

NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
September 18, 2017
MINUTES

REGULAR SESSION

Time and Place

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board September 18, 2017 at 9:00 a.m.

Members Present

Denise Donica, Ron Taylor, Dr. Stephen Lang, Lynn Losada, Danielle Ward, Jessica Lowery and Bill Walsh.

Others Present

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

Members Absent

None

Chairperson

Ms. Donica, Chair, called the meeting to order at 9:10 a.m.

Conflict of Interest

Ms. Donica called for any conflicts of interest with the meeting agenda. Ms. Donica recused herself from discussion and participation on the Pamela Barrett hearing. There were no additional conflicts or potential conflicts.

Approval of Minutes

The July 10, 2017 minutes were approved.

To-Do List

The July 10, 2017 to do-list was approved as submitted and reviewed.

Approval of Treasurer's Report

The treasurer's report for July 1, 2017 through August 31, 2017 was discussed and approved as submitted.

Administrator's Report

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

Legal Services Committee

Mr. Wilkins reported the Committee did not review a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of July and August 2017 for twelve (12) disciplinary proceedings. The Board agreed to postpone approval of the bill until the November 2017 meeting.

OLD BUSINESS

The Board reviewed correspondence and general information received following the last Board meeting.

Strategic Planning Retreat

The Board held a retreat on July 28-30, 2017 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.

NC Legislature

Mr. Wilkins reported on proposed bills pending in the North Carolina General Assembly. The Board agreed to develop an FAQ to address the process for application for an OT/OTA military or military spouse to obtain a North Carolina OT or OTA license. The process will include information to bypass the initial North Carolina license fee and what is required to provide proof of military service or proof of being a military spouse.

Online Progress

Board staff informed the Board that the online complaint form and updated FAQs have been added to the website. IT services is currently working on the reactive website.

CLEAR Annual Conference

Board members were advised the CLEAR Annual Educational Conference met in Denver, Colorado on September 13-16, 2017, the 2017 International Congress is meeting in Melbourne, Australia on November 16-17, 2017 and

the 2018 Winter Symposium is meeting in Scottsdale, Arizona on January 10, 2018. Ms. Losada attended and reported on the annual conference.

CAC Annual Conference

Board members were advised the CAC Annual Conference met in Denver, Colorado on September 13-16, 2017. Ms. Ward attended and reported on the annual conference.

AOTA

a. 2018 Annual Conference

Board members were advised the AOTA Annual Conference is meeting in Salt Lake City, Utah on April 19-22, 2018.

b. ACOTE Announcement

Board members reviewed an email dated August 23, 2017 from AOTA regarding the ACOTE decision to move the entry-level degree for the occupational therapist to the doctoral degree and the occupational therapy assistant to the baccalaureate level, by 2027.

NCOTA Fall Conference

The NCOTA Fall Conference is meeting in Raleigh, North Carolina on November 10-12, 2017. Mr. Taylor and Mr. Walsh agreed to present the ethics session and Mr. Walsh agreed to present Board updates at the conference. Ms. Losada agreed to handle the scavenger hunt and Ms. Donica agreed to confirm if there will be a presentation on Licensure portability that will require Board involvement.

Pamela Barrett hearing

The Board conducted a hearing on whether Ms. Barrett had violated the Practice Act or Rules of the Board specifically NCGS 90-276.76(a)(2), (a)(4) and (a)(9) and Rule .0304(a)(4), .0304(b) and Rule .0308 by going through a patient's wallet while the patient was out of the room. Ms. Barrett appeared with counsel and testified.

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.

Closed Session Report

Mr. Wilkins reported the Board was advised in Closed Session that one case was resolved by a Consent Order, one case was resolved by a Letter of Reprimand and five cases are currently being investigated.

Pamela Barrett

The Board reported it had reviewed the evidence presented in Ms. Barrett's hearing. The evidence presented showed Ms. Barrett had violated the Practice Act or Rules of the Board by entering a patient's room, entering her closet, finding, opening and going through the patient's purse and wallet while the patient was out of the room. The Board entered an Order that: (1) Ms. Barrett be issued a Letter of Reprimand; (2) she pay a civil penalty of \$250; and (3) she pay disciplinary costs of \$500.

Return to Open Session

The Board returned to Open Session at 5:10 p.m.

Response to Margie Moton regarding ID badges

The Board reviewed a response from Ms. Kirk to Margie Motion regarding ID badges.

Response to Rucha Bhatt regarding dietetics and nutrition

The Board reviewed a response from Mr. Wilkins to Rucha Bhatt regarding dietetics and nutrition.

Review court opinions for a response to Michele McRaith regarding Board roster

The Board reviewed an email dated June 16, 2017 regarding a request from a company LexisNexis that the Board provide it with an electronic roster of occupational therapists and occupational therapy assistants in North Carolina, including, Name, Practice Address, Phone Number, Fax Number, License Number, Issued Date, Expiration Date and License Status. The purpose for the request was stated to be so LexisNexis can maintain a database for its clients, such as insurance payers and healthcare networks. The Board reviewed court opinions regarding this issue and agreed to send the Board's mailing list which will include current OTs/OTAs and their mailing addresses.

2018 Board meeting dates

The Board discussed the 2018 Board meeting dates and agreed to change the May 21, 2018 meeting to May 14, 2018 and the September 17, 2018 meeting to September 24, 2018.

NEW BUSINESS

Update to Board meeting procedures – Board Chair Policy

The Board reviewed the Board Chair Policy. Upon motion made, seconded and passed, the Board agreed to adopt the update to the Board Chair Policy in the Board meeting procedures.

Rule changes - .0103, .0803, .0903, .0905

The Board reviewed changes to Rule .0103, .0803, .0903 and .0905. Ms. Donica appointed Mr. Taylor and Ms. Losada to review Rules .0103, .0803, .0903 and .0905 for review by the Board at the November 2017 meeting.

Email from Zesarae Bodie regarding Board roster

The Board reviewed an email dated August 22, 2017 from Zesarae Bodie regarding a request for the Board roster. Upon motion made, seconded and passed, the Board agreed to change the mailing list fee to \$100. Board staff will respond allowing her to pay \$100 for the mailing list.

Email from Missy Wojtczak regarding telehealth requirements

The Board reviewed an email dated August 15, 2017 from Missy Wojtczak regarding telehealth requirements and asking whether a NC licensed OT, living in Atlanta can direct a NC licensed OTA by video and/or telephone in measuring and obtaining the results of an evaluation so long as the OT writes up the documentation and makes determinations related to the plan of care. Upon motion made, seconded and passed, the Board agreed this is not permissible, however, the OT can complete the evaluation with the OTA via videoconferencing where the OTA, who has demonstrated competency, performs parts of the evaluation as directed by the OT.

Email from Lyndsay Gnotek regarding supervision

The Board reviewed an email dated August 17, 2017 from Lyndsay Gnotek regarding supervision. Mr. Wilkins was asked to get more information from Ms. Gnotek before the Board could respond.

Adjournment

The Open Session adjourned at 6:25 p.m.

Next Meeting

The next Regular Session meeting will be held at the office of the Board on November 13, 2017 at 9:00 a.m.

Denise Donica, Chair

Danielle Ward, Secretary/Treasurer