

**BOARD OF OCCUPATIONAL THERAPY
MINUTES**

DATE: December 4, 2015

TIME: 10:00 AM CST

LOCATION: Poplar Conference Room
665 Mainstream Drive, 1st Floor
Nashville, TN 37243

MEMBERS PRESENT: Amy Burba, OT, Chair - Presiding Officer
Louis Tucciarone Jr., OT
Marilyn Franklin, OTA

MEMBERS ABSENT: Jewell Davis, Consumer Member
Anita Mitchell, OT

STAFF PRESENT: Michael Sobowale, Board Director
Lakita Taylor, Unit Manager
Zandra Pickett, Board Administrator
Tom Aumann, Assistant General Counsel
Nichelle Dorroh, Office of Investigations
Vanessa Crutcher, Division Financial Officer

1. Call to Order

With a quorum present, Ms. Burba called the meeting to order at 10:02 AM. Ms. Burba conducted a roll call of all Board and Staff members.

2. Minutes

The Board reviewed the minutes of the August 20, 2015 meeting. Ms. Franklin made a motion, seconded by Mr. Tucciarone Jr., to approve the minutes as written. The motion carried.

3. Office of General Counsel Report

Mr. Aumann discussed the Conflict of Interest policy.

Consent Order – Mary Craigie, OT License No. 2580

Tom Aumann, Assistant General Counsel, presented the Consent Order for Mary Craigie, OT. The Findings of Facts are as follows:

On September 6, 2014, Mary Craigie was scheduled to provide occupational therapy sessions for two patients; however, she was not present to provide services and yet documented in detail, false services provided in her notes.

Mr. Aumann presented the following stipulations of the Consent Order:

- 1) Ms. Craigie's license will be placed on probation for two (2) years, effective immediately, upon ratification of this Order by the Board.
- 2) Ms. Craigie must complete eight (8) hours of continuing education courses related to ethics within 6 months of this order, in addition to any and all continuing education course requirements to complete, in order to maintain an active license.
- 3) Ms. Craigie will be assessed a two (2) Type B Civil Penalty for each patient in the amount of five hundred dollars (\$500.00) for a total of One Thousand dollars (\$1,000).

After review, Mr. Tucciarone Jr. made a motion, seconded by Ms. Franklin, to accept the Consent Order as presented. The motion carried.

Consent Order – Mary Merriman, OT License No. 398

On February 14, 2014, Mary Merriman was scheduled to provide in-home occupational therapy sessions for two patients; however, she was not present to provide these services and yet documented in detail, false services provided in her notes.

Mr. Aumann presented the following stipulations of the Consent Order:

- 1) Ms. Merriman's license will be placed on probation for two (2) years, effective immediately, upon ratification of this Order by the Board.
- 2) Ms. Merriman must complete eight (8) hours of continuing education courses related to ethics within 6 months of this order, in addition to any and all continuing education course requirements to complete, in order to maintain an active license.
- 3) Ms. Merriman will be assessed a two (2) Type B Civil Penalty for each patient, in the amount of five hundred dollars (\$500.00) for a total of One Thousand dollars (\$1,000).

After review, Ms. Franklin made a motion, seconded by Mr. Tucciarone Jr., to accept the Consent Order as presented. The motion carried.

Consent Order – William Norman, OT License No. 4033

On October 21, 2013, Mr. Norman was scheduled to provide in-home occupational therapy sessions for two patients. He was present for the session, yet he never provided any services and documented in detail, false services provided in his notes.

Mr. Aumann presented the following stipulations of the Consent Order:

- 1) Mr. Norman's license will be placed on probation for two (2) years, effective immediately, upon ratification of this Order by the Board.
- 2) Mr. Norman must complete six (6) hours of continuing education courses related to ethics within 6 months of this order, in addition to any and all continuing education course requirements to complete, in order to maintain an active license.
- 3) Mr. Norman will be assessed a one (1) Type B Civil Penalty for each patient in the amount of five hundred dollars (\$500.00) for a total of Five Hundred dollars (\$500).

