

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
JANUARY 13, 2020
MINUTES**

REGULAR SESSION

Time and Place

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board January 13, 2020 at 9:00 a.m.

Members Present

Denise Donica, Dr. Stephen Lang, Nicole Blackwell, Laura Echols, Lynn Losada, Leonard Trujillo and Danielle Ward.

Others Present

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

Members Absent

None

Chairperson

Ms. Losada, Chair, called the meeting to order at 9:05 a.m.

Conflict of Interest

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

Approval of Minutes

The November 11, 2019 minutes were approved.

To-Do List

The November 11, 2019 to do-list was approved as submitted and reviewed.

Approval of Treasurer's Report

The treasurer's report for November 1, 2019 through December 31, 2019 was

discussed and approved as submitted.

Administrator's Report

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

Legal Services Committee

Ms. Donica reported the Committee reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of November and December 2019 for eleven (11) disciplinary proceedings. The total hours worked was 29.30 and the total fees are \$7,325. The Board closed 4 disciplinary files following the November 2019 Board meeting and currently has 6 disciplinary files pending. Upon motion made and seconded, the bill was 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 June 14-16, 2019 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.

CLEAR 2020 Annual Meeting

Board members were advised the 2020 Annual Meeting is meeting in Seattle, Washington on September 23-26, 2020. Ms. Blackwell and Ms. Ward agreed to attend.

AOTA

a. 2020 Annual Conference

Board members were advised the AOTA Annual Conference is meeting in Boston, Massachusetts on March 26-29, 2020. Ms. Ward, Ms. Donica, Ms. Losada and Mr. Trujillo agreed to attend.

b. State Regulatory Forum

Board members were advised the AOTA State Regulatory Forum is meeting in Boston, Massachusetts on March 27, 2020.

c. Winter 2019 Newsletter

Board members reviewed an email dated December 23, 2019 from Kristen Neville, Manager State Affairs for AOTA, regarding the Winter 2019 AOTA State Affairs newsletter.

d. AOTA/NBCOT on Interstate Licensure Compact

Board members reviewed a notice dated November 11, 2019 regarding AOTA and NBCOT's first meeting to collaborate on the Interstate Licensure Compact.

NCOTA Spring/Fall Conference

Board members were advised the NCOTA spring conference will meet in Concord, North Carolina on February 29, 2020. Ms. Blackwell agreed to attend. Board members were also advised the 2020 NCOTA fall conference is meeting in New Bern, North Carolina on October 2-4, 2020.

NBCOT

a. OT Action Exchange Memorandum of Understanding

Board members reviewed an email dated November 25, 2019 regarding a memorandum of understanding for the NBCOT Action Exchange. Upon motion made, seconded and passed, the Board agreed to sign the Memorandum of Understanding and continue to provide NBCOT with Board disciplinary actions.

b. Orientation for New OT Regulators

Board members were advised the Orientation for New OT Regulators is meeting in Chicago, Illinois on April 3, 2020. Ms. Blackwell agreed to attend.

c. Regulatory E-Newsletter December 2019

Board members reviewed an email dated December 12, 2019 regarding the December 2019 Regulatory E-Newsletter.

FARB 2020 Annual Forum

Board members were advised the FARB Annual Forum is meeting in Colorado Springs, Colorado on January 23-26, 2020.

Review comments and approve Rules .0801, .0804, .0805

The Board reviewed the final changes to Rules .0801, .0804 and .0805 as approved by the Rules Review Commission at their December 2019 meeting.

Response to Kristin Neville regarding rules comments

Board members reviewed an email dated November 12, 2019 from Mr. Wilkins to Kristin Neville regarding rules comments.

Response to Kimberly Godwin regarding rules comments

Board members reviewed an email dated November 12, 2019 from Mr. Wilkins to Kimberly Godwin regarding rules comments.

Response to Carol Powell regarding OT in CDSA

Board members reviewed an email dated November 13, 2019 from Mr. Wilkins to Carol Powell regarding OT in CDSA.

Update on CCA Audit

Ms. Kirk reported on the 2019 CCA audit and notified the Board that one licensee has not complied. The Board agreed to send a Notice of Hearing to the licensee that has not complied with the CCA audit.

NEW BUSINESS

Ethics discussion

Mr. Trujillo informed the Board that there were concerns expressed at the CLEAR 2019 annual meeting regarding ethics and its interpretation by licensing boards and associations.

Jeron Hawkins

The Board conducted a hearing on whether Mr. Hawkins had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (a)(3), (a)(4), (a)(5) and (a)(7) and Rule .0304(10), (12) and (21) and Rule .0304(b) for failure to provide timely, accurate and complete documentation of his occupational therapy services, documenting services not rendered and failure to report to the Board past criminal charges. Mr. Hawkins did not appear for the hearing.

La'Toya Myers hearing

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

Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (a)(4) and (a)(9) and Rule .0304(a)(12) and (21) by documenting an OT treatment visit that was not made while working at Encompass Health, Lexington, North Carolina. Ms. Myers did not appear for the hearing.

Deborah Webb hearing

The Board conducted a hearing on whether Ms. Webb had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (a)(4) and (a)(9) and Rule .0304(11), by a pattern of absenteeism and tardiness and failing to document her OT treatments in a timely manner thereby affecting proper and timely patient care while working at Carolina Therapy Services, Dunn, North Carolina. Ms. Webb appeared 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 12:50 p.m.

Return to Open Session

The Board returned to Open Session at 2:30 p.m.

Closed Session Report

Disciplinary Matters

Mr. Wilkins reported the Board was advised in Closed Session that six cases are currently being investigated.

Jeron Hawkins

The Board reported it had reviewed the evidence presented in Mr. Hawkins' hearing. The evidence showed Mr. Hawkins had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (a)(3), (a)(4), (a)(5) and (a)(7) and Rule .0304(10) and (21) and Rule .0304(b) for failing to provide timely, accurate and complete documentation of his occupational therapy services, documented services not rendered and failing to report to the Board past criminal charges. The Board entered an Order that (1) Mr. Hawkins license be revoked; (2) he pay a civil penalty of \$1000 and disciplinary costs of \$1000.

La'Toya Myers

The Board reported it had reviewed the evidence presented in Ms. Myers' hearing. The evidence showed Ms. Myers had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (a)(4) and (a)(9) and Rule .0304(a)(12) and (21) by documenting an OT treatment visit that was not made as well as by forging a client's signature while working at Encompass Health, Lexington, North Carolina. The Board entered an Order that: (1) Ms. Myers' license be placed on probation for one year; (2) she pay a civil penalty of \$500 and disciplinary costs of \$750.

Deborah Webb

The Board reported it had reviewed the evidence presented in Ms. Webb's hearing. The evidence showed Ms. Webb had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (a)(4) and (a)(9) and Rule .0304(11), by a pattern of absenteeism and tardiness and failing to document her OT treatments in a timely manner thereby affecting proper and timely patient care while working at Carolina Therapy Services, Dunn, North Carolina. The Board entered an Order that: (1) Ms. Webb's license be placed on probation for one year; (2) she pay a civil penalty of \$500 and disciplinary costs of \$750.

Adjournment

The Open Session adjourned at 2:30 p.m.

Next Meeting

The next Regular Session meeting will be held at the office of the Board on March 9, 2020 at 9:00 a.m.

Lynn Losada, Chair

Danielle Ward, Secretary/Treasurer