

1 **TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

2 Board Meeting
3 November 13, 2009
4 10:00AM

5 Omni Hotel, 9821 Colonnade Blvd
6 Board Room
7 San Antonio, TX 78230

8
9 Members Present: Catherine Benavidez, OT
10 Judith Chambers, Public Member
11 Kathleen Hill, COTA
12 Stephanie Johnston, OTR
13 Pamela Nelon, Public Member
14 Todd Novosad, OTR
15 Angela Sieffert, OTA
16 Bobby James Vasquez, OTR
17

18 Board Member Absent: Dely De Guia Cruz, Public Member
19

20 Staff: John Maline, Executive Director
21 Kevin Heyburn, Assistant Attorney General
22 Mark Turek, Chief Investigator
23 Augusta Gelfand, OT Coordinator
24

25 Guests: Lynda Jennings, OTR, and President of TOTA
26 Mary Hennigan, OTR, ED, TOTA
27 Bridgett Piernik-Yoder, OTR
28 Jaclyn Low, OT, PhD
29 Harmony Standard, OTR
30

31
32 **I. Call to Order**

33 Stephanie Johnston, Board Chair, called the roll and established that a quorum existed.
34 The meeting was called to order at 10:03 AM
35

36 **2. Public Comment**

37 Harmony Standard asked the board to provide a "safe harbor" for occupational therapist.
38

39 **3. Approval of Minutes of August 14, 2009**

40 Motion: To accept the minutes as written
41 Made by: Judith Chambers
42 Second: Angela Sieffert
43 Motion passed unanimously
44

45 **4. Discussion and Possible Action On Executive Director's Report concerning fiscal and**
46 **budgetary matters, performance measures, the Executive Council, ongoing projects,**
47 **legislative session, agency personnel matters and other agency business.**

48 Mr. Maline presented his report which included the statistics on the agency's income, expenses and
49 performance measures for the year. He instructed the board on the new reimbursement guidelines
50 which now match the federal guidelines and varies by city visited. He also spoke about the
51 Executive Council's proposed fee changes and his posting to the Texas Register which included an
52 economic impact explanation.
53

54 The board took a recess from 10:50 to 11:00am.

- 1 **5. Investigation Committee Report**
- 2 **A. Discussion and possible action on cases: 09-77; 09-136; 09-160; and 09-162.**
- 3 The board ratified the committee's recommendation on cases: 09-77 and 09-160.
- 4 The other cases listed did not come to the board for ratification.
- 5
- 6 **B. Discussion of committee meeting of October 30, 2009**
- 7 The committee reviewed 35 cases and issued 4 agreed orders
- 8
- 9 **C. Discussion of investigative activities to date**
- 10 In the fourth quarter FY 2009, the board received 56 complaints and resolved 59
- 11 investigations at a cost of \$86.00 in an average of 97 days. Mr. Turek reported on his
- 12 travels including attendance at the annual NBCOT conference where they reported a
- 13 national 80% passing rate for OT applicants and 85% passing rate for OTA
- 14 applicants.
- 15
- 16 **6. Rules Committee Report**
- 17 **A. Discussion and possible amendment to §376.1. Facility Definitions to remove**
- 18 **the definition for linked facility**
- 19 Motion: To propose the publication of amendments to §376.1
- 20 Made by: Pamela Nelon
- 21 Second: Kathleen Hill
- 22 Motion passed unanimously
- 23
- 24 **B. Discussion and possible amendment to §376.3, Requirement for Facility**
- 25 **Registration Application, to remove the requirement for Facility Therapist in**
- 26 **Charge form's notarization, and remove the terms additional facility, primary**
- 27 **facility, and linked facility**
- 28 Motion: To propose for publication amendments to §376.3
- 29 Made by: Todd Novosad
- 30 Second: Pamela Nelon
- 31 Motion passed unanimously
- 32
- 33 **C. Discussion and possible amendment to §376.6, Renewal of Registration, to**
- 34 **remove the terms primary facility, additional facility, and linked facility**
- 35 Motion: To propose for publication amendments to §376.6
- 36 Made by: Judith Chambers
- 37 Second: Catherine Benavidez
- 38 Motion passed unanimously
- 39
- 40 **D. Discussion and possible amendment to §376.9, Facility Disciplinary Actions, to**
- 41 **affect owners' other facilities to remove the terms primary facility, additional**
- 42 **facility, and linked facility**
- 43 Motion: To propose for publication amendments to §376.9
- 44 Made by: Todd Novosad
- 45 Second: Kathleen Hill
- 46 Motion passed unanimously
- 47
- 48 **7. Rules Adoption**
- 49 **A. Discussion and possible adoption of proposed amendments to §370.2, Late**
- 50 **Renewal regarding changes in the late fees and procedures for restoration of a**
- 51 **Texas license**
- 52 Motion: To adopt the proposed amendments to §370.2
- 53 Made by: Kathleen Hill
- 54 Second: Pamela Nelon

1 Motion passed unanimously

2
3 **8. Education Committee Report**

4 **A. Discussion and possible amendment to §367.2, Categories of Education, to**
5 **discuss and requirements for case management in regards to continuing**
6 **education**

7 Motion: To propose for publication amendments to §367.2 to removed case management
8 from the list of unacceptable continuing education and allow it to count if it meets the definition of
9 Type 1 or Type 2.

10 Made by: Bobby Vasquez

11 Second: Catherine Benavidez

12 Motion passed unanimously

13
14 **B. Discussion and possible action on whether OT Courses.com is following the**
15 **Board's rules regarding certain course offerings.**

16 Todd Novosad reported that the Education Committee had review the correspondence between Mr.
17 Rick Schroeder and the board. The committee will have another letter sent to Mr. Schroeder to
18 cease and desist in regards to the Type 2 designation he has posted to his website. The board may
19 also write about this issue on the web and in the next newsletter, should he not comply. Mr. Heyburn
20 will assist Augusta in writing this "cease and desist" letter.

21
22 Mr. Novosad reported that the committee had reviewed the questions and answers on the JP Exam
23 and is working to add some more at their next meeting December 4, 2009 in Austin.

24
25 **9. Discussion and possible action on the OT Coordinator's Report**

26 Ms. Gelfand explained the exam pass rate statistics on her report as compared to Mark's statistics
27 from NBCOT and deferred to their statistics as the more reliable. She pointed out two hand-outs,
28 one from AOTA on Re Entry and the other a new report from the agency's IT consultant which is still
29 preliminary which shows practice settings for licensees. Next board meeting this will be broken
30 down by profession. She invited board member to come to the booth to meet licensees during the
31 conference exhibit hours.

32
33 **10. Presiding Officers Report**

34 There was no written report. Ms. Johnston reported that the Executive Council had deferred
35 discussion of the board's §376.5 rule and why it had not been published. She thanked Mark and
36 Augusta for visiting her school program at Tomball and thanked all the visitors to the board meeting
37 for their attendance and comments.

38
39 **12. Discussion and possible action on future meeting dates and agenda items**

40 The future board dates are: February 26, 2010 May 21, 2010, August 20, 2010 and November 5,
41 2010 in Sugar Land. Bobby Vasquez asked that a Memorandum of Understanding between our
42 board and TOTA be brought to the next meeting.

43
44 **13. Adjournment**

45 The Board adjourned at 12:05pm.

46
47
48 The Board adopted the Minutes on: February 26, 2010