



Mark Sanford
Governor

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



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Minutes of the South Carolina Board of Occupational Therapy
Regular Meeting
November 19, 2010
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
Susan M. Hardin, OTR/L
David P. Putman, Public Member
Janine P. Turner, OTR/L

Board members with excused absences were:

Joyce J. Branham, OTR/L
Linda H. Remick, COTA/L

Others present were:

Kate K. Cox, Administrator
Shelia Jones, Administrative Assistant
Georgia Lewis, LLR Litigation Attorney
Tracey McCarley, LLR Education Coordinator
Mark Sanders, OIE Investigator

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 10:05 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. Hardin to approve the Agenda as presented. Mr. Putman seconded the motion. The motion passed.

APPROVAL OF MINUTES:

Motion: A motion was made by Ms. Hardin to accept the August 6, 2010 minutes as printed Mr. Putman seconded the motion. The motion passed

REPORTS:

Administrator's Report:

Mrs. Cox gave the Administrator's report and reported licensee totals to date to be 1532 OTR/L and 699 COTA/L for a total of 2231 licensees. She reported LLR continues to be in touch with the Governor's office for appointments for members in expired terms. Mrs. Cox reviewed the open meeting policy for all the boards at LLR. She shared again the Associated Press article about open meetings and a violation by a small government entity. She stated the Occupational Therapy Board is in compliance and supports the open meeting law.

Financial Report:

Mrs. Cox gave the financial report as information. She stated revenue is collected biennially and is expended over a two-year period with annual audits. She stated the Board and has been found financially sound with no audit exceptions being noted. All monthly financial reports which are fully detailed are kept in the Board's office and in the Financial Department of LLR through the new SCEIS system. She introduced Ms. McCarley who appeared on behalf of the Office of Business Services. Ms. McCarley reported the Agency is now using a new financial program from which she will be extracting items in order to format a custom report and asked what information the Board wanted and how often. The Board stated they were satisfied with the detailed reports in the past and will accept a report at board meetings that is being redesigned on the new system.

OIE/OGC/OIS Management Reports:

Office of Investigations and Enforcement (OIE) statistical report was provided by Mark Sanders with three (3) cases being in active investigation and one (1) case reported as "do not open" as not a violation of the practice act. Office of General Counsel (OGC) report was made by Georgia Lewis and she reported two (2) cases are being worked in legal. Office of Information Services (OIS) report noted that since the last Board meeting in March that eighty-six (86) licenses were issued and four (4) licenses have been reinstated.

Report on Annual National Board of Certification in Occupational Therapy (NBCOT) Conference:

Ms. Hardin attended the annual NBCOT Conference in Indianapolis, IN and reported on the topics covered. Discussions followed on the topics of roles and responsibilities of board members, Healthcare Reform 2010, continuing education vs. continuous professional development, HIPPA, digital certification, e-Health/Telehealth/Telerehabilitation, and Healthcare Integrity and Protection Databanks. The Board requested that their "Frequently Asked Questions" website item be updated with information on continued professional development information. The Board also noted it will accept the use of NBCOT's self-evaluation as one continuing education credit for renewal purposes. Mrs. Cox said she could notify licensees by e-Blast for the upcoming renewal and include this information.

The Board asked Ms. Hardin about the value of the meeting to which she responded that it was a great value and hopes that others can attend. The Board asked that requests always be made to send Board members to these national meetings in the future.

DISCIPLINARY ISSUES:

Investigative Review Committee Report (IRC):

Mark Sanders gave the IRC from the November 9, 2011 IRC meeting to ask for one (1) dismissal and authorization of two (2) formal complaints.

Motion: A motion was made by Ms. Hardin to accept the IRC report as presented. The motion was seconded by Mr. Ricardo. The motion carried.

LEGAL:

There was no legal business discussed.

UNFINISHED BUSINESS:

There was no Unfinished Business before the Board.

NEW BUSINESS:

Reinstatement:

The Board discussed the reinstatement procedure of the Board based on the Board's Statutes and Regulations.

Motion: A motion was made by Ms. Turner to note that the Board remains compliant with its Statutes and Regulations on reinstatement and finds no problems with the procedures. The motion was seconded by Mr. Ricardo. The motion carried.

Policies and Procedures of Sanctioning Unlicensed Practice:

The Board discussed the Board's Policies and Procedures of Sanctioning Unlicensed Practice in Section I and Section II.

Motion: A motion was made by Ms. Turner to amend the policy after further discussion. The motion was seconded by Mr. Ricardo. The motion carried.

The Board discussed Section I on Unlicensed Practice for Applicants for Licensure; and no amendment was found needed for **Section I**. The Board discussed **Section II, A. and B.** on Unlicensed Practice by Failure to Renew/Continued Practice.

Motion: A motion was made by Ms. Turner to amend **Section II, Part A. for First Offense I to 30 days** to add Private Reprimand and a civil penalty of \$50.00 for better equity between sanctions in Section I and Section II. The motion was seconded by Ms. Hardin. The motion carried.

Discussion continued.

Motion: A motion was made by Ms. Hardin to amend **Section II, Part B. for First Offense up to 60 days** to change the Public Reprimand to a Private Reprimand and to lower the civil penalty to \$150.00. The motion was seconded by Mr. Ricardo. The motion did not carry, as there were three no votes.

Discussion continued.

Motion: A motion was made by Ms. Turner to amend **Section II, Part B. for First Offense up to 60 days** to keep the Public Reprimand and lower the civil penalty to \$150.00. The motion was seconded by Mr. Ricardo. The motion carried with one no vote.

DISCUSSION TOPICS:

Ms. Turner discussed certification and governing bodies in occupational therapy and noted that the Board needs to be aware of any changes in them. She stated this could be an important factor in the Board's governing statutes and regulations in the future. She stated the Board needs to know the politics in all the bodies/associations that govern occupational therapy education, certification, testing, and policy making. Discussion was held.

PUBLIC COMMENTS:

There was no public comment.

ANNOUNCEMENTS:

The Board's next meeting will be March 25, 2011.

ADJOURNMENT:

There being no further business the meeting was adjourned at 1:00P.M.

Respectfully submitted,

Kate K. Cox
Administrator