

1 **Texas Board of Occupational Therapy Examiners**  
2 **BOARD MEETING MINUTES**  
3 Telephonic Conference Call  
4 August 6, 2021  
5 8:30 AM  
6

7 **Members Present:** Blanca Cardenas, Public Member  
8 Jennifer Clark, COTA  
9 Karen Gardner, OTR, Secretary  
10 Eddie Jessie, Public Member  
11 Stephanie Johnston, OTR, OTD, FAOTA, Chair  
12 Sally Harris King, COTA  
13 Todd Novosad, OTR, Vice Chair  
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15 **Members Absent:** Jacob Boggus, Public Member  
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17 **Counsel Present:** Rosalind Hunt, Assistant Attorney General  
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19 **Staff Present:** Amy Carter, Director of Enforcement  
20 Randall Glines, Staff Services Officer  
21 Ralph Harper, Executive Director  
22 Karissa Rodriguez, Licensing Manager  
23 Lea Weiss, OT Coordinator  
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25 **Public Attendees:** Michelle Atanu, OTR, Committee on Standards and Practice Chair,  
26 Texas Occupational Therapy Association  
27 Aaron Barnes, Associate Attorney,  
28 Bertolino, LLP  
29 Julie Davis, Counsel,  
30 Regulatory Compliance Division of the Office of the Governor  
31 Will Flanagan, Law Clerk,  
32 Office of the Attorney General  
33 Kate Goodrich, Governmental Affairs Consultant,  
34 Jackson Walker, LLP  
35 Judith Joseph, OTR, Executive Director,  
36 Texas Occupational Therapy Association  
37 Manoranjan Mahadeva, Presiding Officer,  
38 Executive Counsel of Physical Therapy and  
39 Occupational Therapy Examiners  
40 Denise Rose, Partner,  
41 Jackson Walker, LLP  
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43 **The Texas Board of Occupational Therapy Examiners may discuss and/or take action on**  
44 **any of the following agenda items. The Board may go into executive session on any**  
45 **agenda item listed below as authorized by the Open Meetings Act, Texas Government**  
46 **Code, chapter 551.**

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**1. Call to Order**

The meeting was called to order at 8:39 AM by Stephanie Johnston, Presiding Officer.

**2. Roll Call for Board Members**

Stephanie Johnston conducted a roll call for members and noted that a quorum existed.

**3. Roll Call for Public Participants**

Stephanie Johnston requested that the public attendees introduce themselves.

**4. Excusing Board Member absences**

**Motion: To excuse Jacob Boggus from the meeting**

**Made by: Jennifer Clark**

**Second by: Blanca Cardenas**

**Motion passed.**

**5. Public Comment**

Judith Joseph commented on Board regulations concerning the use of titles and the restoration of an expired license.

**6. Minutes of May 7, 2021**

**Motion: To approve the minutes**

**Made by: Sally Harris King**

**Second by: Karen Gardner**

**Motion passed.**

**7. Executive Director's Report concerning fiscal and budgetary matters, performance measures, ongoing projects, agency personnel matters, Executive Council activity, recent and current legislative sessions, and other agency business**

Ralph Harper briefed the Board on fiscal and budgetary matters, performance measures, ongoing projects, agency personnel matters, Executive Council activity, the recent legislative session, and updates regarding the slated relocation of the agency, along with other state agencies located in the William P. Hobby building, to a new capital area complex in Austin in 2022. Ralph Harper noted the agency's response to COVID-19, updates regarding the Centralized Accounting and Payroll/Personnel System (CAPPS) Financials program, and recent and current audits of the agency's activities, including the Texas Workforce Commission (TWC) Personnel Policies and Procedures Review Audit, the State Office of Risk Management (SORM) Risk Management Program Review, and the State Auditor's Office (SAO) Audit on Licensing and Enforcement.

**8. Investigation Committee Report concerning:**

**A. Agreed Orders for case #s: 20-214, 21-270, 21-292, 21-328, 21-331, 21-332, 21-343, 21-348, 21-360, and 21-401**

Amy Carter presented motions from the Investigation Committee to approve agreed orders for the following case numbers: 21-292, 21-328, 20-214, 21-331, 21-332, 21-343, 21-348, and 21-360.

94 The Board approved the agreed orders.

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96 Agreed orders for the remaining cases were not presented to the Board.

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98 **B. Number of cases reviewed, Agreed Orders issued, informal conferences,**  
99 **administrative suspensions under Texas Occupations Code §454.255(b),**  
100 **non-jurisdictional cases, formula for suspension, and other investigative**  
101 **matters discussed during the Investigation Committee Meeting of July 1,**  
102 **2021**

103 Amy Carter reported that one hundred seven cases were reviewed at the July 1, 2021 meeting,  
104 resulting in the Investigation Committee's issuance of eight Agreed Orders. Two informal  
105 conferences were held.

