

**BOARD OF OCCUPATIONAL THERAPY
MINUTES**

DATE: March 22, 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
Anita Mitchell, OT, Board Member
William Daniel, Board Secretary

MEMBERS ABSENT: Marilyn Franklin, OT, Board Member

STAFF PRESENT: Michael Sobowale, Unit Director
Mary V. Webb, Unit Manager
Crystal Bloom, Board Administrator
Lara Gill, Assistant General Counsel
Andrea Huddleston, Deputy General Counsel
Lori Leonard, Disciplinary Coordinator
Noranda French, Division Financial Officer

GUESTS: Mike Harkreader, TnPAP Representative
Diana Kirby, TDMHSAS Representative
John P. Williams, TNOTA 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. Crystal Bloom, with one board member absent. Ms. Andrea Huddleston also introduced the new board advisory attorney, Lara Gill.

Rulemaking Hearing

Andrea Huddleston, Deputy General Counsel, called the rulemaking hearing to order and served as the moderator. The purpose of the rule making hearing is to solicit comments on the rules proposed by the Board to amend Rule 1150-02-.06 on fees and Rule 1150-02-.09 on renewal of license. Pursuant to TENN. CODE ANN. § 4-5-204, Ms. Huddleston presented a summary of the factual information which formed the basis of the rules contained in the Notice of Rulemaking Hearing:

The amendment to Rule 1150-02-.06 will, 1) decrease the (biennial) renewal fee for OTs from \$110.00 to \$85.00 and decrease the (biennial) renewal fee for OTAs from \$80.00 to \$60.00. 2) amend Rule 1150-02-.06 to consolidate the application, registration and certificate fees into one application fee for OTs and OTAs. 3) amend Rule 1150-02-.09 in part (2) (a) 1. to delete the language that “if an applicant was reinstating a lapsed license, an applicant would have to pay all renewal fees” and substitute with the language that the applicant would only pay the current renewal fee and the late renewal fee. A rule is defined as an agency statement of general applicability that implements or prescribes law or policy or describes the procedures or practice requirements of the agency. A proposed rule is filed with the Secretary of State, notice is given to the public for comment and a rulemaking hearing is held. Upon conclusion of the hearing, the proposed rules are forwarded to the Attorney General’s Office for review of legality. If approved, they are filed with the Secretary of State, which is responsible for publication, and another hearing for approval before the Joint Government Operations Committee of the General Assembly. The Rules must stay in the Secretary of State’s Office for ninety (90) days at the end of which time, will be the effective date. The Notice of Rulemaking Hearing included the entire text of the proposed rule and was published on the Secretary of State’s website on September 13, 2017 and the State’s Administrative Register. There was no public comment received regarding the proposed rule.

Ms. Huddleston explained that a statement on the Regulatory Flexibility Analysis attached to the Notice of Rulemaking Hearing as presented, and the Statement of Economic Impact to Small Business attached to the Notice of Rulemaking Hearing must be filed as it explains who the fee decrease may affect and how the changes to the rules benefits the profession. Thereafter, Dr. Mitchell made a motion, seconded by Mr. Daniel, to accept changes to the rule as presented at the rulemaking hearing. By a roll call vote, and with all board members present voting yes, the motion carried.

The rulemaking hearing concluded at 9:17 AM.

Election of Officers

Dr. Anita Mitchell made a motion, seconded by Anita Tisdale, for Amanda Newbern, to continue in the role of Board Chair. The motion carried.

Ms. Tisdale made a motion, seconded by Ms. Mitchell, for Mr. William Daniel, to continue in the role of Board Secretary. The motion carried.

Minutes

After review, Ms. Tisdale made a motion, seconded by Mr. Daniel, to approve the minutes of the October 26, 2017 meeting and January 26, 2018 special meeting as written. The motion carried.

Office of General Counsel Report

A. Conflict of Interest

Ms. Huddleston 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. Litigation

Ms. Lara Gill presented the Office of General Counsel (OGC) report as follows:

OGC currently has no pending appeals before the Board pertaining to disciplinary actions or civil suits. As of March 15, 2018 there were three (3) outstanding disciplinary complaints, against three respondents. There are settlement proposals for two of those complaints that will be presented to the Board for consideration at this meeting.

C. Rules

A rulemaking hearing to decrease license renewal fees for both OTs and OTAs was just held.

D. Legislation

Ms. Gill discussed House bill 2248 or Senate bill 2465. The bill is referred to as the “Fresh Start Act” and it states that denials or refusals of an occupational professional license must be due to their results on a background history check indicating a criminal conviction which directly relates to the offender’s ability to practice in the occupational profession.

