

NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
November 17, 2014
MINUTES

REGULAR SESSION

Time and Place

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board November 17, 2014 at 9:00 a.m.

Members Present

Bill Walsh, Melanee Mills, Ron Taylor, Dr. Stephen Lang, Lynn Losada, Denise Donica and Russ Stephenson.

Others Present

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

Members Absent

None

Chairperson

Mr. Walsh, Chair, called the meeting to order at 9:15 a.m.

Conflict of Interest

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

Approval of Minutes

The September 22, 2014 minutes were approved as submitted.

To-Do List

The September 22, 2014 to-list was approved as submitted and reviewed.

Approval of Treasurer's Report

The treasurer's report for September 1, 2014 through October 31, 2014 was

discussed and approved as submitted.

2013-14 Financial Audit

Mr. Stephenson reviewed the report from the Board's auditors for the July 1, 2013 through June 30, 2014 fiscal year and responded to questions from Board members.

Administrator's Report

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

Legal Services Committee

Mr. Stephenson reported the Committee reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of September and October 2014 for fourteen (14) disciplinary proceedings and was of the opinion the bill was in order. The Board authorized the bill to be paid.

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 6-8, 2014 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.

Online Progress/Documentation of Supervision

Board staff informed the Board the request for an application, duplicate certificate and verification of license is available on the Board's website for online payment. Board staff also informed the Board that implementation of notification by email to the supervising OT when an OTA adds an OT through the supervision chart as a supervisor has been completed by IT services. The Board reviewed the notification email and suggested changes to the email. Board staff informed the Board the CCA Pre-Approval Request Form has been updated and is available on the Board's website. Upon motion made, seconded and passed, the Board approved purchasing Adobe Professional for use with the CCA Pre-Approval Request Form.

NC Legislature

Mr. Wilkins reported that HB 74, which passed the legislature in 2013, provides for a study regarding licensing boards being placed under an “umbrella” and a “sunset provision”. The study is in progress. The legislature is also requiring that the Board’s rules be reviewed by the Rules Review Commission by May 2016. Mr. Wilkins also reported on session law directing the General Assembly’s Program Evaluation Division to conduct a survey on each occupational licensing agency and the results of the survey will be made available in January 2015.

NBCOT 2014 State Regulatory Conference

Board members were advised the NBCOT Conference met in Alexandria, VA on October 24-25, 2014. Ms. Losada reported on the conference.

Bryan Brown

The Board conducted a hearing on whether Mr. Brown had violated the Practice Act or Rules of the Board for attempting to obtain payment by fraud or deceit, for being convicted of attempting to defraud an insurance company, for failing to provide his criminal record on his application for licensure or renewals, and for failing to notify the Board within 30 days of conviction of a felony that involves moral turpitude. Mr. Brown appeared and testified on his own behalf.

RECESS

The Board recessed at 12:10 p.m for a luncheon for Russ Stephenson.

RETURN FROM LUNCH RECESS

The Board resumed its Open Session at 1:50 p.m.

CAC 2014 Annual Meeting

Board members were advised the CAC met in Baltimore, MD on October 23-24, 2014. Mr. Stephenson reported on the conference.

NCOTA 2014 Annual Fall Conference

Board members were advised the NCOTA conference met in Winston-Salem, NC on October 18-19, 2014. Ms. Donica and Mr. Taylor reported on the conference and their presentation. The Board agreed to provide a 1-hour ethics course and 30-minute Board presentation at the 2015 conference.

The Board agreed to contact NCOTA for the 2015 conference schedule and Ms. Donica agreed to notify NCOTA of the Board's preference in presenting once the schedule is determined.

FARB Regulatory Law Seminar/Forum

Board members were advised the FARB forum is meeting in Tucson, AZ on January 22-25, 2015 and FARB Regulatory Law Seminar is meeting in Denver, CO on October 1-4, 2015. Board members decided not to attend the forum but will consider attending the law seminar.

AOTA Occupational Therapy Code of Ethics revision

The Board reviewed the proposed AOTA Code of Ethics revision. Ms. Donica reported she completed the survey.

Agency Approval for Rule .0802

The Board reviewed the changes proposed by Counsel to the Rules Review Commission on Rule .0802 which allows licensees to take continuing competence activities from July 1 of the previous year to June 30 of the renewal year. Upon motion made, seconded and passed, the Board approved the changes to Rule .0802. The Board will complete the rules review process with a projected effective date of January 1, 2015.

Online applications/paperless feasibility

The Board discussed consideration of online applications. Board staff followed-up with the South Carolina OT Board which recently implemented online applications. Board staff agreed to request a proposal from IT services on how to implement the online application process and present the proposal at the January 2015 meeting.

Board member training in 2015 with Dale Atkinson

The Board reviewed an email from Dale Atkinson's office confirming Sunday, November 15, 2015 for a one-day seminar for the members.

NEW BUSINESS

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

Question regarding treating the pelvic floor muscles

The Board reviewed two emails asking whether an OT practitioner may conduct a pelvic exam to assess issues of incontinence and pelvic pain and whether an OT practitioner may treat the muscles of the pelvic floor. Upon motion made, seconded and passed, the Board agreed the Practice Act allows an OT practitioner to conduct a pelvic exam to assess issues of incontinence and pelvic pain and allows an OT practitioner to treat the pelvic floor muscles so long as the OT practitioner is trained and competent and the OT practitioner's training and competence has been demonstrated and documented. Mr. Wilkins will send a draft response to the Board prior to responding to the emails.

AOTA Guidelines for Re-Entry

The Board reviewed the proposed AOTA Guidelines for Re-Entry revision. Ms. Losada agreed to respond to the survey.

Election of Board Officers

Ms. Donica was elected Secretary/Treasurer and she was also appointed to be Chair of the Legal Services Committee.

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 4:00 p.m.

Closed Session Report

Mr. Wilkins reported the Board was advised in Closed Session that he is investigating one pending complaint and four new complaints. Four complaints were finalized with an Order. Two complaints were finalized with a Consent Order.

Bryan Brown

The Board reported it had reviewed the evidence presented in Mr. Brown's hearing. The evidence presented showed Mr. Brown had violated the Practice Act or Rules of the Board for attempting to obtain payment by fraud or deceit, for being convicted of attempting to defraud an insurance company, for failing to provide his criminal record on his application for licensure or renewals, and for failing to notify the Board within 30 days of conviction of a felony that involves moral turpitude. The Board entered an Order that: (1) Mr. Brown's license to practice occupational therapy be revoked; (2) he surrender his license, and (3) he pay a civil penalty of

\$1000 and disciplinary costs of \$500.

Adjournment

The Open Session adjourned at 4:40 p.m.

Next Meeting

The next Regular Session meeting will be held at the office of the Board on January 19, 2015 at 9:00 a.m.

Bill Walsh, Chair

Denise Donica, Secretary/Treasurer