

**BOARD OF OCCUPATIONAL THERAPY
MINUTES OF SPECIAL BOARD MEETING**

DATE: January 26, 2018

TIME: 9:00 AM CST

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

MEMBERS PRESENT: Amanda Newbern, OT, Board Chair
William Daniel, Board Secretary
Anita Tisdale, OT, Board Member
Anita Mitchell, OT, Board Member

MEMBER(S) ABSENT: Marilyn Franklin, OTA, Board Member

STAFF PRESENT: Michael Sobowale, Unit Director
Mary V. Webb, Unit Manager
Crystal Bloom, Board Administrator
Denard Mickens, Assistant General Counsel

GUESTS: Honorable Tom Stovall, Administrative Law Judge
Cara Casey English, OTA, License # 1495
Ryan Johnson, Attorney, Nashville Bar

Call to Order

A roll call of Board Members was initiated. With a quorum present, Ms. Newbern called the meeting to order at 9:05 A.M. CST.

2018 NBCOT State Leadership Forum

2018 NBCOT State Leadership Forum will be held in Atlanta, GA on April 6-7, 2018.

Mr. Daniel made a motion, seconded by Ms. Mitchell, to approve the Ms. Amanda Newbern, OT Board Chair and Mr. Michael Sobowale, Unit Director, to attend the 2018 NBCOT State Leadership Forum as representatives of the Board. The motion carried.

Office of General Counsel Report

Conflict of Interest Policy

Mr. Mickens 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.

Consent Order

Rachel M. Caudill, OTA License #1565

Ms. Caudill practiced on an expired license from February 1, 2015 through on or about November 8, 2016. Mr. Mickens presented a Consent Order to the Board stating the following: Ms. Caudill's license is reprimanded by the Board and she is assessed twenty-one (21) Type C Civil Penalties in the amount of one hundred dollars (\$100.00) each, for a total of two thousand one hundred dollars (\$2,100.00) for unlicensed practice, which shall be paid in full within six (6) months from the effective date of the Order. Ms. Caudill also agrees to pay the actual and reasonable costs of prosecuting the case, which shall not exceed two thousand dollars (\$2,000.00), to be paid in full within three (3) months from the issuance of the Assessment of Costs. Ms. Caudill will also complete an additional ten (10) hours of continuing education on the topic of Tennessee occupational therapy ethics.

A motion was made by Ms. Mitchell, seconded by Ms. Tisdale, to accept the Consent Order as presented. The motion passed.

Contested Case Hearing – Docket No. 17.19-147315A

Cara Casey English, OTA License No. 1495 - Respondent

The State was represented by Denard Mickens, Assistant General Counsel. Presiding over the case was the Honorable Tom Stovall, Administrative Law Judge assigned by the Secretary of State.

Ms. English was present and was represented by counsel, Attorney Ryan Johnson.

The State's case was presented to the Board Members: Amanda Newbern, OT, Anita Mitchell, OT, Anita Tisdale, OT, and William Daniel, Consumer Member. The State called one (1) witness: Mr. Dustin Valentour. There was one (1) witness for the respondent: the respondent, Cara Casey English.

Mr. Mickens presented the State's case contained in the Amended Notice of Hearing and Charges which included the Allegations of Fact:

Ms. English has been at all times pertinent hereto licensed by the Board as an occupational therapy assistant in the State of Tennessee, having been granted Tennessee occupational therapy assistant license number 1495 by the Board on August 16, 2005. Ms. English's license was last renewed on August 17, 2015 and has a current expiration date of August 31, 2019.

From on or around January 2015 until on or about October 26, 2015, Ms. English worked as an occupational therapy assistant for a company called Evergreen Rehabilitation.

Among her duties while working for Evergreen Rehabilitation, was to provide occupational therapy services to patients residing at the Soddy Daisy Healthcare Center.

On or about October 26, 2015, Ms. English attempted to take medication intended for a patient when she took an OxyContin pill from a cup of medication that was to be administered to a resident of Soddy Daisy. Ms. English's alleged attempted theft was witnessed and reported to management. Ms. English was subsequently terminated from her employment with Evergreen effective October 26, 2015.

