

**BOARD OF OCCUPATIONAL THERAPY  
MINUTES**

DATE: September 22, 2016

TIME: 10:00 AM CST

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

MEMBERS PRESENT: Amy Burba, OT, Chair  
Louis Tucciarone Jr., OT Board Member  
Marilyn Franklin, OTA Board Member  
Anita Mitchell, OT Board Member  
William Daniel, Consumer Member

MEMBERS ABSENT: None

STAFF PRESENT: Michael Sobowale, Board Director  
Mary V. Webb, Board Administrator  
Marcina Egedegbe, Interim Board Administrator  
Thomas Aumann, Assistant General Counsel  
Nichelle Dorroh, Office of Investigations

GUESTS: John Williams, TOTA Representative  
Mike Harkreader, TnPAP Representative  
Shaun Conway, NBCOT Representative  
Christy Vogley, AOTA Representative

**Call to Order**

Roll call was initiated by Amy Burba. With a quorum present, Ms. Burba called the meeting to order at 10:05 A.M.

**Minutes**

Board advisory attorney Thomas Aumann suggested two corrections to the June 16, 2016 meeting minutes. Mr. Daniel made a motion, seconded by Ms. Mitchell, to approve the June 16, 2016 Board meeting minutes with the noted corrections. The motion carried.

## **Office of General Counsel Report**

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

Mr. Aumann stated that there are no rules pending in Office of General Counsel nor are there any contested cases. There are two (2) open cases pertaining to the Board of Occupational Therapy for litigation which will be presented today as Consent Orders for Board ratification.

### **Consent Order – Tonya Shavon Crigler, OTA License No. 2242**

Thomas Aumann, Assistant General Counsel, presented a Consent Order for Ms. Crigler. Ms. Crigler was found to have provided false information to her employer by billing for occupational therapy sessions that did not occur. The terms of the Consent Order that Ms. Crigler has agreed to are as follows: probation for no less than two (2) years, completion of 6 hours of Board pre-approved continuing education courses on the topic of occupational therapy ethics, pay three (3) Type B civil penalties for each occupational therapy session in which Ms. Crigler falsely billed for a total civil penalty of \$1,500.00, and pay the actual and reasonable cost of prosecuting this case with a cap of \$5,000.00. After two (2) years of probation, Ms. Crigler would be eligible to petition the Board for an Order of Compliance which would lift the probation from her license.

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

### **Consent Order – Cynthia Corban, OT License No. 475**

Thomas Aumann, Assistant General Counsel, presented a Consent Order for Ms. Corban. Ms. Corban was found to have provided false information to her employer for occupational therapy sessions that did not occur. Furthermore, Ms. Corban forged a patient's signature on her therapy contact notes to indicate that services were provided. The terms of the Consent Order that Ms. Corban has agreed to are as follows: probation for a term of thirty (30) months, completion of ten (10) hours of Board pre-approved continuing education courses on the topic of occupational therapy ethics, pay five (5) Type B civil penalties of \$500.00 each for each occupational therapy session in which Ms. Corban falsely billed for a total civil penalty of \$2,500.00, and pay the actual and reasonable cost of prosecuting this case with a cap of \$5,000.00. After the expiration of

the thirty (30) month probationary period, Ms. Corban would be eligible to petition the Board for an Order of Compliance which would lift the probation from her license. After review, Ms. Mitchell made a motion, seconded by Mr. Daniel, to accept the Consent Order. The motion carried.

There are no Contested Cases, Agreed Orders, Petitions for Orders of Compliance, or requests for Order of Modification to be presented.

### **Investigation and Disciplinary Reports**

Ms. Nichelle Dorroh, Disciplinary Coordinator, presented the report from the Office of Investigations. There are currently three (3) open complaints on occupational therapists and three (3) open complaints on occupational therapist assistants. Ms. Dorroh noted that the consent orders presented by Thomas Aumann today will be added to the list of currently monitored practitioners.

### **Financial Report**

No representative from the Division of Health Licensure and Regulation was present. The financial report for fiscal year 2016 with year –end projection was provided to the Board. The Total Direct Expenditures is \$105,472.16, the Total Allocated Expenditures is \$65,752.66, the Board Fee Revenue is \$222,804.05, the Current Year Net is \$51,579.23, and the Cumulative Carryover is \$383,339.37.

