

**BOARD OF OCCUPATIONAL THERAPY
MINUTES**

DATE: July 30, 2020
TIME: 9:00 AM CST
LOCATION: Iris Conference Room
665 Mainstream Dr, 1st Floor
Nashville TN 37243

MEMBERS PRESENT: Amanda Newbern, President
Drew Daniel, Secretary
Anita Tisdale, Board Member
Allen Adriaanse, Board Member
Hollie Simpson, Board Member

STAFF PRESENT: Noranda French, Unit Director
Mary V. Bennett, Board Manager
Sabrina Craig-Boyd, Board Administrator
Lara Gill, Senior Associate General Counsel
Lori Leonard, Disciplinary Coordinator
Maria McCormick, Division of Health Licensure and
Regulation

DUE TO COVID-19, THIS MEETING WAS CONDUCTED VIRTUALLY THROUGH WEBEX MEETINGS.

Call to Order

With a quorum present, Ms. Newbern called the meeting to order at 9:07AM. A roll call was taken by Noranda French with all members present except for Mr. Daniel. Ms. Newbern made a motion to proceed with the meeting electronically. Ms. Tisdale seconded the motion. Roll call - Adriaanse, aye, Tisdale, aye, Newbern, aye, Simpson, aye. The motion passed.

Legislation

Alexa Witcher, Office of Legislative Affairs, presented the report on relevant legislation.

Public Chapter 573

This act amends the Tennessee Together statutes. It expands the definition of “alternative treatments” by adding “nonopioid medicinal drugs or drug products, occupational therapy, and interventional procedures or treatments.” This is primarily relevant to the treatments that must be disclosed and explained by a healthcare practitioner to a patient or the patient's legal representative as a prerequisite to obtaining informed consent to treatment with an opioid.

This act took effect on March 19, 2020.

Public Chapter 594

This act was the Department of Health’s Licensure Accountability Act. The bill allows all health related boards to take action against a licensee that has been disciplined by another state for any acts or omissions that would constitute grounds for discipline in Tennessee. The law also expands available emergency actions, allowing actions beyond simply a summary suspension. Finally, the act establishes that the notification of law changes to health practitioners can be satisfied by the online posting of law changes by the respective boards. Notice must be maintained online for at least 2 years following the change.

This act took effect March 20, 2020.

Public Chapter 738

This act prohibits a governmental entity from authorizing destruction of public records if the governmental entity knows the records are subject to a pending public record request. Prior to authorizing destruction of public records an entity must contact the public record request coordinator to ensure the records are not subject to any pending public record requests. Records may still be disposed of in

accordance with an established records retention schedule/policy as part of an ordinary course of business as long as the records custodian is without knowledge the records are subject to a pending request.

This act took effect on June 22, 2020.

No public discussion.

Minutes

After a review of the minutes of the April 30, 2020 meeting, Mr. Adriaanse made motion to amend the board meeting minutes, Ms. Tisdale seconded the motion. Roll call - Adriaanse, aye, Tisdale, aye, Newbern, aye, Simpson, aye. The motion passed.

No public discussion.

Office of General Counsel Report

Senior Associate General Counsel, Lara Gill presented the Office of General Counsel report:

Appeals

At this time there are no pending appeals from the Board disciplinary action.

Civil Suits

At this time there are no pending civil suits.

Pending Complaints in OGC

As of July 20, 2020, there are seven (5) outstanding disciplinary complaints against one (1) respondents who are occupational therapy assistants and four (4) who are occupational therapists. Two (2) complaints are currently set to be heard as contested cases at the October 22, 2020 meeting.

Rules

The rule changes have been submitted to your advisory attorney to OGC for internal review at OGC. Once internal review is complete the rules can be set for rulemaking hearing.

Legislation

The COVID 19 pandemic and recent executive orders by Governor Lee are allowing OT's to practice via telehealth. The interpretation of the telehealth statute and the practice act will also be discussed in this meeting (July 30,2020).

Discussion

A proposed position statement regarding the practice of telehealth beyond the Covid 19 pandemic will be presented to the Board for consideration. The Board may vote to issue this statement or decline to issue this statement.

Pursuant to TENN. CODE ANN. § 63-1- 155(a)(1)(A), a “health care provider” that may statutorily practice telehealth means “any provider licensed under this title who is authorized to diagnose and treat humans.” TENN.CODE ANN.§63-13-103(9)(A) defines Occupational Therapists’ scope of practice. The definition contained in TENN. CODE ANN.§63-13-103(9)(A) does not include the ability to diagnose. It is the interpretation of the Office of General Counsel that occupational therapists do not have both the ability to independently diagnose and treat humans as required by TENN. CODE ANN. § 63-1-155(a)(1)(A).

