

1 **Texas Board of Occupational Therapy Examiners**

2 **BOARD MEETING MINUTES**

3 October 25, 2019

4 333 Guadalupe, Suite #2-510

5 Austin, TX 78701

6 9:00 AM

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8 **Members Present:** Blanca Cardenas, Public Member  
9 Jennifer Clark, COTA  
10 Karen Gardner, OTR  
11 DeLana Honaker, OTR, PhD, CLT, FAOTA, Secretary  
12 Eddie Jessie, Public Member  
13 Stephanie Johnston, OTR, OTD, FAOTA, Chair  
14 Sally Harris King, COTA  
15 Pamela D. Nelon, Public Member  
16 Todd Novosad, OTR, Vice Chair

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18 **Members Absent:** None

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20 **Counsel Present:** Kara Holsinger, Assistant Attorney General  
21 Rosalind Hunt, Assistant Attorney General

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23 **Staff Present:** Michael Briscoe, Licensing Manager  
24 Amy Carter, Chief Investigator  
25 Ralph Harper, Executive Director  
26 Lea Weiss, OT Coordinator

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28 **Public Attendees:** Amanda J. Ellis  
29 Judith Joseph, OTR, Executive Director,  
30 Texas Occupational Therapy Association

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32 **1. Call to Order**

33 The meeting was called to order at 9:00 AM by Stephanie Johnston, Presiding Officer. She  
34 called the roll and announced that a quorum existed and welcomed Eddie Jessie as the Board's  
35 new public member, replacing Amanda J. Ellis as a public member, whose term had expired,  
36 and congratulated Jennifer Clark and Todd Novosad on their reappointments. Ralph Harper  
37 noted that he certified that Eddie Jessie had completed all required training for new board  
38 members. The Board congratulated members on the appointment and reappointments and  
39 thanked Amanda J. Ellis for her service. In addition, Stephanie Johnston welcomed Rosalind  
40 Hunt as the agency's new Assistant Attorney General, and thanked Kara Holsinger for her  
41 service, which would be presently ending. The Board welcomed Rosalind Hunt and thanked  
42 Kara Holsinger.

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44 **2. Discussion and possible action on excusing board member absences**

45 No action was taken.

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**3. Public comment**

Judith Joseph noted that the Texas Occupational Therapy Association's annual conference would be held the following weekend in Austin.

**4. Approval of Minutes of August 2, 2019**

**Motion: To approve the minutes as written**

**Made by: DeLana Honaker**

**Second by: Karen Gardner**

**Motion passed.**

**5. Discussion and possible action on the Executive Director's Report concerning fiscal and budgetary matters, performance measures, ongoing projects, agency personnel matters, Executive Council activity, recent legislative session, and other agency business**

Ralph Harper briefed the Board on fiscal and budgetary matters, performance measures, ongoing projects, agency personnel matters, Executive Council activity, and the slated relocation of the agency, along with other state agencies located in the William P. Hobby building, to a new capital area complex in Austin in 2022. In addition, Ralph Harper referred to recent legislation and Lea Weiss noted that training concerning human trafficking for health care professionals would be required by HB 2059. The Board discussed the agenda item. No action was taken.

**6. Investigation Committee Report**

**A. Review and possible action on Agreed Orders for Case #s: 19-110, 19-145, 19-148, 19-152, 19-162, 19-175, 19-177, 19-178, 19-186, 19-204, 19-206**

Amy Carter presented agreed orders for the following case numbers: 19-110, 19-145, 19-148, 19-152, 19-162, 19-175, 19-177, 19-178, 19-186, and 19-204.

The Board reviewed and ratified the agreed orders for case numbers: 19-110, 19-145, 19-148, 19-152, 19-162, 19-175, 19-177, 19-178, 19-186, and 19-204.

The Board reviewed the agreed order for case number 19-206; however, no action was taken at this time.

**B. Discussion and possible action on the Investigation Committee meeting of October 02, 2019**

Amy Carter reported that 66 cases were reviewed at the October 2, 2019 meeting, resulting in the Investigation Committee's issuance of eleven Agreed Orders. No informal conferences were held.

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

Amy Carter reported on performance measures, on-site investigations, presentations, and further investigative activities since the last Board meeting.

The Board recessed at 9:32 AM and reconvened at 9:46 AM.