After review, Mr. Tucciarone Jr made a motion, seconded by Ms. Franklin, to accept the Consent Order as presented. The motion carried.

Order of Compliance – Daniel Hayes, OT License No. 577

Mr. Aumann presented to the board, a Petition for an Order of Compliance on Daniel Hayes, OT.

Mr. Hayes had submitted a request for a grant of a Petition for an Order of Compliance pursuant to compliance with terms of his previous board order.

After review, Mr. Tucciarone Jr made a motion, seconded by Ms. Franklin, to accept the Order of Compliance as presented. The motion carried.

4. Financial Report

Vanessa Crutcher, Division Financial Officer, presented the financial report and discussed the FY2015 year-end financial report. The board's total expenditure is \$92,127. The total allocated expenditures are \$58,184 and total expenditures are \$150,312. The board's revenue is \$201,128 with a current year net of \$50,816. The board has a cumulative carryover of \$331, 760. Ms. Crutcher discussed the health related boards' current policy on reduction of fees and stated the board does not currently meet the threshold to have a discussion on reducing fees under the policy but the issue can be revisited in 2016. Ms. Crutcher stated she would not recommend that the board make a large fee reduction due to the fact that the current net carryover was not too excessive.

5. Applicant File Review

Christopher Anderson, OTA - Mr. Anderson is seeking licensure by initial application as an occupational therapy assistant. Mr. Anderson had a criminal offense record on his criminal background check. Mr. Anderson was present and came before the board to explain his criminal record. After interview and discussion, Mr. Tucciarone Jr. made a motion, seconded by Ms. Franklin, to approve Mr. Anderson for licensure. The motion carried.

Thomas Moore, OT - Mr. Moore is seeking licensure by initial application as an occupational therapy. Mr. Moore had multiple criminal offense record on his criminal background check. Mr. Moore was not present but sent a letter of explanation. After review and discussion, the board requested that Mr. Moore appear at the next board meeting and to defer a decision on his application. Ms. Franklin made a motion, seconded by Mr. Tucciarone Jr, to defer Mr. Moore's application until the next board meeting. The motion carried.

6. Investigation and Disciplinary Reports

Ms. Nichelle Dorroh, Disciplinary Coordinator, presented the report from the Office of Investigations. There are currently two (2) occupational therapists and three (3) occupational therapy assistants' complaints being investigated. The office is in the process of scheduling a review for these complaints.

There were three (3) licensees being monitored in which one (1) will be removed from the list of monitored practitioners. This is due to the fact that Mr. Hayes' Order of Compliance has been approved.

7. TNPAP Report

Mr. Michael Harkreader, Executive Director, TNPAP, presented the report for the period of July 1, 2015 through September 30, 2015. There is one (1) occupational therapy assistant being monitored at this time.

8. Ratifications

Mr. Tucciarone Jr made a motion, seconded by Mrs. Franklin, to ratify the following list of newly-licensed occupational therapists, including occupational therapists with modalities, occupational therapy assistants, reinstatements, and closed applications. The motion carried.

