

1 **TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

2 Board Meeting
3 November 21, 2008
4 10:00AM

5 Renaissance Hotel, San Saba Room
6 Austin, TX
7
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9

10 Members Present: Cecilia Fierro, OTR, Presiding Officer
11 Judith Chambers, Public Member
12 Dely De Guia Cruz, Public Member
13 Kathleen Hill, COTA
14 Stephanie Johnston, OTR
15 Pamela Nelon, Public Member
16 Bobby James Vasquez, OTR
17

18 Members Absent: Michael Carreon, COTA
19 Clarissa Meyers, OTR
20

21 Staff: Kevin Heyburn, Assistant General Attorney
22 John Maline, Executive Director
23 Augusta Gelfand, OT Coordinator
24 Mark Turek, Chief Investigator
25 Cynthia Machado, Licensing Manager
26

27 Guests: Lynda Jennings, OTR, President-Elect, TOTA
28 Mary Hennigan, MOT, Executive Director, TOTA
29 Kathy Hutto, Legislative Advisor, TOTA
30 Karin Barnes, OTR, TOTA Member
31 Joan Bell, OTR, TOTA Member
32 Bridgett Piernik-Yoder, OTR, TOTA Member
33 Constance Daby, OTR, TOTA Member
34 Jaclyn Low, OTR, TOTA Member
35

36
37 **I. Call to Order**

38 Cecilia Fierro, Presiding Officer, called the roll and established that a quorum existed.
39 The meeting was called to order at 10:03 AM. Cecelia introduced Kathleen Hill, COTA, newly
40 appointed board member, who replaces Joe Messmer on the board.
41

42 **2. Public Comment**

43 There was no public comment
44

45 **3. Approval of Minutes of July 31-August 1, 2008**

46 Motion: To accept the minutes as written

47 Made by: Bobby Vasquez

48 Second: Stephanie Johnston

49 Motion passed unanimously
50

51 **4. Election of Board Secretary**

52 Cecilia asked for a volunteer for the position of Board Secretary and outlined the job

1 responsibilities. Kathleen Hill offered to accept the position. The board voted for Kathleen
2 Hill's position as Secretary unanimously.

3
4 **5. Discussion and possible action on the Texas Occupational Therapy Association's**
5 **presentation:**

6
7 **A. Request for CE pre-approval authority**

8 Lynda Jennings gave a PowerPoint presentation on TOTA proposed course approval program,
9 which they see going into effect on January 1, 2010, after TOTA gets wording changes in the
10 OT Practice Act and have the time to get the program running. The AOTA Approved Provider
11 Program and College and University programs would not be affected by the pre-approval course
12 program. TOTA's Reviewers will have to take a TOTA training course. Denied courses or
13 providers will be posted on TOTA's website. The TBOTE Board would receive quarterly reports
14 from TOTA.

15
16 Jacklyn Low asked about courses taken at national conferences and post-approval, which
17 Lynda said would be part of TOTA's program. Cecilia asked about the revised forms, which
18 were not presented and asked that they be part of the presentation at the next board meeting.
19 Bobby Vasquez thanked TOTA for their hard work and efforts.

20
21 **B. OT Practice Act and TOTA's legislative plans.**

22 Lynda Jennings reported that of the several items they discussed the association was interested
23 and willing to work to amend:

24 §454.204 to require graduation from an accredited occupational therapy program.

25 §454.252 to limit the late fee and

26 §454.253 to make alternatives to the retaking of the NBCOT exam.

27 §454.254 to remove the last sentence which disallows changes after 2003.

28 TOTA discussed other OT Practice Act changes and decided to delay action for Sunset review.

29
30 Cecelia thanked TOTA and expressed the interest of the Board to work and communicate with
31 TOTA and a collaborative manner on these issues and any others.

32
33 **6. Discussion and Possible Action On Executive Director's Report concerning fiscal**
34 **and budgetary matters, performance measures, the Executive Council, agency**
35 **personnel, strategic plan, ongoing projects, and other agency business.**

36 Mr. Maline presented his report which included the statistics on the agency's income, expenses
37 and performance measures for the 4th and final quarter. He also presented the income and
38 expense data to date. He shared with the Board the governor's letter about restrictions of
39 travel at state expense. He also reported that Kathleen Hill, our new board member had
40 completed all the required training to be a board member and showed a photo of Kathleen,
41 Stephanie and Judith with Governor Perry at the state's new board member orientation and
42 training.

43
44 The board took a brief recess at 11:21am and reconvened at 11:34 am.

45
46 **7. Investigation Committee Report**

47 **A. Review and Possible Action on Agreed Orders#: 08-29; 08-55; 08-66; 08-99; 08-**
48 **102; 08-104; 08-108; 08-124; 08-128; 08-132; 09-06; and 09-09.**

49
50 A. The Board voted unanimously to ratify orders: 08-108; 09-06; 08-132; 09-09; 08-
51 124; 08-128; 08-66; 08-29; 08-99; and 08-55.

52
53 **B. Discussion of committee meeting on October 31, 2008**

1 The Committee reviewed 38 cases which resulted in 12 Agreed Orders and 2
2 informal conferences.

3
4 **C. Discussion of investigative activities to date**

5 Mr. Turek reported that, in the 4th quarter, 45 investigations were completed -
6 resulting in 7 Agreed Orders, at an average cost of \$79 per case and in an
7 average of 123 days per case.

8
9 **8. Discussion and possible adoption of proposed amendments that would either**
10 **change or delete the following:**

11 **A. §362.1 Definitions: Health Care Condition, Licensed Occupational**
12 **Therapist, Licensed Occupational Therapy Assistant, Occupational**
13 **Therapist, Occupational Therapy Assistant, Occupational Therapy**
14 **Practitioners, Regular License, Supervision, Temporary License**

15 Two public comments were received about the proposed amendment. The board revised one
16 definition as a result of one comment.

17 Motion: To adopt proposed amendments to §362.1 as amended at the meeting.

18 Made by: Judith Chambers

19 Second: Bobby Vasquez

20 Motion passed unanimously.

21
22 **9. Discussion and possible proposed amendments to:**

23 A. §364.4 Licensure by Endorsement, to verify every state license currently or
24 previously held.

25 B. §370.2 Late Renewal, to verify the current and other state license held since
26 leaving Texas in order to restore the Texas license.

27 Cecilia assigned this discussion to the Rules Committee before the next meeting.

28
29 **10. Discussion and possible action concerning correspondence about fieldwork**
30 **supervision and continuing education.**

31 The board discussed the possible continuing education credit for those who supervise OT and
32 OTA fieldwork students. Cecilia assigned this issue for discussion at the next Education
33 Committee meeting.

34
35 **11. Discussion and possible action on the OT Coordinator's Report**

36 Augusta Gelfand referred to her written report. She mentioned that she and Cecilia had
37 attended NBCOT's annual conference, which had a main topic of continued competency. She
38 reported on the agency's immediate response to the recent Hurricane Ike and that the agency
39 had waived late fees and CE audits for those counties the governor mentioned as affected.

40
41 **12. Presiding Officers Report**

42 There was no written report. Cecilia announced that she was expecting a boy in March and
43 planned to attend the February board meeting.

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

46 The future board dates are: November 21, 2008; February 20, and May 22, all in Austin. The
47 board discussed future meeting dates of Aug. 7th, 14th, or 28th.

48
49 **14. Adjournment**

50 The Board adjourned at 12:34pm.

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53 The Board adopted the Minutes on: February 20, 2009