

Texas Board of Occupational Therapy Examiners

BOARD MEETING

November 5, 2010

10:00 am

Sugar Land Marriott Town Square Hotel

Room: Cane 2

Sugar Land, TX

Members Present: Catherine Benavidez, OT
Judith Chambers, Public Member
Dely De Guia Cruz, Public Member
Kathleen Hill, COTA
DeLana Honaker, OTR, PhD
Stephanie Johnston, OTR
Todd Novosad, OTR
Angela Sieffert, OTA

Absent: Pamela Nelon, Public Member

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

Public Attendees: Lynda Jennings, OTR and TOTA President
Kathy Hutto, TOTA Lobbyist
Jean Polichino,
Cecilia Fierro
Linda Veale
Kathlyn Reed
Bridgett Piernik Yoder
Lea Montgomery
Christine Lange
Debbie Conner
Vanessa Richardson
Jennifer Hughes
Rachelle Stevens
Terra Ruppert
Gopa Kuttannair
Lorie Coleman
Judith Jenkins
Karen Gardner

1. Call to Order

The meeting was called to order at 10:05 AM by the Board Chair.

2. Public comment

Public comment was postponed to the rules discussion.

3. Approval of Minutes of July 23, 2010

Motion: To adopt the minutes as written
Motion by: Judith Chambers
Second Kathleen Hill

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 briefed the Board on the recent income shortages and problems, even though the number of licensees has increased and the total amount raised has increased. He discussed the possibility of decrease in performance measures should the board have to decrease the number of board meetings further.

The board took a recess from 10:52am to 11:05AM

5. Investigation Committee Report

A Review and possible action on agreed orders for case #s: 10-024; 10-048; 10-104; 10-115; 10-116; 10-117; 10-153; 10-170; 10-172; 10-175; 10-176; 11-003; 11-012; 11-014; and 11-017.

The Board voted to ratify the orders for #11-003; 11-014; 11-012; 11-017; 10-024; 10-175; 10-116; 10-176; 10-115; 10-048; 10-117; and 10-104, 10-153; and 10-172.

B. Discussion and possible action on Investigation Committee meeting of October 15, 2010

The committee reviewed 70 investigations, issued 15 Agreed Orders and held no Informal conferences.

C. Discussion and possible action on investigative activities to date

Mark Turek told the board about the investigative activities in the 4th quarter. The board received 55 complaints and resolved 59 investigations at an average cost of \$83 per investigation.

6. Rule Committee Report

Kathleen Hill, Chair of the Rules Committee reported on the discussion of §376.5, Exemptions to Registration. The language was discussed and the rule amendment to allow ECI to be exempt from facility registration was proposed.

Motion: To exempt ECI services from facility registration

Made by: Catherine Benavidez

Second Todd Novosad

Motion passed.

7. Rule Adoption

A. Discussion and possible adoption of proposed amendments to chapter 367, Continuing Education.

B. Discussion and possible adoption of proposed amendment to §362.1, Definitions to add Continuing Competency

C. Discussion and possible adoption of proposed amendments to §370.2, Late Renewal and a new §370.3, Restoration of a Texas License.

i Kathlyn Reed discussed AOTA's definition of continuing competency and that these requirements are not met with the proposed definitions; she asked that the board not adopt the proposed CE and Definitions rules.

i Karen Gardner provides continuing education courses in various states and spoke against the adoption of the course approval through TOTA and therefore against the adoption of the proposed CE amendments.

- i Linda Jennings, President of TOTA spoke against the adoption of the proposed amendments.
- i Jean Polichino said there was no need for TOTA approval and spoke against the proposed CE amendments.
- i Linda Veale spoke against the adoption of the CE rule and said there was no need.
- i Cecilia Fierro, Chair of the TOTA district in El Paso said that her district membership was against the proposed CE amendment that TOTA approve continuing education courses, and asked that the board not adopt them.
- i Kathy Hutto, TOTA Lobbyist, referred to their attorney's letter which was sent to the board and requested that the board not adopt the proposed CE rules.

The Chair asked the board for a motion to adopt Chapter 367 as published in the *Texas Register*. No motion was made therefore the rule adoption failed.

The Chair asked the board for a motion to adopt §372.1, Definitions as published in the *Texas Register*. Todd Novosad reminded the board that since the board had not adopted continuing competency as a definition, we needed to remove that wording from the proposed rule. No motion was made. The adoption failed for lack of a motion.

The Chair asked the board for a motion to adopt §370.2, Late Renewal

Motion: To adopted §370.2, Late Renewal with changes

Made by: Todd Novosad

Second: DeLana Honaker

Motion passed.

The Chair asked the board for a motion to adopt amendments to §370.2, Late Renewal and a new §370.3, Restoration of a Texas License. Ms. Gelfand suggested the word "restore" instead of "issue."

Motion: To adopted §370.2, Late Renewal and §370.3, Restoration of a Texas License with changes.

Made by: Todd Novosad

Second: DeLana Honaker

Motion passed.

8. 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 her written report in the board's materials.

9. 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

Ms. Johnston mentioned the upcoming Sunset Review of the agency. Ms. Jennings announced that they had formed a task force to look at Sunset issues, which will be chaired by Cecilia Fierro.

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

The dates for board meeting for 2011 are: February 17-18, 2011; June 9-10, 2011.

11. Adjournment

The board adjourned at 12:30 PM

The Board adopted the minutes on: February 18, 2011.