Another issue for discussion is the PAMCA credentialing forms. OGC and previous Board Administration have requested that PAMCA cease using certain forms because it is confusing licensees and causing delays in some certifications. Dr. McPhee agreed to present to the Board to address this issue.

Ms. Gill presented the Board with one (1) Consent Order as follows:

1. Corban, Cynthia OT 475- Ms. Corban was found to be practicing on an expired license from approximately November 2016 through March 2017. Ms. Corban also failed to comply with the terms of a previous consent order from 2016. Ms. Corban did not complete all coursework and pay the fines as stipulated in the pervious consent order. Ms. Corban has agreed to voluntarily surrender her license and to pay the costs associated with this case which will not exceed one thousand dollars (\$1000) and this matter will be reported to the National Practitioner Data Bank (N.P.D.B.) and/or similar agency as a revocation.

Mr. Adriaanse made a motion to accept the consent order as presented, Ms. Tisdale seconded the motion. Roll call - Newbern, aye, Tisdale, aye, Adriaanse. The motion passed.

Investigative and Disciplinary Reports

Lori Leonard, Disciplinary Coordinator in the Office of Investigations began her report with the summary of currently monitored practitioners. A breakdown is as follows: Occupational Therapist there were five (5) under reprimand, two (2) on probation, one (1) under suspension, and one (1) under revoked or surrendered license. For Occupational Therapy Assistants there were three (3) under reprimand, three (3) under probation, one (1) under suspension, and one (1) under revoked or surrendered license.

For Occupational Therapist-The investigative report breakdown is as follows: the Office of Investigations has **opened** a total of three (3) complaints for 2020. Those allegations included one (1) for falsification of records and two (2) for practice beyond the scope.

Investigations **closed** a total of four (4) complaints; one (1) with insufficient evidence, one (1) closed and sent to office of investigations for formal discipline, one (1) closed with a letter of concern and one (1) closed with a letter of warning.

For Occupational Therapy Assistants-The investigative report breakdown is as follows: The office of Investigations has **opened** a total of three (3) complaints; one (1) for abuse and one (1) for unprofessional conduct. One (1) complaint has been closed with a letter of warning.

Division of Health Licensure and Regulations

No report at this time.

TNPAP

Ms. Theresa Phillips was available to present the TNPAP report. At this time there were no Occupational Therapists being monitored by TNPAP. For Occupational Therapy Assistants, there was one (1) licensee and one (1) applicant being monitored. TNPAP has two referrals during the time frame of July 1, 2019- June 30, 2020. One was an agreed order from the Board and the other was a credentialing applicant. TNPAP had two agreements entered and no discharges during this time frame.

Ratification List

April 21, 2020 – July 20, 2020

Newly Licensed Occupational Therapist

April 21, 2020 – July 20, 2020

Anderson Shelby Nicole

Archer Jennifer

Arnwine Reagan Elizabeth

Barnes Hensley Lea

Benjamin Amanda Leigh

Beros Lynsey Michaela

Bethel Alanna

Boddy Shannon Marie

Brown Lorunda

Bush Cheryl Ann

Cardenas Ashley

Carlson Alice Marie

Carpenter Adrienne

Clark Caitlin

Cline Aleise

Coleson April Nicole

Compton Laura

Craig Caroline Kathleen Anne

Dodson Jennifer

Dudley Makensie

Elmore Amber Rene

Francis Savannah Grace

French Mary-Brooke Seale

Freshwater Cameron W

Gardner Kaylee Ray

Gialanella Raeanne Elizabeth

Goad Nicole

Hanna Lauren Clare

Hayes Allison
Helm Brandi M
Hendricks Tori
Herndon Logan Paige
Howe Sara Anne
Hudgings Victoria Danielle
Jensen Valerie Morgan
Kaiser Darla Jean
Kirk Jessica
Kirkpatrick Aaron
Kiso Amanda Theresa
Laplue Lee Anne
Lickwar Olivia
Lin Angelica Beth
Little Mary Margaret
Lobo Eryn
Lumpkin Hayley
Mace Emma Roberson
Mandlehr Katheryn Elizabeth
Mann Michelle Mary
Mcclintock Kelli
Mcgee Mckensie Graceann
Mclemore Emily Marie
Mellinger Mackenzie
Otis Lori Lynette
Peters Shanel Sandra
Pindar Jillian Katherine
Pizzolato Nicole
Robinson Meghan Shaul
Roling Lacy
Schar Lauren Elizabeth
Senackerib Laura
Smith Clarissa Fells
Smith Rebecca Branistareanu
Sollman Rachael
Stringfield Ansley
Tanner Desiree Vonta
Thomas Sarah
Thomasch Joanna Dibari
Uy Charmaine Quimera
Van Haecke Irene
Widmann Sally
Williamson Lauren

