

1 **Texas Board of Occupational Therapy Examiners**

2 **BOARD MEETING MINUTES**

3 Videoconference Call

4 May 6, 2022

5 333 Guadalupe, Suite 2-510

6 Austin, TX 78701

7 8:30 AM

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

15 **Members Absent:** Blanca Cardenas, Public Member
16 Jennifer Clark, COTA
17 Eddie Jessie, Public Member
18

19 **Counsel Present:** Rosalind Hunt, Assistant Attorney General
20

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

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

31 **1. Call to Order**

32 The meeting was called to order at 8:39 AM by Stephanie Johnston, Presiding Officer, who was
33 physically present at the location of the meeting open to the public. She called the roll and
34 announced that a quorum existed. Stephanie Johnston noted that a new board member,
35 Estrella Barrera, had been appointed that week, but was not yet in attendance as her board
36 training had yet to convene. Stephanie Johnston noted that the new member had been
37 appointed to fill the position left vacant upon the passing of DeLana Honaker, an OT
38 professional member.
39

40 **2. Excusing Board Member absences**

41 **Motion:** To approve the excuse of members Jennifer Clark, Blanca Cardenas, and
42 Eddie Jessie for their absence at the meeting

43 **Made by:** Karen Gardner

44 **Second by:** Jacob Boggus

45 **Motion passed.**
46

47 **3. Public Comment**

48 Judith Joseph, Executive Director of the Texas Occupational Therapy Association (TOTA),
49 noted that TOTA and the American Occupational Therapy Association (AOTA) had provided a
50 written public comment. Kristen Neville, Manager of State Affairs at AOTA, summarized the
51 comment, which concerned board requirements for the restoration of an expired license, and
52 noted that the full comment could be read during the meeting. Lea Weiss read the written
53 comment. Stephanie Johnston noted that the topic could be sent to the Rules Committee to be
54 addressed at a future committee meeting and thanked TOTA and AOTA for the comment.
55

56 **4. Minutes of February 4, 2022**

57 **Motion: To approve the minutes**

58 **Made by: Sally Harris King**

59 **Second by: Todd Novosad**

60 **Motion passed.**

61

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

63

64 **6. Investigation Committee Report concerning:**

65 **A. Agreed Orders for case #s: 21-364, 22-030, 22-062, 22-075, 22-078, 22-081,**
66 **22-100, 22-109, 22-114, 22-115, 22-118, 22-119, 22-120, 22-132, 22-148, 22-**
67 **149, 22-150, 22-151, 22-153, 22-156, 22-157, 22-158, 22-161, 22-162, 22-168,**
68 **and 22-175**

69 Amy Carter presented motions from the Investigation Committee to approve agreed orders for
70 the following case numbers: 22-062, 22-114, 22-119, 22-120, 22-081, 22-132, 22-149, 22-150,
71 22-151, 22-153, 22-156, 22-157, 22-161, 22-162, 22-175, 21-364, 22-100, 22-030, and 22-109.
72

73 The Board approved the agreed orders.

74

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

76

77 **B. Number of cases reviewed, Agreed Orders issued, informal conferences,**
78 **and other investigative matters discussed during the Investigation**
79 **Committee Meeting of March 30, 2022**

80 Amy Carter reported that ninety-one cases were reviewed by the Investigation Committee at the
81 March 30, 2022, meeting. Twenty-five orders were issued by the Investigation Committee,
82 nineteen of which were accepted. Five informal conferences were held.
83

83

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

87 Amy Carter reported on performance measures, on-site investigation visits, school
88 presentations, and other investigative activities that have occurred between this meeting and
89 the Board's last meeting.
90

90

91 **7. Adopting changes to the following rules in 40 Texas Administrative Code (TAC),**
92 **including with regard to telehealth and concerning:**

- 93 A. **§362.1. Definitions**
- 94 B. **§369.2. Changes of Name or Address (and phone numbers)**
- 95 C. **§369.3. Use of Titles**
- 96 D. **§371.2. Retired Status**
- 97 E. **§372.1. Provision of Services**
- 98 F. **§373.1. Supervision of Non-Licensed Personnel**

99 Lea Weiss addressed proposed changes, including changes with regard to telehealth, to
100 §362.1, concerning definitions, §369.2, concerning changes of name or address (and phone
101 numbers), §369.3, concerning use of titles, §371.2, concerning retired status, §372.1,
102 concerning provision of services, and §373.1, concerning supervision of non-licensed
103 personnel.
104

