

**BOARD OF OCCUPATIONAL THERAPY  
MINUTES**

DATE: July 7, 2022

TIME: 9:00 AM CST

LOCATION: Poplar Conference Room  
665 Mainstream Dr, 1<sup>st</sup> Floor  
Nashville TN 37243

MEMBERS PRESENT: Amanda Newbern, Board Chair  
Anita Tisdale, Board Member  
Allan Adriaanse, Board Secretary  
Hollie Simpson, Board Member

MEMBERS ABSENT: Dr. Larry Goings

STAFF PRESENT: Noranda French, Unit Director  
Mary V. Bennett, Board Manager  
Sabrina Craig-Boyd, Board Administrator 2  
Lara Gill, Senior Associate General Counsel, OGC  
Tracy Alcock, Deputy General Counsel  
Roger Knowlton, Intake Coordinator Office of Investigation  
Matthew McSpadden, Fiscal Manager

GUESTS: Teresa Phillips, Executive Director, TNPAP  
Olivia Spears, Legislative Liaison  
Morgan Webb, TNOTA Representative

**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 9:08 a.m.

**Minutes**

After a review of the April 14, 2022, minutes, Ms. Simpson, made a motion, to approve the minutes, seconded by Mr. Adriaanse. The motion carried.

## **Legislation**

Ms. Olivia Spears, Legislative liaison, was present to give the Legislative Update as follows:

### Office of Legislative Affairs 2022 Legislative Update *Legislative Activity of Note*

- Legislative and Congressional redistricting.
- “Truth in Sentencing” Act to make mandatory sentences for certain criminal offenses.
- “Tennessee Investment in Student Achievement (TISA) Act” to reform the school funding approach.

### *Highlights and Noteworthy Health-Related Legislation*

- The Department had two successful legislative initiatives that became law relating to local county health departments and the Controlled Substance Monitoring Database, respectively.
- Healthcare Facilities will move to the Health Services and Development Agency (HSDA)/Health Facility Commission on July 1, 2022
- Healthcare providers can continue to utilize telehealth and receive reimbursement for telehealth services.
- The Board of Pharmacy and the Board of Nursing will now hire and fire the Executive Director of the Board.
- A registry within the Tennessee Commission on Aging and Disability was created to combat the operation of unlicensed facilities.

### *Pertinent Public Chapters*

\*All Public Chapters are Hyperlinked to the Document on the Secretary of State’s Website\*

Public Chapter 644—SB1823/HB1867—Johnson/Zachary Re: Covid-19 Vaccine Exemptions. This public chapter requires that an employer grant certain exemptions to requirements of proof/receipt of vaccinations if the request for exemption is either (1) supported by signed/date statement by a licensed physician that the staff member has a condition recognized under generally accepted medical standards as a basis for the medical exemption or (2) the staff member attests in writing (including electronic means) that the staff member has a sincerely held religious believe that prevents the staff member from complying the requirement in accordance with guidance from Medicare and Medicaid services. This public chapter creates a civil penalty of \$10,000 for violation of this statute. Effective as of March 11, 2022.

Public Chapter 695—SB503/HB753—Lundberg/White 2 Re Medical Services in IEPs. This public chapter authorizes certain licensed physical therapists, licensed occupational therapists, licensed speech-language pathologists, and licensed audiologists, for the purposes of providing services in a school setting pursuant to a child’s individualized education program, to refer or order services within their scope of practice as part of a child’s IEP. Effective on July 1, 2022.

Public Chapter 756—SB1789/HB2858—Briggs/Kumar Re Conditions of Participation. This public chapter removes the requirement that a healthcare provider enrolled in Medicare or Medicaid be subject to conditions of participation to be exempt from the definition of “private business” or “governmental entity” for purposes of the Title 14/Covid-19 state laws. Effective as of March 31, 2022.

Public Chapter 766—SB2453/HB2655—Yager/Hawk Re Telehealth. This public chapter extends the ability for healthcare providers to receive reimbursement for healthcare services provided during a telehealth encounter. This public chapter also clarifies that a healthcare provider acting within the scope of a valid license is not prohibited from delivering services through telehealth. Lastly, this public chapter adds that the requirement of an in-person encounter between the healthcare services provider, the provider's practice group, or the healthcare system and patient within sixteen months prior to the interactive visit is tolled for the duration of a state of emergency declared by the Governor provided that healthcare services provider or patient, or both, are located in the geographical area covered by the state of emergency. Effective as of April 1, 2022 and applies to insurance policies or contracts issued, entered into, renewed, or amended on or after that date.

Public Chapter 769—SB568/HB702—Johnson/Lamberth Re Anatomical Gifts. This public chapter prohibits a healthcare provider, a hospital, an ambulatory surgical treatment center, a home care organization or any other entity responsible for matching anatomical gifts or organ donors to potential recipients from, solely on the basis of whether an individual has received or will receive a Covid-19 vaccine, (1) consider an individual ineligible for transplant or receipt of an anatomical gift, (2) deny medical or other services related to transplantation, (3) refuse to refer an individual to a transplant center or specialist, (4) refuse to place an individual on an organ or tissue waiting list, or (5) place an individual at a position on an organ or tissue waiting list lower than the position the person at which the individual would have been placed if not for the individual's vaccine status. Effective as of April 8, 2022.

