

**BOARD OF OCCUPATIONAL THERAPY  
MINUTES**

DATE: June 16, 2016

TIME: 10:00 A.M. C.S.T.

LOCATION: Health Related Boards  
665 Mainstream Drive, 1<sup>st</sup> Floor  
Iris Conference Room  
Nashville, TN 37243

MEMBERS PRESENT: Amy Burba, OT, Chair  
Louis Tucciarone Jr., OT  
Marilyn Franklin, OTA  
Anita Mitchell, OT  
William Daniel, Consumer Member

STAFF PRESENT: Michael Sobowale, Board Director  
Mary V. Webb, Interim Board Administrator  
Thomas Aumann, Assistant General Counsel  
Vanessa Crutcher, Finance Office  
Nichelle Dorroh, Office of Investigations

GUEST(S): John Williams, TOTA Representative  
Mike Harkreader, TNPAP Representative  
Lacey Blair, Legislative Affairs Representative

**1. Call to Order**

With a quorum being present, Amy Burba called the meeting to order at 10:05 A.M.

**2. Minutes**

Mr. Tucciarone made a motion, seconded by Ms. Franklin, to approve the March 17, 2016, board meeting minutes as written. The motion carried.

### **3. Office of General Counsel**

Mr. Aumann discussed the Conflict of Interest policy and reminded members of their obligation to share information regarding any matter in which they might have personal or financial interest in order for a decision to be made on whether a recusal is needed.

Mr. Aumann stated that there are no rules pending in Office of General Counsel, there were two (2) open cases pertaining to the Board of Occupational Therapy for litigation, and there was also one (1) petition for order of compliance to be presented to the Board for ratification.

#### **Order of Compliance – Nikki L. Roberts, OT License No. 2303**

Tom Aumann, Assistant General Counsel, presented a Petition for an Order of Compliance for Ms. Roberts. Ms. Roberts provided proof to the Board that disciplinary order had been complied with.

After review, Ms. Mitchell made a motion, seconded by Mr. Tucciarone, to accept the Order of Compliance. The motion carried.

#### **Amendment to Lapsed License Policy**

Mr. Aumann presented an amendment to the lapsed license policy to the Board. The amended policy includes revised language in paragraphs three (3) and six (6), by removing “board consultant, and replacing it with “administrative director”.

After review, Mr. Tucciarone made a motion, seconded by Ms. Mitchell, to accept the amended lapsed license policy as presented. The motion carried.

There were no Agreed Orders, Contested Case hearings, Consent Orders, or request for Order of Modification to be presented.

### **4. Investigation and Disciplinary Reports**

Ms. Nichelle Dorroh, Disciplinary Coordinator, presented the report from the Office of Investigations. There are currently three (3) open complaints on occupational therapists and five (5) open complaints on occupational therapist assistants. Ms. Dorroh also reviewed the list of currently monitored practitioners with the Board and reported that all are currently in compliance.

### **5. Financial Report**

Vanessa Crutcher, Division Financial Officer, presented the Board's financial report for fiscal year 2016. Ms. Crutcher reported that the Total Direct Expenditures is \$92,710.08, the Total Allocated Expenditures is \$166,622.01, the Board Fee Revenue is \$218,635.25, the Current Year Net is \$52,013.24, and the Cumulative Carryover is \$383,773.38. Ms. Crutcher stated that the Board was at its current year threshold and she would put together a spread sheet for a renewal fee structure to be discussed at a later meeting.

## **6. Applicant File Review/Interviews**

- A. Shelley Campbell, OT Applicant – Ms. Campbell was not present. Ms. Campbell was seeking licensure by reciprocity as an occupational therapist. Her application was deferred from a prior board meeting by the Board because she has a past misdemeanor conviction on her background check, and she marked “NO” on her application to the question pertaining to conviction for a prior offense. Ms. Campbell was convicted of an obscenity charge in Florida. After review and discussion by the Board, a motion was made by Mr. Tucciarone, and seconded by Ms. Mitchell to approve Ms. Campbell for a license with no restrictions. The motion carried.
- B. Cedric Malone, OTA Applicant – Mr. Malone spoke to the Board via telephone. Mr. is applying for licensure by reciprocity. Mr. Malone's application file was brought before the Board due to several misdemeanor convictions. On March 19, 2007, Mr. Malone was convicted of a misdemeanor charge for possession of a firearm while intoxicated and reckless driving in Memphis, TN. Mr. Malone was fined \$893.00 for that incident. In September of 2009, Mr. Malone was charged with aggravated unlawful use of a weapon, which was later Nolle Prossed in May, 2011. Mr. Malone was found guilty in 2013 for speeding 26 miles over the speed limit. He was placed on probation and ordered to attend anger management class. After discussion, review, and interviewing Mr. Malone, a motion was made by Ms. Mitchell, and seconded by Mr. Daniel, to approve Mr. Malone for a conditional license upon undergoing a TnPAP evaluation. The motion carried.

