

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY**  
**September 22, 2014**  
**MINUTES**

**REGULAR SESSION**

**Time and Place**

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board September 22, 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 9:00 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 July 14, 2014 minutes were approved as submitted.

**To-Do List**

The July 14, 2014 to-list was approved as submitted and reviewed.

**Approval of Treasurer's Report**

The treasurer's report for July 1, 2014 through August 31, 2014 was

discussed and approved as submitted.

### **Administrator's Report**

The administrator's report was reviewed and approved as submitted. Mr. Walsh recommended adding a report on licensees renewing online versus paper. The Board discussed requiring licensees to renew online.

### **Legal Services Committee**

Mr. Stephenson reported the Committee reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of July and August 2014 for twenty-four (24) disciplinary proceedings and were 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 the additions and changes to the chart as presented.

### **Online Progress/Documentation of Supervision**

Board staff informed the Board the request for an application, duplicate certificate and verification of license will be made available on the Board's website for online payment. Board staff also informed the Board that IT services is working on notification by email to the supervising OT when an OTA adds an OT through the supervision chart as a supervisor.

### **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. The Board reviewed an email sent to the subcommittee by Mr. Wilkins following the survey and meeting

with the individuals.

### **NBCOT 2014 State Regulatory Conference**

Board members were advised the NBCOT Conference is meeting in Alexandria, VA on October 24-25, 2014. Ms. Losada indicated she can attend.

### **CAC 2014 Annual Meeting**

Board members were advised the CAC is meeting in Baltimore, MD on October 23-24, 2014. Mr. Stephenson indicated he can attend.

### **CLEAR 2014 Annual Educational Conference**

Board members were advised the CLEAR conference is meeting in New Orleans, LA on September 11-13, 2014. Ms. Mills attended and reported on the conference.

### **NCOTA 2014 Annual Fall Conference**

Board members were advised the NCOTA conference is meeting in Winston-Salem, NC on October 18-19, 2014. Ms. Donica and Mr. Taylor indicated they will be attending and presenting. The Board agreed to present an ethics course at the 2015 conference.

### **Public Hearing for Rule .0802**

The Board held a hearing 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. The Board did not receive any written or public comment and no one appeared for the hearing. 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 December 1, 2014.

### **Changes to Pre-Approval CCA Request Form**

The Board reviewed the changes to the Pre-Approval Request Form and approved the changes to the form. Upon motion made, seconded and passed, the Board approved the final version of the form and agreed to update the website with the updated form.

### **Online applications/paperless feasibility**

Board staff informed the Board they met with Ms. Kyna Herzinger of State Records in August and discussed a retention schedule on storing and disposing of Board documents.

Also, the Board discussed consideration of online applications. Board staff will follow-up with the South Carolina OT Board which recently implemented online applications and have a report at the November Board meeting. The Board agreed to keep this topic as an agenda item for future discussion.

### **FARB membership**

Board members were advised the Board joined FARB and the 2014 FARB Regulatory Law Seminar is meeting in Annapolis, MD on October 3-5, 2014, 2015 FARB forum is meeting in Tucson, AZ on January 22-25, 2015 and 2015 FARB Regulatory Law Seminar is meeting in Denver, CO on October 1-4, 2015.

### **Board member training in 2015 with Dale Atkinson**

The Board reviewed an email sent to Dale Atkinson with the Board's preferred dates for a one-day seminar for the members and Board staff in 2015 and are waiting for a response from Mr. Atkinson.

## **NEW BUSINESS**

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

### **Presentation by Shaun Conway, Director, Credentialing Services for NBCOT**

Mr. Conway, Director of Credentialing Services for NBCOT, made a presentation to the Board regarding the services provided by NBCOT.

### **AOTA Occupational Therapy Code of Ethics revision**

The Board reviewed the proposed AOTA Code of Ethics revision. The Board agreed for Ms. Donica and Ms. Mills to review the code of ethics and reply to the survey.

### **Erica Andrews**

The Board conducted a hearing on whether Ms. Andrews had violated the

Practice Act or Rules of the Board by failing to renew her license on time and practicing with an expired license. Ms. Andrews appeared and testified on her own behalf.

### **Oscar Ball**

The Board conducted a hearing on whether Mr. Ball had violated the Practice Act or Rules of the Board by failing to renew his license on time and practicing with an expired license. Mr. Ball appeared and testified on his own behalf.

### **Carroll Fernstrom**

The Board conducted a hearing on whether Ms. Fernstrom had violated the Practice Act or Rules of the Board by failing to renew her license on time and practicing with an expired license. Ms. Fernstrom appeared and testified on her own behalf.

### **Emily Kertcher**

The Board conducted a hearing on whether Ms. Kertcher had violated the Practice Act or Rules of the Board by failing to renew her license on time and practicing with an expired license. Ms. Kertcher appeared and testified on her own behalf.

### **Tonja Oliphant**

Ms. Oliphant's hearing was postponed to the November Board meeting.

### **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 1:25 p.m.

### **Closed Session Report**

Mr. Wilkins reported the Board was advised in Closed Session that he is investigating three pending complaints but no new complaints. Four complaints were finalized with an Order. Two complaints were dismissed.

### **Erica Andrews**

The Board reported it had reviewed the evidence presented in Ms. Andrews' hearing. The evidence presented showed Ms. Andrews had violated the

Practice Act and Rules of the Board by failing to renew her license on time and practicing with an expired license. The Board entered an Order that: (1) Ms. Andrews shall be reprimanded for practicing occupational therapy after her license had expired; and (2) she shall pay a civil penalty of \$150 and disciplinary costs of \$150. It was noted that Ms. Andrews had previously been issued a "one time indulgence" and also a Letter of Admonishment for not completing her continuing competence activities on time.

### **Oscar Ball**

The Board reported it had reviewed the evidence presented in Mr. Ball's hearing. The evidence presented showed Mr. Ball had violated the Practice Act and Rules of the Board by failing to renew his license on time and practicing with an expired license. The Board entered an Order that: (1) Mr. Ball shall be admonished for practicing occupational therapy after his license had expired; and (2) he shall pay a civil penalty of \$150 and disciplinary costs of \$150.

### **Carroll Fernstrom**

The Board reported it had reviewed the evidence presented in Ms. Fernstrom's hearing. The evidence presented showed Ms. Fernstrom had violated the Practice Act and Rules of the Board by failing to renew her license on time and practicing with an expired license. The Board entered an Order that: (1) Ms. Fernstrom shall be admonished for practicing occupational therapy after her license had expired; and (2) she shall pay a civil penalty of \$150 and disciplinary costs of \$150.

### **Emily Kertcher**

The Board reported it had reviewed the evidence presented in Ms. Kertcher's hearing. The evidence presented showed Ms. Kertcher had violated the Practice Act and Rules of the Board by failing to renew her license on time and practicing with an expired license. The Board entered an Order that: (1) Ms. Kertcher shall be reprimanded for practicing occupational therapy after her license had expired; and (2) she shall pay a civil penalty of \$150 and disciplinary costs of \$150.

### **Adjournment**

The Open Session adjourned at 3:15 p.m.

### **Next Meeting**

The next Regular Session meeting will be held at the office of the Board on November 17, 2014 at 9:00 a.m.

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Bill Walsh, Chair

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Russ Stephenson, Secretary/Treasurer