Public Chapter 833—HB1997/SB1936—Cochran/Jackson Re UAPA. Clarifies that the ALJ shall decide a procedural questions of law. Allows the director of the administrative procedures division of the secretary of state's office to issue subpoenas. Allows electronic participation in hearings, by agreement of the parties. The hearing officer may allow electronic testimony if the absence of the witness would otherwise cause of delay of the 3 hearing. Requires that a final orders be issued within 90 days. Allows that a petition for reconsideration be filed within 15 days of the entry of the final order or initial order. Effective as of April 19, 2022.

Public Chapter 839—HB2561/SB1848—Terry/Watson Re OT Compact & Audiology/SLP Compact. "Occupational Therapy Licensure Compact" and "Audiology and Speech-Language Pathology Interstate Compact" Effective as of April 19, 2022.

Public Chapter 856—HB2864/SB2889—Rudd/Gardenhire Re Public Meetings. Permits boards or agencies of state government to have electronic meetings. If an electronic meeting is being held, requires that members of the public be allowed to view and/or listen to the meeting in real time. There must also be a method of members of the public to participate in the meeting electronically, if they would otherwise be permitted to participate in person. Instructions for participate are to be included in the notice of the meeting. An electronic meeting shall be recorded and that recording must be posted on the website of the organization within 3 days. The governing body shall maintain that electronic record of the meeting for at least 3 years. Effective on July 1, 2022.

Public Chapter 883—SB2285/HB1749—Bell/Ragan Re UAPA and Judicial Review Standards. Requires that a judge over a contested case not defer to an agency's interpretation of the statue or rule and shall interpret it de novo. Remaining ambiguity shall be resolved against the agency. Effective as of April 14, 2022.

Public Chapter 911—HB2309/SB2464—Freeman/Reeves Re Professional License Requirements. Mandates that a person seeking a professional license have US citizenship or be authorized under federal law to work in the US as verified by the SAVE Program (allows DACA children who are now adults to obtain professional licensure if not otherwise prevented by the license). Effective July 1, 2022.

Public Chapter 930—HB1871/SB1982—Hulse/Hensley Re Covid Vaccinations and Acquired Immunity. Amends Title 14 to mandate that acquired immunity from a previous Covid-19 infection be treated the same as a Covid-19 vaccination by a governmental entity, school, or local education authority. Mandates that private businesses who require vaccinations also include recognition for acquired immunity for Covid-19. Effective as of April 11, 2022—This was not signed by Governor.

Public Chapter 1024—SB1748/HB1827—Roberts/Ragan 4 Re UAPA and Rules. Makes permanent all rules that were filed with the Secretary of State between January 1, 2021 and in effect upon passage of the act, unless they conflict with legislation passed during this session. Effective as of May 11, 2022.

Public Chapter 1073—HB2665/SB2449—Sexton, McNally Re Covid Visitation Policies and Limitations on Covid Treatment Exemptions. Clarifies that a prescriber can be disciplined for prescribing controlled substances and/or narcotics for treatment of Covid, if appropriate. In addition, creates a patient advocate process that hospitals must follow during times of covid concern. Allows that person to enter a facility if they agree to follow procedures but provides certain exceptions to access to locations within the hospital. Effective as of May 25, 2022.

Public Chapter 1094—SB1891/HB1905—Hulse/Doggett Re Mandatory Reporting of Fatal Drug Overdoses. Requires that a fatal overdose be reported to law enforcement, including by doctors and nurses. Effective July 1, 2022.

Public Chapter 1117—SB2448/HB2671—White/Farmer Re: Extended Liability Protection Against Covid Claims. Extends the liability protection against claims based on Covid exposure until July 1, 2023. Effective as of June 1, 2022. Public

Chapter 1123—SB2574/HB2535—Crowe/Alexander Re: End-of-Life Visitation at Nursing Homes and Assisted Living Facilities. Requires that nursing homes and assisted living facilities allow for visitation during a disaster, emergency, or public health emergency for Covid-19. Provides an exemption if the visitation would violate federal or state law. Effective July 1, 2022.

\*\* Please note that this are high-level overviews of each public chapter. Speak with the Board Attorney for any specific questions or concerns. \*\*

### **Office of General Counsel Report**

Ms. Lara Gill, Senior Associate General Counsel, presented the OGC report as follows:

#### **CONFLICT OF INTEREST**

If you have a personal or financial interest in the outcome of any issue or matter before this committee 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 there exists a need for recusal. This is true whether the

matter relates to a contested case, a rulemaking decision, an application or any other matter before the Committee. You are reminded that it is the duty of this board to protect the health, safety and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

## **LITIGATION**

**APPEALS** There are no pending appeals from Board disciplinary action. There is an interlocutory appeal on the case that was previously set for hearing before the Board on July 29-30.

**CIVIL SUITS** None.

## **2 PENDING COMPLAINTS IN OGC**

As of July 5, 2022, there are seven (7) outstanding disciplinary cases in OGC. One of these cases is on appeal and involves fraudulent billing. Out of the other disciplinary matters in OGC that remain, three (3) of those cases will be presented to the Board for resolution via consent order.

## **RULES**

The OT Dry Needling Rules are in process.

