

**BOARD OF OCCUPATIONAL THERAPY  
MINUTES**

DATE: July 29, 2021  
TIME: 9:00 AM CST  
LOCATION: Poplar Conference Room  
665 Mainstream Dr, 1<sup>st</sup> Floor  
Nashville TN 37243

MEMBERS PRESENT: Amanda Newbern, President  
Anita Tisdale, Board Member  
Allen Adriaanse, Board Member  
Hollie Simpson, Board Member

MEMBERS ABSENT: Dr. Larry Goings

STAFF PRESENT: Noranda French, Unit Director  
Mary V. Bennett, Board Manager  
Lara Gill, Senior Associate General Counsel  
Lori Leonard, Disciplinary Coordinator  
Sabrina Craig-Boyd, Board Administrator

**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 9:07am.

**Minutes**

After a review of the April 29, 2021 minutes, Mr. Adriaanse made a motion to approve the minutes with a spelling correction, Ms. Simpson seconded the motion. The motion carried.

**Office of General Counsel Report**

Lara Gill, Senior Associate General Counsel, reported that as of July 20, 2021, there are currently three (3) outstanding disciplinary complaints (all pertaining to occupational therapists).

There are no pending appeals or civil suits.

## **Investigative and Disciplinary Reports**

Lori Leonard, disciplinary coordinator, reported there are currently five (5) Occupational Therapists being monitored under reprimand, one (1) under suspension, and one (1) under revocation.

Ms. Leonard reported there is currently one (1) Occupational Therapist Assistant being monitored under reprimand, three (3) under probation, one (1) under suspension, and one (1) under revocation.

Ms. Leonard reported four (4) new complaints for Occupational Therapists, three (3) were regarding unprofessional conduct and one (1) was regarding a matter outside of the investigative scope. There are currently eight (8) open complaints pending investigation or review.

Ms. Leonard reported two (2) new complaints for Occupational Therapist Assistants, one (1) regarding falsification of records and one (1) regarding a lapsed license. There are currently nine (9) open complaints pending investigation or review.

## **Division of Health Licensure and Regulations**

No financial report at this time.

## **TNPAP**

Teresa Phillips, Executive Director of TNPAP, presented the report from TnPAP from July 1, 2020 through June 30, 2021. There were no occupational therapists monitored during this time frame. There was one referral, due to a positive workplace drug screen. There were no agreements activated. One was discharged due to no monitoring recommended. TNPAP is currently monitoring one (1) OTA. There have been no referrals, no agreements activated, and no discharges.

## **Board of Occupational Therapy Ratification List April 17, 2021-July 16, 2021**

### **NEWLY LICENSED OCCUPATIONAL THERAPIST**

Atkins, Elizabeth	Harrington, Zachery	Rosinsky, Alieshlaia
Barnett, Joshua	Harris, Abigail	Rossmann, Anna
Barnell, Laurel	Haynes, Benjamin	Schneider-Adams, Margaret
Bilotta, Julia	Heuer, Ryan	Siegler, Amy
Black, Alyssa	Hooper, Brienne	Smith, Kayla
Bloom, Rebecca	Horn, Shelby	Stein, Samantha

### **REINSTATED OT**

Ainslie, Leann
Dixon Garrick, Angie
Dunn, Hope
Gaither, Lateasha
Hall, Jenna
Lucy, Jamie

Bohanan, Brooke  
Bowens, Chante  
Bracker, Ashley  
Britt, Julie  
Cancemi, Alyssa  
Caroll, Savannah  
Carter, Carlie  
Chapman, Jennifer  
Click, Kayla  
Clingan, Danyele  
Combs, Renee  
Conn, Averie  
Cron, Kathleen  
Davis, Jalin  
Dean, Nicholas  
Denton, Elizabeth  
Dougherty, Monica  
Dunn, Ivy  
Ekvall, Carly  
Ellison, Haley  
Evans, Tevin  
Farr, Brian  
Feeney, Jenna  
Fennell, Carly  
Flint, Savannah  
Flores, Christopher  
Fung, Anna  
Gentile, Megan  
Gieraltowski, Patrycja  
Graham, Alice  
Grant, Kimberly  
Guffey, Hannah  
Gilbeau, Shea  
Hamblen, Rachel  
Hannah, Morgan  
Harmon, Jenny  
Harrell, Taylor

