

**BOARD OF OCCUPATIONAL THERAPY
MINUTES**

DATE: July 27, 2017

TIME: 10:00 AM CST

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

MEMBERS PRESENT: Amanda Newbern, OT, Board Chair
Marilyn Franklin, OT, Board Member
William Daniel, Consumer Member

MEMBERS ABSENT: Anita Tisdale, OT, Board Member
Anita Mitchell, OT, Board Member

STAFF PRESENT: Michael Sobowale, Unit Director
Crystal Bloom, Board Administrator
Denard Mickens, Assistant General Counsel
Dorsey Luther, Disciplinary Coordinator
Lori Leonard, Disciplinary Coordinator
Noranda French, Division Financial Officer

GUESTS: Lacey Blair, Legislative Liaison
Elaine Eaton, TnPAP Representative
Damien McGuire, TNOTA Representative
John Williams, TNOTA Representative

Call to Order

A roll call of Board Members was initiated. With a quorum present, Ms. Franklin called the meeting to order at 10:09 A.M. CST.

Election of Officers

For the position of Board Chairperson, a motion was made by Ms. Franklin to nominate Ms. Amanda Newbern as Chairperson, seconded by Mr. Daniel. The motion passed. For the position of Board Secretary, a motion was made by Ms. Newbern, seconded by Ms. Franklin, to nominate Mr. William Daniel to continue as Board Secretary. The motion passed.

Minutes

After review, Mr. Daniel made a motion, seconded by Ms. Newbern, to approve the minutes of the March 16, 2017 and April 17, 2017 meetings as written. The motion passed.

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.

Rules

Mr. Mickens stated that he is currently in the process of reviewing drafted amendments to Rule 1150-02-.06 to 1) reduce renewal fees for OTs from \$110.00 to \$85.00 and for OTAs from \$80.00 to \$60.00 and 2) amend Rule 1150-02-.06 to consolidate the application, registration, and certificate fees into one application fee for OTs and OTAs. These rules are in the internal review process and have been forwarded up the chain in the Office of General Counsel, then onto the Department of Health for approval.

Litigation

OGC currently has two (2) open cases pertaining to the Board of Occupational Therapy. There is one (1) Consent Order and one (1) Order of Compliance to present.

Consent Order

Harley Kenneth Lambert, OTA# 1488

Mr. Mickens presented a Consent Order on Harley Lambert, OTA, license number 1488. His license was placed on probation for not less than three (3) years for immoral, unethical, unprofessional or dishonorable conduct; violation or attempted violation, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate, any lawful order of Board. As part of his Order, he was assessed \$1,650 civil penalty, plus costs not to exceed \$5,000 and must enroll and complete ten (10) hours of approved continuing education on the topic of Tennessee Occupational Therapy ethics, at least one (1) hour of which must be completed in person.

After review by the Board, Ms. Franklin made a motion, seconded by Ms. Newbern, to approve the Consent Order as presented. The motion carried.

Order of Compliance

Lenna Kathryn Aird, OTA# 1401

Mr. Mickens presented a Petition for an Order of Compliance for Lenna Aird, OTA, license number 1401. Pursuant to a Board Order on April 17, 2017, Ms. Aird's license was suspended with terms for not less than 30 days, beginning May 25, 2017, with assessment of civil penalties and payment of costs. Ms. Aird provided proof of compliance with the disciplinary order and petitioned the Board to lift her license suspension and to be placed on probation for not less than 2 years, per terms of the Order.

After review, Ms. Newbern made a motion to accept the petition for Order of Compliance as presented and to proceed with Ms. Aird's license being lifted from suspension to be placed on probation. Mr. Daniel seconded the motion. The motion passed.

Investigation and Disciplinary Reports

Ms. Dorsey Luther, Disciplinary Coordinator, presented the report from the Office of Investigations. As of July 20, 2017, there were five (5) open complaints on occupational therapists and five (5) open complaints on occupational therapy assistants, for a total of ten (10) open complaints in the Office of Investigations. Ms. Luther also provided a list of disciplined practitioners being monitored in the Office of Investigations which showed that there are four (4) occupational therapists on probation and one (1) occupational therapist reprimanded. The report also shows two (2) occupational therapy assistants on probation and one (1) occupational therapy assistant suspended.

Financial Report

Ms. Noranda French, Division Financial Officer, presented the Board's 2017 Mid-Year Financial Report. As of December 31, 2016, the Board had revenue of \$115,290 with expenditures of \$75,713. Added to the fiscal year 2016 carryover, the Board currently has a cumulative carryover of \$400,141. Ms. French presented a Financial Year End Projection of 2017 with a cumulative carryover 404,565.

