

**MINUTES**  
**UTAH**  
**BOARD**  
**OF**  
**RECREATIONAL THERAPY**  
**BOARD MEETING**

**May 3, 2010**

**Room 402 – 4<sup>th</sup> Floor – 9:00 A.M.**  
**Heber Wells Building**  
**Salt Lake City, UT 84111**

**CONVENED:** 9:02 A.M.

**ADJOURNED:** 11:02 A.M.

**Bureau Manager:**  
**Board Secretary:**  
**Compliance Specialist:**

Noel Taxin  
Karen McCall  
Ronda Trujillo

**Board Members Present:**

Patrick R. Park, Chairperson  
Gwen T. Nelson  
Shawna Peterson  
Megan Roth  
Susan P. Call

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from the December 1, 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**

Ronda Trujillo, Compliance Update

Ms. Trujillo reported **Shirley Wayman** is currently in compliance with her Memorandum of Understanding (MOU). She stated Ms. Wayman had a couple of dilutes tests so she called Ms. Wayman and talked to her about refraining from drinking a lot of liquids prior

to testing. Ms. Trujillo stated Ms. Wayman has been in compliance since she start her probation on October 15, 2009. She asked the Board to consider moving the supervisor, employer and 12 step reports from being due monthly to quarterly.

**Ms. Taxin reminded the Board that Ms. Wayman is on probation for her substance abuse. She stated Sydney Post is Ms. Wayman's facility MTRS supervisor and has submitted the facility reports instead of the Division probation reports. Ms. Taxin stated the facility reports are difficult to read.**

**Ms. Call commented the facility reports are not addressing any concerns.**

**Ms. Taxin stated the reports do document Ms. Wayman is having some performance issues. She stated Kelly Brenerman, the executive director, and the facility were cited for not having quality recreational therapy. She stated the Division/Board would not hold Ms. Wayman on probation for the citation but the issues mentioned are of concern. Ms. Taxin questioned who is responsible, the MTRS/TRS supervisor or the TRT. She stated she believes it would reflect on the MTRS/TRS supervisor. Ms. Taxin stated Ms. Nelson commented at the last meeting that Ms. Post should be sitting in on the group activities every so often. Ms. Taxin voiced agreement.**

**Ms. Call asked who is performing the assessments, the treatment plans and giving them to Ms. Wayman if Ms. Wayman is doing the assessments it is out of the TRT scope of practice.**

**Ms. Taxin stated she is not sure and she requested Ms. Call to get clarification from Ms. Wayman as there might be some confusion. She stated if Ms. Wayman is practicing outside her scope the Board needs to make sure Ms. Wayman is clear on the scope of practice for a TRT so she is not put on probation for misunderstanding.**

**Ms. Nelson recommended, as a protection for Ms.**

**Wayman, she locate a different supervisor for her probation.**

**Ms. Taxin responded she does not believe there is anyone else in that area who is available. She explained there could be a conflict of interest or could violate the right to privacy act for someone from a different facility coming in to review charts as they would not be authorized. She stated it could be worked out if the facility had a contract for supervision for Ms. Wayman.**

**Ms. Call stated the report indicates the facility wants Ms. Wayman to decorate the facility for the residents.**

**Ms. Roth stated there are also complaints that Ms. Wayman is not conducting enough groups. She asked if that is Ms. Wayman's responsibility or her supervisor's to plan more group activities.**

**Ms. Nelson commented it would be the responsibility of both Ms. Wayman and Ms. Post. She stated the facility Director may not fully understand the duties of the Recreational Therapist. She stated if the facility wants Ms. Wayman to decorate the facility and that is part of her duties at the facility then she should decorate but the paperwork/treatment plan is required of a MTRS or TRS and is out of Ms. Wayman's scope of practice.**

**Ms. Taxin responded when she was working in Recreational Therapy she decorated the facility and incorporated the decorations around the theme of the month or the holiday. She stated the MTRS or TRS have the responsibility of doing the paperwork for the treatment plan on each patient and the TRT carries out the treatment plan.**

**Ms. Roth reminded the Board of the discussion at the last meeting of Ms. Post combining the facility consultation/supervision of TRT's and Ms. Wayman's probationary supervision. She voiced concern in combining the two supervisions.**

**Ms. Taxin stated the Board may request Ms. Post to sit in on some group sessions as Ms. Wayman's probationary supervisor.**

**9:20 am**

Shirley Wayman, Probationary Interview

Ms. Wayman met for her probationary interview.

