

Texas Board of Occupational Therapy Examiners

BOARD MEETING

September 2, 2011

9:30 am

333 Guadalupe St, #2-150

Austin, TX

Members Present: Judith Chambers, Public Member
Will Hale, Public Member
Kathleen Hill, COTA
DeLana Honaker, OTR
Stephanie Johnston, OTR
Todd Novosad, OTR
Angela Sieffert, OTA
Pamela Nelon, Public Member

Absent: Catherine Benavidez, OT
Angela Sieffert, OTA

Guest: Bridgett Piernik-Yoder, OTR

Staff: John Maline, Executive Director
Kevin Heyburn, Assistant Attorney General
Mark Turek, Chief Investigator
Augusta Gelfand, OT Coordinator
Cynthia Machado, Licensing Manager

1. **Call to Order**

The meeting was called to order at 9:34 AM by Stephanie Johnston, Presiding Office. She introduced the newest board member, Will Hale, an attorney and public member.

2. **Public comment**

There was no public comment.

3. **Approval of Minutes of February 5, 2011**

Motion: To adopt the minutes as written

Motion by: Judith Chambers

Second DeLana Honaker

Motion passed.

4. **Discussion and possible action on Executive Director's Report concerning fiscal and budgetary matters, past legislative session, 2012-2013 appropriations and budget, quarterly performance measures, the Executive Council actions, postponed Sunset review; ongoing projects, agency personnel matters, potential cost savings measures, and other agency business**

John Maline briefed the Board on the history of our financial situation. He told about all the hearings and meetings attended, and our income shortages. Mr. Maline mentioned projects completed over the summer, projects underway and other projects being contemplated. He asked the board to consider not mailing out renewal cards, but allowing the licensees or employers to verify and print from a new verification system online. He went online and showed the board the Board of Nursing verifications and

how licensees can print out a current “renewal” card. The response was favorable, and we will proceed with the capability, but not expedite until the rules are changed.

The board took a recess from 10:48AM until 11:03AM.

5. **Executive Session pursuant to §551.074 of the Government Code, regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners.**

The board went into Executive Session at 11:10 AM and returned to open session at 11:18AM.

6. **Discussion and possible action pursuant to §551.074 of the Government Code, regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners**

7. **Investigation Committee Report**

- a. **Discussion and possible action on agreed orders for case #s: 10-071; 10-165; 11-016; 11-049; 11-055; 11-065; 11-079; 11-082; 11-083; 11-084; 11-089; 11-097; 11-100; 11-103; 11-125; 11-127; 11-128; 11-135; 11-150; 11-152; 11-159.**

The board ratified agree orders for 11-083; 11-127;11-159; 11-089; 11-103; 11-152; 11-082; 11-150; 11-128; 11-055; ,11-065; 11-100; 11-097; 11-079; 11-084; 11-016; #11-125, and11-135.

- b. **Discussion and possible action on Investigation Committee meeting of August 4, 2011**

The Investigation Committee reviewed 90 cases which resulted in 21 agreed orders.

- c. **Discussion and possible action on investigative activities to date**

Mr. Turek discussed the impact of the Board/committee meetings cancellation due to the budget cuts, on the agency’s performance measures. He also discussed the cessation of all travel for investigations over the summer months. Lastly, he briefly discussed the cooperation of this office with the US Attorney’s office in the prosecution of a Medicare/Medicaid fraud trial that resulted in the conviction and prison sentencing of three individuals.

The board took a recess for lunch at 11:45AM and resumed at 12:02PM.

8. **Rule Committee Report**

- a. **§362.1 Definitions, to review inconsistencies**

Kathleen Hill, Chair of the Rules Committee reported there was no amendment proposed for §362.1.

- b. **§364.2, Initial License by Examination, to add a requirement for proof of a Texas score report before issuance of a license; and §464.3, Temporary License, to add a requirement for proof of Texas Score report ordered before issuance of a temporary license**

Kathleen Hill explained that the board waits for a score and does not know if one has been ordered, which results in temporary license in effect while we receive no score, or a failing score not reported.