Applicant File Review/Interviews

A. Steven Perkins, OTA Applicant – Mr. Perkins applied for a license by reciprocity. He appeared before the board as his background check revealed multiple past criminal convictions. After review, a motion was made by Ms. Newbern, seconded by Ms. Franklin, to grant licensure as an Occupational Therapy Assistant. The motion passed.

B. Darren Dandridge, OTA Applicant – Mr. Dandridge applied for a license by reciprocity. He marked "Yes" on his application to the question of a prior license disciplinary action from the State of Michigan Board of Occupational Therapy. Applicant was required to complete additional Continuing Education hours and his license was placed on probation for 6 months. After review, a motion was made by Ms. Newbern, seconded by Mr. Daniel, to grant licensure as an Occupational Therapy Assistant. The motion passed.

C. Dan Morelock, OTA Applicant – Mr. Morelock applied for an initial license by examination. He appeared before the Board as his background check revealed multiple past criminal convictions. After review, a motion was made by Ms. Newbern, seconded by Mr. Daniel, to grant licensure as an Occupational Therapy Assistant, contingent on completing a TnPAP Assessment. The motion passed.

D. Thomas Woodcock, OTA Applicant – Mr. Woodcock applied for a license by reciprocity. He was not present at the meeting. Applicant had marked "No" on his application to the question of a prior criminal conviction but result from his background check revealed prior convictions for alcohol related charges. Applicant had submitted proof of completion of court-ordered, DUI risk reduction course/program and result of substance abuse treatment evaluation for Board review as requested at the April 17, 2017 meeting. After review, a motion was made by Ms. Franklin, seconded by Ms. Newbern, to close his application in August 2017 due to his inability to successfully complete the licensure process one (1) year after his application was received in the Board's office. Mr. Woodcock will need to resubmit new information with a new application for licensure as an Occupational Therapy Assistant. The motion passed.

Tennessee Professional Assistance Program (TnPAP)

Elaine Eaton presented the TnPAP report to the Board. The report covered the period from July 1, 2016 to June 30, 2017, for a total of twelve (12) months. TnPAP monitored 2 individuals. One was a referral from the Department of Health, and the other was voluntary. Four (4) cases were closed.

Ratifications

Ms. Franklin 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. The motion carried:

OCCUPATIONAL THERAPY RATIFICATION LIST

MARCH 11, 2017 THROUGH JULY 21, 2017

OCCUPATIONAL THERAPISTS- 42

ALDERMAN, SAVANNAH	MARCONI, ANDREA
ANDERSEN, COURTNEY	MARSDEN, CAMILLE
ANDERSON, KARIN	MCADAMS, KELSEY
BADER, JACQUELINE	MCDANIEL, MORGANN
BALLARD, EMILY	MEEHAN, MEGHAN
BECK, QUINN	MELLO, MADELINE
BENTLEY, ZACHARY	MILLER, JESSICA
BROWN, CHERISE	MOORE, RACHEL
BURNETT, MORGAN	MORGADO, ALEXANDRIA
BURNS, AMY	NEAL, KATRINA
COBLER, JENNIFER	NEWMAN, KATHRYN
COLE, CATHERINE	NIGRO, NATALIE
COLLINS, ADRIANA	NISSAN, TALIA
CRISLER, REBECCA	NORRIS, HOLLY
CROOK, JANA	PAUL, ELEANOR
DAUB, DAVID	PAYNE, JENNIFER
DEISSLER, ERIKA	PETTIT, MARIAH
DEKUIPER, BREANNA	PRATT, JOSHUA
DRAKE, REAGAN	PRICE, JENNA
EVERHART, TERESA	PULLEY, BROOKE
GEORGER, BRIE	PURDUE, VANESSA
GOODWIN, TIFFANY	RATCHFORD, APRIL
GOTTIER, EMILY	ROSE, LINDSEY
GUNN, KEAIRA	SAMPLES, MATTHEW
HALE, JENNIFER	SCHLICHER, JULIA
ILIFF, SUSAN	SCHREINER, ANDREA
JACOBS, BRYAN	SELBY, MEGAN
JOHNSON, MORGAN	SIMS, ALISON
KEARNS, ALISON	SOULIER, ELISE
KIRSCHBAUM, MARY	SPEARS, HANNAH
KLIESCH, APRIL	STEPHENS, MELISSA
KMIECIAK, NICOLE	STEWART, KATELYN
KURZROCK, RUTH	STINNETT, SARAH
LAZZARO, JACQUELYN	STRADER, MARY
LIGHTFOOT, ELIJAH	STULL, BRITTANY
LILLY, KATHLEEN	SWARTOUT, MEGAN