Ms. Call conducted the interview.

**Ms. Call requested Ms. Wayman to update the Board regarding her employment, being the caretaker of her father and her probation requirements.**

Ms. Wayman responded her father is no longer living at home and is now a resident at the care center where she works. She stated the move has been positive and challenging for her. Ms. Wayman stated her employment is going well and she no longer does much overtime. She stated the overtime was during the period when her assistant, a student in training, was away for awhile. She explained that Ms. Post supervises the student when she comes to the facility.

**Ms. Call informed Ms. Wayman of the positive reports and letters that have been received. She stated Ms. Post is attaching her facility report to the Division report form but the facility report does not address Ms. Wayman's probationary issues specifically.**

Ms. Wayman responded she is aware of the facility citation as one patient's care plan required her to do therapy with the patient for 15 minutes every two hours while the resident is awake. She stated she could not complete the care plan as the patient was not always awake in the two hour period. Ms. Wayman explained she cannot change treatment plans and Ms. Post was not available at the facility to change the plan. She stated she talked with Ms. Post and was able to get a change of the plan faxed to her.

**Ms. Taxin requested Ms. Wayman to review the facility process when a new patient arrives.**

Ms. Wayman explained when a new patient arrives

she completes an admission note on the patient.

**Ms. Taxin asked if Ms. Wayman completes the admission note by talking with the patient.**

Ms. Wayman explained she reviews the Doctor's orders and diagnosis on the face sheet and writes the admission note based on that information. She stated she completes a data sheet on each patient within seven days of arriving at the facility. Ms. Wayman stated the data sheet includes assessing mental status reports, asking questions and writing down the patient's responses. She stated she then faxes the information to Ms. Post to review and write out a treatment plan. Ms. Wayman stated Ms. Post then faxes the plan back to her. She stated she also writes resident attendance notes every day

**Ms. Taxin asked what Ms. Wayman does with a patient if she does not receive the treatment plan back the same day she sent the information to Ms. Post.**

Ms. Wayman responded she brings the patient to the activities until she receives the treatment plan. She stated it takes most new residents a few days to be comfortable enough to come out of their room to participate.

**Ms. Call asked who is doing the MDS reports.**

Ms. Wayman responded there is coordinator at the facility. She stated she lists if the patient attends activities and how much time they spend doing activities and what activities they like.

**Ms. Taxin asked if Ms. Post comes into the facility to meet the residents and make her own assessment or if the assessments are taken off Ms. Wayman's data.**

Ms. Wayman responded the assessments are taken off her data. She stated the goal is for the resident to be focused for five minutes and attend two activities a week. She stated if this is difficult for the resident then Ms. Post lowers the expectations.

**Ms. Taxin stated one of her concerns is the report from the employer documenting deficiencies in the Recreational Therapy program. She asked Ms. Wayman who is responsible to correct the deficiencies**

**Ms. Call clarified for Ms. Wayman that the report states there are not enough Recreational Therapy activities.**

Ms. Wayman responded the facility employer complains if she is not at the facility. She stated it is on her to plan all the activities.

**Ms. Taxin stated the citation is not about Ms. Wayman taking time off but it is about offering appropriate activities. She stated it appears Ms. Wayman is planning and implementing the Recreational Therapy programs on her own and Ms. Post is not as involved as she should be.**

Ms. Wayman stated Ms. Taxin is correct that the responsibility is on her.

**Ms. Call commented she believed the consultant was responsible to plan the activities.**

**Ms. Taxin stated Ms. Wayman is on probation for her substance abuse and she is doing great in meeting the conditions of her probation. She stated the secondary issue is Ms. Wayman is required to be supervised in her probation but also as a TRT and it is important for her to understand the scope of practice for a TRT and for the MTRS and TRS. She stated when a report with a citation is received the Division/Board have concerns about what the MTRS is doing and the quality of supervision the MTRS is giving. Ms. Taxin stated clarification of duties in statute of a TRT is a discussion that is for the URTA but the Board/Division need to be sure Ms. Wayman is receiving the supervision and support she needs and is required. She stated maybe the Board needs to give Ms. Post different directions/expectations of what is required of a supervisor for a probationer.**

