

1 **TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

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2 Board Meeting  
3 August 14, 2009  
4 9:30AM  
5 333 Guadalupe St #2-510  
6 Austin, TX  
7

8 Members Present: Catherine Benavidez, OT  
9 Dely De Guia Cruz, Public Member  
10 Judith Chambers, Public Member  
11 Kathleen Hill, COTA  
12 Stephanie Johnston, OTR  
13 Pamela Nelon, Public Member  
14 Todd Novosad, OTR  
15 Angela Sieffert, OTA  
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17 Staff: John Maline, Executive Director  
18 Augusta Gelfand, OT Coordinator  
19 Mark Turek, Chief Investigator  
20 Don Meshell, Assist. Licensing Manager  
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22 Guests: Lynda Jennings, OTR, Texas Occupational Therapy Association, President  
23 Jean Polichino, OTR, Former Board Chair  
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26 **I. Call to Order**

27 Stephanie Johnston, Board Chair, called the roll and established that a quorum existed.  
28 The meeting was called to order at 9:39AM.  
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30 **2. Public Comment**

31 There was no public comment  
32

33 **3. Approval of Minutes of May 22, 2009**

34 Motion: To accept the minutes as written  
35 Made by: Judith Chambers  
36 Second: Angela Sieffert  
37 Motion passed unanimously  
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39 **4. Discussion on Continuing Education**

40 Jean Polichino gave a PowerPoint presentation on the Board's continuing education history and  
41 reasoning. Lynda Jennings gave a presentation on the Texas Occupational Therapy Association's  
42 involvement with the CE approved provider system and their proposed course approval program.  
43 Both took questions from the board.  
44

45 **5. Discussion and Possible Action On Executive Director's Report concerning fiscal and  
46 budgetary matters, performance measures, the Executive Council, ongoing projects,  
47 legislative session, agency personnel matters and other agency business.**

48 Mr. Maline presented his report which included the statistics on the agency's income, expenses and  
49 performance measures for the quarter, including relevant bills, customer service reports for the last  
50 two years. He also covered all the fiscal issues of the agency.  
51

52 The board took a recess from 11:02 to 11:12am.  
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1 **6. Investigation Committee Report**

2 **A. Discussion and possible action on cases: 09-46; 09-74; 09-88; 09-89; 09-90; 09-**  
3 **91; 09-94; 09-103; 09-115; 09-122; 09-125; 09-133; 09-143; and 09-147**

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5 The board ratified the committee's recommendation on cases: 09-46; 09-74; 09-88; 09-89;  
6 09-90; 09-94; 09-103; 09-115; 09-122; 09-125; 09-133; 09-143; and 09-147.

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8 **B. Discussion of committee meeting of July 31, 2009.**

9 The committee reviewed 67 investigation; issued 13 agreed orders; and held one  
10 information conference.

11  
12 **C. Discussion of investigative activities to date.**

13 During the third quarter for FY 2009, the board received 38 complaints and resolved 35  
14 investigation at a cost of \$100.00 in an average of 123 days.

15  
16 **7. Executive Session pursuant to §551.074 of the Government Code, regarding the**  
17 **appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of**  
18 **the Executive Director**

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20 The board went into closed session at 12:37 and return to open session at 12:49pm. The board  
21 returned to open session at 12:52pm.

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23 **8. Rules Committee**

24 **A. Discussion and possible amendment to §370.2. Late Renewal, to discuss late**  
25 **renewal and restoration of expired licenses**

26 Motion: To propose the publication of amendments to §370.2

27 Made by: Judith Chambers

28 Second: Catherine Benavidez

29 Motion passed unanimously

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31 **B. Discussion and possible amendment to §376.5, Exemptions to Facility Registration to**  
32 **add the requirements for out-patient registration for nursing homes, assisted living**  
33 **centers, and off site outpatient, hospital owned facility**

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35 Motion: To propose for publication amendments to §376.5

36 Made by: Catherine Benavides

37 Second: Todd Novosad

38 Motion passed unanimously

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40 **C. Discussion and possible amendment to §375.1 Fees**

41 Mr. Maline and Ms Gelfand presented fee changes for facilities, late fees and restoration fees.

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43 **9. Rules Adoption**

44 **A. Discussion and possible adoption of proposed amendments to §364.1, Requirements**  
45 **for Licensure, to restore the use of OT and OTA**

46 **B. Discussion and possible adoption of proposed amendments to §364.3, Temporary**  
47 **License, to restore the use of OT and OTA**

48 **C. Discussion and possible adoption of proposed amendments to §369.3, Use of Titles,**  
49 **to restore the use of OT and OTA**

50 **D. Discussion and possible adoption of proposed amendments to §371.2, Retired**  
51 **Status, to restore the use of OT and OTA**

52 **E. Discussion and possible adoption of proposed amendments to §372.1, Provision of**  
53 **Services, to restore the use of OT and OTA**

- 1 F. Discussion and possible adoption of proposed amendments to §373.1, Supervision of
- 2 Non-Licensed Personnel, to clarify the use of OT and OTA
- 3 G. Discussion and possible adoption of proposed amendments to §373.2, Supervision of
- 4 a Temporary Licensee, to restore the use of OT and OTA
- 5 H. Discussion and possible adoption of proposed amendments to §376.1, Facility
- 6 Registration, Definitions, to restore the use of OT and OTA
- 7 I. Discussion and possible adoption of proposed amendments to §376.3, Requirements
- 8 for Facility Registration, to restore the use of OT and OTA
- 9 J. Discussion and possible adoption of proposed amendments to §376.4, Requirements
- 10 for Registered Facilities, to restore the use of OT and OTA
- 11 K. Discussion and possible adoption of proposed amendments to §376.6, Renewal of
- 12 Facility Registration, to restore the use of OT and OTA
- 13

14 Ms. Gelfand reported that no public comment was received on any of the proposed rules.

15 Motion: To propose the adoption of §364.1; §364.3; §369.3; §371.2; §372.1; §373.1; §373.2;

16 §376.1; §376.3; §376.4; and §376.6

17 Made by: Todd Novosad

18 Second: Pamela Nelon

19 Motion passed unanimously.

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

22 Ms. Gelfand explained the recent rulings and mailings to notify licensees about the requirement to

23 registered out-patient services at nursing homes, assisted living centers and off-site out-patient

24 hospitals. She also explained that the agency is now exchanging files with the Attorney General's

25 office to check on child support, as well as file exchanges with the Texas Guaranteed Student Loan

26 Corp. (TGSLC) concerning student loan payments. She reported to the board that the proposed

27 rules would be in place to enforce by January 1, 2009, along with the amended Practice Act. She

28 pointed out the statistics on her report on the failure rates for continuing education audits, and

29 mentioned the latest statistics on exam score reports in Texas.

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#### 31 **11. Presiding Officers Report**

32 There was no written report. Ms. Johnston suggested that the board members visit the Accounting

33 Department and meet Nell McMillan, if they hadn't. Ms. Johnston noted the high grades on the

34 agency survey and how impressed the board was with the hard work of the agency and staff.

35

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

37 The future board dates are: November 13, 2009, in San Antonio, February 26, 2010 May 21, 2010

38 and August 20, 2010.

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#### 40 **13. Adjournment**

41 The Board adjourned at 2:12pm.

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The Board adopted the Minutes on: November 13, 2009