



Occupational Therapy Compact Inaugural Meeting Minutes

August 3-4, 2022
CSG National Office (Virtual)
1776 Avenue of the States
Lexington, KY 40511

Delegates Present:

Alabama	Ann Cosby	North Carolina	Danielle Ward
Colorado	Nate Brown	Ohio	Missy Anthony
Georgia	Adrienne Price	South Carolina	Lesly James
Iowa	Venus Vendoures-Walsh	Utah	Jana Johansen (Day 1)
Kentucky	Renee Causey-Upton		Larry Marx (Day 2)
Maine	Kathryn Loukas	Virginia	Michael Sobowale
Maryland	Daniel Martin	Washington	Kathy Weed
Missouri	Vanessa Beauchamp	West Virginia	Vonda Malnikoff
Nebraska	Claire Covert-ByBee	Wisconsin	Teri Black
New Hampshire	Olivia Freeman	Wyoming	Nicole Harris

Delegates Present but Not Formally Appointed:

Tennessee: Hollie Simpson

Ex-Officio Delegates Present:

Chuck Willmarth, AOTA
Shaun Conway, NBCOT

Delegates Absent:

Arizona: no delegate appointed

Interim Chair Present:

Wayne Winistorfer

Legal Counsel Present

Nahale Kalfas, Council of State Governments (CSG)

CSG, AOTA, and NBCOT Staff Present

Daniel Logsdon, CSG
Carl Sims, CSG

Isabel Eliassen, CSG
Kristen Neville, AOTA
Barbara Williams, NBCOT

Members of the Public Present

Nathan Sharbaugh, The Children's Institute
Bill Janes, University of Missouri
Scott Tiffin, LCPCM
Jennifer Radziak, A.T. Still University
Ofelia Duran, DORA Office of Occupational Therapy Licensure
Cindy Anderson, University of Mary
Kara Takes, Unified Therapy Services
Mack Williams, South Carolina Board of Occupational Therapy
Lisa Jacobson, University of Iowa Hospitals and Clinics
Megan Boucher, Anne Carlsen Therapy Services

August 3, 2022

Welcome/Call to Order

- I. Eliassen explained that the meeting was being recorded for the purpose of keeping accurate minutes and that the meeting recording would not be distributed publicly.
- D. Logsdon provided opening remarks and introduced the interim chair, Wayne Winistorfer.
- W. Winistorfer called upon the CSG staff members and interim counsel to introduce themselves.
- W. Winistorfer called the meeting to order at 10:11 a.m. ET.

Roll Call

- W. Winistorfer invited the delegates to introduce themselves. Delegates from Arizona and Tennessee had not yet been appointed. Delegates from Maine and Missouri arrived one hour late (after the training on governance structure). All other appointed delegates were present. Ex-officio delegates from AOTA (C. Willmarth) and NBCOT (S. Conway) also introduced themselves.

Overview and Adoption of the Agenda

- W. Winistorfer reviewed the agenda.
- W. Winistorfer called for a motion to adopt the agenda.
- **Motion:** A. Price moved that the commission adopt the agenda. D. Martin seconded the motion. 17 delegates voted in favor, 0 opposed, and 0 abstained. The motion passed.

Training on Governance Structure

- W. Winistorfer called on N. Kalfas to review information on the compact's governance structure.

- N. Kalfas reviewed the entity status of the compact, the governing structure of the compact, and the delegates' responsibilities as commissioners.

Review and Adoption of Delegate Code of Conduct

- W. Winistorfer reminded the delegates that the code of conduct, which they had all signed prior to the meeting, was located on page 22 of their packets for them to review.
- W. Winistorfer called for a motion to adopt the code of conduct policy as distributed and signed.
- **Motion:** J. Johansen moved that the commission adopt the code of conduct. K. Loukas seconded the motion. All present voted in favor and the motion carried.

