

**MINUTES**

**UTAH**

**BOARD OF RECREATIONAL THERAPY  
BOARD MEETING**

**September 20, 2010**

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

**CONVENED:** 9:14 A.M.

**ADJOURNED:** 11:53 A.M.

**Bureau Manager:**

Noel Taxin

**Board Secretary:**

Karen McCall

**Compliance Specialist:**

Ronda Trujillo

**Board Members Present:**

Patrick R. Park, Chairperson

Shawna Peterson

Gwen T. Nelson

Susan P. Call

Megan Roth

**Guests:**

Sandy Negley

Michele Beal

Mindy Smith

Chris Forsdick

Lindsey Forbes

Karie Swenson

Jodi Leynse

M. Sydney Post

**DOPL Staff Present:**

Ray Walker, Division Legal Counsel

Casey Elliott, Licensing Specialist

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Board Chairperson

This item was deferred to the next scheduled Board meeting.

**MINUTES:**

The minutes from the May 3, 2010 Board meeting were read.

Ms. Roth made a motion to approve the minutes with minor revisions. Ms. Nelson seconded the motion.  
**The Board vote was unanimous.**

## **APPOINTMENTS:**

### **9:15 am**

Ronda Trujillo, Compliance Update

Ms. Trujillo updated the Board regarding the compliance or non-compliance of probationers.

Ms. Trujillo reported **Shirley Wayman** is currently in compliance with her Memorandum of Understanding (MOU). She informed the Board of Sydney Post retiring and no longer supervising Ms. Wayman. Ms. Trujillo stated Mindy Smith will be hired as the MTRS consultant and Ms. Wayman's proposed supervisor. She stated Ms. Wayman's drug and alcohol test had a dilute again which could be she is drinking too many liquids prior to testing. She stated all other tests this quarter have been negative.

**Ms. Taxin stated Ms. Wayman is on probation due to her alcohol abuse and she has been clean and sober since being on probation. She reminded the Board of the Joint Commission audit at the facility where Ms. Wayman works and that the facility was given a poor rating for their Recreational Therapy services. Ms. Taxin stated Ms. Post's report documents how well Ms. Wayman is doing but the employer report document the recreational therapy services are not up to the standard they desire. Ms. Taxin stated Ms. Post submitted her resignation since the last meeting and the facility administrator called to ask if she could supervise Ms. Wayman. She stated she informed the administrator that the supervisor must be a MTRS or TRS. Ms. Taxin stated the facility has been trying to hire an MTRS or TRS and it appears they have been successful in finding Mindy Smith. Ms. Taxin stated the Board will need to clearly outline the expectations for supervision and be sure the supervisor understands the Division form will need to be completed instead of the facility consultation form. Ms. Taxin stated Ms. Wayman being on probation has brought up some questions regarding expectations of the TRT,**

**supervision, probationers supervising students, helping them for passing the required examination and the role of the TRT. She stated the Board will need to review the Law and Rule and determine clarification guidelines.**

**9:25 am**

Shirley Wayman, TRT, Probationary Interview

Ms. Wayman met for her probationary interview.

Susan Call conducted the interview.

**Ms. Call stated the most obvious change for Ms. Wayman is Ms. Post's resignation. She stated it appears Mindy Smith, MTRS will be the new supervisor. She asked Ms. Wayman to explain her reason for a second drug and alcohol test to be diluted.**

Ms. Wayman explained she forgot to test in the morning, was busy all day and remembered the test late in the afternoon. She stated she probably drank her usual amount of coffee during the day which would show on the test as diluted.

**Ms. Taxin commented she would give Ms. Wayman the benefit of the doubt on this test but this is the second time she has had a diluted test and there may be a concern if there is another diluted test.**

**Ms. Call asked if Ms. Wayman is continuing in her weekly activities at the facility.**

Ms. Wayman responded her work schedule has changed to working 10 days and taking 4 days off so she can take the residents on outings. She stated this schedule gives her every other weekend off.

