

**BOARD OF OCCUPATIONAL THERAPY
MINUTES**

DATE: April 29, 2021
TIME: 9:00 AM CST
LOCATION: Poplar Conference Room
665 Mainstream Dr, 1st Floor
Nashville TN 37243

MEMBERS PRESENT: Amanda Newbern, President
Anita Tisdale, Board Member
Allen Adriaanse, Board Member
Hollie Simpson, Board Member

STAFF PRESENT: Noranda French, Unit Director
Mary V. Bennett, Board Manager
Lara Gill, Senior Associate General Counsel
Lori Leonard, Disciplinary Coordinator
Maranda Snipes, Board Administrator

SAFF ABSENT: Sabrina Craig-Boyd, Board Administrator

Call to Order

A roll call of Board Members was initiated, by Noranda French, Board Director. With a quorum present, the meeting started at 9:07am.

Minutes

After a review of the January 14, 2021 minutes, Ms. Simpson made a motion to approve the minutes as written, Mr. Adriaanse seconded the motion. The motion carried.

Office of General Counsel Report

Contested Case

The April 29, 2021 meeting began with a contested case hearing for Mary Craigie, OT 2580. This matter came to be heard before the Tennessee Board of Occupational Therapy (Board) on the 29th day of April 2021, pursuant to a Notice of Hearing and Charges and Memorandum for Assessment of Civil Penalties filed against the Respondent. Presiding at the hearing was the Honorable J. Shannon Barnhill, Administrative Law Judge, assigned by the Secretary of State. The State was represented by Lara E. Gill, Senior Associate General Counsel. The Respondent was present and appeared *pro se*. After consideration of the Notice of Hearing and Charges and testimony of witnesses, argument of counsel, and the record as a whole, the Board finds as follows:

Finding of Fact

1. Respondent has been at all times pertinent hereto licensed by the Board as an occupational therapist in the State of Tennessee, having been granted Tennessee occupational therapist license number 2580 on December 17, 1999. Respondent's O.T. license expires on January 31, 2022.
2. Respondent was previously disciplined by this Board via entry of a consent order on December 4, 2015. In the December 24, 2015 Consent Order, Respondent agreed to probation, additional coursework regarding ethics, and the imposition of civil penalties and costs arising from unprofessional conduct while she was employed at Maplewood Health Care Center ("Maplewood") in Jackson, Tennessee. Specifically, Respondent was scheduled to provide occupational therapy sessions to patients A.C. and A.M. at Maplewood on September 6, 2014. Respondent did not conduct occupational therapy session with these patients on that date. Nevertheless, Respondent documented in her visit notes that she had in fact conducted occupational therapy sessions with patients A.C and A.M. on September 6, 2014.
3. Respondent's 2-year probation was lifted by an order of compliance on July 26, 2018. Following this, and less than one year after her probation was lifted, Respondent committed similar unprofessional conduct in the form of fraudulent billing while working on an as needed basis for two facilities: (1) Alamo Nursing and Rehab, Alamo, Tennessee ("Alamo Rehab") and (2) Humboldt Nursing and Rehabilitation in Humboldt, Tennessee ("Humboldt Rehab").
4. Between the dates of October 29, 2018, and November 11, 2018, Respondent falsely documented her time and treatment to patients. On or about October 30, 2018 Respondent provided group treatment to Medicare Part A patients but billed for individual treatments.
5. Following this, and on or about November 6, 2018, Respondent falsely documented working hours for which she was not physically present. Respondent's arrival and departure from Alamo Rehab facility on this day were observed by an Alamo Rehab employee. Despite arriving at approximately 4:00pm, Respondent improperly adjusted her time to reflect her arrival at 2:30pm. Respondent therefore falsely documented working four (4) hours when she was actually only physically present at the facility for two (2) hours. Respondent's fraudulent billing practices required the facility to adjust charges billed to Medicare and other healthcare entities.
6. Respondent has admitted to fraudulent billing and unethical conduct as an occupational therapist.

