

**BOARD OF OCCUPATIONAL THERAPY  
MINUTES**

DATE: March 16, 2017

TIME: 10:00 AM CST

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

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

MEMBERS ABSENT: Marilyn Franklin, OT Board Member

STAFF PRESENT: Michael Sobowale, Unit Director  
Jared W. Smith, Unit Administrative Manager  
Marcina Egedegbe, Board Administrator  
Thomas Aumann, Assistant General Counsel  
Nichelle Dorroh, Office of Investigations

GUESTS: Mark Harkreader, TnPAP Representative  
John William, TNOTA Representative  
Yvette Hachtel, TNOTA Representative  
Donna Whitehouse, Board Consultant

**Call to Order**

A roll call of Board Members was initiated. With a quorum present, Ms. Burba, Board Chair, called the meeting to order at 10:05 A.M. CST.

**Conflict of Interest Form**

Mr. Sobowale reminded board members to sign the Conflict of Interest Form.

**Election of Officers**

For the position of Board Chairperson, a motion was made by Ms. Mitchell, seconded by Mr. Tucciarone, to nominate Ms. Amy Burba to continue as Board Chair. The motion passed. For the position of Board Secretary, a motion was made by Ms. Mitchell, seconded by Mr. Tucciarone, to nominate Mr. William Daniel as Board Secretary. The motion passed.

**Minutes**

After review, Mr. Daniel made a motion, seconded by Ms. Mitchell, to approve the minutes of the December 15, 2016 meeting as written. The motion passed.

## **Office of General Counsel Report**

### **Conflict of Interest Policy**

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 personal or financial interest in order for a decision to be made on whether a recusal is needed.

### **Rules**

Mr. Aumann 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 have been drafted and have been forwarded up the chain in the Office of General Counsel, then onto the Department of Health for approval. These Rules should be available for a rule making hearing at the next board meeting in July.

### **Litigation**

OGC currently has three (3) open cases pertaining to the Board of Occupational Therapy.

### **Board Orders**

There were no Contested Cases, Consent Orders, Agreed Orders, Orders of Compliance, or requests for Orders of Modification to be presented at the meeting.

## **Investigation and Disciplinary Reports**

Ms. Nichelle Dorroh, Disciplinary Coordinator, presented the report from the Office of Investigations. As of March 8, 2017, there were seven (7) open complaints on occupational therapists and six (6) open complaints on occupational therapy assistants, for a total of thirteen (13) open complaints in the Office of Investigations. Ms. Dorroh also provided a list of disciplined practitioners in the Office of Investigations which showed that there are four (4) occupational therapists and three (2) occupational therapy assistants currently being monitored for compliance.

## **Financial Report**

The Division of Health Licensure and Regulation didn't send a representative, but Mr. Sobowale informed the Board that the Division of Health Licensure was in the process of working on Mid-Year Reports, so there was no new report to present at this meeting.

## **Applicant File Review/Interviews**

**A. Sharetta Gade, OTA Applicant-** Ms. Gade applied for a license by reciprocity. She marked "No" on her application to the question of a prior criminal conviction but her background check revealed that she had pled guilty and was convicted of DUI in the State of Illinois in 2011. After discussion, a motion was made by Ms. Mitchell, seconded by Mr. Daniel, to grant Ms. Gade an unconditional license. The motion passed.

**B. Kendall Johnson, OTA Applicant-** Mr. Kendall applied for a license by reciprocity. His background check revealed multiple past criminal convictions. After review, a motion was made by Mr. Daniel, seconded by Mr. Tucciarone, to approve Kendall Johnson for a license without encumbrance. The motion passed.

**C. Lynetta Logan, OTA Applicant** – Ms. Logan applied for an initial license by examination. She appeared before the Board due to derogatory information in her file showing she was disciplined by the Tennessee Massage Therapy Board. After review, a motion was made by Mr. Tucciarone, seconded by Ms. Mitchell, to approve Lynetta Logan for a license without encumbrance. The motion passed.

**D. Steven Perkins, OTA Applicant-** Mr. Perkins applied for a license by reciprocity. His background check revealed multiple past criminal convictions. Mr. Perkins was not present. After review, a motion was made by Ms. Mitchell, seconded by Mr. Tucciarone, to request Mr. Perkins to appear in-person before the Board or be available for an interview by telephone at the next Board meeting. The motion passed.

**E. April Ratchford, OT Applicant-** Ms. Ratchford applied for a license by reciprocity and her application was table from prior meeting to allow additional gathering of information based on result from her background check showing prior criminal conviction and adverse licensure action by another licensing board in Kentucky for findings related to delivery of patient services. Ms. Rathchford had marked “No” on her application to the question of a prior criminal conviction. Ms. Ratchford was present at the meeting.

