

NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
November 12, 2012
MINUTES

REGULAR SESSION

Time and Place

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board November 12, 2012 at 9:00 a.m.

Members Present

Melanee Mills, Christine Gunnigle, Russ Stephenson, Bill Walsh, Ron Taylor, Dr. Stephen Lang and Denise Donica

Others Present

Charles P. Wilkins, Legal Counsel to the Board, Barbara Williams, Board Administrator, Elizabeth Welden and Lynne Daubert, Assistant Board Administrators and Heide Dorfman, NCOTA liaison.

Members Absent

None.

Chairperson

Ms. Gunnigle, Chair, called the meeting to order at 9:00 a.m.

Welcome New Board Member

Ms. Gunnigle welcomed Denise Donica as an occupational therapist member of the Board. Ms. Donica was appointed by Governor Perdue to a four year term beginning October 31, 2012 and ending September 30, 2016. Ms. Mills agreed to be a mentor to Ms. Donica.

Dr. Lang Reappointed to the Board

Ms. Gunnigle reported Dr. Stephen Lang was reappointed by Governor Perdue to a full four year term beginning October 1, 2012 and ending September 30, 2016.

Conflict of Interest

Ms. Gunnigle called for any conflicts of interest with the meeting agenda.

There were no conflicts or potential conflicts.

Approval of Minutes

The September 17, 2012 minutes were approved as amended.

Approval of Treasurer's Report

The treasurer's report for July through October 2012 was approved as submitted.

Auditor's Report

Mr. Stephenson reviewed the report from the Board's auditors for the July 1, 2011 through June 30, 2012 fiscal year and responded to questions from Board members. It was a "clean" audit.

Administrator's Report

The administrator's report was reviewed.

OLD BUSINESS

The Board reviewed correspondence and general information received following the last Board meeting as set forth in the agenda items.

Legal Services Committee

Mr. Stephenson reported that the Committee met earlier this year and reviewed the contract between the Board and Broughton Wilkins Sugg & Thompson, PLLC regarding payment for attorney time in investigation of complaints, presentation of disciplinary actions, District or Superior Court litigation, or legislative services. The Committee reviewed data, surveys and reports and interviewed attorneys in the Raleigh area to determine whether the fees charged by the firm are reasonable as required by the contract. The Committee determined the fees charged are reasonable for the type of legal services required. The Committee also reviewed a bill from the firm for the first quarter of the Board's 2012-2013 fiscal year. The bill appeared to be appropriate but was to be reviewed by Mr. Walsh, the OT member of the Board with whom the firm collaborates on pending disciplinary matters. The Board authorized the bill to be paid, if determined to be reasonable by Mr. Walsh and the Committee.

Staff Appraisals

Mr. Stephenson reported on the draft staff appraisals forms. The forms focus on the staff job descriptions developed and approved by the Board. Mr. Stephenson hopes to have drafts of the appraisal forms for review by January 2013.

NCOTA

Ms. Gunnigle requested that the issue of Board attendance at the Spring and Fall NCOTA conferences remain on the Board's agenda. The Board hopes to present at the NCOTA Spring conference.

Jurisprudence Exam

The Board agreed the questions on the Jurisprudence Exam need to be reviewed for accuracy due to online renewals and other changes of the Board. Ms Gunnigle requested Mr. Walsh review the exam content and report at the Board's January meeting.

Frequently Asked Questions

The Board agreed the current FAQs on pages 43 and 44 of the Occupational Therapy Practice Act and Rules booklet and on the Board webpage need to be reviewed for accuracy due to online renewals and other changes of the Board and may need to be expanded upon. Ms Gunnigle requested Ms. Mills review the FAQs and report recommended changes at the Board's January meeting.

Applicants for Licensure

Ms. Williams recommended that applicants for licensure be notified or advised to request an application from the Board prior to taking the certification exam so the applicant will have a file with the Board when exam results are received. Mr. Walsh pointed out that some OTs may not know where they will be practicing and therefore wait until they pass the exam to seek an application for licensure. This issue arises primarily from OT graduates, not OTA graduates so it was suggested that the OT schools in NC be advised of the issue. Ms Gunnigle requested Ms. Donica contact the curriculum directors for all OT educational programs in NC to develop a method for new graduates to apply for licensure and report at the Board's January meeting.

