

**BOARD OF OCCUPATIONAL THERAPY
MINUTES**

DATE: March 12, 2009

TIME: 9:00 a.m. C.S.T.

LOCATION: Poplar Conference Room
Heritage Place, Metro Center
227 French Landing, Ground Floor
Nashville, TN 37243

MEMBERS PRESENT: Janet Neely, OTA, Chair
Dr. Jeff E. Snodgrass, OT
Sandra Fletchall, OT
Menoj Tendolkar, OT

MEMBERS ABSENT: Lisa Short, Consumer Member

STAFF PRESENT: Marva Swann, Board Director
Tomica Walker, Board Administrator
Diona Layden, Advisory Attorney
Juanita Stone, Disciplinary Coordinator
Libby Miller, HRB Director

GUESTS: John Williams, TOTA
Mike Harkreader, TNPAP

With a quorum being present, Ms. Neely called the meeting to order at 9:10 a.m.

Conflict of Interest

Ms. Layden presented the Conflict of Interest Policy and advised the Board members of their responsibilities under the policy.

Minutes

Dr. Snodgrass made a motion seconded by Mr. Tendolkar to approve the minutes of the October 23, 2008 board meeting as presented. The motion carried.

Office of General Counsel

Ms. Layden presented the following OGC report:

Rules

Rules relating to practice act revisions, supervisions, titles, conditions (07-0468; Tenn.Com.R. & Regs. 1150-2-.01, .03, .10, and .15) have been sent to the Attorney General's Office for review.

Litigation Matters

There are five (5) open cases in the Office of General Counsel for this Board. Three (3) cases will be resolved today by either consent order or letter of reprimand.

Letters of Reprimand

Ms. Layden presented letters of reprimand on the following licensees:

- A. David P. Tweed—Mr. Tweed was reprimanded for conduct not consistent with the high standards of professional practice which are requisite for a licensed occupational therapy assistant when he completed a patient/resident's annual occupational therapy screening form even though he had not seen the patient.

After review, Dr. Snodgrass made a motion seconded by Mr. Tendolkar to accept the letter of reprimand for Mr. Tweed. The motion carried.

- B. Tacy F. Ammons—Ms. Ammons was reprimanded for conduct not consistent with the high standards of professional practice that are requisite for a licensed occupational therapist when she documented that she had provided therapy sessions when in fact therapy services had not been provided.

After review, Dr. Snodgrass made a motion seconded by Mr. Tendolkar to accept the letter of reprimand for Ms. Ammons. The motion carried.

Consent Order

Ms. Layden presented a Consent Order for occupational therapist **Sylvia Ann White**. Ms. White was found to be in violation of T.C.A. 63-13-209 (a) (1) unprofessional, dishonorable or unprofessional conduct and T.C.A. 63-13-209 (a) (3) making false or misleading statements or representations when she documented therapy sessions for patients/clients that she had not seen.

For these violations, Ms. White's license will be suspended for a period of six (6) months in addition to her completing six (6) continuing education units in ethics, and payment of costs.

After review, Dr. Snodgrass made a motion seconded by Mr. Tendolkar to accept the Consent Order as presented for Ms. White. The motion carried.

Order of Compliance

Ms. Layden presented an Order of Compliance for occupational therapist **Mary A. Jorgensen**. Ms. Jorgensen has complied with all conditions previously set forth by the Board and has petitioned to have her license be restored. Juanita Stone, Disciplinary Coordinator for Health Related Boards, confirmed Ms. Jorgensen's compliance.

After review, Dr. Snodgrass made a motion seconded by Mr. Tendolkar to accept the Order of Compliance for Ms. Jorgensen.

Tennessee Professional Assistance Program (TNPAP)

Report

Mike Harkreader presented the TNPAP report for the period July 1, 2008 through February 25, 2009. There was one OTA monitored during this time.

Contract

Mr. Harkreader gave an overview of the TNPAP program and explained other ways TNPAP can be used by the Board. After discussion, Dr. Snodgrass made a motion seconded by Ms. Fletchall to renew the Board's contract with TNPAP at the present cost. The motion carried.

Investigative/Disciplinary Report

Juanita Stone, Disciplinary Coordinator, presented the investigative and disciplinary reports as of January 2009. The Office of Investigations currently has two open occupational therapist complaints. One is being investigated and one is awaiting a first review. There is one open complaint on an occupational therapy assistant. One OT is currently being monitored after disciplinary action.

Applicant Interviews/File Reviews

Nancy Davidson—Ms. Davidson's application was presented to the Board because her fingerprints were determined by the TBI to be unreadable. After discussion, Dr. Snodgrass made a motion seconded by Mr. Tendolkar to grant Ms. Davidson a license. The motion carried.

Laura Griffith—Ms. Griffith's application to add modality certification to her occupational therapy license was presented to the Board because of conflicting dates regarding modality instruction and certification. After discussion, Dr. Snodgrass made a motion seconded by Mr. Tendolkar to deny Ms. Griffith's request to add modality certification to her OT license due to discrepancies in the dates of instruction and certification. The motion carried.

Bryan Motycka—Mr. Motycka’s renewal application as an occupational therapist was presented to the Board due to his disclosure of a conviction for reckless driving. After discussion, Dr. Snodgrass made a motion seconded by Ms. Fletchall to grant the renewal of Mr. Motycka’s OT license. The motion carried.

