Texas Board of Occupational Therapy Examiners
BOARD MEETING MINUTES
Videoconference Call
February 2, 2024
1801 Congress Ave Ste 10.900
Austin, TX 78701
9:00 AM

Members Present: Blanca Cardenas, Public Member
Jennifer Clark, COTA
Karen Gardner, OTR, Secretary
Eddie Jessie, Public Member
Stephanie Johnston, OTR, OTD, FAOTA, Chair
Sally King, COTA
Todd Novosad, OTR, Vice Chair

Members Absent: Estrella Barrera, OTR, MOT
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 9:20 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 Estrella Barrera and Jacob Boggus for the absence at the meeting
Made by: Todd Novosad
Second by: Eddie Jessie
Motion passed.

3. Public Comment

There was no public comment.

4. Minutes of October 27, 2023, meeting

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

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

Ralph Harper briefed the Board on fiscal and budgetary matters, performance measures, and other agency business, including updates regarding the agency's continuing technological advancements. Ralph Harper and Adriana Delgado addressed personnel matters, including regarding the licensing department.

6. Investigation Committee Report concerning:

A. Agreed Orders for case #s: 23-394, 23-410, 24-004, 24-005, 24-013, 24-024, 24-026, 24-027, 24-030, 24-031, 24-032, 24-034, 24-038, and 24-086

Amy Carter presented motions from the Investigation Committee to approve agreed orders for the following case numbers: 24-004; 24-005; 24-013; 24-027; 24-031; 24-032; 24-030; 23-410; 24-034; 24-086; 23-394; 24-038; and 24-026.

The Board approved the agreed orders.

An agreed order for the remaining case was 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 November 27, 2023

Amy Carter reported that eighty six cases were reviewed by the Investigation Committee at the November 27, 2023, meeting. Fourteen orders were issued by the Investigation Committee, thirteen of which were accepted. No 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 a four-year rule review of the following chapters of the 40 Texas Administrative Code (TAC) as required by §2001.039 of the Government Code: Chapter 361, Statutory Authority; Chapter 362, Definitions; Chapter 363,

Consumer/Licensee Information; Chapter 364, Requirements for Licensure; Chapter 367, Continuing Education; Chapter 368, Open Records; Chapter 369, Display of Licenses; Chapter 370, License Renewal; Chapter 371, Inactive and Retired Status; Chapter 372, Provision of Services; Chapter 373, Supervision; Chapter 374, Disciplinary Actions/Detrimental Practice/Complaint Process/Code of Ethics/Licensure of Persons with Criminal Convictions; and Chapter 375, Fees

Lea Weiss addressed the Board's upcoming rule review and noted that §2001.039 of the Government Code requires that the Board review its rules every four years to determine whether the reasons for initially adopting the rules continue to exist.

Motion: **To approve publishing for public comment a proposed rule review of Chapter 361, relating to Statutory Authority; Chapter 362, relating to Definitions; Chapter 363, relating to Consumer/Licensee Information; Chapter 364, relating to Requirements for Licensure; Chapter 367, relating to Continuing Education; Chapter 368, relating to Open Records; Chapter 369, relating to Display of Licenses; Chapter 370, relating to License Renewal; Chapter 371, relating to Inactive and Retired Status; Chapter 372, relating to Provision of Services; Chapter 373, relating to Supervision; Chapter 374, relating to Disciplinary Actions/Detrimental Practice/Complaint Process/Code of Ethics/Licensure of Persons with Criminal Convictions; and Chapter 375, relating to Fees**
Made by: **Karen Gardner**
Second by: **Eddie Jessie**
Motion passed.

8. Proposing changes to the following rules in 40 TAC Chapter 367, Continuing Education:
A. §367.1. Continuing Education
B. §367.2. Categories of Education
C. §367.3. Continuing Education Audit

Lea Weiss addressed the agenda item and noted changes that could be proposed, including those discussed at preceding Board and Education Committee meetings, concerning continuing education to §367.1. Continuing Education, §367.2. Categories of Education, and §367.3. Continuing Education Audit.

The Board discussed the agenda item.

The Board recessed at 10:43 AM and reconvened at 11:02 AM. Stephanie Johnston called the roll and announced that a quorum existed.

Motion: **To approve publishing for public comment proposed rule §367.1, relating to Continuing Education; §367.2, relating to Categories of Education; and §367.3, relating to Continuing Education Audit**
Made by: **Sally King**
Second by: **Karen Gardner**
Motion passed.

9. OT Coordinator's Report, concerning initiation of the Board's five-year review of its continuing education approval process and continuation thereof as required by 40 TAC §367.1. Continuing Education and 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. She also addressed the initiation of the Board's five-year review of its continuing education approval process and continuation thereof as required by §367.1. Continuing Education.

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 thanked the attendees for their presence at the meeting.

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

Stephanie Johnston noted that board meetings had been scheduled for May 3, 2024; August 2, 2024; November 8, 2024; and February 7, 2025, with possible committee meetings to be held May 2 and 3, 2024; August 1 and 2, 2024; November 7 and 8, 2024; and February 6 and 7, 2025.

12. Adjournment

The Board adjourned at 11:20 AM.

Minutes approved on: May 3, 2024