

BOARD OF OCCUPATIONAL THERAPY

MINUTES

DATE: August 17, 2007

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

LOCATION: Health Related Boards
227 French Landing
Iris Conference Room
Heritage Place Metro Center
Nashville, TN 37243

MEMBERS PRESENT: Dr. Jeff Snodgrass, Chair
Susan Pech, Secretary
M. Sloan H. Lake, OT
Manoj M. Tendokar, OT
Lisa Short, Citizen Member

STAFF PRESENT: Marva Swann, Unit Director
Mary V. Webb, Board Administrator
Nicole Armstrong, Advisory Attorney
Chris Larkin, Litigating Attorney
Jerry Kosten, Regulations Manager
Juanita Stone, Disciplinary Coordinator
Lisa Tittle, Administration Manager

GUEST(S): Yvette Hechtel, OT Lobbyist
Mike Harkreader, TNPAP Representative

COURT REPORTER: Amanda Plunkett, Cannon and Stacy Court Reporters

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

Office of General Counsel

Ms. Armstrong advised the Board of the Conflict of Interest policy and for anyone who had not signed exhibit 4 as to their acknowledgement of said policy to do so.

Ms. Armstrong presented the OGC report as follows:

Rules:

1. Practice act revisions, supervision of students, learning PAMS, stays (06-1328) (Tenn. Comp. R. & Regs. 1150-2-.01, .02, .04, .05, .06, .10, .11, .12, .14, .15, .19) These amendments went to rulemaking hearing on October 26, 2006. They were adopted by the Committee on November 3, 2006, and sent to the Office of the Attorney General for review on November 14, 2006. They became effective on July 1, 2007.

Litigation:

The Office of General Counsel currently has two (2) open cases pertaining to the Board of Occupational Therapy.

CONSENT ORDER

Litigating Attorney, Mr. Chris Larkin, presented to the Board Ms. Joanna Padgett, OT license # 688.

The license of Ms. Padgett was in a failed to renew status in March of 2006 when she submitted a reinstatement application to the Board. Ms. Padgett had been continuously employed at West Tennessee rehabilitation Center from the time her license expired in November 2005. Ms. Padgett engaged in the practice of occupation therapy for approximately five (5) months without a valid license.

For such conduct Ms. Padgett was issued a REPRIMAND effective 8/17/2007 after ratification by the Board and assessed five (5) Type C civil penalties in the amount of one hundred dollars each for a total of five hundred dollars (\$500.00) for violations of the Tennessee Occupational and Physical Therapy Act.

With no further discussion a motion was made by Ms. Pech and seconded by Ms. Sloan Lake to approve the consent order. The motion carried.

Legislation

Mr. Jerry Kosten presented to the Board a rulemaking hearing regarding the following:

- A. Supervision
- B. Use of titles
- C. Conditions imposed upon disciplined licensees

Ms. Yvette Hechtl appeared before the Board and explained that the task force had met. As a result of the task force meeting the words “minimal and direct contact” were added to amend the Supervision portion of the rulemaking hearing.

After a lengthy discussion a motion was made by Ms. Sloan Lake and seconded by Ms. Pech to approve the rulemaking hearing. The motion carried.

Mr. Kosten explained to the Board that each time a new rule is considered Public Chapter 464 or Executive Order #38 requires an impact statement as to the new rules affect on small businesses. Small businesses being defined as an establishment of fifty (50) or fewer employees. It was determined that this rule would not conflict with other rules and would not create barriers to entrepreneurial activities.

Public Chapter No. 529 – Requires Boards to revoke, suspend, or deny a license to individuals for hiring illegal aliens.

Public Chapter No. 83 – The Domestic Abuse law – a licensee must report injuries from suspected domestic abuse or violence.

Public Chapter No. 410 – The Non Smokers Protection Act, prohibits smoking in facilities and requires a posting of “No Smoking signs”....

Public Chapter No. 115 – Separates the Committee of Occupational Therapy and the Committee of Physical Therapy into two (2) boards.

Office of Investigations reports

Ms. Juanita Stone presented to the board the disciplinary/investigative reports as follows:

Disciplinary Report – There are currently two (2) occupational therapist being monitored.

Investigative Report – There are currently three (3) open complaints for occupational therapists and one (1) open complaint for occupational therapist assistant.