Consent Order

Jodi P. O’Hara OT#2801 - A Consent Order was presented on Jodi P. O’Hara for failure to timely renew her license and practicing for a period of eighteen (18) months without a license. Ms. Mitchell made a motion, seconded by Mr. Daniel, to accept the consent order as written. The motion carried.

Order of Compliance

1. **Mary A. Merriman, OT# 398** - Ms. Merriman filed a petition to the Board to lift discipline that was placed on her license. The respondent has complied with all the terms, penalty fees, and CE requirements that were ordered. Anita Tisdale made a motion, seconded by William Daniel, to accept the Order of Compliance as presented. The motion carried.
2. **William H. Norman, OT #4033** - Mr. Norman petitioned the Board for an Order of Compliance. His license was placed on probation for two years until all prior requirements were met. Based on review of his file, Mr. Norman has complied with all the requirements of the previous Consent Order. 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 are four (4) occupational therapists on probation, no suspensions and four (4) occupational therapy assistants on probation, one (1) under a board order, and one (1) TSAC suspension. For Occupational Therapists, year to date, there have been three (3) new complaints to the office of investigations, zero (0) have been closed and there are ten (10) under review or pending. For Occupational Therapy Assistants, there is one (1) new complaint open, zero (0) have been closed and eleven (11) are currently pending investigation and/or review.

Financial Report

Ms. Noranda French, Division Financial Officer, presented the Board's 2017 End-Year Financial Report. As of March 22, 2018, the Board had revenue of \$218,750 with expenditures of \$184,007. Fiscal Year 2017 closed with a cumulative carryover of \$ 383,758. 00.

Applicant Interviews/ File Reviews

Magdalena Crandall, OT#5800 - Modality Application. Ms. Crandall was not present. Ms. Crandall is requesting to add a modality endorsement on her State Of Tennessee OT license by reciprocity of her modalities from the State of Georgia. After review and discussion, a motion was made by Ms. Mitchell, seconded by Ms. Tisdale, to approve Ms. Crandall's modality application by reciprocity. The motion carried.

Amber Sponagle, OTA#1442-Reinstatement. Ms. Sponagle was present. Ms. Sponagle presented her request to waive requirements of completing the required twenty-four (24) continuing education hours for her reinstatement application due to a disability. After review and discussion, a motion was made by Ms. Mitchell, seconded by William Daniel, to grant her application for license reinstatement contingent upon the completion of twenty-four (24) hours of CE's as outlined in the rules and statutes, with documentation of completion provided to the board's office prior to reinstatement of license. The motion carried.

Heather Majtyka OT, -Reciprocity Applicant. Heather Majtyka was present. Ms. Majtyka presented her request before the board to apply for licensure as a reciprocity applicant. Ms. Majtyka's license verification indicated that there was disciplinary action placed on her Delaware license, due to not satisfying her CE requirements. After review and discussion, a motion was made by Ms. Mitchell, seconded by Ms. Tisdale, to approve Ms. Majtyka's reciprocity application. The motion carried.

Lee Anne Anderson OTA, Applicant- Ms. Anderson was not present. A criminal background check revealed past criminal convictions. After review and discussion of Ms. Anderson's file, a motion was made by Ms. Mitchell, seconded by Drew Daniel, to table Ms. Anderson's application file, and request that she appear before the board at the next scheduled meeting. The motion carried.

Megan Michener OT, Applicant- Ms. Michener was present. Ms. Michener discussed and answered questions from the Board regarding derogatory information shown on her criminal background check. After review and

discussion, a motion was made by Ms. Mitchell, seconded by Ms. Tisdale, to approve Ms. Michener's initial application for licensure in Tennessee. The motion carried.

Tennessee Professional Assistance Program (TnPAP) Report

Mike Harkreader presented the TnPAP report to the Board. Mr. Harkreader stated that TnPAP is monitoring one (1) individual, a referral from the Department of Health from the prior report. The report covered the period from July 1, 2017 to September 30, 2017 for a total of two (2) months. There was no additional information to report.

