

1 **TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

2 Board Meeting
3 February 26, 2010
4 10:00AM
5 333 Guadalupe St #2-510
6 Austin, TX 78701
7

8 Members Present: Catherine Benavidez, OT
9 Judith Chambers, Public Member
10 Dely De Guia Cruz, Public Member
11 Kathleen Hill, COTA
12 Stephanie Johnston, OTR
13 Pamela Nelon, Public Member
14 Todd Novosad, OTR
15 Angela Sieffert, OTA
16
17 Absent: Bobby James Vasquez, OTR
18
19 Guests: Lynda Jennings, OTR and President, TOTA
20 Bridget Piernik-Yoder, OTR
21 Mary Hennigan, OTR, and ED, TOTA
22
23 Staff: John Maline, Executive Director
24 Kevin Heyburn, Assistant Attorney General
25 Mark Turek, Chief Investigator
26 Augusta Gelfand, OT Coordinator
27 Cynthia Machado, Licensing Manager
28

29 **I. Call to Order**

30 Stephanie Johnston, Board Chair, called the roll and established that a quorum existed.
31 The meeting was called to order at 10:17 AM. She announced that she had just received Bobby
32 James Vasquez's resignation from the Board, effective immediately and that he would not be
33 attending the Board meeting.
34

35 **2. Public Comment**

36 There was no public comment
37

38 **3. Approval of Minutes of November 13, 2009**

39 Motion: To accept the minutes as written
40 Made by: Judith Chambers
41 Second: Kathleen Hill
42 Motion passed unanimously
43

44 **4. Discussion and possible action on Executive Director's Report concerning fiscal and**
45 **budgetary matters, performance measures, the Executive Council, ongoing projects,**
46 **5% budget reduction, upcoming budget cycle, agency personnel matters and other**
47 **agency business**

48 Mr. Maline presented his report which included the statistics on the agency's income, expenses and
49 performance measures for the year. He discussed how the proposed cut on agencies will affect
50 ECPTOTE; which cuts he anticipates having to make; and that the board may have to reduce board
51 meetings to three this year and possibly select a new possible meeting date between the two dates
52 on the calendar.
53

54 **5. Investigation Committee Report**

1 **A Review and possible action on agreed orders for case #s: 09-151; 09-162; 10-**
2 **007; 10-025; 10-029; 10-037; 10-039; 10-040; 10-043; and 10-049**

3 The Board ratified the agreed orders for cases: 10-043; 10-039; 10-037; 10-007; 10-029; 10-049; 09-
4 151; and 09-162

5
6 **B. Discussion and possible action on Investigation Committee meeting of**
7 **February 12, 2010**

8 The Committee had 10 agreed orders and one informal conference

9
10 **C. Discussion and possible action on investigative activities to date**

11 There were 35 closed cases in an average of 102 days at a cost of \$79.

12
13 **6. Rules Committee Report**

14 **A. Discussion and possible amendment to §369.3, Use of Titles including**
15 **clarifying use of titles**

16 Motion: Rules Committee motion to publishing amendments to §369.3, Use of Titles
17 Motion passed unanimously

18
19 **B. Discussion and possible amendment to §373.2, regarding supervision of a**
20 **Temporary licensee**

21 Motion: Rules Committee motion to publish amendment to §373.2, Supervision of Temporary
22 Licensee
23 Motion passed unanimously

24
25 **C. Discussion and possible amendment to §374.1, regarding Disciplinary Actions,**
26 **including specifying reporting of felonies by licensees.**

27 Motion: Rules Committee motion to publish amendment to §374.1, Disciplinary Actions
28 Motion passed unanimously

29
30 **D. Discussion and possible amendment to §374.2, regarding Detrimental Practice**
31 **including clarifying abandonment**

32 Motion: Rules Committee motion to publish amendment to amendments to §374.2,
33 Detrimental Practice
34 Motion passed unanimously

