Texas Board of Occupational Therapy Examiners
BOARD MEETING MINUTES
Videoconference Call
October 27, 2023
1801 Congress Ave Ste 10.900
Austin, TX 78701
8:30 AM

Members Present: Estrella Barrera, OTR, MOT
Blanca Cardenas, Public Member
Jennifer Clark, COTA
Eddie Jessie, Public Member
Stephanie Johnston, OTR, OTD, FAOTA, Chair
Sally Harris King, COTA
Todd Novosad, OTR, Vice Chair

Members Absent: Karen Gardner, OTR, Secretary
Jacob Boggus, Public Member

Counsel Present: Rosalind Hunt, Assistant Attorney General

Staff Present: Amy Carter, Director of Enforcement
Adriana Delgado, Licensing Manager
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 8:37 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 Karen Gardner and Jacob Boggus for the absence at the meeting
Made by: Eddie Jessie
Second by: Estrella Barrera
Motion passed.

3. Public Comment

There was no public comment.

4. Minutes of August 4, 2023, meeting

Motion: To approve the minutes
Made by: Todd Novosad
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, and other agency business, including updates regarding the agency's continuing technological advancements.

6. Investigation Committee Report concerning:

A. Agreed Orders for case #s: 23-126, 23-146, 23-179, 23-203, 23-210, 23-234, 23-249, 23-270, 23-275, 23-277, 23-282, 23-288, 23-300, 23-307, 23-308, 23-309, 23-310, 23-311, 23-314, 23-325, 23-328, 23-333, 23-334, 23-336, 23-337, 23-338, 23-343, 23-346, 23-348, and 23-354

Amy Carter presented motions from the Investigation Committee to approve agreed orders for the following case numbers: 23-277, 23-328, 23-336, 23-249, 23-309, 23-310, 23-307, 23-203, 23-308, 23-311, 23-325, 23-348, 23-354, 23-126, 23-288, 23-234, 23-343, 23-282, 23-333, 23-337, 23-314, 23-334, 23-300, 23-346, 23-338, and 23-210.

The Board approved the agreed orders.

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

Amy Carter and Stephanie Johnston, a member of the Investigation Committee, and Jennifer Clark, chair of the Investigation Committee, addressed case number 23-146. The Board discussed the case, including with regard to referring the case to the State Office of Administrative Hearings (SOAH).

Motion: Send case number 23-146 to SOAH with a recommendation of a 60-day suspension plus any administrative fees that go along with that
Made by: Investigation Committee
Second by: None required.
Motion passed.

During the agenda item, due to technical difficulties, the Board recessed at 9:01 AM and reconvened at 9:15 AM. Stephanie Johnston called the roll and announced that a quorum existed.

B. Number of cases reviewed, Agreed Orders issued, informal conferences, and other investigative matters discussed during the Investigation Committee Meeting of September 8, 2023

Amy Carter reported that one hundred seventeen cases were reviewed by the Investigation Committee at the September 8, 2023, meeting. Thirty orders were issued by the Investigation Committee, twenty six 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 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 adopted 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. Lea Weiss also noted changes that could be made upon adoption to §364.5. Recognition of Out-of-State License of Military Spouse.

Lea Weiss noted that no public comment was received regarding the proposals.

Motion: To adopt proposed rule §364.5, relating to Recognition of Out-of-State License of Military Spouse, with an effective date of December 1, 2023, or as soon as possible thereafter, with the changes recommended by agency staff
Made by: Jennifer Clark
Second by: Estrella Barrera
Motion passed.

Motion: To adopt proposed rules §368.1, relating to Open Records; §369.2, relating to Changes of Name or Contact Information; and §370.1, relating to License Renewal, with an effective date of December 1, 2023, or as soon as possible thereafter, as published
Made by: Estrella Barrera
Second by: Eddie Jessie

Motion passed.

8. 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

Lea Weiss briefed the Board concerning possible future changes to continuing education requirements, including those discussed at the preceding board and committee meetings and that could be addressed at a future committee or board meeting for possible rule proposing. The Board discussed the agenda item.

9. 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, and entry-level occupational therapy accreditation statistics and updates.

Sally Harris King left the meeting during the agenda item and was not in attendance for the remainder of the meeting.

10. 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.

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

Stephanie Johnston noted that board meetings had been scheduled for February 2, 2024; May 3, 2024; August 2, 2024: and November 8, 2024, with possible committee meetings to be held February 1 and 2, 2024; May 2 and 3, 2024; August 1 and 2, 2024; and November 7 and November 8, 2024.

12. Adjournment

The Board adjourned at 11:05 AM.

Minutes approved on: February 2, 2024