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 OCTOBER 23, 2017 THROUGH MARCH 16, 2018

Occupational Therapist– 70

ADAMS, RACHEL	HAUGEN, TAYLOR	RAINWATER, SARAH
ALLEN, ANTOINETTE	HEACOCK-SMITH, ROSE	RICE, HALEY
ARWOOD, LUCAS	HEMBREE, JENNIFER	RIGGS, SUMMER
BECKER, EMILY	HENSLEY, STEPHANIE	ROBERTSON, JACQUELINE
BERMAN, CASSIE	HERNANDEZ, RACHEL	ROGERS, SARA
BIGGS, MAGGIE	JIVIDEN, WESLEY	RUTLEDGE, KENDRA
BLAKE, JASMINE	JOHNSON, JILLIAN	SACKETT, LAURA
BOUCH, SARAH	KNAPP, DENISE	SANDERS, TODD
BRADFORD, TRACEY	LAFOLLETTE, ERICA	SMITH, ASHLEY
CHOTO, CHRISTOPHER	LANE, JESSICA	SMITH, TARA
CIOLEK, CHRISTINA	LIVELY, FELICIA	THOMPSON, ERIN
COPELAND, AMBER	LUMPKIN, MELINDA	VALICKUS, LAURA
CRANDALL, MAGDALENA	MALLOY, CHANDLER	WARGOWSKY, TANYA
D'ERMILIO, JODIE	MARBLE, LYDIA	WELLS, KELLEY
DOBOSZ, ANDREA	MARINI, MARGARET	WHARTON, DUSTIN
DOUGLAS, JINGBIN	MARION, JON	YOUNG, EMILY
EVANS, CARLYN	MCCABE, LESLIE	
GAGNON, JAMI-MIRANDA	MCMILLAN, CHASITY	
GARRISON, WESLEY	MONCIER, DANIEL	
GILLULY, LAURA	MONJEAU, LISA	
GISH, ALEXANDER	MOORE, LINDSAY	
GOFF, LYNDSEY	ORICK, RYAN	
GOODIN, AMANDA	PATEL, KYRA	
GREGORY, SHEILA	PAYNE, WILLIAM	
HANSON, STACEY	PHILLIPS, ASHLEY	
HARRIS, MARLEETA	PRESTEGAARD, LAURA	
HARRIS, SATYRA	PYLES, KIRA	

Occupational Therapy Assistants-45

ALTON, JANIE

AMORIM, CAITLYN

Board of Occupational Therapy
March 22, 2018

ANTHONY, TERESA
BEKERMAN, ELIZABETH
BIXLER, JENNIFER
BRAVO, CLEYDE
BROWN, BRITTNEY
CHILDERS, PAUL
CRUTCHER, KELLI
DENT, ERICA
DERBY, JAMIE
DILLON, MADISON
DIX, JENNA
DUFRESNE, AMANDA
DUNN, HOPE
FIELDS, NIKKI
GRIMES, CARISSA
GROTH, ELKE
GSCHWEND, LEIGH
HARRIS, VONDA
HUMPHRIES, GRACE
INMAN, KRYSTAN
KRANTZ, LINDA
MEEKER, PHILLIP

MIKE, CHARLES
MOORE, JOSELYN
PANTER, TASHINA
PORTER, SAMUEL
POWELL, DEIDRA
MALIN, JESSICA
MARTIN, ASHLEY
MCCOWAN, CATHERINE
RAMBALLY, SUNIL
RAY, MADISON
SHEARON, NATALIE
SHORT, WANDA
SMITH, JESSICA
SPICELAND, JADA
SWINEA, VICTORIA
TAYLOR, LISA
TURPIN, CHRISIE
USARY, HALI
WALLACE, KELLERY
WATSON, KELSEY
WITCHER, LATASHA
WRIGHT, MAEGAN

MODALITIES

OT-17

OTA-10

BARR, ISAAC
FUQUA, STACEY
HANSON-SKIRKA, KELSEY
HART, REBECCA
HENDRICKS, EBONIQUE
JACKMAN, EVAN
KIHARA, ALYSSA
KING, SHELBY
LEGER, RICHARD
LUINETTI, LINDA
MOORE, THOMAS
MOORMAN, CORRYN
TYSON, HEIDI
VOLENTINE, KYLE
WALKER, SARA
WELCH, STEPHANIE
WILLIAMS, JERRY

DOUGLAS, DESERAE
FIELDS, CHELSEA
LINDEMOOD, KIMBERLY
OLDS, CHELSEA
SMITH, MICHAEL
WALLS, KARA
WASHINGTON, LADESHIA
WATSON, BRENDA
WIMBERLY, BRENDA
WATSON, SYBILLA

REINSTATEMENTS

OT-7

OTA-1

BARBOSA, ERIKA
DAVIS, CHELSEA
BEAMER, LAURIE
ELLIS, TOYA
FLOREK, JEFFERY
KATO, CARA
LESTER, HEATHER
SHARPE, MARGARET

DAVIS, CHELSEA

CLOSED FILES

OT-9

OTA-5

EKVALL, ERICA
FLANIKEN, KRISTEN
HAMMOND, ELIZABETH
HEARD, ASHUNTE
JONES, NICOLE
KATO, CHRISTINA
STEEL, MAGGIE
VISWANATHAN, LEIGH

CATLETT, CLAIRE
CERVANTES, CLAIRE
MASSONGILL, ANNA
TUTTLE, GLADYS
WEST, JAMIEKARPAC, GINA

DELAYED REPORTING -24

OT-7

BROOKS, MALOREE
BROWN, WHITAKER
GRAYSON, BOBBY
HARBOR, JORDAN
JOHNSON, EMILY
OSBORNE, KAITLYN
YOUNG, STEPHANIE

OTA-

BRACKEY, MARY
BROWN, MOLLY
BROWN, MOLLY, M
EDGEMON, PHILIP
KELLY, NATHANIEL
MILTON, ALYSSA
ROSS, CHASE

The motion carried.