Discussion of Interim Legal Counsel and Interim Secretariat

- W. Winistorfer invited D. Logsdon to share information regarding the interim secretariat and the interim legal counsel.
- D. Logsdon explained that The Council of State Governments is able to continue serving as the interim secretariat for the OT Compact until the commission is able to hire a secretariat. Similarly, the interim legal counsel, Nahale Kalfas, who works with CSG, is able to serve as interim legal counsel until the commission is able to hire their own. N. Kalfas, interim legal counsel, offered that she would be willing to continue to serve as counsel if the OT Commission so wished.
- W. Winistorfer called for delegate questions on this topic.
- D. Ward asked how long CSG would be able to serve in the interim role. D. Logsdon indicated that CSG would be available to offer support for as long as needed and can also continue to occupy an advisory role after a secretariat is hired, as CSG has done with other compact commissions.
- D. Ward asked for elaboration on CSG's continuing role with other compacts. D. Logsdon stated that CSG would be able to provide consultation if needed but the primary ongoing relationship would likely be with legal counsel.
- C. Willmarth asked if it would be appropriate to have a voting item to officially recognize the interim legal counsel and secretariat. N. Kalfas indicated that a line item could be added to the transition timeline document, which was already a voting matter on the agenda.
- C. Covert-ByBee raised a concern regarding whether it was appropriate to put a timeframe on a transition when the dates of the transition are uncertain. N. Kalfas indicated that the commission could indicate an event to signal the transition rather than a date.

Discussion and Adoption of Compact Bylaws

- W. Winistorfer indicated the commission would move to the discussion of the compact bylaws.
- N. Kalfas discussed the drafted bylaws, which were shown on-screen and had been posted to the website beforehand.
- W. Winistorfer asked if there is occasionally high volume of commissioner turnover which makes the commission difficult to operate. N. Kalfas stated that it can happen, but that it is a greater concern to have commissioners who are not board members because of

issues of communication and state actor immunity, and that states could be given a timeframe within which they must appoint their next delegate in such a situation. N. Kalfas indicated that in the future, staggered terms of office could be established for commission officers so institutional knowledge is retained.

- T. Black suggested switching the first and second sentence of the purpose section of the bylaws. N. Kalfas indicated such a change would be appropriate pending the vote of the commission.
- T. Black asked about who maintains the compact website. D. Logsdon indicated this would be discussed during the discussion of transition issues.
- R. Causey-Upton mentioned three copyediting changes the document needed. The changes were recorded on-screen.
- L. James asked if the two-year term limits included executive committee members and asked what a typical term limit would be for the compact commission. N. Kalfas clarified that delegates may sit out for a term and then come back and run for another term, and that staggered term endings would help prevent problems related to a lack of institutional knowledge. These bylaws were written to strike a balance between retaining institutional knowledge and ensuring interest from newcomers in executive committee participation.
- M. Anthony asked if delegates could decline commission reimbursements. N. Kalfas indicated this would not be a problem.
- W. Winistorfer asked the delegated for further thoughts on T. Black's suggested change. C. Covert-ByBee, M. Sobowale, and D. Ward all indicated they respectfully opposed the changes and would prefer to adopt the document as written.
- **Motion:** V. Beauchamp motioned for the bylaws to be adopted with the copyediting changes. M. Sobowale seconded the motion. All delegates voted in favor and the motion carried.

Election Information Reminder

- I. Eliassen reminded the delegates to submit bios if they wanted to be considered for a position on the executive committee.
- L. James asked if South Carolina could run for a committee position if the delegate appointment had not yet been finalized. N. Kalfas indicated that if South Carolina submitted their nomination form and code of conduct by that evening they would be eligible.

Discussion and Vote for Transition Plan

- D. Logsdon overviewed the transition plan, which was shown on-screen and was available in the meeting packet posted to the website.
- N. Kalfas reminded the delegates of the previous suggestion of adding a line item regarding the method of payment for secretariat services. D. Logsdon clarified that if a secretariat was not in place by a certain date, CSG would continue to work with the commission.
- N. Kalfas suggested that the additional line item should read "interim secretariat and legal services needed beyond October 1, 2022, shall be reimbursed by the Commission through the existing contract between AOTA and CSG to support the enactment of the OT compact."

