, Victoria "Tori" Daugherty, and Enlow Walker.


Staff present: Reid Bowman, Program Coordinator 2; Shane Bannarbie, Program Coordinator 1; and Sheri Ryan, Licensing Examiner 3 Advanced.

2. Review/Approve Agenda

 [PHY - Agenda - SOP Mtg - 09-13-2024.pdf](#)

Tori Daugherty motioned to approve the agenda for the September 13, 2024 meeting as submitted. Motion seconded by Enlow Walker. All in favor; none opposed. Motion to approve the agenda for the September 13, 2024 meeting as submitted passes unanimously.

3. Approve Minutes - 8-16-2024

 [AK PT OT Board - Scope of Practices Committee Mtg - August 16, 2024 Minutes - DRAFT.pdf](#)

Tori Daugherty motioned to approve the minutes from the August 16, 2024 committee meeting as submitted. Motion seconded by Enlow Walker. All in favor; none opposed. Motion to approve the minutes for the August 16, 2024 committee meeting as submitted passes unanimously.

4. Public Comment

No members of the public joined the meeting. No public comment given.

5. Correspondence Items - Outgoing

A. Recommendations for Board - Review draft responses from 08/16/2024 mtg.

i. PTA Scope of Practice - Oxygen Administration - 8-2-2024

 [PTA scope of practice - 8-2-2024 - redacted.pdf](#)

 [PTA scope of practice - oxygen administration - 08-02-2024 - response - Draft.pdf](#)

Draft response letter reviewed by committee members. Enlow Walker motioned to move forward the committee response written for PTA Scope of Practice - Oxygen Administration - 8-2-2024 to the full Board in OnBoard for review and approval. Motion seconded by Tori Daugherty. All in favor; none opposed. Motion to move forward the committee response written for PTA Scope of Practice - Oxygen Administration - 8-2-2024 to the full Board in OnBoard for review and approval passes unanimously.

Action Items:

Staff to load PTA Scope of Practice - Oxygen Administration - 8-2-2024 response into OnBoard for full Board review and approval.

ii. COTA_PTA Progress Notes - 8-6-2024

 [COTA_PTA Progress Notes - 8-6-2024 redacted.pdf](#)

 [COTA_PTA Progress Notes - 8-6-2024 - response - Draft.pdf](#)

Draft response letter reviewed by committee members. Enlow Walker motioned to move forward the committee response written for COTA_PTA Progress Notes - 8-6-2024 to the full Board in OnBoard for review and approval. Motion seconded by Tori Daugherty. All in favor; none opposed. Motion to move forward the committee response written for COTA_PTA Progress Notes - 8-6-2024 to the full Board in OnBoard for review and approval passes unanimously. Small typo in 4th paragraph - occupational therapist assistant should be occupational therapy assistant. Staff to make change before letter is sent to full board for approval.

Action Items:

Staff to load revised COTA_PTA Progress Notes - 8-6-2024 response as discussed into OnBoard for full Board review and approval.

6. Correspondence - Incoming

A. School Based OT Services Release Requirements - 8-30-2024

 [School Based OT Services - Releases Required - 08-30-2024 Redacted.pdf](#)

Discussed use of consent forms varies from setting to setting. No required (mandatory) form per statute or regulation. Discussed Telehealth 08.02.130(i); 12 AAC 54.800 Occupational Therapy Standards ; Principles of Practice - Principle 2; 12 AAC 54.825 Standards for Practice of Telerehabilitation by Occupational Therapist. HIPAA requirements dictated by federal government - US Dept. of Health and Human Services - Office of Civil Rights. Tori Daugherty to draft response to present at 10/24/2024 board meeting.

Action Items:

Tori Daugherty to draft response for School Based OT Services - Releases Required - 8-30-2024 to present at 10/24/2024 board meeting.

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

Next Steps:

Committee recommendation to be made at October 24-25 full board meeting to create OT Statutory workgroup with stakeholder involvement to champion OT bill introduction.

