

**BOARD OF OCCUPATIONAL THERAPY
MINUTES**

DATE: October 26, 2023

TIME: 9:00 AM CST

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

MEMBERS PRESENT: Allan Adriaanse, Board Chair
James Claxton, Board Member
Jeremiah Cline, Board Member

MEMBERS ABSENT: Dr. Larry Goings, Citizen Member
Hollie Simpson, Board Member

STAFF PRESENT: Noranda French, Unit Director 2
Tonya T. Wilkins, Unit Director 1
Sabrina Craig-Boyd, Board Administrator 2
Anahi Juarez, Board Administrator 1
Candace Carter, Senior Associate General Counsel, OGC
Tracy Alcock, Deputy General Counsel, OGC
Michael Varnell, Senior Associate General Counsel, OGC
Emily Godwin, Fiscal Director
Barbara Granum, Office of Investigations

STAFF ABSENT: Mary Bennett, Board Manager

GUESTS: Teresa Phillips, Executive Director, TNPAP

Call to Order

A roll call of Board Members was initiated, by Sabrina Craig-Boyd, Board Administrator. With a quorum present, the meeting started at 9:04 a.m.

Ratification of Minutes

Mr. Claxton made a motion, to accept minutes from the August 10, 2023. Mr. Cline seconded the motion. The motion carried.

Office of General Counsel

Candace Carter, Board Attorney, presented the OGC report and one (1) agreed order.

CONFLICT OF INTEREST

If you have a personal or financial interest in the outcome of any issue or matter before this Board which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether a need for recusal exists. This is true whether the matter relates to a contested case, a rulemaking decision, an application, or any other matter before the Board. You are reminded that it is the duty of this Board to protect, promote and improve the health and prosperity of people in Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

RULES

The Office of General Counsel presented proposed reline changes the Occupational Therapy Rules during the July 6, 2023, meeting. The changes included updates to rules in order to align with statute, as well as changes based upon the retrospective rule review. The Board approved the proposed redlines and the rule changes are making their way through the rulemaking process.

LITIGATION

PENDING LITIGATION

As of October 26, 2023, the Office of General Counsel has three (3) open cases pertaining to occupational therapists and occupational therapy assistants. One (1) case is in the pre-trial litigation phase. One (1) case is set for hearing today. One (1) case is set for hearing for the February 2024 Board meeting.

APPEALS

None.

CIVIL SUITS

None.

Servicemembers Civil Relief Act (SCRA) “Portability of Professional Licenses of Servicemembers and their Spouses” (50 U.S.C. § 4025a; Pub. L. 117-333, *effective January 5, 2023*): As enacted, allows servicemembers and their spouses to use their professional licenses and certificates in certain circumstances when they must relocate due to military orders. For a license to be considered valid in a new location, a servicemember or their spouse must satisfy the following five criteria:

1. Have moved to a location outside the jurisdiction of the licensing authority that issued the covered license or certificate because of orders for military service;
2. Provide a copy of the military orders to the licensing authority in the new jurisdiction;
3. Have actively used the license or certificate during the two years immediately preceding the move;
4. Remain in good standing with:
 - a. the licensing authority that issued the covered license or certificate; and
 - b. every other licensing authority that issued a license or certificate valid for a similar scope of practice and in the discipline applied for in the new jurisdiction; and
5. Submit to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

If these five criteria are met, the servicemember or their spouse’s covered license or certificate “shall be considered valid at a similar scope of practice and in the discipline applied for in the [new] jurisdiction” for the duration of military orders.

Once the Occupational Therapy Licensure Compact is active, when a servicemember or their spouse is relocating from one state to another state involved in the same interstate licensure compact, the rules of that interstate compact (instead of the new SCRA provision) apply to the covered license at issue.

If, however, a servicemember or their spouse has a license or certificate issued by a state involved in an interstate licensure compact, but is relocating to a state not involved in the same interstate compact, the new SCRA provision applies. Additionally, if a servicemember or their spouse has a license not covered by any interstate licensure compact, the new SCRA provision applies.

NOTE: The Department will be drafting rules related to this law, and individual boards will not be responsible for conducting any rulemaking related to its implementation.

