

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY  
March 19, 2018  
MINUTES**

**REGULAR SESSION**

**Time and Place**

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board March 19, 2018 at 9:00 a.m.

**Members Present**

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

**Others Present**

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

**Members Absent**

Bill Walsh

**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. There were no conflicts or potential conflicts.

**Approval of Minutes**

The January 15, 2018 minutes were approved.

**To-Do List**

The January 15, 2018 to do-list was approved as submitted and reviewed.

**Approval of Treasurer's Report**

The treasurer's report for January 1, 2018 through February 28, 2018 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 reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of January and February 2018 for nine (10) disciplinary proceedings. The total hours worked was 14.8 and the total fees are \$3,700. In addition to the two disciplinary matters on the agenda today, the Board has 3 disciplinary files pending. Upon motion made and seconded, the bills were approved for payment.

### **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.

### **Online Progress**

Board staff informed the Board the reactive website is live and to continue to provide input on changes or additions to the website.

### **CLEAR Annual Conference**

Board members were advised the 2018 Annual Meeting is meeting in Philadelphia, Pennsylvania on September 26-29, 2018. Ms. Losada agreed to attend.

### **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. Ms. Donica and Mr. Walsh agreed to attend.

**b. ACOTE Statement regarding the OTA Education Level Mandate**

Board members reviewed an email dated February 11, 2018 to ACOTE regarding the OTA education level mandate.

**NBCOT**

**a. 2018 State Regulatory Leadership Forum**

Board members reviewed an email dated December 15, 2017 regarding the 2018 State Regulatory Leadership Forum meeting in Atlanta, Georgia on April 6-7, 2018. Ms. Donica and Ms. Kirk agreed to attend.

**b. Email regarding presumptive denial update**

Board members reviewed an email dated February 15, 2018 from NBCOT regarding the presumptive denial update.

**c. OT Regulator E-Newsletter**

Board members reviewed an email dated November 30, 2017 from NBCOT regarding the OT Regulator E-Newsletter.

**Public Hearing for Rule Changes - .0103, .0803, .0903, .0905**

The Board held a public hearing on the changes to the rules regarding supervision and the pre-approval of continuing competence activities. The Board has not received any written comment and no one appeared for the hearing to provide oral comment. The Board will continue with the rules review process with a projected effective date of July 1, 2018.

**NEW BUSINESS**

**Email from Janet Combs regarding OT concerns**

The Board reviewed an email dated February 28, 2018 from Janet Combs regarding OT concerns at a facility where she is employed as the rehab director. Upon motion made, seconded and passed, the Board agreed Mr. Wilkins will respond requesting more information from Ms. Combs regarding the issues at the facility.

**Email from Anne-Marie Zippay regarding dry needling**

Board members reviewed an email dated March 7, 2018 from Anne-Marie Zippay regarding dry needling. Upon motion made, seconded and passed, the Board agreed Mr. Wilkins will respond notifying her that the Board is waiting to review the decision from the NC Supreme Court.

### **CAC Annual meeting**

Board members were advised the CAC Annual meeting is in Washington, DC on October 16-17, 2018.

### **NCOTA Fall Conference**

Board members were advised the NCOTA fall conference is at Lake Junaluska, North Carolina on November 9-11, 2018.

### **Ravin Dehring hearing**

Ms. Dehring's hearing was scheduled for today's meeting but she has notified the Board she has agreed to the proposed Consent Order.

### **Neil Gerke hearing**

The Board conducted a hearing on whether Mr. Gerke had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (5) and (9) and Rule .0304(a)(12) and (21) for failure to provide and failure to properly and accurately document occupational therapy services. Mr. Gerke did not appear for the hearing.

### **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 11:40 a.m.

### **Return to Open Session**

The Board returned to Open Session at 12:15 p.m.

### **Closed Session Report**

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

### **Neil Gerke**

The Board reported it had reviewed the evidence presented in Mr. Gerke's

hearing. The evidence presented showed Mr. Gerke had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (5) and (9) and Rule .0304(a)(12) and (21) for failure to provide and failure to properly and accurately document occupational therapy services. The Board entered an Order that: (1) Mr. Gerke's license be revoked; (2) he pay a civil penalty of \$1000; and (3) he pay disciplinary costs of \$500.

**Adjournment**

The Open Session adjourned at 12:20 p.m.

**Next Meeting**

The next Regular Session meeting will be held at the office of the Board on May 14, 2018 at 9:00 a.m.

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Denise Donica, Chair

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Danielle Ward, Secretary/Treasurer