

MINUTES
UTAH
BOARD OF RECREATIONAL THERAPY
BOARD MEETING

December 1, 2009

Room 475 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:06 A.M.

ADJOURNED: 12:46 P.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Compliance Specialist:

Ronda Trujillo

Board Members Present:

Patrick R. Park, Chairperson

Susan P. Call

Gwen T. Nelson

Shawna Peterson

Megan Roth

Guests:

Sue France, CTRS

Kristine Hardle, TRS, CTRS

Karie Swenson, MTRS

Monica Dixon. CTRS

Jodi Leyrose

Shauna Seely

Katie Jo Redd, RT Intern

M. Sydney Post, MTRS

Trish De Young, MTRS

Kami Hardcastle, MTRS

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the September 22, 2009 Board meeting were read.

Ms. Nelson made a motion to approve the minutes as read. Ms. Peterson seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

9:15 am

Probationary Interview Training

Ms. Taxin conducted the probationary interview training. She stated people can be put on probation for a variety of reasons when there is a concern for public safety but the reasons are not severe enough to take the license away and not minor enough to issue a letter of concern. She stated the length of the probation depends on the unprofessional behavior. Ms. Taxin stated when licensees get into the probation process they are notified their behavior is unprofessional and they need to be monitored. Ms. Taxin referred to Ms. Wayman's Memorandum of Understanding (MOU) and explained the organization of the facts and conditions. She stated each Board member will have a tracking sheet to review at each appointment. Ms. Taxin explained the tracking sheet briefly outlines the facts and requirements for the probationer to be safe to practice. She stated the probationer signs the document of their own free will and there is no forcing them or coercion for them to sign. She stated the Board monitors for the behavior listed only and cannot add additional requirements. Ms. Taxin stated all Board members may ask the probationers questions regarding what brought them before the Board and the probationer may ask questions of the Board. She explained some probationers take responsibility for their actions while others do not and are angry they have to meet with the Board and are uncooperative. Ms. Taxin stated when people do wrong they are embarrassed, nervous and uncomfortable but they still have feelings and the Board should be kind, considerate and treat probationers with respect. She stated Ms. Wayman appears to be taking responsibility for her actions.

Ms. Taxin explained that Board members and Division staff should be introduced when a new probationer meets. She stated the Board may then ask Ms. Wayman to explain why she is here. She stated some probationers are very brief and others are thorough as to the entire situation. Ms. Taxin stated the interviewer may ask if Ms. Wayman has read and understands the MOU. She stated she already

approved Syd Post as Ms. Wayman's supervisor. She stated the supervisor has to submit a letter that they also have read the MOU or Order, understand the conditions and are willing to supervise and assist the probationer to successfully complete their probation.

Ms. Taxin stated the Board may ask Ms. Wayman to meet monthly, quarterly or every 6 months as she has to drive up from East Carbon to meet with the Board. She stated if Ms. Wayman is doing well on her probation the Board should give positive feedback to her and encourage her to continue. She stated the Board's duty is not to counsel but to monitor and they may ask where Ms. Wayman is in her recovery process. Ms. Taxin stated if the probationer is working on their recovery they usually disclose more information than when they are not.

Ms. Taxin stated the interviewer has the responsibility to:

1. Prepare for the interview. She stated she recommends one person conduct the interviews so they are familiar with the file.
2. Ask the probationer why they are here.
3. Talk about the probationer's accomplishments, what they have completed and what is not completed.
4. Ask the probationer if they have any questions or concerns.
5. Confirm the probationer knows what they need to do for the next meeting before the probationer leaves the meeting.
6. Be sure to set the next appointment before the probationer leaves the meeting.

Ms. Taxin then reviewed the suggested list of ideas for questions for probationers and stated once the Board determines if the probationer is in or out of compliance the interviewer will fill in the bottom of the form with the requested information of compliance and any assignments, then sign and date the form.