OCCUPATIONAL THERAPISTS-66

AYO CINDY	ESTES SARAH	MUETHER ERIKA
ASBURY STEPHANIE	FORBES RAMONIA	MURPHY MICHAEL
BARKER TABITHA	GORDON NICOLE	NALE JONI
BARNES SAMANTHA	GRAYSON TERRALYNN	OELBERG SELINA KAY
BODADILLA GUSTAVO	GREENE JENNIFER	RINEHART ALLIE
BRUZZESE DOMENIC	GROOT ALEXANDRA	ROTH-WYRICK MARY
BURNS SHIRA	HANSON-SKIRKA KELSEY	SALVANT SABRINA
CARNELL CHRISTINA	HARPE ERICA	SANCHEZ JACQUELINE
CARVER JORDAN	HENSON CARRIE	SCHLABACH JEREMY
CHAPMAN AMANDA	HILL TONYA	SCHWARTZBERG SARAH
CLEMENTS BAILEY	HILLARD MARK	SIMPSON KAYLA
COLVIN HANNAH	HOOKS KELLY	SINGH SHALENDRA
COMPTON JENNA	HOPKINS STEDMON	SMITH AISLING
CONKLIN RACHAEL	JOYNER MISTY	TAYLOR MORGAN
DELUCA SAMANTHA	JUSTICE-WEST MELISSA	THIGPEN MELINDA
DESOMMA ALISON	KUCHARIK CAITLIN	THOMPSON KELLY
DUKE BECKY	LANUTO KRYSTINA	VELLON-SWENSON VANESSA
DUNNING MADELINE	LAURENT BETH	VOLENTINE KYLE
ELAM ELIZABETH	MAU ALICIA FAY	WANNER DIANA
ELING ALLISON	MCBRIDE JENNIFER	WICHLINSKI SUZANNE
ELY LAURA	MILES CANDACE	WILSON JESSELYN
ENGEL HEATHER	MOSES STACY LYNN	WOODARD CAROLYN

MODALITY: OCCUPATIONAL THERAPISTS-12

BASCOM JUDY	FREESE JAMIE	PENDLETON JOE
COATS VALERIE	GARCIA JENNIFER	ROBB REBECCA
COSTLEY ALLISON	JONES REBECCA	VOSHELL DAVID
DIXON MEREDITH	KHAN SHANAAZ	WEST ADRIENNE

CLOSED APPLICATION: OCCUPATIONAL THERAPISTS-1

AMANDA SMITH

REINSTATEMENTS: OCCUPATIONAL THERAPISTS ASSISTANT-4

ARMSTRONG FRANK	MORRIS BENJAMIN
KELLY MARY JO	TAYLOR TIMOTHY

OCCUPATIONAL THERAPISTS ASSISTANT-55

ADAMS KIMBERLEY	HATCHETT NAKOMUS	MURNANE BRIANNA
ADAMS SARAH	HEARL DONNA	NEURINGER SUSAN
AIRD LENNA	HUFF DAKOTA	OAKES KELLY
BERNARDIN SARAH	ISMAIL ABULKARIM	SANDERS ANGEAL
BIACHE ELIZABETH	JACKSON JEFFREY	SEIBERT WHITNEY
BREEDEN CHELSEA	KEITH AMANDA	SHERLOG PAMELA
CARRINGTON SAMUEL	KNOTT MARY	SNYDER SHIANTI
CLARK AMANDA	LANCASTER JAMES	SPIVEY RACHEL
COLLINS ASHLEY	LONG RAEDAWN	STOKES MORAH
COTTOM JANICE	MADRON JOSEPH	VALLES TRACY
COULSON LISA	MANDY KAREN	VANDERWALL KENDRA
DARNELL MARY	MANNINO TAMMY	WALKDEN BROOKE
DAVIS EMILY	MARPLE PATTI	WASHINGTON LADESHIA
DICK EMILY NICOLE	MCFARLAND BRITTANY	WEAKLEY ERIN
FARMER ROBERT	MCLEOD SUSAN	WHITE CHERYL
FIELDS CHELSEA	MCNEAL TAYLOR	YEAGER LAURA
FLEMING MELISSA	MOBLEY SONYA	YORK ROBIN
GOFF BRENDA	MOORE AMI	
GROGAN LISA	MORTON CHELSEY	

REINSTATEMENTS: OCCUPATIONAL THERAPISTS ASSISTANT-4

BUDKE MARK	RAYBURN EMILY
JACKSON KAYLA	STIMMELL SHARON

MODALITY: OCCUPATIONAL THERAPISTS ASSISTANT-8

BIGGS JENNIFER	MILLER CAMILLE	ROWE AUDREA
HINKLE HARLESS	MORALES JACQUELYN	WILKERSON STEPHANIE
LAWHORN CARL	SMITH JEFFREY	

CLOSED APPLICATION: OCCUPATIONAL THERAPISTS ASSISTANT-3

BAKER KIMBERLY	PERKINS STACI	PERRY TAWANA
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9. Administrative Report

Zandra Pickett, Board Administrator, presented the Administrative report. Currently there are 2492 Occupational Therapy and 1342 Occupational Therapy Assistant active licenses as of November 18, 2015.

