



**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY**

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December 23, 2014

Senator Fletcher L. Hartsell, Jr., Co-Chair  
Joint Legislative Program Evaluation Oversight Committee  
300 N. Salisbury Street, Room 300-C  
Raleigh, NC 27603-5925

Representative Julia Howard, Co-Chair  
Joint Legislative Program Evaluation Oversight Committee  
300 N. Salisbury Street, Room 302  
Raleigh, NC 27603-5925

Senator Fletcher L. Hartsell, Jr., Co-Chair  
Joint Legislative Administrative Procedure Oversight Committee  
300 N. Salisbury Street, Room 300-C  
Raleigh, NC 27603-5925

Representative Tim D. Moffitt, Co-Chair  
Joint Legislative Administrative Procedure Oversight Committee  
16 W. Jones Street, Room 2119  
Raleigh, NC 27601-1096

Dear Senator Hartsell, Representative Howard  
and Representative Moffitt,

Thank you for the opportunity to comment on the Final Report to the Joint Legislative Program Evaluation Oversight Committee by the Program Evaluation Division regarding Occupational Licensing Agencies on behalf of the North Carolina Board of Occupational Therapy.

The Board is in complete agreement with the conclusion reached by the PED that occupational licensing agencies, including the NCBOT, should not be centralized and that the regulatory and administrative functions of the OLAs should not be transferred to a single State agency. The Board also recognizes that some additional oversight of occupational licensing agencies may be warranted and subject to consideration by the General Assembly.

After reviewing the Final Report, the Board does not believe the formation of an Occupational Licensing Commission is necessary. The formation of such a Commission would unnecessarily increase regulations of the OLAs resulting in expense to the OLAs and increase in fees to licensees.

Currently OLAs submit a multitude of reports to various State agencies, including the Secretary of State, Department of Commerce, Attorney General, Office of State Management and Budget, and the Joint Legislative Administrative Procedure Oversight Committee. From the PED Final Report, it appears the reports may not be fully reviewed by those State agencies due to a lack of clarity as to what agency should make the review and what to do if the report is reviewed, thereby resulting in questionable oversight. A simple clarification of which State agency should review the current reports should resolve this issue.

Likewise, the content of the required reports may not provide a complete picture of the activities and effectiveness of the OLAs. This can be resolved by requiring additional information be included in the reports illustrating the effectiveness of the OLAs in their mission to protect the public.

Providing that a specific State agency be responsible for oversight of OLAs and including additional information in the required reports will resolve the concerns expressed by the PED regarding adequate oversight of OLAs. The reviewing State agency could also be given authority to require the OLAs reviewed to maintain an effective enforcement function.

It should be pointed out that the Board is not on the list of twelve OLAs identified by PED for review of the need to continue their licensing authority nor is the Board on the list of the ten OLAs the PED reports should be considered for consolidation. Therefore, the Board does not express an opinion on those recommendations.

It appears from the PED Final Report that the OLAs not on the list of twelve or ten have adequate resources and procedures to continue to effectively fulfill their missions to protect the public. Should the list of ten or twelve OLAs identified by the PED be in need of change or assistance to fulfill their missions to protect the public, that can be resolved through withdrawal of their licensing authority or through consolidation with an OLA that is able to fulfill that responsibility.

It has been my experience, as an attorney who has represented OLAs for more than thirty years, OLAs do communicate with one another on issues of operating efficiencies, information technology, information management, complaint processing and jurisdictional and scope of practice disputes. No one wants to reinvent the wheel nor do they want to purchase or utilize ineffective and costly hardware or software. I have personally visited other OLAs to find out what they use, how it works, its pros and cons, particularly in the information technology arena. This has saved the Board unnecessary expense.

It has also been my experience that OLAs strive to resolve their jurisdiction and scope of practice issues among themselves, informally or formally. I have personally met with other OLAs to discuss and resolve those issues. Unfortunately, not all jurisdictional or scope of practice issues can be resolved between the OLAs and it is sometimes necessary to seek assistance from the courts or the General Assembly. However, historically, that is something that seldom occurs. Considering there are 55 OLAs, the frequency of jurisdictional or scope of practice issues that are resolved by third parties is quite small.

While the Board was not directed nor expected to respond to the Final Report of the PED, the Board believed it was responsible to advise those addressing the issues raised by the Final Report that it is the opinion of the Board that the recommendations of the PED can be more efficiently and effectively met through limited changes to existing laws, policies and procedures of current State agencies and OLAs without establishing another layer of regulation and expense.

Thank you for your consideration of these suggestions in response to the Final Report of the PED. I am available to respond to any questions you might have.

Sincerely,



Charles P. Wilkins, Legal Counsel

Cc: Senator Phil Berger, President Pro Tempore of the Senate  
Representative Tim Moore, Speaker of the House  
John W. Turcotte, Director, Program Evaluation Division  
Chuck Hefren, Principal Program Evaluator, Program Evaluation Division