Ms. Taxin then read the facts and conditions in Ms. Wayman's MOU. She stated the probation period is for a 3 year period as Ms. Wayman has been in recovery and on a substance abuse program for some

time. She then covered the requirements of closing a meeting and stated the meeting may be closed for discussion of mental competency issues. Ms. Taxin stated the meeting must then be reopened following the discussion. She stated Ms. Wayman should be asked if she wants her mental competency discussion on the tape and/or if any public visitors may remain in the room.

Ms. Taxin stated the proposed supervisor must be in good standing to be approved to supervise. She stated Ms. Wayman must give a copy of the MOU to Ms. Post to read and Ms. Post is required to write a letter that she had read the MOU, understands the conditions, is willing to assist Ms. Wayman in being successful and will submit the required supervision reports monthly for 6 months and then Ms. Wayman may request the reports be due quarterly. She stated the supervision report should address any issues or concerns. Ms. Taxin stated she would expect Ms. Wayman to receive a little more supervision while on probation compared to an unencumbered TRT licensee. She stated Ms. Post is required to do direct supervision at least once a month. Ms. Taxin stated Ms. Wayman must work a minimum of 14 hours a week and a maximum of 45 hours a week. She stated Ms. Wayman may request approval for additional hours during the holiday season and the Board may consider approving her request. Ms. Taxin stated Ms. Wayman is on random drug and alcohol testing and must refrain from using any alcohol during the duration of her probation. She stated Ms. Wayman completed a psychological evaluation prior to submitting her application so the MOU does not require another evaluation or a chemical dependency evaluation but the MOU gives the authority to require one if the Board determines it is necessary. She stated therapy reports are required and attendance at a 12 step program with a sponsor and monthly reports are required.

9:35 am

Ronda Trujillo, Compliance Update

Ms. Trujillo updated the Board regarding the compliance or non-compliance of the probationer.

Ms. Trujillo reported **Shirley Wayman** is currently in

compliance with her Memorandum of Understanding (MOU).

9:45 am

Shirley Wayman and Sydney Post, Supervisor,
Probationary Interview

Ms. Wayman and Ms. Post met for Ms. Wayman's probationary interview.

Board members and Division staff were introduced.

Ms. Taxin explained Ms. Wayman may request the meeting to be closed for discussion regarding mental competency issues and for any medications. She stated the public visitors would then be requested to step out until the meeting is reopened.

Ms. Wayman responded she would be comfortable with the open meeting.

Ms. Call conducted the interview.

Ms. Call requested Ms. Wayman to explain why she has been issued a probationary license and the reason she went into Recreational Therapy.

Ms. Wayman responded she is on probation due to her past in using drugs and alcohol and having legal issues. She stated she had an opportunity to go into Recreational Therapy and it interested her.

Ms. Call asked how long Ms. Wayman has been in recovery.

Ms. Wayman responded she has been in recovery for 4 years. She explained she has been drinking since she was a child and smoked pot with her father. She stated she was really proud when she quit drinking but was doing heroine and meth. Ms. Wayman stated it is very difficult to get off everything instead of substituting one drug for another. She explained she did not make good choices in friends for many years but now is making better choices. Ms. Wayman stated she now has her father living with her as he has Alzheimer's and she is his primary caretaker.

Ms. Taxin asked if Ms. Wayman has read her MOU and understands the requirements.

Ms. Wayman responded she has read the MOU and understands what is required of her. She stated Ms. Post is her supervisor and consultant at the facility where she works and Ms. Post has been one of her best supports in helping Ms. Wayman get where she is now with her employment.

Ms. Taxin asked Ms. Wayman to explain what she and Ms. Post discuss regarding her work.

Ms. Wayman responded Ms. Post always asks if everything is ok and if Ms. Wayman has a problem Ms. Post is available to discuss it with her. She stated they have discussed Ms. Wayman's Christmas schedule and plan with the residents, her quarterlies and what she is doing at work.

Ms. Taxin asked how Ms. Wayman is doing with her interactions with the patients at the facility, what type of patients reside there and what type of activities she does with the patients.