Applicant Interviews/File Reviews

- A. Terrance Wilder** - licensure by reciprocity – DUI – Implied Consent 06/22/03 - A motion was made by Ms. Pech and seconded by Ms. Sloan Lake to approve for licensure. The motion carried.
- B. Lanny Saylor** – request for a hardship waiver for reinstatement – A motion was made by Ms. Sloan Lake and seconded by Ms. Pech to approve a waiver of continued education, but, deny the request for a waiver of the fees for reinstatement. The continued education must be submitted within one (1) year. The motion carried.
- C. Angela Williams** – reinstatement - voluntarily retired since 10/31/1998 – A motion was made by Ms. Sloan Lake and seconded by Ms. Pech to approve for reinstatement. The motion carried.
- D. Victoria Smith** – reinstatement – failed to renew since 6/30/2002 – A motion was made by Ms. Sloan Lake and seconded by Ms. Pech to approve. The motion carried.
- E. Marc Cusick** – DUI – 6/05/2005 – A motion was made by Ms. Sloan Lake and seconded by Ms. Pech to refer Mr. Cusick to TNPAP. Advisory Attorney, Nicole Armstrong would submit an advisory censure letter to Mr. Cusick on the Boards behalf. The motion carried.
- F. Nancy Tomanelli** – reinstatement, voluntarily retired since 3/31/2001 – A motion was made by Ms. Sloan Lake and seconded by Ms. Short to approve for reinstatement. The motion carried.
- G. Kimberly Howard** – licensure by examination – felony/misdemeanor convictions 1/11/99 – A motion was made by Ms. Sloan Lake and seconded by Ms. Pech to approve for licensure. The motion carried.
- H. Brent Yates** – DWI – 7/22/1995 – A motion was made by Ms. Sloan Lake and seconded by Ms. Pech to approve for licensure. The motion carried.
- I. Stephanie Spicher** – Appeared before the Board to request license renewal after being assessed by TNPAP prior to the Board meeting for substance abuse. Ms. Spicher explained to the Board that about two (2) years ago she was arrested for alleged substance abuse. TNPAP submitted a letter that assessment results did not suggest a substance use or mental disorder and that monitoring by TNPAP is not necessary at this time. A motion was made by Ms. Sloan Lake and seconded by Ms. Short to approve Ms. Spicher for full license with no restrictions with an advisory censure letter. The motion carried.

Financial Report

Ms. Lisa Tittle presented the financial report to the Board. The Board had a cumulative carryover of \$461,120.50 as of June 30, 2007. The Board requested that Ms. Tittle appear and explain the financial report in order for the Board to get a better understanding of the Board's financial status. The Board Chair, Dr. Snodgrass, asked if it would help the Board's surplus if the renewal fees were decreased. Ms. Tittle stated that the Board had a fee decrease in 2005 and they should wait a couple of years before requesting another one.

The Board was satisfied with the report that Ms. Tittle presented and there was no further discussion.

Directors/Administrative Report

Ms. Webb presented to the Committee the Administrator's report. As of August 15, 2007 there were 1676 active occupational therapists and 838 active occupational therapy assistants. There were 421 retired occupational therapists and 139 occupational therapy assistants. There were 1109 occupational therapists and 360 occupational therapy assistants in failed to renew status.

The number of applicants issued a license from the last board meeting in February through 8/15/07 were 82 for occupational therapists and 35 for occupational therapy assistants.

Minutes

A motion was made by Ms. Lake and seconded by Ms. Short to approve the minutes from the February 9, 2007 board meeting. The motion carried.

Discussion

A. Clarification on required timeline for completion of continued competence activities - Dr. Snodgrass wanted clarification on this because he receives a number of calls from licensees who are not sure when they are to get their continued education. Ms. Armstrong explained that per rule 1150-2-.12, Beginning January 1, 2008 all applicants for licensure, renewal of licensure, reactivation of licensure, or reinstatement of licensure must attest to having completed continued competence requirements for the two (2) calendar years (January 1-December 31) that precede the licensure renewal, reactivation or reinstatement year.

The Board was satisfied with the clarification from Ms. Armstrong and there was no further discussion.

B. Board request to attend the National Board for Certification in Occupational Therapy (NBCOT) conference to held in Alexandria, VA, October 26-27, 2007.

A motion was made by Ms. Pech and seconded by Ms. Sloan Lake for Ms. Sloan Lake and Mr. Manoj Tendolkar to attend the meeting. The motion carried.

C. Letter from Michael Thomas , Rehab Service Director, requesting wound care certification for OTs – Ms. Armstrong informed the Board that they could not interpret the rules. The Board requested that Ms. Armstrong send a letter to Mr. Thomas. Ms. Armstrong agreed that she would.

D. Tennessee Professional Assistance Program (TNPAP) contract – Mr. Harkreader presented the TNPAP report to the Board. As of July 1, 2007 thru June 30, 2007 there are currently two (2) occupational therapists being monitored one (1) referral by the Board. The reason for the referral was due to a history of arrests/illegal drug use/DUI. There was one (1) occupational therapist discharged because monitoring was unnecessary.

There are no occupational therapist assistants enrolled with TNPAP during this period.

F. Board meeting dates for 2008 – The Board meeting dates for 2008 are as follows: March 14, 2008, July 18, 2008, and November 7, 2008.

G. Fingerprint process after two (2) rejected prints – The Board was given a policy on unreadable prints that listed three (3) choices to choose from which to choose from if an applicant's fingerprint card had been rejected two (2) times.

The Board chose option # 3 which would require the applicant to submit to an FBI/TBI fingerprint scan through the State of Tennessee's approved vendor or its equivalent as determined by the Board. A motion was made by Ms. Sloan Lake and seconded by Ms. Pech to approve the policy. The motion carried.

Ratifications

A motion was made by Ms. Sloan Lake and seconded by Ms. Pech to approve the newly licensed and reinstated occupational therapists and occupational therapist assistants and modality certifications. The motion carried.

For a copy of the newly licensed, reinstated, and modality certification licensees you may contact the Board of Occupational Therapy Examiner's office.

Adjournment

There being no further business, the meeting was adjourned at 12:10 p.m.

These minutes were ratified by the Board at the November 30, 2007 meeting.