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

Next Steps:

Committee recommendation to be made at October 24-25 full board meeting to create Physical Therapy Statutory workgroup with stakeholder involvement to work on language.

9. Next Steps

Action Items:

1. Staff to load PTA Scope of Practice - Oxygen Administration - 8-2-2024 response into OnBoard for full Board review and approval.
2. Staff to load revised COTA_PTA Progress Notes - 8-6-2024 response as discussed into OnBoard for full Board review and approval.
3. Tori Daugherty to draft response for School Based OT Services - Releases Required - 8-30-2024 to present at 10/24/2024 board meeting.

4. Committee recommendation to be made at October 24-25 full board board meeting to create OT Statutory workgroup with stakeholder involvement to champion OT bill introduction.
5. Committee recommendation to be made at October 24-25 full board meeting to create Physical Therapy Statutory workgroup with stakeholder involvement to work on language.

10. Adjourn

The Physical Therapy and Occupational Therapy Scope of Practices meeting was adjourned at 9:23 am AKDT on Friday, September 13, 2024.

Next meeting scheduled for Friday, November 15, 2024 at 9:00 am to be held virtually via Zoom.

DRAFT

From: [Whitney Poser](#)
To: [Board of Physical and Occupational Therapy \(CED sponsored\)](#)
Subject: Occupational Therapy Ethics Question
Date: Friday, November 1, 2024 5:18:19 AM

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am currently an occupational therapist employed by the Matanuska Susitna Borough School District. I have been with the district since 2021, the start of my career. This year has raised significant concerns regarding the forced violations of the occupational therapy code of ethics, unqualified individuals being allowed to make therapy decisions, and the district directing these actions saying other forms of legislature such as IDEA and FAPE superseded our governing bodies and ethics.

Historically, IEP and ESER decisions have always been made by the team, and this can cause a therapist to be unable to provide services to individuals who need it, unable to discharge individuals who have met their goals, and in some cases be forced into providing therapy services, that are billed to Medicaid, to students who do not require skilled occupational therapy services to access their education.

The district has taken this a step further this year stating that it is not a requirement that the therapist be informed or present during a Consent To Evaluate meeting and furthermore it does not have to be a full team decision but rather it can come down to the case manager's discretion. If the individual case manager feels the student would benefit from a related service (OT, PT, SLP) they can check the consent box without any input, clinical judgement or screening results from the therapist.

One situation that is ongoing involves a due process case where a lawyer determined a student would receive occupational therapy services in the school district based on an outdated outpatient report despite the occupational therapist's recommendations from the district. The occupational therapist was then asked to complete an evaluation post IEP/ESER meeting where the therapist, who was not present, had no say over providing services, nor the frequency and duration of the services.

As a group, the occupational therapists brought evidence based research, our AOTA code of ethics, and professionalism to an in-person meeting with our direct supervisor and her counterpart. They countered every standard that we presented such as Standard 3 Screening, Evaluation, and Reevaluation from the AOTA Standards of Practice for Occupational Therapy 2021 Edition: "an occupational therapist is responsible for all aspects of the screening, evaluation, and reevaluation process".

They also brushed aside our concerns regarding forced violations against the AOTA Code of Ethics 2020 edition. Several of the standards of conduct that were brought up as being skirted at the least and at the worst entirely ignored were:

1. Respect and honor the expressed wishes of the recipients of service
2. Do not follow arbitrary directives that compromise the rights or well-being of others including unrealistic productivity expectations, fabrication, falsifications, plagiarism of documentation, or inaccurate coding
3. Respect the client's right to refuse OT services temporarily or permanently, even when that refusal has the potential to result in poor outcomes
4. Terminate OT services in collaboration with the service recipient or responsible party when the services are no longer beneficial

It is my fear that the district will continue to disregard our education and training, clinical judgement regarding therapy practices and our ethics. This disregard will force us into situations where we will be choosing between employment or knowingly violating the Code of Ethics we vowed to uphold.

