

1 **TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

2 Board Meeting
3 February 20, 2009
4 9:00AM
5 333 Guadalupe St #2-510
6 Austin, TX
7

8 Members Present: Clarissa Meyers, OTR, Vice Chair
9 Judith Chambers, Public Member
10 Kathleen Hill, COTA
11 Stephanie Johnston, OTR
12 Pamela Nelson, Public Member
13 Bobby James Vasquez, OTR
14 Michael Carreon, COTA
15

16 Members Absent: Cecelia Fierro, OTR
17 Dely De Guia Cruz, Public Member
18

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

24 Guests: Lynda Jennings, OTR, President, TOTA
25 Mary Hennigan, MOT, Executive Director, TOTA
26 Michelle McKamy, COTA
27 Roger Matson, Presiding Officer, ECPTOTE
28

29
30 **I. Call to Order**

31 Clarissa Meyers, Vice Chair, called the roll and established that a quorum existed.
32 The meeting was called to order at 9:14 AM. Ms. Meyers took the agenda out of order as the
33 Executive Director was at a Senate Finance hearing and expected momentarily. Augusta
34 announced that Dely was absent due to her son's sudden death.
35

36 **2. Public Comment**

37 Michelle McKamy spoke on behalf of Panola College's OTA Program and her employer,
38 Platinum Therapy Resources. She asked that no funds be eliminated from the budget to keep
39 the website current. She mentioned the problems she and her employer in the home health
40 setting have in getting OTs to participate in the OTA supervision.
41

42 **3. Approval of Minutes of November 21, 2008**

43 Motion: To accept the minutes as written
44 Made by: Bobby Vasquez
45 Second: Judith Clambers
46 Motion passed unanimously
47

48 **The Chair took several items out of order until John Maline, Executive Director, could**
49 **arrive at the board meeting from his Senate Finance hearing.**
50

51 **6. Investigation Committee Report**

52 A. Discussion and possible action on cases: 09-31 and 09-54
53 The board ratified the committee's recommendation on case #09-31.

1 #09-54 agreed order was not accepted and will come back to the next board meeting.

2
3 B. Discussion of committee meeting of February 6, 2009.
4 The committee recommended two agreed orders, and held 2 informal conferences.

5
6 C. Discussion of investigative activities to date.
7 The committee received 40 complaints, resolved 32 at a cost of \$120 in 132 days.

8
9 John Maline and Roger Matson, Presiding Officer of the Executive Council, joined the board
10 meeting in progress. John introduced Mr. Matson to the board.

11
12 **5. Discussion and Possible Action On Executive Director's Report concerning fiscal**
13 **and budgetary matters, performance measures, the Executive Council, ongoing**
14 **projects, and other agency business.**

15 Mr. Maline presented his report which included the statistics on the agency's income, expenses
16 and performance measures for the 1st quarter. He shared with the Board the Lieutenant
17 Governor's letter with a 2.5% deduction of agency appropriations and reminded the board about
18 restrictions of travel expenses. Mr. Maline mentioned the bills he was following, especially HB
19 661, the Dr. Hector P. Garcia bill.

20
21 **2. Discussion and possible action on the Texas Occupational Therapy Association's**
22 **reports on:**

23 **A. Proposed CE pre-approval program and correspondence of J. Polichino and L.**
24 **Veale regarding TOTA's proposed course pre-approval program.**

25 **B. TOTA's legislative plans regarding the OT Practice Act.**

26
27 Lynda Jennings, TOTA President, announced that they had worked on several changes to the
28 OT Practice Act. Mary Hennigan stated that she had worked with Augusta, Kitty Reid, and
29 AOTA staff, but the wording for the bill was still not ready, but will be filed soon.

30
31 Lynda Jennings stated that they were still interested in working with the Board on a pre-approval
32 CE program. They are open to any suggestions the board may have.

33
34 The board took a brief recess at 10:30 AM and reconvened at 10:40am.

35
36 **7. Rules Committee Report**

37
38 **A. Discussion and possible adoption of proposed amendment that would**
39 **either change or delete the following:**

40 Motion: to publish §362.1 as presented

41 Motion by: Stephanie Johnston

42 Second by: Kathleen Hill

43 Motion passed unanimously.

44
45 **B. Discussion and possible proposed amendment to §364.4 Licensure by**
46 **Endorsement to verify every state license held.**

47 Motion: to published §364.4 as presented

48 Motion by: Judith Chambers

49 Second by: Stephanie Johnston

50 Motion passed unanimously.

51
52 **C. Discussion and possible proposed amendment to §370.2 Late Renewal to**
53 **verify current and expired state licenses held since leaving Texas licensure in**
54 **order to restore the previously held Texas license.**

1 Motion: to publish §370.2 as presented
2 Made by: Bobby Vasquez
3 Second: Pamela Nelon
4 Motion passed unanimously.
5

6 **D. Discussion and possible proposed amendment to §373.3**
7 **Supervision of a Licensed Occupational Therapy Assistant to add clarification**

8 Motion: To publish §373.3 as presented
9 Made by: Bobby Vasquez
10 Second: Kathleen Hill
11 Motion passed unanimously.
12

13 **8. Education Committee Report**

14 **A.** Discussion and possible action concerning correspondence about fieldwork
15 supervision as continuing education and possible amendment to §367.2 Categories of
16 Education.

17 Motion: to publish §367.2 as presented
18 Made by: The Education Committee
19 Motion passed unanimously.
20

21 **B. Discussion and possible action on CE audits.**

22 A lively discussion followed about the ability of those who can finish an online CE
23 offering in less time than the hours allotted for CE. Since there is a question about how
24 licensee can be awarded 30 hours in one day, the licensee's audit will be sent to the
25 Investigation Committee to request further information.
26

27 **9. Discussion and possible action on board members' practice answers to licensees.**

28 Mark Turek reminded the board that many licensees may approach them for answers to
29 practice questions. He reminded the board that questions and answers need to come to the
30 board for several reasons.

- 31 1. The answers need to be consistent
- 32 2. The answers can shared with others
- 33 3. The board can be a repository for the information
34

35 **10. Discussion and possible action on the OT Coordinator's Report**

36 Augusta Gelfand referred to her written report.
37

38 **11. Presiding Officers Report**

39 There was no written report.
40

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

42 The future board dates are: May 22, August 14, November 13, 2009, February 26, May 21, and
43 August 20, 2010.
44

45 **13. Adjournment**

46 The Board adjourned at 11:32 pm.
47

48
49 The Board adopted the Minutes on: May 22, 2009