**Ms. Taxin stated Ms. Wayman's employer had reported Ms. Wayman was not doing enough activities. She asked if Ms. Post has worked with Ms. Wayman on selecting additional activities.**

Ms. Wayman responded her employer has planned out the activities away from the facility. She stated she has taken residents to an open house for the senior center, to the peace gardens and other locations.

**Ms. Post explained the administrator is fairly new who is just learning and not as supportive of recreational therapy as some administrators. She stated it is difficult to just run diversionary activities but the administrator believes the 10 days working and 4 days off is a cost savings.**

Ms. Wayman stated many residents play cards or sit outside at the facility. She stated the facility is unable to fund an assistant to be a student for recreational therapy services. She stated she wrote down some protocols of what a supervisor does but did not bring them today.

**Ms. Taxin stated Mindy Smith will have two roles at the facility; one as the facility consultant and the other supervising Ms. Wayman for her probation to be sure she continues with her sobriety and she is providing recreational therapy for the residents according the ethical standards of the profession.**

**Ms. Smith responded she has not yet signed a contract with the facility as she wanted to meet with the Board first for guidance on what would be required to be Ms. Wayman's probationary supervisor.**

**Ms. Call asked Ms. Wayman if working 10 days allows her to be within the 45 hours of work per week.**

Ms. Wayman responded yes.

**Ms. Post stated the administrator is considering changing Ms. Wayman from an hourly employee to a salary employee which would not allow for any overtime pay.**

Ms. Wayman stated there are only two employees still on hourly. She voiced concern.

**Ms. Call requested Ms. Wayman to keep the Board updated on the employment situation.**

**Ms. Roth asked Ms. Wayman if the schedule of**

**working 10 days has interfered with her attendance at the 12 step meetings.**

Ms. Wayman responded she attends meetings after work, on weekends and at lunch time.

**Ms. Roth asked how Ms. Wayman is doing with her father at the same facility.**

Ms. Wayman responded she is handling the situation with her father. She stated there is a new program for caretakers in which she could be paid to care for her father at home. She stated she is considering the program but would have to quit her job if she becomes the caretaker at home.

**Ms. Call stated it appears there have been several stressors that affect Ms. Wayman since last meeting. She voiced concern about Ms. Wayman working 10 days and being off 4 days as there is a potential for the facility to take advantage of her.**

Ms. Wayman responded she enjoys having 4 days off and she is only working 7 to 8 hours each day.

**Ms. Taxin requested clarification regarding Ms. Wayman planning activities and her statement that now the administrator is planning the activities.**

Ms. Wayman responded the administrator plans only the outside community activities. She stated the residents enjoy the outings and believe they are receiving the services they need. Ms. Wayman voiced her concerns regarding the recreational therapy program as she was doing the activity of baking cookies and reading which turned into a reminescent session. She stated the administrator had an issue with the activity as when she came in there were only two residents participating. Ms. Wayman stated there had been a room full of residents just prior to the administrator coming in. She stated there are no volunteers right now to assist her in sitting with residents to talk or play games. Ms. Wayman stated she and the CNA do all the activities. She stated she also is uncomfortable with people she does not know trying to assist her.

**Ms. Nelson responded in most therapeutic modules residents get more out of the activity if they are in small groups. She stated it is a continual education process between leisure activities, therapy and diversional activities.**

**Ms. Post stated it is tough for Ms. Wayman when she has to depend on volunteers.**

**Ms. Taxin stated it is important to get Ms. Smith on board so Ms. Wayman receives the supervision and support she needs. She asked Ms. Post if she is staying in the position until either Ms. Smith or someone else is hired to the position.**

**Ms. Post responded she would probably have to stay on, as a supervisor is required for a TRT to continue working. She stated Ms. Wayman is very good about calling for support and/or assistance when needed.**

Ms. Wayman asked what happens if she decides to leave her position at the facility.

