

**BOARD OF OCCUPATIONAL THERAPY
MINUTES**

DATE: July 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
Anita Tisdale, OT, Board Member
William Daniel, Board Secretary

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

STAFF PRESENT: Michael Sobowale, Unit Director
Mary V. Webb, Unit Manager
Loren Givens, Board Administrator
Lara Gill, Assistant General Counsel
Lori Leonard, Disciplinary Coordinator

GUESTS: Mike Harkreader, TnPAP Representative

Call to Order

With a quorum present, Ms. Newbern called the meeting to order at 9:04 AM. A roll call was taken by Ms. Mary Webb.

Minutes

After review, Mr. Daniel made a motion, seconded by Ms. Tisdale, to approve the minutes of the March 22, 2018 meeting. The motion carried.

Office of General Counsel Report

A. Conflict of Interest

Ms. Gill 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.

B. Rules

Ms. Gill informed the Board that the Office of General Counsel is currently in the process of drafting and amending the rule regarding suicide prevention training as now required by the Legislature. Once it is complete, a rulemaking hearing will be held to receive comments from the public regarding this new rule.

C. Litigation

OGC currently has no pending appeals before the Board pertaining to disciplinary actions or civil suits. As of July 6th, 2018, there were two (2) outstanding disciplinary complaints, against two respondents for Occupational Therapist Assistants.

D. Legislation

Ms. Gill informed the Board that the Board of Occupational Therapy Sunset Hearing was held before the Joint Government Operations Committee on June 19th, 2018 and the Board was renewed for another six (6) years. Ms. Gill discussed the Fresh Start Act, which prohibits the Board from denying an application for licensure or renewal due to a prior criminal conviction that does not relate directly to the applicable occupation. She reviewed the newly developed Public Chapter 611, which requires an entity to hold a public hearing as part of its rulemaking process and to make copies of the rules available in redline form for those attending the hearing. This rule went into effect on July 1st, 2018. Ms. Gill referenced Public Chapter 671, which redefines trauma service codes and took effect on April 12, 2018. She then discussed Public Chapter 929, which redefines policy and rules and requires each agency to submit a list of all policies, with certain exceptions, that have been adopted or changed in the previous year to the Chair of the Government Operations Committee by July 1st of each year. It also states that the agency's appointing authority shall have the sole power to remove a member from the Board. This rule took effect on July 1st, 2018.

Order of Compliance

1. **Mary E. Craigie, OT # 2580** - Ms. Craigie filed a petition to the Board to lift discipline that was placed on her license. According to an Affidavit of Compliance that was filed by the Disciplinary Coordinator for Tennessee Department of Health, Ms. Craigie has complied with all the terms, penalty fees, and CE requirements that were ordered. After review, Mr. Daniel made a motion, seconded by Ms. Tisdale, to accept the Order of Compliance as presented. The motion carried.

Investigation and Disciplinary Reports

Ms. Lori Leonard, Disciplinary Coordinator, presented the report from the Office of Investigations. Ms. Leonard provided a list of currently monitored disciplined practitioners in the Office of Investigations which showed that there is one (1) occupational therapist on probation, and one (1) occupational therapist under a board order. For Occupational Therapist Assistants, year to date, there are five (5) individuals on probation, one (1) individual

under a board order, and one individual under Tennessee Student Assistance Corporation (TSAC) suspension. For fiscal year 2018, the Office of Investigations has so far received six (6) new complaints on Occupational Therapists: one (1) was for falsification of records, one (1) was for fraud, one (1) was for drugs, one (1) was for criminal charges, one (1) was for a lapsed license, and one (1) was for a criminal conviction. No new complaints have been closed. There are currently thirteen (13) open complaints pending investigation and/or review. For Occupational Therapist Assistants, the Office of Investigations has received ten (10) new complaints: three (3) for falsification of records, five (5) for unprofessional conduct, one (1) for a lapsed license, and one (1) for a criminal conviction. Three (3) complaints have been closed this year: one (1) was closed with insufficient evidence while two (2) were sent to the Office of General Counsel for discipline. There are currently seventeen (17) complaints that are open and pending investigation and/or review.

Financial Report

There was no updated financial report to present to the Board. The Board reviewed the financial report from the last meeting.

Applicant Interviews/ File Reviews

Ann Reuter OT, Applicant- Ms. Reuter did not appear at this meeting. The Board expressed a desire to have Ms. Reuter appear at the next meeting on October 24th in order to be considered for licensure. Ms. Tisdale made a motion, seconded by Mr. Daniel, to table a decision on her application until the next meeting. The motion carried.