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	BEFORE THE TENNESSEE BOARD
)	OF OCCUPATIONAL THERAPY
SHANNON RENEE HYDEN, O.T.)	
RESPONDENT)	DOCKET NO: 17.57-221143A
)	
MUNFORD, TENNESSEE)	
TENNESSEE LICENSE NO. 3909)	

AGREED ORDER

I. STIPULATIONS OF FACT

2. Respondent was employed at Functional Independence Home Care (“Functional Home”) in Cordova, Tennessee from 2018 to 2020. Respondent’s job duties included providing occupational therapy services to patients in home.
3. During the course of Respondent’s employment with Functional Home, and between July 2019 and February 2020, Respondent fraudulently documented home care visits and signed patient/caregiver’s signatures for visits she had not conducted. Functional Home audited billable service dates of October 1, 2019, through February 21, 2020. Of the 384 visits audited, Functional Home found 109 visits to be billable and acceptable, and Functional Home found the remaining 275 to be questionable or fraudulent. Functional Home adjusted multiple claims due to Respondent’s fraudulent conduct and subsequently terminated Respondent’s employment.

4. On July 27, 2019, Respondent was arrested for vandalism and domestic assault. Respondent failed to report her arrests to the Board. On November 24, 2020, Respondent received judicial diversion for the charges and the proceedings were discharged.
 5. On December 31, 2019, Respondent was arrested for child endangerment and driving under the influence of alcohol prior to or immediately after a patient home visit. Respondent's toxicology came back clean of alcohol and illegal drugs. Respondent failed to report her arrests to the Board. On June 22, 2020, the court dismissed the charges.
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II. GROUNDS FOR DISCIPLINE

7. The facts stipulated in paragraphs 2 through 5, *supra*, constitute a violation of Tenn. Code Ann. § 63-13-209(a)(1):
Unprofessional, dishonorable or unethical conduct;
 8. The facts stipulated paragraphs 2 through 5, *supra*, constitute a violation of Tenn. Code Ann. § 63-13-209(a)(2):
Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this part or any lawful order of the board issued pursuant thereto or any criminal statute of this state;
 9. The facts stipulated paragraphs 2 through 5, *supra*, constitute a violation of Tenn. Code Ann. § 63-13-209(a)(3):
Making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice or being guilty of fraud or deceit in the licensee's practice;
 10. The facts stipulated in paragraphs 2 through 5, *supra*, constitute a violation of Tenn. Code Ann. § 63-13-209(a)(15):
Violating the code of ethics adopted by the board;
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IV. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

11. The Tennessee occupational therapist license of Shannon Renee Hyden, O.T., license number 3909, is hereby placed on **PROBATION** for a period of not less than three (3) years, effective the date of entry of this Agreed Order.
12. Within sixty (60) days of entry of this Order, Respondent shall undergo an evaluation approved by the Tennessee Professional Assistance Program (TnPAP), or another monitoring program preapproved by the Board's Consultant, and comply with the recommendations of said evaluation.
13. If the results of the evaluation in paragraph 12 recommend that Respondent agree to a TnPAP monitoring agreement, then Respondent must sign a monitoring agreement with TnPAP, or another monitoring program preapproved by the Board's Consultant, and maintain 100% compliance with its terms for the duration of the agreement and any amendments thereto. Respondent must obtain and maintain the advocacy of TnPAP until such time as TnPAP submits a report that Respondent is safe to practice as an occupational therapist in Tennessee without continued monitoring by TnPAP.
14. Should the evaluation required in paragraph 12 not recommend a monitoring agreement with TnPAP, Respondent's license shall be placed on **PROBATION** for a period of three (3) years, and the period of probation shall commence on the effective date of the entry of his Agreed Order.

Mr. Claxton made a motion to accept the agreed order as presented. Mr. Cline seconded the motion. The motion carried.

*Full copy of this agreed order can be accessed through the licensure look up system on the states website at: <https://apps.health.tn.gov/Licensure/Default.aspx>

Office of Investigations

Ms. Granum presented the Board with the following report from the Office of Investigations.