Hudson, Annie  
Hunt, Paul  
Jestice, Shelby  
Keane,Carolynn  
Kennedy, Kayla  
Lamon, Jennie  
Lawson, Laura  
Long, Kathryn  
Lora, Raymond  
Lucking, Lori  
Lynn, Jenna  
Martin, Ashley  
Matlock, Hailey  
McCain, Kimberly  
McKeonHinney, Donna  
Meyer, Jenna  
Miranda, Ismael  
Montague, Lauren  
Moore, Rachel  
Morgan, Kathryn  
Mott, Jordan  
Odom, Rebekah  
Parmer, Kara  
Pate, Jean  
Patidar, Nima  
Pearson, Cynthia  
Porter, Lisa  
Potter, Sydney  
Price, Lindsay  
Ramsey, Kristine  
Rayder, Emily  
Reedus, Tamora  
Reisert, Katie  
Richardson, Nicole  
Richardson, Sarah  
Riley, Christine  
Roberts, Gina

Stem, Kaylee  
Stem, Logan  
Stewart, Jenna  
Stringer, Leslie  
Swantek, Sally  
Sweeney, Currie  
Theobald, Dakota  
Thompson, Julianna  
Trifilio, Karen  
VanVolkenburgh, Dustin  
Versace, Nicole  
Walls, Rochelle  
Washington, Jaleshia  
Webster, Rebecca  
Williams, Erica  
Wingerter, Kali  
Wolfe, Hailey  
Wright, Jessica  
Yarbrough, Amber  
York, Ryan

Porter, Lisa

#### CLOSED APPLICATIONS

Adams, Jennifer  
Connell, Farrah  
Crowe, Daniel  
Dewey, Jennifer  
Grello, Amber  
Hobbs, Kaylee

#### MODALITY

Arnwine, Reagan  
Bowens, Chante  
Carroll, Savannah  
Conn, Averie  
Foster, Kayla  
Giger, Amanda  
Holt, Meagan  
Kelley, Robert  
Read, Hanna  
Stahler, Kaylee

#### NEWLY LICENSED OCCUPATIONAL THERAPY ASSISTANTS

Abernathy, Madison  
Adkins, Shyann  
Aird, Lenna  
Al-Hammadi, Laila  
Alston, Rhonda  
Ball, Olivia  
Becker, Tanya  
Bolton, Christopher  
Bushong, Brea  
Tucker, Hannah  
Vaught, Bryan  
Wade, David  
Wallace, William  
Williams-Binion, Amber  
Wilson, Madison

#### REINSTATED OTA

Bouvia, Cassandra  
Faulkner, Ashley  
Robinson, Amanda  
Smith, Alexis  
Young, Lodonna

Campbell, Amy  
Cooper, Kayla  
Crawford, Hannah  
Daugherty, Mary  
Davis, Keytetra  
Dennis, Shelby  
Dingmann, Julie  
Dues, Leah  
Esch, Shaina  
Fitzpatrick, Allison  
Gattie, Helene  
Gilbert, Amanda  
Grant, Heather  
Griffin, Taryn  
Harris, Courtney  
Holland, Tori  
Hollifield, Cameron  
Hostetler, Janel  
Jones, Andrea  
Koroly, Hannah  
Kurtz, Jamie  
McKinney, Tonia  
Murphy, Anna  
Nguyen, Thuy  
Noneaker, Ariel  
Plowman, Morgan  
Presley, Lora  
Rice, Megan  
Richardson, Jennifer  
Richardson, Nathan  
Ross, Bailey  
Schaning, Chelsea  
Schubert, Chelsea  
Showman, Ricky  
Smith, Allison  
Stophel, Kristen  
Thomas, Jessica  
Thompson, Mindy

LIMITED PERMIT

Cornett, Mollie  
Hietanen, Kimberly  
White, Morgan

CLOSED APPLICATION

Booker, Kendal  
Morris, Joan  
Voll, Michael

MODALITY

Jones, Miranda  
Potash, Gwen  
Thatcher, Madison

Ms. Tisdale made a motion to ratify the newly licensed occupational therapists. Ms. Simpson seconded. The motion carried.

