

1 **Texas Board of Occupational Therapy Examiners**

2 **BOARD MEETING MINUTES**

3 Videoconference Call

4 February 4, 2022

5 333 Guadalupe, Suite 2-510

6 Austin, TX 78701

7 8:30 AM

8
9 **Members Present:** Jacob Boggus, Public Member
10 Blanca Cardenas, Public Member
11 Karen Gardner, OTR, Secretary
12 Eddie Jessie, Public Member
13 Stephanie Johnston, OTR, OTD, FAOTA, Chair
14 Sally Harris King, COTA
15 Todd Novosad, OTR, Vice Chair

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17 **Members Absent:** Jennifer Clark, COTA

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19 **Counsel Present:** Rosalind Hunt, Assistant Attorney General

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21 **Staff Present:** Amy Carter, Director of Enforcement
22 Randall Glines, Staff Services Officer
23 Ralph Harper, Executive Director
24 Karissa Rodriguez, Licensing Manager
25 Lea Weiss, OT Coordinator

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27 **The Texas Board of Occupational Therapy Examiners may discuss and/or take action on**
28 **any of the following agenda items. The Board may go into executive session on any**
29 **agenda item listed below as authorized by the Open Meetings Act, Texas Government**
30 **Code Chapter 551.**

31
32 **1. Call to Order**

33 The meeting, which had a delayed start due to inclement weather, was called to order at 12:11
34 PM by Stephanie Johnston, Presiding Officer, who was physically present at the location of the
35 meeting open to the public. She called the roll and announced that a quorum existed.

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37 **2. Excusing Board Member absences**

38 **Motion:** To approve the excuse of Jennifer Clark for the absence at the meeting

39 **Made by:** Karen Gardner

40 **Second by:** Eddie Jessie

41 **Motion passed.**

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43 **3. Public Comment**

44 Lea Weiss read the written public comments submitted by Edwina Murphy, OTR, ATP, and by
45 Myra L. Vasquez-Romero, OTR, ATP, concerning board regulations regarding telehealth.
46 Stephanie Johnston thanked the individuals for their comments.

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4. Minutes of October 29, 2021

Motion: To approve the minutes

Made by: Sally Harris King

Second by: Jacob Boggus

Motion passed.

Stephanie Johnston reordered the agenda to move next to Item 6.

6. Investigation Committee Report concerning:

- A. Agreed Orders for case #s: 21-381, 21-465, 21-467, 22-005, 22-020, 22-030, 22-041, 22-044, 22-045, 22-046, 22-048, 22-051, 22-052, 22-062, 22-067, 22-069, 22-075, and 22-085**

Amy Carter presented motions from the Investigation Committee to approve agreed orders for the following case numbers: 22-067, 22-041, 22-044, 22-045, 22-046, 22-048, 22-051, 21-465, 21-467, 22-020, 22-052, 22-069, 21-381, and 22-085.

The Board approved the agreed orders.

Agreed orders for the remaining cases were not presented to the Board.

- B. Number of cases reviewed, Agreed Orders issued, informal conferences, administrative suspensions under Texas Occupations Code §454.255(b), and other investigative matters discussed during the Investigation Committee Meeting of December 28, 2021**

Amy Carter reported that eighty-nine cases were reviewed by the Investigation Committee at the December 28, 2021 meeting. Eighteen orders were issued by the Investigation Committee, fourteen of which were accepted. Three informal conferences were held.

- C. Performance measures, on-site investigation visits, school presentations, and other investigative activities that have occurred between this meeting and the Board's last meeting**

Amy Carter reported on performance measures, on-site investigation visits, school presentations, and other investigative activities that have occurred between this meeting and the Board's last meeting.

7. Adopting 40 Texas Administrative Code (TAC) §370.4, Administrative Suspension and Refusal to Renew a License, concerning administrative suspensions and refusal to renew a license

Lea Weiss addressed proposed new §370.4, concerning administrative suspensions and refusal to renew a license. Lea Weiss noted that no public comment had been received regarding the proposal.

Motion: To adopt proposed rule §370.4, relating to Administrative Suspension and Refusal to Renew a License, as published, with an effective date of March 1, 2022, or as soon as possible thereafter

93 **Made by: Todd Novosad**
94 **Second by: Karen Gardner**
95 **Motion passed.**

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97 **8. Adopting changes to 40 TAC §367.1, Continuing Education, §367.2, Categories of**
98 **Education, and §367.3, Continuing Education Audit, concerning continuing**
99 **education**

100 Lea Weiss addressed proposed changes to §367.1, §367.2, and §367.3, concerning continuing
101 education. Lea Weiss noted that no public comment had been received regarding the proposal
102 and addressed possible changes that could made upon adoption to §367.3.

