

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF OCCUPATIONAL THERAPY
EDUCATION AND LICENSURE**

TIME: 10:31 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

February 27, 2025

State Board of Occupational Therapy
Education and Licensure
February 27, 2025

BOARD MEMBERS:

Kerri L. Hample, OTD, OTR/L, Chairperson - Absent
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Joanne M. Baird, Ph.D., OTR/L
Lisa Livingston, MS, OTR/L, SCDCM, Secretary
Jena Shovlin, OTR/L, Vice Chairperson
Wendy E. Walsh, Ph.D., OTR/L
Daniel Kline, Public Member

BUREAU PERSONNEL:

Sean C. Barrett, Esquire, Board Counsel
Thomas M. Davis, Esquire, Board Regulatory Counsel
J. Karl Geschwindt, Esquire, Senior Board Prosecutor
and Prosecution Liaison
William Newport, Esquire, Senior Board Prosecutor
Liliana G. Fisher, Esquire, Board Prosecutor
Paul Keller, Board Administrator
Carlton Smith, Esquire, Deputy Chief Counsel,
Prosecution Division
Emyline Breckenridge, Esquire, Department of State
Ronald W. Jackson, Esquire, Department of State
Jonathan Zurinkas, Esquire, Department of State
Michael Merten, Board Counsel, State Board of Barber
Examiners
Thomas Leech II, Board Administrator
Deena Parmelee, Legal Office Administrator I,
Department of State

ALSO PRESENT:

Kristen Neville, State Affairs Manager, American
Occupational Therapy Association
Stephanie Dunkerley, Legal Analyst, Office of General
Counsel
Chrissy Daeschner, OTD, MS, OTR/L, President of POTA,
(Pennsylvania Occupational Therapy Association)
Jeanne Coviello, OTR/L, Department of Health and
Rehabilitation
Brooke Jones

State Board of Occupational Therapy
Education and Licensure
February 27, 2025

ALSO PRESENT: (cont.)

Emily Saylor, Occupational Therapist, UPMC
Rehabilitation Institute

Rachel Wilbur, Sargent's Court Reporting Service,
Inc.

1 ***

2 State Board of Occupational Therapy

3 Education and Licensure

4 February 27, 2025

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,
7 at 10:00 a.m. the Board entered into executive
8 session with Sean C. Barrett, Esquire, Board Counsel,
9 for the purpose of conducting quasi-judicial
10 deliberations on a number of matters currently
11 pending before the Board and to receive the advice of
12 counsel. The Board returned to open session at
13 10:30 a.m.]

14 ***

15 The regularly scheduled meeting of the State
16 Board of Occupational Therapy Education and Licensure
17 was held on Thursday, February 27, 2025. Vice Chair
18 Jena Shovlin, officially called the meeting to order
19 at 10:30 a.m.

20 ***

21 [Sean C. Barrett, Esquire, Board Counsel, informed
22 everyone that the meeting was being recorded, and
23 those who continued to participate were giving their
24 consent to be recorded.]

25 ***

[Paul Keller, Board Administrator, began the meeting with an introduction of Board members and presenters. A quorum of Board members was present.]

Approval of Minutes - Tabled

The approval of minutes for the December 18, 2024 Board meeting were tabled.

Report of Prosecutorial Division - Annual Report

[Carlton Smith, Esquire, Deputy Chief Counsel, Prosecution Division, presented the Annual Report.

Mr. Smith stated, as of the first week in January 2025, the Occupational Therapy Board had 14,786 active licensees. The prosecution opened up 21 cases in 2024, ten fewer than 2023. Mr. Smith noted that the current number of open cases is 25, and the number of closed cases for 2024 is 22. He further stated it takes approximately 400 days to close a case. Once a complaint is received it must be sent first to the BEI, (Bureau of Enforcement and Investigation). The BEI will conduct initial interviews with witnesses and gather evidence before sending their final report back to the prosecution division. Decisions are then made by the prosecution

1 as to what charges, if any, will be filed against a
2 practitioner. At times, the prosecutorial division
3 may ask the BEI to perform additional investigative
4 work, barring the ability of the prosecution to
5 resolve or settle the case on their own.

