

1 **TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

2 Board Meeting
3 Woodlands Waterway Marriott Hotel
4 Oak Ridge Room
5 The Woodlands, TX
6 October 12, 2007
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- 9 Members Present: Cecilia Fierro, OTR
10 Dely De Guia Cruz, Public Member
11 Stephanie Johnston, OTR
12 Joseph Messmer, COTA
13 Clarissa Meyers, OTR
14 Pamela Nelon, Public Member
15 Bobby Vasquez, OTR
16
17 Members Absent: Judith Chambers, Public Member
18 Michael Carreon, COTA
19
20 Staff: John Maline, Executive Director
21 Augusta Gelfand, OT Coordinator
22 Mark Turek, Chief Investigator
23
24 Guests: Mack Ivy, OTR, TOTA President
25 Joan Bell, OTR, TOTA Chair Education Committee
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28 **I. Call to Order and introduction of new board members**

29 Cecilia Fierro, Secretary, called the meeting to order at 10:03 AM. She called the roll and
30 established that a quorum existed.
31

32 **2. Election of Officers**

33 Cecilia Fierro was nominated for the position of Board Chair.
34 Clarissa Meyers and Joe Messmer were nominated as Vice Chair. The vote was 4 to 3 in
35 favor of Clarissa Meyers.
36 Joe Messmer was nominated as Secretary of the Board.
37 The motion passed unanimously.
38

39 **3. Public Comment**

40 No comment
41

42 **4. Approval of Minutes of May 11, 2007**

43 Motion: To approve minutes as written
44 Made by: Joe Messmer
45 Second by: Clarissa Meyers
46 Motion passed.
47
48

49 **5. Discussion and Possible Action On Executive Director's Report concerning fiscal
50 and budgetary matters, quarterly performance measures, the Executive Council,
51 agency personnel, ongoing projects, the recent legislative session, agency
52 Sunset Review status, and other agency business.**

1 Mr. Maline explained the annual financial reports and current statistics for the agency. He
2 discussed several bills that passed and how they will affect the agency. He also presented the
3 performance measures and their importance to the agency. He told the Board that the Sunset
4 Review for the agency had been postponed for a second time to 2013.

5
6 **6. Investigation Committee Report**

7 **A. Review and Possible Action on Agreed Orders#: 07-20; 07-63; 07-76; 07-**
8 **78; 07-83; 07-84; 07-86; and 07-94**

9 The Board voted to ratify each of the Agreed Orders.

10
11 **B. Discussion of committee meetings on September 29, 2007**

12 The Committee reviewed 46 cases which resulted in 9 Agreed Orders and 4
13 warning letters.

14
15 **C. Discussion of investigative activities to date**

16 In the third quarter FY07, 31 complaints were received and 26 investigations
17 were completed, resulting in 5 Agreed Orders, in an average time of 117 days
18 and at an average cost of \$75 per investigation completed.

19
20 The board took a recess from 11:25 am to 11:50 AM.

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22 At the conclusion of the recess Mark Turek discussed with the Board the variety of types of
23 disciplinary action taken by the board depending on the offense.

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25 **7. Education Committee Report**

26 The Committee presented the amendment to §367.1, Continuing Education.

27 The Board voted to ratify the amendment recommendation.

28
29 **8. Rules Committee Report**

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31 **A. Discussion and possible amendment to proposed rule §373.3, Supervision**
32 **of a Licensed Occupational Therapy Assistant**

33 The board went online and looked at language to add to the rule.

34
35 Motion: To adopt §373.3 as recommended by the committee with changes

36 The motion passed.

37
38 **B. Discussion and possible amendment to proposed rule §372.1, Provision of**
39 **Services**

40 The board voted to ratify the committee's recommendation.

41
42 **C. Discussion and possible adoption of proposed published rule**
43 **amendments to §370.1., Late Renewal**

44 The board voted to ratify the committee's recommendation.

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46 **D. Discussion and possible amendments to §362.1, Definitions.**

47 There were no amendments proposed.

48
49 **9. Discussion of NBCOT's correspondence concerning re-examinations "for licensure**
50 **purposes only" in light of the current requirement for master's degree entry level.**

51 The board discussion resulted in a decision for Cecilia Fierro to write to NBCOT and express
52 their opinion that the new requirement of a master's degree not be applied retroactively.

53

1 **10. Discussion and possible on interpretation on §454.215 regarding exemption of**
2 **facilities from registration.**

3 Ms. Gelfand told the board that she, the PT Coordinator and Kevin Heyburn, our attorney, had
4 met with the Department of Aging and Disability and the Texas Department of State Health
5 Services to agree with each other on the interpretation of our facility registration. The other
6 state departments told us that they want us to continue with our present registration of facilities
7 and present interpretation.

8
9 **11. Discussion and possible action on the OT Coordinator's Report**

10 Ms. Gelfand pointed out her written report and the other reading material in that report. She
11 brought to date information about SB 29 after the October 8th meeting with DIR requiring a
12 minimum data set from all health professional licensees. The legislation goes into effect in
13 2008.

14
15 **10. Presiding Officers Report**

16 No report.

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18 **11. Discussion and possible action on future meeting dates and agenda items**

19 The future dates are: February 1, 2008; April 25, 2008; August 1, 2008 and November 21,
20 2008; all in Austin.

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22 **12. Adjournment**

23 The Board adjourned at 1:20 PM
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26 The Board adopted the Minutes on: February, 1, 2008