License Type: 15 - OCCUPATIONAL THERAPY

Complaint Activity	Dec 2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
New Complaints Opened		2	0	1	2	1	4	0	1	1	0			12
Total Closed Complaints		0	5	0	1	0	0	0	4	0	0			10
7 - Closed BIV,EMS,HCF,AW		0	2	0	0	0	0	0	0	0	0			2
9 - Complaint Closed		0	0	0	0	0	0	0	2	0	0			2
93 - Closed - Ltr of Concern		0	0	0	0	0	0	0	1	0	0			1
94 - Closed - Warning Ltr		0	3	0	1	0	0	0	1	0	0			5
Currently Open Complaints	4	6	1	2	3	4	8	8	5	6	6			

ANALYSIS OF NEWLY OPENED COMPLAINTS

By Allegation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
1-Abuse/Neglect	0	0	0	0	0	1	0	0	0	0			1
19-Substance Abuse	2	0	1	0	0	0	0	0	1	0			4
26-Unprofessional Conduct	0	0	0	1	1	2	0	0	0	0			4
36-Lapsed License	0	0	0	1	0	0	0	0	0	0			1
38-Criminal Conviction	0	0	0	0	0	0	0	1	0	0			1
47-Outside INV Scope	0	0	0	0	0	1	0	0	0	0			1
Total:	2	0	1	2	1	4	0	1	1	0			12

License Type: 1594 - Occupational Therapist

Complaint Activity	Dec 2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
New Complaints Opened		2	0	1	1	0	3	0	0	0	0			7
Total Closed Complaints		0	4	0	0	0	0	0	3	0	0			7
7 - Closed BIV,EMS,HCF,AW		0	1	0	0	0	0	0	0	0	0			1
9 - Complaint Closed		0	0	0	0	0	0	0	2	0	0			2
93 - Closed - Ltr of Concern		0	0	0	0	0	0	0	1	0	0			1
94 - Closed - Warning Ltr		0	3	0	0	0	0	0	0	0	0			3
Currently Open Complaints	2	4	0	1	2	2	5	5	2	2	2			

ANALYSIS OF NEWLY OPENED COMPLAINTS

By Allegation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
1-Abuse/Neglect	0	0	0	0	0	1	0	0	0	0			1
19-Substance Abuse	2	0	1	0	0	0	0	0	0	0			3
26-Unprofessional Conduct	0	0	0	1	0	1	0	0	0	0			2
47-Outside INV Scope	0	0	0	0	0	1	0	0	0	0			1
Total:	2	0	1	1	0	3	0	0	0	0			7

License Type: 1595 - Occupational Therapy Assistant

Complaint Activity	Dec	2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
New Complaints Opened			0	0	0	1	1	1	0	1	1	0			5
Total Closed Complaints			0	1	0	1	0	0	0	1	0	0			3
7 - Closed BIV,EMS,HCF,AW			0	1	0	0	0	0	0	0	0	0			1
94 - Closed - Warning Ltr			0	0	0	1	0	0	0	1	0	0			2
Currently Open Complaints			2	2	1	1	1	2	3	3	4	4			

ANALYSIS OF NEWLY OPENED COMPLAINTS

By Allegation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
19-Substance Abuse	0	0	0	0	0	0	0	0	1	0			1
26-Unprofessional Conduct	0	0	0	0	1	1	0	0	0	0			2
36-Lapsed License	0	0	0	1	0	0	0	0	0	0			1
38-Criminal Conviction	0	0	0	0	0	0	0	1	0	0			1
Total:	0	0	0	1	1	1	0	1	1	0			5