1150-02-.19. BOARD MEETINGS, OFFICERS, CONSULTANTS, RECORDS AND DECLARATORY ORDERS. (1) Purpose of Board - The Board is charged by law with the responsibility of regulating the practice of occupational therapy. (2) Board Meetings. (a) The time, place, and frequency of Board meetings shall be at the discretion of the Board except at least one meeting shall be held annually. (b) Special meetings are called at the discretion of the Chair or at the request of two members of the Board provided all members are adequately notified. (c) Three members of the Board shall at all times constitute a quorum. (d) All meetings of the Board shall be open to the public. (e) Non-board members present at meetings may address the Board only upon recognition by the chair. (3) The Board shall elect from its members the following officers: (a) Chair - who shall preside at all Board meetings. (b) Secretary - who shall preside in the absence of the chair and who along with the Board's administrator shall be responsible for correspondence from the Board. (4) Responsibilities of the Board include, but are not limited to: (a) Adopting and revising rules and regulations as may be necessary to carry out its powers and duties; (b) Adopting and/or administering examinations; (c) Denying, withholding, or approving the licensure of an applicant and renewing licenses pursuant to rule 1150-02-.07; (d) Appointing designees to assist in the performance of its duties, i.e., written examination, proctors; and (e) Conducting hearings. (5) Board Conflict of Interest - Any Board member having an immediate personal, private or financial interest in any matter pending before the Board shall disclose the fact in writing and shall not vote upon such matter. (6) Board consultants are appointed by the Board and vested with the authority to do the following acts: (a) Recommend whether and what type disciplinary actions should be instituted as the result of complaints received or investigations conducted by the Division. (b) Recommend whether and under what terms a complaint, case or disciplinary action might be settled. Any matter proposed for settlement must be subsequently ratified by the full Board before it will become effective. (c) Undertake any other matters authorized by a majority vote of the Board. (7) Records and Complaints (a) All requests, applications, notices, other communications and correspondence shall be directed to the Board's administrative office. Any requests or inquiries requiring a Board decision or official Board action, except documents relating to disciplinary actions or hearing requests, must be received 14 days prior to a scheduled Board meeting and will be retained in

the administrative office and presented to the board at the Board meeting. Such documentation not timely received shall be set over to the next Board meeting. (b) All records of the Board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the Board's administrative office. (c) Copies of public records shall be provided to any person upon payment of the cost of copying. (d) Complaints made against a licensee become public information only upon the filing of a notice of charges. (8) Declaratory Orders - The Board adopts, as if fully set out herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.

### **PRIMARY DUTIES OF THE BOARD**

1. **RULEMAKING** – The Board promulgates rules which have the force and effect of law (T.C.A. § 63-13-101 et seq.). This Board's rules are in chapter 1150 of the Tennessee Comprehensive Rules and Regulations. Rules implement procedures that enable the Board to carry out the powers and duties which are granted it by statute. Rules are intended to clarify the broad provisions contained in statute; they may not exceed the parameters which are set out by the statutes.

2. **ASSESSING DISCIPLINE** – The Board is empowered to assess discipline against its licensees (T.C.A. §§ 63-13-312) and against individuals who engage in unlicensed practice (T.C.A. § 63-13-212). To sit in judgment on disciplinary matters, Board members must have no prior knowledge of the case. Discipline of a licensee may consist of revocation, suspension, probation, civil penalties, or some combination of same. There are several procedural avenues by which disciplinary matters may come before the Board:

a. *Agreed Orders*- Presents the Respondent an opportunity to avoid a hearing by voluntarily waiving rights and admitting to the allegations in the Agreed Order. By signing the Agreed Order, Respondent enables the Board to issue the order without further process. 4 In the event that the Board rejects the Agreed Order for any reason, it will be of no force or effect for either party.

b. *Consent Orders* - Presents the Respondent an opportunity to resolve the matter by Consent Order, making formal proceedings unnecessary. By signing the Consent Order, the Respondent waives the right to a contested case hearing and any and all rights to judicial review in the matter and agrees to the presentation and consideration of the Consent Order by the Board for ratification. Should the Board fail to ratify the Consent Order, formal disciplinary proceedings will be initiated the Respondent is notified of such. All matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

c. *Contested Cases* – Formal hearings in which Board sits as jury. An Administrative Law Judge presides and makes evidentiary rulings and instructs the Board as to procedure. Board members may question witnesses. The licensee, known as the "Respondent," is prosecuted by a litigating attorney from OGC who represents the State, just as a prosecutor in a criminal court represents the State. A licensee always has the right to legal counsel. Contested cases may be settled by the two parties prior to formal hearing, which of course obviates the need for a formal hearing. In the event of settlement, the prosecuting attorney still must appear and present the proposed settlement to the Board for ratification. The Board must ratify any agreed order for it to be binding. Settlement can take two forms, the distinction of which is technical:

d. *Screening Panels* – Alternative dispute resolution. In cases where the facts are not disputed by the Respondent, a screening panel composed of at least three people can be convened to informally discuss the matter with the Respondent, whose participation is voluntary. The screening panel is

confidential. The panel will recommend disciplinary action, which the Respondent may accept or reject. If she accepts, then a Consent Order is prepared and the advisory attorney presents it to the full Board for ratification. If a Board member has sat on the screening panel at issue, that Board member may not participate in the full Board's discussion on the agreed order. OPEN MEETINGS ACT – Requires that all Board actions must be conducted in an open meeting of which the public is properly notified. (T.C.A. §§ 8-44-101, et seq.) Board members should not discuss Board business with one another or with anyone else – including licensees – outside of an open board meeting. That prohibition applies to phone calls and e-mails. Board members often receive phone calls or e-mails from licensees asking for the Board's opinion or position on a given practice. The Board member should immediately end such inquiries by saying that he cannot discuss Board business outside of a meeting, and then refer the licensee to Board staff so that staff can advise the licensee how to properly present his concerns to the full Board. ADVISORY ATTORNEY FUNCTIONS – Protects the Board from liability and advises the Board on legal questions (i.e., extent and proper exercise of Board authority; assist in interpretation of statutes and rules; drafting, processing and defending of rules and Board 5 policies, etc.). As appointees of the State, Board members enjoy what is known as "sovereign immunity," which protects them from liability for any acts or omissions which they undertake in their official capacity as Board members (except for acts or omissions of intentional wrongdoing). An advisory attorney is present during Board business meetings to ensure that no Board action removes the protection of sovereign immunity, and that no Board action is subject to being overturned by later legal challenge.

