

1 **TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

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2 Board Meeting  
3 333 Guadalupe St #2-510  
4 Austin, TX 78701  
5 February 1, 2008  
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8 Members Present: Cecilia Fierro, OTR, Presiding Officer  
9 Judith Chambers, Public Member  
10 Michael Carreon, COTA  
11 Dely De Guia Cruz, Public Member  
12 Stephanie Johnston, OTR  
13 Clarissa Meyers, OTR  
14 Pamela Nelson, Public Member  
15 Bobby James Vasquez, OTR  
16

17 Members Absent: Joseph Messmer, COTA  
18  
19

20 Staff: Kevin Heyburn, Assistant General Attorney  
21 Augusta Gelfand, OT Coordinator  
22 Mark Turek, Chief Investigator  
23 Cynthia Machado, Licensing Manager  
24 Diane Barton, Licensing Specialist  
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29 **I. Call to Order**

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

34 No comment  
35

36 **3. Approval of Minutes of October 12, 2007**

37 Motion: To approve minutes as written  
38 Made by: Stephanie Johnston  
39 Second by: Clarissa Meyers  
40 Motion passed.  
41

42 **4. Investigation Committee Report**

43 **A. Review and Possible Action on Agreed Orders#: 08-03; 08-10; and 08-30**  
44 The Board voted to ratify orders: 08-10 and 08-30.  
45

46 **B. Discussion of committee meetings on January 12, 2008**  
47 The Committee reviewed 23 cases which resulted in 3 Agreed Orders and 2  
48 warning letters.  
49

50 **C. Discussion of investigative activities to date**  
51 28 complaints were completed, resulting in 3 Agreed Orders, in an average time  
52 of 115 days and at an average cost of \$80 per investigation completed.

1 Mr. Turek also mentioned that he has hired a new assistant investigator,  
2 Danielle DeVellis, who comes from DADS and is working out well.  
3

4 **5. Discussion and Possible Action On Executive Director's Report concerning fiscal  
5 and budgetary matters, annual performance measures, the Executive Council,  
6 agency personnel, ongoing projects, and other agency business.**

7 Ms. Gelfand explained that Mr. Maline was at his father's funeral and they could phone him  
8 next week when he would be available for any questions.  
9

10 **6. Discussion and possible review of the TBOTE rules, as required by §2001.039 of  
11 the Government Code, concerning Agency Review of Existing Rules, including  
12 possible re-adoption of Sections 361-376.**

13 Ms. Gelfand explained that every four years the board must review the rules to see if they  
14 continue to exist. They will be posted for discussion and possible adoption for the April 25<sup>th</sup>  
15 board meeting.  
16

17 The Board moved to # 8 on the agenda as Mr. Heyburn had not yet arrived.  
18

19 **8. Rule Adoption**

20 Ms. Gelfand summarized the public comments received on the proposed rules.  
21

22 **A. Discussion and possible amendment to proposed rule §367.1 Continuing  
23 Education**

24 The board discussed one public comment recommending adding OT theory, OT ethics, and  
25 OT practice as Type 2 when presented by an OT practitioner. The board decided to have the  
26 Rules Committee discuss this language at its next meeting.  
27

28 Motion: To adopt the proposed §367.1 as published without change.

29 Made by: Michael Carreon

30 Second: Dely Cruz

31 The motion passed.  
32

33 **B. Discussion and possible amendment to proposed rule §372.1, Provision of  
34 Services**

35 The board added LOTA and LOT along with OTR and COTA in the language.

36 Motion: To adopt proposed §372.1 as with change.

37 Made by: Judith Chambers

38 Second: Bobby James Vasquez

39 The motion passed.  
40

41 **C. Discussion and possible adoption of proposed published rule amendments  
42 to §373.3. Supervision of a Licensed Occupational Therapy Assistant**

43 The Board discussed sending this rule to the committee because of the ambiguity of when the  
44 COTA is "not working."

45 Motion: To adopt proposed §373.3 as without change

46 Made by: Michael Carreon

47 Second: Stephanie Johnston

48 The motion passed.  
49

50 **7. Discussion and possible action on proposed amendment to §370.2 Late Renewal**

51 Mr. Heyburn told the board that the proposed amendment contradicts the OT Practice Act.  
52

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

54 Ms Gelfand mentioned ongoing projects:

- 1           ♦ the Profile system in regards to the Minimum Data Set, SB 29
- 2           ♦ The scanner project
- 3           ♦ School visits

4

5   **10. Presiding Officers Report**

6 Ms Fierro asked about NBCOT. Ms Gelfand reported that they had a new score report and  
7 that it's still too early to discern how it's working. She said they are no longer expediting score  
8 reports (no overnight service) and that NBCOT's annual conference is scheduled for October  
9 23-25 in Phoenix.

10

11 Pamela Nelon asked about the absence of the OT professional association at our board  
12 meetings.

13

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

15 The future dates are: April 25, 2008; August 1, 2008 and November 21, 2008; all in Austin.  
16 There will be a Rules Committee meeting before the April 25<sup>th</sup> board meeting, either April 24  
17 afternoon or the morning of the 25<sup>th</sup>. The Board looked at the Board Roster and made some  
18 updates.

19

20   **12. Adjournment**

21 The Board adjourned at 10:40 AM

22

23

24 The Board adopted the Minutes on: April 25, 2008.