

1 **TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

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2 Board Meeting  
3 333 Guadalupe St #2-510  
4 Austin, TX 78701  
5 February 16, 2007  
6 10:00 AM  
7

8 Members Present: Jean Polichino, OTR and Presiding Officer  
9 Judith Bowen, OTR  
10 Michael Carreon, COTA  
11 Cecilia Fierro, OTR and Secretary  
12 Dely De Guia Cruz, Public Member  
13 Joseph Messmer, COTA  
14 Clarissa Meyers, OTR  
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17 Members Absent: Grace Butler, PhD, Public Member  
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20 Staff: John Maline, Executive Director  
21 Augusta Gelfand, OT Coordinator  
22 Mark Turek, Chief Investigator  
23 Cynthia Machado, Licensing Manager  
24 Kevin Heyburn, Assistant Attorney General  
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27 Guests: Joan Bell, TOTA Education Chair

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29 **I. Call to Order**

30 Jean Polichino, Presiding Officer, called the meeting to order at 10:00 AM. She called the roll  
31 and established that a quorum existed. Ms. Polichino announced that David Cabrales, a public  
32 member, had been appointed to the Racing Commission and thus had resigned from our  
33 board. Ms. Polichino introduced Kevin Heyburn, our newly appointed attorney from the  
34 Attorney General's Office. Mr. Heyburn introduced himself by giving the board his professional  
35 background.  
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37 **2. Public Comment**

38 No comment  
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40 **3. Approval of Minutes of November 17, 2006**

41 Motion: To approve minutes  
42 Made by: Cecilia Fierro  
43 Second by: Joseph Messmer  
44 Motion passed.  
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46 **4. Board Election of Officers**

47 This item was posted on the agenda in case new board members had been appointed. There  
48 was no election.  
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50 **5. Discussion and possible action on TOTA's Report**

51 Joan Bell, OTR, serving as the Texas Occupational Therapy Association's Education Chair,  
52 passed out a report showing that TOTA will begin reviewing each continuing education course  
53 rather than the continuing education providers. She and her committee have checked out the

1 Texas Physical Therapy Association's website and the Texas Speech Association's continuing  
2 education approval process and will begin implementing their models now, with full  
3 implementation, website listings, and look-ups fully operational by 2009. The Board expressed  
4 their appreciation of the positive changes and thanked Ms. Bell for her appearance at the  
5 board meeting and her work.

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7 **6. Discussion and Possible Action On Executive Director's Report concerning fiscal**  
8 **and budgetary matters, annual performance measures, the Executive Council,**  
9 **agency personnel, ongoing projects, the legislative session, and other agency**  
10 **business.**

11 Mr. Maline explained the annual financial reports and statistics for the agency, covering the first  
12 quarter. He told the board he had just attended a hearing and mark-up sessions and that his  
13 exceptional items were approved. Mr. Maline told the board that the letter about facility  
14 registration questions would be reviewed by Mr. Heyburn, whose office would have a decision  
15 for us shortly. One of the confusions is whether the nursing home licensing through the  
16 Department of Aging and Disability covers out-patient treatment in the nursing home. Another  
17 issue is whether OT and PT departments owned by a hospital but located in satellite locations  
18 are covered by hospital licensing, or need to be registered by the Board.

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20 The Board took a recess from 11:05 to 11:15AM.

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22 **7. Investigation Committee Report**

23 **A. Review and Possible Action on Agreed Orders#: 07-13; 07-15; 07-17; 07-**  
24 **18; 07-20; and 07-27.**

25 The Investigation Committee moved to accept each of the following Agreed  
26 Orders, and the Board passed each motion unanimously with no discussion.  
27 #07-13; 07-15; 07-17; 07-18; and 07-27.

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29 **B. Discussion of committee meetings on January 27, 2007**

30 The Committee reviewed 29 cases which resulted in 6 Agreed Orders and 6  
31 warning letters.

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33 **C. Discussion of investigative activities to date**

34 In the first quarter FY07 20 complaints were received and 28 investigations  
35 were completed, resulting in 11 Agreed Orders, in an average time of 142 days  
36 and at an average cost of \$101 per investigation completed.

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38 **8. Rules Committee Report**

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40 **A. Discussion and possible action on proposed amendments to rules: §362.1,**  
41 **Definitions.**

42 New Amendments were proposed

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44 **B. §364.1, 2, 3, 4, Requirements for Licensure**

45 New Amendments were proposed

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47 **C. §367.1,2,3, Continuing Education**

48 Amendments were proposed

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50 **D. §370.1, License Renewal and a new proposed §370.2, Late Renewal.**

51 New amendments were proposed.

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53 **E. §372.1, Provision of Services**

54 No amendments were proposed.

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F §474.4, Code of Ethics  
No amendments were proposed.

G. Discussion and possible recommendation for Sunset Review  
The Committee explained the items they had developed.

**Motion: To propose amendments to §362.1, Definitions; §364.1 Requirements for Licensure; §367.1, Continuing Education; §370.1, License Renewal and a new §370.1, Late Renewal as presented.**

**Made by: Cecilia Fierro**  
**Second by: Clarissa Meyers**  
**Motion passed.**

H. Discussion and possible adoption of proposed published rule amendment §376.1, Facility Definitions. No public comment received.

**Motion: To adopt the amendment to §376.1 to add a definition for Linked Facility.**

**Made by: Cecilia Fierro**  
**Second: Clarissa Meyers**  
**Motion passed.**

The board recessed for lunch at 12:34 pm.  
Clarissa Meyers left at 12:34 pm.  
Kevin Heyburn left at 1:10 pm.  
The Board resumed the meeting at 1:10 pm.

**9. Discussion and possible action on the OT Coordinator’s Report**  
Ms. Gelfand referred the members to her written report. She mentioned that the CE Submission form was now being used as part of the continuing education audits.

**10. Presiding Officers Report**  
There was no report.

**11. Discussion and possible action on future meeting dates and agenda items**  
May 11, 2007 was chosen as the next board meeting date.

**12. Adjournment**  
The Board adjourned at 1:15 PM

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The Board adopted the Minutes on: May 11, 2007