Mr. Adriaanse made a motion to ratify the newly reinstated occupational therapists. Ms. Simpson seconded. The motion carried.

Ms. Tisdale made a motion to ratify the closed applications for occupational therapists. Ms. Simpson seconded. The motion carried.

Mr. Adriaanse made a motion to ratify the modalities certifications for occupational therapists. Ms. Simpson seconded. The motion carried.

Ms. Simpson made a motion to ratify the newly licensed occupational therapy assistants. Mr. Adriaanse seconded. The motion carried.

Mr. Adriaanse made a motion to ratify the newly reinstated occupational therapist assistants. Ms. Simpson seconded. The motion carried.

Ms. Simpson made a motion to ratify the limited permits for occupational therapy assistants. Mr. Adriaanse seconded. The motion carried.

Ms. Tisdale made a motion to ratify the closed applications for occupational therapy assistants. Ms. Simpson seconded. The motion carried.

Mr. Adriaanse made a motion to ratify the modalities certifications for occupational therapist assistants. Ms. Tisdale seconded. The motion carried.

### **Administrative Report**

## **BOARD OF OCCUPATIONAL THERAPY ADMINISTRATOR REPORT July 29, 2021**

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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 Therapists.

### **Statistical Data**

As of July 16, 2021, the Board of Occupational Therapy has 3312 active Occupational Therapists and 1771 Occupational Therapy Assistants.

### **LICENSURE STATUS TOTALS FROM THE MONTHS OF April 17, 2021 through July 16, 2021**

<b>OCCUPATIONAL THERAPISTS</b>	
New applications received – 559	
New licenses issued – 112	Renewal Total – 331
Reinstatements – 10	Online Renewals- 287
Limited Permits – 0/1 to full	Paper Renewals- 44
Licenses Retired – 5	
Failed to Renew/Expired Licensees – 33	

<b>OCCUPATIONAL THERAPY ASSISTANTS</b>	
New applications received – 333	
New licenses issued – 53	Renewal Total – 199
Reinstatements –5 Limited Permits- 3/3 to full	Online Renewals- 170
Licenses Retired – 1	Paper Renewals- 29
Failed to Renew/Expired Licensees – 39	

**For this reporting period, the usage rate for utilizing the online renewal portal for Occupational Therapists is 86% and Occupational Therapy Assistants is 85%**

**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.

**Upcoming Board Meeting Dates**

- October 7, 2021
- January 13, 2022
- April 14, 2022
- July 7, 2022
- October 6, 2022

**Correspondence**

A. Elaine LaGarce

Request for an extension to complete continuing education-

Mr. Adriaanse made a motion to deny the request for an extension. Ms. Simpson seconded. The motion carried.

B. Mary Barnes

Ms. Barnes came before the Board to give a presentation with information on dry needling.

**Legislation**

Legislative Update 2021  
Occupational Therapy

Public Chapter 37

This act prohibits agencies subject to sunset review from promulgating rules or adopting policies to exempt members solely by virtue of their status as members. This act took effect March 23, 2021.

#### Public Chapter 143

This act adds the practice of dry needling of the upper limb, with proper training and certification, to the present list of services that a licensed occupational therapist may provide, and specifies that the provision of such service by a licensed occupational therapist is not the practice of acupuncture. This act also requires the board of occupational therapy to establish minimum competency requirements that an occupational therapist must demonstrate in order to practice dry needling of the upper limb. Lastly, this act authorizes occupational therapy practice to occur via telemedicine, or provider-based telemedicine. This act took effect on April 13, 2021 for rulemaking purposes. The rest of the public chapter took effect July 1, 2021.