- O. Freeman asked whether these documents would be posted somewhere or sent out to the delegates. I. Eliassen responded that some would be made available on the website and some would be sent to delegates.
- W. Winistorfer asked if NBCOT would need to be included in the line item addition.
- S. Conway asked if D. Logsdon and N. Kalfas could talk about their previous experiences with commission transitions so they could give the delegates a sense of what to expect. N. Kalfas indicated that funding is often a serious issue for commissions, but that as this commission already has promises of funding from AOTA and NBCOT, they will likely have a shorter transition period. N. Kalfas also indicated that approval of a budget was an important step in the transition process, as RFPs for the secretariat and executive director roles can be posted after that.
- V. Beauchamp reiterated the question of whether NBCOT would need to be included in the additional line item. D. Logsdon indicated that only AOTA would need to be mentioned.
- **Motion:** V. Beauchamp motioned to approve the line item addition. O. Freeman seconded. All present voted in favor and the motion carried.
- W. Winistorfer called for additional discussion on the transition plan.
- T. Black asked if the financial obligations of the commission could be spelled out more specifically on the second page. N. Kalfas stated that a budget would be proffered to the full commission once the executive committee and finance committee have begun meeting.
- T. Black asked if another item could be added to the transition plan. N. Kalfas indicated we could add the phrase “such as” and include a list of items afterward. The final proposed addition read “Develop and approve budget, including but not limited to the following items: staff salaries, benefits, travel, meetings, postage, secretariat services, legal services, and insurance.”
- V. Beauchamp offered a reminder that there are a number of unknown factors at this point in the process and that the group can look at other compacts as models when necessary.
- C. Covert-ByBee asked if the group would need to vote on the transition plan again since it had been amended. N. Kalfas clarified that the previous motion had been to just accept one suggested change.
- W. Winistorfer suggested that as the addition of specific financial obligations was a friendly amendment, the previous motion could be amended. N. Kalfas agreed that if the person who made the initial motion and the person who seconded supported such an amendment to the motion, that would be in order.
- **Amendment:** V. Beauchamp and O. Freeman agreed to amend their initial motion and second.
 - V. Beauchamp asked if there were further points of discussion needed in the document before the document could be voted on.
 - W. Winistorfer asked if the delegates had further comments. Hearing none, he asked for a motion to adopt the transition timeline as amended.
- **Motion:** T. Black moved to accept the transition timeline. D. Martin seconded. All present voted in favor, and the motion carried.

Discussion and Vote on Funding Letters

- C. Willmarth gave an overview of the funding letter from AOTA.
- S. Conway gave an overview of the funding letter from NBCOT.
- W. Winistorfer called for a motion to accept the letters.
- Motion: C. Covert By-Bee motioned to receive the letters. A. Price seconded. All present voted in favor and the motion carried.

Discussion and Vote on Request for Proposal for Executive Director

- N. Kalfas provided an overview of the RFP.
- D. Ward asked if the RFP was modeled on those employed by other compacts. N. Kalfas indicated that it was.
- D. Ward asked if the executive director and secretariat were remote positions. N. Kalfas stated that the commission would make that decision and that there is variety among the existing compacts.
- D. Ward asked if the secretariat would be a company or an individual. N. Kalfas explained that the secretariat is typically a company or a federation of state boards but is not typically an individual person.
- T. Black stated that the RFP should write out “occupational therapist” at least one time instead of using the abbreviation OT throughout.
- W. Winistorfer called for a motion to adopt the RFP with the above change.
- **Motion:** M. Anthony called for the adoption of the RFP as amended. T. Black seconded the motion. W. Winistorfer called for discussion of the motion.
 - C. Willmarth asked if information such as benefits or who the executive director would work for should be detailed further before posting. N. Kalfas indicated that that information would be addressed via the budget and the RFP for secretariat and that the executive committee could provide further information as needed. D. Logsdon emphasized that the executive director would report to the commission and that the secretariat may also have an employee fill the role of interim executive director and that the commission may choose to hire that person as executive director.
 - Hearing no further discussion, W. Winistorfer called for a vote. All voted in favor and the motion carried.

Discussion and Vote on Request for Proposal for Secretariat

- N. Kalfas provided an overview of the RFP.
- D. Ward asked if the contract with the eventual secretariat would indicate their funding was dependent on AOTA and NBCOT. N. Kalfas indicated that the two organizations would provide MOUs.
- V. Vendoures-Walsh asked whether it was possible the dates in the RFP could change. D. Logsdon answered that it would depend on the data system.
- C. Willmarth asked about the difference between the role of the secretariat and the role of executive director. N. Kalfas indicated that there would be significant cooperation between the executive director and the secretariat.
- S. Conway asked whether the RFP for secretariat or for executive director would be posted first. N. Kalfas indicated that the executive committee would make that decision but that

the secretariat was necessary for handling issues such as insurance, paying the executive director, and other HR concerns.

- V. Malnikoff asked about the purpose of including the budget in the RFP. N. Kalfas answered that the funding letters are public record, so applicants for secretariat could already be aware of that number, but that the RFP could list a range rather than a specific number if that is preferred.
- M. Anthony added that the Executive Committee might need some flexibility to decide some of these issues, especially since the cost of the data system is not yet certain, and that the RFP for secretariat may want to include a provision that the secretariat could offer executive director services.
- N. Kalfas suggested the commission could delegate the finalization of this task to the executive committee or could ask the executive committee to finalize the RFP and bring it before the full commission at the next meeting.
- D. Logsdon stated that as the RFPs were unlikely to change radically it would be appropriate for the executive committee to handle them.
- N. Kalfas added that the executive committee meetings where the RFPs would be discussed would be open to the public, so the committee would be able to receive feedback from anyone in attendance.
- W. Winistorfer called for a motion to approve the secretariat RFP with further clarification to be provided by the executive committee as needed.
- **Motion:** A. Price put forward the above motion, D. Martin seconded, and all present voted in favor and the motion carried.