Ms. Wayman responded she is employed at a skilled care facility. She stated there are currently about 30 residents but some remodeling is being done to increase the resident total to about 60. She stated some residents have dementia and some are like her best friends. Ms. Wayman stated she also has an assistant in training to help with the activities.

Ms. Taxin clarified Ms. Wayman stated the clients are like her best friends. She stated she is sure they are a good support for Ms. Wayman but how does she hold the boundaries between being a practitioner and a friend.

Ms. Wayman responded maybe they are not her best friends except maybe one person. She stated she does her best to keep her job at the job and home issues at home.

Ms. Taxin stated maybe Ms. Post can work with her regarding keeping boundaries with the patients by giving all the care she can give them but setting clear boundaries so she is not so emotionally and

personally involved with the patients.

Ms. Peterson asked how Ms. Wayman copes with the stress of home, her father's Alzheimer's and the stress of working with the same type of people at work. She asked if someone is with Ms. Wayman's father to help when she is not at home.

Ms. Wayman responded she is grateful to have her father living with her and to handle the stress she goes to her support meeting and talks with her sponsor. She stated her father is home alone when she is not there and he stays in his room to read or roll cigarettes. She stated her friend is there at night if she is away as her father is afraid of the dark. She stated she also has several friends to call when she is stressed. Ms. Wayman stated she also goes fishing, 4-wheeling and sometimes just goes out to her back yard. She stated she usually attends 2 of her support meetings a week, every Friday night and sometimes during her lunch break, the people she associates with are all in recovery and people at work also give support.

Ms. Roth asked if Ms. Wayman believes she has a strong support for herself.

Ms. Wayman responded she does believe her support system is strong.

Ms. Trujillo informed Ms. Wayman that the reports that have been received are very positive.

Ms. Nelson asked Ms. Wayman how long she has been working at this facility.

Ms. Wayman responded she has been employed at the facility for 3 years. She stated she was in housekeeping prior to being licensed as a TRT.

Ms. Roth asked Ms. Wayman how many hours a week she is working.

Ms. Wayman responded she works 38 hours to 45 hours per week.

Ms. Roth reminded Ms. Wayman that her MOU

requires she not work more than 45 hours per week. She stated the Board was notified Ms. Wayman may request approval for additional hours during the Christmas season. She asked if Ms. Wayman has a plan to submit for the Board to review and stated the Board would consider no more than 50 hours for a couple of weeks only.

Ms. Wayman stated she would like to request approval for 5 additional hours during the Christmas season.

Mr. Park asked if Ms. Wayman would still be able to attend the AA meetings if she is working additional hours.

Ms. Wayman responded she would still attend her AA meetings.

Ms. Nelson made a motion to approve up to 50 work hours for 2 or 3 weeks for the holidays and if Ms. Wayman needs the hours for an additional week to call Ms. Taxin to have the additional week approved.

Ms. Call seconded the motion.

The Board vote was unanimous.

Ms. Call asked with Ms. Wayman's prior convictions if she has any probation or other requirements to complete for the courts.

Ms. Wayman responded she completed the court ordered probation, has petitioned the courts for the charges to be dropped to a misdemeanor and will have the court ordered fine paid off in March 2010.

Ms. Taxin asked if the Board would consider accepting the psychological evaluation Ms. Wayman completed or require her to complete another one.

Ms. Roth made a motion to hold on requiring a new psychological evaluation until the Board has reviewed the evaluation previously completed.

Ms. Nelson seconded the motion.

The Board vote was unanimous.

Ms. Trujillo explained the requirements of submitting the supervision report for Ms. Post.

Ms. Nelson asked Ms. Wayman how much one-on-one supervision time Ms. Post gives when she is at the facility.

Ms. Wayman responded Ms. Post is at the facility 4 to 6 hours a month.

