

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY  
September 24, 2018  
MINUTES**

**REGULAR SESSION**

**Time and Place**

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board September 24, 2018 at 9:00 a.m.

**Members Present**

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

**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 9:05 a.m.

**Conflict of Interest**

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

**Approval of Minutes**

The July 9, 2018 minutes were approved.

**To-Do List**

The July 9, 2018 to do-list was approved as submitted and reviewed.

**Approval of Treasurer's Report**

The treasurer's report for July 1, 2018 through August 30, 2018 was

discussed and approved as submitted.

### **Administrator's Report**

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

### **Legal Services Committee**

Mr. Walsh reported the Committee reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of July and August 2018 for seventeen (17) disciplinary proceedings. The total hours worked was 30.80 and the total fees are \$7,700. The Board closed 7 disciplinary files following the July 2018 Board meeting and currently has 9 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 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.

### **CLEAR Annual Conference**

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

### **AOTA**

#### **a. Annual Conference**

Board members were advised the AOTA Annual Conference is meeting in New Orleans, Louisiana on April 4-7, 2019. Ms. Losada agreed to attend.

#### **b. Email regarding ACOTE Update on Entry Level Education**

Board members reviewed an email regarding the ACOTE update on entry level education.

**c. Email regarding Board message on mandates**

Board members reviewed an email regarding a message from AOTA's Board of Directors on the OTD and OTA mandates.

**d. Email regarding Commission on Practice Seeks Input on OT Practice Framework**

Board members reviewed an email dated August 15, 2018 regarding AOTA's Commission on Practice for input on OT practice framework.

**e. Email regarding New ACOTE Standards Adopted**

Board members reviewed an email dated September 4, 2018 regarding new ACOTE standards.

**f. August 2018 ACOTE Actions**

Board members reviewed an email dated September 4, 2018 regarding the August 2018 ACOTE actions.

**CAC Annual Conference**

Board members were advised the CAC Annual Conference is meeting in Washington, DC on October 16-17, 2018. Ms. Ward agreed to attend.

**NCOTA Fall Conference**

Board members were advised the NCOTA fall conference is at Lake Junaluska, North Carolina on November 9-11, 2018. Ms. Donica, Mr. Walsh, Mr. Taylor and Ms. Losada agreed to attend.

**Response to Heather Stagliano regarding teaching an OT course**

Board members reviewed an email dated July 9, 2018 from Mr. Wilkins to Heather Stagliano regarding teaching an OT course.

**Response to Brooke Biddle regarding co-signing**

Board members reviewed an email dated July 10, 2018 from Mr. Wilkins to Brooke Biddle regarding co-signing.

**Response to Cynthia Kirkwood regarding Medicare guidelines**

Board members reviewed an email dated July 9, 2018 from Mr. Wilkins to

Cynthia Kirkwood regarding Medicare guidelines.

### **NEW BUSINESS**

#### **Email from Helen Kovacs regarding the appeals process and Notification of Medicare Non-Coverage**

The Board reviewed an email dated July 24, 2018 from Helen Kovacs regarding the appeals process and Notification of Medicare Non-Coverage. The Board agreed Mr. Wilkins will respond using terms in the Practice Act and Rules instead terms related to Medicare or third party payors.

#### **NBCOT**

##### **a. Report of Results on Licensure Processing Times**

Board members reviewed an email dated August 1, 2018 regarding the survey results on licensure processing times.

##### **b. OT Regulator E-Newsletter Summer 2018**

Board members reviewed an email dated August 7, 2018 regarding the OT Regulator E-Newsletter Summer 2018.

#### **Email from Amy Mahle regarding supervision changes**

The Board reviewed an email dated August 14, 2018 from Amy Mahle regarding the recent changes to the supervision rules. The Board agreed Mr. Wilkins will respond notifying Ms. Mahle the news and announcements will be updated and an email blast will go out to all licensees regarding the rule changes.

#### **Email from Sharlene Childs regarding hand therapy**

The Board reviewed an email dated July 31, 2018 from Sharlene Childs regarding hand therapy. The Board agreed Mr. Wilkins will respond notifying Ms. Childs that she may provide cervical traction so long as she is trained and competent to do so and her training and competence are demonstrated and documented; she does not need an MD, PA or NP order to evaluate or treat; and the term OT does not need to be specifically stated on an order. Ms. Childs will be referenced to Rule .0103(13)(a), Rule .0103(15)(c)(xiii) and Rule .0103(19).

