

1 **Texas Board of Occupational Therapy Examiners**

2 BOARD MEETING MINUTES

3 May 8, 2015

4 333 Guadalupe, Suite #2-510

5 Austin, TX 78701

6 9:00 AM

7  
8  
9 Members Present: Stephanie Johnston, OTR, Chair  
10 Todd Novosad, OTR, Vice Chair  
11 DeLana Honaker, OTR, PhD, FAOTA, Secretary  
12 Jennifer B. Clark, COTA  
13 Sally Harris, COTA  
14 Pamela Nelon, Public Member

15  
16 Members Absent: Amanda Jean Ellis, Public Member  
17 William N. Hale, Public Member

18  
19 Counsel: Kara Holsinger, Assistant Attorney General

20  
21 Staff: John Maline, Executive Director  
22 Mark Turek, Chief Investigator  
23 Cynthia Machado, Licensing Manager  
24 Lea Weiss, OT Coordinator

25  
26  
27 **1. Call to Order**

28 The meeting was called to order at 9:17 AM by Stephanie Johnston, Presiding Officer. She called the  
29 roll and announced that a quorum existed. Stephanie Johnston welcomed Shaun Conway, OTR,  
30 Director of NBCOT Credentialing Services; Larry Duron, OTR, TOTA Standards and Practices Chair;  
31 and Jessica Stenis, TWU occupational-therapy student and mentee of Sally Harris.

32  
33 **2. Public comment**

34 There was no public comment.

35  
36 **3. Approval of Minutes of February 6, 2015**

37 **Motion: To adopt the minutes as written**

38 **Made by: DeLana Honaker**

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

40 **Motion passed.**

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

45 John Maline briefed the Board on the fiscal standing of the agency and budgetary and agency  
46 personnel matters. He also discussed the current legislative sessions and bills being tracked that, if  
47 adopted, may impact the Board.

48  
49 **5. Investigation Committee Report**

50 **A. Review and possible action on Agreed Orders for case numbers: 15-037; 15-040;**  
51 **15-054; 15-055; 15-056; 15-057; 15-060; 15-061; 15-065; 15-074; 15-075; 15-077; 15-**  
52 **091; 15-092; 15-102; and 15-103**

1 The Board ratified case numbers: 15-040; 15-092; 15-091; 15-103; 15-060; 15-074; 15-077; 15-075;  
2 15-055; 15-102; and 15-037.

3  
4 **B. Discussion and possible action on the Investigation Committee meeting of April**  
5 **20, 2015**

6 Mark Turek reported that sixty-six investigations were reviewed at the April 20, 2015 meeting, resulting  
7 in the Investigation Committee's issuance of sixteen Agreed Orders. One informal conference was held.  
8

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

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

11  
12 The Board broke for a recess from 10:50 AM to 11:00 AM.

13  
14 **6. Discussion and possible action on presentation by the National Board for Certification in**  
15 **Occupational Therapy**

16 Shaun Conway, Director of NBCOT Credentialing Services, offered a presentation on NBCOT services  
17 and updated the Board regarding access for NBCOT certificants to evidence-based resources such as  
18 ProQuest and the NBCOT Navigator (through which NBCOT certificants may access NBCOT  
19 professional development activities), online NBCOT certification verification, NBCOT's National  
20 Practitioner Database (NPDB) reporting status, and webinars hosted by the organization for regulators  
21 in the occupational therapy field.

22  
23 The Board discussed these developments with Shaun Conway.

24  
25 The Board broke for a recess from 12:07 PM to 12:20 PM.

26  
27 **7. Discussion and possible action on adopting changes to proposed §364.1, Requirements**  
28 **for Licensure; §364.2, Initial License by Examination; §364.3, Temporary License; §364.4,**  
29 **Licensure by Endorsement; §367.2, Categories of Education; §370.3, Restoration of a**  
30 **Texas License; and §374.2, Detrimental Practice**

31 DeLana Honaker introduced the proposed amendments, which were published in the February 27,  
32 2015 issue of the *Texas Register*. Lea Weiss gave an overview of each amendment as published and  
33 noted a possible non-substantive change to be made upon adoption to §370.3, which was published  
34 with an error. The suggestion was to remove the parentheses surrounding the phrase "If not currently  
35 licensed in another state or territory of the U.S. and applying from the U.S. military or a non-licensing  
36 state or territory of the U.S., the person must submit a Verification of Employment form substantiating  
37 occupational therapy employment for at least two years immediately preceding application for a Texas  
38 license" from §370.3(a)(2)(B).