Wrinkle Brittany

Newly Licensed Occupational Therapy Assistants

April 21, 2020 – July 20, 2020

Alabi Phrisiah Wangari
Baggett Christy
Curry Ashley Nicole
Duke Natalie
Gendy Androu
Gorman Jill Elizabeth
Hicks Delisha Lashaun
Kapoor Felicia Mukesh
Long Shelby
Middeker Monica Lynn
Morrow Brittney Nickole
Person Sara Catherine
Ravela Allezandra
Robinson Dolly Ann
Rosser Jaden Faith
Sweetin Pamela Rena
Taylor Jr Stanford

Reinstated Occupational Therapist

April 21, 2020 – July 20, 2020

Bigham Kelsey Crawford
Brown Katherine Yvonne
Chittom Suzanne Foster
Freshwater Stephen Montgomery
Humphrey Deena Jo
Minx Jill
Reaves Venodia
Reneau Stephanie Amber
Spain Marsha Dawn
Thomasch Joanna Dibari

Reinstated Occupational Therapy Assistants

April 21, 2020 – July 20, 2020

Middeker Monica Lynn

Robinson Dolly Ann

Wall Tripp Courtney Lynn

Welty Ronda Mae

Modality Certification Issued

April 21, 2020 – July 20, 2020

Burleson Julie

Conley Erika

Dunnavant Hannah

Gonsoulin Thomas

Garner David

Grant Kelsey

Hudgings Victoria

McGee Lauren

Phifer Ashley

Piazza Moriah

Pizzolato Nicole

Powers Brittany

Scarborough Rachel

Soholt Erin

Limited Permit

April 21, 2020 – July 20, 2020

Gore Dalton James

Francescon Mary Madeline

Closed Application

April 21, 2020 – July 20, 2020

Augustine Marissa

Brown Shelly Elaine

Jones Jenna

Ms. Newbern made a motion to accept the ratifications for newly licensed applicants as presented, Ms. Tisdale seconded the motion. Roll call - Newbern, aye, Simpson, aye, Tisdale, aye, Adriaanse, aye, Daniel, aye. The motion passed.

Ms. Newbern made a motion to accept the ratifications for reinstated licensees as presented, Ms. Simpson seconded the motion. Roll call - Newbern, aye, Simpson, aye, Tisdale, aye, Adriaanse, aye, Daniel, aye. The motion passed.

Ms. Tisdale made a motion to accept the ratifications for modality certifications as presented, Mr. Adriaanse seconded the motion. Roll call - Newbern, aye, Simpson, aye, Tisdale, aye, Adriaanse, aye, Daniel, aye. The motion passed.

Ms. Newbern made a motion to accept the ratifications for temporary permits as presented, Ms. Tisdale seconded the motion. Roll call - Newbern, aye, Simpson, aye, Tisdale, aye, Adriaanse, aye, Daniel, aye. The motion passed.

Ms. Newbern made a motion to accept the ratifications for closed files as presented, Ms. Simpson seconded the motion. Roll call - Newbern, aye, Simpson, aye, Tisdale, aye, Daniel, aye. The motion passed.

No public discussion.

Administrative Report

BOARD OF OCCUPATIONAL THERAPY ADMINISTRATOR REPORT July 30, 2020

This is an administrative report from Maranda Snipes, Board Administrative Assistant. The information contained in this report will keep the Board aware of all essential activities pertaining to licensure for Occupational Therapy.

STATISTICAL DATA

As of July 20, 2020 the Board of Occupational Therapy has 3150 active Occupational Therapists and 1732 active Occupational Therapy Assistants.

LICENSURE STATUS TOTALS FROM THE MONTHS OF April 21, 2020 through July 20, 2020

OCCUPATIONAL THERAPIST	
New applications received – 493	
New licenses issued – 73	Renewal Total – 319
Reinstatements – 10	Online Renewals – 261
Limited Permit – 0	Paper Renewals – 58
Licenses Retired – 2	
Failed to Renew/Expired Licensees – 0	
OCCUPATIONAL THERAPY ASSISTANTS	
New applications received – 304	
New licenses issued – 17	Renewal Total – 179
Reinstatements – 5 Limited Permit- 2	Online Renewals – 155 Paper Renewals- 24
Licenses Retired – 3	
Failed to Renew/Expired Licensees – 0	
OCCUPATIONAL THERAPY ASSISTANTS	

For this reporting period, the usage rate for utilizing the online renewal portal for Occupational Therapists is 81.82% and Occupational Therapy Assistants is 86.59%

Upcoming Board Meeting Dates

October 22, 2020

January 14, 2021

April 29, 2021

July 29, 2021

October 7, 2021

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.

Agreed Citations

Ms. French presented to the Board the Agreed Citation as follows.

