

1 **TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

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2 Board Meeting  
3 May 22, 2009  
4 9:00AM  
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  
16 Bobby James Vasquez, OTR  
17

18 Staff: John Maline, Executive Director  
19 Kevin Heyburn, Assistant Attorney General  
20 Augusta Gelfand, OT Coordinator  
21 Mark Turek, Chief Investigator  
22

23 Guests: Bridget Piernik-Yoder, OTR, Standards & Practice Council, TOTA  
24 Mary Hennigan, MOT, Executive Director, TOTA  
25 Amy Foster  
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28 **I. Call to Order**

29 Kathleen Hill, Secretary, called the roll and established that a quorum existed.  
30 The meeting was called to order at 9:00AM. Ms. Hill asked the board members to introduce  
31 themselves for the benefit of the three new board members.  
32

33 **2. Public Comment**

34 There was no public comment  
35

36 **3. Election of Officers**

37 Kathleen called for nomination for all three elected offices. Stephanie Johnston was elected  
38 Presiding Officer; Bobby James Vasquez, Vice Chair; and Kathleen Hill, Secretary.  
39

40 **3. Approval of Minutes of February 20, 2009**

41 Motion: To accept the minutes as corrected  
42 Made by: Kathleen Hill  
43 Second: Dely Cruz  
44 Motion passed unanimously  
45

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

49 Mr. Maline presented his report which included the statistics on the agency's income, expenses  
50 and performance measures for the quarter, including relevant bills, and board member  
51 nominations at the Senate.  
52

53 The board took a recess from 11:08 to 11:15am.

1 **6. Investigation Committee Report**

2 A. Discussion and possible action on cases: 09-46; 09-50; 09-54; 09-67; 09-69; 09-  
3 71; 09-72; 09-76; 09-84; 09-89; and 09-96.

4  
5 The board ratified the committee's recommendation on cases: 09-50; 09-54; 09-67; 09-69; 09-  
6 71; 09-72; 09-76; 09-84; and 09-96.

7  
8 B. Discussion of committee meeting of May 9, 2009.  
9 The committee issued eleven agreed orders, and held one informal conference.

10  
11 C. Discussion of investigative activities to date.  
12 The committee received 32 complaints; resolved 34 at a cost of \$78.00 in 130 days per  
13 closure.

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15 **7. Discussion and Possible Action on ECI Document to add clarification to the OT**  
16 **and ECI collaboration**

17 The Rules Committee recommended the amended document about the collaboration and  
18 clarification of Early Childhood Intervention (ECI) and OT Rules. Augusta will post it to the  
19 website.

20  
21 **8. Rules Adoption**

22 A. Discussion and possible adoption of proposed amendments to §362.1,  
23 Definitions to add clarification to the Definitions Chapter.

24 Motion: To adopt §362.1 as published

25 Made by: Bobby James Vasquez

26 Second: Judith Chambers

27 Motion passed unanimously

28  
29 B. Discussion and possible adoption of proposed amendments to §364.4 Licensure  
30 by Endorsement, to verify every state license current or expired licenses held.

31  
32 Motion: To adopt §364.4 as published

33 Made by: Judith Chambers

34 Second: Dely Cruz

35 Motion passed unanimously

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37 C. Discussion and possible adoption of proposed amendments to §367.2,  
38 Categories of Continuing Education, to add continuing education credit for fieldwork  
39 supervision. The board reviewed and discussed the public comments.

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41 Motion: To adopt §367.2 as published

42 Made by: Bobby James Vasquez

43 Second: Pamela Nelon

44 Motion passed unanimously

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46 D. Discussion and possible adoption of proposed amendments to §370.2 Late  
47 Renewal, to verify the current and expired state licenses held since leaving Texas in  
48 order to restore the Texas license.

