

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
July 9, 2018
MINUTES**

REGULAR SESSION

Time and Place

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board July 9, 2018 at 9:00 a.m.

Members Present

Denise Donica, Ron Taylor, Bill Walsh, Dr. Stephen Lang, Lynn Losada, Danielle Ward and Laura Echols.

Others Present

Charles P. Wilkins, Legal Counsel to the Board and Elizabeth Kirk, Board Administrator.

Members Absent

None

Chairperson

Ms. Donica, Chair, called the meeting to order at 9:10 a.m.

Conflict of Interest

Ms. Donica called for any conflicts of interest with the meeting agenda. Mr. Taylor recused himself from discussion on the Robin Jordan hearing. Ms. Losada has a working relationship with the complainant in the Robin Jordan hearing. There were no additional conflicts or potential conflicts.

Approval of Minutes

The May 14, 2018 minutes were approved.

To-Do List

The May 14, 2018 to do-list was approved as submitted and reviewed.

Approval of Treasurer's Report

The treasurer's report for May 1, 2018 through June 30, 2018 was discussed and approved as submitted.

2018-19 Budget

The 2018-19 budget was discussed and approved as submitted.

Administrator's Report

The administrator's report was reviewed and approved as submitted.

Legal Services Committee

Mr. Walsh reported the Committee reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of May and June 2018 for nine (9) disciplinary proceedings. The total hours worked was 14 and the total fees are \$3,500. The Board closed 2 disciplinary files following the May 2018 Board meeting and currently has 7 disciplinary files pending. Upon motion made and seconded, the bill was approved for payment.

OLD BUSINESS

The Board reviewed correspondence and general information received following the last Board meeting.

Strategic Planning Retreat

The Board held a retreat on July 28-30, 2017 at the Rizzo Conference Center in Chapel Hill, NC. The Board reviewed the retreat to-do list developed by Board staff and agreed to continue working on the to-do list.

NC Legislature

Mr. Wilkins reported on proposed bills pending in the North Carolina General Assembly.

CLEAR Annual Conference

Board members were advised the 2018 Annual Meeting is meeting in Philadelphia, Pennsylvania on September 26-29, 2018. Ms. Losada and Ms. Echols agreed to attend.

AOTA Annual Conference

Board members were advised the AOTA Annual Conference is meeting in New Orleans, Louisiana on April 4-7, 2019. The Board also reviewed an email dated June 12, 2018 from Amy Lamb, President of AOTA, regarding the educational mandates released by ACOTE in August 2017.

CAC Annual Conference

Board members were advised the CAC Annual Conference is meeting in Washington, DC on October 16-17, 2018. Ms. Ward agreed to attend.

NCOTA Fall Conference

Board members were advised the NCOTA fall conference is at Lake Junaluska, North Carolina on November 9-11, 2018. Ms. Losada agreed to submit a proposal for an unopposed session by the Board at the conference.

Fourth Annual Occupational Licensing Agencies Seminar

Board members were advised the Fourth Annual Occupational Licensing Agencies Seminar met in Raleigh, North Carolina on May 17, 2018. Mr. Wilkins, Ms. Ward and Ms. Kirk reported on the seminar.

Update on Rule .0103, .0803, .0903 and .0905

The Board reviewed the rules approved by the Rules Review Commission which were effective July 1, 2018.

Response to Lauren Kennedy regarding medical status

Board members reviewed an email dated May 18, 2018 from Mr. Wilkins to Lauren Kennedy regarding medical status of a patient.

Response to Sandra Carelock regarding screening process

Board members reviewed an email dated May 18, 2018 from Mr. Wilkins to Sandra Carelock regarding a new screening process at her facility.

Response to Rachelle Lydell regarding OT consultation

Board members reviewed an email dated May 18, 2018 from Mr. Wilkins to Rachelle Lydell regarding the implementation of the primary source provider model in early intervention.

