Texas Board of Occupational Therapy Examiners
BOARD MEETING MINUTES
Videoconference Call
May 3, 2024
1801 Congress Ave Ste 10.900
Austin, TX 78701
9:00 AM

Members Present: Estrella Barrera, OTR, MOT
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: Jacob Boggus, Public Member
Blanca Cardenas, 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 9:06 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 and Jacob Boggus for the absence at the meeting
Made by: Estrella Barrera
Second by: Eddie Jessie
Motion passed.

3. Public Comment

There was no public comment.

4. Minutes of February 2, 2024, meeting

Motion: To approve the minutes
Made by: Karen Gardner
Second by: Eddie Jessie
Motion passed.

Estrella Barrera abstained from voting on the motion, noting such was due to her absence at the February 2, 2024, meeting.

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, agency personnel matters, and other agency business and ongoing projects, including updates regarding the agency's continuing technological advancements.

6. Investigation Committee Report concerning:

A. Agreed Orders for case #s: 24-024, 24-044, 24-046, 24-047, 24-048, 24-050, 24-064, 24-067, 24-073, 24-082, 24-084, 24-090, 24-092, 24-094, 24-095, 24-097, 24-099, 24-101, 24-102, 24-106, 24-107, 24-108, 24-113, 24-114, 24-116, and 24-118

Amy Carter presented motions from the Investigation Committee to approve agreed orders for the following case numbers: 24-067, 24-084, 24-118, 24-092, 24-094, 24-095, 24-097, 24-101, 24-090, 24-099, 24-102, 24-047, 24-024, 24-082, 24-108, 24-107, 24-048, 24-050, 24-064, and 24-113.

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 March 18, 2024

Amy Carter reported that ninety cases were reviewed by the Investigation Committee at the March 18, 2024, meeting. Twenty six orders were issued by the Investigation Committee, twenty 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 during the second quarter of Fiscal Year 2024

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. Proposed re-adoption of the rules in the following chapters of 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 proposed 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.

Lea Weiss noted that an assessment had been conducted concerning whether the reasons for adopting the rules continue to exist and that as a result of the review, it was found that the reasons for adopting the rules continue to exist.

Lea Weiss noted that no comment was received on the proposed rule review.

Motion: To readopt all rules in the following chapters of 40 Texas Administrative 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
Made by: Todd Novosad
Second by: Estrella Barrera
Motion passed.

8. Five-year review of the Board's continuing education approval process and continuation thereof as required by 40 TAC §367.1. Continuing Education, including the consideration of responses submitted by the American Occupational Therapy Association and the Texas Occupational Therapy Association for the review

Lea Weiss noted that the Board had received responses from the American Occupational Therapy Association (AOTA) and the Texas Occupational Therapy Association (TOTA) concerning their respective continuing education approval programs.

Motion: To continue the approval of AOTA's and TOTA's educational activities

Made by: **Karen Gardner**
Second by: **Estrella Barrera**
Motion passed.

9. Proposed adoption of 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 adopted to §367.1, §367.2, and §367.3.

Lea Weiss noted that public comment from CE Broker by Propelus was received regarding the proposed amendments. CE Broker was neither for nor against the adoption and addressed what it referred to as the modernization of audit processes nationwide and in Texas. The Board disagreed with CE Broker's comment and approved the agency's proposed response to the comment.

Motion: **To adopt proposed rule §367.1, relating to Continuing Education; §367.2, relating to Categories of Education; and §367.3, relating to Continuing Education Audit, with an effective date of June 1, 2024, or as soon as possible thereafter, as published**
Made by: **Sally King**
Second by: **Estrella Barrera**
Motion passed.

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

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 addressed entry-level occupational-therapy accreditation updates and trends and developments in occupational therapy practice.

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

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

held August 1 and 2, 2024; November 7 and 8, 2024; February 6 and 7, 2025; and May 1 and 2, 2025.

13. Adjournment

The Board adjourned at 9:59 AM.

Minutes approved on: August 2, 2024