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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: 10:32 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**

March 7, 2024

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State Board of Occupational Therapy  
Education and Licensure  
March 7, 2024

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Shana M. Walter, Esquire, Senior Board Counsel  
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  
Adrienne McClendon, Esquire, Board Prosecutor  
Julius Zeitlinger, Esquire, Board Prosecutor  
Paul Keller, Board Administrator  
Andrew LaFratte, MPA, Deputy Policy Director,  
Department of State  
Brian Poeschl, Legal Extern, Department of State  
Deena Parmelee, Legal Office Administrator 1,  
Department of State  
Carlton Smith, Deputy Chief Counsel, Prosecution  
Division

ALSO PRESENT:

Christine Daeschner, MOT, OTR/L, President,  
Pennsylvania Occupational Therapy Association  
Shaun Conway, OTR, Vice President, Regulatory  
Affairs, National Board for Certification in  
Occupational Therapy  
Stephanie Dunkerley  
Sophia Mahoney, Sarent's Court Reporting Service,  
Inc.

1 \*\*\*

2 State Board of Occupational Therapy

3 Education and Licensure

4 March 7, 2024

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 [Sean C. Barrett, Esquire, Board Counsel, informed  
16 everyone that the meeting was being recorded, and  
17 those who continued to participate were giving their  
18 consent to be recorded.

19 Mr. Barrett also noted the Board entered into  
20 Executive Session for the purpose of conducting  
21 quasi-judicial deliberations on a number of matters  
22 that are currently pending before the Board and to  
23 receive the advice of counsel.]

24 \*\*\*

25 The regularly scheduled meeting of the State

1 Board of Occupational Therapy Education and Licensure  
2 was held on Thursday, March 7, 2024. Kerri L.  
3 Hample, OTD, OTR/L, Chairperson, officially called  
4 the meeting to order at 10:32 a.m.

5

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6 Introduction of Board Members/Attendees  
7 [Kerri L. Hample, OTD, OTR/L, Chairperson, requested  
8 an introduction of Board members and attendees.]

9

\*\*\*

10 Adoption of Agenda

11 CHAIRPERSON HAMPLE:

12 Can I have a motion to adopt the agenda  
13 for today's meeting?

14 MS. SHOVLIN:

15 So moved.

16 MS. LIVINGSTON:

17 Second.

18 CHAIRPERSON HAMPLE:

19 Roll call.

20

21 Hample, aye; Baird, aye; Livingston,  
22 aye; Shovlin, aye.

23 [The motion carried unanimously.]

24

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25 Appointment - Annual Prosecution Division

1 Presentation

2 [Carlton Smith, Esquire, Deputy Chief Counsel,  
3 Prosecution Division, informed Board members that he  
4 assumed his role in March 2023 when Carolyn  
5 DeLaurentis was promoted to the Executive Deputy  
6 Chief Counsel position and provided a brief summary  
7 of his professional background.

8 Mr. Smith reported on a decrease in the number of  
9 Bureau of Professional and Occupational Affairs  
10 (BPOA) complaints across all boards from around  
11 22,000 in 2022 to roughly 19,000 in 2023.

12 Mr. Smith presented the Prosecution Division's  
13 Annual Report for the State Board of Occupational  
14 Therapy Education and Licensure. He reported 13,873  
15 licensees in 2023. He noted 31 cases were opened in  
16 2023. He also noted 25 current open cases and 28  
17 closed cases. He informed Board members that  
18 prosecution's standard is to dispose of a case within  
19 a year across all boards. He stated the average  
20 number of days to close a case was around 362 days.

21 Mr. Smith informed Board members that most of the  
22 licensed members are compliant and reported 1  
23 citation fine under Act 48 in 2023.

24 Mr. Smith addressed cases without discipline  
25 under prosecution not warranted and warning letters.

1 He explained that warning letters are issued after  
2 prosecution has considered the seriousness of the  
3 allegations, licensee disciplinary history, strength  
4 of the evidence, and if the allegations are  
5 relatively de minimis.