**The Board attorneys do not advise or represent individual Board members with respect to non-Board matters, and they may not provide legal advice to individual licensees.**

## LEGISLATION

The Occupation Therapy Licensure Compact became effective on April 19, 2022.

Other laws that became effective on July 1, 2022 (non-exhaustive):

SB 2153: Bans transgender females from participating in higher education female sports.

HB 0210: Local school systems now have to post curriculum and curriculum changes at the beginning of each semester.

HB 1916: State agencies can't require a bachelor's degree as a condition to hire someone unless the required skills for the position can only be reasonably obtained in pursuit of the degree.

HB 2783: Through July 1, 2025, if you retire from a school, you can come back as a teacher, substitute, bus driver, etc. without the loss or suspension of retirement benefits so long as certain conditions are met.

HB 7004: Requires school districts to have after-school mini camps, bridge camps and summer school to deal with learning loss.

HB 1964: School districts must practice for remote learning situations, and teacher training programs should include virtual learning tips.

HB 2228: Requires healthcare prescribers that offer prescriptions for opioids to also offer prescriptions for an opioid antagonist or reversal drugs such as naloxone.

SB 1670: Every school district employee that works with kids, not just teachers, must get the human trafficking training. 6 HB

2143: Establishes a new funding formula for schools in the state — the Tennessee Investment in Student Achievement Act (TISA) beginning in the 2023- 24 school year.

### **Consent Order - Cooper, Michael OTA3192**

#### **Stipulation of Facts**

1. Respondent has been at all times pertinent hereto licensed by the Board as an occupational therapist assistant (O.T.A.) in the State of Tennessee, having been granted a Tennessee occupational therapist license number 3192. Respondent's O.T.A. license expired on December 31, 2021.
2. The State received a complaint regarding fraudulent billing by the Respondent. The State conducted an investigation. As part of its investigation, the State gathered documentation and interviewed witnesses.
3. The States investigation revealed the Respondent worked as full-time employee as an occupational therapy assistant at Life Care Center of America Old Hickory (LCCOA) Old Hickory, TN from approximately June 2019 to June 2020.
4. On June 4, 2020, June 5, 2020 and June 8, 2020, Respondent documented occupational therapy services for patients HR and SH that did not occur.
5. LCCOA conducted an investigation and adjusted the billing for patients HR and SH. Respondent was later terminated by LCCOA on June 15, 2020.

#### **Order**

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

12. The TN occupational therapy assistant license of Michael T Cooper, OTA license number 3192 is hereby **VOLUNTARILY SURRENDERED** being the same as **REVOCAION**, the effective date of entry of this Consent Order by the Board.
13. Respondent must pay, pursuant to Tenn. Code Ann § 63-1-144, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Division. The maximum amount for the assessment of costs for this case shall be Two Thousand dollars (\$2, 000.00)
14. Respondent understands this is a formal disciplinary action and will be reported to the NPDB and/or similar agency as a **REVOCAION**.



Ms. Tisdale, made a motion, to accept the Consent Order as presented. Ms. Simpson, seconded the motion. The motion carried.

### **Consent Order - Hubert, Katherine OT5516**

#### **Stipulation of Facts**

1. Respondent has been at all times pertinent hereto licensed by the Board as an occupational therapist in the State of Tennessee, having been granted Tennessee 3 occupational therapist license number 5561 by the Board on August 3, 2016. Respondent's occupational therapist license was last renewed on August 14, 2020 and has a current expiration date of August 31, 2022. Respondent has been a licensed O.T. in Tennessee for more than five (5) years.

2. Respondent was employed by Elite Sports Medicine and Orthopedics in Nashville, Tennessee from August 2017 through December 2019. Respondent did not hold a physical agent modality certification during this time.

3. Respondent received her physical agent modalities certification on January 21, 2020.

4. On or about May 10, 2019, Respondent self-reported that she, along with other therapists, had been practicing in modalities without the required certification while employed at Elite Sports Medicine and Orthopedics.

5. Tenn. Code Ann. § 63-13-212 requires that no person shall practice occupational therapy or act as an occupational therapist or occupational therapy assistant unless a person holds a license and otherwise complies with Tenn. Code Ann. § 63-13-101 et seq., and the rules adopted by the Board.

6. Tennessee Comp. R. & Reg. 1150-02-.04 (4) requires an occupational therapist to be certified in the use of physical agent modalities, including electrical stimulation and thermal agents.