LICENSURE STATUS TOTALS FOR THE MONTHS OF AUGUST 18, 2015 THROUGH NOVEMBER 18, 2015

Occupational Therapists	
New Applications Received - 54	
New Licenses Issued – 66	Renewal Total- 249
Reinstatements – 4	Online Renewals- 189
Licenses Retired – 6	Paper Renewals- 60
Failed to Renew/Expired - 32	
Occupational Therapist Assistants	
New Applications Received -48	
New Licenses Issued - 55	Renewal Total- 123
Reinstatements - 4	Online Renewals- 99
Licenses Retired - 5	Paper Renewals- 24
Failed to Renew/Expired - 15	

For this reporting period, online renewals for Occupational Therapists constituted a usage rate of 76 %. For Occupational Therapist Assistants, online renewals constituted a usage rate of 80 %.

TSAC/CHILD SUPPORT ORDERS

For this reporting period, there were three (3) Occupational Therapy Assistants whose licenses were suspended for Child Support Default Orders. The license suspensions had since been lifted. Refer to copy of report attached.

CE AUDIT

2015 Continuing Education Audit Report as of November 9, 2015

Verification & Audit Period January 2015 thru June 2015

Occupational Therapist Profession Code: 1594

Licenses Audited: 24 21 Licenses Compliant = 88 %

3 Licenses Non-Compliant = 13 %

Occupational Therapy Assistants Profession Code: 1595

Licensees Audited: 14 11 Licensees Compliant = 79 %

3 Licensees Non-Compliant = 21 %

BOARD MEMBERS

Currently, there is one (1) vacancy for the citizen consumer member on the Board.

2015 Conferences

2016 Federation of Associations of Regulatory Boards 40TH Annual Forum (FARB) – January 28-31, 2016, Clearwater, FL.

2016 Annual Education Conference & Expo (AOTA) - April 7-10, 2016, McCormick Place, Chicago, IL.

2016 State Regulatory Leadership Forum (NBCOT) - May 11 – 13, 2016, New Orleans, Louisiana.

2016 Annual Educational Conference (CLEAR) - Sep 15-17, 2016, Portland Marriott Downtown Waterfront, Portland, OR.

Mr. Tucciarone Jr. made a motion, seconded by Mrs. Franklin, for the board to vote to send Mr. Aumann, board attorney, to the FARB conference. The motion carried.

Also, upon a motion made by Mr. Tucciarone Jr. and seconded by Mrs. Franklin, the board voted to send any board member interested to attend the AOTA conference. The motion carried.

Agreed Citations

Mr. Sobowale, Board Director, presented the following Agreed Citations to the Board for approval:

WHITNEY ADAMS, OTA #1784

Ms. Adams agreed to pay a civil penalty in the amount of \$100.00 for failing to obtain two (2) hours of continuing education during the 2014/2015 continuing education cycle. Ms. Adams must also make up the deficient hours, in addition to submitting proof of continuing education hours for the current cycle.

After review, Ms. Franklin made a motion, seconded by Mr. Tucciarone Jr., to accept the Agreed Citation as presented. The motion carried.

GRACIE L. DAVIS, OTA #22

Ms. Davis agreed to pay a civil penalty in the amount of \$100.00 for failing to obtain two (2) hours of continuing education during the 2014/2015 continuing education cycle. Ms. Davis must also make up the deficient hours, in addition to submitting proof of continuing education hours for the current cycle.

