

1 **Texas Board of Occupational Therapy Examiners**

2 BOARD MEETING MINUTES

3 August 5, 2016

4 333 Guadalupe, Suite #2-510

5 Austin, TX 78701

6 9:00 AM

7
8 Members Present: Stephanie Johnston, OTR, Chair
9 Todd Novosad, OTR, Vice Chair
10 Amanda Jean Ellis, Public Member
11 Sally Harris, COTA
12 Pamela D. Nelon, Public Member
13

14 Members Absent: Jennifer B. Clark, COTA
15 William N. Hale, Public Member
16 DeLana Honaker, OTR, PhD, FAOTA, Secretary
17

18 Counsel Present: Kara Holsinger, Assistant Attorney General
19

20 Staff Present: John Maline, Executive Director
21 Mark Turek, Chief Investigator
22 Amy Carter, Investigator
23 Cynthia Machado, Licensing Manager
24 Michael Briscoe, Asst. Licensing Manager
25 Lea Weiss, OT Coordinator
26

27 Public Attendees: Marce Ayala, OTA Student
28 Robin Clearman, OTR, TOTA President
29 Anna Haertling, TOTA Chair of the Gulf Coast East District
30 Katherine Hahn, OT Student
31 Jessica Moffet, OTA Student
32 Elena Omi, OTA Student
33 Denise Rose, Governmental Affairs Consultant, Jackson Walker LLP,
34 associate of Kathy Hutto, TOTA Legislative Advisor
35 Lindsay Strawser, OTA Student
36

37 **1. Call to Order**

38 The meeting was called to order at 9:10 AM by Stephanie Johnston, Presiding Officer. She called the
39 roll and announced that a quorum existed.
40

41 **2. Public comment**

42 There was no public comment.
43

44 **3. Approval of Minutes of May 6, 2016**

45 **Motion: To approve the minutes as written**

46 **Made by: Todd Novosad**

47 **Second by: Sally Harris**

48 **Motion passed.**
49

50 **4. Discussion and possible action on the Executive Director's Report concerning fiscal and**
51 **budgetary matters, performance measures, ongoing projects, agency personnel matters,**
52 **the current Sunset Review, Executive Council activity, and other agency business**

53 John Maline briefed the Board on the fiscal standing of the agency, performance measures, and

1 budgetary and agency personnel matters. He also discussed the current Sunset Review and the
2 Sunset Commission public hearing of June 23, 2016, in addition to issues relevant to agency business.

3
4 The Board recessed at 10:10 AM and reconvened at 10:22 AM.

5
6 **5. Investigation Committee Report**

7 **A. Review and possible action on Agreed Orders for case numbers: 15-167; 16-**
8 **007; 16-047; 16-122; 16-152; 16-158; 16-162; 16-164; 16-172; 16-175; 16-**
9 **195; 16-196; 16-214; and 16-226**

10 The Board ratified case numbers: 16-164; 16-175; 16-196; 15-167; 16-007; 16-195; and 16-158.

11
12 **B. Discussion and possible action on the Investigation Committee Meeting of**
13 **July 7, 2016**

14 Mark Turek reported that seventy seven cases were reviewed at the July 7, 2016 meeting, resulting in
15 the Investigation Committee's issuance of fourteen Agreed Orders. One informal conference was held.

16
17 **C. Discussion and possible action on investigative activities to date**

18 Mark Turek reported on performance measures and on-site investigations since the last Board meeting.

19
20 **6. Discussion and possible action on occupational therapy consultative services and**
21 **the use of electronic information/communications technologies for the provision of**
22 **occupational therapy services including services provided by telehealth**

23 The Board discussed occupational therapy consultative services and the use of electronic
24 information/communications technologies for the provision of occupational therapy services including
25 services provided by telehealth

26
27 **7. Discussion and possible action on case management regarding the provision of**
28 **occupational therapy services and continuing education, including on a letter received**
29 **regarding case management from the American Occupational Therapy Association**

30 The Board discussed case management regarding the provision of occupational therapy services and
31 continuing education, including on a letter received regarding case management from the American
32 Occupational Therapy Association.

33
34 **8. Rules Committee Report**
35 **Discussion and possible action on recommendations from the Rules Committee**
36 **including the following items:**

37 **A. Discussion and possible action on proposing a rule amendment to §369.1,**
38 **Display of Licenses**

39 Lea Weiss reviewed recommendations made by the Rules Committee concerning changes to §369.1,
40 Display of Licenses, which would clarify the section by removing the provision that the wallet-sized
41 license must be carried by the licensee when in practice settings other than the licensee's principal
42 place of business. The changes would also clarify in this section that a licensee may provide
43 occupational therapy services according to the terms of the license upon online verification of current
44 licensure and license expiration date from the Board's license verification page by removing language
45 referring only to a new licensee with a regular or temporary license. The change would align this
46 section with other existing sections that refer to additional license types that may be verified online.