7. The Board's Lapsed License Policy states in part that: ...if the work history reflects that an individual has practiced in excess of thirty (30) calendar days but less than six (6) months, the Board will...[specify] payment of a fine in the amount of \$100 per month for every month in which the individual has worked at least one day beyond the thirty (30) calendar day grace period... 4

8. Respondent admits to practicing modalities without certification for a period of twenty nine (29) months.

#### **Order**

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

10. The Tennessee occupational therapist license of Katherine Anne Hubert, license number 5516, is hereby REPRIMANDED.

11. Respondent must enroll in and successfully complete, within six (6) months of entry of this Consent Order, six (6) hours of Ethics and Jurisprudence course(s) pre-approved or approved by the Board's

Consultant. Within thirty (30) days after completion of such course, Respondent shall mail or deliver proof of compliance, including CEs or any other submitted documents via electronic means (e-mail) to disciplinary.coordinator@tn.gov. All disciplinary terms submitted, including CEs, Civil penalties and/or Cost payments, must include Katherine Anne Hubert, OT Case No. 201902741 on the instrument. Any continuing education course hours earned from attendance and completion of the course(s) required by this paragraph shall be in addition to the hours required to maintain or reinstate licensure.

12. Respondent must pay, pursuant to Tenn. Code Ann. § 63-1-134 and Tenn. Comp. R. & Reg. 1150-02-.15(5)(b), one (1) Type "C" Civil Penalties, representative of each violation of law and the twenty-nine (29) months of unlicensed modalities practice. These Civil Penalties shall be in the amount of one hundred dollars (\$100.00) each, for a total Civil Penalty of Three Thousand (\$3,000.00) dollars.

13. Furthermore, Respondent must pay, pursuant to TENN. CODE ANN. §63-1-144, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Department's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall not exceed Three Thousand Dollars (\$3,000.00).

14. Respondent understands that this is a formal disciplinary action that will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency as a **REPRIMAND**.

Mr. Adriaanse, made motion, to accept the consent order as presented. Ms. Tisdale, seconded the motion. The motion carried.

#### **Consent Order-Tripp, Courtney Wall OTA2454**

##### **Stipulation of Facts**

1. Respondent has been at all times pertinent hereto licensed by the Board as an occupational therapy assistant (OTA) in the State of TN, having been granted a TN occupational therapy assistant license number 2454, on September 2, 2014. Respondent's OTA license expires September 23, 2023.

2. On May 18, 2020, respondent submitted a reinstatement application stating that her previous OTA license had expired. Respondent's OTA license expired on June 30, 2019. Respondent noted on her application that she had been practicing as an OTA in Rutherford County, TN School System from August 1, 2012 through present (May 18, 2020). Respondent's OTA license was reinstated on June 10, 2020.

3. Respondent worked as an OTA on an expired license from June 30, 2019 through June 10, 2020, a period of eleven (11) months.

4. The Board's Lapsed License Policy states in part that:

...if the work history reflects that an individual has practiced in excess of thirty (30) calendar days but less than six (6) months, the Board will...[specify] payment of a fine in the amount of

\$100 per month for every month in which the individual has worked at least one day beyond the thirty (30) calendar day grace period...

- A. The licensee shall be notified that [agreed citations/orders] shall be reportable on the Department of Health's website, its disciplinary action report issued in the month the action is taken, and to all federal databanks, including the National Practitioner Data Bank (NPDB)...

5. Respondent practiced on a lapsed OTA license for eleven (11) months.

### **Order**

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

8. The TN occupational therapy assistant license of Courtney Wall Tripp, OTA license number 2454, is hereby **REPREMANDED**.

9. Respondent is assessed eleven (11) Type C Civil Penalties in the amount of one hundred dollars (\$100.00) for each month she practiced on a lapsed license, for a total assessment of One Thousand One Hundred Dollars (\$1100.00)

10. Respondent must pay, pursuant to Tenn. Code Ann. § 63-1-144, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall not exceed Two Thousand Dollars (\$2000.00).

11. Respondent understands that this is a formal disciplinary action that will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency as a **REPRIMAND**.

Mr. Adriaanse made motion, to accept the consent order as presented. Ms. Tisdale, seconded the motion. The motion carried.

### **Office of Investigations Reports**

OCCUPATIONAL THERAPY BOARD REPORT – DISCIPLINARY COORDINATORS – JUNE 2022

Occupational Therapists:

Reprimand: 2

Probation: 1

Suspension: 0

Revoked/Surrendered: 2

Occupational Therapy Assistants:

Reprimand: 1

Probation: 2

Suspension: 2

Revoked/Surrendered: 1

Mr. Roger Knowlton was present to read the Statistical Complaint Report:

**Occupational Therapist**

New Complaint 2

- Practice beyond scope 1
- Outside INV scope 1

**Occupational Therapy Assistant**

New Complaint- None

**Health Licensure and Regulation Fiscal Report**

Matthew McSpadden, Fiscal Manager, presented the financial report as follows:

<b>Tennessee Board of Occupational Therapy</b>					
<b>Actual Revenue and Expenditures</b>					
<b>for Fiscal Year ending June 30, 2022</b>					
<b>Acct. Code</b>	<b>Description</b>	<b>FY2022 Projected</b>	<b>FY2022 Actual</b>	<b>FY2021</b>	<b>FY2020</b>
701	Salaries & Wages	\$ 64,721.80	\$ 32,360.90	\$ 54,861.10	\$ 72,203.70
702	Employee Benefits	\$ 23,772.52	\$ 11,886.26	\$ 11,052.42	\$ 22,458.34
<b>Payroll Expenditures (701-702)</b>		<b>\$ 88,494.32</b>	<b>\$ 44,247.16</b>	<b>\$ 65,913.52</b>	<b>\$ 94,662.04</b>
703	Travel	\$ 3,005.82	\$ 1,502.91	\$ 718.99	\$ 4,642.78
704	Printing & Duplicating	\$ -	\$ -	\$ -	\$ -
705	Utilities & Fuel	\$ -	\$ -	\$ -	\$ -
706	Communications	\$ 3,491.88	\$ 1,745.94	\$ 2,745.76	\$ 3,162.35
707	Maintenance & Repairs	\$ -	\$ -	\$ -	\$ -
708	Prof. Svc. & Dues	\$ 10,738.34	\$ 5,369.17	\$ 12,890.18	\$ 5,818.47
709	Supplies & Materials	\$ -	\$ -	\$ 16.86	\$ 1,409.99
710	Rentals & Insurance	\$ -	\$ -	\$ -	\$ 266.48
711	Motor Vehicle Ops.	\$ -	\$ -	\$ -	\$ -
712	Awards & Indemnities	\$ -	\$ -	\$ -	\$ -
713	Grants & Subsidies	\$ 15,314.86	\$ 7,657.43	\$ 16,040.38	\$ 14,724.82
714	Unclassified	\$ -	\$ -	\$ -	\$ -
715	Stores for Resale	\$ -	\$ -	\$ -	\$ -
716	Equipment	\$ -	\$ -	\$ -	\$ -
717	Land	\$ -	\$ -	\$ -	\$ -
718	Buildings	\$ -	\$ -	\$ -	\$ -
721	Training of State Employees	\$ -	\$ -	\$ -	\$ -
722	Computer Related Items	\$ 222.50	\$ 111.25	\$ 89.60	\$ 23.05
725	State Prof. Svcs.	\$ 5,389.08	\$ 2,694.54	\$ 9,966.40	\$ 5,947.29
<b>Total Other Expenditures (703-725)</b>		<b>\$ 38,162.48</b>	<b>\$ 19,081.24</b>	<b>\$ 42,468.17</b>	<b>\$ 35,995.23</b>
<b>Total Direct Expenditures</b>		<b>\$ 126,656.80</b>	<b>\$ 63,328.40</b>	<b>\$ 108,381.69</b>	<b>\$ 130,657.27</b>

Allocated Expenditures					
Administration	\$	44,677.52	\$	22,338.76	\$ 45,352.00 \$ 40,976.02
Investigations	\$	2,823.16	\$	1,411.58	\$ 28,121.23 \$ 34,361.61
Legal	\$	81,537.74	\$	40,768.87	\$ 72,819.36 \$ 47,021.40
Cash Office	\$	1,301.31	\$	650.65	\$ 1,352.73 \$ 1,351.64
<b>Total Allocated Expenditures</b>	<b>\$</b>	<b>130,339.72</b>	<b>\$</b>	<b>65,169.86</b>	<b>\$ 147,645.31 \$ 123,710.67</b>
<b>Total Expenditures</b>	<b>\$</b>	<b>256,996.52</b>	<b>\$</b>	<b>128,498.26</b>	<b>\$ 256,027.00 \$ 254,367.94</b>
<b>Board Fee Revenue</b>	<b>\$</b>	<b>276,249.64</b>	<b>\$</b>	<b>138,124.82</b>	<b>\$ 238,158.93 \$ 230,139.73</b>
<b>Current Year Net</b>	<b>\$</b>	<b>19,253.12</b>	<b>\$</b>	<b>9,626.56</b>	<b>\$ (17,868.07) \$ (24,228.21)</b>
Technology Improvements					
LARS Improvements	\$	4,122.82	\$	2,061.41	\$ 11,548.85 \$ 1,733.81
Visual Investigator	\$	281.91	\$	140.96	\$ 1,003.19 \$ 40,140.31
<b>Total Technology Improvements</b>	<b>\$</b>	<b>4,404.74</b>	<b>\$</b>	<b>2,202.37</b>	<b>\$ 12,552.04 \$ 41,874.13</b>
<b>Cumulative Carryover</b>	<b>\$</b>	<b>392,074.52</b>	<b>\$</b>	<b>377,226.13</b>	<b>\$ 369,801.94 \$ 400,222.06</b>

## Tennessee Board of Occupational Therapy

### Analysis of Operating Expenditures and Carryover Balance

FY2018 Operating Expenditures	\$	161,903.44
FY2019 Operating Expenditures	\$	200,775.13
FY2020 Operating Expenditures	\$	254,367.94
3 Year Average of the Annual Operating Expenditures	\$	205,682.17
2 Times 3 Year Average of the Annual Operating Expenditures	\$	411,364.34
2020 Cumulative Carryover Balance	\$	400,222.06
FY2019 Operating Expenditures	\$	200,775.13
FY2020 Operating Expenditures	\$	254,367.94
FY2021 Operating Expenditures	\$	256,027.00
3 Year Average of the Annual Operating Expenditures	\$	237,056.69
2 Times 3 Year Average of the Annual Operating Expenditures	\$	474,113.38
2021 Cumulative Carryover Balance	\$	369,801.94

Cumulative carryover does not exceed two times the three-year average of operating expenditures.