Motion: To amend the two rules as discussed.

Made by: Pamela Nelon

Second: Kathleen Hill

Motion passed.

c. **§369.3, Use of Titles, to include an exception for publication style**

The board discussed language to exclude OTs with a PhD in college and university settings, and for publication purposes.

Motion: To amend §369.3 as discussed

Made by: Todd Novosad

Second: Judith Chambers

Motion passed.

d. **§370.3, Restoration of a Teas License, to amend language**

Ms. Hill explained that the amendment provided clarifying language

Motion: To amend §370.3

Made by: Pamela Nelon

Second: Kathleen Hill

Motion passed.

e. **§372.1, Provision of Services, to provide clarification**

Kathleen Hill discussed the questions Augusta had provided on evaluation, supervision, documentation, and other items in the chapter. She pointed out that this section does not have a documentation requirement; therefore the proposed amendment will provide clarification for documentation, discharge, plan of care, and other important areas of practice.

Motion: To amend §372.1 as discussed

Made by: DeLana Honaker

Second: Kathleen Hill

Motion passed.

f. **§373.3, Supervision of a Licensed Occupational Therapy Assistant, regarding audits of OTA Supervision Logs**

Ms. Hill explained that the Rules Committee had added wording to allow for OTA Supervision Logs.

Motion: To amend §373.3 as discussed

Made by: Judith Chambers

Second: Pamela Nelon

Motion passed.

9. **Discussion and possible action about NBCOT Score Reports and how the scores received from NBCOT are acquired and its impact on the Board's statistics**

Ms Gelfand explained that NBCOT only reports scores when the applicant pays for a score report, so our knowledge of how many times a person took the exam or failed the exam is limited. She showed a sample of a NBCOT score report, and how it's turned into a performance measure and later reported to the Texas Board of Higher Education. She reminded the board that they have the authority to decide how many times a licensee may continue to examine, but getting more score reports, as proposed in the proposed amendment to §364.2-3 should be a big help. Delana stated she would like to see a similar report in another year after our score requirements are rule. She also recommended that her decision tree for continuing education be made web based.

Recess at 1:20PM; reconvene at 1:30PM.

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

Ms. Gelfand pointed showed the board the new applicant look-up on line to see what has been received of the required items and what is lacking. She showed them of the form on our website for Criminal History pre-determination. DADS proposed an amendment to their rules, which was reported

to Nina. DADS' proposed rule amendment is in the board packet, as is our reply to their rule proposal, which would put nurses in charge of continued "therapy." She explained the recent law passed in the session which requires a rule for military spouses holding a license in another US State or Territory. We have this covered in our restoration rules, and therefore do not need a new rule. She pointed out two printouts for the last two years which showed in the increase in licensees moving to Texas from other state, and the 1 year report from the State's statisticians on areas of practice. She finished her report information about the new website underway.

11. Discussion and possible action on the Presiding Officer's Report. The Presiding Officer's report may concern any item listed on the agenda and on events that have occurred between this meeting and the Board's last meeting

Ms. Johnston recognized Will Hale as our new board member and thanked Bridgett Piernik-Yoder for coming. She also reported that she and Delana attended the AOTA conference in Philadelphia.

12. Election of Officers

Motion: To re-elect Stephanie Johnston as Presiding Office of the Board.
Made by: Judith Chambers
Second: Kathleen Hill
Motion passed.

Motion: To nominate Todd Novosad as Vice Chair
Made by: Kathleen Hill
Second: DeLana Honaker
Motion passed.

Motion: To re-elect Kathleen Hill as Secretary
Made by: Judith Chambers
Second: Todd Novosad
Motion passed.

13. Discussion and possible action on scheduling future board meeting dates and agenda items for future consideration

The date for the next board meeting is either December 15-16; January 5-6; or January 19-20, we'll try to book the board room for December 15-16.

14. Adjournment

The board adjourned at 2:16 PM

The Board adopted the minutes on: December 16, 2011.