Conclusions of Law

7. The findings of fact contained in paragraphs one (1) through six (6) constitute sufficient grounds to discipline Respondent's occupational therapist license for violations of the Tennessee Occupational and Physical Therapy Practice Act, (Tenn. Code Ann. 63-13-101, *et seq.*) and the Tenn. Comp. R. & Regs., 1150-02, *et seq.*, for which disciplinary action before and by the Board is authorized:
8. The findings of fact contained in paragraphs one (1) through six (6) constitute a violation of Tenn. Code Ann. 63-13-209(a)(1):

Unprofessional, dishonorable or unethical conduct.

9. The findings of fact contained in paragraphs one (1) through six (6) constitute a violation of Tenn. Code Ann. 63-13-209(a)(2):

Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this part or any lawful order of the board issued pursuant thereto or any criminal statute of the state of Tennessee.

10. The findings of fact contained in paragraphs one (1) through six (6) constitute a violation of Tenn. Code Ann. 63-13-209(a)(3):

Making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice or being guilty of fraud or deceit in the licensee's practice;

11. The findings of fact contained in paragraphs one (1) through six (6) constitute a violation of Tenn. Code Ann. 63-13-209(a)(4):

Gross health care liability or a pattern of continued or repeated health care liability, ignorance, negligence, or incompetence in the course of unprofessional practice;

12. The findings of fact contained in paragraphs one (1) through six (6) constitute a violation of Tenn. Code Ann. 63-13-209(a)(7):

Making or signing in one's professional capacity any certificate that is known to be false at the time one makes or signs such certificate;

13. The findings of fact contained in paragraphs one (1) through six (6) constitute a violation of Tenn. Code Ann. 63-13-209(a)(15):

Violating the code of ethics adopted by the Board;

14. The findings of fact contained in paragraphs one (1) through six (6) constitute a violation of Tenn. Code Ann. 63-13-209(a)(16):

Any other unprofessional or unethical conduct that may be specified by the rules duly published and promulgated by the board or the violation of any provision of this part;

15. The findings of fact contained in paragraphs one (1) through six (6) constitute a violation of Tenn. Comp. R. & Regs. 1150-02.02(2):

The Board adopts for licensed therapists and occupational therapy assistants, as if fully set out herein, and as it may from time to time be amended, the current “Occupational Therapy Code of Ethics” issued by the American Occupational Therapy Association and the “Candidate/Certificant Code of Conduct” approved by the National Board for Certification in Occupational Therapy, except to the extent that it conflicts with the laws of the state of Tennessee or the rules of the Board.

Occupational Therapy Code of Ethics Principle 6.L. states that occupational therapy personnel shall: Refrain from actions that reduce the public’s trust of occupational therapy.

Policy Statement

The Tennessee Board of Occupational Therapy takes this action in order to protect the health, safety, and welfare of the people in the State of Tennessee. The Board recognizes that requiring that a practitioner properly account and bill for the provision of occupational therapy is crucial to achieving this goal.

THEREFORE, it is ORDERED as follows;

1. The Tennessee occupational therapist license of Mary E. Cragie, O.T. license number 2580, is hereby **REVOKED**.
2. In the event Respondent seeks reentry reinstatement of her license, all costs and penalties shall be paid in full. Respondent will personally appear before the Board if she seeks reentry.
3. The respondent is hereby **ORDERED** to pay, pursuant to Tenn. Code Ann. 63-13 313(8) and Tenn. R. & Regs. 1150-.15(4), eight (8) Type C Civil Penalties of one hundred fifty dollars (\$150.00) for each violation for a total Civil Penalty in the amount of **One Thousand Two Hundred Dollars (\$1,200.00)**.
4. The Respondent is hereby **ORDERED** to pay the actual and reasonable costs of prosecuting this case to the extent allowed by the law. Tenn. Code Ann. 63-1-144. These costs will be established by an Assessment of Costs prepared and filed by counsel for the State. Pursuant to Tenn. Code Ann. 63-1-144(b), the maximum amount of costs to be assessed shall not exceed five thousand dollars (\$5,000.00).
5. Any and all civil penalties and costs shall be paid in full within one (1) year after the issuance of the Assessment of Costs. Payment shall be made by **certified check, cashier’s check, or money order**, payable to the **State of Tennessee**, Department of Health. Any and all payments shall be forwarded to the Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, Nashville, Tennessee. A notation shall be placed on said money order or such check that it is payable for the Civil Penalties and Costs of Mary E. Craigie, OT, Complaint No. 20190077.

