



OCDP Special Board Meeting

3/31/2020 12:10 pm to 1:54 pm, via Zoom

<https://zoom.us/j/721151319>

Meeting ID: 721 151 319

646-558-8656

312-626-6799

301-715-8592

Board Members Present: Wendy Haynes-Britton, Andrew Moss, Alex Bishara, Atkins, Trisha Farrar, John Lisy, Jim Mermis and Rick Massatti, OHMHAS representative

Others Present: Jill Smock, Executive Director, Lisa Haywood, AAG

Public Guest: Brenda Haney

1. **Call to Order:** The meeting was called to order at 12:10pm by Haynes-Britton. Haynes-Britton stated that this is a special meeting called by the Board chair with at least 24-hour advance notice for the purpose of considering direct or indirect matters relating to or arising from the COVID-19 state of emergency.
 - A. Roll call completed by Moss at 12:10pm.
 - B. Haynes-Britton discussed parameters of teleconferencing as it relates to creating an official record of the meeting and maintaining access to the meeting. Haynes-Britton asked public members to list their names in the chat to be recognized.

Rick Massatti introduced himself. He is the State Opiate Treatment Authority

2. **Public Comments:** None
3. **COVID-19 matters**

A. HB 197 and Renewals

1. Extensions for CEUs:

Smock mentioned that HB 197 will allow additional time for renewing licenses should licensee/certificate holders have difficulty in renewing . The extension of renewal period of extension goes until December 1, 2020, or 90 days after the COVID-19 state of

emergency is lifted/resolved. Smock asked Board members if the Board want to push out a period of time after renewal (e.g., like 6 months in Arizona) to alleviate any difficulty in gaining renewal credits. Smock noted that the hours would have to count toward the current renewal. Atkins noted that because a lot of major conferences are canceled, he agreed to support a 6 month extension beyond renewal. Moss noted that the extensions should be the exception rather than the norm, as a majority of credential holders should be able to renew on time. Bishara asked if credential holders would have to prompt an extension, and Smock said that it would be automatic. If people DO NOT want this automatic renewal to keep their licenses/certificates remaining active they will need to request in writing to the board. . Smock noted that automatic reminder letters for renewal will not be going out at this time due to the state of emergency. Reminder letters on Dec 1, 2020 expiration or prior to end of emergency should be sent. Lisy asked about advertising electronic/online CEUs, and Smock said that task had been assigned to Tonya Spriggs. Lisy stated that Board members should send the names of any online CE providers to Smock, and Haywood said that we should send them directly to Smock.

B. License Applications

1. **Official Transcripts:** Haynes-Britton noted that COVID-19 may impact educational institutions' ability to provide official transcripts. Smock asked if it would be appropriate for copies of transcripts to be provided to the Board during the state of emergency if college office/staff is not available to send. Atkins stated that he agreed. Haywood asked about a timeframe for the official transcript being sent after the state of emergency is resolved. She stated that we could stipulate 30, 60, or 90 days or at a reasonable interval on a case by case basis. Bishara agreed with a 90 day window and Moss supported that idea.

2. **College Seniors (Education and Practicum/Internship Experience):** Lisy noted that the students that he is supervising are satisfying their educational and experiential needs without issue during this time. Haynes-Britton noted that one school told students to leave their internship site. Moss asked about home study programs, and Haynes Britton stated that she didn't know if that would be part of the Board's role. Massatti noted that telehealth programs may be an option. Lisy and Haynes-Britton discussed the Board issuing an official position on this that the Board would be flexible with students who were unable to fulfill their requirements due to the state of emergency. Several people discussed the hour-based requirements for students. Smock clarified that we are exploring hours for licensure advancement versus hours for degree completion. Bishara stated we should be flexible in accepting telehealth hours toward licensure. Moss suggested that we advise supervisors that telehealth services should count toward experiential requirements. Would still need to get hours in the core functions.

3. **Testing Sites:** state of emergency---testing sites are closed, people cannot take the test. Smock stated that Arizona has issued provisional licenses due to the health crisis. Atkins noted that state health officials have encouraged accelerated professional

advancement to respond to the surge. Lisy said it would be beneficial for Smock to explore what other Boards are doing. Massatti noted that he is unfamiliar with any discussions on this topic at OMHAS. Several discussed the online proctoring of testing as a solution. Bishara asked about the existence of a recent surge in applications, and Smock stated that none had been noted as of yet.

C. Non-restrictive Supervision Requirements

1. CDCA Face-to Face: Smock noted the face-to-face requirement for CDCA supervision may be challenged by the state of emergency. Smock noted that this has been put ahead for emergency rules and waiting to hear. Until then, she asked the Board for thoughts on relaxing the rule. Moss and Lisy stated that required hour of supervision for every 40 hours worked should not be relaxed, but the telephone and video conferencing should be acceptable. Bishara stated that we should not penalize CDCAs who are placed on furlough. Massatti asked about HIPAA-compliant software for records. Haywood noted that the telehealth platforms cannot be public-facing and that they have to access to records in either the physical spaces or have them uploaded for electronic access. Atkins noted HHS and SAMHSA statements on HIPAA and 42 CFR Pt 2 rules being relaxed. Haywood will review. Smock asked if we should direct people to specific apps, and Haywood advised against it due to liability.