Ms. Post explained she reviews the patient charts and analyzes, discusses any areas Ms. Wayman is behind in her reports, does a closure meeting with her and the administrator each time she is at the facility.

Ms. Nelson asked if Ms. Post sits in on any activities Ms. Wayman is conducting.

Ms. Post responded she does sit in on some activities but not always.

Ms. Taxin reminded Ms. Post she is the eyes for the Board and she requested Ms. Post to include details in the reports of what they reviewed, discussion items and any areas of concern she may have.

Ms. Post responded there are some things that do not get into reports such as things going on with Ms. Wayman's father and how she helped her ex-husband with his passing.

Ms. Taxin recommended Ms. Post include a note regarding Ms. Wayman had a difficult week and these are the coping mechanisms that were discussed, she appears to maintain sobriety and her employment performance.

Ms. Nelson stated Ms. Wayman has not been a TRT very long and she would be more comfortable if Ms. Post joined in on at least one activity at each visit to do some teaching.

Ms. Post responded her time at the facility is limited on consulting time and she would be unable to join in activities each time she is at the facility. She stated she does review the chart data at each visit.

Ms. Taxin recommended Ms. Post review boundary guidelines and note her skills in running groups and times she observes Ms. Wayman. She stated Ms. Post's feedback is advantageous to Ms. Wayman but to also put information in the reports so the Board knows what Ms. Wayman is doing and how she is doing with her patients.

Ms. Call asked if Ms. Wayman had any questions of the Board.

Ms. Wayman responded she is has trouble with the UA testing. She stated their hospital will test by appointment only and half the time they send people home as they are only available at the hospital for accidents and emergencies. She stated last Saturday she waited at the hospital for 3 hours for her test. She stated the person at the site informed her to have Compass Vision call and speak with Bill. Ms. Wayman stated it is difficult for her to test on week-ends and holidays as she lives 30 miles from the hospitals. She stated she does not drive in the snow and if it is snowing she will not go to the test site.

Ms. Taxin responded Ms. Wayman should call Ms. Trujillo if she has a problem with testing and if it is on a weekend with snow she should leave a message. She informed Ms. Wayman her test will be considered a positive test if she does not show for a scheduled test. She encouraged Ms. Wayman to continue her daily calling and to do her best to test each time she is scheduled.

Ms. Wayman asked what she should do if she is suppose to test today as she will not have time to drive back to her site before they close.

Ms. Taxin stated she could test in Salt Lake as there are several sites in Utah and all over the United States.

Ms. Trujillo reminded Ms. Wayman to contact her if she is going out of town so she can notify Compass Vision and get a location close to where Ms. Wayman will be located.

Ms. Wayman stated she received a temporary form from Compass Vision which indicates she does not need to be observed when giving a sample but when she calls in she is informed that she must be observed. She asked which is correct.

Ms. Trujillo responded Ms. Wayman needs to be observed and she will confirm with CVI. Ms. Trujillo stated she will also call Bill from CVI and discuss/resolve the issues she had with testing at the hospital and then get back with Ms. Wayman.

The Board discussed the frequency of Ms. Wayman meeting with the Board.

Ms. Nelson made a motion for Ms. Wayman to meet quarterly with the Board.

Ms. Call seconded the motion.

The Board vote was unanimous.

The Board determined Ms. Wayman is currently in compliance with her MOU.

An appointment was made for Ms. Wayman to meet with the Board on April 29, 1020.

Ms. Wayman left the meeting.

Ms. Taxin stated she believes Ms. Wayman should be in person in April and then the Board could evaluate whether she should meet again in June or perhaps have herself and Ms. Trujillo meet with her telephonically. She reminded the Board Ms. Wayman is on a 3 year probation. She stated the frequency of Ms. Wayman meeting would affect the frequency of the Board meetings.

Ms. Roth voiced concern regarding Ms. Wayman not wanting to test on weekends or holidays.