**Ms. Call voiced confusion regarding Ms. Wayman's duties as it appears she is doing MTRS and TRS scope of practice. She stated, as a TRT, she would not do MDS assessments.**

**Ms. Taxin stated she would not assess a facility resident without personally meeting and assessing the person.**

**Ms. Roth stated she would accept the fax treatment plan initially but would also conduct her own complete assessment of the resident to be sure the treatment plan is appropriate.**

**Ms. Nelson asked Ms. Wayman to explain the training she is doing with a student as it is outside the scope of practice for a TRT to supervise and train students.**

**Ms. Taxin asked if Ms. Post teaches the course and then has Ms. Wayman do the training.**

Ms. Wayman responded Ms. Nelson and Ms. Taxin are correct in that Ms. Post teaches the course and Ms. Wayman is working with the student. She stated she believes she needs support from the student with her activities as she has reports to complete.

**Ms. Roth asked how Ms. Wayman does the planning and implementing of treatment plans into the activities.**

Ms. Wayman responded there are days where she struggles to complete everything. She stated she does call Ms. Post frequently for assistance in implementing plans into activities.

**Ms. Roth asked how often Ms. Wayman talks with Ms. Post.**

Ms. Wayman responded she talks with Ms. Post at least once a week but sometimes more frequently. She stated there have been many changes at her employment with a new administrator and fears not having a position due to her probation. She stated she

needs the assistance of the aides to help get the residents to the activities, even those who sleep in their chairs all day. She stated sometimes she believes the other employees do not think recreation is that important.

**Mr. Park asked if Ms. Wayman has conducted an in-service with the new administrator and staff members.**

Ms. Wayman responded she did do an in-service with the support of the administrator.

**Mr. Park asked if Ms. Wayman is training the student.**

Ms. Wayman responded Ms. Post assigns tasks to the student but she works with the student. She stated the student only works 20 hours a week.

**Ms. Taxin clarified that the student shadows Ms. Wayman and she instructs her on how to do the job.**

**Ms. Roth clarified the student assists with the activities.**

Ms. Wayman responded Ms. Taxin and Ms. Roth are correct in that the student helps with the activities as she cannot be there all the time. She stated she is not always with the student during the activities.

**Ms. Call stated the biggest concern for the Board is that Ms. Wayman may be practicing beyond her scope which is a violation of the Law/Rule. She stated also Ms. Wayman should not be training or supervising someone else and should be running her recreational therapy program with proper supervision.**

Ms. Wayman explained the student will attend Ms. Post's class for licensure after the hours are completed so Ms. Wayman can have assistance with the recreational therapy programs.

**Ms. Nelson stated there is a difference in**

**supervision and when Ms. Wayman is unable to be in an activity. She stated if Ms. Wayman is in a meeting she can not attend an activity but is within the building if needed.**

**Ms. Taxin commented it appears Ms. Post is doing general supervision and signing off on the student's practicum hours based on Ms. Wayman supervising/training. She stated the MTRS or TRS should be conducting the practicum hours for licensure. She stated some changes were made in the Law and Rule about two years ago required the course first, then the practicum hours and then the examination for licensure. Ms. Taxin read section R156-40-302d (1), (2) and (3) of the Rule for Ms. Wayman. She asked if the practicum is completed prior to the education and examination how does the student know what to provide. Ms. Taxin stated logically the order is to complete the education, then the practicum to put into practice what they have learned and take the examination for licensure. She stated she had a discussion with Ms. Post regarding someone taking the examination prior to completing the education and practicum. She commented it is an issue for her as passing an examination prior to learning and practicing means the education and practicum may have no value.**

Ms. Wayman stated she was the one who took the examination first.

**Ms. Call gave Ms. Wayman the Division supervision form and requested her to talk with Ms. Post regarding completing the Division form as the Board is not receiving the feedback needed to be sure Ms. Wayman is meeting the conditions of her probation and working within the scope of practice for a TRT. She stated the letters received have a common theme of Ms. Wayman being trustworthy, honest, etc., but more information is needed from Ms. Post regarding her TRT performance. She asked Ms. Wayman again how often she meets face to face with Ms. Post.**

Ms. Wayman responded they talk at least once a week

but see each other once a month.

