

**BOARD OF OCCUPATIONAL THERAPY  
MINUTES**

DATE: July 25, 2019

TIME: 9:00 AM CST

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

MEMBERS PRESENT: Amanda Newbern, OT, Board Chair  
Alan Adriaanse, OT Board Member  
Drew Daniel, OT Board Member  
Marilyn Franklin, OT, Board Member  
Anita Tisdale, OT Board Member

STAFF PRESENT: Mary V. Webb, Unit Manager  
Sabrina Craig-Boyd, Board Administrator  
Lara Gill, Assistant General Counsel  
Lori Leonard, Disciplinary Coordinator

GUESTS: Elaine Eaton, TnPAP Representative

**Call to Order**

A roll call of Board Members was initiated. With a quorum present, Ms. Newbern called the meeting to order at 9:06 A.M. CST.

**Minutes**

After review, Ms. Tisdale made a motion, seconded by Mr. Daniel, to approve the minutes of the March 21, 2019 meeting as written. The motion carried.

**Office of General Counsel Report**

Lara Gill, board advisory attorney, presented the Office of General Counsel report as follows:

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### Conflict of Interest Policy

Ms. Gill discussed the Conflict of Interest policy and reminded members of their obligation to share information regarding any matter in which they might have personal or financial interest in order for a decision to be made on whether a recusal is needed.

### Litigation

There are no pending appeals from the board's disciplinary action at this time. There were also no civil suits against the board at this time.

### Disciplinary Actions

Ms. Gill presented the report of open complaints with the Office of General Counsel. As of July 15, 2019, there are fourteen (14) outstanding disciplinary complaints against seven (7) respondents who are Occupational Therapist Assistants and seven (7) who are Occupational Therapists. Ms. Gill informed the board that five (5) of the cases would be resolved by either a consent order or agreed order presented at the meeting today.

### Rules

Rules will be discussed later in the meeting.

### Consent Order

Ms. Gill presented to the board the current consent orders for chair approval.

- A. Michelle Bushy OT 1619- Ms. Bushy self-reported the incident of performing modality procedures on patients without current PAMS certification. Proposed disciplinary action for this matter is reprimand, one Type C Civil Penalty of one hundred dollars (\$100), and cost not to exceed one thousand (\$1000). This action is reported to the National Practitioners Data Bank. Mr. Daniel made motion to accept the consent order as written, Ms. Tisdale second the motion. The motion carried.
- B. Shari Davis OTA 2267- Ms. Davis practiced on a lapsed license for approximately two (2) months. Disciplinary action for this matter is reprimand, two hundred (\$200) in penalties, and cost not to exceed five hundred (\$500). This action is reported to the National Practitioners Data Bank. Ms. Tisdale made motion to accept the consent order as written, Mr. Adriaanse seconded the motion. The motion carried.
- C. Amy Garrett OT 644- Ms. Garrett practiced on a lapsed license for approximately five (5) months. Disciplinary action for this matter is reprimand, five hundred (\$500) in penalties, and cost not to exceed one thousand (\$1000). Mr. Adriaanse made motion to accept the consent order as written, Mr. Daniel second the motion. The motion carried.
- D. Vanessa Hanson OTA 1851- Ms. Hanson admits that she falsified documentation for occupational therapy activities. As a result of that admission, Ms. Hanson resigned from her employment with that facility. Disciplinary action for his matter is reprimand, six hundred (\$600) in penalties, and cost not to exceed two thousand (\$2000). This action is reported to the National Practitioners Data Bank. Mr. Daniel made motion to accept the consent order as written, Ms. Tisdale seconded the motion. The motion carried.

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- E. Nicole Zonana OT 3777-Ms. Zonana practiced on a lapsed license for approximately twenty six (26) months. Disciplinary action for this matter is reprimand, two thousand, eight hundred dollars (\$2800) in penalties, and costs not to exceed five hundred (\$500). This action is reported to the National Practitioners Data Bank. Mr. Daniel made motion to accept the consent order as written, Mr. Adriaanse seconded the motion. The motion carried.

### **Agreed Order**

- A. Carolyn Burns OTA 1048- It is alleged that on or about September 8, 2017, while at Maplewood Health Care Center in Jackson, Tennessee, Ms. Burns was verbally abusive to a Resident and aggressively donning Resident's pants. In light of the costs involved in litigation and a hearing on the merits, the Respondent and the State have agreed to settle this matter. Disciplinary action for this matter includes Voluntarily Permanently Retired License, civil penalty in the amount of two hundred (\$200), costs not to exceed four thousand (\$4000), and M. Burns is permanently prohibited from reapplying for an occupational therapy assistant license in the State of Tennessee. This action is reported to the National Practitioners Data Bank. Mr. Daniel made motion to accept the Agreed Order as written, Mr. Adriaanse seconded the motion. The motion carried.