### **Applicant File Review/Interviews**

Dennis Jaurigue, OT Applicant – Mr. Jaurigue is an international applicant seeking licensure as an occupational therapist. Mr. Jaurigue’s application was presented before the Board because his transcripts noted his occupational therapy degree was not obtained from an ACOTE-accredited school. The Board determined that Mr. Jaurigue’s eligibility was satisfied through NBCOT. After review and discussion by the Board, a motion was made by Ms. Franklin and seconded by Ms. Mitchell to approve Mr. Jaurigue for an occupational therapist license. The motion carried.

April Ratchford, OT Applicant – Ms. Ratchford is an applicant from the state of Kentucky seeking licensure for Occupational Therapy. Ms. Ratchford signed an Agreed Order from the state of Kentucky to voluntarily surrender her LPN license. The Board determined that the license verification report from the Board of Nursing of the state of Kentucky will need to be reviewed in order to make a determination of Ms. Ratchford’s application status. After review and discussion by the Board, a motion was made by Ms.

Mitchell and seconded by Mr. Tucciarone to defer Ms. Ratchford's application to the next meeting. The motion carried.

Ashton Hay, OTA Applicant – Mr. Hay's application was presented before the Board due to prior criminal convictions in which he pled guilty to DUI and evading arrest. Due to the number of incidents and the timing of the latest incident, the Board ruled to have Mr. Hay complete a TnPAP evaluation. After review and discussion by the Board, a motion was made by Ms. Burba and seconded by Ms. Franklin to approve Mr. Hay for a conditional occupational therapy assistant license; conditional upon Mr. Hays obtaining a TnPAP evaluation and following through with all recommendations of TnPAP, including signing a monitoring agreement and completely abiding by the terms of that agreement, should one be recommended. The motion carried.

Joseph Hunter, OTA Applicant – Michael Sobowale, Board Director, informed the Board that the Administrative office did not receive sufficient documentation of Mr. Hunter's criminal background history from the courts on the disposition of his cases. After review and discussion by the Board, a motion was made by Ms. Mitchell and seconded by Mr. Daniel to defer discussion of Mr. Hunter's application to the next meeting. The motion carried.

Jason Gonzales, OTA Applicant – Mr. Gonzales's application was presented before the Board due to prior criminal convictions, including one in which he pled guilty to a Federal felony offense more than 5 years ago. Mr. Gonzales completed a supervised release probationary program and is satisfactorily making payments of restitution in the amount of \$101,697.84. After review and discussion by the Board, a motion was made by Ms. Mitchell and seconded by Mr. Tucciarone to approve Mr. Gonzales for an occupational therapist assistant license. The motion carried.

Melissa Boatwright, OTA Applicant – Ms. Boatwright appeared before the Board via telephone. Ms. Boatwright pled guilty to reckless driving greater than 1 year ago and completed her sentence of mandatory probation. After review and discussion by the Board, a motion was made by Mr. Tucciarone and seconded by Ms. Mitchell to approve Ms. Boatwright for an occupational therapist assistant license, contingent upon undergoing a TnPAP Evaluation and signing a monitoring agreement, if one is recommended. The motion carried.

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

Mike Harkreader, TnPAP executive director, presented the TnPAP report to the Board. For the current quarter, there are two (2) occupational therapists being monitored and

there were two (2) referrals for an occupational therapist and one (1) referral for an occupational therapist assistant.

### **Ratifications**

Ms. Mitchell made a motion, seconded by Mr. Tucciarone, to ratify the list presented on newly licensed occupational therapists and occupational therapist assistants, including occupational therapist and occupational therapist assistants with modalities, and reinstatements. The motion carried.