TRENT, BRITTNEY
WALKER, KIMBERLY
WALLACE, EMILY
WALLACE, HALEY
WELCH, REBECCA

WILLIAMS, BRIANA
WOODS, BRITTNEY
WRIGHT, ASHLEY
ZERWIC, TIMOTHY

OCCUPATIONAL THERAPY ASSISTANTS- 28

BALL, SHAUNDA
BROOKINS, PATRICIA
CARTER, AKITA
CAVANAUGH, KAE
CLINE, TAYLOR
COLLINS, ALICIA
COSS, JESSICA
CUDD, SARAH
DAVIS, ASHLEY
DUNCAN, TANGELA
DUSCH, CAREY
FLETCHER, BRIAN
FLY, ROBERT
GADE, SHARETTA
HARRISON, ZENA
HILL, TORI
JOHNSON, KAYLA
JOHNSON, KENDALL
JONES, SUSAN
KURTH, DARWIN
LAWLER, KRISTEN
LOGAN, CALEB
LOGAN, LYNETTA
MANESS, MORGAN
MARTIN, BETHANY
MCFADDEN, ARIEL

MCLEAN, MARILYN
MEADOWS, SHERRY
MITCHELL, BRITTANY
OJI, ERIC
PERSEPONKO, KARAH
POIRIER, SEAN
POLLARD, J H
POTTER, JORDYN
RICHARDSON, ASHLIE
RISNER, SELBY
RODDY, LAUREN
ROSE, CARA
RUSH, MANDY
SCOTT, LYNDSEY
SHORTRIDGE,
BRITTANY
SHULER, RYAN
SIMPSON, ELIZABETH
TEMES, CURSTIN
TESTER, KALA
TUCKER, AIMEE
TYLER, CARLY
WILLIS, ASHLEA
WOOD, MADDIE
WOODRUFF,
MARGARET

MODALITIES

OT- 3

BURKE, AMANDA
MINX, JILL
HASSELL, CARA
VUKIN, LAUREN
MACLEOD, WHITNEY
BORMAN, GABRIEL
HAUG, TERRY
KURZROCK, RUTH

OTA- 4

CASTILLO, JESSE
PHY, MEGAN
MOSS, BRITNEY
SLAVEN, KATY
DUNAWAY, LAURA
JONES, KELLI
ROGERS, KRISTEN
HEATH, SHERROD

ELDER, RACHEL
 ROSE, LINDSEY
 HOOD, LAUREN
 PROFFITT, ALLISON
 HALL, BETHANY

REINSTATEMENTS

OT- 3

WOLF LUZ, ADRIANA
 HOUTZ, JACKIE
 WRIGHT, KERRY

OTA- 4

ANDERSON, CARRIE
 JENKINS, AMY
 REES, ASHLEY
 SPECIALE, KIM

CLOSED FILES- 7

OT- 3

BENCHIC, MELANIE
 BJORGE, HOLLY
 CARPENTER, KASEY
 FULGHAM, MARIE
 JUSTINE, BRANDON
 BENCHIC, MELANIE

OTA- 4

CRONIN, CAITLIN
 HOOKS, KELLY
 LAING, MEGHAN
 MEEKER, PHILLIP
 PRIMES, SHARMEKIA
 SLATER, ASHLEY
 TAYLOR, TODD

Administrative Report

Crystal Bloom presented the following report from the Administrative Office:

A. Statistical Report - The Board has 2661 total active OT licensees and 1484 OTAs as of July 21, 2017, 2017.

B. Licensing activities from March 11, 2017 through July 21, 2017:

OT	OTA
New applications received – 107	New applications received – 64
New licenses issued – 79	New licenses issued – 52
Reinstatements – 5	Reinstatements – 4
Number of paper renewals – 76	Number of paper renewals – 44
Number of renewals on line – 315	Number of renewals on line – 167
Number of licensees who retired – 9	Number of licensees who retired – 4
Failed to Renew/Expired Licensees – 38	Failed to renew/Expired Licensees – 24
Modality Certifications – 13	Modality Certifications – 8

The online renewals constitute a usage rate of approximately 81% of OT renewals during this period and 81% for OTAs.

2017 Conferences

Tennessee Occupational Therapy Association, (TNOTA), conference to be held at Belmont University in Nashville, TN on September 29 through October 1, 2017.

American Occupational Therapy Association, (AOTA), Education Summit to be held in Fort Worth, TX on October 27 through October 28, 2017.

TSAC Suspensions

There were no TSAC suspensions to report for this time period.

Agreed Citations

There were no Agreed Citations to report for this time period.