**Ms. Call stated the information submitted documents they have met face to face once a week.**

**Ms. Taxin stated Ms. Post may write a narrative addendum to the form and include Ms. Wayman's honesty, what she is doing in her activities, how she plans the activities, that she is working within her scope of practice, she is staying sober and how that is affecting her performance and what was changed to address the citation.**

**Ms. Call asked if Ms. Post is consistent in the days or times she comes to the facility.**

Ms. Wayman responded no, Ms. Post is not consistent.

**Ms. Taxin asked Ms. Wayman if there has been a time when she has needed Ms. Post and she has not been able to come to assist her.**

Ms. Wayman responded no.

**Ms. Taxin asked if there are any MTRS's or TRS's in Ms. Wayman's area who could supervise her.**

Ms. Wayman responded she is not aware of anyone.

**Ms. Call voiced concern regarding who is writing the program for the residents. She voiced understanding that Ms. Wayman is implementing programs but is not sure who is doing the planning.**

**Ms. Taxin stated Ms. Wayman is a good example to the profession of why the Law needs to be clarified.**

**Ms. Roth asked how Ms. Wayman is dealing with the stress of her father in the facility where she works and with her sobriety.**

Ms. Wayman responded her stress level is reduced as she no longer is the care taker for her father and it does not impact her sobriety as she has learned coping skills to stay sober.

**Ms. Taxin asked if Ms. Wayman's father participates in the activities at the care center and how she documents his charts.**

Ms. Wayman responded he does attend the group activities but does not participate. She stated she brings him cigarettes and a can of beer every day. She stated she uses his name in her charting but calls him Dad when she is around him.

**Ms. Taxin requested clarification regarding bringing in cigarettes and beer.**

Ms. Wayman responded it is under Doctor's orders but it is the home of the residents and they are allowed to have things they would have in their own home. She stated there are now several residents she is related to or are friends of hers in the facility.

**Ms. Roth stated Ms. Wayman has had no positive drug test but she requested Ms. Wayman to address the diluted tests.**

Ms. Wayman responded she rises early and was drinking several cups of coffee prior to calling in each day. She stated Ms. Trujillo informed her of the diluted tests and suggested she hold off on the coffee until after her tests which she now does. Ms. Wayman voiced concern regarding Ms. Post and her supervision but stated she likes her job and where she is now in her life.

**Ms. Roth stated she believes the supervision reports need to continue to be submitted monthly on the Division form.**

**Ms. Taxin requested Ms. Wayman to discuss with Ms. Post her performance in the reports. She also suggested Ms. Post and Ms. Wayman read the Memorandum of Understand and document her performance regarding the conditions. She stated Ms. Post should include how Ms. Wayman is addressing the citation violation in the DOPL reports.**

Ms. Wayman left the meeting for a few minutes to put

money in the parking meter.

**Ms. Call stated the Board needs to be sure Ms. Wayman understand Ms. Post is the supervisor of the facility and also acting in role of Ms. Wayman's probationary supervisor.**

**Ms. Taxin stated Ms. Nelson brought up at Ms. Wayman's initial appointment that Ms. Post needs to sit in on some of the group activities.**

**Ms. Roth commented it appears the facility hired someone to assist Ms. Wayman and is calling that person a student. She asked how that can be clarified in the future.**

**Ms. Taxin responded the Board will make some recommendations to the Utah Recreational Therapy Association (UTRA) regarding some areas in the Law needing clarification.**

Ms. Wayman returned to the meeting.

**Ms. Call clarified that the Board has discussed where Ms. Wayman is in her probation and her plans. She again stated Ms. Post has two roles in supervision and Ms. Wayman has the right and may make requests in both avenues if she needs clarification or additional assistance from Ms. Post.**

Ms. Wayman stated she writes the quarterly reports for the patients and either Ms. Post or Connie Molitor come in and review her work. She stated Ms. Molitor gives her feedback and talks with her about the reports so she knows Ms. Molitor is reading them. She stated Ms. Post and Ms. Molitor have commented her work is different now that her father is no longer at home.

**Ms. Taxin asked if Ms. Molitor is supervising more than Ms. Post.**

Ms. Wayman responded yes.