#### **Email from Randy Harper regarding short term goals**

The Board reviewed an email dated August 16, 2018, 2018 from Randy Harper regarding OT/OTA credentials and short term goals. The Board

agreed Mr. Wilkins will respond notifying Mr. Harper that goals are a part of the POC, a new short term goal would be a change to the POC, and an OTA cannot write a new goal. Mr. Harper will be referenced to N.C.G.S. 90-270.73, N.C.G.S. 90-640, Rule .0301(b) and Rule .0905(5)(a)(ii).

#### **Email from Janet Combs regarding discharge notes**

The Board reviewed an email dated August 22, 2018 from Janet Combs regarding discharge notes. The Board agreed Mr. Wilkins will respond notifying Ms. Combs that she may write discharge notes for all the patients and notify them of the changes. Ms. Combs will be referenced to Rule .0304(a)(11) regarding abandoning or neglecting a patient.

#### **Email from Staci Mond regarding pain patches**

The Board reviewed an email dated August 23, 2018 from Staci Mond regarding pain patches. The Board agreed Mr. Wilkins will respond notifying Ms. Mond that it is not within the scope of practice of occupational therapy to administer a pain patch or medications to or for a client.

#### **Email from Rhonda Skinner regarding OTA scope of practice**

The Board reviewed an email dated September 13, 2018 and September 17, 2018, respectively, from Rhonda Skinner regarding scope of practice. The Board agreed Mr. Wilkins will respond notifying Ms. Skinner that an OTA can charge for grip strength and ROM measurements if performed within the POC and within the course of regular treatment. Mr. Wilkins will ask Ms. Skinner what she means by "initial clinical programs". Mr. Wilkins will also advise Ms. Skinner an OTA/L may not make a splint without the OTR/L first doing an evaluation of the patient.

#### **Elizabeth Filiaggi hearing**

The Board conducted a hearing on whether Ms. Filiaggi had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (4), (5) and (7) and Rule .0304(12) and (21) and Rule .0304(b) for failure to provide timely, accurate and complete documentation for her occupational therapy services. Ms. Filiaggi did not appear for the hearing.

#### **Kelly McCrary hearing**

The Board conducted a hearing on whether Ms. McCrary had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (4), (5) and (7) and Rule .0304(12) and (21) and Rule .0304(b) for failure to provide timely, accurate and complete documentation for her occupational

therapy services. Ms. McCrary 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 2:00 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.

#### **Elizabeth Filiaggi**

The Board reported it had reviewed the evidence presented in Ms. Filiaggi's hearing. The evidence presented showed Ms. Filiaggi had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (4), (5) and (7) and Rule .0304(12) and (21) and Rule .0304(b) for failure to provide timely, accurate and complete documentation for her occupational therapy services. The Board entered an Order that: (1) Ms. Filiaggi's license be placed on probation for two years, following renewal of her license; (2) she obtain an OT supervisor who shall provide supervision and provide monthly written reports to the Board; (3) she pay a civil penalty of \$750 and disciplinary costs of \$250; and (4) she not violate the Practice Act or Rules of the Board during his term of probation.

#### **Kelly McCrary**

The Board reported it had reviewed the evidence presented in Ms. McCrary's hearing. The evidence presented showed Ms. McCrary had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(2), (4), (5) and (7) and Rule .0304(12) and (21) and Rule .0304(b) for failure to provide timely, accurate and complete documentation for her occupational therapy services. The Board entered an Order that: (1) Ms. McCrary's license will be suspended for a period of one year, following renewal of her license. Following completion of suspension and renewal of her license she will be placed on probation for a period of three years; (2) she obtain an OT supervisor who shall provide supervision during her period of probation and

provide monthly written reports to the Board; (3) she pay a civil penalty of \$1000 and disciplinary costs of \$500; and (4) she not violate the Practice Act or Rules of the Board during his term of probation.

**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 November 12, 2018 at 9:00 a.m.

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Denise Donica, Chair

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Danielle Ward, Secretary/Treasurer