It is my hope that you as the board can shed some light on this situation.
Thank you.

--

Best Regards,
Whitney Poser, OTD, OTR/L, ASDCS

From: [haley Fralick](#)
To: [Board of Physical and Occupational Therapy \(CED sponsored\)](#)
Subject: Re: Question
Date: Friday, November 8, 2024 8:40:34 AM

I just want to ensure that as an OT in Alaska, I am allowed to treat the same child in 2 different practice settings (school based and outpatient) with different plans of care).

On Nov 8, 2024, at 8:00 AM, Board of Physical and Occupational Therapy (CED sponsored) <physicalandoccupationaltherapy@alaska.gov> wrote:

Hello Haley,

I need a little more information to be able to understand your question. Your Occupational Therapist license allows you to treat patients anywhere in Alaska. If your question is related to what the school contract requirements or insurance reimbursements are – those are not things within the Board of Physical Therapy and Occupational Therapy’s jurisdictional purview.

Please feel free to call me at 907-269-6425 or email to physicalandoccupationaltherapy@alaska.gov with further details and I will research your question further to try and get you the right information/resources.

Best regards,

Sheri Ryan
Licensing Examiner 3 Advanced
Board of Physical Therapy and Occupational Therapy
Board of Certified Direct-Entry Midwives
Athletic Trainers Program
Division of Corporations, Business and Professional Licensing

<image001.png>

sheri.ryan@alaska.gov
Office: 907-269-6425 | Fax: 907-465-2974
www.commerce.alaska.gov

<image002.png>

<image003.png>

From: haley Fralick [REDACTED]
Sent: Wednesday, November 6, 2024 9:10 AM

To: Board of Physical and Occupational Therapy (CED sponsored)
<physicalandoccupationaltherapy@alaska.gov>
Subject: Fwd: Question

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Following up, I look forward to hearing back.

Begin forwarded message:

From: haley Fralick [REDACTED]
Date: October 10, 2024 at 9:44:45 AM AKDT
To: PhysicalandOccupationalTherapy@alaska.gov
Subject: Question

Hi,

I have a question that I am seeking clarification on. I am a school based occupational therapist working in a small Alaska town. I am beginning work as an outpatient pediatric OT PRN. I will be the only pediatric OT servicing the town (other options 2+ hours away). I am wondering if I am able to treat the same child in 2 different service areas? If I do not provide service, they likely will not get any outpatient services due to accessibility. I look forward to hearing your response on this.

August 14, 2024

Julie Jensen, RN, BSN
Department of Health
4601 Business Park Blvd. Bldg. K
Anchorage, AK 99503

RE: PT Telehealth Scope Question – 06-05-2024

Dear Ms. Jensen,

On June 5, 2024 you wrote to the Board of Physical Therapy and Occupational Therapy requesting clarification on regulation 12 AAC 54.530(a) specific to the following question: "If the patient is in a geographical location that has PT services available, does that mean telehealth PT evaluations cannot be done?"

The Board of Physical Therapy and Occupational Therapy authorized the following response on 10/24/2024:

Reference: 12 AAC 54. 530 Standards for Practice of Telerehabilitation by Physical Therapist (a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of an interactive telecommunication system by a physical therapist licensed under AS 08.84 and this chapter to provide physical therapy to patient who are located in this state and do not have access to a physical therapist in person due to geographic or health and safety constraints.

It is the opinion the Alaska State Physical Therapy and Occupational Therapy Board as recommended by the Scope of Practices Committee and reviewed by the Department of Law that nothing in 12 AAC 54.530 would preclude a PT evaluation from being able to be performed via telerehabilitation even if the patient lived in a geographical region where PT services are available.

Centralized Regulations regarding telehealth further supports the use of telehealth by a physical therapist per the following:

Sec. 08.02.130. Telehealth. (a) A health care provider licensed in this state may provide health care services within the health care provider's authorized scope of practice to a patient in this state through telehealth without first conducting an in-person visit.....