6 Mr. Smith discussed prosecution not warranted,  
7 noting prosecution again considers the strength of  
8 the evidence, seriousness of the allegations, and  
9 disciplinary history, but also may obtain expert  
10 opinions.

11 Chair Hample thanked Mr. Smith for his  
12 presentation.]

13 \*\*\*

14 Report of Board Prosecution

15 [J. Karl Geschwindt, Esquire, Senior Prosecutor and  
16 Board Prosecution Liaison, presented the Consent  
17 Agreement for Case No. 23-67-017566.]

18 MR. BARRETT:

19 Based upon the presentation of  
20 prosecution, does any member of the  
21 Board wish to return to Executive  
22 Session for further deliberation?  
23 Hearing none.

24 I believe, based on Executive  
25 Session discussion, that the Board

1 Chair would entertain a motion to  
2 approve the Consent Agreement at Case  
3 No. 23-67-017566.

4 CHAIRPERSON HAMPLE:

5 Do I have a motion?

6 MS. SHOVLIN:

7 So moved.

8 MS. LIVINGSTON:

9 Second.

10 MR. KELLER:

11 Hample, aye; Baird, aye; Livingston,  
12 aye; Shovlin, aye.

13 [The motion carried unanimously.]

14 \*\*\*

15 Approval of Minutes

16 CHAIRPERSON HAMPLE:

17 Approval of minutes from the December  
18 1, 2023 meeting. Is there any  
19 discussion regarding those minutes?  
20 Hearing no discussion.

21 Can I have a motion to approve the  
22 minutes from the December 2023 meeting?

23 MS. SHOVLIN:

24 So moved.

25 MS. LIVINGSTON:

1 Second.

2 MR. KELLER:

3 Hample, aye; Baird, aye; Livingston,  
4 aye; Shovlin, aye.

5 [The motion carried unanimously.]

6 \*\*\*

7 Report of Board Counsel - No Report

8 \*\*\*

9 Report of Board Chairperson - No report

10 \*\*\*

11 Report of Acting Commissioner - No Report

12 \*\*\*

13 Report of Board Administrator - No Report

14 \*\*\*

15 Miscellaneous - Sunshine Act Presentation

16 [Sean C. Barrett, Esquire, Board Counsel, provided a  
17 brief overview of the Pennsylvania Sunshine Act. He  
18 explained the purpose of the Sunshine Act is to make  
19 sure the public is able to see all deliberations and  
20 actions of government agencies to promote confidence  
21 and faith in public government.

22 Mr. Barrett stated anytime an agency holds a  
23 meeting, where deliberations or official actions take  
24 place, the meeting must be open to the public, along  
25 with providing public notice of the meeting.



1           Mr. Barrett mentioned that an agency includes the  
2 Board and all of its committees. He noted  
3 deliberations are anytime agency business is  
4 discussed for the purpose of making a decision and  
5 cannot be discussed outside of Board meetings or  
6 Executive Session. He explained that official action  
7 is defined as agency recommendations made pursuant to  
8 a statute, ordinance, or executive order;  
9 establishment of policy decisions made by an agency  
10 concerning agency business; or a vote taken by an  
11 agency on motions, proposals, resolutions, rules,  
12 regulations, ordinances, reports, or orders.

13           Mr. Barrett addressed public notice, where an  
14 agency is required to give public notice of its first  
15 regular meeting of each calendar year not less than  
16 three days in advance of the meeting and give public  
17 notice of the schedule of the regular remaining  
18 meetings. He noted the agency must give public  
19 notice of each special meeting 24 hours in advance.  
20 He mentioned that public notice is not required in  
21 the case of an emergency meeting.

22           Mr. Barrett stated the agenda has to be posted on  
23 the website no later than 24 hours in advance, along  
24 with providing copies to those in person.

25           Mr. Barrett address voting procedures, where all

1 votes must be publicly casted and recorded in public  
2 session. He stated written minutes must be kept of  
3 all meetings and made available to the public.

4 Mr. Barrett noted the only exceptions for the  
5 open meeting requirements are for conferences and  
6 executive sessions. He mentioned that conferences  
7 are basically training programs, where it is mostly  
8 information for the Board. He noted deliberation of  
9 agency business may not occur at a conference.

