

NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
November 11, 2019
MINUTES

REGULAR SESSION

Time and Place

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board November 11, 2019 at 9:00 a.m.

Members Present

Denise Donica, Dr. Stephen Lang, Nicole Blackwell, Laura Echols, Lynn Losada and Danielle Ward.

Others Present

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

Members Absent

Leonard Trujillo

Chairperson

Ms. Losada, Chair, called the meeting to order at 9:05 a.m.

Nicole Blackwell

Ms. Losada administered the Oath of Office and Ms. Blackwell was sworn in as a new member of the Board.

Conflict of Interest

Ms. Losada called for any conflicts of interest with the meeting agenda. There were no conflicts or potential conflicts.

Approval of Minutes

The September 16, 2019 minutes were approved.

To-Do List

The September 16, 2019 to do-list was approved as submitted and reviewed.

Approval of Treasurer's Report

The treasurer's report for September 1, 2019 through October 31, 2019 was discussed and approved as submitted.

2018-19 Financial Audit

The 2018-19 Financial Audit was discussed and approved as submitted.

Administrator's Report

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

Legal Services Committee

Ms. Donica reported the Committee reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of September and October 2019 for fifteen (15) disciplinary proceedings. The total hours worked was 38.50 and the total fees are \$9,395. The Board closed 5 disciplinary files following the September 2019 Board meeting and currently has 9 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 June 14-16, 2019 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 2020 Annual Meeting

Board members were advised the 2020 Annual Meeting is meeting in Seattle, Washington on September 23-26, 2020.

AOTA

a. 2020 Annual Conference

Board members were advised the AOTA Annual Conference is meeting in Boston, Massachusetts on March 26-29, 2020. Ms. Ward, Ms. Donica, Ms. Losada and Mr. Trujillo agreed to attend.

b. Fall 2019 Newsletter

Board members reviewed an email dated September 17, 2019 from Kristen Neville, Manager State Affairs for AOTA, regarding the Fall 2019 AOTA State Affairs newsletter.

c. AOTA/NBCOT joint statement on Interstate Licensure Compact

Board members reviewed an email dated September 23, 2019 regarding AOTA and NBCOT to collaborate on Interstate Licensure Compact.

d. Interstate Compact webinar recording

Board members reviewed an email dated October 2, 2019 regarding a webinar recording for the OT Interstate Licensing Compact project.

NCOTA Fall Conference

Board members were advised the NCOTA fall conference met in Raleigh, North Carolina on November 1-3, 2019. Ms. Ward attended and provided updates on behalf of the Board on Saturday, November 2. Board members were also advised the 2020 NCOTA fall conference is meeting in New Bern, North Carolina on October 2-4, 2020.

NBCOT

a. Email regarding collaboration on licensure compact

Board members reviewed an email dated September 23, 2019 regarding the announcement to collaborate to support development of an Interstate Licensure Compact for OT.

FARB 2020 Annual Forum

Board members were advised the FARB Annual Forum is meeting in Colorado Springs, Colorado on January 23-26, 2020.

CAC 2019 Annual Meeting

Board members were advised the CAC 2019 Annual Meeting is meeting in

Washington, DC on December 10-11, 2019. Ms. Ward may attend the meeting.

Review comments and approve Rules .0801, .0804, .0805

The Board reviewed written comments on the changes to the rules regarding continuing competence activities. Upon motion made, seconded and passed, the Board approved Rules .0801, .0804, .0805. The Board will continue with the rules review process with a projected effective date of January 2, 2020. The Board also agreed to respond to Kimberly Godwin (NCOTA) and Kristen Neville's (AOTA) comments.

Response to Connie Reynolds regarding Medicaid training

Board members reviewed an email dated September 17, 2019 from Mr. Wilkins to Connie Reynolds regarding Medicaid training.

Response to Melissa Wickham regarding supervision

Board members reviewed an email dated September 17, 2019 from Mr. Wilkins to Melissa Wickham regarding supervision.

