

1 **Texas Board of Occupational Therapy Examiners**
2 **BOARD MEETING MINUTES**
3 August 18, 2017
4 333 Guadalupe, Suite #2-510
5 Austin, TX 78701
6 9:00 AM
7

8 **Members Present:** Stephanie Johnston, OTR, FAOTA, Chair
9 Todd Novosad, OTR, Vice Chair
10 DeLana Honaker, OTR, PhD, CLT, FAOTA, Secretary
11 Jennifer B. Clark, COTA
12 Amanda Jean Ellis, Public Member
13 Sally Harris, COTA
14

15 **Members Absent:** William N. Hale, Public Member
16 Pamela D. Nelon, Public Member
17

18 **Counsel Present:** Kara Holsinger, Assistant Attorney General
19

20 **Staff Present:** Mark Turek, Chief Investigator
21 Michael Briscoe, Licensing Manager
22 Lea Weiss, OT Coordinator
23

24 **Public Attendees:** Judith Joseph, TOTA Executive Director
25 Denise Rose, Governmental Affairs Consultant, Jackson Walker LLP,
26 associate of Kathy Hutto, TOTA Legislative Advisor
27

28 **1. Call to Order**

29 The meeting was called to order at 9:07 AM by Stephanie Johnston, Presiding Officer. She
30 called the roll and announced that a quorum existed.
31

32 **2. Public comment**

33 There was no public comment.
34

35 **3. Approval of Minutes of May 5, 2017**

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

37 **Made by:** Sally Harris

38 **Second by:** Jennifer B. Clark

39 **Motion passed.**
40

41 **4. Discussion and possible action on the Executive Director's Report concerning**
42 **fiscal and budgetary matters, performance measures, ongoing projects, agency**
43 **personnel matters, Executive Council activity, the recent Sunset Review, the**
44 **recent legislative session, and other agency business**

45 Lea Weiss delivered the Executive Director's Report on the behalf of the Executive Director,
46 who was not able to attend the meeting. Lea Weiss briefed the Board on fiscal and budgetary
47 matters, performance measures, ongoing projects, agency personnel matters, Executive
48 Council activity, and issues relevant to agency business. She also discussed the recent Sunset
49 Review and bills from the recent legislative session including those with a possible impact on
50 the Board. No action was taken on the agenda item.
51

52 **5. Investigation Committee Report**

53 **A. Review and possible action on Agreed Orders for Case #s: 16-017; 16-095;**

54 **16-122; 16-213; 17-072; 17-090; 17-091; 17-112; 17-119; 17-129; 17-142;**
55 **17-155; 17-159; 17-185; 17-187; 17-188; 17-190 and 17-201**

56
57 Mark Turek presented agreed orders for the following cases: 17-129; 17-188; 17-190; 17-185;
58 16-095; 16-213; 17-072; 17-090; 17-112; 17-119; 17-159; 17-201; 17-091; and 17-187.

59
60 The Board reviewed and ratified the agreed orders for case numbers: 17-129; 17-188; 17-190;
61 17-185; 16-095; 16-213; 17-072; 17-090; 17-112; 17-119; 17-159; 17-201; 17-091; and 17-187.

62
63 The remaining cases were not presented to the Board at this time.

64
65 **B. Discussion and possible action on the Investigation Committee meeting of**
66 **July 28, 2017**

67 Mark Turek reported that ninety three cases were reviewed at the July 28, 2017 meeting,
68 resulting in the Investigation Committee's issuance of seventeen Agreed Orders. One informal
69 conference was held.

70
71 **C. Discussion and possible action on investigative activities to date**

72 Mark Turek reported on performance measures and on-site investigations since the last Board
73 meeting. He also discussed continuing work on a schedule of sanctions to include
74 administrative penalties, which will be presented to the Board at a future meeting, in addition to
75 continuing research regarding implementing fingerprint-based criminal history background
76 checks of applicants and licensees.

77
78 **6. Discussion and possible action on policy and rule changes based on SB 317 from**
79 **the 85th Legislative Session including fingerprint-based criminal background**
80 **checks of licensure applicants and licensees, a schedule of sanctions,**
81 **administrative penalties, facility deregulation and expunction of facility-related**
82 **administrative violations from a licensee's record, requirements for initial**
83 **licensure, the separation of board and staff responsibilities, negotiated**
84 **rulemaking and alternative dispute resolution, and establishing a process for**
85 **selecting a license holder peer organization in this state to evaluate and approve**
86 **continuing education courses**

87 Lea Weiss highlighted upcoming changes to the OT Practice Act pursuant to SB 317 from the
88 85th Legislative Session. The Board discussed that it will continue its discussion of these items
89 at future board meetings.

90
91 **7. Discussion and possible action on SB 1107 from the 85th Legislative Session and**
92 **Board rules concerning telehealth**

93 The Board discussed the agenda item and noted that discussion and possible action regarding
94 such would be on the agenda for the upcoming Rules Committee and Board meeting in
95 November.

96
97 **8. Discussion and possible action on the OT Coordinator's Report. The**
98 **Coordinator's Report may concern any items listed on the agenda and events that**
99 **have occurred between this meeting and the Board's last meeting.**

100 Lea Weiss discussed recent activities at the Board, updates regarding the licensing system
101 database, and information regarding Board licensing statistics. No action was taken on the
102 agenda item.

103
104 **9. Discussion and possible action on the Presiding Officer's Report. The Presiding**
105 **Officer's Report may concern any items listed on the agenda and events that have**
106 **occurred between this meeting and the Board's last meeting.**

107 Stephanie Johnston thanked the public attendee for attending. No action was taken on the
108 agenda item.

109
110 **10. Discussion and possible action on scheduling future Board meeting dates and**
111 **agenda items for future consideration**

112 Stephanie Johnston noted that Board meetings have been scheduled for November 3, 2017;
113 February 2, 2018; May 4, 2018; and August 3, 2018, with possible Committee meetings to be
114 held November 2 and 3, 2017; February 1 and 2, 2018; May 3 and 4, 2018; and August 2 and 3,
115 2018.

116
117 Stephanie Johnston noted that possible agenda items for the upcoming meeting may include
118 discussion and possible action on policy changes and rule amendments concerning OT Practice
119 Act changes from SB 317, in addition to discussion and possible action regarding the Board's
120 rules concerning telehealth.

121
122 **11. Adjournment**

123 The Board adjourned at 10:38 AM.

124
125 **Minutes adopted on:** November 3, 2017