105 Lea Weiss read the public comments received regarding proposed changes to §362.1 and
106 §372.1; she noted that public comment had not been received regarding the other sections.
107

108 The Board responded to the public comments and discussed making a change to §362.1 after
109 considering the comments regarding that section, including the concerns raised in one of the
110 comments.
111

112 Lea Weiss also addressed a possible change that could be made upon adoption to §372.1,
113 which the Board discussed.
114

115 **Motion: To adopt proposed rule §362.1, relating to Definitions, with an effective**
116 **date of June 1, 2022, or as soon as possible thereafter, with the change to**
117 **not adopt the proposed new definition of occupational therapy practice and**
118 **instead retain the current definition**

119 **Made by: Karen Gardner**

120 **Second by: Sally Harris King**

121 **Motion passed.**

122

123 **Motion: To adopt proposed rules §369.2, relating to Changes of Name or Address,**
124 **and §369.3, relating to Use of Titles, with an effective date of June 1, 2022,**
125 **or as soon as possible thereafter, as published**

126 **Made by: Sally Harris King**

127 **Second by: Jacob Boggus**

128 **Motion passed.**

129

130 **Motion: To adopt proposed rule §371.2, relating to Retired Status, with an effective**
131 **date of June 1, 2022, or as soon as possible thereafter, as published**

132 **Made by: Todd Novosad**

133 **Second by: Karen Gardner**

134 **Motion passed.**

135

136 **Motion: To adopt proposed rule §372.1, relating to Provision of Services, with an**
137 **effective date of June 1, 2022, or as soon as possible thereafter, with the**

138 change to not adopt the proposed new §372.1(h)(2) and instead retain the
139 current §372.1(h)(2)

140 **Made by: Karen Gardner**

141 **Second by: Sally Harris King**

142 **Motion passed.**

143

144 **Motion: To adopt proposed rule §373.1, relating to Supervision of Non-Licensed**
145 **Personnel, with an effective date of June 1, 2022, or as soon as possible**
146 **thereafter, as published**

147 **Made by: Sally Harris King**

148 **Second by: Karen Gardner**

149 **Motion passed.**

150

151 The Board recessed at 10:08 AM and reconvened at 10:16 AM. Stephanie Johnston called the
152 roll and announced that a quorum existed.

153

154 **8. OT Coordinator's Report, concerning developments in the field of occupational**
155 **therapy and updates regarding regulatory matters in occupational therapy,**
156 **including Board licensing, CE audit, and entry-level occupational therapy**
157 **accreditation statistics and updates; recent and developing legislation; trends and**
158 **developments in occupational therapy regulations; and the development of an**
159 **interstate licensure compact in occupational therapy by the Council of State**
160 **Governments, the American Occupational Therapy Association, and the National**
161 **Board for Certification in Occupational Therapy**

162 Lea Weiss reported on Board licensing, CE audit, and entry-level occupational therapy
163 accreditation statistics and updates and the development of an interstate licensure compact in
164 occupational therapy by the Council of State Governments, the American Occupational Therapy
165 Association, and the National Board for Certification in Occupational Therapy.

166

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

176 Stephanie Johnston thanked AOTA and TOTA for the public comment and noted that she was
177 looking forward to when the Board could meet Estrella Barrera at the next board meeting.

178

179 **10. Future Board meeting dates and agenda items for future consideration**

180 Stephanie Johnston noted that board meetings had been scheduled for August 5, 2022;
181 October 28, 2022; February 3, 2023; and May 5, 2023, with possible committee meetings to be
182 held August 4 and 5, 2022; October 27 and 28, 2022; February 2 and 3, 2023; and May 4 and 5,
183 2023.

184

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

188 Ralph Harper briefed the Board on fiscal and budgetary matters, performance measures,
189 agency personnel matters, Executive Council activity, and updates regarding the slated
190 relocation of the agency, along with other state agencies located in the William P. Hobby
191 building, to a new capital area complex in Austin in 2022. Ralph Harper also noted ongoing
192 agency projects, including possible future updates to the agency's licensing system and
193 continuing technological advancements.

194

195 **11. Adjournment**

196 The Board adjourned at 10:30 AM.

197

198 **Minutes approved on:** August 5, 2022