### **Investigation and Disciplinary Reports**

Ms. Lori Leonard, Disciplinary Coordinator in the Office of Investigations presented the disciplinary report. There was one (1) occupational therapist on probation and one (1) under a board order or reprimand. There were three (3) occupational therapist assistants on probation.

Ms. Lori Leonard presented the investigative report so far for 2019 for occupational therapists. For the year, there were seven (7) new complaints - one (1) for falsification of records, one (1) for fraud and false billing, one (1) for drugs, three (3) for unprofessional conduct, and one (1) for practice beyond the scope. There were nine (9) closed complaints for the year 2019- one (1) was closed with insufficient evidence, eight (8) were closed and sent to office of general counsel for formal discipline. Currently, there are eight (8) open complaints being reviewed and/or investigated.

Ms. Lori Leonard presented investigative report so far for 2019 for occupational therapist assistants. There were two (2) new complaints- one (1) for lapsed license and one (1) for CE violation. There were eight (8) closed cases for occupational therapy assistants- one (1) closed for insufficient evidence to discipline, six (6) were sent to the Office of General Counsel for formal discipline, and one (1) was closed with a letter of warning.

Ms. Lori Leonard presented the 2019 year to date investigation report. For occupational therapists, there were two (2) open complaints being reviewed and/or investigated.

Ms. Lori Leonard presented the 2019 year to date investigation report. For occupational therapy assistants, there was one (1) new complaint for lapsed license. There were four (4) closed complaints sent to the Office of General Counsel for formal discipline. Currently, there are five (5) open complaints being reviewed.

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## Legislation

Sarah Warner, Legislative Liaison was present to report the Legislative Update 2019: Occupational Therapy Update.

### **Public Chapter 16**

This act extends the Board of Occupational Therapy to June 30, 2025. The act was signed by the governor on March 22, 2019.

### **Public Chapter 61**

This act states that an entity responsible for an AED program is immune from civil liability for personal injury caused by maintenance or use of an AED if such conduct does not rise to the level of willful or wanton misconduct or gross negligence.

This act took effect on March 28, 2019.

### **Public Chapter 131**

This act requires social workers, marriage and family therapists, professional counselors, pastoral counselors, alcohol and drug abuse counselors and occupational therapists to complete a suicide prevention training at least once every 4 years (instead of every 5 years under current law) beginning January 1, 2020.

This act was signed by the governor on April 9, 2019.

### **Public Chapter 144**

This act amends the Prevention of Youth Access to Tobacco and Vapor Products Act by limiting the places in which one may use vapor products. The act defines vapor products and prohibits the use of such products in a number of locations including child care centers, group care homes, healthcare facilities (excluding nursing homes), residential treatment facilities, school grounds, and several other areas. Several locations have specific exceptions set forth in the statute.

This act took effect on April 17, 2019.

### **Public Chapter 195**

The majority of this act pertains to boards governed by the Department of Commerce and Insurance. One small section applies to the health related boards. Currently, the health related boards have an expedited licensure process for military members and their spouses. Previously, a spouse of an active military member had to leave active employment to be eligible for this expedited process. This act removes that requirement. This section applies to all health related boards. The Commissioner of Health is permitted to promulgate rules, but rules are not needed to implement the act.

This act takes effect July 1, 2019.

### **Public Chapter 229**

This act allows healthcare professionals to accept goods or services as payment in direct exchange of barter for healthcare services. Bartering is only permissible if the patient to whom services are provided is not covered by health insurance. All barter accepted by a healthcare professional must be submitted to the IRS annually. This act does not apply to healthcare services provided at a pain management clinic.

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This act took effect April 30, 2019.

### **Public Chapter 243**

This act mandates that an agency that requires a person applying for a license to engage in an occupation, trade, or profession in this state to take an examination must provide appropriate accommodations in accordance with the Americans with Disabilities Act (ADA). Any state agency that administers a required examination for licensure (except for examinations required by federal law) shall promulgate rules in regard to eligibility criteria. This legislation was introduced to assist individuals with dyslexia.

This act took effect May 2, 2019 for the purpose of promulgating rules, and for all other purposes, takes effect July 1, 2020.

### **Public Chapter 447**

This act permits law enforcement agencies to subpoena materials and documents pertaining to an investigation conducted by the Department of Health prior to formal disciplinary charges being filed against the provider. This bill was brought by the Tennessee Bureau of Investigation.

This act went into effect May 22, 2019.