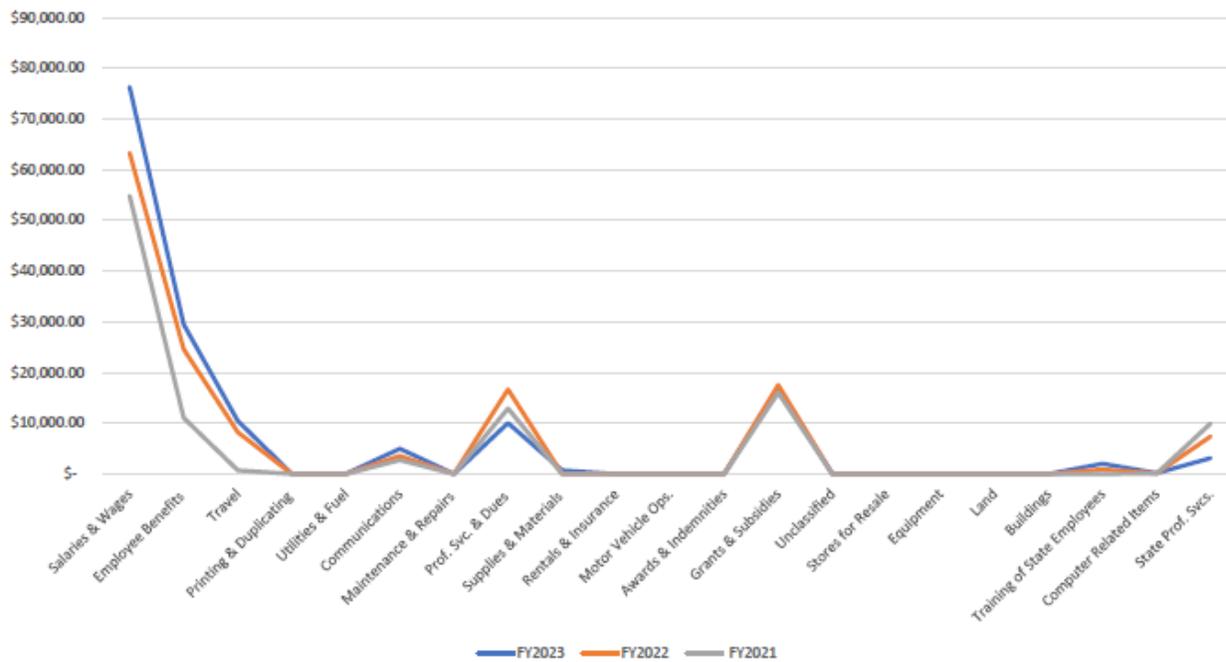
Division of Health Licensure & Regulation-Fiscal Report

Ms. Emily Godwin presented the Board with the 2023 Year End Fiscal Report.

**Tennessee Board of Occupational Therapy
Actual Revenue and Expenditures
for Fiscal Year ending June 30, 2023**

Description	FY2023	FY2022	FY2021
Payroll Expenditures (701-702)	\$ 105,802.83	\$ 87,906.98	\$ 65,913.52
Total Other Expenditures (703-725)	\$ 48,333.59	\$ 54,366.34	\$ 42,468.17
Total Allocated Expenditures	\$ 151,210.28	\$ 124,213.74	\$ 147,645.31
Total Expenditures	\$ 305,346.70	\$ 266,487.06	\$ 256,027.00
Board Fee Revenue	\$ 234,799.82	\$ 246,144.82	\$ 238,158.93
Current Year Net	\$ (70,546.88)	\$ (20,342.24)	\$ (17,868.07)
Total Technology Improvements	\$ 12,742.29	\$ 14,169.82	\$ 12,552.04
Cumulative Carryover	\$ 252,000.71	\$ 335,289.88	\$ 369,801.94

Comparison of Direct Expenditures for FY21 - FY23



DHLR – Administrative Policies and Procedure

No. 106.05

- Board apprised if:
 - Revenues are two times greater than their expenses for two consecutive fiscal years
 - Cumulative carryover exceeds two times the three-year average of operating expenditures
- Board advised of General Assembly’s concern relative to excess cumulative carry forward balances
 - Adjust fees to reduce possibility of increasing the existing cumulative carry forward balance

TNPAP Report

Ms. Teresa Phillips with TN Professional Assistance Program presented the Board with the TNPAP report.



**Board of Occupational Therapy
Activity Report
July 1, 2023 – September 30, 2023**

			OT	OTA
Monitoring			0	0
	Monitoring Type			
		Regulatory	0	0
		Non-Regulatory	0	0
Referrals			0	0
Agreements Activated			0	0
Discharges			0	0

Ratification List

**Board of Occupational Therapy
Ratification List
July 27, 2023 – October 11, 2023**

Newly Licensed Occupational Therapist

Apple Sarah
Beard, Christopher
Beckman, Meghan
Berry, Cassidy
Blassingame, Kyle
Bloedel, Kelly
Brinkman, Tyler
Briscoe, Anna
Brockett, Tim

Jakubiszak, Samantha
Jorgensen, Kaylee
Keating, Ashley
King, Tyson
Kraft, Shailei
Maslowski, Rachel
Masterson, Kaitlin
McDonald, Alexa
Mezzio, August