After review, a motion was made by Mr. Daniel, seconded by Ms. Mitchell, to approve Ms. Ratchford for a license without conditions. The motion passed.

**F. 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. After review, a motion was made by Ms. Mitchell, seconded by Mr. Tucciarone, to request Mr. Woodcock to appear in-person before the Board or be available for an interview by telephone at the next Board meeting. The motion passed.

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

Mark Harkreader presented the TnPAP report to the Board. The report covered the last 6 months of 2016. TnPAP monitored 3 individuals. One was a referral from the Department of Health, and the other two were voluntary. No cases were closed.

### **Ratifications**

Mr. Daniel made a motion, seconded by Anita Mitchell, 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 DECEMBER 10, 2016 THROUGH MARCH 10, 2017**

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## OCCUPATIONAL THERAPISTS- 42

ALLOWAY, DIANA  
AMES, HANNA  
APEL, MALLORY  
BEMBENEK, KRISTINE  
BRADLEY, DAWN  
BROWN, DAWN  
BUCHANAN, RANDEE  
CARTER, ELIZABETH  
CATES, GLENNA  
CHIT TOM, SUZANNE  
COTHRINE, OKOYE  
COVINGTON, JILL  
DAVIS, CHELSEA  
DUNCAN, ELIZABETH  
FEACHEN, CHELSEA  
GILLISPIE, MARY  
GUIDA, CHRISTINA  
HALL, MEGHAN  
HANNA, KANDACE  
HOLLEY, MARY  
HUBER, MICHAEL

JEFFREY, WILSON  
JONES, ASHLEY  
KADEG, EMILY  
KILGORE, KAITLYN  
LEWIS, MICHELLE  
NEEL, KAREN  
OGLE, LINDSEY  
PARKS, JULIANNA  
PEARCE, AMANDA  
PETTUS, EMILY  
PORTER, LISA  
RIGDON, CONSTANCE  
RODRIGUEZ, PALOMA  
SALYARDS, RACHEL  
SMITH, MESA  
STREET, MARY BETH  
WALLACE, EMILY  
WATSON, EZEKIEL  
WELCH WEST, AMBER  
WIERZBICKI, BRITAINY  
WILLS, KELLI

## OCCUPATIONAL THERAPY ASSISTANTS- 28

BALL, LAURA  
BELL, RICKIA  
BEST, CHELSEA  
BOWDEN, KELSEY  
CLARK, TEJ'AUNA  
COCHRAN, VIRGINA  
FAGIR, MONA  
FARROW, COLTON  
GALVIN, MICHELLE  
GERLING-MILLS, TERI  
GUARIN, RONALDO  
GUNTER, MORGAN  
HAMPTON, EDWARD  
HARDING, JAMES

JACKSON, JESSICA  
KING, CHRISTY  
KNORR, BRANDON  
MCLEAD, MARIAH  
MIDDEKER, MONICA  
MINER, MARGOT  
NELSON, WENDY  
PALLANTE, JENNIFER  
PAYNE, MEREDITH  
SIMS, HOLLY  
TAYLOR, HANNAH  
WALKER, MARY  
WHITE, GINNY  
WILLIAMS, HAROLD

**OT MODALITIES- 18**

BARKER, TABITHA  
CLAWSON, NIMISHA  
DANIEL, MARTHA  
DOWNEN, THOMAS  
GILBERT, ALYSON  
GRECCO, CLAIRE  
HENDRICKS, EBONIQUE  
HILT, BRILEY  
HUST, MARIA

NIMMO, MICHELLE  
RINEHART, ALLIE  
ROBERSON, NICHOLAS  
SAWYER, EVA  
SCHKLAR, JOSHUA  
SMITH, SARAH  
SPRINGER, SARAH  
SZWED, DAWN  
YODER, ABIGAIL

**OTA MODALITIES- 13**

CHASANTHUS, HEATHER  
HATCHETT, NAKOMUS  
HERRON, NATALIE  
HOBBS, EMMALEIGH  
JUDY, JOHN  
JUGAN, CARRIE  
LEWIS, JESSICA

