

Texas Board of Occupational Therapy Examiners

BOARD MEETING
September 13, 2013
333 Guadalupe St #2-510
Austin, TX 78701
9:30AM

Members Present: Stephanie Johnston, OTR, Chair
Jennifer B. Clark, COTA
Amanda Ellis, Public Member
Will Hale, Public Member
DeLana Honaker, OTR, PhD
Pamela Nelon, Public Member

Members Absent: Todd Novosad, OTR, Vice Chair
Catherine Benevidez, OT
Angela Sieffert, OTA

Staff: John Maline, Executive Director
Kara Holsinger, Assistant Attorney General
Mark Turek, Chief Investigator
Augusta Gelfand, OT Coordinator
Cynthia Machado, Licensing Manager
Danielle DeVellis, Investigator

Guest: Mary Frances Baxter, Standard and Practice Chair, TOTA

1. Call to Order

The meeting was called to order at 9:33AM by Stephanie Johnston, Presiding Officer. She called the roll and announced that a quorum existed. Ms. Johnston welcomed the new board members, Amanda Ellis and Jennifer Clark and acknowledged Ms. Baxter, representing TOTA to the meeting. Mr. Maline announced that the new board members had received their orientation on August 2, 2013; completed all the requirements of the state; and were duly authorized to serve.

2. Public comment

There was no public comment.

Mr. Hale joined the meeting at 9:35AM.

3. Review of Minutes of May 17, 2013

A. Motion: to approve the Minutes from May 17, 2013
By: DeLana Honaker
Second: Pamela Nelon
Motion passed.

4. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary matters, performance measure, ongoing projects, agency personnel matters, potential costs saving measures, and other agency business

John Maline briefed the Board on the bills that passed into law. He discussed the fiscal standing of the agency and the current performance measures. He mentioned that we have a new employee at the front desk, as the previous receptionist has joined the licensing staff in the Initial Licensing Department.

7. Investigation Committee Report (taken out of order)

A. Review and possible action on Agreed Orders for cases: 12-022; 13-097; 13-107; 13-114; 13-115; 13-116; 13-118; 13-119; 13-121; 13-127; 13-132; 13-138; and 13-149.

The Board ratified #13-138; 13-132; 13-127; 13-121; 13-114; 13-115; 13-118; 13-097; 13-116; 12-022.

B. Discussion and possible action on the Investigation Committee Meeting of August 16 2013.

The Committee reviewed 66 cases and issued 13 Agreed Orders, 1 Informal Conference was held.

C. Discussion and possible action on investigative activities to date.

The Board took a recess at 10:40AM and resumed at 10:49AM.

5. Executive Session pursuant to §551.074 of the Government Code, regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners

The Board went into closed session at 10:50 AM.

6 Discussion and possible action pursuant to §551.074 of the Government Code, regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners

The Board returned to open session at 10:59AM. Stephanie Johnston announced that the Board was very happy with John Maline's leadership and performance as Executive Director.

8. Education Committee Report

Discussion and possible action on proposed rule amendment to §367.2, Categories of Continuing Education, to discuss the post-test for online, teleconferences and home study courses

Motion: To propose and publish §367.2 as discussed.

Made by: Education Committee

Second: Pamela Nelon

Motion passed

9. Rules Committee Report

Discussion and possible action on proposed rule amendments to:

- A. §364.1, Requirements of Licensure, to add Military references and "Address of Record" for new licensees
- B. §370.1, License Renewal, to add an "Address of Record" for renewing licensees
- C. §374.3, Code of Ethics, to publish & use AOTA's 2010 Code of Ethics.

Motion: To propose changes to these three rules as discussed

Motion by Rules Committee

Second: Pamela Nelon

Motion passed.

10. Adoption of proposed and published amendments

- A. §362.1, Definitions
- B. §369.3, Use of Titles
- C. §372.1, Provision of Services
- D. §373.3, Supervision of an Occupational Therapy Assistant
- E. §376.4, Requirements for Registered Facilities

The Board discussed using the symbol for the registered trademark, OTR® and COTA® only in §362,1 and in §369.3 and not the other adopted rules, lest licensees think have sign with the registered logo. There was no public comment on any of these 5 proposed and published rules.

Motion: To adopted the proposed amendments

Made by: DeLana Honaker

Second Jennifer Clark

Motion passed.

11. Discussion and possible action on the OT Coordinator’s Report. The Coordinator’s report may concern any item listed on the agenda and on events that have occurred between this meeting and the Board’s last meeting

Ms. Gelfand mentioned that the new JP Exam was published online on June 10, 2013. She spoke about meeting with the new HPC webmaster to improve our website to make it more secure from outside attacks. She mentioned that she and Nina, the PT Coordinator, are working to have the online and paper forms reflect the “Address of Record” so that licensees can chose which address to make the public one.

12. Discussion and possible action on the Presiding Officer’s Report. The Presiding Officer’s report may concern any item listed on the agenda and on events that have occurred between this meeting and the Board’s last meeting

Ms. Johnston related that she had discussed with TOTA their online survey which was written by Leslie Smart, a graduate student. DeLana mentioned that she felt defensive of the questions in TOTA’s survey which had asked about TBOTE and its continuing education rules. Ms. Baxter, representing TOTA, mentioned that she would discuss this issue with other TOTA Board members; that she did not realize how few people are disciplined for audit failure, as per the 1 person mentioned in today’s agreed orders. Ms. Baxter further said she would like to discuss this issue further with Board members in November.

13. Discussion and possible action on scheduling future board meeting dates and agenda items for future consideration

The Board has already scheduled a meeting on November 8, 2013 in conjunction with TOTA’s annual conference in Sugar Land. The Board chose to schedule future board meeting for February 21, 2014 and June 13, 2014 for the rest of the fiscal year’s meetings.

14. Adjournment

The Chair called an adjournment at 12:02 PM.

Minutes adopted on: November 8, 2013