Board Reports

Administrative

Ms. Walker presented the board’s administrative report. As of February 28, 2009, there are currently 1764 active OT’s and 893 active OTA’s.

Licensure status totals since the last board meeting for the months of October through September are as follows:

OT	OTA
New Licenses—54	New Licenses—29
Reinstatements—4	Reinstatements—4
Retired—14	Retired—3

Financial

The Board discussed their financial statement for FY 2008. There was a 1 carryover of funds for FY 2008 of \$52,599.00. The Board operated at a deficit of \$13,251.00 for FY 2008.

The Board discussed raising licensure fees as a way to raise revenue. Ms. Swann presented a chart of how much revenue could be generated when fees were raised by various increments. The Board chose to table a discussion of a fee increase..

Board Members

Ms. Sandra Fletchall OT joined the Board, replacing Ms. M. Sloan Lake. All positions are currently filled.

Continuing Competency Audit

January 2008 through October 2008

OT	OTA
Licenses Audited—70	Licenses Audited—35
Licenses Compliant—47	Licenses Compliant—20
Licenses Non-Compliant—23	Licenses Non-Compliant—15

Fingerprints for Criminal Background Checks

Pursuant to the Department of Health's policy all applicants who reside in the State of Tennessee must have their fingerprints scanned electronically for a criminal background check at a Cogent facility; however, there are times when an individual's fingerprints cannot be read for reasons such as the age of the person, occupations working with chemicals, bricks, sewing, etc. When this occurs, the Tennessee Bureau of Investigation provides a name based search for the individual and will submit on the applicant's behalf a letter of explanation, a copy of which was presented for the Board's review.

After discussion, Dr. Snodgrass made a motion seconded by Mr. Tendolkar to accept a name based search when an individual's fingerprints are unreadable and this fact has been verified in writing by the TBI. The motion carried. Ms. Layden will draft a policy.

Ratifications

Ms. Walker presented the lists of new licenses, reinstated licenses, and modality certified licenses authorized for permanent licensure pending approval by the Board. Dr. Snodgrass made a motion seconded by Mr. Tendolkar to approve the lists of new licenses, reinstated licenses, and modality certified licenses. The motion carried. (Lists Attached)

Correspondence

- A. **Debra Smart of the College of Health Sciences at Tennessee State University** sent a letter concerning the role of an occupational therapist assistant (OTA) in the supervision of occupational therapy (OT) students. The Board replied that it is appropriate for an OTA to supervise OT students in Level 1 clinical placement but inappropriate for them to supervise OT students in Level II Fieldwork clinical placements. Line-of-sight supervision requirements should be answered by the entities to which the services are being billed.

An occupational therapy student in an accredited occupational therapy program is not defined as an "unlicensed personnel." Pursuant to Rule 1150-2-.01 (28) an "unlicensed personnel" is defined as someone who performs specific supportive tasks related to occupational therapy practice under the direct supervision of an occupational therapist or an occupational therapy assistant which do not require professional or advanced training in occupational therapy services.

- B. **Paige Stanford** an Occupational Therapy Assistant working in a skilled nursing facility sent a letter concerning the supervision of newly licensed OTA personnel. Ms. Stanford was referred to Rule 1150-1-.10 of the rules regarding supervision. Ms. Stanford was advised that the Board does not have a "time requirement" for these supervisory sessions as the time needed for optimal results is left to the discretion of the supervising Occupational Therapist.

Occupational Therapy

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C. **Catherine Jackson**, MSOT, OTD, OT/L sent a letter concerning the role of an occupational therapy assistant (OTA) in the preparation and implementation of a discharge summary. The Board replied that an OTA could not prepare nor write a discharge summary independently. As the American Occupational Therapy Association (AOTA) Standards of Practice and the National Board of Occupational Therapy (NBCOT) guidelines state, an OTA may contribute to or help formulate the discharge summary under the supervision of a licensed occupational therapist (OT). Any information an OTA provides in the discharge planning process must be supervised and signed by an OT.

D. **Dr. Ruth Ford, Associate Dean of the School of Occupational Therapy at Belmont University**, sent a letter concerning the clinical supervision of occupational therapy doctoral (OTD) students in Tennessee. The Board replied that a licensed occupational therapist (OT) is not required for supervision of OTD students in Level 1 Placement but that the Accreditation Council for Occupational Therapy Education (ACOTE) requires supervision by a licensed OT for OTD students at Level II and beyond.

Lapsed License Policy

Diona Layden presented a draft of the lapsed license policy as agreed upon at the last board meeting held October 23, 2008. Dr. Snodgrass made a motion seconded by Ms. Fletchall to approve the lapsed license policy as presented. The motion carried. The policy will be posted on the Board's website.

Continued Competency Policy

Ms. Layden presented a draft of the continuing competency policy discussed at the last meeting. After discussion, Dr. Snodgrass made a motion seconded by Ms. Fletchall to approve the draft of the continuing competency policy as amended. The motion carried. The policy will be posted on the Board's website.

Board Meeting Dates 2010

March 11, 2010
July 22, 2010
October 21, 2010

Election of Officers

The Board voted to elect Janet Neely as Chair and Sandra Fletchall as Secretary.

Business to be discussed at next Board meeting

1. Discussion of a timeframe for completion of physical agent modality courses and certification
2. Possible rule amendment regarding supervision of students
3. Licensure fee increase

Adjournment

The meeting was adjourned at 1:20 p.m.

These minutes were ratified at the July 16, 2009 meeting.