LOTTES, KENDRA  
MILLER, CASEY  
OCHIENG, SYLVIA  
PETTY, AMY  
POTASH, GWEN  
RAMSAY, DINAH  
STEPHENS, SYDNEY

**OT REINSTATEMENTS- 3**

HOUSTON, JAMES  
RICE, EMILY  
WRIGHT, KERRY

**OTA REINSTATEMENTS- 4**

COX, MINDY  
DAVIS, SHARI  
HAY, TIMOTHY  
PRINCE, AUDIRE

**CLOSED FILES- 7**

**OT- 3**

CARLSON, DEVON  
TROWBRIDGE, NICOLE  
TURNER, KELLY

**OTA- 4**

BELLAFABRE, KATHLEEN  
COX, PATRICIA  
MALONE, CEDRIC  
PERREN, CARLA

## **Administrative Report**

Marcina Egedegbe presented the following report from the Administrative Office:

**A. STATISTICAL REPORT** - The Board has 2627 total active OT licensees and 1462 OTAs as of March 10, 2017.

### **B. Licensing activities from December 10, 2016 through March 10, 2017:**

<b>OT</b>	<b>OTA</b>
New applications received- 49	New applications received- 29
New licenses issued - 44	New licenses issued - 27
Reinstatements - 3	Reinstatements - 5
Number of paper renewals – 50	Number of paper renewals - 22
Number of renewals on line - 239	Number of renewals on line - 138
Number of licensees who retired - 5	Number of licensees who retired – 1
Failed to Renew/Expired Licensees - 37	Failed to renew/Expired Licensees - 9
Modality Certifications - 17	Modality Certifications - 12

**The online renewals constitute a usage rate of approximately 83% of OT renewals during this period and 86% for OTAs.**

Ms. Burba requested the Board Administrator to provide a report on the number of OTs and OTAs holding modalities certification at the next board meeting.

### **Agreed Citation**

Mindy Cox, OTA #1920 - Mr. Sobowale presented an Agreed Citation for Ms. Cox. Ms. Cox failed to renew her license and practiced on her expired license for approximately two (2) months. After review, a motion was made by Mr. Tucciarone, seconded by Mr. Daniel, to accept the Agreed Citation as presented. The motion passed.

### **Continuing Education Policy Amendment**

A licensee will be notified by mail that they have ninety (90) days to correct their CE deficiency before an Agreed Citation is issued. If the licensee doesn't satisfy their deficiency within the ninety (90) day period, they would be issued an Agreed Citation.

After review, a motion was made by Mr. Daniel, seconded by Ms. Mitchell, to adopt the amended CE policy as presented. The motion passed.

### **Correspondence**

1. Sabrina Van Fleet, an occupational therapist working in a school setting submitted the following questions to the Board:

- a. Is it legal to evaluate /treat a child in the school without that child having an IEP or a 504 in place? Does the child need a 504 before an Occupational Therapist can pull them out of their educational setting or treat them?
- b. If the school system is paying a contract company for OT services and the child has an updated/signed IEP or 504, does that child need a new doctor's orders before an OT can treat that child for the new school year?

After review and discussion by the Board, the Board determined that these questions were not related to licensure. Thereafter, a motion was made by Ms. Mitchell, seconded by Mr. Daniel, to have the Board Attorney send a letter to Ms. Fleet informing her that these issues does not pertain to the board's statute, rules and regulations and are more appropriately referred to the school system for response. The motion passed.

2. John Tawfik, Clinical Compliance and Regulatory Manager for Accelerated Care Plus (ACP) submitted Physical Agent Modalities courses offered by his company for approval by the Board. A motion was made by Ms. Mitchell, seconded by Mr. Tucciarone, to refer the courses to the board's modalities course consultant for review and recommendation. The motion passed.

#### **Approval of New Board Consultants for Case and PAMs Review**

A motion was made by Ms. Mitchell, seconded by Mr. Daniel to approve the recommendations made by Ms. Whitehouse for the following to be approved as additional board consultants: Piper Lynn Sesnam for OT case review in the Office of Investigations and Emmy Dagnan for OT modality course review. The motion passed.

It was also suggested that modalities course presenters who have previously submitted courses for board approval should be contacted to see if they are still interested in submitting their courses for review by the new modalities board consultant.

#### **Legislation**

There was no new legislation to present.

#### **Rule Changes**

##### **Rule Changes Proposed by TOTA**

Mr. Aumann suggested that the Board review the rules section by section, in conjunction with the proposed changes submitted by the Tennessee Occupational Therapy Association, to see if it is something they agree with and would like to approve.