Mr. Adriaanse made a motion to approve the Order as written, Ms. Tisdale seconded the motion. The motion carried.

Consent Order

Carmen Hampton

Lara Gill, Senior Associate General Counsel, presented the board members with a Consent Order for Carmen Hampton.

Ms. Tisdale made a motion to approve the Consent Order as written, Ms. Simpson seconded the motion. The motion carried.

Erin Wells

Lara Gill, Senior Associate General Counsel, presented the board members with a Consent Order for Erin Wells.

Mr. Adriaanse made a motion to approve the Consent Order as written, Ms. Simpson seconded the motion. The motion carried.

Order of Compliance

Lenna Aird

Lara Gill, Senior Associate General Counsel, presented the board members with an order of compliance for Lenna Aird.

Mr. Adriaanse made a motion to approve the order of compliance as written, Ms. Tisdale seconded the motion. The motion carried.

Amber Holcomb

Lara Gill, Senior Associate General Counsel, presented the board members with an order of compliance for Amber Holcomb.

Ms. Tisdale made a motion to approve the order of compliance as written, Ms. Simpson seconded the motion. The motion carried.

Lara Gill, Senior Associate General Counsel, reported that there are currently five (5) outstanding disciplinary complaints. Four (4) are Occupational Therapists and one (1) is an Occupational Therapy Assistant.

Senate bills 1072 and HB 1275 were signed into law on April 13. It changes the practice of occupational therapy to include diagnosis ability and dry needling of the upper limb. The Board is authorized to establish minimum competency requirements for dry needling.

Investigative and Disciplinary Reports

Lori Leonard, disciplinary coordinator, reported there are currently four (4) Occupational Therapists being monitored under reprimand, two (2) under probation, one (1) under suspension, and one (1) under revocation.

Ms. Leonard reported there is currently one (1) Occupational Therapist Assistant being monitored under reprimand, three (3) under probation, one (1) under suspension, and one (1) under revocation.

Ms. Leonard reported one (1) new complaint for Occupational Therapists regarding a matter outside of the investigative scope. There are currently five (5) open complaints pending investigation or review.

Ms. Leonard reported one (1) new complaint for Occupational Therapist Assistants regarding falsification of records. There are currently eight (8) open complaints pending investigation or review.