**Ms. Taxin responded a Board meeting would be scheduled and Ms. Wayman's probation time would stop as she is required to work, however, if Ms. Wayman continues on the path she is on now there is the possibility of early termination of probation. Ms. Taxin voiced concerns regarding the employer and JCAHO reports on therapeutic activities although she noted that is not the reason for Ms. Wayman's probation.**

**Ms. Roth stated it appears Ms. Wayman is stressed today and she needs to take care of herself as her sobriety comes first.**

**Ms. Call stated the monthly reports from the supervisor and employer will need to continue as Ms. Wayman will have a new supervisor. She stated Ms. Wayman should listen to Ms. Roth's comments and take care of herself.**

**The Board determined Ms. Wayman is in**

**compliance with her MOU Order.**

**An appointment was made for Ms. Wayman to meet again April 18, 2011.**

Ms. Wayman asked if the Board could meet in the afternoon as it is difficult for her to drive to Salt Lake in the dark.

**Ms. Taxin responded the Board will discuss her request later in the meeting and let her know the decision.**

Ms. Wayman left the meeting.

**Ms. Call asked if copies of the monthly reports could be sent out for the Board to review prior to the Board meeting as it is difficult to review and interview at the same time. She stated she has concerns about Ms. Wayman's supervision.**

**Ms. Taxin responded by the time reports are received there is not always time to makes copies and mail them out to the Board. She stated the supervision issues are not the reason Ms. Wayman is on probation but she believes Ms. Wayman needs to understand her sobriety does play a part in her performance at work. She voiced concerns based off the employer reports and Ms. Wayman regarding boundary issues of Ms. Wayman treating her father, her relationship with other residents and meeting once a month with the supervisor. She stated Ms. Smith would need a probationary supervision waiver if she does not have a contract with the facility as the MTRS consultant. Ms. Taxin stated Ms. Smith could volunteer the probationary supervision or she could ask Ms. Wayman for remuneration for her time. Ms. Taxin suggested the Board meet again with Ms. Wayman in December instead of waiting 6 months.**

**Ms. Roth responded Ms. Wayman may not be at the facility in April 2011.**

**Mr. Walker offered his observation and stated there appears to be fuzziness between the levels of**

**recreational therapy licensing. He stated in the discussion and dialogue it was the type of activities offered to the patients, not the treatment plans, if the goals of the plans are being met and if the MTRS consultant/supervisor wrote and helped implement the treatment plans. He stated it appears the TRT is doing everything and that needs to be fixed. Mr. Walker suggested Ms. Wayman's new supervisor needs to feel ownership to the treatment plans to be sure the goals are being met.**

**Ms. Taxin stated the Board agreed not to discuss the past supervision and treatment plan concerns with Ms. Wayman as Ms. Post is resigning. The Board wants to inform and discuss Board expectations with supervision with Ms. Smith. Based on the Board's concerns, Ms. Taxin suggest the Board meet with Ms. Wayman in December.**

**The Board agreed it would be best to meet with Ms. Wayman in December. After reviewing schedules the Board determined they would meet December 13, 2010.**

**Ms. McCall was requested to notify Ms. Wayman.**

#### **DISCUSSION ITEMS:**

Supervision of a TRT – Weekly, Monthly, Quarterly

Ms. Taxin stated some questions and expectations have been brought up by Ms. Wayman regarding meeting with her supervisor. She voiced concerns regarding a probationer supervising students and trying to assist them to pass the examination. Ms. Taxin stated the Division has received several telephone calls asking what the TRT role is and their scope of practice, how much supervision is required and do they need to meet monthly or quarterly. She stated she believes the Law would need to be changed for better clarification as there is a lot of cross over right now among the three levels of licensure.