6 Mr. Smith advised the Board that there are cases
7 that warrant more time to close than others.
8 Primarily, any case where there is an allegation of a
9 practitioner not meeting the standard of care
10 practice, an expert witness would be needed to opine
11 and report as to whether such a breach occurred.
12 Obtaining expert witness reports can be time
13 consuming, which takes an investigation longer to
14 complete.

15 Additionally, if criminal charges have already
16 been filed against a practitioner prior to the
17 commencement of an investigation, the prosecution may
18 wait on filing any charges against the practitioner
19 until the final disposition of the criminal case is
20 closed.

21 For allegations against practitioners that are
22 less serious than those aforementioned, the cases are
23 generally handled in one of two ways: Either the
24 practitioner will receive a warning letter,
25 (complainant receives a copy of same), or the case

1 would be filed under prosecution, not warranted.
2 These types of cases are matters where not enough
3 evidence was found to support the violation or other
4 extenuating circumstances were discovered in the
5 matter that required no formal discipline by the
6 prosecution. Hence, cases are deemed prosecution not
7 warranted, and warning letters to practitioners are
8 not considered to be a form of official discipline.

9 Mr. Smith noted that there were two VPR,
10 (Voluntary Program Recovery), cases currently in
11 process. He also stated a "P" case is a case whereby
12 a practitioner, inactive for a significant period of
13 time and concurrently having been charged with a
14 crime would generally be acknowledged by the Board
15 only if the practitioner applied for reinstatement.
16 At that point, the Board might consider disciplinary
17 action.]

18 ***

19 Report of Board Prosecution -
20 [William Newport, Esquire, Board Prosecution Liaison,
21 stated there were no reports and no consent
22 agreements.]

23 ***

24 Report of Board Chairperson - No report

25 ***

1 Report of Board Administrator - No report

2 ***

3 Report of Board Counsel - The Sunshine Act

4 [Sean Barrett, Esquire, Board Counsel, presented on
5 the Sunshine Act.

6 Mr. Barrett began his presentation by reiterating
7 that The Sunshine Act requires that the Board allow
8 for complete transparency for the public whenever
9 formulating and deliberating on decisions. The
10 Sunshine Act ensures that the public has access to
11 these types of agency official acts. This act
12 endeavors to guarantee the demonstration of a
13 successful democratic process at work, and hence, the
14 continued trust of the public in witnessing same.

15 Mr. Barrett noted that anytime an agency meets in
16 order to discuss official business, a notice from
17 that agency must be sent to the public no less than
18 three days prior to the meeting. Official business
19 is defined as any agency recommendation or decision
20 pursuant to a statute, ordinance or executive order,
21 etc. The public notice must be on the particular
22 agency's website along with the date, time and
23 location of the meeting. Any agency business to be
24 addressed at the meeting must also be listed on the
25 agency agenda for public knowledge. Notice of the

1 meeting must also be in a newspaper general
2 circulation or political subdivision where the
3 meeting is being held. For special or rescheduled
4 meetings, notice to the public must go out at least
5 24 hours ahead of the meeting time. Notice is not
6 required in case of an agency emergency or conference
7 meeting.

8 Mr. Barrett also advised the Board that any
9 member, absent from the prior meeting, must abstain
10 from voting in the current one. Attendance at
11 meetings is defined as board members that are
12 physically present in the meeting room or members
13 that are present virtually via computer and
14 microphone.

15 Mr. Barrett next clarified that executive
16 sessions and conferences were exempt from issuing
17 public notices. Executive sessions contain
18 privileged communications and quasi-judicial
19 deliberations between board members. Therefore, they
20 do not have to be disclosed in an open session.
21 However, executive sessions to have to be conducted
22 either before, during or immediately after an open
23 meeting.