Charles Steven Blunt OTA, Applicant- Mr. Blunt was present. Mr. Blunt discussed and answered questions from the Board regarding derogatory information shown on his criminal background check. After review and discussion, a motion was made by Ms. Tisdale, seconded by Mr. Daniel, to approve Mr. Blunt's reciprocity application for licensure in Tennessee. The motion carried.

Tennessee Professional Assistance Program (TnPAP) Report

Elaine Eaton presented the TnPAP report to the Board. The report covered the period from July 1, 2017 to June 30, 2018. Ms. Eaton stated that TnPAP is monitoring one (1) individual who has not signed a board order. She also stated that TnPAP has received one (1) referral during the current fiscal year for a board credentialing issue. There are currently no Occupational Therapists under a monitoring agreement with TnPAP. Ms. Eaton also provided a five (5) year historical report to present TnPAP's activities pertaining to referrals from the Board of Occupational Therapy.

Ratifications

Ms. Tisdale 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:

OCCUPATIONAL THERAPY RATIFICATION LIST
MARCH 16, 2018 THROUGH JULY 19, 2018

OCCUPATIONAL THERAPIST -114

ALLEN KRISTIN RAVEN
AMBURN ASHTON
ATKINS LAUREN
BAKER LAUREN
BARNETT EMILY KATLIN
BATKIEWICZ JASON
BENNETT STEPHANIE
BITTENBENDER DEBORAH DIANA
BRANDT ALISSA KU'UNABI
BROWN MARGARET CLAIRE
BROWNER KATHERINE LEE
CADY EMILIE ANN
CALDWELL PEYTON SHEA
CAN THU MINH
CARTWRIGHT LINDSEY DRISCOLL
CASSETTY SAMANTHA
CLARK HANNAH JO
COHEN CORI SAMANTHA
COLSON JONATHAN BRUCE
CUMMINGS ALYSSA BETH
CUTTING AMANDA ELIZABETH
DADD MADELINE ROSE
DAVIDSON KARA ANN
DIONNE CHRISTINA MARIE
DOYLE CHRISTINA SUE
DRAKE SARAH ELIZABETH
ESTERLE SHELBY
FOSSETT TAYLOR
FOSTER JESSICA
FOWLER LISA
FRYE JENNA LEIGH
GOFFIGON CAROLINE COOKE
HARDAWAY DOMINIQUE NICOLE
HARRIS DEVIN ELISABETH
HARRIS KATELYN ELIZABETH
HARRISON CARLY R
HARVITT ERICA MICHELLE
HAY BRANDI
HENDERSON MARY KATE
HENRY MORGAN KAY
HILL RACHAEL ELIZABETH
HODGES DIANTHA I.
HOLMES ANNA CATHERINE
HOWARTH ASHLEY ROSE
HRISAFI-JOSAN CRISTINA MARIA
IGLESIAS KELSEY
JACK NICOLE
JOHNSON CARSON
JOHNSON MERCEDES LAYNE
JONES KATHERINE MARKLEY
KANE MORGAN LEIGH
KAPLAN ABIGAIL
KLUTTZ CASEY RENE
KUEBLER ALAINA MARIE
KUMLE NICOLE ELLEN
LIMANNI STACY JOY