(j) In this section,

(1) "health care provider" means

(A) an audiologist or speech-language pathologist licensed under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor licensed under AS 08.20; a professional counselor licensed under AS 08.29; a dental hygienist licensed under AS 08.32; a dentist licensed under AS 08.36; a dietitian or nutritionist licensed under AS 08.38; a naturopath licensed under AS 08.45; a marital and family therapist licensed under AS 08.63; a physician licensed under AS 08.64; a podiatrist, osteopath, or physician assistant licensed under AS 08.64; a direct-entry midwife certified under AS 08.65; a nurse licensed under AS 08.68; a dispensing optician licensed under AS 08.71; an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or occupational therapist licensed under AS 08.84; a psychologist or psychological associate licensed under AS 08.86; or a social worker licensed under AS 08.95;

The Board would emphasize 12 AAC 54.530(b)(2) as well which states: A physical therapist licensed under AS 08.84 and this chapter conducting telerehabilitation by means of an interactive telecommunication system must interact with the patient maintaining the same ethical conduct and integrity required under 12 AAC 54.500(c) and (d) which provides for PT/PTAs to adhere to the ethical standards set out in Principles of Practice adopted March 2015-

https://www.commerce.alaska.gov/web/Portals/5/pub/PHY_PrinciplesPractice.pdf

We hope this helps clarify the statute and answer your question to your satisfaction. Please reach out to the Board should you have further inquiries.

Sincerely, Sheri Ryan
Licensing Examiner Advanced 3
Alaska Board of Physical Therapy and Occupational Therapy

DRAFT



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

BOARD OF PHYSICAL THERAPY AND
OCCUPATIONAL THERAPY

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2580
Fax: 907.465.2974

November 12, 2024

Vanessa Russell
2000 S. Hygrade Circle
Wasilla, AK 99654

RE: COTA_PTA Progress Notes – 08-06-2024

Hello Ms. Russell,

On August 6, 2024 you wrote to the Board of Physical Therapy and Occupational Therapy seeking clarification if occupational therapy assistants or physical therapist assistants could write progress notes and have a corresponding supervising occupational therapist or physical therapist sign off on them.

The Board of Physical Therapy and Occupational Therapy authorized the following response on xx/xx/2024:

Statutes and regulations do not specify who must physically prepare the notes, including typing the report. The PT/PTA or OT/OTA team may work together collaboratively to develop the progress note.

This is supported by the following regulations:

- 12 AAC 54.810 identifies the supervision requirements for an occupational therapy assistant by an occupational therapist.
- 12 AAC 54.510 identifies the supervision requirements for a physical therapist assistant by a physical therapist. 12 AAC 54.510(d) describes that: “A licensed physical therapist assistant shall have written treatment plans formulated by the licensed physical therapist in possession for each patient under the care of the physical therapist assistant. Treatment plans must be revised following periodic evaluations by the licensed physical therapist.”

It is important to remember that the occupational therapist and physical therapist are responsible for developing the plan of care, while an occupational therapy assistant and physical therapist assistant work to implement the care plan that had been developed by the OT or PT.

APTA and AOTA have resources available to guide these collaborative, working relationships. For example, APTA has released “Direction and Supervision of the Physical Therapist Assistant HOD P06-18-28-35.” American Journal of Occupational Therapy has also published the following article with guidance related to the OT/OTA supervisory model: Guidelines for Supervision, Roles, and Responsibilities During the Delivery of Occupational Therapy Services. Am J Occup Ther November/December 2020, Vol. 74(Supplement_3), 7413410020p1–7413410020p6.

This board does not provide instructions related to requirements by funding sources, i.e. insurance reimbursement. Please refer to the requirements as established by those entities for more direction.

Sincerely,

Sheri Ryan
Licensing Examiner Advanced 3
Alaska Board of Physical Therapy and Occupational Therapy

DRAFT