### **Occupational Therapist Initial Licensees**

Albers, Pamela	Groft, Susan	Parnell, Rachel
Alford, Katelyn Makara	Hairell, Jonathan Ray	Prater, Ebony Joy
Atkinson, Claire	Hall, Bethany	Pulliam, Elizabeth Stokes
Ballard, Emily Michelle	Harris, Alexandria	Rasmus, Heather Hoffman
Bateman, Taylor Reap	Josephine	Robbins, Jane Owen
Baxter, Russell Loy	Hassell, Cara Laine	Romualdo, Jennifer A
Beard, Stephanie Elise	Hodurski, Mary Lauren	Schultz, Elizabeth Finley
Blackwell, Cynthia Lynn	Hubert, Katherine Anne	Shadle, Kristen Elizabeth
Brack, Megan Reed	Hudson, Erica Denise	Shugart, Eric Tyler
Brassard, Natalie Beth	Ickler, Donald	Steen, Stephanie Ellen
Brown, Amelia	Ingram, Kristen	Stevenson, Diana Lynn
Butherford, Katherine Anne	Jean, Dardhielle	Szwed, Dawn Michelle
Callaway, Emily Clare	Kancs, Iveta Aija	Tarr, Ashlyn Mariah
Campbell, Shelley	Kenny, Lindsey Ellen	Tignor, Tatum Danielle
Carnes, Angela Marie	Kihara, Alyssa Lorainee	Tracy, Lauren A
Clark, Deonna Cherie	Mace, Kelsey Aquadro	Trager Sharon Kaye
Collins, Jennifer Ashley	Marcum, Toni Jeanne	Vanderroest, Sara Ellen
Cook, Jennifer Beth	Mcclain, Sydney Elise	Vukin, Lauren
Cooper, Bradley	Mcclarran, Emily	Webreck, Laura Rebecca
Couch, Addison Renee	Middleton, Demetras	Wheless, Catherine
Crain, Bethany Lauren	Mobley, Wesley Hall	Elizabeth
Daniel, Stephanie Nieman	Moore, Thomas Anthony	Winter, Emily Davis
Davis, Elizabeth Ilene	Moran, Morgan Elizabeth	Wood, Jonathan Eric
Dowdy, Danielle Torian	Mula, Allison Kate	Wright Nicole Marie
Duck, Ashleigh Elizabeth	Mulji, Rozina A	Wuest, Ellen
Elliott, Lauren Rae	Oppenhuizen, Jessica	Yost, Kristen Ashley
Estright, Heidi Ann	Page, Kathryn Ellen	Youmans, Ashley Lauren
Griffin, Brianna	Palmer, Erica J	

### **Occupational Therapist Assistant Initial Licensees**

Ahl, Teresa Robin	Allen, Chelsea Shontae	Allion, Lorie Judith
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Andrews, Marte Brooke	Highley, Stephanie Lynn	Noll, Julie Vobornik
Austin, Alyson	Honeysucker, Erin	Osbourn, Matthew Edward
Balaker, Eyerusalem	Hooker, Jamie William	Painter, Nancy Olson
Abera	Jenkins, Kaitlyn Dawn	Porter, Britton
Banks, Ashley	Jenkins, Susan M	Poteet, Melanie Robertson
Batt, Erin Michelle	Jernigan, Tyler Greyson	Powell, Chelsea Taylor
Blake, Tiffany Ann	Klegg, Kevin Daniel	Ratliff, Melissa Sue
Boehme, Geoffrey Chase	Kubin, Julie Lynn	Reichl, Christina Leigh
Bouvia, Cassandra Jo	Leftwich, Jessica Brooke	Ricker, Christina L
Caley, Amy Susan	Lemanski, Ashley	Roldan, Karina Hanna
Cargan, Denise Marie	Liebold, Sara Beth	Rudd, Meredith Brooke
Carr, Ami Louise	Long, Kelli Marie	Ruff, Dayna Marie
Cashon, Anna Elizabeth	Loveless, Regina Fay	Salvador, Heather N
Casteel, Rebecca	Lyle, Savannah Faith	Skidmore, Chelsea Marie
Castleberry, John Sutton	Maclin, Marcus James	Smith, Alexandria Marie
Coffman, Amanda L	Mcdonald, Lauren Nicole	Sorondo, Jennifer
Coggins, Jessica Rose	McLaughlin, Beverly Ann	Spencer, John Brandon
Crawford, Rebekah Bell	Mcmillan, Amber Paige	Stephens, Lauren Renee
Daniels, James	Melton, Karson Taylor	Stewart Britney Morgan
Doss, Lakyn	Melvin, Brittany Moriah	Thomas, Sharnika
Downey, Nancy	Millard, Courtney Dawne	Vann, Rachel Faye
Duncan, Beth Bevins	Miller, Casey Renee	Waters, Mckenzee
Exum, Kali Denise	Morehead, Joni Lynn	Shepard
Fiedler, James Russell	Morgan, Karen Ranae	Watson, Abbye Rhea
Floyd, Savannah Nichole	Morton, Chloe Jade	Wells, Erin
Frazier, Chasity Danielle	Mosley, Deborah Christine	Whitley, Joy D
Frogue, Lauren	Moss, Britney Nichole	Willis, Tristen Gabrielle
Glass, Maci Nichole	Mount, Melinda Kay	Wood, Margaret Bentlage
Godwin, Shawn Anthony	Muhs, Charity	Wright, Breanne Jones
Gruenenfelder, Morgan	Murray, Katherine Paige	Wright, Russell Alan
Hardin, Ramona Elise	Nance, Alisha Darlene	