### **Applicant Interview**

**Mary Craigie-** Ms. Craigie was present. Ms. Craigie's original licensure in TN was REVOKED in April 2021 for false billing. She was ordered to pay a fine and costs. Ms. Craigie paid all fines and costs and submitted application for license in October 2021. Per the previous order, she appeared before the Board at the April 2022 board meeting for approval. At that time, Ms. Craigie had not fulfilled the terms of the censure from the NBCOT, and the board deferred her application to the July meeting to allow time to complete the continuing education hours required by the NBCOT. After discussion with Ms. Craigie, Mr. Adriaanse, made a motion, to grant a four (4) year conditional license requiring Ms. Craigie to complete Ethics and Jurisprudence each year, in addition to the required (24) hours of continuing education. Also, Ms. Craigie is required to submit a letter of recommendation from her supervisor, specific to her performance in billing and coding as it relates to her occupational therapy position. Ms. Tisdale, seconded the motion. Ms. Simpson, recused herself from this board discussion and decision. The board voted: Mr. Adriaanse, aye, Ms. Tisdale, aye, Ms. Newbern, nay. The motion carried.

Ms. Teresa Phillips, Executive Director of TnPAP, was present to present the yearly report as follows:

		OT	OTA	
<b>Monitoring</b>		0	1	Holcomb
<b>Monitoring Type</b>				
	Regulatory	0	1	
	Non-Regulatory	0	0	
<b>Referrals</b>		0	0	
<b>Agreements Activated</b>		0	0	
<b>Discharges</b>		0	0	

**Ratification of New Licensees**

**Board of Occupational Therapy**  
**Ratification List**  
**March 31, 2022-June 20, 2022**

**Newly License Occupational Therapist**

Bailey, Victoria  
 Bell, Joseph  
 Belte, Leanna  
 Brittingham, Emily

Mahaffey, Carley  
 Manley, Jamichael  
 McLaughlin, Kimberly  
 McMann, Andrew

**Reinstated OT**

Whittaker-Clark, Karen

Broersma, Alison  
Burton, Mary  
Carpio, Dominique  
Castro, Alexandra  
Copeland, Bethany  
Dicus, Kayla  
Dunavan, Kylie  
Eastburn, Lauren  
Ebert, Amdana  
Elliott, Sabrina  
Enoch, Savannah  
Evans, Abigail  
Everett, Shelby  
Flores, Rodolfo  
Flowers, Margaret  
Freyman, Jocelyn  
Fulton, David  
Giambalvo, Alyson  
Goldberg, Ileana  
Grant, Hannah  
Haley, Paige  
Hamilton, Heather  
Harbor, Caleb  
Hartman, Angela  
Harty, Nicole  
Henley, Megan  
Hill, Charabian  
Horton, Janee  
Hyder, Alison  
King, Molly  
Lopez, Samuel  
Lowe, Hunter

Moore, Courtney  
Mrowiec, Caroline  
Nash, Britney  
Patton, Amy  
Price, Elizabeth  
Pulliam, Sarah  
Ragle, Amy  
Reed, Abigail  
Rich Etta  
Richardson, Quanesha  
Robbins, Madeline  
Roberts, Paisley  
Ross, Alexandra  
Simpson, Olivia  
Smith, Emily  
Starnes, Kayla  
Tichic, Mariah  
Walker, Rachel  
Watson, Madeline  
White, Taylor  
Young, Teryne  
Zaystev, Brittney

LTD/TEMP Permit OT  
Pate, Abigail  
Reese, Kayla

Closed Application  
Bottoms, Jessica  
Cohen, Arina  
Errigo, Tori  
Klene, Stacey  
Miller, Elizabeth  
Thoms, Megan  
Wilson, Megan

Newly Licensed Occupational Therapy Asst.

Baker, Kristi  
Bailey, Carson  
Bailey, Sydney  
Bottoms, Jessica  
Bundy, Christina  
Carroll, Melanie  
Davidson, Brittany  
Delaney, Amanda  
Delph, Ashley

Reinstated Occupational Therapy Asst.

Jones, Tracie  
Furman, Shelli

LTD/TEMP Permit OTA

Ingram, Emma



Dennis, Jackie  
Gilbert-Chesney, Michaela  
Greer, Brady  
Hendrick, Kenny  
Hicks, Rachel  
Horton, Ashley  
Hugo, Jolene  
Luellen, Jamesha  
Mach, Morgan  
McGough, Richmond  
Morton, Sydney  
Nicholas, Janelle  
Patterson, Kimberley  
Revilla, Chasity  
Strunk, Whitney  
Vaughan, Gabrielle  
Wareham, Tanya  
Warren, Madison

Closed Application  
Castle, Norman  
Dotson, Zachary  
Eddleman, Amanda  
Gammon, Anna  
Hodges, Eden  
Moore, Courtney  
Ringer, Deonta  
Smith, Jonathan

Modality OT

Luther, Jenna  
Murray, Candice  
Nicole Story, Brittany  
Cobb, Sarah  
Morgan, Krista  
Hensley, Kaylee  
Lawson, Emily  
Grant, Hannah  
Jackson, Anna  
Schlicher, Julia  
Gray, Heather  
King, Eden  
Vasquez, Wanda  
Bride, Kelli

Mitchell, Madison

Modality OTA

Parker, Carly  
White, Kristin  
Fields, Lauren

Ms. Simpson, made a motion, to accept the list of Newly Licensed Occupational Therapist. Mr. Adriaanse, seconded the motion. The motion carried.

Ms. Simpson, made a motion, to accept the list of Reinstated Occupational Therapist. Mr. Adriaanse, seconded the motion. The motion carried.

Ms. Tisdale, made a motion, to accept the list of LTD/PERMIT for Occupational Therapist. Ms. Simpson, seconded the motion. The motion carried.

