



Occupational Therapy Compact Executive Committee Meeting Minutes

April 22, 2024

Name	Member Role	Attendance
Lesly James	Chair	P
Teri Black	Vice Chair	P
Renee Causey-Upton	Secretary	P
Danielle Ward	Treasurer	P
Missy Anthony	Member at Large	P
Vanessa Beauchamp	Member at Large	P
Daniel Martin	Member at Large	P
Total voting members present		7/7 = quorum
Shaun Conway	Ex-Officio – NBCOT	P
Chuck Willmarth	Ex-Officio – AOTA	P
Name	Non-Member Role	Attendance
Nahale Kalfas	Legal Counsel	P
Amanda Perry	Executive Director	P
Vonda Malnikoff	OTC Commissioner	P

Name	Amend Agenda	Accept amended agenda	Minutes	FBI CBC Draft Rule	VP Invoice	Adjourn
L. James	Y	Y	Y	Y	Y	Via acclimation
D. Martin	Y	Y	Y	Y	Y	
V. Beauchamp	Y	Y	Y	Y	Y	
D. Ward	Y	Y	Y	Y	Y	
M. Anthony	Y	Y	Y	Y	Y	
R. Causey-Upton	Y	Y	Y	Y	Y	
T. Black	Y	Y	Y	Y	Y	
TOTALS	7/7 motion passes	7/7 motion passes	7/7 motion passes	7/7 motion passes	7/7 motion passes	

--- indicates member was absent during vote.

Welcome/Call to Order

- Chair James called the meeting to order at 1:03p CST

Roll Call

- A. Perry called the roll.
 - 7/7 voting members present = quorum
 - 8/9 total members present at role call
 - 9/9 total members present with S. Conway joining at 1:18p CST

Review and Amendment of the Agenda

- Chair James reviewed the agenda and asked if there was a motion to adopt as presented.
- A. Perry suggested that the agenda be amended to add the topic “Vedder Price (VP) Invoice” to the agenda for discussion and vote on payment.
- **Motion:**
 - **M. Anthony motioned to amend the agenda to add the discussion and vote regarding the VP Invoice.**
 - **V. Beauchamp seconded the motion.**
 - **All voted in favor; no one abstained; motion carried.**

Adoption of the Amended Agenda

- Chair James called for a motion to adopt the agenda as amended.
- **Motion:**
 - **V. Beauchamp motioned that the committee adopt the agenda as amended.**
 - **M. Anthony seconded the motion.**
 - **All voted in favor; no one abstained; motion carried.**

Review and Adoption of Meeting Minutes

- Committee reviewed the draft minutes from the February 12, 2024 Executive Committee Meeting.
- One spelling error was corrected.
- Chair James called for a motion to adopt the draft minutes.
- **Motion:**
 - **T. Black motioned that the committee adopt the draft minutes with no amendments.**
 - **R. Causey-Upton seconded the motion.**
 - **All voted in favor; no one abstained; motion carried.**

FBI Criminal Background Check (CBC) Draft Rule

- A. Perry shared the draft FBI CBC Rule prepared by the OTCC Rules Committee. Discussion noted as followed:
 - Concern expressed about implementing FBI CBCs before issuing/receiving privileges to practice; requiring immediate implementation may delay state abilities to join the compact because they do not have a CBC process in place or the authority to conduct them; this may delay the OTCC’s ability to generate sustainability revenue.