## **7. Tennessee Professional Assistance Program (TNPAP)**

Mr. Harkreader presented the TNPAP report to the Board. As of July 1, 2015 through May 30, 2016, there is currently one (1) occupational therapist assistant being monitored and there was one (1) referral for an occupational therapist and one (1) referral for an occupational therapist assistant.

## **8. Ratifications**

Mr. Daniel made a motion, seconded by Ms. Mitchell, to ratify the list presented on newly licensed occupational therapists and occupational therapist assistants, including occupational therapist and occupational therapist assistants with modalities, and reinstatements. The motion carried.

### **Occupational Therapists Newly Licensed**

Aguilar, Teresa	Caudill, Amanda	Giger, Amanda	Strydom, Estella
Anderson, Dorothea	Clayton, Shelby	Gray, Mitchell	Taylor, Andrea
Barrett, Kimberly	Couch, Alyssa	Grishaber, Samantha	Walker, Jessica
Bester, Elizabeth	Counce, John	Hadel, Chelsea	Ward, Celeste
Blakeley, Racheal	Davies, Allison	Hall, Kristen	White, Ashley
Carden, James	Finney, Stephanie	Hare, Kristin	Williams, Aura
Carpenter, Kasey	Fritz, Samantha	Hayes, Mary	Winters Courtney
Heath, Leanne	McCarty, Laura	Roberson, Nicholas	
Hogan, Katie	McCully, Laura	Roberts, Monica	
Holt, Briley	McHenry, Lomas	Sager, Garrett	
Jordan, Kayla	Moorman, Corryn	Schafer, Kendall	
Karijolic, Katie	Nelson, Candace	Scheidt, Erin	
Kenny, Sarah	Olson, Christa	Simon, McKenzie	
Lacivita, Burt	Patterson, Ashley	Smith, Jordan	
Lawson, Sarah,	Pendygraft, Evan	Smith, Sarah	
Macleod, Whitney	Phipps, Kelly	Sordello, Laura	
Maxwell, Caroline	Powers, Margaret	Stephenson, Robyn	

### **Occupational Therapist Assistant Newly Licensed**

Ambrose, Gregory	Marlor, Rachel
Bickel, Jennifer	Mills, Priscilla
Boling, Emily	Moore, Kyle
Castillo, Jesse	Nguyen, Brittany
Clarkson, Kelsey	Prather, Nancy
Dunlap, Heather	Robertson, Ashley
Edwards, Angela	Romo, Leila
Estela, Luis	Shetter, Erin
Flamm, Kaylin	Sojka, Melissa
Fryman, Andrew	Thomas, Shenita
Garrett, Matthew	Wagoner, Joy
Hadley, Cristina	Walton, Kathryn
Humphrey, Michelle	Williams, Georgina
Jugan, Carrie	Hay, Joseph
Lebe, Amanda	Roney, Amber

### **Occupational Therapist Reinstatements**

Sikorsiki, Terri

Cutshall, Denise  
Bushey, Michelle  
Diamond, Candace

### **Occupational Therapist Assistant Reinstatements**

Moonwood, Zoe  
Stoilovich, Genevieve  
McNabb, Angela  
Mello, Loretta

### **Occupational Therapist Modality Certifications**

Sevier-Hunt, Amber  
Crawford, Doris  
Templeton, Johnaca  
Walden, Ashley  
Carrington, Samuel  
Rogers, Kristen  
Eckert, Pamela  
Bruno, Alicia

### **Occupational Therapist Assistant Modality Certifications**

Gray, Michelle  
Stornes, Ryan  
Simon, McKenzie  
Lawson, Sarah

## **9. Directors/Administrative Report**

Ms. Webb, Interim Board Administrator, presented the Administrative report. Currently there are 2553 total active OT licensees and 1334 OTAs as of June 10, 2016.