### **Public Chapter 474**

This act is known as the “Elderly and Vulnerable Adult Protection Act of 2019.” The act adds definitions of abuse, sexual exploitation, financial exploitation, and neglect. Convictions for the preceding offenses are required to be reported to the Abuse Registry. Penalties for these offenses are also increased for aggravated abuse of an elderly or vulnerable adult. In addition, this act requires any relative conservator, agent, employee of the Tennessee Commission on Aging and Disability, or guardian ad litem to be mandatory reporters if they have knowledge that an elderly or vulnerable adult is a victim of any of the offenses listed above.

This act became effective May 24, 2019 for the purpose of promulgating rules. For all other purposes, this act will go into effect January 1, 2020.

### **Applicant Interviews/Reviews**

- A. Diane McKinney- Ms. McKinney appeared before the board in person. Ms. McKinney was required to appear before the board due to derogatory information revealed on her criminal background check. Mr. Adriaanse made motion to accept Ms. McKinney’s application for unrestricted license. Mr. Daniel seconded the motion. Motion carried.
  
- B. Mark Novotny- Mr. Novotny appeared before the board in person. Mr. Novotny was required to appear before the board due to adverse action reported by the National Practitioner Data Bank. Mr. Novotny reported there was no disciplinary action taken by the NPDB and he is licensed in the state of Colorado. Board members reviewed the information from the NPDB and asked questions regarding the incident. Ms. Tisdale made motion to accept Mr. Novotny’s application for unrestricted license by reciprocity. Mr. Adriaanse seconded the motion. The motion carried.

### **Tennessee Professional Assistance Program (TnPAP)**

Ms. Eaton, TnPAP representative presented the end of fiscal year report to the board. Ms. Eaton reported that zero (0) licensees were currently being monitored. During the 2019 fiscal year there was one (1) referral from the OT Board. There were zero (0) monitoring agreements signed during the fiscal year two (2) were recently discharged from the program with one (1) professional completing the program and one

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(1) was evaluated with no monitoring recommended. Ms. Eaton presented the statistical report of the five year monitoring agreement between the Occupational Therapy Board and TnPAP.

To accommodate schedules of guest speakers, agenda was altered to address New and Old Business at this time.

New and Old Business – please elaborate more on what other details were discussed

- A. Justin Mann with CE Broker was present to showcase information regarding the CE Broker website. The board requested Mr. Mann to return to the scheduled October meeting for further consideration.
  
- B. Barbara Williams with the NBCOT was present to showcase the work done by the national organization and its relationship with state regulatory boards.

**Ratification of Initial Determinations**

Ms. Tisdale made a motion, seconded by Mr. Daniel, to ratify the list presented on newly licensed Occupational Therapists and Occupational Therapy Assistants, including Occupational Therapists and Occupational Therapy Assistants with modalities, license reinstatements, and closed files, with the exception of applicant Tanya Crigler. The motion carried:

Newly Licensed Occupational Therapist  
March 13, 2019- July 16, 2019

Aldridge, Mary	Combs, Brian
Ashe, Mallory	Cox, Rachel
Banks, Tyra	Crutcher, Kiera
Beatty, Danielle	Davis, Hayley
Bermundez, Ellen	Disler, Shelby
Benton, Savannah	Dixon, Brittany
Berger, Jeryl	Dixon Garrick, Angie
Bonham, Cheryl	Downey, Lona
Bonzell, Andrea	Downing ,Larick, Chelsea
Bowers, Brittany	Ethridge, Lynnze
Braidic, Ellie	Floyd, Shannon

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Bridges, Indya	Foster, Kayla
Buday, Alexa	Frank, Rachel
Calarco, Kimberly	Gagne, Kelsey
Caldwell, Sarah	Garner-Houston, Carol
Cambron, Faith	Garner, David
Campbell, Matthew	Gegen, Margaret
Carden, Brittany	Gilchrist, Abbey
Carlson, Mary-Ruth	Gipson, Tammy
Cecchi, Kim	Goodman, Amy
Cinelli, Jaclyn	Grimes, Cassie
Cline, Jeremiah	Harcrow, Madeline
Harding, Alyssa	Loose, Courtney
Heavner, Holly	Manieri, Martha
Hicks, Whitney	Marshall, Jane
Hill, Lauryn	McCann, Heather
Hill, Rachel	McDonald, Kristin
Holden, Catherine	McGee, Lauren
Holden, Chelsea	Mershad, Lauren
Holmes, Shirley	Merrick, Margaret
Holmes, Valerie	Miller, Lindsay
Howe, Kelly	Mincey, Meghan
Hurst, Wendy	Morelock, Faith
Jaffery, Annese	Moss, Calicia
Janaskie, Leeann	Mulvaney, Alyse
Jarnagin, Halle	Munro, Hannah
Joffe, Kim	Murphy, Lauren