10 Mr. Barrett explained that an executive session  
11 is for discussing personnel issues and consulting  
12 with attorneys or other advisors regarding  
13 information. He noted that official action on  
14 matters discussed in executive session must be  
15 conducted in an open meeting.

16 Mr. Barrett addressed legal challenges, noting  
17 they must be filed within 30 days from the date of  
18 the meeting or within 30 days from the discovery of  
19 any action. He stated no action may be commenced for  
20 more than a year from the date of the meeting in  
21 which a violation occurred. He addressed penalties  
22 for violations.

23 Mr. Barrett stated Board business should be  
24 conducted in open meetings, and Board members should  
25 not discuss any business, especially matters

1 discussed in Executive Session, outside of the  
2 official Board meeting.

3 Mr. Barrett stated deliberations for committee  
4 meetings also have to take place in an open meeting  
5 with public notice, but administrative functions do  
6 not have to occur at an open meeting.

7 Mr. Barrett addressed Recusal Guidelines, noting  
8 recusal is mandatory when a Board member has a  
9 prosecutorial role in the matter, including being on  
10 the Probable Cause Screening Committee or having a  
11 direct personal financial interest in the outcome of  
12 the matter.

13 Mr. Barrett noted it is strongly suggested to  
14 recuse if a Board member has a personal affection for  
15 someone directly involved. Simply knowing a person  
16 or knowing of a person are not necessarily reasons  
17 for recusal. He noted it is also strongly suggested  
18 to recuse if they have knowledge from outside of a  
19 case and cannot set it aside in order to make a fair  
20 and unbiased determination.

21 Mr. Barrett addressed discretionary recusal,  
22 where a Board members should recuse themselves if  
23 they cannot decide on a subject fairly without  
24 prejudice. He encouraged Board members to contact  
25 him in advance if they are uncertain whether to

1 recuse.

2 Mr. Barrett addressed the difference between  
3 abstention and recusal, where abstention is just  
4 withholding a vote and does not affect quorum  
5 requirements, but recusal does affect the quorum.

6 Mr. Barrett discussed conflict of interest for  
7 professional Board members, where no member of a  
8 professional licensing Board shall be an officer or  
9 agent of a statewide association or organization  
10 representing the profession or occupation subject to  
11 the Board's action.

12 Mr. Barret noted it is also a conflict of  
13 interest for public members to be a member of any  
14 profession or occupation, which is regulated or  
15 licensed by the Board, and cannot be related or be a  
16 part of an immediate family of any member of the  
17 profession or occupation to be regulated, cannot be  
18 affiliated with a profession or occupation to be  
19 licensed, or hold any other appointed or elected  
20 public office or position within this Commonwealth.  
21 He noted that any person not meeting the standards  
22 set forth is ineligible for membership on the Board.

23 Mr. Barrett encouraged Board members to reach out  
24 to him if they have any questions.]

25

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1 Next Meeting Date

2 [Kerri L. Hample, OTD, OTR/L, Chairperson, noted the  
3 next scheduled Board meeting is June 6, 2024.]

4 \*\*\*

5 Adjournment

6 CHAIRPERSON HAMPLE:

7 I call for a motion to adjourn.

8 MS. SHOVLIN:

9 So moved.

10 MS. LIVINGSTON:

11 Second.

12 CHAIRPERSON HAMPLE:

13 See everyone in June.

14 \*\*\*

15 [There being no further business, the State Board of  
16 Occupational Therapy Education and Licensure Meeting  
17 adjourned at 11:02 a.m.]

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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.



Sophia Mahoney,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE  
REFERENCE INDEX

March 7, 2024

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TIME	AGENDA
10:00	Executive Session
10:30	Open Session
10:32	Official Call to Order
10:32	Introduction of Board Members/Attendees
10:33	Adoption of Agenda
10:34	Appointment - Carlton Smith, Deputy Chief Counsel, Annual Prosecution Division Report
10:44	Report of Board Prosecution
10:45	Approval of Minutes
10:47	Miscellaneous
11:02	Adjournment