2. Geographic Restrictions: Supervisor location does not matter geographically for CDCA supervision.

3. Other: Phil will send HIPAA/HHS/CMS issued guidance to Lisa for review and response to our Board in regards to CMS authority to issue guidance beyond its authority (which is limited to Medicaid) ; HHS would funnel down to all.

D. Telehealth

1. Out of State Licensees/Certificate Holders (see Appendix A)/Resources: Smock prompted the Board to discuss whether or not a provider who is not licensed in Ohio could provide services to Ohio citizens during a state of emergency or vice versa. Haynes-Britton clarified that we are asking if the Board is okay with any licensed provider continuing care with a patient that they had prior to the emergency. Lisy stated that sticking to what we have until the larger change comes makes sense. Haywood noted that we could relax enforcement. Smock summarized Board comments that we would not create any changes at our level and wait for federal/state changes. Bishara and Moss noted that we want to prioritize continued care of established patients. Haywood suggested putting all of the stipulations into the statement (established patients, for a limited time, in good faith, considerations of capacity, possibility on billable for Medicaid, possible malpractice liability issues). Atkins noted that the Ohio Medicaid telehealth webinar on 4/2/2020 is a good place to raise questions about rule and law changes, and he verbalized intent to do so on behalf of the Board. Lisy stated that we should consult with OMHAS and Medicaid before issuing a statement, and the

Board members generally agreed. Lisy and Farrar discussed the need for teleprevention, which Farrar said she and her colleagues are currently providing.

2. Resources : Telehealth Webinar OMHAS: April 1 and April 2 and BH.Medicaid.Ohio.gov. Both Atkins and Farrar will be on the webinar and provide feedback individually to Smock from their perspective as Board members.

E. Possible Workforce Shortage Need for Behavioral Health

1. Interns to use as workforce shortage; retired licensees returning to the workforce, expanded scope needs. Smock prompted the Board to discuss possible position statements on bolstering the workforce with interns and retired licensees, as well as considering expanded scope, if the workforce is impacted by COVID-19. Farrar noted that most programs are concerned about low census and low enrollment, and Lisy affirmed that this seems like a non-issue at present. Moss noted that if the working population is increasingly impacted by COVID-19, we may see sudden shortages in the workforce that may require more flexibility. Moss will draft a statement on the Boards' flexibility with expanding the workforce as needed on a case-by-case basis with express written permission from the Board. Moss will present draft to Executive Committee.

F. Budget Reductions

1. Fines for Ethics Violations and License Increases: Bishara noted that the Governor's administration is asking all Boards to reduce budget by 20% for this fiscal year and by 20% for 2021 as well. Bishara noted the restrictions do not permit us to reduce many areas. Mermis clarified that the order was in fact to reduce the budget up to 20% rather than by 20%. Haynes-Britton asked about line items on the agenda. Bishara clarified that we could not consider revenue enhancing items (fines for ethics violations, license increase); these were originally on the agenda before we received direction that revenue would not be considered. These may be considered in the future. Smock stated that this is not the time to increase cost for licensure. Lisy suggested that the Board could look at holding off on salaries for Board members, and Bishara commented that eliminating Board member pay would not substantially reduce the budget. Mermis stated that Board members not taking a salary could be a positive gesture as well.

G. Other Issues

1.Other: Smock noted increase of adverse substance-related and mental health symptoms in our workforce has the potential to be significant; Haywood recommended PSA on Board Website on wellness strategies. Bishara agreed with the idea of listing resources on the website, which Smock noted. Smock stated that the state auditor reached out and will conduct the Boards' audit, which accrue another expense in the budget. Smock will review the budget to see if the audit had been included in expenses.

4. Resolutions

A. *"To address operation concerns and safeguard public health during COVID-19, the Board hereby grants the Executive Director, upon consultation with the Board's President, the ability to address*

renewals, license applications, non-restrictive supervision requirements, telehealth, possible workforce shortage needs for behavioral health and budget reductions."

Motion: Atkins (1:50 pm), Mermis (1:50 pm), roll call vote by Moss: all voted yes, none opposed, none abstained; motion passed at 1:51 pm.

B. *"Any Executive Director action hereunder shall be reviewed and ratified at a subsequent Board meeting."*

Motion: Bishara (1:52), Lisy (1:52), roll call vote by Moss: all voted yes, no opposed, none abstained; motion passed at 1:53 pm.

1:54 pm: official adjournment.

Recorded by:



Andrew Moss



Vice Chair

5/15/2020

Date



Chair

5/20/2020

Date