Ms. Simpson, made a motion, to accept the list of Closed Applications for Occupational Therapist. Mr. Adriaanse, seconded the motion. The motion carried.

Mr. Adriaanse, made a motion, to accept the list of Newly License Occupational Therapy Assistants. Ms. Simpson, seconded the motion. The motion carried.

Ms. Simpson, made a motion, to accept the list of Reinstated for Occupational Therapy Assistants. Mr. Adriaanse, seconded the motion. The motion carried.

Ms. Tisdale, made a motion, to accept the list of LTD/PERMIT for Occupational Therapy Assistants. Mr. Adriaanse, seconded the motion. The motion carried

Mr. Adriaanse, made a motion, to accept the list of Closed Application for Occupational Therapy Assistants. Ms. Simpson, seconded the motion. The motion carried.

Mr. Adriaanse, made a motion, to accept the newly licensed Modality applicants for Occupational Therapist. Ms. Tisdale, seconded the motion. The motion carried.

Ms. Simpson, made a motion, to accept the newly licensed Modality applicants for Occupational Therapy Assistants. Ms. Tisdale, seconded the motion. The motion carried.

**Administrative Report.**

**BOARD OF OCCUPATIONAL THERAPIST  
ADMINISTRATOR REPORT**

**July 7, 2022**

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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.

**STATISTICAL DATA**

As of June 20, 2022, the Board of Occupational Therapy has **3471** active Occupational Therapist and **1807** Occupational Therapy Assistants

LICENSURE STATUS TOTALS FROM THE MONTHS OF  
March 31, 2022 through June 20, 2022

<b>OCCUPATIONAL THERAPIST</b>	
Total applications received – 405	
New licenses issued – 62	Renewal Total – 317
Reinstatements – 1	Online Renewals – 288

Limited Permit – 2	Paper Renewals – 29
Licenses Retired – 9	
Failed to Renew/Expired Licensees – 41	
<b>OCCUPATIONAL THERAPY ASSISTANT</b>	
Total applications received – 208	
New licenses issued – 26	Renewal Total – 153
Reinstatements – 2	Online Renewals – 136
Limited Permit – 1	Paper Renewals – 17
License Retired- 1	
Failed to Renew/Expired Licensees – 31	

**For this reporting period, the usage rate for utilizing the online renewal portal for Occupational Therapist is 91% ; Occupational Therapy Assistants, 89%**

#### **Upcoming Board Meeting Dates**

October 6, 2022  
January 26, 2023  
April 27, 2023  
July 7, 2023  
October 26, 2023

#### **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

#### **Agreed Citation**

Ms. Noranda French presented the board with an Agreed Citation for Barbara Harper. Ms. Harper was issued an agreed citation for CE Violation. She has paid the fine and agreed to the terms of the citation. Mr. Adriaanse, made a motion, to accept the paid/signed citation. Ms. Simpson, seconded the motion. The motion carried.

## **Correspondence**

Joyce Young - Requested an extension to complete CEU hours due to multiple medical episodes. Mr. Adriaanse, made a motion, to table her request until the October board meeting and require Ms. Young to provide more documentation to support her medical claim. Ms. Simpson, seconded the motion. The motion carried.

Margaret Flowers - Requested the board to consider her Physical Agent Modality credential training and years of experience, acquired in GA, to transfer over to her TN OT license. After determining that her training was through a State Association approved provider, Ms. Tisdale, made a motion, to accept the PAM's credential from GA, and allow Ms. Flowers, to practice electrical and thermal agent modalities in TN. Mr. Adriaanse, seconded the motion. The motion carried.

## **Break**

Mr. Adriaanse, made a motion, to take a short break at 11am, seconded, by Ms. Tisdale. The motion carried.

Meeting called back to order at 11:16am.

Morgan Webb, Representative with the TNOTA, was present at the meeting to discuss clarification from the board on several items. Ms. Tracy Alcock, Deputy General Counsel discussed rule interpretation and the board's authority in regard to interpretation.

Ms. Simpson, made a motion, to conduct a special meeting on November 7, 2022, to review redline items, either electronically or in person as allowed. Ms. Tisdale, seconded the motion. The motion carried.

Ms. Tisdale, made a motion, to allow Ms. Newbern, Ms. French, and Ms. Gill to create a policy recommendation on Synchronous vs Asynchronous continuing education clarification. Policy statement recommendation to be presented to the board for consideration at the October 6, 2022 board meeting. Mr. Adriaanse, seconded the motion. The motion carried.

## **Old and New Business**

CE Policy "Cure"- Ms. French requested a position statement from the Board regarding the CE Policy to clarify its true meaning and intent. Ms. French agreed to draft the statement to be presented at the October 6, 2022 board meeting.

Dry Needling Counsel provided a letter to the board with input on the rules for Dry Needling. Ms. Gill emphasized that the rules for Dry Needling for OT's have already been drafted and are still in process at the time of the meeting. Until the rules are posted for the public, licensed OT and/or OTA's are NOT PERMITTED TO PERFORM DRY NEEDLING IN TN.

OT Compact- Ms. Tisdale, nominated Hollie Simpson, and Noranda French, to represent the board as delegates for the OT Compact. Mr. Adriaanse, seconded the motion. The motion carried.

With no further business to discuss, Mr. Adriaanse, made a motion, to adjourn. Ms. Tisdale, seconded the motion. The motion carried.

The meeting adjourned at 12:45pm.

**THESE MINUTES WERE RATIFIED AT THE OCTOBER 6, 2022 BOARD MEETING.**