### **Occupational Therapist Reinstatements**

Akins, Michelle A	Bell, Jeanie Lee	Pack, Martha
Anderson, Stephany Jean	Cooper, Kendra	Razzak, Nancy

### **Occupational Therapist Assistant Reinstatements**

Killebrew, Nancy	Lyle, Cameron
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### **Occupational Therapist Modality Certifications**

Ayo, Cindy	Cook, Jennifer	Counce, John
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Davis, Meandria  
Heath, Sherrod  
Francisco, Rebecca  
Gandy, Jeffrey  
Gladwin, Summer  
Goodwin, Anna  
Grishaber, Samantha

Estes, Sarah  
Hanks, Misti  
Holmes, Elizabeth  
Hurd, Jourdan  
Lowery, Farrah  
Loy, Amanda  
McCall, Marshall

Pippin, Vanessa  
Renzella, Andrea  
Riley, Courtney  
Rodgers, Anna  
Sager, Garrett  
Sheehan, Jerry  
Ward, Celeste

### **Occupational Therapist Assistant Modality Certifications**

Clemmons, Priscilla  
Hayes, Tara Lynn  
Henry, Michelle  
Jordan, Ladonna  
Madron, Joseph

McCracken, Tina  
Meadows, Carmen  
Owen, Stephanie  
Roach, Amy  
Smith, Callie

Swinney, Desiree  
Tisdale, William  
Trigueiro, Jessica  
Williams, Katherine

### **Administrative Report**

Ms. Marcina Egedegbe, Interim Board Administrator, presented the Administrative report. Currently there are 2721 total active OT licensees and 1517 OTAs as of September 20, 2016.

Licensure Status Totals for the Months of June 11, 2016 through September 20, 2016:

New applications received- 95	New applications received - 98
New licenses issued – 88	New licenses issued - 96
Reinstatements – 6	Reinstatements - 2
Number of paper renewals – 47	Number of paper renewals - 33
Number of renewals online - 245	Number of renewals online - 115
Number of licensees who retired - 6	Number of licensees who retired - 3
Failed to Renew/Expired Licensees - 33	Failed to renew/Expired Licensees - 21
Modality Certifications - 27	Modality Certifications - 18

Ms. Egedegbe reported that the online renewals constitute a usage rate of approximately 84% of OT renewals during this period and 78% for OTAs.

### **Agreed Citations**

Mr. Sobowale indicated there were no Agreed Citations to present to the Board for ratification at this time.

### **New Legislation**

**Public Chapter 763** – This Act Permits licensees whose licenses from a health-related board have expired to obtain reinstatement on the basis of a plan developed by the Department of Health for periodic payment of past due renewal fees and unattained continuing education instead of the current requirement of payment of all past due fees before reinstatement. This act will take effect on July 1, 2016. Mr. Aumann stated that the OT Board rules now stand in contradiction to P.C. 763. Mr. Aumann advises the Board make a motion for a rule making hearing to be held related to P.C. 763 so that the rules can be amended to come in compliance with the law. A motion to be approved for a rule-making hearing can be heard in conjunction with the other health related boards where this rule applies also. After review and discussion by the Board, a motion was made by Ms. Mitchell and seconded by Mr. Daniel for the Board to have a rule making hearing to amend the rules in this regard. The motion carried.