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Jones, Sonia	Nagy, Madeleine
Jones, Taylor	Newman, Lauren
Laborde, Lauren	Nichols, Timothy
Lambert, Morgan	Ojeda, Janise
	Oliver, Victoria
Langford, Mary	Oneill, Sara
Larson, Jessica	Orr, William
Latting, Megan	Papadopolous, Maria
Lawson, Cindy	Peterman, Sarah
Lepper, Melissa	Phillips, Ashley

Plating, Catherine	Tuttle, Lindsey
Powell, Autumn	Uzzell-Baggett Karon
Poynton, Virginia	Van Aalsburg, Jacob
Qualls, Hanaria	Varner, Kathryn
Reece, Jeremie	Viswanathan, Leigh
Reynolds, Madeline	Volkman, Katherine
Rollheiser, Toby	Walker, Kelcey
Ruggeri, Joelle	Webb, Allison
Sager, Morgan	Wheat, Sarah
Scarborough, Rachel	White, Emily
Schmidt, Kathryn	Widick, Maggie
Schryver, Grant	Williams, Rebecca
Selby, Zachary	Young, Matthew

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Seager, Taylor	Young, Rachel
Sheehan, Alison	Zandee, Rachel
Smith, Abigail	Zeh, Ellen
Smith, Shelby	Zettel, Therese
Sparkman, Jaime	Vaughn, Camille
Statham, Thomas	
Stecko, Jaclyn	
Thomas, Melissa	
Thompson, Tanya	
Tidwell, Alyssa	
Toll, Elina	
Toole, Jay	

Newly License Occupational Therapy Assistants

March 13, 2019- July 16, 2019

Alexander, Charles	Fazzino, Christine
Alexander, Jennifer	Garrett, Shelby
Anderson, Mason	Gildner, Ashton
Arndts, Samantha	Graubner, Emily
Arredondo, Arnold	Gresham, Jacob
Ballard, Autumn	Hanson, Kimberly
Becerra, Jennifer	Heady, Sara
Bowman, Teresa	Hesser, Catherine
Butler, Abigail	Hinson, Katie
Carroll, Shelia	Hooks, Sami
Coleman, Brittney	Howland, Lauren

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Cooper, Paige	Kalchbrenner, Laura
Cunningham, Heather	King, Kylie
Daffron, Caitlin	Kingry, Kimberly
Davis, Cecilia	Kolb, Amber
Davis, Tyler	Lafferty, Brynn
Day, Kinsey	Lengfield, Sarah
Dean, Victoria	Lipchik, Jack
Delzeith, Jill	Manning, Gloria
Diedel, Marina	Mathews, Catherine
Drury, Whitney	Miller, Elizabeth
Dunn, Holli	Milligan, Amanda
Mitchell, Kaity	Lancaster, James
Mullins, Emily	Lewis, Carly Lee
Nall, Kristen	
Napier, Amber	
Newmy, Jolandria	
Parker, Samantha	
Peeler, Marissa	
Perry, Kathryn	
Phelps, Caitlyn	
Revelle, Whitney	
Richmond, Lillian	
Richesin, Mary	
Riddick, Ashley	

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Scudder, Kaci

Setzer, Gail

Smith, Alexis

Staley, Kelly

Stevens, Megan

Swims, David

Uy, Homerose

Vescio, Jenna

White, Jordan

White, Kristin

Winstead, Taylor

Reinstated Occupational Therapist

March 13, 2019-July 16, 2019

Bartlett, Pamela

Jugov, Sandra

Martino, Morgan

Miller, Gregory

Vaughn, Beverly

Reinstated OT Assistants

March 13, 2019-July 16, 2019

Crigler, Tanya

Fisher, Charlotte

Lewis, Connie

Lowe, Martha

Limited Permit

March 13, 2019-July 16, 2019

Lee, Carli Lauren OTA

Poston, Aspen

Miller, Elizabeth OTA

Closed Applications

Bonar, Bobi	Lawrence, Shelby	White,
Kimberly		
Costilla, Tomas	McGee, Tammy	
Frisby, Carol	Poltras, Sarah	
Hoffpauir, Maryangelia	Santiago, Cassabdra	
Johnson, Kristine	Steele, Christy	
Lansford, Megan	Watts, Olivia	

Administrative Report

**BOARD OF OCCUPATIONAL THERAPIST  
ADMINISTRATOR REPORT  
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This is an administrative report from Sabrina Craig-Boyd, Board Administrator. The information contained in this report will keep the Board aware of all essential activities pertaining to licensure for Occupational Therapist.