Walker, Mallory
Weatherly, Kayla
Wilberscheid, Sydney

Reinstated Occupational Therapist

Phillips, Ashley
Thomas, Melissa

Brookshire, Emily
Brown, Canique
Brown, Jessica
Bullard, Paulina
Burford, Riley
Cheplick, Marianna
Chmielak, Christine
Clark, Patricia
Clark, Peyton
Clifton, Baylee
Cruz-Suit, Victoria
Curry, Cailey
Daniels, Lindsay
Dean, Sarah
Discus, Olivia
Dose, Autumn
Evans, Grace
Fanning, Kimberly
Garvin, Emily
Gee, Carlie
Gracey, Rebecca
Grayson, Randi
Guarno, Margueritte
Hansford-McKinney, Ali
Harmon, Austin
Helms, Katelyn
Hicks, Dorothy
Humes, Kourtney
Hunley, Amelia
Ingram, Sarah
Irvin, Hanna

Montalto, Dominic
Moore, Tarason
Myers, Lora
Naik, Rucha
Noble, Amy
Ozanich, Cassady
Pearce, Shelby
Perlack, Anna
Pitts, Thomas
Poirier, Sean
Powell, Mark
Randazzo, Mark
Reddy, Lavanya
Redmon, Alexa
Reimer, Jennifer
Roberts, Malissa
Robertson, Josie
Rutherford, Samuel
Savolidis, Nikolas
Schreier, Lauren
Sharabi, Sigalit
Shutters, Erikah
Simmons, Hannah
Smiddy, Elizabeth
Smith, Nathan
Sola, Emily
Strickland, Catherine
Szatmary, Alyssa
Travis, Courtney
Trull, Olivia
Wakefield, Tylan

Temporary Permits

No current, temp permits

Closed Files

Bacher, Belinda
Daugherty, Bailee
Fausett, Klarin
Martin, Daniel
Miller, Andrew
Milton, Grace
Tuschong, Ashlee

Newly Licensed Occupational Therapy Asst.

Allen, Karlee
Allen, Maddi
Alvarez, Kaycee
Atkinson, Emily
Bohacek, Leis
Brown, Alexis
Calhoun, Molly
Campbell, Jeremy
Cannella, Zachary
Carr, Leanna
Cherne, Sara
Clara, Megan

Reinstated Occupational Therapy Asst.

Richesin, Mary
Young, Kathleen

Limited Permit

No current temp permits

Closed Files

Dickson, Madeline
McBride, Caitlin

Cosby, Rhaven
Cruse, Marissa
Duncan, Margaret
Eckert, Rachel
Ferguson-Snyder, Rebecca
Floyd, Cassidy
Gibson, Jasmine
Greiwe, Charis
Hackett, Alexa
Hill, Abrienne
Johnson-Davis, Shanon
Kerr, Sara
Keyes, Emalea
Kurtz, Stephenie
Martinez, Zavala
Miller, Andrew
Milton, Grace
Otis, Shealeen
Owens, Rachel
Patel, Priya
Phillips, Jessica
Roach, John
Robinson, Blake
Royce, Piper
Shell, Symbor
Smith, Kendyl
Smith, Dana
Stump, Emily
Trull, Dustin
Tummins, Tori
Wiley, Kyndal
Williams, Brylee
Williams, Sarah
Woods, Andrea
Zajeski, Alyssa

Morrison, Nicole
Murphy, Rachel
Snyder, Samantha

OT-Physical Agent Modality and DNUL

Brown, Rachel- Thermal
Cabot, Mariwood-Thermal
Copeland, Bethany-Thermal & Electrical
Curry, Cailey-Thermal & Electrical
Dean, Sarah-Thermal & Electrical
Henley, Megan- DNUL
Horton, Janee-Thermal & Electrical
Jean-Packard, Blondine-Thermal & Electrical
Lamon, Jennie-Thermal & Electrical
Ozanich, Cassady-Thermal
Postoll, Rebecca- Thermal & Electrical

OTA-Physical Agent Modality

Morse, Savannah -Thermal & Electrical
Reed, Macy -Thermal & Electrical
Moore, Taryn- Thermal & Electrical

Ransom, Jeremiah- Thermal
Rauch, Katherine- Thermal & Electrical
Rinks, Alicia -Thermal
Ritter, Rebecca- Thermal
Seravello, Nicole-Thermal & Electrical
Spears, Emily -Thermal & Electrical
Sugg, Yachtney-DNUL
Weatherly, Kayla- Thermal

Mr. Claxton made a motion to accept the list of newly licensed occupational therapist as presented. Mr. Cline seconded the motion. The motion carried.