39  
40 **Motion: To adopt the amendments to §364.1, Requirements for Licensure, as published;**  
41 **§364.2, Initial License by Examination, as published; §364.3, Temporary License,**  
42 **as published; §364.4, Licensure by Endorsement, as published; §367.2, Categories**  
43 **of Education, as published; §370.3, Restoration of a Texas License, with changes**  
44 **as discussed; and §374.2, Detrimental Practice, as published**

45 **Made by: Todd Novosad**

46 **Second by: Pamela D. Nelon**

47 **Motion passed.**  
48

49 **8. Rules Committee Report**  
50 **Discussion and possible action on recommendations from the Rules Committee**  
51 **including the following items:**

52 **A. Discussion and possible action on proposing rule amendments, including**  
53 **amendments regarding Telehealth, to the following rules:**

54 **1. §362.1, Definitions**

- 1                   2.       **§372.1, Provision of Services**
- 2                   3.       **§373.1, Supervision of Non-Licensed Personnel; §373.2, Supervision of a**
- 3                               **Temporary Licensee; and §373.3, Supervision of an Occupational Therapy**
- 4                               **Assistant**
- 5                   4.       **§369.1, Display of Licenses; and §369.2, Changes of Name or Address of**
- 6                               **Licensees**
- 7                   5.       **§376.8, Restoration of Registration**

8 DeLana Honaker discussed the Rules Committee meeting and that, upon the Board's request, the  
9 Rules Committee had considered language changes related to telehealth, as proposals related to such  
10 were withdrawn and not adopted at the February 6, 2015 Board meeting. She noted that she would be  
11 bringing forth a motion from the Rules Committee regarding amending the sections §362.1, Definitions;  
12 §372.1, Provision of Services; §373.1, Supervision of Non-Licensed Personnel; §373.2, Supervision  
13 of a Temporary Licensee; §373.3, Supervision of an Occupational Therapy Assistant; §369.1, Display  
14 of Licenses; §369.2, Changes of Name or Address of Licensees; and §376.8, Restoration of  
15 Registration.

16  
17 DeLana Honaker noted that the Rules Committee discussed adding to §362.1, Definitions, definitions of  
18 "telehealth," "face-to-face," and "on-site"; removing the definition for "direct care"; and adding language  
19 to "practice."  
20

21 DeLana Honaker discussed that the Rules Committee had considered an "a" inclusion to §372.1,  
22 Provision of Services, such that the occupational therapist who screens, evaluates, writes, or  
23 implements the plan of care would be responsible for determining the need for the physical presence of  
24 an occupational therapy practitioner during any interactions with clients. She discussed that language  
25 had been considered that would require that an occupational therapist who performs the initial  
26 evaluation must be physically present with the client during the initial evaluation process and that  
27 devices (such as wheelchair positioning devices, splints, therapeutic tape, etc.) that are in sustained  
28 skin contact with the client require the physical presence of the occupational therapy practitioner for any  
29 initial or subsequent applications and/or monitoring of the device.  
30

31 DeLana Honaker noted that changes to §373.1, Supervision of Non-Licensed Personnel, were  
32 considered to clarify that when non-licensed personnel are assisting in the construction of  
33 adaptive/assistive equipment, the licensee must be physically present for any initial applications to the  
34 client and she added that the Rules Committee discussed the removal of "splints" from §373.1(e)(5) in  
35 accordance with changes discussed to §372.1.  
36

37 DeLana Honaker noted that the Rules Committee, in addition, had discussed reorganizing §373.2,  
38 Supervision of a Temporary Licensee, to clarify supervision requirements for temporary licensees and  
39 to add language that would allow new licensees, upon verification of their licensure status and  
40 expiration date on the Board's verification page, to provide services according to the conditions of the  
41 license and that occupational therapists who hold a temporary license must record their required  
42 supervision on a Supervision Record.  
43

44 DeLana Honaker added that the Rules Committee discussed changes to §373.3, Supervision of an  
45 Occupational Therapy Assistant, to reorganize and clarify supervision requirements for occupational  
46 therapy assistants and to revise required supervision hours based upon the number of hours an  
47 occupational therapy assistant works during a given month.  
48

49 DeLana Honaker also noted that the Rules Committee discussed adding language to §369.1, Display of  
50 Licenses, that would allow new licensees, upon verification of their licensure status and expiration date  
51 on the Board's verification page, to provide services. She added that the Rules Committee had  
52 discussed changes that would clarify the process to request a replacement license and had addressed  
53 the removal "of Licensees" from the name of §369.2, Changes of Name or Address of Licensees, as  
54 the section refers to applicants and licensees.