Ms. Taxin stated the testing is random and weekends and holidays will not be excluded. She stated she is concerned about the boundary issue Ms. Wayman brought up. Ms. Taxin stated every practitioner needs to have clear boundaries and she hopes Ms. Post will discuss boundaries with Ms. Wayman.

Ms. Nelson commented she would like Ms. Post to take more responsibility and give more one-on-one supervision.

Ms. Taxin stated the Board may inform Ms. Wayman at her next appointment that the one-on-one supervision needs to be more frequent.

Mr. Park asked how the Board can be sure Ms. Wayman is staying sober and doing her job appropriately.

Ms. Taxin stated Ms. Wayman has an MOU which includes conditions and random drug testing and the Board cannot add conditions beyond what was agreed upon.

Ms. Roth commented the probationary supervision of Ms. Wayman is not in Ms. Post's contract with the facility. She asked if Ms. Post is trying to do the supervision within the confines of her time at the agency and if her responsibility is not to meet the agency needs but meet the needs of supervision for Ms. Wayman as a probationer.

Ms. Taxin responded Ms. Roth is correct. She stated Ms. Wayman may have to hire a supervisor who will spend the time supervising her probation. She stated the Board can voice their concerns about the supervision when Ms. Wayman meets in April. Ms. Taxin suggested Ms. Post also meet in April telephonically to hear the concerns of the Board and to be sure she really understands the expectations of being the supervisor of someone on probation. Ms. Taxin stated Ms. Post will most likely comply but probably does not understand the expectations fully as most of the Board except Ms. Nelson did not express clearly and/or uniformly.

Ms. Nelson voiced concern that Ms. Wayman is on probation and mentioned she is supervising a student.

Ms. Roth voiced concern regarding Ms. Wayman being in a supervisory role as she is a new licensee and on probation.

Ms. Taxin stated Ms. Wayman's title at the facility is Activity Director. She stated patients do not understand the difference or that Ms. Wayman needs supervision. She also stated a TRT does not have supervision within their scope of practice.

Ms. Nelson asked if Ms. Wayman is doing therapeutic recreation or diversion recreation. She stated she would like Ms. Wayman to be doing more therapeutic recreation programs and less divisional activities. She asked what Ms. Wayman does with a patient who is at the facility for 3 weeks and an assessment plan has not been written because Ms. Post has not come in for the assessment. She asked if the patient receives therapy or not. Ms. Nelson stated the long term patients are required to receive recreational therapy as it is federally funded.

Ms. Taxin recommended Ms. Nelson ask Ms. Wayman at her next appointment. She stated the Board can require feedback on Ms. Wayman's activities at least once a month.

Ms. Peterson asked if Ms. Post being the agency supervisor for the TRT and the probationary supervisor is a conflict of interest.

Ms. Taxin responded it could be a conflict but in this circumstance with East Carbon being such a rural area there are not many choices for Ms. Wayman.

The Board recommended evaluating paperwork and compliance in the April meeting and, if necessary, contact Ms. Post if more information/supervision is necessary for the future.

DISCUSSION ITEMS:

Further Discussion regarding Clarification of TRT Requirements in Law and Rule

Ms. Taxin stated at the September 22, 2009 meeting the Board and guests discussed if the current Laws and Rules for TRT licensing needs to be updated. The Board was assigned to review the Laws of other States to compare to Utah requirements. She stated she reviewed North Carolina, New Hampshire and Oklahoma Laws and she believes Utah Laws are better as they are more descriptive and more clearly define the TRT scope. She stated other States use different titles and North Carolina requires that level of license to have an associate degree which is a higher standard than Utah currently has. Ms. Taxin stated her staff receives numerous phone calls from potential TRT applicants who are confused with the process, how to become licensed and how much supervision is required after licensure. Ms. Taxin asked if the Board and guests believe the current Rules for the TRT requirements are clear or if further clarification is required. She reminded the Board that the Association writes the Law and the Board writes the Rules. She explained there must be authority in the Law to write a Rule.

