

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
SEPTEMBER 20, 2021
MINUTES**

REGULAR SESSION

Time and Place

The North Carolina Board of Occupational Therapy met in Regular Session via Webex conference call on September 20, 2021 at 9:00 a.m.

Members Present

Laura Echols, Leonard Trujillo, Nicole Blackwell, Lynn Losada, Dr. Kevin Coates and Young Kim.

Others Present

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

Members Absent

Danielle Ward.

Chairperson

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

Conflict of Interest

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

Approval of Minutes

The July 12, 2021 minutes were approved.

Approval of Treasurer's Report

The treasurer's report for July 1, 2021 through August 31, 2021 was discussed and approved as submitted.

Administrator's Report

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

Legal Services Committee

Ms. Blackwell reported the Committee reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of July and August 2021 for five (5) disciplinary proceedings. The total hours worked was 6.50 and the total fees are \$1,625. The Board closed five disciplinary files following the July 2021 Board meeting and currently has nine 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 bills pending in the North Carolina General Assembly.

Final contract with NCOTA for use of email addresses

The Board reviewed the final contract with NCOTA for use of email addresses in advising OT practitioners of Board vacancies.

CLEAR

a. 2021 Annual Meeting

Board members were advised the 2021 Annual Meeting is meeting virtually in September 2021.

b. 2023 International Congress

Board members were advised the 2023 International Congress is meeting in Dublin, Ireland in the summer of 2023.

c. July 2021 Update

Board members reviewed an email dated July 27, 2021 with updates from CLEAR.

AOTA

a. 2022 Conference

Board members were advised the 2022 annual conference is currently planning to meet in San Antonio, Texas, March 31, 2022 through April 3, 2022 however, there may be a virtual option.

b. Choosing Wisely update

Board members reviewed an email dated July 29, 2021 regarding the Choosing Wisely initiative.

c. Efforts to Delay the OTA Payment Differential

Board members reviewed an email dated August 26, 2021 regarding an effort to delay the OTA payment differential.

d. August 2021 ACOTE Actions

Board members reviewed an email dated September 9, 2021 regarding the August 2021 ACOTE Actions.

FARB 2021-2024 Forums

Board members were advised of the various FARB forums from 2021 through 2024.

NBCOT 2021 OT State Regulatory Leadership Forum

Board members were advised the 2021 NBCOT State Regulatory Leadership Forum is meeting virtually on September 22 and 23, 2021.

Update on review of OT Compact

Ms. Kirk informed the Board that this item will remain on the agenda for future discussion.

Response to Sientje Engler regarding OT referrals

Board members reviewed an email dated July 12, 2021 from Mr. Wilkins to Sientje Engler regarding OT referrals.

Response to Hillary Morris regarding ultrasound

Board members reviewed an email dated July 12, 2021 from Mr. Wilkins to Hillary Morris regarding ultrasound.

Response to Lenore Champion regarding DPI's documentation changes

Board members reviewed an email dated July 12, 2021 from Mr. Wilkins to Lenore Champion regarding DPI's documentation changes.

NEW BUSINESS

Update to PAMs FAQ on Board's website

The Board reviewed and approved the updated FAQ regarding PAMs on the Board's website.

Request from Dionne Joseph to appear before the Board to discuss the amended Order

Mr. Kirk informed the Board that Ms. Joseph notified the Board office that she was not able to attend the September meeting.

Email from Sabrina Jones regarding staple removal

Board members reviewed an email dated September 13, 2021 regarding staple removal and agreed staple removal is not within the scope of practice of occupational therapy.

Email from Melissa Brawley regarding heart and lung sounds

Board members reviewed an email dated September 17, 2021 regarding heart and lung sounds and agreed taking and documenting heart and lung sounds would be proper as part of the OT evaluation but it is not within the scope to make any diagnosis based on hearing the heart or lung sounds.

NCOTA Fall Conference

Board members were advised the NCOTA conference will be meeting in New Bern, North Carolina, October 15-17, 2021.

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 10:25 a.m.

Return to Open Session

The Board returned to Open Session at 11:00 a.m.

Closed Session Report

Disciplinary Matters

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

Brian Cox

The Board conducted a hearing on whether Mr. Cox violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), 90-270.76(a)(4), 90-270(a)(5), 90-270(a)(7), 90-270(a)(9) and Rules .0304(a)(5), .0304(a)(12), .0304(a)(14), .0304(a)(15), .0304(16), .0304(a)(21) by recording or communicating false or misleading data, measurements, or notes regarding a patient, practicing or offering to practice beyond the scope permitted by law, accepting or performing professional responsibilities he knows or has reason to know he is not competent to perform, and billing or charging for services or treatments not performed and Rule .0308 by treating outside the patient's plan of care and not applying evidence-based treatment and using research interventions proven harmful during his practice as an OTA at the Veterans Affairs Medical Center (VAMC) in Fayetteville, North Carolina from February through September 2019.

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 12:55 p.m.

Return to Open Session

The Board returned to Open Session at 1:30 p.m.

Brian Cox

The Board reported it had reviewed the evidence presented in Mr. Cox's hearing. The evidence showed Mr. Cox had violated the Practice Act and Rules of the Board by documenting false and misleading data regarding patients, billing for services not rendered, practicing beyond his scope as an occupational therapy assistant, and was incompetent in practice during his practice as an OTA at the Veterans Affairs Medical Center (VAMC) from February through September 2019. Even though Mr. Cox is no longer licensed

in North Carolina, having allowed his license to expire June 30, 2020, the Board agreed he and his license shall be placed on probation and he shall be required to successfully complete a Remediation Plan before he can be considered for a license renewal in North Carolina. He is also to pay a civil penalty of \$500 and costs of \$750.

Adjournment

The Open Session adjourned at 1:30 p.m.

Next Meeting

The next Regular Session meeting will be held at the office of the Board on November 8, 2021 at 9:00 a.m.

Laura Echols, Chair

Nicole Blackwell, Secretary/Treasurer