Correspondence

Signature Rehabilitation, LLC - submitted correspondence requesting approval as a PAMs (Physical Agent Modalities) course provider. After reviewing the course syllabus and instruction materials provided by Signature Rehabilitation, LLC, Board Consultant, Emmy Dagnan, OT, submitted a recommendation of approval to the Board for consideration.

After review and discussion, a motion was made by Ms. Newbern, seconded by Mr. Daniel, to approve Signature Rehabilitation, LLC as a Board approved PAMs course provider. The Board also ordered that modality applicants who have completed a course from Signature Rehabilitation, LLC within the last two years from this meeting are to be reviewed by a case by case basis for approval. The motion passed.

Legislation

Ms. Lacey Blair, Department of Health Legislative Liaison presented six (6) new Public Chapters from the last legislative session which may impact the Board:

Public Chapter 396 – Named the “Kenneth and Madge Tullis, MD, Suicide Prevention Training Act,” this legislation requires the professionals licensed under several occupational boards, including the board of occupational therapy, to complete a suicide prevention training program that is approved by rule by the respective board. Beginning January 1, 2020, this training must be completed once every five years and before initial licensure for those applying for initial licensure on or after that date. The Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS) must develop a model list of training programs that cover suicide prevention, assessment, screening, treatment, management, and postvention. The licensing board may approve a program that excludes one of these elements if the element is inappropriate for the profession in question. The hours spent in the training program shall count towards meeting any continuing education requirements and the Board may promulgate rules to effectuate the purposes of this act. This Act took effect on May 18, 2017.

Public Chapter 350 – This legislation will allow healthcare providers to satisfy one hour of continuing education requirements through the performance of one hour of voluntary provision of healthcare services. The maximum amount of annual hours of continuing education that a

provider can receive through providing volunteer healthcare services is the lesser of 8 hours or 20% of the provider's annual continuing education requirement. This Act took effect on May 12, 2017.

Public Chapter 215 – Requires agencies such as this Committee that establish or adopt guides to practice to promulgate rules specifying all provisions included in and relating to those guides to practice. This Act took effect on April 28, 2017.

Public Chapter 240 – Among other provisions, gives agencies with the health related boards authority to issue temporary limited licenses to applicants who have been out of clinical practice or engaged in administrative practice for some period. Also requires hospitals and other healthcare facilities to report to the appropriate health licensing board any disciplinary action taken against a licensed person when such action is related to ethics, incomplete, moral turpitude or substance abuse.

Public Chapter 481 – Makes it a violation for a healthcare practitioner to refuse to submit to a drug test or test positive for a drug the practitioner does not have a lawful prescription for or a valid medical reason for using. Requires peer assistance or other treatment programs to report such individuals who are referred but fail to obtain or maintain the advocacy of the program or otherwise fails to comply with the terms of the program. This Act took effect on July 1, 2017.

Public Chapter 230 – This legislation authorizes commissioners or supervising officials of departments to evaluate certain actions by a regulatory board to determine whether the action may constitute a potentially unreasonable restraint of trade. Supervising officials must ensure that the actions of regulatory boards that displace competition are consistent with a clearly articulated state policy. If a board action constitutes a potentially unreasonable restraint of free trade, the supervising official must conduct a further review of the action and either approve, remand or veto the action. The supervising official may not be licensed by, participate in, or have a financial interest in the occupation, business or trade regulated by the board who is subject to further review, nor be a voting or ex officio member of the board. The supervising official must provide written notice of any vetoed actions to the senate and house government operations committees. This Act took effect on April 24, 2017.

Rule Changes Update

Mr. Mickens stated that the Proposed Rule Changes from the March 16, 2017 meeting is in the process for approval from the Office of General Council to the Department of Health. Mr. Mickens suggested to table rule changes until next meeting to prepare a presentation as this could mean that a request for statutory changes would need to be made first. Mr. McGuire, TNOTA Representative, stated that the Association is not opposed to the Rule Changes being postponed until the next meeting. Mr. Williams, an attorney for TNOTA, stated that the Association is ready to move forward with certain Rule Changes in the near future while other Rule Changes may need to be shelved for a year or two going forward.

Ratification of 2018 Board Meeting Dates

Ms. Bloom presented to the Board the 2018 Board Meeting dates for ratification as follows: Thursday, March 22, 2018, Thursday, July 26, 2018, and Thursday, October 25, 2018.

After review, Ms. Newbern made a motion, seconded by Mr. Daniel, to ratify the 2018 Board Meeting dates as presented. The motion carried.

Adjournment

There being no other business to discuss, a motion was made by Mr. Daniel, seconded by Ms. Newbern, to adjourn the July 27, 2017 board meeting. The motion passed.

The meeting adjourned at 12:39pm.

These minutes were ratified by the Board at the October 26, 2017 meeting.