Proposed language changes, including new languages, under Rule 1150-02-.01 - "Definitions" were discussed as follows:

- (1) The Act - The Occupational and Physical Therapy Practice Act of 1984.
- (2) Advertising - Includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual(s), radio, video, or television broadcasting or any other means designed to secure public attention.
- (3) American Occupational Therapy Association - When the acronym AOTA appears in these rules, it is intended to mean American Occupational Therapy Association.
- (4) Applicant - Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.
- (5) Board - The Board of Occupational Therapy.
- (6) Board's administrative office - The office of the administrator assigned to the board located at 665 Mainstream Drive, Nashville, TN 37243.
- (7) Board Designee - Any person who has received a written delegation of authority from the board to perform board functions subject to review and ratification by the full board where provided by these rules.
- (8) Closed File - An administrative action which renders an incomplete or denied file inactive.
- (9) Continued competence is a process involving the examination of current competence and the development of capacity for the future. It is a component of ongoing professional development and lifelong learning. Continued competence is a dynamic and multidimensional process in which the occupational therapist and occupational therapy



assistant develop and maintain the knowledge, performance skills, interpersonal abilities, critical reasoning, and ethical reasoning skills necessary to perform current and future roles and responsibilities within the profession. The pursuit of continued competence advances the occupational therapy practitioner and the profession. Continued competence involves self-assessment of the practitioner's capacities in the core of occupational therapy, which reflects knowledge of the domain of the profession and the process used in service delivery.

- (10) Department - Tennessee Department of Health.
- (11) Direct contact - Observed treatment interventions, in-person review, and/or discussion of caseload and treatment planning.
- (12) Division - The Division of Health Related Boards, Department of Health, from which the board receives administrative support.
- (13) Electrical Stimulation Certification - An authorization issued by the Board when a licensed occupational therapist or occupational therapy assistant has successfully completed requirements to use a device, for which a federally required prescription is necessary, that employs transcutaneous electrical current (direct, alternating, or pulsatile) for the purpose of eliciting muscle contraction, alleviating pain, reducing edema, or drug delivery.
- (14) Experiential Component - The experiential component is an integral part of an entry-level occupational therapy doctoral (OTD) program and includes an in-depth experience in one or more of the following: clinical practice skills, research skills, administration, leadership, program and policy development, advocacy, education, or theory development. Students successfully complete all coursework and Level II fieldwork prior to the commencement of the doctoral experiential component.
- (15) Examination Service - The testing service whose written examination has been adopted by the board.
- (16) Fee - Money, gifts, services, or anything of value offered or received as compensation in return for rendering services; also the fees required in Rule .06.

- (17) Good Moral Character - The quality of being well regarded in personal behavior and professional ethics.
- (18) He/she Him/her - When “he” appears in the text of these rules, the word represents both the feminine and masculine genders.
- (19) HRB - When the acronym HRB appears in the text of these rules, HRB represents Health Related Boards.
- (20) License - Document issued to an applicant who successfully completes the licensure process. The certificate takes the form of an “artistically designed” license as well as other versions bearing an expiration date.
- (21) Licensed Occupational Therapist (OT) - Any person who has met the qualifications for licensed occupational therapist and holds a current, unsuspended or unrevoked license which has been lawfully issued by the Board.
- (22) Licensed Occupational Therapy Assistant (OTA) - Any person who has met the qualifications for licensed occupational therapy assistant and holds a current, unsuspended or unrevoked, license which has been lawfully issued by the Board. Such person assists and works under the supervision of a licensed occupational therapist.
- (23) Occupations - Everyday life activities, named, organized, and given value and meaning by individuals and their culture. The term includes everything that people do to occupy their time, including caring for their needs, enjoying life, and contributing to the social and economic fabric of their communities.
- (24) Person - Any individual, firm, corporation, partnership, organization, or body politic.
- (25) Recognized educational program - an educational program in occupational therapy approved by the Board of Occupational Therapy and accredited by the Accreditation Council of Occupational Therapy Education in collaboration with the American Occupational Therapy Association; or alternatively, as the case may be, an educational program for occupational therapy assistants approved by the Board of Occupational Therapy and the American Occupational Therapy Association.

(26) Registrant - Any person who has been lawfully issued a license.

Mr. Aumann counseled the Board that OT practice is already defined in statutes so any changes would also need to be changed in statutes as well. He stated he does not support, nor would he recommend changes in definition or scope of practice that would not be in accordance with statute.

Thereafter, a motion was made by Mr. Tucciarone, seconded by Ms. Mitchell, for the Board to continue discussion on the proposed rule changes at another specially set board meeting, with the goal of having a rulemaking hearing by the next regularly scheduled meeting in July. The motion passed.

### **Adjournment**

There being no other business to discuss, a motion was made by Mr. Daniel, seconded by Ms. Mitchell, to adjourn the March 16, 2017 board meeting. The motion passed.

The meeting adjourned at 2:39pm.

**These minutes were ratified by the Board at the July 27, 2017 meeting.**