

1 **Texas Board of Occupational Therapy Examiners**  
2 **BOARD MEETING MINUTES**

3 Videoconference Call

4 August 5, 2022

5 1801 N Congress Avenue, Suite 10.900

6 Austin, TX 78701

7 9:00 AM  
8

9 **Members Present:** Estrella Barrera, OTR, MOT  
10 Jacob Boggus, Public Member  
11 Blanca Cardenas, Public Member  
12 Jennifer Clark, COTA  
13 Karen Gardner, OTR, Secretary  
14 Eddie Jessie, Public Member  
15 Stephanie Johnston, OTR, OTD, FAOTA, Chair  
16 Sally Harris King, COTA  
17 Todd Novosad, OTR, Vice Chair  
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19 **Members Absent:** None  
20

21 **Counsel Present:** Rosalind Hunt, Assistant Attorney General  
22

23 **Staff Present:** Amy Carter, Director of Enforcement  
24 Adriana Delgado, Assistant Licensing Manager  
25 Randall Glines, Staff Services Officer  
26 Ralph Harper, Executive Director  
27 Lea Weiss, OT Coordinator  
28

29 **The Texas Board of Occupational Therapy Examiners may discuss and/or take action on**  
30 **any of the following agenda items. The Board may go into executive session on any**  
31 **agenda item listed below as authorized by the Open Meetings Act, Texas Government**  
32 **Code Chapter 551.**  
33

34 **1. Call to Order**

35 Stephanie Johnston, Presiding Officer, was physically present at the location of the meeting  
36 open to the public.  
37

38 Stephanie Johnston noted that the board's newest member, Estrella Barrera, was present, and  
39 Ralph Harper certified that Estrella Barrera had completed her board member training.  
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41 Stephanie Johnston called the roll and announced that a quorum existed.  
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43 Stephanie Johnston called the meeting to order at 9:03 AM.  
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45 **2. Excusing Board Member absences**

46 All members were present.

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**3. Public Comment**

There was no public comment.

**4. Minutes of May 6, 2022**

**Motion: To approve the minutes**

**Made by: Jacob Boggus**

**Second by: Karen Gardner**

**Motion passed.**

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

Ralph Harper briefed the Board on fiscal and budgetary matters, performance measures, agency personnel matters, Executive Council activity, and updates regarding the recent relocation of the agency, along with other state agencies formerly located in the William P. Hobby building, to a new capital area complex in Austin. Ralph Harper also noted ongoing agency projects, including regarding maintenance to the agency's website, work on the agency's Legislative Appropriations Request (LAR), and efforts concerning continuing technological advancements.

**6. Investigation Committee Report concerning:**

**A. Agreed Orders for case #s: 22-075, 22-104, 22-118, 22-121, 22-138, 22-148, 22-158, 22-160, 22-169, 22-182, 22-185, 22-188, 22-210, 22-229, 22-245, and 22-252**

Amy Carter presented motions from the Investigation Committee to approve agreed orders for the following case numbers: 22-118, 22-138, 22-229, 22-148, 22-158, 22-252, 22-160, 22-245, 22-185, 22-121, 22-210, 22-169, and 22-188.

The Board approved the agreed orders.

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

Amy Carter and Stephanie Johnston addressed case number 22-075. The Board discussed the case, including with regard to referring the case to the State Office of Administrative Hearings (SOAH).

**Motion: To refer case number 22-075 to SOAH**

**Made by: Investigation Committee**

**Second by: None required.**

**Motion passed.**

**B. Number of cases reviewed, Agreed Orders issued, informal conferences, and other investigative matters discussed during the Investigation Committee Meeting of June 28, 2022**

92 Amy Carter reported that seventy-three cases were reviewed by the Investigation Committee at  
93 the June 28, 2022, meeting. Sixteen orders were issued by the Investigation Committee,  
94 thirteen of which were accepted. Five informal conferences were held.

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

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

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103 **D. Proposing changes to 40 TAC (Texas Administrative Code) §374.3,**  
104 **Complaint Process, including with regard to the complaint process and**  
105 **sending and responding to related materials**

106 Amy Carter addressed possible proposed changes to §374.3, Complaint Process, including with  
107 regard to the complaint process and sending and responding to related materials. The Board  
108 discussed the possible changes.

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110 **Motion: To approve publishing for public comment proposed rule §374.3, relating to**  
111 **Complaint Process**

112 **Made by: Jennifer Clark**

113 **Second by: Karen Gardner**

114 **Motion passed.**

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116 **7. Rules Committee Report concerning 40 TAC §370.3, Restoration of a Texas**  
117 **License, including with regard to requirements concerning the restoration of a**  
118 **license expired one year or more**

119 Lea Weiss noted that the committee had discussed §370.3, Restoration of a Texas License,  
120 including with regard to requirements concerning the restoration of a license expired one year or  
121 more and about which the Board had previously received public comment from the American  
122 Occupational Therapy Association and the Texas Occupational Therapy Association. Lea  
123 Weiss noted that the committee had discussed various elements concerning license restoration  
124 and did not recommend making any changes to the rule section.

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126 **8. OT Coordinator's Report, concerning developments in the field of occupational**  
127 **therapy and updates regarding regulatory matters in occupational therapy,**  
128 **including Board licensing, CE audit, and entry-level occupational therapy**  
129 **accreditation statistics and updates; recent and developing legislation; trends and**  
130 **developments in occupational therapy regulations; and the development of an**  
131 **interstate licensure compact in occupational therapy by the Council of State**  
132 **Governments, the American Occupational Therapy Association, and the National**  
133 **Board for Certification in Occupational Therapy**

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

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

Stephanie Johnston welcomed Estrella Barrera, who introduced herself to the Board. Stephanie Johnston also thanked Judith Joseph, Executive Director of the Texas Occupational Therapy Association, for her presence at the meeting.

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

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

**11. Personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners**

Stephanie Johnston announced that it was 10:25 AM on August 5, 2022, and that the Board would go into closed session pursuant to Texas Government Code Section 551.074 to discuss personnel matters under Agenda Item 11. Stephanie Johnston requested that all non-Board members leave the room, with the exception of Rosalind Hunt. The Board went into closed session.

The Board returned to open session. Stephanie Johnston announced that it was 11:29 AM on August 5, 2022, and that the Board was back in open session. Stephanie Johnston conducted a roll call of members and announced that a quorum existed. Blanca Cardenas was no longer present and was not in attendance for the remainder of the meeting.

Stephanie Johnston noted that no action was taken in closed session.

**6. D. Proposing changes to 40 TAC (Texas Administrative Code) §374.3, Complaint Process, including with regard to the complaint process and sending and responding to related materials**

The Board returned to the agenda item. Lea Weiss noted that a reference to the Texas Government Code in §374.3 could also be corrected. The Board discussed the possible additional amendment to the section.

**Motion: To approve publishing for public comment proposed rule §374.3, relating to Complaint Process, to change the citation under (d)(1) to §2001.054(c).**  
**Made by: Sally Harris King**

184 **Second by: Estrella Barrera**

185 **Motion passed.**

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187 **12. Adjournment**

188 The Board adjourned at 11:38 AM.

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190 **Minutes approved on: October 28, 2022**