Texas Board of Occupational Therapy Examiners
BOARD MEETING MINUTES
Videoconference Call
August 4, 2023
1801 Congress Ave Ste 10.900
Austin, TX 78701
8:30 AM

Members Present: Estrella Barrera, OTR, MOT
Jacob Boggus, Public Member
Jennifer Clark, COTA
Karen Gardner, OTR, Secretary
Eddie Jessie, Public Member
Stephanie Johnston, OTR, OTD, FAOTA, Chair
Sally Harris King, COTA
Todd Novosad, OTR, Vice Chair

Members Absent: Blanca Cardenas, Public Member

Counsel Present: Rosalind Hunt, Assistant Attorney General

Staff Present: Amy Carter, Director of Enforcement
Randall Glines, Staff Services Officer
Ralph Harper, Executive Director
Don Meshell, Investigator
Priscilla Sendero, Investigator
Lea Weiss, OT Coordinator
Cynthia Welch, Investigator

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

1. Call to Order

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

2. Excusing Board Member absences

Motion: To approve the excuse of Blanca Cardenas for the absence at the meeting
Made by: Jennifer Clark
Second by: Estrella Barrera
Motion passed.

3. Public Comment

Judith Joseph, Executive Director of the Texas Occupational Therapy Association (TOTA), provided public comment concerning TOTA's upcoming annual conference.

4. Minutes of May 5, 2023, meeting

Motion: To approve the minutes
Made by: Karen Gardner
Second by: Sally Harris King
Motion passed.

5. Executive Director's Report concerning fiscal and budgetary matters, performance measures, ongoing projects, agency personnel matters, Executive Council activity, recent and current 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 the 88th Regular Legislative session. Ralph Harper also noted updates regarding the agency's Continuity of Operations Plan (COOP) and continuing technological advancements. In addition, Ralph Harper, along with John Monk, Director of the Health Professions Council, addressed the recent limited data breach of the Executive Council of Physical Therapy and Occupational Therapy Examiners' website.
The Board discussed the agenda item.

6. Investigation Committee Report concerning:

A. Agreed Orders for case #s: 23-100, 23-126, 23-137, 23-138, 23-146, 23-164, 23-169, 23-172, 23-174, 23-179, 23-196, 23-197, 23-200, 23-201, 23-202, 23-203, 23-204, 23-205, 23-210, 23-218, 23-219, 23-220, 23-222, 23-224, 23-226, 23-227, 23-228, 23-237, 23-241, 23-243, 23-255, 23-256, 23-259, 23-261, 23-267, 23-271, and 23-279

Amy Carter presented motions from the Investigation Committee to approve agreed orders for the following case numbers: 23-224, 23-226, 23-237, 23-279, 23-256, 23-267, 23-100, 23-196, 23-197, 23-201, 23-202, 23-205, 23-204, 23-200, 23-255, 23-218, 23-271, 23-138, 23-172, 23-220, 23-259, 23-137, 23-169, 23-174, 23-219, 23-241, 23-164, 23-243, 23-228, and 23-222.

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, and other investigative matters discussed during the Investigation Committee Meeting of June 16, 2023

Amy Carter reported that one hundred twenty cases were reviewed by the Investigation Committee at the June 16, 2023, meeting. Thirty-five orders were issued by the Investigation Committee, thirty of which were accepted. Two 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. Proposing changes to the following rules in 40 Texas Administrative Code (TAC), including with regard to legislation passed during the 88th Legislative Session and the designation of an address of record and the recognition of out-of-state license of a military service member or military spouse:

- **A. §364.5. Recognition of Out-of-State License of Military Spouse**
- **B. §368.1. Open Records**
- **C. §369.2. Changes of Name or Contact Information**
- **D. §370.1. License Renewal**

Lea Weiss addressed the agenda item and noted changes that could be made to §364.5. Recognition of Out-of-State License of Military Spouse, §368.1. Open Records, §369.2. Changes of Name or Contact Information, and §370.1. License Renewal, including with regard to legislation passed during the 88th Regular Legislative Session and the designation of an address of record and the recognition of out-of-state license of a military service member or military spouse.

Motion: To approve publishing for public comment proposed rules §364.5, relating to Recognition of Out-of-State License of Military Spouse; §368.1, relating to Open Records; §369.2, relating to Changes of Name or Contact Information; and §370.1, relating to License Renewal
Made by: Todd Novosad
Second by: Jacob Boggus
Motion passed.

The Board recessed at 9:45 AM and reconvened at 9:52 AM. Stephanie Johnston called the roll and announced that a quorum existed.

8. Election of Board Vice Chair and Board Secretary

Stephanie Johnston noted that the Board would be holding the required elections for the officer positions of vice chair and board secretary. Stephanie Johnston and Lea Weiss addressed the positions, in general, and Stephanie Johnston thanked the current officers for their service. Stephanie Johnston asked for nominations for board vice chair and board secretary.

Stephanie Johnston nominated Todd Novosad for board vice chair.

Motion: To elect Todd Novosad as Board Vice Chair
Made by: Karen Gardner
Second by: Estrella Barrera
Motion passed.

Stephanie Johnston nominated Karen Gardner for board secretary.

Motion: To elect Karen Gardner as Board Secretary

Made by: **Sally Harris King**
Second by: **Jennifer Clark**
Motion passed.

9. Education Committee report concerning continuing education requirements, including changes to continuing education requirements in 40 TAC Chapter 367, Continuing Education, including with regard to the following:

A. The definition of continuing education
B. Acceptable and unacceptable continuing education activities
C. Categories of continuing education activities
D. Continuing education documentation
E. Legislative activity during the 88th Legislative Session

Todd Novosad and Lea Weiss briefed the Board concerning the Committee's discussion regarding continuing education requirements, including possible future changes to continuing education requirements. They noted that the Committee did not recommend any proposed changes at the meeting, though the Committee had discussed continuing at upcoming meetings its discussion concerning recommending possible changes. Lea Weiss also addressed continuing education requirements and legislative activity during the 88th Regular Legislative Session. The Board discussed the agenda item.

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

Lea Weiss reported on Board licensing, CE audit, entry-level occupational therapy accreditation statistics and updates, and legislation filed and passed during the 88th Regular Legislative session.

11. 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; Board and committee appointment updates; and regulatory conferences and events

Stephanie Johnston noted upcoming regulatory conferences and events.

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

Stephanie Johnston noted that board meetings had been scheduled for October 27, 2023; February 2, 2024; May 3, 2024; and August 2, 2024, with possible committee meetings to be held October 26 and 27, 2023; February 1 and 2, 2024; May 2 and 3, 2024; and August 1 and 2, 2024.

13. 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 11:01 AM on August 4, 2023, and that the Board would go into closed session pursuant to Texas Government Code §551.074 to discuss personnel matters under Agenda Item 13. 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 11:23 AM on August 4, 2023, and that the Board was back in open session. Stephanie Johnston conducted a roll call of members and announced that a quorum existed.

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

14. Adjournment

The Board adjourned at 11:25 AM.

Minutes approved on: October 27, 2023