

Texas Board of Occupational Therapy Examiners

333 Guadalupe St
Austin, TX 78701
BOARD MEETING
July 23, 2010
10:00 am

Members Present: Judith Chambers, Public Member
Dely De Guia Cruz, Public Member
DeLana Honaker, OTR, PhD
Stephanie Johnston, OTR
Pamela Nelon, Public Member
Todd Novosad, OTR
Angela Sieffert, OTA

Absent: Catherine Benavidez, OT
Kathleen Hill, COTA

Guests: Lynda Jennings, OTR and TOTA President
Kathy Hutto, TOTA Lobbyist
Brendi Tubbs, SAO

Staff: John Maline, Executive Director
Kevin Heyburn, Assistant Attorney General
Mark Turek, Chief Investigator
Augusta Gelfand, OT Coordinator
Cynthia Machado, Licensing Manager

1. Call to Order

The meeting was called to order at 11:22AM by the Board Chair. Ms. Johnston welcomed DeLana Honaker, the new board member.

2. Public comment

There was no public comment

3. Approval of Minutes of February 26, 2009

Motion: To adopt the minutes as written

Motion by: Pamela Nelon

Second Dely Cruz

Motion passed.

4. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary matters, recent SAO performance measure audit, quarterly performance measures, the Executive Council, ongoing projects, 5% budget reduction, upcoming budget cycle, agency personnel matters and other agency business

Mr. Maline presented the Board the current financial standing of the Executive Council. He told the Board that he may need to raise application and renewal fees for all licensees. He briefed the Board on the recent performance measure audit which has led a change in the definition for the performance measure for number of facilities and changes in procedures for two other measures.

5. Investigation Committee Report

A. Review and possible action on agreed orders for case #s: 10-025; 10-040; 10-048; 10-069; 10-078; 10-083; 10-098; and 10-103.

The Board voted to ratify the orders for #10-025; 10-040; 10-069; 10-078; 10-083; 10-098; and 10-103.

B. Discussion and possible action on Investigation Committee meeting of July 9, 2010

The committee looked at 63 investigations, issued 8 Agreed Orders and held 3 Informal Conferences.

C. Discussion and possible action on investigative activities to date

Mark Turek told the board about the investigative activities in the 2nd and 3rd quarters and the impact of the audit. The budget cut has resulted in the cancellation of an Investigation Committee meeting and board meeting which has impacted investigation statistics and performance measures. Mr. Turek also discussed the board presentation to the OT and OTA school programs around the state.

6. 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 Executive Session at 12:10PM.

7. 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 12:30PM.

8. Rule Adoption

A. Discussion and possible adoption of the amendment to §369.3, regarding Use of Titles

One public comment was received. The board voted to adopt the proposed amendment.

Motion To adopt §369.3 with changes.

Made by: Judith Chambers

Second: Pamela Nelon

Motion passed.

B. Discussion and possible adoption of proposed amendment to §373.2, Supervision of Temporary Licensees

One public comment was received. The board voted to adopt the proposed amendment.

Motion To adopt §373.2 with changes

Motion by: Angela Sieffert

Second by: Todd Novosad

Motion passed.

C. Discussion and possible adoption of proposed amendment to §374.1

No comment was received. The board voted to adopt the proposed amendment as published.

Motion: To Adopt §374.1 without changes.

Made by: Pamela Nelon

Second by: Dely Cruz

Motion passed.

D. Discussion and possible adoption of proposed amendment to §374.2 Detrimental Practice

No comment was received. The board voted to adopt the proposed amendment with changes

Motion: To adopt §374.2 with changes
Made by: DeLana Honaker
Second by: Judith Chambers
Motion passed.

The Board took a recess from 12:46 to 12:55PM.

9. Discussion and possible action concerning 5 year reports on Approved Providers from AOTA and TOTA, as per §367.2 (f).

Ms. Gelfand referred to the reports from AOTA and TOTA. She said she would prepare a response to AOTA to ask that their approved providers refrain from assigning a Type 1 or Type 2 to their courses; should they want that designation to send their courses to TOTA for approval. She asked TOTA to have their approved providers make their certificate on their own letterhead instead of TOTA's.

10. Education Committee Report

A. Discussion and possible amendments to Chapter 367 Continuing Education.

The Board reviewed the 10 letter received from the public based on the Chair's open letter to the profession. One was in favor of TOTA's CE approval and 9 were against. The Board and the two TOTA representatives discussed the proposed amendment to the Chapter and made some wording changes. The Board voted to publish the amendment in the *Texas Register* for public comment.

Motion: To publish Chapter 367 in the *Texas Register* for public comment
Made by: Education Committee
Second: Dely Cruz
Motion passed

B. Discussion of recommendation to withdraw the currently proposed amendment to Texas Administrative Code §370.2, Late Renewal and replace it with a different amendment to that section

The Board voted to withdraw the proposed amendment that was published in the March 19, 2010 issue of the *Texas Register*.

Motion: To withdraw proposed amendment §370.2, Late Renewal
Made by: Education Committee
Second: Todd Novosad
Motion passed.

Motion: To amend §370.2, Late Renewal and a new §370.3, Restoration
Made by: Education Committee
Second: Angela Sieffert
Motion passed.

C. Discussion and possible amendment to §362.1, Definitions, to add continued competency.

The Board discussed adding a new definition for Continued Competency.

Motion: To propose new definition for Continued Competency to §362.1, Definitions
Made by: Education Committee
Second: DeLana Honaker
Motion passed.

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

Ms. Gelfand pointed out the Reading File going around the room and asked that people sign up for any copies they wanted. She pointed out the pages in the board packet that showed a print out of the

pages on the website for the Secretary of State where people will find copies of the Texas Register, look up the Texas Administrative Code and find the open meetings which have been posted. Lastly she reminded board members of the next board meeting November 4-5 to be held at the Sugar Land Marriott Town Square and suggested that they made a reservation for the board meeting.

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

There was no report.

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

The next Education Committee meeting is the night before the board meeting on November 5. The dates for board meeting for 2011 are: February 17-18, 2011; June 9-10, 2011.

14. Adjournment

The board adjourned at 2:24 PM

The Board adopted the minutes on: November 5, 2010