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104 **Motion: To adopt proposed rules §367.1, relating to Continuing Education, and**
105 **§367.2, relating to Categories of Education, as published, and §367.3,**
106 **relating to Continuing Education Audit, with changes, with an effective date**
107 **of March 1, 2022, or as soon as possible thereafter**

108 **Made by: Karen Gardner**
109 **Second by: Sally Harris King**
110 **Motion passed.**

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112 **9. Rules Committee Report concerning proposing changes to the following rules in**
113 **40 TAC, including with regard to telehealth and concerning:**

- 114 **A. §362.1. Definitions**
- 115 **B. §369.2. Changes of Name or Address (and phone numbers)**
- 116 **C. §369.3. Use of Titles**
- 117 **D. §371.2. Retired Status**
- 118 **E. §372.1. Provision of Services**
- 119 **F. §372.2. General Purpose Occupation-Based Instruction**
- 120 **G. §373.1. Supervision of Non-Licensed Personnel**

121 The Rules Committee meeting scheduled for the prior day was cancelled due to inclement
122 weather.

123

124 Lea Weiss addressed the agenda item and noted changes that could be made, including with
125 regard to telehealth, to §362.1, concerning definitions, §369.2, concerning changes of name or
126 address (and phone numbers), §369.3, concerning use of titles, §371.2, concerning retired
127 status, §372.1, concerning provision of services, and §373.1, concerning supervision of non-
128 licensed personnel, including changes considered during the previous Rules Committee
129 meeting and Board meeting in October 2021.

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131 The Board discussed possible changes to the sections.

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133 Changes to §372.2, concerning general purpose occupation-based instruction, were not
134 addressed.

135

136 Eddie Jessie left the meeting during the agenda item and was not in attendance for the
137 remainder of the meeting.

138

139 **Motion:** To approve publishing for public comment proposed rules §362.1, relating
140 to Definitions; §369.2, relating to Changes of Name or Address; §369.3,
141 relating to Use of Titles; §371.2, relating to Retired Status; §372.1, relating
142 to Provision of Services; and §373.1, relating to Supervision of Non-
143 Licensed Personnel

144 **Made by:** Karen Gardner

145 **Second by:** Sally Harris King

146 **Motion passed.**

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148 **10. OT Coordinator's Report, concerning developments in the field of occupational**
149 **therapy and updates regarding regulatory matters in occupational therapy,**
150 **including Board licensing, CE audit, and entry-level occupational therapy**
151 **accreditation statistics and updates; recent and developing legislation; trends and**
152 **developments in occupational therapy regulations; and the development of an**
153 **interstate licensure compact in occupational therapy by the Council of State**
154 **Governments, the American Occupational Therapy Association, and the National**
155 **Board for Certification in Occupational Therapy**

156 Lea Weiss reported on Board licensing, CE audit, and entry-level occupational therapy
157 accreditations statistics and updates and the development of an interstate licensure compact in
158 occupational therapy by the Council of State Governments, the American Occupational Therapy
159 Association, and the National Board for Certification in Occupational Therapy.

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161 **11. Presiding Officer's Report, concerning developments in the field of occupational**
162 **therapy and updates regarding regulatory matters in occupational therapy,**
163 **including entry-level occupational-therapy accreditation updates; trends and**
164 **developments in occupational therapy regulations, practice, standards, and**
165 **guidelines; the development of an interstate licensure compact in occupational**
166 **therapy by the Council of State Governments, the American Occupational Therapy**
167 **Association, and the National Board for Certification in Occupational Therapy;**
168 **Board and committee appointment updates; and regulatory conferences and**
169 **events**

170 Stephanie Johnston commented on regulatory conferences and events.

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172 **12. Future Board meeting dates and agenda items for future consideration**

173 Stephanie Johnston noted that Board meetings had been scheduled for May 6, 2022; August 5,
174 2022; October 28, 2022; and February 3, 2023, with possible committee meetings to be held
175 May 5 and 6, 2022; August 4 and 5, 2022; October 27 and 28, 2022; and February 2 and 3,
176 2023.

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178 **5. Executive Director's Report concerning fiscal and budgetary matters, performance**
179 **measures, ongoing projects, agency personnel matters, Executive Council**
180 **activity, recent legislative sessions, and other agency business**

181 Ralph Harper briefed the Board on fiscal and budgetary matters, performance measures,
182 ongoing projects, agency personnel matters, Executive Council activity, and updates regarding
183 the slated relocation of the agency, along with other state agencies located in the William P.

184 Hobby building, to a new capital area complex in Austin in 2022. Ralph Harper also noted
185 updates and possible changes regarding the agency's licensing system.

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187 Todd Novosad left the meeting during the agenda item and was not in attendance for the
188 remainder of the meeting.

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190 **13. Adjournment**

191 The Board adjourned at 2:32 PM.

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193 **Minutes approved on:** May 6, 2022