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36 **7. Rules Adoption**

37 **A. Discussion and possible adoption of proposed amendments to §367.2,**
38 **regarding Categories of Continuing Education, specifically allowing case**
39 **management for continuing education.**

40 Motion: To adopt the proposed amendments to §367.2.

41 Made by: Catherine Benavidez

42 Second: Kathleen Hill

43 Motion passed unanimously

44
45 **B. Discussion and possible adoption of proposed amendments to §376.1, regarding**
46 **Facility Definitions including the removing language referring to the now and**
47 **linked facilities.**

48 Motion: To adopt the proposed amendments to §376.1.

49 Made by: Kathleen Hill

50 Second: Judith Chambers

51 Motion passed unanimously

52

1 C. **Discussion and possible adoption of proposed amendments to §376.3, regarding**
2 **Requirements for Facility Registration Application, removing additional and linked**
3 **facilities**

4 Motion: To adopt the proposed amendments to §376.3.

5 Made by: Judith Chambers

6 Second: Pamela Nelon

7 Motion passed unanimously

8
9 D. **Discussion and possible adoption of proposed amendments to §376.6, regarding**
10 **Renewal of Registration Application, removing Requirements for Facility**
11 **Registration Application, removing additional and linked facilities**

12 Motion: To adopt the proposed amendments to §376.6

13 Made by: Todd Novosad

14 Second: Angela Sieffert

15 Motion passed unanimously

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17 E. **Discussion and possible adoption of proposed amendments to §376.9, regarding**
18 **Disciplinary Action, specifically addressing facilities**

19 Motion: To adopt the proposed amendments to §376.6

20 Made by: Catherine Benavidez

21 Second: Dely Cruz

22 Motion passed unanimously

23
24 The board took a recess from 11:45 to 12:10PM.

25 **8. Education Committee Report**

26 **A. Discussion and possible amendment to §367.2, regarding Categories of**
27 **Education including continuing education and the approval process**

28 Todd reported that the Education Committee had some issues with a mandatory approval CE
29 system, but wanted the whole board to discuss this issue. He mentioned the pros and cons the
30 committee had addressed. Lynda Jennings and Mary Hennigan addressed the board with the
31 professional association's perspective.

32 Motion To charge the Education Committee with the discussion and possible action on pre-
33 approval for continuing education, look at the Type 1 and Type 2 issues and report back at the next
34 board meeting.

35 Made by: Pamela Nelon

36 Second Catherine Benavidez

37 Motion passed

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39 **B. Discussion and possible amendment to §370.2, regarding Late Renewal**
40 **including discussion of the re-entry program**

41 Todd explained the rationale for the proposed amendment to §370.2 to allow more expired former
42 licensees to take a re-entry courses and take the NBCOT exam to return to licensure, as an option,
43 rather than just take the exam, as the refresher courses and fieldwork will help with practice.

44 Motion from the Education Committee: to publish the amendment to §370.2, Late Renewal
45 Motion passed.

46
47 **9. Discussion and possible action on the OT Coordinator's Report. The Coordinator's**
48 **Report may concern any items listed on the agenda and events that have occurred**
49 **between this meeting and the Board's last meeting**

50 Augusta directed the board to her written report, adding that the website was under re-design, and
51 one more school visit had been added to the April visits. She pointed out her report of areas of
52 practice by OT, OTA, PT, PTA. She also mentioned that Stephanie had been to the office in
53 December to change out the display in the lobby, which highlights all the occupational therapy
54 programs in Texas.

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10. Discussion and possible action on the Presiding Officer's Report. The Presiding Officer's report may concern any item listed on the agenda and on events that have occurred between this meeting and the Board's last meeting

There was no report.

12. Discussion and possible action on future meeting dates and agenda items

The board discussed alternate dates for a summer board meetings should the scheduled ones be cancelled due to budgetary restraints. They chose July 23rd. They also agreed to switch with PT for the February, 2011 board meetings.

13. Adjournment

The Board adjourned at 1:46PM.

The Board adopted the Minutes on: July 23, 2010