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50 Motion: To adopt §370.2 as published

51 Made by: Judith Chambers

52 Second: Catherine Benavidez

53 Motion passed unanimously

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1 E. Discussion and possible adoption of proposed amendments to §373.3, Supervision  
2 of a Licensed Occupational Therapy Assistant to add clarification.  
3

4 Motion: To adopt §373.3 as published  
5 Made by: Kathleen Hill  
6 Second: Catherine Benavidez  
7 Motion passed unanimously  
8

9 **9. Rules Committee Report**

10 Discussion and possible amendments to:

11 A. Discussion and possible proposed amendments to §364.1, Requirements for  
12 Licensure, to restore the use of OT and OTA.  
13

14 Motion: To propose for publication amendments to §364.1  
15 Made by: Rules Committee  
16 Motion passed unanimously  
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18 B. Discussion and possible proposed amendments to §364.3, Temporary  
19 License, to restore the use of OT and OTA.  
20

21 Motion: To propose for publication amendments to §364.3  
22 Made by: Rules Committee  
23 Motion passed unanimously  
24

25 C. Discussion and possible proposed amendments to §369.3, Use of Titles, to  
26 restore the use of OT and OTA  
27

28 Motion: To propose for publication amendments to §396.3  
29 Made by: Rules Committee  
30 Motion passed unanimously  
31

32 D. Discussion and possible proposed amendments to §371.2, Retired Status,  
33 to restore the use of OT and OTA.  
34

35 Motion: To propose for publication amendments to §371.2  
36 Made by: Rules Committee  
37 Motion passed unanimously  
38

39 E. Discussion and possible proposed amendments to §372.1, Provision of  
40 Services, to restore the use of OT and OTA.  
41

42 Motion: To propose for publication amendments to §372.1  
43 Made by: Rules Committee  
44 Motion passed unanimously  
45

46 F. Discussion and possible proposed amendments to §373.1, Supervision of  
47 Non-Licensed Personnel, to clarify the use of OT and OTA  
48

49 Motion: To propose for publication amendments to §373.1  
50 Made by: Rules Committee  
51 Motion passed unanimously  
52

53 G. Discussion and possible proposed amendments to §373.2, Supervision of a  
54 Temporary Licensee, to restore the use of OT and OTA.

1 Motion: To propose for publication amendments to §373.2  
2 Made by: Rules Committee  
3 Motion passed unanimously  
4 H. Discussion and possible proposed amendments to §376.1, Facility  
5 Registration, Definitions, to restore the use of OT and OTA.  
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7 Motion: To propose for publication amendments to § 376.1  
8 Made by: Rules Committee  
9 Motion passed unanimously

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11 I. Discussion and possible proposed amendments to §376.3, Requirements for  
12 Facility Registration, to restore the use of OT and OTA.  
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14 Motion: To propose for publication amendments to §376.3  
15 Made by: Rules Committee  
16 Motion passed unanimously

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18 J. Discussion and possible proposed amendments to §376.4, Requirements for  
19 Registered Facilities, to restore the use of OT and OTA.  
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21 Motion: To propose for publication amendments to §376.4  
22 Made by: Rules Committee  
23 Motion passed unanimously  
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25 K. Discussion and possible proposed amendments to §376.6, Renewal of  
26 Facility Registration, to restore the use of OT and OTA.  
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28 Motion: To propose for publication amendments to §376.6  
29 Made by: Rules Committee  
30 Motion passed unanimously  
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32 **10. Discussion and possible action on the OT Coordinator's Report**

33 Ms. Gelfand explained the recent rulings and mailings to notify licensees about the requirement  
34 to registered out-patient services at nursing homes, assisted living centers and off-site out-  
35 patient hospitals. She also explained that the agency is now exchanging monthly files with the  
36 Attorney General's office to check on child support, as well as file exchanges with the Texas  
37 Guaranteed Student Loan Corp. (TGSLC) concerning student loan payments. Lastly, she  
38 mentioned the latest statistics on the NBCOT scores.  
39

40 **11. Presiding Officers Report**

41 There was no written report. Ms Johnston announced that she will contact all the board  
42 members about committee assignments.  
43

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

45 The future board dates are: August 14, November 13, 2009, in San Antonio, February 26, 2010  
46 May 21, 2010 and August 20, 2010. Todd Novosad asked that the board discuss a deadline  
47 for the out-patient facility registration discussed in Ms. Gelfand's report.  
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49 **13. Adjournment**

50 The Board adjourned at 12:54pm  
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53 The Board adopted the Minutes on: August 14, 2009