

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY**  
**March 19, 2012**  
**MINUTES**

**REGULAR SESSION**

**Time and Place**

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board on March 19, 2012 at 9:00 a.m.

**Members Present**

Melanee Mills, Lauren Holahan, Russ Stephenson, Bill Walsh and Ron Taylor

**Others Present**

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

**Members Absent**

Christine Gunnigle, Dr. Stephen Lang

**Chairperson**

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

**Welcome New Board Member**

Ms. Holahan reported Dr. Stephen Lang was appointed by Governor Perdue to complete the term of Dr. Ben Wall. Dr. Lang's term began March 15, 2012 and ends September 30, 2012. Dr. Lang is eligible for a four year term beginning October 1, 2012. Ms. Mills agreed to be a mentor to Dr. Lang.

**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 January 23, 2012 minutes were approved as submitted.

## **Approval of Treasurer's Report**

The treasurer's report was approved as submitted.

## **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 agenda items 4, 5 and 8.

## **AOTA**

Mr. Walsh recommended that an AOTA section be created on the Board's Drop Box to contain documents of interest to the Board from the AOTA.

## **NBCOT**

Past Board member and Chair, Tommianne Haithcock was and may still be a member of the disciplinary action committee of the NBCOT. It was suggested that she be contacted to see if she thought it would be beneficial to the Board for her to make a report to the Board on activities of the NBCOT and its disciplinary action committee.

## **May 2012 Board Meeting Change**

The Board agreed to hold its May 2012 meeting on Saturday, May 19, 2012 in Greensboro at the office of Mr. Walsh. Ms. Williams will provide the proper public notifications of the new meeting time and location. Ms. Holahan reported the NCOTA Board of Directors will also be meeting in Greensboro and it may be an opportunity for members of the NCOTA Board to attend our Board meeting.

## **Potential Rule Changes**

The Board discussed several possible changes to the Rules. Mr. Wilkins reviewed the process the Board must follow to make a rule change. Possible rule changes discussed were:

- 1. require one hour of ethics each year**

The Board agreed to rewrite Rule .0802(b) as follows: "Each renewal period licensees shall document completion of at least one contact hour of a

qualified activity for maintaining continuing competence related to ethics in the practice of occupational therapy, which shall be included in the total points for the year. Continuing competence activities in ethics shall be related to developing the licensee's ability to reflect on, determine, and act on the moral aspects of practice as required by Rule .0308."

**2. expand definition of "ethics"**

The Board agreed reference to Rule .0308 is sufficient to define "ethics".

**3. charge a fee to approve CCA courses**

The Board agreed it should charge a fee to approve CCA courses. Mr. Wilkins was asked to determine if the Board can charge a fee for CCA course approvals with a rule change or is a change to the Practice Act required.

**4. charge a late fee for CCA earned after May 31**

The Board agreed it should charge a \$50 late fee for licensees who fail to obtain their CCA within the appropriate time period.

**5. allow first name only on name badge**

The Board agreed OT practitioners should be allowed to use only their first names on their name badges in compliance with NCGS 90-640(d). Mr. Wilkins will draft a Rule to this effect for the Board to consider.

**6. increase license fee and license renewal fee**

The Board noted there has been no increase in the license or renewal fees charged by the Board since the Practice Act was enacted in 1983. The Board agreed it should examine its future needs, review its current financial position, and develop a rationale to support its current and future fee structure. The Board also discussed the \$10 application fee and agreed it should be further discussed when the Board reviews its current application process and considers developing an online application process.

**Future Vision Retreat Follow-Up**

The Board reviewed the remaining items on its To Do List that was developed at its August 2011 Strategic Planning Retreat. The To Do List is an ongoing document that will be a part of the Board's agenda each meeting until the list is completed. Each Board member reported on the progress made on the item or items they were assigned. Ms. Holahan will maintain the To Do List and amend it as items on the list proceed to completion.

The Board discussed the Board Member Code of Conduct document and the Meeting Procedures document as amended by Mr. Walsh with input from Board members. Mr. Wilkins will review each document again and the Board will seek to finalize both documents at the May meeting.

The use of Drop Box for accessing Board documents is working well and should be continued. The Board discussed whether it should furnish PCs or iPads to Board members who need them for Board business. This issue will be considered again at the May meeting.

Ms. Holahan provided drafts of the job descriptions for legal counsel and administrative staff. The Board will review the drafts and they will be on the agenda for the May meeting.

### **NEW BUSINESS**

The Board reviewed correspondence and general information received following the last Board meeting as set forth in the agenda items 10, 11 and 12.

#### **Yoga Instruction/CCA**

The Board considered five separate emails requesting that various yoga courses be allowed as CCA.

Mr. Taylor recused himself from any discussion or decision in the matter of the letter written by Holiche Pires, OTA.

The Board responded to each email and agreed such questions need to be answered individually although it is suggested that a standard response be developed for answering the two basic questions; one response seeking additional information of how the course enhances the practice of the OT practitioner's and the second advising the Board does not pre-approve CCA courses.

#### **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 12:00 p.m.

#### **Return to Open Session**

The Board returned to Open Session at 1:00 p.m.

### **Marilyn Cope**

The Board conducted a hearing regarding allegations Ms. Cope had failed to comply with the Practice Act and Rules by engaging in unprofessional behavior, failing to provide accurate documentation, failing to follow physician's orders, failing to follow the patient's Plan of Care and failing to review the patient's chart before treating. The complainant and Ms. Cope appeared at the hearing and presented evidence.

### **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 3:30 p.m.

### **Return to Open Session**

The Board returned to Open Session at 4:30 p.m.

### **Marilyn Cope**

The Board reported it had reviewed the evidence presented during the hearing regarding allegations Ms. Cope had failed to comply with the Practice Act and Rules by engaging in unprofessional behavior, failing to provide accurate documentation, failing to follow physician's orders, failing to follow the patient's Plan of Care and failing to review the patient's chart before treating. The Board agreed the evidence was sufficient to prove that Ms. Cope had engaged in unprofessional behavior by failing to provide accurate documentation of her treatments of a patient during July 2011 and by failing to demonstrate a basic knowledge of active, passive and passive assist range of motion activities and use of the terms bilateral and unilateral in her documentation. Ms. Cope further failed to demonstrate she appropriately sought OT supervision. Ms. Cope admitted in her written response to the complaint and during her testimony that she had inadvertently entered inaccurate documentation in the patient's chart.

The Board entered an Order placing Ms. Cope on probation for two years, beginning immediately and ordering that she pay a civil penalty of \$750 and costs of \$750. The Board further ordered that she complete at least two (2) hours of CCA emphasizing documentation, at least two (2) hours of CCA emphasizing care and treatment of the upper extremities, and at least two (2) hours of CCA emphasizing the supervision requirements of an OTA by an OT as set forth in Section .0900 of the Rules. The Board further ordered Ms. Cope's supervising OT shall provide close supervision to Ms. Cope for the

first six months of her probation, and shall provide a monthly, written report to the Board of Ms. Cope's practice specifically documenting the amount and type of supervision provided, the practice setting and population served by Ms. Cope and a statement confirming that Ms. Cope has demonstrated knowledge and competence in her occupational therapy practice.

**Adjournment**

The Open Session adjourned at 4:35 p.m.

**Next Meeting**

The next Regular Session meeting will be held in Greensboro, NC at the office of Mr. Walsh on May 19, 2012 at 9:00 a.m.

---

Lauren Holahan, Chair

---

Russ Stephenson, Secretary/Treasurer