47
48 **Motion: To propose and publish the amendment to §369.1, Display of Licenses**

49 **Made by: Rules Committee**

50 **Second by: None required**

51 **Motion passed.**

52
53 **B. Discussion and possible action on proposing a new rule section regarding**
54 **licensure of individuals with criminal convictions**

1 Lea Weiss reviewed the Rules Committee's discussion including that any action on the item would wait
2 until the Sunset Commission had rendered its decision regarding the Sunset Staff report
3 recommendation concerning directing the Board to adopt rules to specify the types of criminal activities
4 that may result in denial, suspension, or revocation of a license.
5

6 **C. Discussion and possible action on changes to the Jurisprudence Examination**

7 Lea Weiss reviewed the Rules Committee's discussion and noted the Committee discussed changes to
8 the Jurisprudence Examination.
9

10 **D. Discussion and possible action on questions received by the Texas Board of
11 Occupational Therapy Examiners related to the OT Practice Act and Board Rules**

12 Lea Weiss reviewed the Rules Committee's discussion regarding questions related to the OT Practice
13 Act and Board Rules as received by the Texas Board of Occupational Therapy Examiners.
14

15 **9. Education Committee Report**

16 **Discussion and possible action on recommendations from the Education Committee
17 including the following items:**

18 **A. Discussion and possible action on acceptable and unacceptable continuing
19 education activities, continuing education documentation, and proposing rule
20 amendments to Chapter 367**

21 Todd Novosad reviewed recommendations made by the Education Committee with regard to changes
22 to §367.1, Continuing Education. The amendment would remove the provision that educational
23 activities that meet the criteria for continuing education as per Chapter 367 that are approved or offered
24 by the American Occupational Therapy Association or the Texas Occupational Therapy Association are
25 pre-approved by the Board and that the Board will review its approval process and continuation thereof
26 for educational activities by January 2005 and at least once each five-year period thereafter. The
27 amendment would clarify continuing education rules, as any educational activity approved or offered by
28 any provider that meets the requirements of Chapter 367 is acceptable as continuing education, and
29 licensees are responsible for choosing continuing education according to the provisions in Chapter 367.
30

31 **Motion: To propose and publish the amendment to §367.1, Continuing Education**

32 **Made by: Education Committee**

33 **Second by: None required**

34 **Motion passed.**
35

36 **B. Discussion and possible action on changes to the Jurisprudence Examination**

37 Todd Novosad reviewed the Education Committee's discussion and noted the Committee discussed
38 changes to the Jurisprudence Examination.
39

40 **C. Discussion and possible action on questions received by the Texas Board of
41 Occupational Therapy Examiners related to continuing education**

42 Todd Novosad noted that no questions had been discussed.
43

44 **10. Discussion and possible action on the OT Coordinator's Report. The Coordinator's
45 Report may concern any items listed on the agenda and events that have occurred
46 between this meeting and the Board's last meeting.**

47 Lea Weiss discussed recent activities at the Board including the Board's mass emailing project,
48 updates to the website, and information regarding Board licensing statistics.
49

50 **11. Discussion and possible action on the Presiding Officer's Report. The Presiding
51 Officer's report may concern any items listed on the agenda and events that have
52 occurred between this meeting and the Board's last meeting.**

1 Stephanie Johnston thanked the public attendees for attending. In addition, she discussed the NBCOT
2 2016 Inaugural State Regulatory Leadership Forum and noted the sessions she and Lea Weiss
3 attended.

4

5 **12. Discussion and possible action on scheduling future Board meeting dates and agenda**
6 **items for future consideration**

7 Stephanie Johnston noted that the next Board meeting has been scheduled for November 4, 2016,
8 during the TOTA Mountain Central Conference in Sugar Land, with possible Committee meetings to be
9 held November 3, 2016. The Board discussed future meeting dates of February 3, 2017; May 5, 2017;
10 and August 18, 2017 in a location to be determined, with possible Committee meetings to be held
11 February 2 and 3, 2017; May 4 and 5, 2017; and August 17 and 18, 2017.

12

13 **13. Adjournment**

14 The Board adjourned at 11:20 PM.

15

16 **Minutes adopted on:** November 4, 2016