After all parties presented their witnesses, rebuttal statements, and closing statements, Mr. Mickens presented the State's Proposed Order containing the State's Findings of Fact, Conclusions of Law, and Policy Statement for Board consideration and action in the matter. Respondent also presented a counter Proposed Order containing Respondent's Findings of Fact, Conclusions of Law, and Policy Statement for Board consideration and action.

II. Findings of Fact

Upon deliberation, Ms. Mitchell made a motion, seconded by Ms. Tisdale, for the Board to adopt paragraph 8 as written in the Allegations of Fact as a Finding of Fact. The motion carried.

A motion was made by Drew Daniel, seconded by Anita Tisdale, for the Board to adopt paragraph 9 as written in the Allegations of Fact as a Finding of Fact. The motion carried.

A motion was made by Anita Tisdale, seconded by Drew Daniel, for the Board to adopt paragraph 10 as written in the Allegations of Fact as a Finding of Fact. The motion carried.

A motion was made by Amanda Newbern, seconded by Anita Tisdale, for the Board to adopt paragraph 11 as written in the Allegations of Fact as a Finding of Fact. The motion carried.

Anita Mitchell moved to amend statement contained in paragraph 11 of the Allegations of Fact to state that "Respondent attempted to take medication intended for a patient and that Respondent knew that the medication she took was OxyContin". Anita Tisdale seconded the motion for the Board to adopt amended Allegations of Fact in this paragraph as a Finding of Fact. The motion carried.

A motion was made by Anita Tisdale, seconded by Anita Mitchell, for the Board to adopt paragraph 12 as written in the Allegations of Fact as a Finding of Fact. The motion carried.

A motion was made by Anita Tisdale, seconded by Drew Daniel, for the Board to adopt paragraph 13 as written in the Allegations of Fact as a Finding of Fact. The motion carried.

III. Conclusions of Law

Mr. Daniel made a motion, seconded by Ms. Tisdale, to accept paragraph 14 as written in the Causes of Action as Conclusion of Law. The motion carried.

Anita Mitchell made a motion, seconded by Mr. Daniel, to accept paragraph 15 as written in the Causes of Action as Conclusion of Law. The motion carried.

Anita Tisdale made a motion, seconded by Ms. Mitchell, to accept paragraph 16 as written in the Causes of Action as Conclusion of Law. The motion carried.

Mr. Daniel made a motion, seconded by Ms. Mitchell, to accept paragraph 17 as written in the Causes of Action as Conclusion of Law. The motion carried.

Mr. Daniel made a motion, seconded by Ms. Tisdale, to accept paragraph 18 as written in the Causes of Action as Conclusion of Law. The motion carried.

Mr. Daniel made a motion, seconded by Ms. Tisdale, to accept paragraph 18 as written in the Causes of Action as Conclusion of Law. The motion carried.

IV. Order

After deliberation by the Board, Ms. Newbern made a motion for the Board to assess the Respondent One (1) Type B Civil Penalty in the amount of five hundred (\$500) dollars as discipline for the violations found in paragraphs 14 and 17 in the Conclusions of Law. The motion was seconded by Mr. Daniel. The motion carried.

Ms. Newbern made a motion, seconded by Ms. Mitchell, for the Board to assess the Respondent One (1) Type B Civil Penalty in the amount of two hundred and fifty (\$250) dollars as discipline for violation of Tennessee Code - unprofessional and dishonorable conduct, attempted violation of statute, and knowingly possessing or exchanging controlled substance, to be paid in full within twelve (12) months. The motion carried.

Ms. Mitchell made a motion, seconded by Anita Tisdale, for Ms. English to also be assessed the costs of the proceedings, not to exceed three thousand (\$3,000) dollars, to be paid in full within twelve (12) months from the issuance of the assessment of costs. The motion carried.

In addition, Ms. Mitchell moved for Respondent's license to be placed on probation for one (1) year with no Home Health setting practice, as well as for Respondent to obtain an evaluation with the Tennessee Professional Assistance Program (TnPAP). The motion was seconded by Ms. Tisdale. The motion carried.

As reason for this action, the Board stated that it took this decision for the protection of the health and welfare of the public.

Thereafter, the Honorable Tom Stovall adjourned the Contested Case Hearing.

Adjournment

There being no other business to discuss, the January 26, 2018 special board meeting concluded at 1:08 PM.

These minutes were ratified by the Board at the March 22, 2018 meeting.