24 Mr. Barrett then advised the Board about the
25 legal consequences of any board member who violates

1 the law of The Sunshine Act. The SOL, (Statute of
2 Limitations), for filing a violation that occurred
3 during an agency meeting, is one year. Penalties for
4 a member found guilty of a violation could result in
5 a summary offense, (a minor criminal offense), with
6 resulting fines in place that must be paid by the
7 violator. Additionally, should it be proven that a
8 violation of the act occurred, the entirety of the
9 meeting in which the violation occurred would be null
10 and void. This would include any official business
11 having taken place.

12 Mr. Barrett also spoke to the subject of recusal.
13 Recusal is an action taken by a prosecutorial member
14 of the Board who believes they are not qualified to
15 deliberate in a specific case or in an official
16 capacity due to circumstances that would bias their
17 vote one way or the other. As a result, they must
18 remove themselves from the Board's decision-making
19 process for that case. Mr. Barrett suggested that
20 conflicts of interest represent a large number of the
21 recusals that occur. He commented that he preferred
22 members speak to him first about a possible recusal
23 from a case should they believe they have a conflict
24 of interest in it. Examples of conflict of interest
25 might include, any voting member having a financial

1 interest in the outcome of a case because they might
2 receive money from it, must recuse themselves from
3 the case. Other examples of potential conflicts of
4 interest were given by Mr. Barrett to the Board.

5 Mr. Barrett reiterated to the Board the
6 importance of communicating with him about any
7 potential conflict of interest members they might
8 have regarding official agency business.

9 He then clarified the difference between
10 absenteeism and recusal. He stated absenteeism takes
11 place when a voting member, who was not present at a
12 prior meeting, must abstain from voting in the
13 current meeting, given that he or she would not have
14 the knowledge necessary to make an informed decision
15 on current meeting deliberations taking place.
16 However, a member abstaining from an official agency
17 vote also means that their vote counts towards the
18 court requirement.

19 The presentation continued with the sharing by
20 Mr. Smith to the Board about board membership and
21 conflicts of interest that would disqualify one from
22 becoming a board member. He advised the Board that
23 no member of any professional and examining license
24 board shall simultaneously be an officer or agent of
25 any statewide organization that is subject to that

1 board's action(s). Additional examples of this were
2 communicated to the Board.

3 Asking for any questions and hearing none, Mr.
4 Smith concluded the presentation.]

5 ***

6 Public Comment - None

7 ***

8 [Mr. Keller noted the following dates are for future
9 Board meetings. The next Board meeting is May 29,
10 2025. Remaining 2025 Board meeting dates are
11 September 25, 2025, and December 5, 2025.

12 And the 2026 Board meeting dates are February 26,
13 2026; June 5, 2026, which is a Friday; October 1,
14 2026; and December 4, 2026, which is also a Friday.]

15 ***

16 CARLTON SMITH:

17 I believe the Board vice chair would
18 entertain a motion to adjourn today's
19 meeting.

20 JOANNE BAIRD:

21 So moved.

22 ***

23 [There being no further business, the Pennsylvania
24 State Board of Occupational Therapy Education and
25 Licensure adjourned at 11:05 a.m.]

26 ***

CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Occupational Therapy Licensure and Education Meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Occupational Therapy Licensure and Education Meeting.



Rachel Wilbur-Adams,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OCCUPATIONAL THERAPY
EDUCATION AND LICENSURE
REFERENCE INDEX

February 27, 2025

| TIME | AGENDA |
|-------|--|
| 10:00 | Executive Session |
| 10:30 | Open Session |
| 10:30 | Official Call to Order |
| 10:30 | Introduction of Board Members/Attendees |
| 10:32 | Board Prosecution - Annual Report |
| 10:42 | Approval of Minutes - Tabled |
| 10:41 | Report of Board Counsel - The Sunshine Act |
| 10:49 | Adjournment |