Strategic Planning Retreat

Ms. Gunnigle reviewed the history of the 2011 Strategic Planning Retreat and the "red list" from that exercise. There seem to be two possible dates for a 2013 retreat: February 9 and 10, and 23 and 24. Mr. Wilkins will contact Cathy Nielsen to see if she is available to facilitate either of those dates and to get her input on whether the retreat should be a one or two day event.

Board Member Orientation

Mr. Taylor agreed to review and make recommendations to the orientation section of the 2011 Strategic Planning Retreat "red list" in an effort to make the orientation process more meaningful to new Board members.

Meeting Agendas and To Do Lists

Meeting agendas will be reviewed with the Board Chair prior to being finalized and placed in Dropbox. Long and short term "To Do" lists will be provided to the Board Chair as developed.

Chair

Ms. Gunnigle excused herself from the meeting and Mr. Walsh continued the meeting as Vice Chair.

Citizen Advocacy Center

Ms. Mills reported on her attendance at the CAC conference October 24-26, 2012 in Seminole, FL. While the content was beneficial, Ms. Mills believed the new format of panel and round table discussion was not as effective as previous meetings. A written report of the conference will be placed on Dropbox.

NBCOT Conference

Mr. Taylor provided a written report on his attendance at the NBCOT conference October 26-27, 2012 in Alexandria, VA. The meeting was very beneficial and had substantive content for Board members.

Chair

Ms. Gunnigle continued the meeting as Chair.

Computers for Board Members

The Board discussed the pending purchase of I-Pads for Board members. Before the I-Pads are purchased, the IT consultant to the Board will compare the Microsoft "Surface" with the I-Pad and to give his opinion on any other device he thinks would best serve the functions of the Board. Ms. Donica currently uses an I-Pad and will try and compare it with the Microsoft Surface and give the Board her thoughts on which, if any, to use. Once a decision is finalized, any Board member may elect to receive the device. The device will have Wi-Fi capability, however, if a Board member or staff member wishes to add additional internet or telecommunication services such services will be the expense of the Board member or staff member.

NEW BUSINESS

The Board reviewed correspondence and general information received following the last Board meeting as set forth in the agenda.

Jeron Hawkins Hearing

The Board conducted a hearing on whether Mr. Hawkins had violated the Practice Act or Rules of the Board by failing to provide adequate, timely and complete documentation of his OT treatments during October, November and December of 2011 and January of 2012 pursuant to his contract with his employer, Occupational Therapy Plus, Inc. Mr. Hawkins appeared and testified on his own behalf.

Carolyn Royster Hearing

The Board conducted a hearing on whether Ms. Royster had violated the Practice Act or Rules of the Board by failing to secure individual treatment files when having her rental car washed on January 19, 2012 and allowing the files to come into the possession of a third party for a two week period of time. Ms. Royster appeared and testified and offered character witnesses on her own behalf.

Public Hearing on Rules .0301, .0802 and .0803

The Board conducted a public hearing on its proposed Rules .0301, .0802 and .0803. No one provided comment on Rule .0301. One person provided comments on Rule .0802 and another person provided comment on Rule .0803. The last day for receiving written public comment is January 28, 2013.

It was noted that a document posted on the NCOTA webpage stated:

“NCBOT will charge \$250 for anyone wanting board approval for their continuing education, and will no longer pre-approve education approved by AOTA or NCOTA.”

This statement is not correct. NCOTA will be notified to correct the statement.

AOTA Conference

Ms. Gunnigle was authorized to attend the 2013 AOTA Conference in San Diego.