**Ms. Post commented she meets monthly with students for clinical supervision. She stated the TRT does not supervise her students. Ms. Post stated she does not believe a supervisor is able to**

**adequately supervise a student or TRT if they only meet quarterly.**

**Ms. Negley commented the TRT's are over the recreational therapy programs for the facilities and supervising the aides or students in the TRT programs. She stated the licensed TRT's do not provide clinical supervision as that is the role of the TRS or MTRS consultant. She stated the Law and Rule do not specify the amount of supervision. Ms. Negley stated Senator Davis is thinking of presenting a Bill in the next Legislative session regarding TRT's conducting evaluations. She recommended the Board hold on any Law or Rule recommendation until they are sure what Senator Davis will present in the Bill. She stated she would recommend TRT's be deregulated if the Bill is presented as licensure is in place to protect the public. Ms. Negley stated the TRT level can now gather the pertinent data and implement the care plan.**

**Ms. Post stated the president of URTA met with Senator Davis regarding the scope of practice for the TRT licensee as the facilities are reporting the consultants are not getting the patient assessment completed within their guidelines of a 15 day time period. She stated the Bill would not allow the TRT to complete the MDS but would be allowed to complete the form attached to the care plan.**

Ms. Taxin stated a couple of years ago there was a group with the Utah Hospital Association who allowed line staff to do the initial intake evaluations on patients. She stated she was sent a copy and it asked her opinion. Ms. Taxin stated it appeared they were doing mental health therapy which is out of their scope of practice. She stated since then other facilities have called to say they wanted their TRT's to do the same type of evaluations and she has informed them the evaluations are out of their scope of practice.

**Ms. Negley stated the current TRT examination has more clinical questions than the old examination and she has heard it is difficult to pass. She asked if Ms. Taxin has any statistics on**

**the pass/fail for that examination.**

Ms. Taxin responded she does not have the statistics today but is aware of a couple of individuals who had greater difficulty passing it.

**Ms. Negley clarified that the URTA needs to meet with Senator Davis again for clarification on his Bill. She stated he has been an advocate for the Recreational Therapy profession.**

Ms. Taxin recommended the Board meet again October 25, 2010 for further discussion regarding clarification of TRT scope of practice and MTRS/TRS supervision. She requested Board members to review their Law and Rule and e-mail their suggestions to her by October 8, 2010, regarding supervision, consultation and scope of practice for the TRT. She stated she will draft proposed Rules depending on Board comments. She stated the profession had these issues prior to Senator Davis addressing them.

**Mr. Walker suggested the three levels of licensure be clearly defined if the Law is opened. He stated he does not believe the problem can be fixed by Rule as the practice of what is regulated must be established prior to Rule clarification.**

**Ms. Beal suggested Karie Swenson, the URTA Legislative Representative, be the contact person to e-mail approved information to Ms. Taxin.**

**Ms. Nelson asked if the TRT examination needs to be reviewed again as Ms. Negley had made a comment regarding several people failing the examination. She stated one student explained to her about a question regarding the TRT transporting patients in wheelchairs on an incline. Ms. Nelson stated a CNA should always be assisting a TRT.**

Ms. Taxin responded she believes more individuals are passing than failing but the Board could review the examination again to be sure all questions are still appropriate.

### Supervision of Shirley Wayman

Ms. Smith was requested to remain with the Board for discussion and clarification of expectations to supervise Ms. Wayman for her probation.

Ms. Taxin explained the probationary supervision is in addition to the facility recreational therapy supervision of Ms. Wayman as a TRT. She stated Ms. Smith may volunteer her time or she may request remuneration for her time. She stated Ms. Smith would be required to complete the Division supervision form which addresses Ms. Wayman's performance with her job and remaining sober. Ms. Taxin stated the Board has been concerned regarding boundaries as Ms. Wayman shared she was providing alcohol for her father at the facility and mentioned the residents are all her friends. She recommended Ms. Smith discuss boundaries as the MTRS supervisor. She requested Ms. Smith to read the MOU and call her if there are any questions and if she is going to supervise Ms. Wayman, complete the form documenting she has read the MOU and is willing to supervise and assist Ms. Wayman in being successful in her probation. She stated Ms. Smith will need to also provide a copy of her resume. Ms. Taxin stated Ms. Wayman is required to meet weekly with the supervisor.