- Concern expressed from states who weigh CBCs heavily; expectation that CBCs will be performed before issuing privileges to practice and allowing practitioners to practice in those states.
- Clarify the meaning of “full implement” in the last sentence of the draft rule - *A member state cannot participate in issuing or recognizing compact privileges until such member state has completed the requirements to **fully implement** the FBI Criminal Background Check requirement.*
 - Explained by N. Kalfas that this language is taken from the model legislation and is interpreted to mean that the process to conduct and report CBC results is fully in place before issuing/receiving privileges to practice.
- SHARE Act Update provided; congress has not moved forward with passing the bill; it has not been rejected, just no movement yet.
 - Concern that even if the SHARE Act passes state entities that perform FBI CBCs will not be prepared or comply without accountability.
- Concern that this phrase “in accordance with state law” in the second paragraph of section 3.1 (of compact model legislation) might empower state entities that perform FBI CBCs to not comply: *Results of the criminal background check shall be reviewed solely by the member state **in accordance with state law.***
 - Public comment period will likely encourage the addition of language that adds state *and federal* law (in hopes that the SHARE Act passes).
- Q: When will the full OTCC meet to approve the next set of draft rules?
 - A: A special OTCC meeting may be held in the fall since the ABM is in spring 2025.
- **Motion:**
 - **M. Anthony motioned to accept the FBI CBC as drafted by the OTCC Rules Committee and send to next step in the rulemaking process, which is to open for public comment x30 days.**
 - **T. Black seconded the motion.**
 - **All voted in favor; no one abstained; motion carried.**

Discussion of Vedder Price (VP) Invoice Overage Payment

- This topic item was amended to the agenda at the beginning of the meeting.
- A. Perry shared that Vedder Price (a legal firm being used by OTCC for a special project) invoiced the OTCC for \$6120, which includes an overage charge of \$2262. The context and discussion follows:
 - VP was supposed to invoice OTCC for 5h at \$780/hour and get approval from the OTCC if more than 5 hours was needed to complete the project.
 - A total of 15 hours was agreed upon by three commissions who are splitting the expense, which equals 5 hours/commission. That time allotment was included in the terms of engagement with VP (signed by VP and each commission).
 - VP’s invoice was for 7.9 hours x \$780 = \$6162.
 - This exceeded OTCC’s time allotment by 2.9 hours (\$2262).
- The question at hand is whether to pay the invoice in full, including the overage amount, or pay up to 15 hours at the \$780 rate.
- N. Kalfas informed VP to pause working on this project until the OTCC (and other commissions) decide how to move forward.

- N. Kalfas recommended to the OTCC EC that VP finish the work for liability purposes.
- D. Ward expressed concern about paying the invoice without OTCC EC's discussion and vote; potential financial audit finding.
- Suggestions/options discussed:
 - Negotiate a reduced rate for the overage amount.
 - Request that credit in the amount of the overage be applied to additional services since the project is not completed.
 - Since the work is completed, pay the invoice in full.
- N. Kalfas informed the OTCC EC that CSG is entering into an agreement with VP to pay any additional invoices to complete the project. The amount of time needed for VP to complete the project is unknown. CSG will hold VP accountable to their agreed upon payment terms, but the OTCC (and other commissions) will still have engagement and input on the process/project.
- **Motion:**
 - **M. Anthony made a motion to pay the invoice in full, express concerns to VP regarding the lack of communication at the agreed upon 15-hour mark and the overage, and the need for them to communicate moving forward.**
 - **R. Causey-Upton seconded the motion.**
 - **All voted in favor; no one abstained; motion carried.**

Committee Reports

- Finance Committee = D. Ward stated that the FC has not met since the last EC meeting; the next meeting is tomorrow, 4.23.24.
- Public Relations Committee = A. Perry shared that the PR Committee was pleased with the engagement and presentation at the AOTA INSPIRE Conference in March. Now working on content for a webinar hosted by AOTA on April 30, 2024. Additionally, Chair James was invited to present to the HBCU CHIRP meeting on April 30, 2024, and A. Perry will attend for visibility and to answer attendees' questions.
- Executive Committee = Chair James stated that the agenda and topics discussed in today's EC meeting are the most recent developments, no further updates.
- Rules Committee = T. Black shared that she was unable to attend the most recent RC meeting; A. Perry shared that the draft FBI CBC rule voted on by EC today is the most recent project and the RC has a list of rules in the que that they are prioritizing for development over the next few meetings.
- Elections & Nominations Committee = not yet active; the Executive Committee suggested that the EN Committee become active before elections in August 2024.
- Compliance Committee = not yet active; plans to become active in summer 2024.

Questions and Comments

- Chair James opened the floor for further questions or comments from attendees.
- No further discussions noted.

Meeting Closure

- **Meeting adjourned by acclimation at 2:53p CST**