### **Correspondence**

#### **Cory Thompkins, Director of CIAO Seminars**

Amy Burba, Board Chair, affirmed that requests for PAMS certification be referred to the Board rules as written. The Board agreed to follow the current precedent to allow Mr. Aumann to send a letter to the requester outlining the course approval process. Ms. Mitchell made a motion, seconded by Ms. Franklin, for Cory Thompkins of CIAO Seminars to be referred back to the Occupational Therapy Board rules.

#### **Lana Roe, ACP Representative**

Amy Burba, Board Chair, affirmed that requests for PAMS certification be referred to the Board rules as written. The Board agreed to follow the current precedent to allow Mr. Aumann to send a letter to the requester outlining the course approval process. Ms. Mitchell made a motion, seconded by Ms. Franklin, for Lana Roe of ACP to be referred back to the Occupational Therapy Board rules.

#### **Shawn Conway, NBCOT Representative**

NBCOT submitted a petition to the Board for a rule change that would effectively recognize NBCOT as an approved continuing education course provider. Shaun Conway's presentation outlined NBCOT's desire to develop online tools for practicing OTs and OTAs. Mr. Conway explained that by offering its online services, NBCOT would provide another professional development option for license holders in Tennessee. Mr. Conway is requesting the Board to table NBCOT's request for recognition as an



option for fulfilling the State's continuing competency requirement. After review and discussion by the Board, a motion was made by Ms. Mitchell and seconded by Mr. Daniel to defer NBCOT's petition for a rule making hearing to the next Board meeting. The motion carried.

### **Christy Vogley, AOTA Representative**

Ms. Vogley addressed the petition from NBCOT by affirming that AOTA is not opposed to the proposed tools being offered by NBCOT but that the tools discussed are not open and are only available to those who maintain certification through NBCOT. Ms. Vogley stated that some of the tools offered by NBCOT are not in the category of continuing educational requirements outlined in the Board's rules. She discussed that AOTA would suggest a collaborative effort between public and private entities to ensure regulations decided at the rule-making hearing are appropriate for all interested parties.

Mr. Aumann addressed the Board on how to properly proceed with the discussion regarding competency providers. He advised that a motion for a rule making hearing would need to occur for NBCOT's request to be heard. Mr. Aumann reiterated that the Board does not pre-approve continued competency activities and would want to avoid the appearance of creating a monopoly among continuing competence course providers, which could potentially disadvantage licensees. As far as potential rule changes, a motion for a rule-making hearing would need to be made and the draft for changes would need to be reviewed prior to presentation to the Board. Mr. Aumann stated an agenda item would need to be added for a presentation of the proposed rules to be heard. The rules would be reviewed and then presented to the Board for a rule making hearing. The process may take a timeline of at least two Board meetings which would include a review from the Secretary of State's office and the Governor of Tennessee. Mr. Aumann informed the Board that no decision needs to be made at present regarding proposed rule changes.

### **John Williams, TOTA Representative**

Mr. John Williams reported that the Tennessee Occupational Therapy Association is currently working on a draft of rule changes for the Board to consider at the next Board meeting. Mr. Williams suggested the perceived ambiguity of the current Board rules be reviewed with discussion to include the Office of General Counsel.

### **New Board Business**

### **Meeting Dates for 2017**

Mr. Sobowale presented the proposed meeting dates for the 2017 calendar year to the Board as follows: 3/30/2017, 7/27/2017, and 10/26/2017. The Board noted that 3/30/2017 conflicted with an AOTA conference. A December 2016 meeting was discussed and Mr. Sobowale will send a follow up notification to Board members. After review and discussion by the Board, a motion was made by Ms. Mitchell and seconded by Mr. Daniel to ratify the meeting dates next year: 7/27/2017, 10/26/2017, and either 3/16/2017 or 3/23/2017, depending on room availability. The motion carried.

### **Adjournment**

Without any objections or further business to discuss, the meeting adjourned at 12:56 P.M.

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Amy Burba, OT, Chair

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Date

**These minutes were ratified by the Board at the December 15, 2016 meeting.**