Discussion and Approval of Rule on Rulemaking

- N. Kalfas reminded delegates that their state's board or agency website must have a link to the OT Compact Commission website in accordance with the compact legislation's public notice requirements for full commission meetings and rule promulgation.
- N. Kalfas reviewed the rule on rulemaking.
- M. Anthony suggested adding that the notice of proposed rulemaking must include a deadline by which a hearing for the proposed rule must be requested.
- N. Kalfas stated that this would be in accordance with the compact and suggested that it likely did not constitute a substantive change.
- A. Price stated that she did believe it would constitute a substantive change.
- M. Anthony stated that because the need for a rule on rulemaking was essential to allow business to continue, she would rescind her suggestion.
- N. Kalfas stated she would make a note that the rules committee could propose this amendment in the future.
- T. Black requested clarification regarding whether state boards would need to change their licensure rules as the compact commission created rules for the compact. N. Kalfas answered that all the compact member states would need to follow compact rules once effective without respect to additional state procedure and that, pursuant to the compact, no states would need to formally incorporate them into their rules and regulations, unless they wanted to or had some other non-compact related state directive, because compact rules apply only to licensees planning to utilize the compact.

- M. Sobowale mentioned that some states have a requirement that they can't post a link until the compact implementation is final. N. Kalfas responded that because the compact legislation itself mentions the website posting requirements, posting the link to the compact website would be permissible by state law.
- W. Winistorfer called for a motion to adopt the rule on rulemaking.
- **Motion:** D. Ward moved to adopt the rule on rulemaking. R. Causey-Upton seconded the motion. All present voted in favor and the motion carried.

Discussion of Executive Committee Duties and Elections Process

- N. Kalfas overviewed the information on the roles of the executive committee that had been sent to the delegates.
- I. Eliassen informed the committee that there was one nominee for the role of chair, two for vice chair, two for treasurer, none for secretary, and four for member-at-large.
- N. Kalfas added that delegates could run for multiple positions although they could only accept one position.
- I. Eliassen clarified that if anyone would like to run for a position they should get in touch with her.
- N. Kalfas also clarified that Executive Committee members can be removed by a two-thirds vote of the Commission, while a delegate can be removed by their state.
- I. Eliassen further added that there would be a two-minute speaking period for each candidate prior to the elections the next day. She also noted that the election would take place via a survey sent to the delegates.

Delegate Questions and Public Comment

- O. Freeman asked for clarification as to who audits the compact. N. Kalfas indicated that the audit would be in addition to the commission's annual report, and that it would be conducted by an outside group with assistance from the executive director and the treasurer as needed.
- D. Martin asked for clarification as to the types of meetings and frequency of the meetings the delegates would need to participate in. N. Kalfas stated that typically committee meetings took place monthly, for one hour; the annual meeting yearly, for one or two days; and special commission meetings once or twice a year for a few hours.
- K. Neville briefly introduced herself and stated that it was good to meet the meeting attendees.
- B. Williams briefly introduced herself and expressed enthusiasm for the OT Compact.
- **Motion:** T. Black moved that the commission formally thank AOTA and NBCOT for their support. K. Loukas seconded the motion. All present voted in favor and the motion carried.
- W. Winistorfer indicated that this thank you would be the responsibility of the commission chair.
- D. Logsdon reviewed the agenda for the next day of the meeting.
- I. Eliassen reminded those interested in being considered for a position on the executive committee to get in touch with her by 7 p.m. ET that day.
- W. Winistorfer called for a motion to recess the meeting for the day. W. Winistorfer noted the meeting would be called to order at 10 a.m. ET the following day.

- Motion: O. Freeman motioned to recess the meeting for the day. M. Sobowale seconded the motion. All present voted in favor, and the motion carried.

August 4, 2022

Call to Order and Adoption of Agenda

- W. Winistorfer called the meeting to order at 10:04 a.m. ET.
- W. Winistorfer called the role. C. Covert-ByBee and V. Vendoures-Walsh had emailed I. Eliassen to alert her of their late arrival prior to the start of the meeting. Utah's alternate delegate, L. Marx, was present in place of J. Johansen. All other delegates were present.
- D. Logsdon gave an overview of the agenda and reviewed the commission's activities from the previous day.
- D. Logsdon suggested the break for lunch may not be needed if the commission meeting continued to move quickly.
- N. Kalfas stated the agenda could be adopted without lunch and then amended later if necessary.
- W. Winistorfer called for a motion to adopt the agenda without lunch.
- **Motion:** M. Sobowale motioned for the above. H. Simpson seconded the motion.
 - K. Loukas mentioned that keeping a 15-minute break on the agenda would be useful. W. Winistorfer acknowledged this as a friendly amendment to the motion.
 - All present voted in favor and the motion carried.