Mr. Claxton made a motion to accept the list of reinstated occupational therapist as presented. Mr. Cline seconded the motion. The motion carried.

Mr. Cline made motion to accept the list of closed OT files as presented. Mr. Claxton seconded the motion. The motion carried.

Mr. Claxton made a motion to accept the list of newly licensed occupational therapy assistants as presented. Mr. Cline seconded the motion. The motion carried.

Mr. Claxton made a motion to accept the list of reinstated occupational therapy assistants as presented. Mr. Cline seconded the motion. The motion carried.

Mr. Cline made a motion to accept the list of closed OTA files as presented. Mr. Claxton seconded the motion. The motion carried.

Mr. Claxton made a motion to accept the list of occupational therapists earning Physical Agent Modality and/or DNUL credential as presented. Mr. Cline seconded the motion. The motion carried.

Mr. Cline made a motion to accept the list of occupational therapy assistants earning Physical Agent Modality credential as presented. Mr. Claxton seconded the motion. The motion carried.

Administrative Report

Ms. Craig-Boyd presented the Board with the quarterly administrative report.

BOARD OF OCCUPATIONAL THERAPIST ADMINISTRATOR REPORT October 26, 2023

This is an administrative report from Sabrina Craig-Boyd, Board Administrator. The information contained in this report will keep the Board aware of all essential activities pertaining to licensure for Occupational Therapist & Occupational Therapy Assistants.

STATISTICAL DATA

As of October 11, 2023, the Board of Occupational Therapy has 3703 active Occupational Therapist and 1831 Occupational Therapy Assistants

LICENSURE STATUS TOTALS FROM THE MONTHS OF July 27, 2023- October 11, 2023

OCCUPATIONAL THERAPIST	
Total applications received – 415	
New licenses issued – 83	Renewal Total – 352
Reinstatements – 2	Online Renewals – 322
Limited Permit – 3, converted to full	Paper Renewals – 30
Licenses Retired – 3	Percentage using online- 91%
Failed to Renew/Expired Licensees – 44	
OCCUPATIONAL THERAPY ASSISTANT	
Total applications received – 193	
New licenses issued – 47	Renewal Total – 183
Reinstatements – 2	Online Renewals – 171
Limited Permit – 1, converted to full	Paper Renewals – 12
License Retired- 11	Percentage using online- 93%
Failed to Renew/Expired Licensees – 33	

Upcoming Board Meeting Dates

February 8, 2024

April 25, 2024

July 25, 2024

October 24, 2024

INTERNET

The Board's internet website is an excellent location to find valuable board information for licensees and applicants. Please visit the site at <https://www.tn.gov/health/health-program-areas/health-professional-boards/ot-board.html>. Should you have any suggestions or comments, please feel free to contact the Board at 615.741.3807.

Old and New Business

Dry Needling for Newly Licensed OT

The Administrative Staff requested clarification of the DNUL rule regarding newly licensed OT's. Mr. Adriaanse answered the question to the satisfaction of the administrative staff.

AOTA Inspire 2024, Orlando FL, March 21-23, 2024

Mr. Cline made a motion to allow Mr. Cline, Mr. Claxton, Mr. Varnell with OGC or an alternate, and one member of the admin staff to attend the AOTA Inspire conference. Mr. Claxton seconded the motion. The motion carried.

CLEAR Conference, Tucson AZ, January 10, 2024

Mr. Claxton made a motion to allow Mr. Varnell or an alternate and one member of the admin staff to the CLEAR conference. Mr. Cline seconded the motion. The motion carried.

Election of Officers 2024

Mr. Cline made a motion to re-elect Mr. Adriaanse as Board Chair. Mr. Claxton seconded the motion. The motion carried.

Mr. Claxton made a motion to elect Mr. Cline Secretary. Mr. Adriaanse seconded the motion. The motion carried.

Adjourn

With no further business to discuss, Mr. Cline made a motion to adjourn the meeting at 9:59 a.m. Mr. Claxton seconded the motion. The motion carried.

THESE MINUTES WERE RATIFIED AT THE FEBRUARY 8, 2024 OT BOARD MEETING