LOHMUELLER HOPE MARIE
 LOPEZ WENDY LYNN
 MAJTYKA HEATHER AMANDA
 MARIANI HANNAH ELIZABETH
 MARLOW JILL MARIE
 MASON ASHLEY ELIZABETH
 MCCLURE MARY ELIZABETH
 MCCONAHY CASEY
 MCDONNELL KATELYN JEANNE
 MCNATT JESSICA MARIE
 MENDIOLA MARIA FIDELA
 MERRIMAN MARY A.
 MIKLIK KASEY EHREN
 MILES MICHELE LYNN
 MONCIER TAYLOR
 MORGAN KRISTA TAYLOR
 MORGAN RACHEL ELIZABETH
 MYERS COURTNEY LEEANNA
 NATOUR ANTHONY
 NELSON ELIZABETH VALDEAN
 NEWTON EMMA CORDELIA
 NIELSEN AMANDA MAY
 NORMAN WILLIAM
 OWENS AUDREY LYN
 PALMER KATLYN
 PANCOAST LINDSAY
 PEREZ LONG KATHERINE
 PETERS KATIE ANNE
 PHIFER ASHLEY
 PIERCE JULIE F
 POITRAS SARAH E
 POWELL GRACE ELIZABETH
 PRECHTEL ALLISON
 RAGAN TORI BREANNE
 REIMSCHISEL TERISA
 RITCHEY ELISE
 ROCHESTER RACHEL ELIZABETH
 SAJWANI SANIYA S
 ARGENT ELEANOR
 SCHULER KATHRYN
 SCOTTBRADLEY DEBORAH
 SEITZ
 SHERIDAN LEIGH
 SENTELL LINDSEY
 SHARPSTENE DANIELLE NICOLE SMITH FAITH ALEXANDRA
 SNYDER ERIC TRENTON
 SPAIN LACIE
 STONE ANDIE STORY BRITTANY NICOLE
 STOWE JACOB PATRICK
 SULLIVAN MEGAN MARY
 TANSEY KATELYN GAYLE
 WEAKLEY TAMRA
 WHALEN SEAN MICHAEL
 WOFFORD JULIE CAROL
 WOLLENZIEN WILLIAM
 ZIMMERMANN SAMANTHA

Occupational Therapy Assistants-36

ACRES MARIAH	HILL NICOLE	SATKAMP MADELINE
ARNOLD JULIE	HUGHES JACK J III	SHORTT, MISTY
BAKER LANE	KUBIS MORGAN	SMITH ALEXANDRA B

BARAHONA JAMIE LEA	JOHNSON AUNDREA	TAYLOR DAUPHNE
BLANKENSHIP JACY	LARK AMBER	TRACY JESSICA
BRAKE VICTORIA GAIL	LEE BOBBIE J	WILLIAMSON TIM
BULLION KAYLA BETH	MAYFIELD KEISHA N.	WOODS BRITTANY
DAVIS LISA MICHELLE	MAYO ELIZABETH M.	WOODWARD SIERRA
DICKSON BRANDY JEAN	MCMANN ANDREW S.	WRIGHT EMILY
FREEL KARA LYNN	MITCHENER MEGAN	
GADBERRY KELSEY ANN	PICA SHERYLANN E	
GADDIE CRYSTAL	RICHARDSON STEVEN	
HARMON KAITLYN ABIGAIL	RIDER JEANNA	
	ROMINE ANNELISE A.	

MODALITIES

AMBURN ASHTON	EHLERS JENNIFER	RITCHEY ELISE
BATKIEWICZ JASON	HAMPTON LAURA	STREET MARY
BENNETT STEPHANIE	HANNA TODD	ALLION LORIE
BUSHEY MICHELLE	HILLYARD CAROLINE	BOOTH CECELY
CARR MICHELLE	HEACOCK-SMITH ROSE	REEDEN CHELSEA
CORNELISON ERICA	JACK NICOLE	HOBBA EMMALEIGH
CRANDALL MAGDALENA	MCCLURE MARY	MCFADDEN ARIEL
COLE CATHERINE	MAYFIELD TATUM	MCMANN ANDREW
COLSON JONATHAN	MORGAN RACHEL	ROMINE ANNELISE
CRAIN BETHANY	ORICK RYAN	STOOKSBERRY LAUREN
DIXON HANNAH	REEP ERICA	TURNER DEONNA
		WANAMAKER ANISSA

REINSTATEMENTS

OT-4		OTA-5
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DADD MADELINE ROSE		ARMBUSTER MARRIAH
HODGES DIANTHA		CRIPPS SHEILA
PICKAVANCE JOSPEH	PHILIP	HICKS NICKIE KAY
ZONANA NICOLE		SPONAUGLE AMBER

The motion carried.

Administrative Report

Loren Givens presented the following report from the Administrative Office:

A. Statistical Report - The Board has 2786 total active OT licensees and 1542 OTAs as of July 10, 2018.

B. Licensing activities from March 17, 2018 through July 10, 2018:

OT	OTA
New applications received – 135	New applications received – 74
New licenses issued – 77	New licenses issued – 21
Reinstatements – 4	Reinstatements – 1
Number of paper renewals – 4	Number of paper renewals – 6
Number of renewals online – 73	Number of renewals on line – 46
Number of licensees who retired – 4	Number of licensees who retired – 2
Failed to Renew/Expired Licensees – 46	Failed to renew/Expired Licensees – 30
Modality Certifications – 15	Modality Certifications – 10

The online renewals constituted a usage rate of approximately 60% of OT renewals during this period and 90% for OTAs.