1  
2 DeLana Honaker, in addition, noted that the Rules Committee had discussed language changes  
3 concerning §376.8, Restoration of Registration, to clarify the existing rule in general and the restoration  
4 process for facilities with cancelled registrations.  
5

6 DeLana Honaker noted that the Rules Committee had discussed further revisions for clarification.  
7

8 **Motion: To propose and publish the amendments to §362.1, Definitions; §372.1, Provision**  
9 **of Services; §373.1, Supervision of Non-Licensed Personnel; §373.2, Supervision**  
10 **of a Temporary Licensee; §373.3, Supervision of an Occupational Therapy**  
11 **Assistant; §369.1, Display of Licenses; §369.2, Changes of Name or Address**  
12 **of Licensees; and §376.8, Restoration of Registration**

13 **Made by: Rules Committee**

14 **Motion passed.**  
15

16 There was discussion pertaining to the proposed language.  
17

18 **B. Discussion and possible action on proposing rule amendments regarding**  
19 **restorative nursing plans and recommendations for any further needs of the**  
20 **patient in another continuum of care as per §372.1, Provision of Services, and**  
21 **the definition of occupational therapy practice as per §362.1, Definitions**

22 Lea Weiss reviewed the Rules Committee's discussion pertaining to §372.1, Provision of Services, and  
23 §362.1, Definitions, with regard to recommendations, such as those related to restorative nursing  
24 programs, for any further needs of the patient in another continuum of care.  
25

26 **C. Discussion and possible action on questions received by the Texas Board of**  
27 **Occupational Therapy Examiners related to the OT Practice Act and Board Rules**

28 The Board discussed questions related to the OT Practice Act and Board Rules as received by the  
29 Board and discussed at the Rules Committee meeting.  
30

31 **9. Education Committee Report**

32 **Discussion and possible action on recommendations from the Education Committee**  
33 **including the following items:**

34 **A. Discussion and possible action on proposing rule amendments to Chapter 367 to**  
35 **include the continuing education approval process; continuing education**  
36 **documentation; the CE audit; and other continuing education issues**

37 **B. Discussion and possible action on §367.2, Categories of Education**

38 Todd Novosad reported on the Education Committee meeting. He noted that the Education Committee  
39 reviewed and discussed the continuing education approval process documentation submitted by the  
40 American Occupational Therapy Association (AOTA) and the Texas Occupational Therapy Association  
41 (TOTA) regarding their approved provider programs; the Board reviewed such and discussed that such  
42 was acceptable and that Type 1 and Type 2 continuing education activities approved or offered by  
43 AOTA or TOTA as per §367.1(f) would continue to be pre-approved by the Board and that Lea Weiss  
44 would send AOTA and TOTA a letter noting such.  
45

46 Todd Novosad noted that the Education Committee also discussed issues related to continuing  
47 education.  
48

49 Todd Novosad, in addition, brought forth a motion from the Education Committee to amend §367.1 to  
50 clarify requirements for continuing education and to add the provision that each continuing education  
51 activity may be counted only one time in two renewal cycles or a total of four years and to amend  
52 §367.3 to clarify requirements for the audit and for continuing education documentation.  
53

1 **Motion: To propose and publish the amendments to §367.1, Continuing Education; and**  
2 **§367.3, Continuing Education Audit**  
3 **Made by: Education Committee**  
4 **Motion passed.**  
5

6 There was no discussion regarding the proposed language.  
7

8 **10. Discussion and possible action on issues pertaining to Board jurisdiction and the OT**  
9 **Practice Act and Board Rules with regard to licensees working on federal installations**  
10 **such as military bases or the VA**

11 The Board discussed issues related to Board jurisdiction with regard to licensees working on federal  
12 installations.  
13

14 **11. Discussion and possible action on the OT Coordinator's Report. The Coordinator's**  
15 **Report may concern any items listed on the agenda and events that have occurred**  
16 **between this meeting and the Board's last meeting.**

17 Lea Weiss discussed recent activities at the Board, including a presentation concerning licensing given  
18 to OT and OTA students and updates to the website.  
19

20 **12. Discussion and possible action on the Presiding Officer's Report. The Presiding**  
21 **Officer's report may concern any items listed on the agenda and events that have**  
22 **occurred between this meeting and the Board's last meeting.**

23 Stephanie Johnston noted that Catherine Benavidez's term expired on February 1, 2015 and wished to  
24 thank her, though she was not in attendance, for her service to the Board. Stephanie Johnston also  
25 thanked Larry Duron and Jessica Stenis for attending and Shaun Conway for his presentation.  
26

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

29 The next board meeting is set for August 14, 2015 and the Rules Committee and Education Committee  
30 meetings for August 13, 2015 and August 14, 2015, respectively. The board discussed future meeting  
31 dates in November, 2015 to coincide with the annual TOTA Mountain Central Conference.  
32

33 **14. Adjournment**

34 The Board adjourned at 2:43 PM.  
35

36 **Minutes adopted on: August 14, 2015**