



South Carolina  
Department of Labor, Licensing and Regulation  
Board of Occupational Therapy



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Mark Sanford  
Governor

Adrienne Riggins Youmans  
Director

Minutes of the South Carolina Board of Occupational Therapy  
Regular Meeting and Presentation of Consent Agreements  
November 13, 2009  
Synergy Business Park, Kingstree Building, Room 108  
110 Centerview Drive, Columbia, South Carolina

Board members present were:

Lesly S. Wilson, PhD, OTR/L, Chairman  
Ricardo Holmes, Sr., OTR/L, Vice Chairman  
Joyce J. Branham, OTR/L  
Susan M. Hardin, OTR/L  
Linda H. Remick, COTA/L  
Janine P. Turner, OTR/L

Board member excused was:

David P. Putman, Public Member

Others present were:

Kate K. Cox, Board Administrator  
Sharon Dantzler, Advice Attorney to the Board  
Cynthia First, Court Reporter  
Georgia Lewis, LLR Litigation Attorney  
Sandra Williams, Administrative Assistant

**CALL TO ORDER:**

The Regular Session of the South Carolina Board of Occupational Therapy was held at the Synergy Office Park, Kingstree Building, 110 Centerview Drive, Room 108, Columbia, South Carolina. Whereas, proper notice of date, time, place and agenda information having been properly provided to THE STATE NEWSPAPER and ASSOCIATED PRESS and proper notice also having been posted at the LLR Office Building 24 hours prior to the time scheduled for the meeting and a quorum having been noted as present, Chairman Wilson called the meeting to order at 10:10 a.m. A quorum was present. All votes referenced herein were unanimous unless otherwise noted.

**APPROVAL OF AGENDA:**

**Motion:** A motion was made by Ms. Turner to approve the Agenda as presented. Ms. Remick seconded the motion. The motion passed.

**APPROVAL OF MINUTES:**

**Motion:** A motion was made by Ms. Turner to accept the July 12, 2009 minutes as corrected. Mr. Holmes seconded the motion. The motion passed

PRESENTATION OF TWO CONSENT AGREEMENTS:

Ms. Lewis presented a Consent Agreement signed by Marian D. McDonald, OTR.

**Motion:** A motion was made by Ms. Turner to go into Executive Session to discuss the Consent Agreement. Mr. Holmes seconded the motion. The motion passed.

**Motion:** A motion was made by Ms. Remick to come out of Executive Session. Ms. Branham seconded the motion. The motion passed.

**Motion:** A motion was made by Ms. Turner to accept the Consent Agreement signed by Ms. McDonald. Mr. Holmes seconded the motion. The motion passed.

Ms. Lewis presented a Consent Agreement signed by Lynda L. Ellerbe-McElroy, OTR.

Ms. Hardin asked to be recused in the matter. Ms. Lewis presented the Consent Agreement.

**Motion:** A motion was made by Ms. Turner to go into Executive Session to discuss the Consent Agreement. Ms. Remick seconded the motion. The motion passed.

**Motion:** A motion was made by Ms. Turner to come out of Executive Session to ask a legal question of Ms. Dantzer. Mr. Holmes seconded the motion. The motion passed.

**Motion:** A motion was made by Ms. Turner to go into Executive Session to consider the Consent Agreement. Mr. Holmes seconded the motion. The motion passed.

**Motion:** A motion was made by Ms. Remick to come out of Executive Session. Ms. Branham seconded the motion. The motion passed.

**Motion:** A motion was made by Ms. Branham to reject the Consent Agreement with Ms. Ellerbe-McElroy. Mr. Holmes seconded the motion. The motion passed.

**Motion:** A motion was made by Ms. Turner to request that an amended Consent Agreement be written to require a \$1000.00 fine, based on the Board's statute section 40-36-120 allowing for fines per violation, and that this amended Consent Agreement be issued to expedite the process in resolving this matter for all concerned. Mr. Holmes seconded the motion. The motion passed.

DISCIPLINARY ISSUES:

There were no other disciplinary issues before the Board. There was no Investigative Review Committee Report (IRC).

REPORTS:

Administrator's Report:

Mrs. Cox reported the licensee totals to date are 1386 licensed occupational therapists and 612 licensed occupational therapy assistants for a total of 1998 licensees. She reported that she continues to be in

contact with the Governor's Office for Board reappointments. She reported on the NBCOT Annual Conference in Baltimore, Maryland and went over the agenda items from the meeting to include a mock board meeting, First Amendment issues, concurrent criminal and administrative proceedings, identity theft  
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concerns, conflict of interest matters, scope of practice challenges, and top regulatory cases. Dr. Wilson also attended and reviewed points on telehealth and on supervision of COTAs. Discussion followed on biometric measures and the use of fingerprints. It was noted by Ms. Dantzler that fingerprints remain the truest biometric at this time.

Financial Report:

Mrs. Cox stated that the Financial Report is provided as information. She noted for the record that revenue is collected biennially and is expended over a two-year period. She reported that she reviews the Board's budget yearly with LLR.

LEGAL:

There was no Legal Business regarding the Board for discussion.

UNFINISHED BUSINESS:

Review Draft of Board Policy on Sanctioning Unlicensed Practice in the Licensing Process:

The Board reviewed the draft of the policy and discussion followed. Fines were reviewed and found to be appropriate.

**Motion:** A motion was made by Mr. Holmes to accept the draft as written and use it as Board Policy on Sanctioning Unlicensed Practice in the Licensing Process to replace the 2002 policy. Ms. Turner seconded the motion. The motion passed.

Draft of Position Statement Regarding Boundary Issues:

This matter was tabled until a later date.

NEW BUSINESS:

There was no New Business before the Board.

DISCUSSION TOPICS:

Ms. Branham discussed the latest AOTA survey and stated she felt that more detail was needed in some of the survey questions. The Board stated that surveys of this nature are valuable for Boards and therapists to be able to have input.

PUBLIC COMMENTS:

There was no public comment.

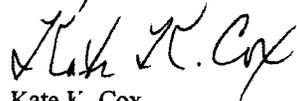
ANNOUNCEMENTS:

The Board's next meeting will be in March 26, 2010.

ADJOURNMENT:

There being no further business the meeting was adjourned at 12:10 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kate K. Cox". The signature is written in a cursive, somewhat stylized font.

Kate K. Cox  
Administrator