Division of Health Licensure and Regulations

Tennessee Board of Occupational Therapy					
Actual Revenue and Expenditures					
for Fiscal Year ending June 30, 2021					
Acct. Code	Description	FY2021 Projected	FY2021 Actual	FY2020	FY2019
701	Salaries & Wages	\$ 86,232.78	\$ 43,116.39	\$ 72,203.70	\$ 44,000.66
702	Employee Benefits	\$ 25,953.46	\$ 12,976.73	\$ 22,458.34	\$ 16,784.37
Payroll Expenditures (701-702)		\$ 112,186.24	\$ 56,093.12	\$ 94,662.04	\$ 60,785.03
703	Travel	\$ -	\$ -	\$ 4,642.78	\$ 9,116.37
704	Printing & Duplicating	\$ -	\$ -	\$ -	\$ -
705	Utilities & Fuel	\$ -	\$ -	\$ -	\$ -
706	Communications	\$ 2,994.50	\$ 1,497.25	\$ 3,162.35	\$ 2,768.29
707	Maintenance & Repairs	\$ -	\$ -	\$ -	\$ -
708	Prof. Svc. & Dues	\$ 4,850.14	\$ 2,425.07	\$ 5,818.47	\$ 6,057.31
709	Supplies & Materials	\$ -	\$ -	\$ 1,409.99	\$ -
710	Rentals & Insurance	\$ -	\$ -	\$ 266.48	\$ -
711	Motor Vehicle Ops.	\$ -	\$ -	\$ -	\$ -
712	Awards & Indemnities	\$ -	\$ -	\$ -	\$ -
713	Grants & Subsidies	\$ 10,700.14	\$ 5,350.07	\$ 14,724.82	\$ 16,141.55
714	Unclassified	\$ -	\$ -	\$ -	\$ -
715	Stores for Resale	\$ -	\$ -	\$ -	\$ -
716	Equipment	\$ -	\$ -	\$ -	\$ -
717	Land	\$ -	\$ -	\$ -	\$ -
718	Buildings	\$ -	\$ -	\$ -	\$ -
721	Training of State Employees	\$ -	\$ -	\$ -	\$ 1,503.00
722	Computer Related Items	\$ 89.60	\$ 44.80	\$ 23.05	\$ 115.25
725	State Prof. Svcs.	\$ 5,952.50	\$ 2,976.25	\$ 5,947.29	\$ 4,900.46
Total Other Expenditures (703-725)		\$ 24,586.88	\$ 12,293.44	\$ 35,995.23	\$ 40,602.23
Total Direct Expenditures		\$ 136,773.12	\$ 68,386.56	\$ 130,657.27	\$ 101,387.26
Allocated Expenditures					
	Administration	\$ 42,067.23	\$ 21,033.62	\$ 40,976.02	\$ 36,776.91
	Investigations	\$ 15,681.78	\$ 7,840.89	\$ 34,361.61	\$ 28,124.82
	Legal	\$ 69,804.04	\$ 34,902.02	\$ 47,021.40	\$ 32,184.13
	Cash Office	\$ 1,107.35	\$ 553.68	\$ 1,351.64	\$ 2,302.01
Total Allocated Expenditures		\$ 128,660.40	\$ 64,330.20	\$ 123,710.67	\$ 99,387.87
Total Expenditures		\$ 265,433.52	\$ 132,716.76	\$ 254,367.94	\$ 200,775.13
Board Fee Revenue		\$ 296,748.85	\$ 148,374.43	\$ 230,139.73	\$ 218,669.39
Current Year Net		\$ 31,315.33	\$ 15,657.67	\$ (24,228.21)	\$ 17,894.26
Technology Improvements					
	LARS Improvements	\$ 6,544.06	\$ 3,272.03	\$ 1,733.81	\$ 8,128.32
	Visual Investigator	\$ 1,116.44	\$ 558.22	\$ 37,331.79	\$ -
Total Technology Improvements		\$ 7,660.50	\$ 3,830.25	\$ 39,065.61	\$ 8,128.32
Cumulative Carryover		\$ 438,512.83	\$ 414,857.99	\$ 403,030.58	\$ 466,324.39

TNPAP

Board Director, Noranda French, presented the report from TnPAP from July 1, 2020 thru March 31, 2021. TNPAP is currently monitoring one (1) OTA.

Ratification Lists

OT Newly Licensed

Alexander Hailey Bateman
Allen Abigail Grace
Amaya Kenia C
Asad Jihad
Balentine Ashley
Barnes Sarah Emily
Bassarab Kristin A
Bischoff Jessica
Blevins Harley Danielle
Bowden Anna Elizabeth
Briggs James M.
Brown Shannon April
Bryant Katlyn
Carrington Samuel Mark
Clinton Kirston Holder
Coffey Blaine Ben-Alston
Colon-Padin Axel Edgardo
Constantine Kohler
Couse Kimberly
Dalton Eliza Kate
Davis Martin
Denne Aimee
Doyle Christina Mayse
Dunlap Lacey Sanborn
Fiegle James Clay JR
Fields Angela Suzann
Fillers Trisha
Forehand Kimberly Haugen
Fraser Mary Caroline
Fricker Sarah Abbey
Fuller Carrie Beth
Glade Michael S
Golevicz Stephanie N
Gray Macy Carrier
Grecco Eric Michael
Hall Kelly Celeste
Hancock Ana S
Hogshead Gina
Horner Megan
Howell Hannah Marie
Huddleston Lexie Morgan
Hudgens Morgan
Jackson Rebekah Page
Jones Lindsey Fallon
Kaiser Rebecca Sherrill
Kardon Danielle
King Brooke