93 **7. Discussion and possible action on adopting changes to proposed §370.1, License**  
94 **Renewal, and adopting proposed new rule §364.5, concerning recognition of an**  
95 **out-of-state license of a military spouse**

96 Lea Weiss noted the following regarding the proposals:  
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98 The amendments to §370.1 would remove language concerning restrictions to renewal for a  
99 licensee in default of a student loan pursuant to SB 37 of the 86<sup>th</sup> Regular Legislative Session  
100 and would cleanup and clarify provisions in the section.  
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102 The proposal includes amendments to reflect law changes made by SB 37, relating to a  
103 prohibition on the use of student loan default or breach of a student loan repayment as a ground  
104 for refusal to renew a license. Related changes to §370.1 would remove from the section a  
105 provision restricting the renewal of a license for an individual who has defaulted with the Texas  
106 Guaranteed Student Loan Corporation.  
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108 Additional amendments are cleanups and clarifications. An amendment would strike a reference  
109 in the section to the number of continuing education hours required per renewal period and  
110 replace such with language referencing continuing education requirements as per Chapter 367,  
111 concerning Continuing Education, as previously adopted amendments to that chapter changed  
112 the number of required hours from thirty to twenty-four hours. Additional amendments would  
113 remove a redundant reference to the address of record, as language concerning such is already  
114 located elsewhere in the OT Rules, and would clarify a provision regarding a restriction on  
115 renewal for certain child support issues, including to add a reference to related statutory  
116 language in Texas Family Code.  
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118 Lea Weiss noted that one comment was received from the Texas Occupational Therapy  
119 Association (TOTA) in support of the proposal. TOTA noted that student debt is a serious  
120 consideration that can affect an occupational therapist's or occupational therapy assistant's life  
121 and that licensure restrictions due to student debt could prevent an individual from earning a  
122 living and remove the pathway to student loan repayment.  
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124 The Board thanked TOTA for the comment. The Board neither considered nor made any  
125 changes to the proposal based on the comment.  
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127 Lea Weiss, in addition, noted that proposed new rule §364.5 would add provisions to the OT  
128 Rules concerning the recognition of out-of-state licenses of military spouses as required by SB  
129 1200 of the 86<sup>th</sup> Regular Legislative Session.  
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131 §364.5 would add provisions concerning the information a military spouse seeking recognition of  
132 the out-of-state license must submit to the Board and the conditions under which the military  
133 spouse may practice in the state once the individual has received confirmation from the Board  
134 that the military spouse is authorized to engage in the practice of occupational therapy. The  
135 proposal includes further provisions pursuant to SB 1200.  
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137 Lea Weiss noted that one comment was received from TOTA in support of the proposed new  
138 rule. TOTA noted that career portability can be a challenge for a professional military spouse

139 and this rule would appear to reduce the barrier without imposing financial burdens on military  
140 spouse professionals who move from other states to Texas.

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142 The Board thanked TOTA for the comment. The Board neither considered nor made any  
143 changes to the proposal based on the comment.

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145 **Motion: To adopt amendments to §370.1, License Renewal, and adopt new rule**  
146 **§364.5, Recognition of Out-of-State License of Military Spouse, with an**  
147 **effective date of December 1, 2019, or as soon as possible thereafter**

148 **Made by: Todd Novosad**

149 **Second by: DeLana Honaker**

150 **Motion passed.**

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

155 Lea Weiss discussed recent activities at the Board and information regarding Board licensing  
156 statistics.

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158 **9. Discussion and possible action on the Presiding Officer's Report. The Presiding**  
159 **Officer's Report may concern any items listed on the agenda and events that have**  
160 **occurred between this meeting and the Board's last meeting.**

161 Stephanie Johnston noted that the American Occupational Therapy Association (AOTA) and  
162 National Board for Certification in Occupational Therapy (NBCOT) were working with the Center  
163 for State Governments (CSG) to initiate the creation of an interstate occupational therapy  
164 licensure compact in the US and that she and Lea Weiss had attended a webinar and would be  
165 attending two related events this year regarding such. Stephanie Johnston also noted  
166 information regarding PDPM (Patient Driven Payment Model) with regard to occupational  
167 therapy.

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

171 Stephanie Johnston noted that Board meetings had been scheduled for February 7, 2020; May  
172 1, 2020; July 31, 2020; and November 6, 2020, with possible committee meetings to be held  
173 February 6 and 7, 2020; April 30 and May 1, 2020; July 30 and 31, 2020; and November 5 and  
174 6, 2020.

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176 Stephanie Johnston noted that possible agenda items for the upcoming meeting may include  
177 items related to HB 2059 and continuing education requirements and temporary licensure.

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179 **11. Adjournment**

180 The Board adjourned at 10:35 AM.

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182 **Minutes approved on: February 7, 2020**