Licensure Status Totals for the Months of March 1, 2016 through June 10, 2016:

New applications received- 83	New applications - 72
New licenses issued - 58	New licenses issued - 30
Reinstatements - 4	Reinstatements - 4
Number of paper renewals – 61	Number of paper renewals - 37
Number of renewals on line - 217	Number of renewals on line - 108
Number of licensees who retired - 6	Number of licensees who retired - 4
Failed to Renew/Expired Licensees - 29	Failed to renew/Expired Licensees - 21
Modality Certifications - 4	Modality Certifications - 8

Ms. Webb reported that the online renewals constitute a usage rate of approximately 78% of OT renewals during this period and 74% for OTAs.

Ms. Webb welcomed Mr. William Andrew “Drew” Daniel, to the Board. Mr. Daniel replaced Ms. Ann Davis as the Consumer Member.

### **Agreed Citations**

Mr. Sobowale, Board Director, presented the following Agreed Citations to the Board for approval:

#### **Sheila Ballard, OTA # 1201**

Ms. Ballard agreed to pay a civil penalty in the amount of \$100.00 for failing to complete one (1) hour of ethics and one (1) hour of Tennessee Jurisprudence. The hours must be received by the end of the next calendar year. A motion was made by Mr. Tucciarone, and seconded by Ms. Mitchell, to approve the Agreed Citation as presented. The motion carried.

#### **William Canull, OTA # 905**

Mr. Canull agreed to pay a civil penalty in the amount of \$100.00 for failing to complete nineteen (19) hours of continuing competence credits, which include one (1) hour of ethics and one (1) hour of Tennessee Jurisprudence. The hours must be received by the end of the next calendar year. A motion was made by Ms. Franklin, and seconded by Mr. Tucciarone, to approve the Agreed Citation as presented. The motion carried.

#### **Candace Diamond, OT # 3272**

Ms. Diamond agreed to pay a civil penalty in the amount of \$200.00 for practicing on a lapsed license from September 1, 2015 through February 29, 2016. The citation will be reported on the Department of Health’s Disciplinary Action Report and will appear indefinitely on the Department of Health’s website. A motion was made by Ms. Mitchell, and seconded by Ms. Franklin, to approve the Agreed Citation as presented. The motion carried.

#### **Robert Fernandez, OT # 4687**

Mr. Fernandez agreed to pay a civil penalty in the amount of \$100.00 for failing to complete nine (9) hours of continuing education credits, which include one (1) hour of ethics and one (1) hour of Tennessee Jurisprudence. The hours must be received by the end of the next calendar year. A motion was made by Mr. Tucciarone and seconded by Mr. Daniel, to approve the Agreed Citation as presented. The motion carried.

#### **Brian Miller, OT # 3841**

Mr. Miller agreed to pay a civil penalty in the amount of \$100.00 for failing to complete seven (7) hours of continuing education credits. The hours must be received by the end of

the next calendar year. A motion was made by Ms. Franklin, and seconded by Mr. Daniel, to approve the Agreed Citation as presented. The motion carried.

## **10. New Legislation**

Lacey Blair, a representative from the Department's Legislative Affairs Office, discussed the following legislation:

**Public Chapter 763** – This Act Permits licensees whose licenses from a health-related board have expired to obtain reinstatement on the basis of a plan developed by the department of health for periodic payment of past due renewal fees and unattained continuing education instead of the current requirement of payment of all past due fees before reinstatement. This act will take effect on July 1, 2016.

### **John Williams, TOTA Representative**

Mr. Williams reported that the Tennessee Occupational Therapy Association's task force will review some suggested revisions to the board's rules in July. Also, there is legislation that has been passed that will allow a compact for several State boards. The OT board is likely to follow suit within the next few years.

### **Conferences**

Anita Mitchell reported that she attended the AOTA State Regulatory Forum and there was discussion regarding telehealth and licensure affordability. Ms. Mitchell stated that she has a brochure that she would share with the rest of the Board after the meeting.

### **Board Meeting in September 2016**

Board Attorney, Thomas Aumann asked the board if they would consider moving the September 15<sup>th</sup> board meeting to a different date to accommodate him to travel to the CLEAR conference from September 14-17<sup>th</sup>. The Board did agree to move the September board meeting date to a later date. The new meeting date is September 22, 2016.

### **Adjournment**

Without any objections or further business to discuss, the meeting adjourned at 11:55 A.M.

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Amy Burba, OT, Chair

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Date

**These minutes were ratified by the Board at the September 22, 2016 meeting.**