**Ms. Taxin asked if Ms. Molitor has discussed the citation with her and given feedback.**

Ms. Wayman responded yes.

**Ms. Taxin suggested Ms. Post address how things have changed regarding the citation, boundaries and sobriety on her next report. She also suggested Ms. Wayman meet with her employer to be sure she is meeting their expectations.**

Ms. Wayman responded she will talk with Ms. Post regarding the report. She stated she has talked with her employer who voiced wanting the facility to shine with recreation activities. She stated she and her employer are working out the expectations together.

**Ms. Call asked if Ms. Wayman ever finds a conflict with her professional side and maintaining boundaries with the residents especially those she is related to or who are friends. She also voiced concern with Ms. Wayman bringing substances into the facility for her father as she is trying to stay away from those substances.**

Ms. Wayman responded she no longer has any conflict identifying the boundaries as her boundaries are very strong. She stated she was nice to one patient who has been very rude to her and she informed the patient she is Shirley at work. She stated her life is now going well for her.

**Mr. Park commented Ms. Wayman has grown since she has been involved in the probationary process. He stated he does not believe she was as strong on her boundary relationships the last time she met.**

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

**An appointment was made for Ms. Wayman to meet again September 20, 2010 and then she will meet again in January 2011.**

**Ms. Taxin stated Ms. Wayman is not limited to contact the Division only on her scheduled appointment dates. She stated Ms. Wayman may call her if she has any concerns or wants to meet**

**with her or the Board at any other time.**

**DISCUSSION ITEMS:**

Law and Rules Discussion

Ms. Taxin stated the URTA had asked to put this item on the agenda for discussion today. She stated there continues to be an issue regarding the scope of practice for the TRT. Ms. Taxin stated she has reviewed the Law and tried to find a way to clarify the language in the Rules but the Utah Association will have to open the Law to include requirements of supervision. Ms. Taxin stated Utah's Law far exceeds other States language but it does not mean Utah's Law is clear. She stated the discussion with Ms. Wayman brought out some of her concerns regarding supervision of the TRT and their duties. Ms. Taxin stated the current Law and Rule do not address the specifics on supervising and the URTA will have the responsibility to draft language. She stated for example language could be included under Unprofessional Conduct about a TRT supervising a student or assistant is unprofessional.

Ms. Taxin stated the Rule may need to be clarified to state exactly the order of education to be completed, then the practicum hours and last the examination.

**Ms. Peterson asked the Board to explain the difference between a student and an assistant.**

**Mr. Park responded a student could be in a Recreational Therapy education program for licensure as a TRS or for TRT licensure. He stated there is National credentialing for the TRS level but not for the TRT level.**

**Ms. Nelson asked if Ms. Wayman's practice is standard for all the TRT educators or for just Ms. Post.**

Ms. Taxin responded she has found it is the standard for all TRT educators.

**Ms. Nelson asked who regulates what is being taught in the education portion.**

Ms. Taxin responded there are college and MTRS sponsored courses offered for Recreational Therapy. She stated the Recreational Therapy Practice Act Rule, R156-40-302a, (3)(a), (i), (ii), (iii), (iv), (v), (vi) and (vii), gives the outlines of what is to be included in the course.

Ms. Taxin stated she believes the URTA is very proactive and might consider making some changes in the Law.

**Ms. Roth commented it appears Ms. Wayman and Ms. Post are not discussing any therapeutic issues as Ms. Wayman kept referring to recreational activities. She stated the Law and/or Rule should be clear as the TRT needs therapeutic support when working with patients.**

**Ms. Call stated the URTA president will remain the same for the next year.**

Ms. Taxin stated the URTA will hopefully contact her but should have an idea by June 2010 of what changes they want to make to the Law if they want to open it in 2011.

2010 Board Meeting Schedule

In reviewing the schedule for 2010 the Board determined June 24 is too soon to meet again. They requested the next meeting be September 20, 2010 and meet again in January 2011. The Board requested the October 25, 2010 meeting be cancelled.

**NEXT MEETING SCHEDULED FOR:**

September 20, 2010

**ADJOURN:**

The time is 11:02 am 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.*

September 20, 2010  
Date Approved

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

September 1, 2010  
Date Approved

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