**STATISTICAL DATA**

As of July 16, **2019** the Board of Occupational Therapy has **2961** active Occupational Therapist and **1660** Occupational Therapy Assistants

LICENSURE STATUS TOTALS FROM THE MONTHS OF  
March 13, 2019 through July 16, 2019

<b>OCCUPATIONAL THERAPIST</b>	
New applications received – 142	
New licenses issued – 134	Renewal Total – 413
Reinstatements – 5	Online Renewals – 352
Limited Permit – 0	Paper Renewals – 61
Licenses Retired – 6	
Failed to Renew/Expired Licensees – 47	
<b>OCCUPATIONAL THERAPY ASSISTANT</b>	
New applications received – 105	

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New licenses issued – 70	Renewal Total – 240
Reinstatements – 4	Online Renewals – 197
Limited Permit - 6	Paper Renewals – 43
License Retired- 5 Failed to Renew/Expired Licensees –24	

**For this reporting period, the usage rate for utilizing the online renewal portal for Occupational Therapist is 85%; Occupational Therapy Assistants, 82%**

**Upcoming Board Meeting Dates**

- October 24, 2019
- January 9, 2020
- March 19, 2020
- July 23, 2020
- October 22, 2020

**Upcoming Conferences**

- CLEAR- 2019 Annual Educational Conference, Minneapolis, MN, September 18-21, 2019
- FARB-2019 Federation of Associations of Regulatory Boards, St. Louis, MO, October 3-6, 2019

**INTERNET**

The Board’s internet website is an excellent location to find valuable board information for licensees and applicants. Please visit the site at <http://tn.gov/health/topic/Chiro-board>. Should you have any suggestions or comments, please feel free to contact the Board at 615.741.3807.

Mr. Adriaanse made motion to accept the additional board meeting date January 9, 2020. Mr. Daniel seconded the motion. The motion carried.

**Agreed Citations**

- A. Rachel Augustine, OT 3360-Ms. Augustine was issued an agreed citation for failure to properly maintain a sufficient number of the required twenty-four (24) continuing competency credits. Ms. Augustine was issued a civil penalty in the amount of one hundred dollars (\$100) and is required to complete the total number of hours found to be deficient. Mr. Daniel made motion to accept the agreed citation as written. Mr. Adriaanse seconded the motion. The motion carried.
- B. Martha Lowe, OTA 1079-Ms. Lowe was issued an agreed citation for practicing on a lapsed license for approximately three (3) months. Ms. Lowe was assessed a civil penalty in the amount of two hundred dollars (\$200). Ms. Tisdale made motion to accept the agreed citation as written. Ms. Franklin seconded the motion. The motion carried.
- C. Joni Strunk, OT4125-Ms. Strunk was issued an agreed citation for failure to properly maintain a sufficient number of the required twenty-four (24) continuing competency

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- credits. Ms. Strunk was issued a civil penalty in the amount of one hundred dollars (\$100) and is required to complete the total number of hours found to be deficient. Mr. Adriaanse made motion to accept the civil penalty as written. Mr. Daniel seconded the motion. The motion carried.
- D. CLEAR 2019 Annual Education Conference, Minneapolis MN, September 18-21, 2019. Ms. Tisdale made motion to approve for up to two board members to attend this conference. Mr. Daniel seconded the motion. The motion carried.
  - E. FARB 2019 Federation of Associations of Regulatory Boards, St. Louis MO October 3-6, 2019. Ms. Gill requested to attend the FARB Conference. Ms. Franklin made motion for Ms. Gill and up to two board members to attend the FARB conference. Ms. Tisdale seconded the motion. The motion carried.
  - F. Suicide Prevention Task Force- Board members discussed the upcoming deadline for inclusion of the suicide prevention CEU requirement. What other details were discussed?
  - G. Lapsed/Late Renewal- Ms. Gill discussed the increasing number of licensees who have continued to practice on a lapsed license. What other details were discussed?
  - H. Morgan Taylor PAMS Course submission-After review of the re-submission from Morgan Taylor, Mr. Adriaanse made motion to accept Ms. Taylors PAMS course. Ms. Tisdale seconded the motion. The motion carried.

### **Adjournment**

There being no other business to discuss, a motion was made by Mr. Daniel, seconded by Mr. Adriaanse, to adjourn the July 25, 2019 board meeting. The motion carried.

The meeting adjourned at 12:31pm.

**These minutes were ratified by the Board at the October 24, 2019 meeting.**