

1 **Texas Board of Occupational Therapy Examiners**
2 **BOARD MEETING MINUTES**
3 **May 4, 2018**
4 333 Guadalupe, Suite #2-510
5 Austin, TX 78701
6 9:00 AM
7

8 **Members Present:** Stephanie Johnston, OTR, FAOTA, Chair
9 Todd Novosad, OTR, Vice Chair
10 DeLana Honaker, OTR, PhD, CLT, FAOTA, Secretary
11 Jennifer B. Clark, COTA
12 Amanda Jean Ellis, Public Member
13 William N. Hale, Public Member
14 Sally Harris King, COTA
15 Pamela D. Nelon, Public Member
16

17 **Members Absent:** None
18

19 **Counsel Present:** Kara Holsinger, Assistant Attorney General
20

21 **Staff Present:** John Maline, Executive Director
22 Mark Turek, Investigator
23 Michael Briscoe, Licensing Manager
24 Ralph Harper, Senior Accountant
25 Lea Weiss, OT Coordinator
26

27 **Public Attendees:** Judith Joseph, TOTA Executive Director
28

29 **1. Call to Order**

30 The meeting was called to order at 9:01 AM by Stephanie Johnston, Presiding Officer. She
31 called the roll and announced that a quorum existed.
32

33 **2. Discussion and possible action on excusing board member absences**

34 No discussion or action taken.
35

36 **3. Public comment**

37 There was no public comment.
38

39 **4. Approval of Minutes of February 2, 2018**

40 **Motion:** To approve the minutes as written

41 **Made by:** DeLana Honaker

42 **Second by:** Jennifer B. Clark

43 **Motion passed.**
44

45 **5. Discussion and possible action on the Executive Director's Report concerning**
46 **fiscal and budgetary matters, performance measures, ongoing projects, agency**
47 **personnel matters, Executive Council activity, upcoming legislative session, and**
48 **other agency business**

49 John Maline briefed the Board on fiscal and budgetary matters, performance measures, ongoing
50 projects, agency personnel matters, Executive Council activity, and issues relevant to agency
51 business. He noted that he has been in contact and had conversations with the staff of the
52 Governor's Appointments Office, but that as of his report, no new appointments or
53 reappointments to the Board had been made, and he noted that due to a recent amendment to

54 the Texas Constitution, unless reappointed, members with terms expired as of the first day of
55 the next legislative session may serve no later than the last day of that session. He also noted
56 that he and Stephanie Johnston planned to go to the Appointments Office to discuss the issue.
57 The Board discussed the agenda item. No action was taken.

58

59 **6. Investigation Committee Report**

60 **A. Review and possible action on Agreed Orders for Case #s: 18-057; 18-**
61 **066; 18-075; 18-076; 18-077; 18-080; 18-081; 18-092; 18-095 and 18-098**

62 Mark Turek presented agreed orders for the following case numbers: 18-075; 18-076; 18-077;
63 18-080; 18-057; 18-066; 18-092; 18-098; 18-095.

64

65 The Board reviewed and ratified the agreed orders for case numbers: 18-075; 18-076; 18-077;
66 18-080; 18-057; 18-066; 18-092; 18-098; 18-095.

67

68 The remaining case was not presented to the Board at this time.

69

70 **B. Discussion and possible action on the Investigation Committee meetings**
71 **of February 10 and April 3, 2018**

72 Mark Turek reported that the sole agenda item of note of the February 10, 2018 Investigation
73 Committee meeting was the review and possible action on the emergency license suspension
74 under Case #16-122. That licensee had his license suspended under section 454.305 of the
75 Act at the February 2, 2018 Board meeting as “the continued practice by the licensee
76 constitutes a continuing or imminent threat to the public health or welfare.” Mark Turek noted
77 that the Committee acted to continue the suspended status of the license, as no cause has
78 been presented to the contrary.

79

80 Mark Turek also reported that forty six cases were reviewed at the April 3, 2018 meeting,
81 resulting in the Investigation Committee’s issuance of ten Agreed Orders. No informal
82 conferences were held. Mark Turek also noted that at that meeting, the Committee moved to
83 continue the license suspension under Case #16-122, to allow time for the licensee to provide a
84 response.

85

86 **C. Discussion and possible action on investigative activities to date**

87 Mark Turek reported on performance measures and on-site investigations since the last Board
88 meeting, in addition to continued work on a disciplinary action matrix to include administrative
89 penalties, which was approved with revisions by the Investigation Committee and will be
90 presented to the Board at a future meeting. He also discussed continuing work regarding the
91 implementation of fingerprint-based criminal history background checks of applicants and
92 licensees with an anticipated rollout date of January 1, 2019 for renewals and applications for
93 initial licensure submitted on or after that date.

94

95 **7. Discussion and possible action on the OT Coordinator's Report. The**
96 **Coordinator's Report may concern any items listed on the agenda and events that**
97 **have occurred between this meeting and the Board's last meeting.**

98 Lea Weiss discussed recent activities at the Board, updates regarding the licensing system
99 database and website, and information regarding Board licensing statistics. No action was
100 taken on the agenda item.

101

102 **8. Discussion and possible action on the Presiding Officer's Report. The Presiding**
103 **Officer's Report may concern any items listed on the agenda and events that have**
104 **occurred between this meeting and the Board's last meeting.**

105 Stephanie Johnston discussed the sessions she attended during the NBCOT State Leadership

106 Forum in April, which included presentations concerning NBCOT examination security and
107 continuing education requirements in other jurisdictions. No action was taken on the agenda
108 item.

109
110 **9. Discussion and possible action on scheduling future Board meeting dates and**
111 **agenda items for future consideration**

112 Stephanie Johnston noted that Board meetings have been scheduled for August 3, 2018;
113 November 16 and 17, 2018, as part of the off-site Board conference; February 1, 2019; and May
114 3, 2019; with possible Committee meetings to be held August 2 and 3, 2018; November 16 and
115 17, 2018; January 31 and February 1, 2019; and May 2 and 3, 2019.

116
117 Stephanie Johnston noted that possible agenda items for the upcoming meeting may concern
118 proposing rule changes regarding fingerprint-based criminal background checks pursuant
119 to OT Practice Act changes from SB 317 of the 85th Regular Legislative Session.

120
121 **10. Adjournment**

122 **Motion: To adjourn the meeting**

123 **Made by: Pamela D. Nelon**

124 **Second by: Todd Novosad**

125 **Motion passed.**

126
127 The Board adjourned at 10:06 AM.

128
129 **Minutes adopted on: August 3, 2018**