Developmental Therapy

The Board reviewed an email from a licensee asking whether the Board thought a document completed by a person identifying herself as a “developmental therapist” was similar to an OT “evaluation”. The Board agrees the document completed by a person identifying herself as a “developmental therapist” was similar to an OT “evaluation”. However, the Board noted the person is not identifying herself as an OT nor does the document itself refer to OT and the term OT is not used anywhere within the document. The Board does not regulate “development therapy”. The NC Department of Health and Human Services does define “development therapy” in its regulations.

Home Assessment

The Board reviewed an email from a licensee asking whether she, the OT, can complete a home assessment and make recommendations regarding what changes an individual would need to make in their home in order to age in place safely. She works with two non-OT partners to promote aging in place. The answer is yes, she can do the assessment, call the assessment OT and bill for the assessment as OT. Her non-OT partners may not call any activities they do OT, nor may they bill for their services as OT.

Closed Session

Upon motion duly made, seconded and passed, and pursuant to NCGS 143-318.11(a)(1) and (6) as well as NCGS 143-318.18(6), the Board went into Closed Session at 2:45 p.m.

Return to Open Session

The Board returned to Open Session at 4:00 p.m.

NCOTA Liaison

Ms. Gunnigle reported the Board is not permitted to provide a per diem, parking or subsistence to the NCOTA liaison to the Board. The Board expressed its appreciation to Ms. Dorfman for her years of service to the OT profession, the Board and the NCOTA and understands she will continue to attend Board meetings as a representative of NCOTA.

Carolyn Royster Order

The Board reported it had reviewed the evidence presented in Ms. Royster's hearing, including Ms. Royster's testimony and the testimony of her two character witnesses. The evidence presented by Ms. Royster and complainant showed that on January 19, 2012 Ms. Royster had violated the Practice Act and Rules of the Board by failing to secure individual treatment files when returning her rental car on January 19, 2012 and allowing the files to come into the possession of a third party for a two week period of time.

The Board entered an Order that: (1) Ms. Royster be issued a Letter of Reprimand; and (2) she shall pay a civil penalty of \$100 and disciplinary costs of \$150.

Jeron Hawkins Order

The Board reported it had reviewed the evidence presented in Mr. Hawkins' hearing, including Mr. Hawkins' testimony, documentation presented by Mr. Hawkins and the documentation and complaint from his employer, Occupational Therapy Plus, Inc. The evidence presented by his employer showed multiple requests to Mr. Hawkins for timely, complete and correct documentation during the months of October, November and December of 2011 and January 2012. Mr. Hawkins responses to the complaint were excuses of why documentation may have been incomplete and untimely. The Board was of the opinion that Mr. Hawkins had failed to provide adequate, timely and complete documentation pursuant to his contract with Occupational Therapy Plus, Inc during the months of October, November and December of 2011 and January 2012 and that his failure to do so was a violation of the Practice Act and Rules of the Board.

The Board noted he had two previous violations as set forth in the terms of the Board's May 18, 2009 and January 24, 2011 Orders.

The Board entered an Order that: (1) Mr. Hawkins' license be suspended

from December 1, 2012 until May 31, 2013; (2) he shall be on probation for a period of two years from June 1, 2013; (3) he shall not supervise an OTA or fieldwork student during his term of suspension or probation; (4) upon completion of the terms of his suspended license and during the term of his probation, he shall obtain a mentor approved by the Board who shall make periodic reports to the Board of his occupational therapy practice and particularly whether his documentation is adequate, timely and complete; (5) when he returns to employment as an OT, his employer or OT supervisor shall make monthly written reports to the Board that he is completing his documentation adequately and timely; (6) when he returns to employment as an OT he shall have an OT supervisor who shall provide direct supervision to him where his OT services are being provided; (7) he shall pay a civil penalty of \$1000 and costs of \$500 before his license is reinstated; and (8) he shall not violate the Practice Act or Rules during his term of suspension or probation.

Adjournment

The Open Session adjourned at 4:05 p.m.

Next Meeting

The next Regular Session meeting will be held at the office of the Board on January 28, 2013 at 9:00 a.m.

Christine Gunnigle, Chair

Russ Stephenson,
Secretary/Treasurer