1. **Ronda Welty** OTA 1286 – Ms. Welty was issued an agreed citation for practicing on a lapsed license for the time frame of approximately February 1, 2020 to June 15, 2020. She submitted an application for reinstatement on June 16, 2020. She has signed the agreed citation and paid the fine of five hundred dollars (\$500). Ms. Welty has been reinstated as of July 6, 2020. Ms. Newbern made a motion to accept the agreed citation as presented. Mr. Adriaanse seconded the motion. Roll call - Newbern, aye, Tisdale, aye, Simpson, aye, Adriaanse, aye, Daniel, aye. The motion passed.

Correspondence

Chandler Malloy, OT (extension request) – This licensee requested an extension from the Board to submit their course certificate and application for approval to practice modalities. Ms. Newbern made a motion to deny the request due to not submitting the request in its entirety within the two-year completion date. Ms. Simpson seconded the motion. Roll call - Newbern, aye, Tisdale, aye, Simpson, aye, Daniel, aye. The motion passed.

Amy Allen, HHS Secretary Renews Public Health Emergency – Ms. Allen inquired as to whether a federal order allowing telehealth for occupational therapists would supersede the state law. Ms. Gill states that it is the position of the Office of General Counsel that an occupational therapist may not continue to practice telehealth after the expiration of Governor Bill Lee's Executive Order No. 15 as amended and extended by Executive Order Nos. 20, 32, 36, 38 and 50 regarding the practice of telehealth by occupational therapists during the COVID-19 pandemic.

Cindy De Ruiter Blackwell, TNOTA regarding telehealth – Ms. Blackwell requested that the Board make a statement regarding telehealth practice for occupational therapy services to clarify what is permitted in the practice act. Ms. Gill does present a policy statement regarding the position of the Office of General Counsel on telehealth.

Carlene, question regarding referrals to provide OT services – The Board could not answer this question as it is in regards to scope of practice and would require legal advice.

Rule Making

OT Telehealth Practice – Ms. Gill presented a policy position statement to the Board for review. It stated that it is the position of the Board of Occupational Therapy that an occupational therapist may not continue to practice telehealth after the expiration of Governor Bill Lee's Executive Order No. 15 as amended and extended by Executive Order Nos. 20, 32, 36, 38 and 50 regarding the practice of telehealth by occupational therapists during the COVID-19 pandemic. Ms. Simpson made a motion to table the discussion regarding the position statement until the

next meeting. Mr. Adriaanse seconded the motion. Roll call - Newbern, aye, Tisdale, aye, Simpson, aye, Adriaanse, aye, Daniel, aye. The motion passed.

Applicant Interview/File Review

- A. **Kaci Exum**- Ms. Exum was present at the meeting. Ms. Exum was required to appear before the board at January 2020 meeting, due to adverse actions taken by the TN Board of Nursing. Ms. Exum was issued a consent order and did voluntarily surrender her license to the TN Board of Nursing. At the January 2020 meeting, the Board of Occupational Therapy ordered Ms. Exum to have a TNPAP evaluation. Ms. Exum appeared before to the board today to request that she receive a conditional license contingent on the recommendations from the TNPAP evaluation. Ms. Exum decided to withdraw her request for a license due to financial hardship and decided to let her application for licensure expire administratively.

Old and New Business

Scott McPhee, PAMPCA – Mr. McPhee’s attendance was requested by the Board for further questions regarding his PAMCA application for his students. After discussion, the Board decided that the changes made to his application were sufficient to reduce confusion from the Board’s application with licensees.

Marcia Mann, CE Broker – Ms. Mann was present at this meeting to field any questions from the Board. Ms. Mann notified the Board that licensees are now able to sign up and create an account on CE Broker.

Discuss and take action if needed regarding CE requirements for 2020 (Covid-19) – Ms. Gill presented the policy issued from the Office of the Commissioner for the Division of Health Licensure & Regulation. The Commissioner has been designated the authority through Executive Order 50 to waive the in-person/live continuing education requirements from March 12, 2020, through 11:59p.m., Central Daylight Time, until August 29, 2020. For the Commissioner’s audit of continuing education credit hours to be obtained in any period that encompasses the calendar year of 2020, all continuing education credit/hours that are obtained through non in-person/live methods will be accepted as proof of completing any continuing education requirements that are a condition of renewing and reinstating a license, certification or registration. The Commissioner

will not audit the in-person or live event component for hours obtained during this time. The audit process will otherwise remain unchanged.

Adjourn

Mr. Adriaanse made motion to adjourn the meeting. Ms. Newbern seconded the motion. Roll call - Newbern, aye, Tisdale, aye, Simpson, aye, Adriaanse, aye, Daniel, aye. The motion passed.