

1 **Texas Board of Occupational Therapy Examiners**
2 **BOARD MEETING MINUTES**
3 May 5, 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 Jennifer B. Clark, COTA
11 Amanda Jean Ellis, Public Member
12 Sally Harris, COTA
13 Pamela D. Nelon, Public Member
14

15 **Members Absent:** DeLana Honaker, OTR, PhD, CLT, FAOTA, Secretary
16 William N. Hale, Public Member
17

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

20 **Staff Present:** John Maline, Executive Director
21 Mark Turek, Chief Investigator
22 Randall Glines, Staff Services Officer
23 Lea Weiss, OT Coordinator
24

25 **Public Attendees:** Tim Reistetter, TOTA Standards & Practice Chair
26

27 **1. Call to Order**

28 The meeting was called to order at 9:01 AM by Stephanie Johnston, Presiding Officer. She
29 called the roll and announced that a quorum existed.
30

31 **2. Public comment**

32 There was no public comment.
33

34 **3. Approval of Minutes of February 3, 2017**

35 **Motion:** To approve the minutes with corrections

36 **Made by:** Todd Novosad

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

38 **Motion passed.**
39

40 Stephanie Johnston reordered the agenda to consider agenda items 5-6 next.
41

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

46 John Maline briefed the Board on fiscal and budgetary matters, performance measures, agency
47 personnel matters, and issues relevant to agency business including the possibility of future
48 discussions regarding administrative penalties. John Maline also discussed the current Sunset
49 Review and legislative session.
50

51 No action was taken on the agenda item.
52

53 The Board recessed at 10:07 AM and reconvened at 10:21 AM.

54
55 The Board continued to agenda item 7.

56
57 **5. Investigation Committee Report**

58 **A. Review and possible action on Agreed Orders for Case #s: 16-263; 17-018;**
59 **17-068; 17-071; 17-072; 17-090; 17-096; 17-104; 17-110; 17-119; 17-120; and**
60 **17-135**

61 Mark Turek presented agreed orders for the following cases: 17-018; 17-068; 17-071; 17-135;
62 17-096; 17-104; 17-110; and 16-263.

63
64 The Board reviewed and ratified the agreed orders for case numbers: 17-018; 17-068; 17-071;
65 17-135; 17-096; 17-104; 17-110; and 16-263.

66
67 The remaining cases were not presented to the Board at this time.

68
69 **B. Discussion and possible action on the Investigation Committee meeting of**
70 **April 13, 2017**

71 Mark Turek reported that seventy three cases were reviewed at the April 13, 2017 meeting,
72 resulting in the Investigation Committee's issuance of twelve Agreed Orders. No informal
73 conferences were held.

74
75 **C. Discussion and possible action on investigative activities to date**

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

78
79 **6. Discussion and possible action on adopting changes to §367.1, Continuing**
80 **Education, and §367.2, Categories of Education**

81 Lea Weiss reviewed the proposed amendments to §367.1 and §367.2. The amendments
82 concern changes to the definition of continuing education, the continuing education approval
83 process, acceptable and unacceptable continuing education activities, and categories of
84 continuing education.

85
86 The amendment to §367.1 would replace the current definition of continuing education with a
87 new definition. In addition, the amendment would add to a provision regarding the continuing
88 education approval process that "Licensees are responsible for choosing CE that meets
89 requirements as per this chapter, regardless of the activity's provider or pre-approved status."

90
91 The amendment, furthermore, would add provisions regarding unacceptable activities to §367.1.
92 Such language is based on provisions regarding unacceptable activities in the current §367.2,
93 which as part of the amendments, have been relocated to §367.1 and include further changes
94 and additions. Such changes include the addition of language regarding that such activities are
95 not eligible for continuing education regardless of the provider or pre-approved status. Changes
96 also include adding language regarding courses that provide information about the work
97 setting's philosophy, policies, or procedures or designed to educate employees about a specific
98 work setting and courses in topics concerning professionalism or customer service to a list of
99 unacceptable activities not eligible for continuing education. Changes to this list also include the
100 replacement of "general management and business" and "communicable diseases" with
101 "management and business administration" and "communicable/infectious diseases." A
102 provision from §367.2 regarding self-promotion by program providers has also been relocated to
103 §367.1 as part of the amendment.

104
105 Concomitant with the changes to §367.1, language regarding unacceptable activities and self-
106 promotion by program providers was struck in the amendment to §367.2. The amendment to

107 §367.2, in addition, would replace in provisions concerning academic courses that such must be
108 “related to occupational therapy” with the requirement that such must be “from an occupational
109 therapy program” and adds “or courses” to a related provision concerning the creation of a new
110 academic course or courses, which is eligible for a maximum of ten hours of continuing
111 education. In the amendment, furthermore, references to the specific NBCOT Navigator™
112 activities that are eligible for continuing education have been removed and replaced by
113 language referring to activities of that category that are not eligible.
114

115 The amendments include further clarifications and cleanups, as well.
116

117 No public comment was received. The Board discussed the amendments and adopting such.
118

119 **Motion: To adopt the amendments to §367.1, Continuing Education, and §367.2,**
120 **Categories of Education, with an effective date on June 1, 2017 or as soon**
121 **as possible thereafter**

122 **Made by: Sally Harris**

123 **Second by: Pamela Nelon**

124 **Motion passed.**
125

126 The Board considered agenda item 4 next.
127

128 **7. Discussion and possible action on adopted Sunset Commission recommendation**
129 **and Sunset bill language regarding administrative penalties**

130 The Board did not take action on the item and discussed including it on an upcoming Board
131 meeting agenda after any legislative action regarding such is taken.
132

133 **8. Discussion and possible action on the OT Coordinator’s Report. The**
134 **Coordinator’s Report may concern any items listed on the agenda and events that**
135 **have occurred between this meeting and the Board’s last meeting.**

136 Lea Weiss discussed recent activities at the Board, updates regarding the licensing system
137 database, information regarding Board licensing statistics, and recent ACOTE accreditation
138 actions. No action was taken on the agenda item.
139

140 **9. Discussion and possible action on the Presiding Officer’s Report. The Presiding**
141 **Officer’s Report may concern any items listed on the agenda and events that have**
142 **occurred between this meeting and the Board’s last meeting.**

143 Stephanie Johnston thanked the public attendee for attending. No action was taken
144 on the agenda item.
145

146 **10. Discussion and possible action on scheduling future Board meeting dates and**
147 **agenda items for future consideration**

148 Stephanie Johnston noted that Board meetings have been scheduled for August 18, 2017;
149 November 3, 2017; February 2, 2018; and May 4, 2018, with possible Committee meetings to
150 be held August 17 and 18, 2017; November 2 and 3, 2017; February 1 and 2, 2018; and May 3
151 and 4, 2018.
152

153 Stephanie Johnston noted that possible agenda items for the upcoming meeting may include a
154 discussion of administrative penalties and rule amendments concerning possible Practice Act
155 changes after the current legislative session.
156

157 **11. Adjournment**

158 The Board adjourned at 10:55 AM.
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