#### **Ms. Smith asked if she needs to meet in person or could they meet telephonically.**

Ms. Taxin responded the Order says they may meet telephonically three times and in person at least once a month. She stated as the supervisor Ms. Smith would need to assess what Ms. Wayman's needs are regarding supervision and not base supervision on the financial aspect as the Board/Division concern is that Ms. Wayman receives the supervision needed and the public is safe with her services. Ms. Taxin pointed out Ms. Wayman stated she is feeling overwhelmed with her activities and who she supervises. She stated Ms. Smith should write the treatment plans and assist Ms. Wayman in implementing them. Ms. Taxin stated she might meet with Ms. Wayman weekly a few times to assess and give guidance before they move into telephonic meetings. She recommended Ms. Smith encourage Ms. Wayman to be at the facility when she is there as the consultant/supervisor, review areas

needing improvement as noted by the facility and JCAHO.

**Mr. Park recommended Ms. Smith sit in and observe while Ms. Wayman is doing group activities.**

**Ms. Roth stated the Board has picked up that Ms. Wayman appeared to call Ms. Post when she was stressed and needed to talk and the relationship appeared to be more friendship than a clinical relationship.**

**Ms. Call stated today is the first time the Board has seen a Division supervisor report form as the facility consultation form is what has been submitted in the past.**

Ms. Taxin voiced concern regarding Ms. Wayman's understanding the difference between diversional and therapeutic activities.

**Ms. Smith asked if there is something in Law or Rule regarding Ms. Wayman not being allowed to do activities with her father.**

**Ms. Roth responded there is nothing specific in the Law or Rule but it is a boundary/ethical issue.**

Ms. Taxin stated Ms. Wayman and her father have had issues and there could be conflict at the facility for her to do therapy with him. She suggested Ms. Smith address the possible conflict with Ms. Wayman and set up appropriate boundaries for her and/or review how she interacts with him and other patients to be sure all their individual needs are being met. Ms. Taxin requested Ms. Smith also cover appropriate supervision of an aide or student.

**Ms. Roth reminded Ms. Smith that Ms. Wayman is on probation for her sobriety issues.**

**Ms. Roth asked if the recent diluted drug and alcohol test was the first or second diluted test.**

Ms. Taxin responded it was the second but Ms.

Wayman explained that one day she forgot to test until late and had drunk many cups of coffee during the day.

**Mr. Park asked if Ms. Wayman is to have complete sobriety or just while on her job.**

Ms. Taxin responded the sobriety must be complete.

Ms. Taxin requested Ms. Smith to inform the Division if she is going to accept the supervision role and stated she could meet once a month in person and telephonically 3 times a month but the meetings should be very structured. She clarified Ms. Wayman would not be held on probation for work issues. She stated Ms. Smith will need to submit monthly reports for 6 months which has been done but the Board/Division need to make sure Ms. Wayman and the public are safe. She stated Ms. Wayman could be released early from probation if the reports are positive and drug and alcohol tests are negative. She asked Ms. Smith to call her if she has additional questions.

**Ms. Smith responded she will try to make an appointment with the administrator of the facility next week and will notify Ms. Taxin if she decides to take the position.**

Ms. Taxin stated Ms. Trujillo is the compliance specialist and Ms. Smith should stay in touch with her, fax reports to her, etc. but may also may contact her if she has questions.

Tentative 2011 Board Meeting Schedule

The Board discussed the meeting dates for the remainder of 2010 and for 2011.

It was determined if Senator Davis is moving forward with a Recreational Therapy Bill for the Board to meet October 25, 2010 and December 13, 2010 in addition to April 18 and October 17, 2011 Board meeting dates. The Board determined if Senator Davis will not be presenting the Bill to cancel October 25, 2010 but meet December 13, 2010 in addition to April 18 and October 17, 2011. The Board requested Ms. Wayman

meet again December 13, 2010.

**NEXT MEETING SCHEDULED FOR:** October 25, 2010

**ADJOURN:** The time is 11:53 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.*

December 13, 2010  
Date Approved

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

October 11, 2010  
Date Approved

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