After review, Mr. Tucciarone Jr. made a motion, seconded by Ms. Franklin, to accept the Agreed Citation as presented. The motion carried.

LESLIE McCABE, OTA #2066

Ms. McCabe agreed to pay a civil penalty in the amount of \$100.00 for failing to obtain two (2) hours of continuing education during the 2014/2015 continuing education cycle. Ms. McCabe must also make up the deficient hours, in addition to submitting proof of continuing education hours for the current cycle.

After review, Mr. Tucciarone Jr made a motion, seconded by Mrs. Franklin, to accept the Agreed Citation as presented. The motion carried.

10. Correspondence

A. University of Mississippi Approval Request for Physical Agent Modality

Ms. Parish requested board approval for University of Mississippi to become a provider for Physical Agent Modality courses. After review and discussion, the Board stated it does not pre-approve providers for Modality courses except that trainees must have supervision during treatments according to the rules. The board directed the board's advisory attorney, Mr. Thomas Aumann, to respond to University of Mississippi Medical Center and refer them to TN Occupational Therapy Rules.

Thereafter, a motion was made by Mrs. Franklin, and seconded by Mr. Tucciarone Jr., for Mr. Aumann to respond to the request in the correspondence from University of Mississippi Medical Center. The motion carried.

B. Board Consultant Informal Opinion on Previous Board Correspondence On Scope of Practice for Occupational Therapy Assistants in TN

The board consultant, Donna Whitehouse, provided an informal opinion, per board request, from previous meeting pertaining to correspondence received from Sharon Anderson on the question of scope of practice for Occupational Therapy Assistants in Tennessee. The Board reviewed the informal opinion submitted by Ms. Whitehouse.

After discussion, a motion was made by Mr. Tucciarone Jr., and seconded by Mrs. Franklin, for the Board to accept the consultant's informal opinion and also request the Board Director to send a respond letter to Ms. Anderson to convey the consultant's informal opinion on the issue. The motion carried.

C. Occupational Therapy Continuing Education and Supervision Guidance

Ms. Carlene Johnson inquired whether the contents of a journal used at an OT Club meeting can be submitted for CE credit and also whether she was conducting and documenting the in-service requirements for CE correctly.

After review and discussion, the Board recommended that Mrs. Johnson refer to the table of approved CE activities in board rules and follow the format for required documentation. A motion was made by Mr. Tucciarone Jr., seconded by Mrs. Franklin, for board staff to send a response letter to Ms. Johnson. The motion carried.

Task Force

Ms. Burba inquired about having a discussion for a task force to be set up to review the board's rules and policies for any necessary updates. Mr. John Williams, TNOTA Representative, informed the board that the American Occupational Therapy Association (AOTA) will be having a meeting in January 2016 to discuss Occupational Therapy rules and identify areas that might need updating or changing. He stated hopefully, by the next board meeting in March, there would be some areas ready to present to the Board for discussion.

Ms. Burba suggested the names of some people who might possibly participate on the Task Force. She mentioned David S. McGuire (TNOTA president), Donna Whitehouse (Board Consultant), Susan McDonald (University of TN in Chattanooga-OTD Department) and herself. She also asked if any of the current board members would like to be a part of this discussion. Mr. Tucciarone Jr. stated that he would be interested in participating in this process.

Thereafter, a motion was made by Mrs. Franklin, and seconded by Mr. Tucciarone Jr., for the Board to create a Task Force to review the OT rules. The motion carried.

Board Newsletter

Mrs. Lakita, Unit Manager, presented the current OT newsletter to the board and stated this newsletter would be posted on the board's website. Mr. Sobowale informed the board that the link to the newsletter was not currently working, but the IT department is working to fix the link.

12. Adjournment

There being no other business or further discussion, the meeting adjourned at 12:01 PM.

These minutes were ratified by the Board at the March 17, 2016 meeting.