2019 Board Meeting Dates

The 2019 board meeting dates were ratified as follows: March 21st 2019, July 25th 2019, and October 24th 2019.

Agreed Citations

- 1.) **Dawn Estes, OTA 1020-** Michael Sobowale presented an Agreed Citation for Dawn Estes. Ms. Estes practiced on an expired license for approximately three (3) months. She agreed to pay an assessed civil penalty in the amount of one (\$100.00) hundred dollars for each month she practiced on her lapsed license, totaling two (\$200.00) hundred dollars. Upon review by the Board, Mr. Daniel, made a motion, seconded by Ms. Tisdale, to approve the Agreed Citation as presented. The motion carried.

- 2.) **Madeline Rose Dadd, OT 5272** - Michael Sobowale presented an Agreed Citation for Madeline Rose Dadd. Ms. Dadd practiced on an expired license for approximately three (3) months. She agreed to pay an assessed civil penalty in the amount of one (\$100.00) hundred dollars for each month she practiced on her lapsed license, totaling two (\$200.00) hundred dollars. Upon review by the Board, Mr. Daniel made a motion, seconded by Ms. Tisdale, to approve the Agreed Citation as presented. The motion carried.

Correspondence

The Board did not have any correspondence to discuss at this meeting.

Legislation

Patrick Powell, Legislative Liaison for the Department of Health, presented the Board with a legislative report as follows:

Public Chapter 611: This statute requires that a public hearing be held as part of the board rulemaking process and that copies of the rules in redline format be available to the hearing attendees.

Public Chapter 744: This statute allows the license granting agency the ability to not suspend, deny, or revoke a license in cases where the licensee has defaulted or become delinquent on student loans if financial hardship significantly contributed to the delinquency. This law will take effect on January 1, 2019.

Public Chapters 793/745: The “Fresh Start Act”. This statute prohibits the Board from denying an application for licensure or renewal due to a prior criminal conviction that does not relate directly to the applicable occupation

Public Chapter 754: This chapter prevents any board, commission, committee, etc. from promulgating rules, issuing statements, or issuing interagency memoranda that infringes on an entity member’s freedom of speech.

Public Chapter 929: This chapter redefines policy and rule and requires each agency to submit a list of all policies that have been adopted or changed in the previous year to the Chairs of the Government Operations Committees on July 1st of each year. It also prohibits any rule or policy by an agency that infringes upon that agency members freedom of speech and states that the agency appointing authority has the sole power to remove a member from a board.

Public Chapter 954: This legislation requires that the initial licensure fee for low income persons to be waived. Low income individuals per the statute are defined as persons enrolled in a state or federal assistance program, including but not limited to TennCare, Medicaid, and SNAP. All licensing authorities are required to promulgate rules to enforce the purposes of this Act, which will take effect January 1st of 2019.

Public Chapter 997: This Act requires public safety employers to provide no less than ten (10) visits to a mental health provider for purposes of treating PTSD. The Act establishes a number of other requirements on the employers and requires that mental health service providers that treat public safety employees to attend training at least once per year that familiarizes the provider with the unique problems associated with each public safety profession lifestyle. This may include professional counselors, social workers, marital and family therapists, psychiatric nurse practitioners, and occupational therapists. This Act went into effect July 1st, 2018.

Public Chapter 1021: This Act allows for appeals of contested case hearings to be in the chancery court nearest the residence of the person contesting the agency action. Petitions for an appeal must be filed within sixty (60) days of the agency issuing its final decision. This Act went into effect July 1st, 2018.

Rulemaking Hearings, Rule Amendments, and Policies

The Board discussed potential changes to the rules of the board as currently written, including areas in which revisions are needed to bring the rules up-to-date with current practice standards. It was determined that further action may be needed in the future to clarify the stipulations surrounding the use of volunteer hours as CE credits, pursuant to the provisions in Public Chapter 350.

Old/New Board Business

After discussion among by the Board, it was determined that it is necessary that a rules taskforce be formed to revise the rules, including creating a comprehensive policy for telehealth as it relates to occupational therapy.

Adjournment

There being no other business to discuss, a motion was made by Ms. Tisdale, seconded by Mr. Daniel, to adjourn the July 26, 2018 board meeting. The motion carried.

The meeting adjourned at 11:53 am.

These minutes were ratified by the Board at the October 25, 2018 meeting.