

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
July 16, 2012
MINUTES**

REGULAR SESSION

Time and Place

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board July 16, 2012 at 9:00 a.m.

Members Present

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

Others Present

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

Members Absent

None

Chairperson

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

Conflict of Interest

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

Approval of Minutes

The May 19, 2012 minutes were approved as submitted.

Approval of Treasurer's Report

Mr. Stephenson reported on the meeting of the Legal Services Committee as set forth in the minutes of its meeting on June 27, 2012. Upon review of the report by Mr. Wilkins of legal services provided in fiscal year 2010-2011 and fiscal year 2011-2012, the Committee approved the legal fees submitted. It was agreed Mr. Wilkins would submit a report of Special Legal Services to

the Board each meeting. The Committee will meet with Mr. Wilkins to continue developing an appropriate system for reviewing Special Legal Services pursuant the contract between the Board and BWST.

The Treasurer's Report – Previous Year Comparison was reviewed as amended. The treasurer's report for fiscal year 2011-2012 was approved as submitted.

Budget for Fiscal Year 2012-2013

The Board reviewed the proposed budget for July 1, 2012 through June 30, 2013, Fiscal Year 2012-2013. The proposed budget was amended to move the net income amount into Fund Balance as in previous budgets. The budget for Fiscal Year 2012-2013 was approved as amended.

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.

NBCOT

Mr. Wilkins reported he had spoken with past Board member and Chair, Tommianne Haithcock and Mr. Paul Grace, Executive Director of the NBCOT about making a report to the Board on activities of the NBCOT and its disciplinary action committee. They are agreeable to making a presentation at the September 2012 Board meeting to discuss NBCOT's disciplinary process, continuing competence initiatives and "hot topics" in ethics.

Pending Rule Changes:

Rule .0301

The Board reviewed the proposed amendments to Rule .0301 that provides OT practitioners will be allowed to use only their first names on their name badges in compliance with NCGS 90-640(d). The Board agreed on several amendments.

Upon motion made, seconded and passed, the Board approved Rule .0301 as amended.

Rule .0802

The Board reviewed the proposed amendments to Rule .0802 that further defines the Board's ethics requirements and requires OT practitioners to complete one contact hour of ethics each year and approves the charge of a \$50 late fee for licensees who fail to obtain their CCA within the appropriate time period. The Board agreed on several amendments.

Upon motion made, seconded and passed, the Board approved Rule .0802 as amended.

Rule .0803

The Board reviewed the proposed amendments to Rule .0803 to charge a fee to approve CCA courses. The Board agreed on several amendments.

Upon motion made, seconded and passed, the Board approved Rule .0803 as amended.

Computers for Board Members

The Board discussed the need for I-Pads, tablets, PCs or computers for Board members to use since the Board is emphasizing Drop Box, online and webpage communications among Board members, licensees and the public. A poll of the Board indicated that Ms. Mills, Ms. Gunnigle and Dr. Lang would be provided PCs to be used for Board purposes. Mr. Wilkins will confer with the Board's IT consultant and select a PC for Board member use.

NEW BUSINESS

The Board reviewed correspondence and general information received following the last Board meeting as set forth in the agenda items 7 and 8.

Acceptance of HIV for CCA

The Board reviewed correspondence from two licensees requesting the Board review its CCA instruction that states: CPR, HIPPA, HIV and Infection Control courses are not acceptable as continuing CCA. The Board upon motion made, seconded and passed, agreed the CCA instruction shall be amended to remove this restriction. Mr. Wilkins was asked to advise the two licensees of the Board's decision and take remedial action to remove any consequences to the two licensees as a result of the removed instruction.

Brian Gorman

Pursuant to Notice of Hearing, the Board conducted a hearing and received evidence regarding allegations that Mr. Gorman had failed to comply with the Board's CCA audit in a timely manner and had failed to comply with the Letter of Reprimand With Disciplinary Costs issued by the Board on February 1, 2012. Mr. Gorman did not attend the hearing and did not otherwise respond to the Letter of Reprimand or Notice of Hearing.

Election of Officers

Ms. Holahan called for nominations for election of officers. Following the nomination procedure, Ms. Gunnigle was elected to serve as Chair, Mr. Walsh was elected to serve as Vice Chair and Mr. Stephenson was re-elected to serve as Secretary/Treasurer.

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 12:20 p.m.

Return to Open Session

The Board returned to Open Session at 12:45 p.m.

Brian Gorman

The Board reported it had reviewed the evidence presented during the hearing regarding allegations Mr. Gorman failed to comply with the Board's 2011 CCA audit in a timely manner and failed to comply with the Letter of Reprimand With Disciplinary Costs issued by the Board on February 1, 2012. The Board agreed the evidence was sufficient to prove that Mr. Gorman had failed to comply with the Board's 2011 CCA audit in a timely manner and had failed to comply with the Letter of Reprimand With Disciplinary Costs issued by the Board on February 1, 2012.

The Board entered an Order suspending Mr. Gorman's license to practice occupational therapy in North Carolina. The suspension is stayed for thirty (30) days from the date Mr. Gorman is served with the Order of the Board. Mr. Gorman shall be required to take and complete the Jurisprudence Learning Exercise and pay a civil penalty of \$100 and costs of \$100 within the 30 days his license is stayed from suspension. If Mr. Gorman does not complete the Jurisprudence Learning Exercise and pay the civil penalty and costs within the 30 days the suspension of his license is stayed, his license

will be suspended and he will not be allowed to practice occupational therapy in North Carolina until he does complete the Jurisprudence Learning Exercise and pay the civil penalty and costs and his license is reinstated.

Adjournment

The Open Session adjourned at 12:45 p.m.

Next Meeting

The next Regular Session meeting will be held at the office of the Board on September 17, 2012 at 9:00 a.m.

Lauren Holahan, Chair

Russ Stephenson, Secretary/Treasurer