Sue France asked when the Utah Recreational Therapy Act is scheduled for the sunset review and if any suggested changes for the Law should be coordinated with the sunset review.

Ms. Taxin responded the sunset review is scheduled for July 1, 2013. She explained when the sunset review comes up she will coordinate with the Association but then testify and write a report justifying why the profession should continue to be regulated.

Ms. Post commented the assignment purpose was not to review the Law but to review the requirements in the Rules for TRT licensing and if those requirements are being followed or if changes need to be made in the Rules.

Ms. DeYoung read the section of the Rules regarding TRT supervision (R156-40-102(7)). She stated there are agencies that do not pay the MTRS

consultant and the consultant leaves the agency which means there is no one to supervise the TRT. She asked who would be responsible and what they should be doing.

Ms. Taxin responded she believes the MTRS supervisor is ultimately responsible as the TRT cannot work without a supervisor. She stated this could also affect the care of the patients due to lack of oversight and as TRT's are not to do assessments or they are violating the Law.

Following discussion it was determined the current Rules should not be amended as the TRT requirements are clear. The Board determined the MTRS or TRS supervisor has a responsibility to inform their students to the Law and Rule qualifications for licensure and scope of practice.

Ms. Hardcastle requested Ms. Taxin to notify the Association if there is any Legislation being introduced which would affect Recreational Therapy.

Ms. Taxin responded she would notify the Association. She stated if there is a protected Bill being introduced then she would not know until it comes up. She referred the Board, Association and other guests to the Legislative website to follow the Bills being introduced in the 2010 Legislative session.

Ms. Seely asked if there was going to be discussion regarding how long it takes to complete the practicum.

Ms. Taxin responded there was going to be some discussion on that topic but no one believes there is a problem with the current Rules.

Ms. DeYoung clarified that the education, practicum and examination must be completed within 9 months or the TRT is to stop working as a TRT until licensed and must be licensed within 2 years or redo the requirements.

Ms. Taxin responded Ms. DeYoung is correct. Ms.

Adjusted Tentative 2010 Board Meeting
Schedule

Ms. Taxin

Taxin suggested the MTRS or TRS make a copy of the Laws and Rules as part of their handout in the education program.

The Board noted the tentative 2010 Board meeting schedule as follows: April 29, June 24 and October 28, 2010.

Based on conflicts the April 29 meeting was changed to April 19, the June 24 meeting was changed to June 21 and the October 28 meeting was changed to October 25, 2010.

Ms. McCall was requested to notify Ms. Wayman of the April date change.

Ms. Taxin asked if the Board had any discussion items for the April meeting.

Ms. Call requested Board discussion regarding the Rules and TRT requirements.

Ms. Taxin suggest the Association be contacted regarding further discussion by the Board. She stated Ms. Dixon and Ms. Swenson might want to attend.

Ms. Peterson asked why the Association, the education MTRS's and guests were in attendance today.

Ms. Taxin explained the Association and MTRS's were invited for the discussion as the Association needs to determine if Statute changes are necessary and if they want to open the Law for the amendments. She again stated the Association protects the profession and the Board protects the public. Ms. Taxin stated she believes the Association should be concerned that there are MTRS's leaving their positions and there is no supervision of the TRT.

Ms. Taxin recommended in the future the Board speak up regarding discussion items as this is their meeting.

Board members voiced confusion of their role.

Ms. Taxin asked the Board to review the Laws and

Rules and be prepared to discuss if the TRT section is worth further discussion, if the amount of supervision needs to be clarified and, if so, does the Board want direct, indirect or general supervision or to define some other type of supervision. She asked the Board to review from the perspective of what is good for the public, are patients receiving the best service and are TRT's scope of practice defined appropriately.

NEXT MEETING SCHEDULED FOR: April 29, 2010

ADJOURN: The time is 12:46 pm and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

May 3, 2010
Date Approved

(ss) Patrick R. Park
Chairperson, Utah Recreational Therapy Licensing Board

December 17, 2009
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational & Professional Licensing