Executive Committee Elections

- I. Eliassen stated each candidate would have two minutes to speak on their qualifications for and interest in the role for which they were a candidate. The candidates each introduced themselves.
 - The candidates for chair were L. James and D. Martin.
 - The candidates for vice chair were T. Black and L. James.
 - The candidates for treasurer were M. Anthony and D. Ward.
 - The candidate for secretary was R. Causey-Upton.
 - The candidates for member-at-large were V. Beauchamp, T. Black, R. Causey-Upton, O. Freeman, and L. James.
- N. Kalfas stated that those not elected and those not running could participate in committee work on one of the five other committees outlined in the bylaws.
- N. Kalfas indicated that because each delegate could hold only one position, the election for chair would occur first, and then the ballot for vice chair would be sent out with adjustments made if necessary based on the results of the election for chair. This procedure would occur for all positions on the executive committee.
- I. Eliassen stated that the delegates would receive a link to a Microsoft forms survey for each ballot.
- I. Eliassen sent the delegates a link to the ballot for chair.
- I. Eliassen stated that all the votes had been received, and L. James was elected chair.
- I. Eliassen sent the delegates a link to the ballot for vice chair, updated to remove L. James as an option.

- I. Eliassen stated that all the votes had been received, and that T. Black was elected vice chair.
- N. Kalfas stated that delegates could still nominate themselves or others for the remaining elections.
- I. Eliassen sent the delegates the ballot for treasurer.
- A. Price nominated D. Martin for the member-at-large position. D. Martin accepted the nomination.
- I. Eliassen stated that all the votes had been received, and D. Ward was elected as treasurer.
- I. Eliassen sent the delegates the ballot for secretary.
- A. Cosby nominated M. Anthony for the member-at-large position. M. Anthony accepted the nomination.
- I. Eliassen stated that all the votes had been received, and R. Causey-Upton was elected as secretary.
- I. Eliassen sent out an updated ballot for member-at-large, which included the above nominations.
- I. Eliassen stated that all the votes had been received and the members-at-large elected were M. Anthony, V. Beauchamp, and D. Martin.
- W. Winistorfer recognized L. James as the chair and handed the meeting leadership duties to her.
- W. Winistorfer noted that L. James and CSG would meet briefly in order to prepare L. James for the remainder of the meeting and that the meeting would resume in 14 minutes.

Overview of Future Rules for Consideration

- L. James called an end to the break and noted the agenda would need to be amended to reflect the time of the break.
- N. Kalfas discussed the future rules for consideration and noted that the rules committee would begin working on these definitions when they begin meeting.

Legislative Update

- D. Logsdon provided a legislative update.
- S. Conway discussed the exhibit which AOTA and NBCOT jointly presented at the annual meeting of the National Conference of State Legislatures (NCSL).
- B. Williams stated that many legislators they talked to were interested in the compact.

Amendment of the Agenda

- L. James reminded the commission the agenda would need to be amended to reflect the shortened time of the break.
- **Motion:** D. Ward motioned to accept the revised agenda. A. Price seconded the motion. All present voted in favor and the motion carried.

Overview of Committee Structure and Function

- N. Kalfas explained the different committees of the commission and their respective duties.

- N. Kalfas indicated delegates interested in serving on a committee should email I. Eliassen by August 12.

Information on Next Meeting

- I. Eliassen explained that the next meeting date for a full commission meeting was not certain, but that it would likely take place in a few months based on the work accomplished by the committees.
- I. Eliassen summarized the events of the inaugural meeting.
- N. Kalfas explained the technical details of adding committee meetings to calendars via Zoom.

Delegate Questions and Public Comments

- C. Willmarth requested the presence of a compact commissioner at AOTA's annual conference next year.
- L. James requested that the executive committee receive information about upcoming presentations, especially state association presentations.
- B. Janes mentioned that he was in attendance due to personal and professional interest in the compact and that he wanted to thank everyone for their work so far.

Meeting Closure

- L. James called for a motion to adjourn the meeting.
- **Motion:** K. Loukas motioned to adjourn. A. Price seconded. All present voted in favor and the meeting adjourned at 11:58 a.m. ET.