NEW BUSINESS

Update on CCA audit

Ms. Kirk reported on the 2019 CCA audit. Seventeen (17) licensees were contacted regarding issues with their CCA submissions and Board staff is still working on receiving information from three (3) licensees.

Email from Carol Powell regarding providing OT to CDSA

The Board reviewed and discussed an email from Carol Powell, Director, OT4 Kids, Inc., regarding an OT creating a treatment plan from another provider's evaluation without the OT seeing the client. It was not clear whether the other provider was an OT or other discipline.

The Board was of the opinion it is not appropriate for an OT to create a treatment plan from a non-OT provider's evaluation without the OT seeing the client; however, it is appropriate for an OT to create a treatment plan from another OT provider's evaluation without the OT seeing the client.

The Board further agreed neither the OT Practice Act nor the Rules of the Board require an OT to obtain a MD order or prior MD approval before providing OT treatment.

Mr. Wilkins is to respond to Ms. Powell's three primary questions and to address other issues presented.

Heather Brown hearing

The Board conducted a hearing on whether Ms. Brown had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (4), (5) and (7) and Rule .0304(12) and (21) and Rule .0304(b) for failure to provide timely, accurate and complete documentation for her occupational therapy services and documenting services not rendered. Ms. Brown did not appear for the hearing.

Sandra Stevenson hearing

The Board conducted a hearing on whether Ms. Stevenson had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (a)(4), (a)(5) and (a)(7) and Rule .0304(12) and (21) and Rule .0304(b) for failing to provide timely, accurate and complete documentation for her occupational therapy services and documenting services not rendered. Ms. Stevenson did not appear for the hearing.

Miranda Rape hearing

The Board conducted a hearing on whether Ms. Rape had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (a)(3), (a)(4), (a)(7) and (a)(9) and Rule .0304(a)(4) and (5), Rule .0305 and Rule .0308 for stealing money from TherapyLand, PLLC on multiple occasions in February 2019 and failing to report instances of criminal convictions to the Board. Ms. Rape did not appear for the hearing.

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 1:00 p.m.

Return to Open Session

The Board returned to Open Session at 2:40 p.m.

Closed Session Report

Disciplinary Matters

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

Heather Brown

The Board reported it had reviewed the evidence presented in Ms. Brown's hearing. The evidence showed Ms. Brown had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (4), (5) and (7) and Rule .0304(12) and (21) and Rule .0304(b) for failure to provide timely, accurate and complete documentation for her occupational therapy services and documenting services not rendered. The Board entered an Order that: (1) Ms. Brown's license be revoked; (2) she pay a civil penalty of \$1000 and disciplinary costs of \$750.

Sandra Stevenson

The Board reported it had reviewed the evidence presented in Ms. Stevenson's hearing. The evidence showed Ms. Stevenson had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (a)(4), (a)(5) and (a)(7) and Rule .0304(12) and (21) and Rule .0304(b) for failing to provide timely, accurate and complete documentation for her occupational therapy services and documenting services not rendered. The Board entered an Order that (1) Ms. Stevenson's license be placed on probation for six months; (2) she pay a civil penalty of \$500 and disciplinary costs of \$500.

Miranda Rape

The Board reported it had reviewed the evidence presented in Ms. Rape's hearing. The evidence showed Ms. Rape had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (a)(3), (a)(4), (a)(7) and (a)(9) and Rule .0304(a)(4) and (5), Rule .0305 and Rule .0308 for stealing money from TherapyLand, PLLC on multiple occasions in February 2019 and failing to report instances of criminal convictions to the Board. The Board entered an Order that (1) Ms. Rape's license be revoked; (2) she pay a civil penalty of \$1000 and disciplinary costs of \$750.

Adjournment

The Open Session adjourned at 2:40 p.m.

Next Meeting

The next Regular Session meeting will be held at the office of the Board on January 13, 2020 at 9:00 a.m.

Lynn Losada, Chair

Danielle Ward, Secretary/Treasurer