

1 **TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

2 Board Meeting
3 333 Guadalupe St #2-510
4 Austin, TX 78701
5 April 25, 2008
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7

8 Members Present: Cecilia Fierro, OTR, Presiding Officer
9 Judith Chambers, Public Member
10 Stephanie Johnston, OTR
11 Joseph Messmer, COTA
12 Pamela Nelson, Public Member
13 Bobby James Vasquez, OTR
14

15 Members Absent: Michael Carreon, COTA
16 Dely De Guia Cruz, Public Member
17 Clarissa Meyers, OTR
18

19 Staff: Kevin Heyburn, Assistant General Attorney
20 John Maline, Executive Director
21 Augusta Gelfand, OT Coordinator
22 Mark Turek, Chief Investigator
23 Cynthia Machado, Licensing Manager
24

25 Guests: Lynda Jennings, OTR, President-Elect, the Texas Occupational Therapy
26 Association (TOTA)
27 Mary Hennigan, MOT, Executive Director, TOTA
28

29
30 **I. Call to Order**

31 Cecilia Fierro, Presiding Officer, called the roll and established that a quorum existed.
32 The meeting was called to order at 9:31 AM.
33

34 **2. Public Comment**

35 No comment
36

37 **3. Approval of Minutes of February 1, 2008**

38 Motion: To approve minutes as written
39 Made by: Judith Chambers
40 Second by: Joe Messmer
41 Motion passed.
42

43 **4 Discussion and Possible Action On Executive Director's Report concerning fiscal**
44 **and budgetary matters, performance measures, the Executive Council, agency**
45 **personnel, strategic plan, ongoing projects, and other agency business.**

46 Mr. Maline presented his report which included the statistics on the agency's income, expenses
47 and performance measures. He expressed his interest in having board members suggest
48 sources for forecasting the profession's future as a resource for the agency's Strategic Plan.
49 He also referred to the Legislative Appropriation Request he will be working on. Lastly, Mr.
50 Maline reminded board members of their expense forms due for reimbursement and
51 encouraged new board members to attend the Governor's Training for which we reimburse.
52

1 Ms. Hennigan and Ms. Jennings joined the meeting at 9:52 AM. Ms. Fierro returned to agenda
2 item #2 and asked the guests if they had any comment. Ms. Hennigan announced the
3 Association's intent to open the OT Practice Act during the 2009 Legislative Session with the
4 intent of re-writing the section on mandatory continuing education. Ms. Hennigan and Ms.
5 Jennings offered to meet with the board to discuss TOTA's plan for course approval, a
6 memorandum of understanding between TBOTE and TOTA on continuing education, and any
7 other Practice Act clean-up, in light of the second postponement of the Sunset Review
8 process. Ms. Jennings introduced herself as the Texas Occupational Therapy Association's
9 President-Elect and expressed the intention of increasing the ongoing relationship the board
10 and association have in place.

11
12 Bobby Vasquez requested a copy of TOTA's course approval program for review before the
13 meeting.

14
15 **5. Executive Session pursuant to §551.074 of the Government Code, regarding the**
16 **appointment, employment, evaluation, reassignment, duties, discipline, or**
17 **dismissal of the Executive Director of the Executive Council of Physical Therapy**
18 **and Occupational Therapy Examiners.**

19 The Board went into closed session at 10:20 AM and returned to open session at 10:46AM.
20 No action was taken.

21
22 **6. Investigation Committee Report**

23 **A. Review and Possible Action on Agreed Orders#: 08-41; 08-24; 08-35; 08-**
24 **36; 08-42; 08-44; 08-46; 08-52; and 08-67.**

25
26 The Board voted to ratify orders: 08-42; 08-44; 08-52; 08-35; 08-67; 08-24; 08-
27 46; and 08-41.

28
29 **B. Discussion of committee meetings on April 3, 2008**

30 The Committee reviewed 31 cases which resulted in 9 Agreed Orders and 1
31 informal conference.

32
33 **C. Discussion of investigative activities to date**

34 20 complaints were completed, resulting in 2 Agreed Orders, in an average time
35 of 122 days and at an average cost of \$75 per investigation completed.
36 Mr. Turek also displayed a slide of the large number of schools which received
37 the board's presentation this quarter.

38
39 **7. Rules Committee Report. Discussion and possible action on proposed**
40 **amendments to:**

41 **A. §373.3, Supervision of a Licensed Occupational Therapy Assistant**

42 Motion: To propose and publish the amendment

43 Motion by: Judy Chambers

44 Second by: Joe Messmer

45 Motion passed unanimously.

46
47 **B. §375.1, Fees**

48 Motion: To propose and publish the amendments.

49 Motion by: Stephanie Johnston

50 Second by: Joe Messmer

51 Motion passed unanimously.

52
53 **C. §376.3, Requirements for Facility Registration, and §376. 4,**
54 **Requirements for Registered Facilities**

1 Motion: To propose and publish the amendments.
2 Motion by: Joe Messmer
3 Second by: Bobby Vasquez
4 Motion passed unanimously.

5

6 **D. Discussion and review of TBOTE rules, as required by §2001.039 of**
7 **the Government Code, concerning Agency Review of Existing Rules,**
8 **including possible re-adoption of Sections 361 through 364, and 367**
9 **through 376.**

10 Motion: To propose and publish the amendment with intention to adopt the same
11 chapters of the rules.

12 Motion by: Bobby Vasquez

13 Second by: Judy Chambers

14 Motion passed unanimously.

15

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

17 Augusta Gelfand referred to her written reports and asked our attorney, Kevin Heyburn, to
18 report on the draft Provider Letter between ECPTOTE and the Department of Aging and
19 Disability Services (DADS). He reported that the draft (enclosed in board packet) should be
20 posted on the DADS' website soon. He said that he also expects us to have a similar letter
21 with the Department of State Health Services soon.

22

23 **9. Presiding Officers Report**

24 There was none.

25

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

27 The future board dates are: July 31 and August 1, 2008 and November 21, 2008; all in Austin.

28 The board will discuss continuing education item from the February board meeting and
29 amendment to §362.1, Definitions.

30

31 **12. Adjournment**

32 The Board adjourned at 11:50 AM

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34

35 The Board adopted the Minutes on: August 1, 2008