#### Public Chapter 153

This act creates a new definition of “store-and-forward telemedicine services” to include the use of asynchronous computer-based communications between the healthcare provider and the patient for the purpose of diagnoses, consultation, or treatment of a patient at a distant site where there may be no in-person exchange. This act took effect April 13, 2021.

#### Public Chapter 179

This act authorizes unlicensed graduates of certain medical training programs to provide telehealth services, provided they maintain the same existing standards for telehealth that licensed providers must meet. This act took effect April 20, 2021.

#### Public Chapter 242

This act authorizes records custodians to petition a court for injunctive relief from individuals making frequent public records requests with the intent of disrupting government operations, following a fifth (5th) public records request. A records custodian can only petition a court if they notify the person in writing stating the specific conduct may constitute intent to disrupt government operations, and that the person continues to do so. The individual upon a court enjoinder would not be able to make public requests at the agency for up to one (1) year. This chapter took effect April 28th, 2021 and will sunset July 1, 2025.

#### Public Chapter 291

This act requires the attorney general and reporter to not approve an emergency rule if the emergency rule does not meet the statutory criteria for adoption of the rule. This act took effect July 1, 2021.

#### Public Chapter 328

This act requires that starting December 1, 2023, state agencies submit a report of their effective rules to the chairs of the government operations committee every eight (8) years. The report is required to include a brief description of the department’s operations that each chapter affects, as well as each rule and its administrative history, which would include the original promulgated date and the dates the rule was last amended, if applicable. Additionally, the report would include a determination of each rule on whether it adheres to current state or federal law or court rulings, should be amended or repealed, reviewed further, or continue in effect without amendment. Lastly, if there are any intentionally false statements in the report, the government operations committee would have the ability to vote to request the general assembly to remove a rule or suspend the department’s rulemaking authority for any reasonable period of time. This act took effect July 1, 2021.

#### Public Chapter 357

This act authorizes an exception to existing telehealth requirements governing healthcare providers in Tennessee. In doing so, it allows individuals licensed in another state to practice telehealth in Tennessee while providing healthcare services on a volunteer basis through a free clinic. This act took effect May 11, 2021.

#### Public Chapter 453

This act requires public or private entities or businesses that operate a building open to the general public to post signage regarding public restroom access in certain situations. Specifically, this applies to entities or businesses that have restroom policies allowing either biological sex to use any public restroom within their building. The act includes requirements for language, size, location, and even color for the signage. The act excludes unisex, single occupant restrooms or family restrooms intended for use by either sex. This act took effect July 1, 2021.

#### Public Chapter 513

This act prohibits the Governor from issuing an executive order and a state agency, department or political subdivision from promulgating, adopting, or enforcing an ordinance or resolution that requires a person to receive an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus. It also deletes the previous override during an epidemic or immediate threat of an epidemic of an objection against vaccination that was made on the basis of religious tenets. The law prohibits requiring the COVID-19 vaccine to attend k-12 schools. The prohibition against requiring vaccines does not apply to governmental entities subject to federal or state statute or rule that prohibits the entity from requiring medical treatment for those who object on religious grounds or right of conscience. The law also does not apply to students of a public institution of higher education delivering healthcare services when the student is participating in/fulfilling requirements of a program in medicine, dentistry, pharmacy, or another healthcare profession. This act took effect May 25, 2021.

#### Public Chapter 531

This act limits an agency's authority to promulgate rules without a public hearing. There are exceptions to the public hearing requirement. These exceptions include emergency rules, rules that are non-substantive modifications to existing rules (like clerical updates), rules that repeal existing rule, or rules that eliminate or reduce a fee described by an existing rule. This act took effect July 1, 2021.

#### Public Chapter 532

This act authorizes the joint government operations committee to stay an agency's rule from going into effect for a period of time not to exceed ninety (90) days. If the government operations committee determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the secretary of state. The initial stay may be done by either the house or senate government operations committee, but subsequent stays must be by agreement by the committees of both chambers. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay. This act took effect May 25, 2021.