Administrative Report

Loren Givens presented the following report from the Administrative Office:

A. Statistical Report - The Board has 2729 total active OT licensees and 1545 OTAs as of March 16, 2018.

B. Licensing activities from October 23, 2017 through March 16, 2018:

OT	OTA
New applications received – 120	New applications received – 62
New licenses issued – 77	New licenses issued – 52
Reinstatements – 7	Reinstatements – 1
Number of paper renewals – 81	Number of paper renewals – 41
Number of renewals on line – 413	Number of renewals on line – 212
Number of licensees who retired – 5	Number of licensees who retired – 2
Failed to Renew/Expired Licensees – 48	Failed to renew/Expired Licensees – 30
Modality Certifications – 17	Modality Certifications – 10

The online renewals constituted a usage rate of approximately 84% of OT renewals during this period and 85% for OTAs.

Agreed Citations

- 1.) **Toya Shae Ellis, OT 4297-** Michael Sobowale presented an Agreed Citation for Toya S. Ellis. Ms. Ellis practiced on an expired license for approximately four (4) 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 four (\$400.00) hundred dollars. Upon review by the Board, Mr. Daniel, made a motion, seconded by Ms. Mitchell, to approve the Agreed Citation as presented. The motion carried.
- 2.) **Wendi Porior, OTA 2335 -** Michael Sobowale presented an Agreed Citation for Wendi Porior. Ms. Porior practiced on an expired license for approximately four (4) 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 four (\$400.00) hundred dollars. Upon review by the Board, Ms. Tisdale made a motion, seconded by Mr. Daniel, to approve the Agreed Citation as presented. The motion carried.

Correspondence

Mr. Sobowale presented an inquiry from an employer in Knoxville, inquiring if licensees need to maintain a current NBCOT certification, to renew their TN license. Anita Newbern advised that the state requires NBCOT certification to obtain initial licensure, but it is not required for renewal. Once the certification lapses the licensee would need update their credentials; as they will not be able to carry the “C” in COTA or the “R” in OTR because the certifications are exclusive to NBCOT. Mr. Sobowale stated that he would send feedback to the employer.

Old and New Board Business

A. DMHSAS Presentation on Public Chapter 396

Diana Kirby, Project Director of the TLC clinics and Target Suicide Prevention grants, appeared before the board to discuss the incorporation of suicide prevention training as it coincides within the board’s existing licensure requirements. Beginning January 1, 2020, the legislation requires professionals listed under several occupational boards to complete suicide prevention training. The training programs are at least two (2) hours in length, and must be completed once every five years and before initial licensure for those applying for initial licensure on or after that date. The programs would consist of suicide prevention, assessment, screening, treatment, management, and post-prevention courses. The hours spent in the training program shall count towards meeting any continuing education requirements and the Board may promulgate rules to effectuate the purposes of this act. This Act took effect on May 18, 2017. John Williams, representative of Tennessee Occupational Therapy Association stated that on behalf of the association, they would assist the board in incorporating the new courses. Upon review and discussion from the board, a decision was made to table the issue to enable the board review the information presented and add it to the next board meeting agenda.

B.) NBCOT presentation

Mr. Sobowale notified the Board that representatives of the National Board for Certification in Occupational Therapy (NBCOT) were unable to attend due to inclement weather. Upon discussion, the board agreed to table their discussion until the October 2018 board meeting.

C.) Ratification of 2019 Board Meeting Dates

Ms. Tisdale made a motion, seconded by Mr. Daniel, to accept the 2019 Board Meeting dates Thursday, March 21, 2019, Thursday, July 25, 2019, and Thursday, October 24, 2019 as presented. The motion carried.

Legislation

There was no new legislation to report at this time.

Adjournment

There being no other business to discuss, a motion was made by Mr. Daniel, seconded by Ms. Mitchell, to adjourn the March 22, 2018 board meeting. The motion carried.

The meeting adjourned at 12:14pm.

These minutes were ratified by the Board at the July 26, 2018 meeting.