

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY  
JANUARY 9, 2023  
MINUTES**

**REGULAR SESSION**

**Time and Place**

The North Carolina Board of Occupational Therapy met in Regular Session virtually and in the offices of the Board on January 9, 2023 at 9:00 a.m.

**Members Present**

Laura Echols, Erica Dolan, Leonard Trujillo, Dr. Kevin Coates, Young Kim, Nicole Blackwell and Danielle Ward.

**Others Present**

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

**Members Absent**

None.

**Chairperson**

Ms. Echols, Chair, called the meeting to order at 9:00 a.m.

**Sarah Rahman**

Ms. Echols administered the Oath of Office and Sarah Rahman was sworn in as a new member of the Board.

**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 November 14, 2022 minutes were approved as amended.

**Approval of Treasurer's Report**

The treasurer's report for November 1, 2022 through December 31, 2022 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 November and December 2022 for seven (7) disciplinary proceedings. The total hours worked was 6.80 and the total fees are \$1,700. The Board closed two disciplinary files following the November 2022 Board meeting and currently has twelve 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.

### **CLEAR**

#### **a. 2023 Winter Symposium**

Board members were advised the 2023 Winter Symposium is meeting in Savannah, Georgia on January 11, 2023.

#### **b. 2023 Annual Meeting**

Board members were advised the 2023 Annual Meeting is meeting in Salt Lake City, Utah on September 27-30, 2023. Ms. Dolan, Ms. Ward and Ms. Rahman agreed to attend.

#### **c. 2023 International Congress**

Board members were advised the 2023 International Congress is

meeting in Dublin, Ireland on May 3-5, 2023.

### **AOTA**

**a. 2023 Annual Conference & Expo**

Board members were advised the 2023 Annual Conference & Expo is meeting in Kansas City, Missouri on April 20-23, 2023.

**b. Virtual State Regulatory Forum**

Board members were advised the virtual state regulatory forum will be held virtually on January 25, 2023.

**c. Winter 2022 State Affairs Newsletter**

Board members reviewed the Winter 2022 State Affairs Newsletter from AOTA.

**d. December 2022 ACOTE Actions**

Board members reviewed an email dated January 2, 2023 regarding the December 2022 ACOTE Actions.

### **NCOTA Spring Conference/Practice Act Discussion**

Board members were advised the NCOTA 2023 Spring Conference is meeting in Durham, North Carolina on March 18, 2023.

Ms. Dorfman also reported a committee of the NCOTA was discussing whether the Practice Act or Rules needed amending and agreed to provide an update at the March 2023 Board meeting.

### **FARB 2023-2024 Forums**

Board members were advised of the various FARB forums from 2023 through 2024.

### **OT Compact Delegate**

Ms. Ward provided an update to the Board on the progress of the OT compact and informed the Board there are several meetings scheduled over the next few weeks.

## **NEW BUSINESS**

### **Email from Brian LaRue regarding scope of practice**

Board members reviewed an email dated December 14, 2022 from Brian LaRue regarding assessing the lungs with auscultation in an assessment and

agreed, pursuant to NCGS 90-270.67(4) and Rule .0103(2), (5), (13) and (15), the OT can document their observations during assessments and evaluations, including auscultation, but cannot provide a medical diagnosis. The OT must be trained and competent to provide the evaluation or assessment and the training and competence must be demonstrated and documented. The OTA may contribute to the evaluation and assessment processes under the supervision of the OT by implementing specifically delegated assessments for which service competency has been established and documented.

### **Email from Beth Sanchez regarding medication policy**

Board members reviewed an email dated December 9, 2022 from Beth Sanchez and also reviewed the "03-41 Medication Review and Documentation" form of the Home Health agency for which she works and agreed the Board cannot approve the "03-41 Medication Review and Documentation" policy as it is written due to the ambiguity in the language which indicates the OT practitioner is to "assess" all medications the patient is taking without defining "assess." While an OT practitioner may be trained to report medications the patient is taking, the OT practitioner is not trained to "assess" all medications the patient is taking, both prescription and over-the-counter, as that would be in the scope of practice of medicine and nursing.

### **Email from Kelly Rutherford regarding supervision**

Board members reviewed an email dated December 13, 2022 from Kelly Rutherford regarding supervision of OTAs and agreed an OTA may not write a new upgrade goal level in the patient's chart, may not write a new discharge recommendation in the patient's chart and may not write a discontinuation of services in the patient's chart as these steps (actions) are the responsibility of the OT. As to whether the OT is required to have an additional treatment session with the patient following any of the above three actions, that is to be determined by the OT based on the OT's clinical judgment and considerations, including, but not limited to, when the OT last treated or examined the patient, the practice setting and the status of the patient.

### **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 10:50 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 twelve cases are currently being investigated.

### **Adjournment**

The Open Session adjourned at 11:00 a.m.

### **Next Meeting**

The next Regular Session meeting will be held at the office of the Board on March 20, 2023 at 9:00 a.m.

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Laura Echols, Chair

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Nicole Blackwell, Secretary/Treasurer