King Lauren Elizabeth
Krug Benjamin
Lawrence Lauren L
Laws Kayla
Layne Kelly Anne Chamberlain
Ledford Jourdan
Lutz Tiffani Sue
Mappes Samantha Ashley
Massmann Erin
Mccarthy Emma
Metzger Kaitlyn
Miller Lori A
Mitchell Courtney Elizabeth
Mitchell Madison
Monahan Virginia Linn
Moreau Ashley
Morgan Isabel
Moss Marylauren
Munson Kelly
Nawalany Michael Christopher
Neal Lauren E
Nettle Melissa
O'Donnell Siobhan
Oliver Cassie Rene
Owens Stephanie
Panfil Taylor Cira
Peshoff Brittany Lee
Peter Priscilla Achamma
Pettit Kim A.
Price Anna Leigh
Rezadoost Roya Marie
Roach Mariah
Roberts Bobbi Jo
Runion Sarah
Samples Deborah J.
Sliger Andrew Jared
Sliger Taylor Grace
Smith Delaney Rae
Smith Emma
Smith Jennifer Jean
Smith Nicole Lynne
Snodgrass Jeffrey E
Spaulding Christiana Elizabeth
Statom Lauren
Stepanick Gabryel Marie
Stornes Meghan
Stratton Amanda
Tatum Nicole
Terhune Caitlyn
Thompson Sharnese
Tillson Stephanie Nicole

Tuebner Christine
Walker Katlyn Avery
Wall Hannah Fink
Wheat Sarah Caitlin
Williams Tabitha Brooke
Wixon Ashley

Mr. Adriaanse made a motion to ratify newly licensed Occupational Therapists, Ms. Simpson seconded the motion. The motion carried.

OTA Newly Licensed

Angelillo Madeline Patricia
Antonelli Patricia
Attaalla Atef
Boettcher Tracy Elaine
Bradley April
Bullock Ernest Lamar Jr.
Campbell Tanya
Cheatwood Shanna Nicole
Clarke Koletta Rae
Clenney Katherine Mayer
Clouse Hollie
Coleman Beverly Christian
Conquest Morgan
Decarmen Lindsay Marie
Gasior Brittini
Hannah Michael
Hatmaker Madelyn Luana
Heim Sarah
Jacobs Heather Lyn Marie
Lambert Stephanie
Landmark Kimberly Sue
Lanza Julia Cristina
Lewis Mika
Lonjaret Rachel Elaine
Maynor Glenda Faye
McClelland Harlie L.
Meredith Jessica
Miller Hillary
Mundy Michele Renee
Nauck Lacy
Palacio Samantha Nicole
Patti Lauren
Perales Noah
Phillips Wendy
Pridemore Marlea Tyler
Primes Sharmekia
Rowell Cherie

Sloan Whitney
Smith Tracey Lee
Taylor Presley Robinson
Thatcher Madison
White Lauren-Danielle R
Woodard Katie
Yentes Angela Ruth

Ms. Simpson made a motion to ratify newly licensed Occupational Therapist Assistants, Mr. Adriaanse seconded the motion. The motion carried.

Limited Permits

Hollifield Cameron Douglas

Mr. Adriaanse made a motion to ratify the limited permits, Ms. Tisdale seconded the motion. The motion carried.