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107 Amy Carter addressed administrative suspensions under Texas Occupations Code  
108 §454.255(b). Jennifer Clark reported on the Committee's recommendations concerning  
109 adopting a policy and later a rule regarding administrative suspensions.

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111 Amy Carter reported on case number 21-270 and that pursuant to §454.255(b) of the  
112 Occupational Therapy Practice Act, the individual's license was administratively suspended due  
113 to failure to complete the fingerprinting requirement.

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115 **C. Performance measures, on-site investigation visits, school presentations,**  
116 **Department of Public Safety audit report(s), and other investigative**  
117 **activities that have occurred between this meeting and the Board's last**  
118 **meeting**

119 Amy Carter reported on performance measures, on-site investigation visits, school  
120 presentations, Department of Public Safety audit reports, and other investigative activities that  
121 have occurred between this meeting and the Board's last meeting.

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123 **9. Proposed changes to Board rule §364.5, Recognition of Out-of-State License of**  
124 **Military Spouse, including pursuant to HB 139 of the 87<sup>th</sup> Regular Legislative**  
125 **Session**

126 Lea Weiss discussed possible proposed changes concerning §364.5, Recognition of Out-of-  
127 State License of Military Spouse. Such changes would allow a military spouse to show proof of  
128 residency by submitting a permanent change of station order, pursuant to HB 139 of the 87th  
129 Regular Legislative, and would include adding that individuals update the Board of certain  
130 changes.

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132 **Motion: To approve publishing for public comment proposed rule §364.5,**  
133 **relating to Recognition of Out-of-State License of Military Spouse**

134 **Made by: Karen Gardner**

135 **Second by: Todd Novosad**

136 **Motion passed.**

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138 **10. OT Coordinator's Report, concerning developments in the field of occupational**  
139 **therapy and updates regarding regulatory matters in occupational therapy,**  
140 **including Board licensing, CE audit, and entry-level occupational therapy**  
141 **accreditations statistics and updates; recent and developing legislation; trends**  
142 **and developments in occupational therapy regulations; and the development of an**  
143 **interstate licensure compact in occupational therapy by the Council of State**

144 **Governments, the American Occupational Therapy Association, and the National**  
145 **Board for Certification in Occupational Therapy**

146 Lea Weiss reported on Board licensing, CE audit, and entry-level occupational therapy  
147 accreditations statistics and updates and the development of an interstate licensure compact in  
148 occupational therapy by the Council of State Governments, the American Occupational Therapy  
149 Association, and the National Board for Certification in Occupational Therapy.

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151 **11. Presiding Officer's Report, concerning developments in the field of occupational**  
152 **therapy and updates regarding regulatory matters in occupational therapy,**  
153 **including entry-level occupational-therapy accreditation updates; trends and**  
154 **developments in occupational therapy regulations, practice, standards, and**  
155 **guidelines; the development of an interstate licensure compact in occupational**  
156 **therapy by the Council of State Governments, the American Occupational Therapy**  
157 **Association, and the National Board for Certification in Occupational Therapy;**  
158 **Board and committee appointment updates; and regulatory conferences and**  
159 **events**

160 Stephanie Johnston commented on regulatory conferences and events.

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162 **12. Future Board meeting dates and agenda items for future consideration**

163 Stephanie Johnston noted that Board meetings have been scheduled for October 29, 2021;  
164 February 4, 2022; May 6, 2022; and August 5, 2022, with possible committee meetings to be  
165 held October 28 and 29, 2021; February 3 and 4, 2022; May 5 and 6, 2022; and August 4 and 5,  
166 2022.

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168 Stephanie Johnston also noted that she would like to forward the following topics to the Rules  
169 Committee for possible future agenda items: administrative suspensions and the restoration of  
170 an expired license.

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172 **13. Personnel matters regarding the appointment, employment, evaluation,**  
173 **reassignment, duties, discipline, or dismissal of the Executive Director of the**  
174 **Executive Council of Physical Therapy and Occupational Therapy Examiners**

175 Stephanie Johnston announced that it was 9:42 AM on August 6, 2021, and that the Board  
176 would go into closed session pursuant to Texas Government Code Section 551.074 to discuss  
177 personnel matters under Agenda Item 13.

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179 Stephanie Johnston requested that all non-Board members leave the room, with the exception  
180 of Rosalind Hunt and Will Flanagan.

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182 The Board went into closed session at 9:42 AM and returned to open session at 10:01 AM.  
183 Upon returning to open session, Stephanie Johnston noted that it was 10:01 AM on August 6,  
184 2021, and that the Board was now in open session and no action was taken in closed session.

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186 **14. Adjournment**

187 The Board adjourned at 10:02 AM.

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189 **Minutes approved on:** October 29, 2021