NEW BUSINESS

2019 Board meeting dates

The Board discussed and approved the 2019 Board meeting dates: January 21, 2019, March 11, 2019, May 20, 2019, July 22, 2019, September 16, 2019 and November 11, 2019.

Election of Board Officers

Elections were held. Board members were nominated and elected as follows: Denise Donica was elected Chair, Ron Taylor was elected Vice Chair and Danielle Ward was elected Secretary/Treasurer.

Review FAQs following rule changes

The Board agreed Ms. Donica and Mr. Taylor would review the FAQs and jurisprudence exam questions for updates following the 2018 rule changes.

NBCOT OT Regulator E-Newsletter Spring 2018

Board members reviewed an email dated May 23, 2018 from NBCOT regarding the OT Regulator E-Newsletter Spring 2018.

April 2018 ACOTE Actions

Board members reviewed an email dated May 21, 2018 from ACOTE regarding the April 2018 actions.

Email from Heather Stagliano regarding teaching an OT course

The Board reviewed an email dated May 23, 2018 from Heather Stagliano regarding teaching an online occupational therapy course to persons living in North Carolina. The Board agreed Mr. Wilkins will respond notifying Ms. Stagliano that she can teach the course pursuant to 90-270.81(5) without being licensed as an occupational therapy practitioner in North Carolina.

Email from Bethanne VanderMolen regarding OT students at SNF

The Board reviewed an email dated March 20, 2018 from Bethanne VanderMolen regarding OT students at a SNF. The Board agreed Mr. Wilkins' response was appropriate.

Email from Cynthia Kirkwood regarding seeing a patient in an assisted living facility

The Board reviewed an email dated May 21, 2018 from Cynthia Kirkwood

regarding seeing a patient in an assisted living facility when the patient is also receiving home health. The Board agreed Mr. Wilkins will respond notifying Ms. Kirkwood that this is a Medicare issue and she should contact Medicare regarding her questions.

Email from Brook Biddle regarding cosignatures

The Board reviewed an email dated June 11, 2018 from Brook Biddle regarding her supervisor signing an OTA's note. The Board agreed Mr. Wilkins will respond notifying Ms. Biddle that pursuant to Rule .0905(5)(a)(2) OTs/OTAs shall sign their own notes and rehab techs nor others should not sign documentation for an OT or OTA. Mr. Wilkins will also advise the rehab tech and OTA of this requirement.

Robin Jordan hearing

The Board conducted a hearing on whether Mr. Jordan had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (4), (5) and (7) and Rule .0304(b) for failure to provide timely, accurate and complete documentation for his occupational therapy services. Mr. Jordan appeared for the hearing and testified.

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 1:10 p.m.

Return to Open Session

The Board returned to Open Session at 2:00 p.m.

Closed Session Report

Contract with Broughton Wilkins Sugg & Thompson, PLLC

The Board reported the proposed contract with Broughton, Wilkins, Sugg & Thompson, PLLC was approved for fiscal years 2018-2022. The Board members expressed their appreciation and recognition for the outstanding guidance and service provided by Elizabeth Kirk and Mr. Wilkins.

Disciplinary Matters

Mr. Wilkins reported the Board was advised in Closed Session that six cases are currently being investigated.

Robin Jordan

The Board reported it had reviewed the evidence presented in Mr. Jordan's hearing. The evidence presented showed Mr. Jordan had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (4), (5) and (7) and Rule .0304(b) for failure to provide timely, accurate and complete documentation for his occupational therapy services. The Board entered an Order that: (1) Mr. Jordan's license be placed on probation for one year; (2) he obtain an OT supervisor who shall provide supervision and provide monthly written reports to the Board (3) he pay a civil penalty of \$500; and disciplinary costs of \$500; and he (4) not violate the Practice Act or Rules of the Board during his term of probation.

Adjournment

The Open Session adjourned at 2:00 p.m.

Next Meeting

The next Regular Session meeting will be held at the office of the Board on September 24, 2018 at 9:00 a.m.

Denise Donica, Chair

Danielle Ward, Secretary/Treasurer