Reinstatements

Briggs James M.
Carrington Samuel Mark
Dunlap Lacey Sanborn
Fiegle James Clay JR
Samples Deborah J.
Snodgrass Jeffrey E
Wheat Sarah Caitlin
Cheatwood Shanna Nicole
Maynor Glenda Faye
Mundy Michele Renee

Mr. Adriaanse made a motion to ratify reinstated Occupational Therapists and Occupational Therapist Assistants, Ms. Simpson seconded the motion. The motion carried.

Closed Applications

Mahatha Tameka
Mccloud Corissa
Newlon Hannah
Stevens Grant
Stolpmann Juli
Alston Rhonda Michele
Bewley Jessica Faith
Calloway Lauren Kathleen
Loubriel Jessica Alyssa
Nabwire Velma Rodah
Nicholson Kelby Renee

Pruett Hillary
 Rosenbohm Candice Marie
 Spaulding Christiana Elizabeth

Mr. Adriaanse made a motion to ratify the closed files, Ms. Tisdale seconded the motion. The motion carried.

Administrative Report

**BOARD OF OCCUPATIONAL THERAPY
 ADMINISTRATOR REPORT
 April 29, 2021**

Noranda French, Board Director, presented the following report:

OCCUPATIONAL THERAPIST	
New applications received – 489	
New licenses issued – 68	Renewal Total – 377
Reinstatements – 6	
Limited Permit – 2	
Licenses Retired – 6	
Failed to Renew/Expired Licensees – 40	
OCCUPATIONAL THERAPY ASSISTANTS	
New applications received – 271	
New licenses issued – 23	Renewal Total – 202
Reinstatements –2 Limited Permit- 1	
Licenses Retired –12	
Failed to Renew/Expired Licensees – 31	

For this reporting period, the usage rate for utilizing the online renewal portal for Occupational Therapist 86% and Occupational Therapy Assistants 92%

Upcoming Board Meeting Dates

July 29, 2021
October 7, 2021
January 13, 2022
April 14, 2022
July 7, 2022
October 6, 2022

Ms. Tisdale made a motion to accept the upcoming Board meeting dates with the potential to add July 30th. Ms. Simpson seconded the motion. The motion passed.

Agreed Citations

Mundy, Michele: Ms. Mundy received a citation for practicing on a lapsed license for approximately two (2) months.

Mr. Adriaanse made a motion to accept the agreed citation as presented. Ms. Simpson seconded. The motion passed.

Correspondence

A. Kimberly Breeden – Clarification regarding CE courses

The Board clarified that “interactive online courses” are defined in the rules as a live online course that allows you to interact with the presenter in real time.

B. Emily Johnson – Course approval for suicide prevention requirement

Mr. Adriaanse made a motion to accept QPR as an acceptable suicide prevention training course. Ms. Tisdale seconded. The motion passed.

The Board also presented a policy that clarifies this licensee’s inquiry (under XII.).

Legislation

A. Discussion of SB1072

SB1072 was discussed in the OGC report.

B. Definition of Occupational Therapy Practice Act for the AOTA Model

The Board did not comment on the AOTA Practice Act presented changes.

C. Chapter 1 General Provisions

Dry needling information covered in OGC report.

D. Chapter 3 Standards of Practice

The Board discussed forming a task force to discuss promulgating rules for the practice of dry needling.

Rule Making

The administrative office and OGC presented a suicide prevention policy for clarification on continuing education.

Ms. Simpson made a motion to approve the suicide prevention policy as presented. Mr. Adriaanse seconded. The motion passed.

Old and New Business

A. Election of Secretary

Ms. Simpson nominated Ms. Tisdale for Board Secretary and Mr. Adriaanse seconded the motion. The motion carried.

B. Suicide Prevention Policy

A suicide prevention policy was adopted under XII.

Adjourn

Mr. Adriaanse made a motion to adjourn at 1:10pm. Ms. Simpson seconded. The motion passed.

THESE MINUTES WERE RATIFIED AT THE BOARD OF OCCUPATIONAL THERAPY MEETING ON JULY 29, 2021.