

1 **Texas Board of Occupational Therapy Examiners**

2 **BOARD MEETING MINUTES**

3 Videoconference Call

4 October 28, 2022

5 1801 Congress Ave Ste 10.900

6 Austin, TX 78701

7 8:30 AM

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

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

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

21
22 **Staff Present:** Amy Carter, Director of Enforcement
23 Adriana Delgado, Licensing Manager
24 Randall Glines, Staff Services Officer
25 Ralph Harper, Executive Director
26 Don Meshell, Investigator
27 Priscilla Sendero, Investigator
28 Lea Weiss, OT Coordinator
29 Cynthia Welch, Investigator

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

35
36 **1. Call to Order**

37 The meeting was called to order at 8:47 AM by Stephanie Johnston, Presiding Officer, who was
38 physically present at the location of the meeting open to the public. She called the roll and
39 announced that a quorum existed.

40
41 **2. Excusing Board Member absences**

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

43 **Made by:** Karen Gardner

44 **Second by:** Todd Novosad

45 **Motion passed.**

46

47 **3. Public Comment**

48 There was no public comment.

49

50 **4. Minutes of August 5, 2022**

51 **Motion: To approve the minutes**

52 **Made by: Jacob Boggus**

53 **Second by: Estrella Barrera**

54 **Motion passed.**

55

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

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

65

66 Rosalind Hunt joined the meeting during the agenda item.

67

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

69 **A. Agreed Orders for case #s: 22-104, 22-182, 22-222, 22-230, 22-239, 22-249,**
70 **22-250, 22-256, 22-257, 22-258, 22-260, 22-261, 22-276, 22-311, 22-320, 22-**
71 **324, and 22-325**

72 Amy Carter presented motions from the Investigation Committee to approve agreed orders for
73 the following case numbers: 22-230, 22-256, 22-320, 22-324, 22-325, 22-249, 22-257, 22-258,
74 22-250, 22-311, 22-261, 22-104, 22-182, 22-260, and 22-239.

75

76 The Board approved the agreed orders.

77

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

79

80 **B. Number of cases reviewed, Agreed Orders issued, informal conferences,**
81 **and other investigative matters discussed during the Investigation**
82 **Committee Meeting of September 16, 2022**

83 Amy Carter reported that sixty-eight cases were reviewed by the Investigation Committee at the
84 September 16, 2022, meeting. Seventeen orders were issued by the Investigation Committee,
85 fifteen of which were accepted. Two informal conferences were held.

86

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

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

93

94 **7. Adopting changes to 40 Texas Administrative Code (TAC) §374.3, Complaint**
95 **Process, including with regard to the complaint process and sending and**
96 **responding to related materials**

97 Lea Weiss addressed proposed changes to §374.3, Complaint Process, including with regard to
98 the complaint process and sending and responding to related materials. Lea Weiss noted that
99 no public comment had been received regarding the proposal.

100
101 **Motion: To adopt proposed rule §374.3, relating to Complaint Process, with an**
102 **effective date of December 1, 2022, or as soon as possible thereafter,**
103 **as published**

104 **Made by: Karen Gardner**

105 **Second by: Eddie Jessie**

106 **Motion passed.**

107
108 **8. Education Committee Report concerning continuing education requirements,**
109 **including the following:**

110 **A. The key factors for the competent performance by a license holder of the**
111 **license holder's professional duties as such relate to continuing education**
112 **requirements**

113 **B. Changes to continuing education requirements in 40 TAC Chapter 367,**
114 **Continuing Education, including concerning the following:**

115 **i. acceptable and unacceptable continuing education activities**

116 **ii. categories of continuing education activities**

117 **iii. continuing education documentation**

118 Todd Novosad and Lea Weiss briefed the Board concerning the Committee's discussion
119 regarding the key factors for the competent performance by a license holder of the license
120 holder's professional duties as such relate to continuing education requirements and regarding
121 possible future changes to continuing education requirements. They noted that the Committee
122 did not recommend any proposed changes at the meeting, though the Committee had
123 discussed continuing at upcoming meetings its discussion concerning recommending possible
124 changes.

125
126 The Board discussed the agenda item, including regarding possible future changes.

127
128 **9. OT Coordinator's Report, concerning developments in the field of occupational**
129 **therapy and updates regarding regulatory matters in occupational therapy,**
130 **including Board licensing, CE audit, and entry-level occupational therapy**
131 **accreditation statistics and updates; recent and developing legislation; and trends**
132 **and developments in occupational therapy regulations**

133 Lea Weiss reported on Board licensing, CE audit, and entry-level occupational therapy
134 accreditation statistics and updates.

135
136 **10. Presiding Officer's Report, concerning developments in the field of occupational**
137 **therapy and updates regarding regulatory matters in occupational therapy,**
138 **including trends and developments in occupational therapy regulations, practice,**

139 **standards, and guidelines; Board and committee appointment updates; and**
140 **regulatory conferences and events**

141 Stephanie Johnston thanked Judith Joseph, Executive Director of the Texas Occupational
142 Therapy Association, for her presence at the meeting.

143

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

145 Stephanie Johnston noted that board meetings had been scheduled for February 3, 2023; May
146 5, 2023; August 4, 2023; and October 27, 2023, with possible committee meetings to be held
147 February 2 and 3, 2023; May 4 and 5, 2023; August 3 and 4, 2023; and October 26 and 27,
148 2023.

149

150 **12. Adjournment**

151 The Board adjourned at 10:08 AM.

152

153 **Minutes approved on:** February 3, 2023