#### NOTICE OF RULEMAKING HEARING

Ms. Lara Gill, Senior Associate General Counsel, presented the rulemaking hearing as follows:

Rule Chapter 1150-02  
General Rules Governing the Practice of Occupational Therapy  
Amendments

Rule 1150-02-.04 Qualifications for Licensure is being amended by deleting subpart 4 (a) 3. (iv) in its entirety.

Authority: T.C.A. §§ 63-13-102, 63-13-103, 63-13-108, 63-13-202, 63-13-203, 63-13-206, and 63-13-213

Rule 1150-02-.1 2 Continued Competence is being amended by deleting the introductory paragraph, but not the rule, in its entirety and by substituting instead the following language:

On January 1, 2006 the Board shall begin to notify applicants for licensure renewal of the continued competence requirements as provided in T.C.A. § 63-13-204 (d). Effective January 1, 2021, the Board shall require each licensed occupational therapist and occupational therapy assistant to participate in a minimum number of activities to promote continued competence during the twenty-four (24) months that precede the licensure renewal month. The renewal cycle will begin the first day of the licensee's birthday month and continue to the last day of the month preceding the licensee's birthday month.

Rule 1150-02-.12 is further amended by adding the following new paragraph (7) and renumbering the subsequent paragraphs accordingly:

(7) Suicide Prevention Training required under the "Kenneth and Madge Tullis, MD Suicide Prevention Training Act:

(a) Current Tennessee Licensees-beginning January 1, 2020, all persons who hold an active license as an occupational therapist must complete a minimum two (2) hour training program by a board-approved provider relative to suicide prevention at least once every four (4) years.

(b) New Tennessee Licensees – An occupational therapist applying for initial licensure in the State of Tennessee on or after January 1, 2020 is not required to complete a training program on suicide prevention for two (2) years after the date of initial licensure if the applicant can demonstrate successful completion of a two (2) hour training program by a board-approved provider that was completed no more than two (2) years prior to the application for initial licensure.

(c) Hours Earned – The continuing education hours earned through the training program in Part (a) or Part (b) of this subparagraph count toward meeting the continuing education requirements listed in this rule.

Rule 1150-02-.12 is further amended by changing internal references to the renumbered paragraphs as follows (paragraphs renumbered in accordance with the insertion of new paragraph (7):

(9) Continued competence credits are awarded pursuant to the Activity Table in paragraph (12).

(14) (a) Expired, retired, or inactive for three (3) years or less - An individual whose license has expired, or has been retired or inactive for three (3) years or less shall submit the appropriate application and documentation of continued competence, as provided in paragraph (13), for the two (2) year period that precedes the reinstatement/reactivation year.

(14) (b) 1. An individual whose license has expired, or has been retired or inactive for more than three (3) years shall submit the appropriate application and documentation of continued competence, as provided in paragraph (13), for the two (2) year period that precedes the reinstatement/reactivation year; and

SS-7037 (March 2020) 3 RDA 1693 Authority: 63-1-125, 63-13-108, 63-13-204, 63-13-209, 63-13-210, and 63-13-215

Ms. Simpson made a motion to accept the rulemaking hearing as presented. Mr. Adriaanse seconded the motion. The motion carried.

### **Old and New Business**

#### A. Dry needling to upper limb rules drafting

Ms. Tisdale made a motion to appoint a council for establishing the minimum competency requirements for dry needling for occupational therapists. This would include general counsel, Board member Allen Adriaanse, one to two members of the TNOTA, and a certified hand therapist (to be approved by Mr. Adriaanse and Board attorney). Ms. Simpson seconded. The motion carried.

#### B. Board consultant

The Board members discussed nominating a new Board consultant. The administrative staff will reach out to the potential nominees discussed.

### **Adjourn**

Ms. Tisdale made a motion to adjourn at 1:10pm. Ms. Simpson seconded. The motion carried.

**THESE MINUTES WERE RATIFIED AT THE OCTOBER 7, 2021 BOARD MEETING**