

Texas Board of Occupational Therapy Examiners

BOARD MEETING
May 17, 2013
333 Guadalupe St #2-510
Austin, TX 78701
8:30AM

Members Present: Stephanie Johnston, OTR, Chair
Todd Novosad, OTR, Vice Chair
Kathleen Hill, COTA, Secretary
Catherine Benevidez, OT
Will Hale, Public Member
DeLana Honaker, OTR, PhD
Angela Sieffert, OTA

Members Absent: Pamela Nelon, Public Member

Staff: John Maline, Executive Director
Kara Holsinger, Assistant Attorney General
Mark Turek, Chief Investigator
Augusta Gelfand, OT Coordinator
Marilyn Hartman, Assistant Licensing Manager

Guest: Mary Hennigan, OTR, ED TOTA
Judith Chambers, former public board member

1. Call to Order

The meeting was called to order at 10:07AM by Stephanie Johnston, Presiding Officer. Stephanie praised Judy for her service to the OT Board and presented her with an engraved plaque. Judy thanked the board and expressed her satisfaction as a board member and appreciation of the plaque.

2. Public comment

There was no public comment.

3. Review of Minutes of November 2, 2012 and January 25, 2013

A. Motion: to approve the Minutes from November 2, 2012
By: Kathleen Hill
Second: DeLana Honaker
Motion passed.

B. Motion: to approve the Minutes from January 25, 2013
By: Todd Novosad
Second: Angela Sieffert
Motion passed.

4.. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary matters, performance measure, ongoing projects, agency personnel matters, and other agency business

John Maline briefed the Board on the current bills and hearings. He showed the fiscal reports and performance reports. He introduced Mary Hennigan to discuss the Medicare/Medicaid changes coming from the session, which pointed out the overuse of therapy on Medicaid patients.

5. Investigation Committee Report

A. Review and possible action on Agreed Orders.

The Board ratified orders for: 12-100; 12-168; 12-178; 12-186; 13-011; 13-018; 13-023; 13-048; 13-051; 13-062; 13-065; 13-071; 13-076; 13-091; 13-093; and 13-095.

B. Discussion and possible action on the Investigation committee Meetings of January 25, 2013 and April 5, 2013.

C. Discussion and possible action on investigative activities to date.
19 Agreed Orders, one informal conference from 89 cases.

The Board took a recess at 11:25AM and reconvened at 11:32AM.

6. Rules Committee Report

Discussion and possible action on proposed rule amendments to:

A. §362.1 Definitions

Kathleen reported that the committee added language to explain that certification with NBCOT must be maintained to use the copyrighted initials OTR© and COTA©. The Committee added that the language in (12) has been amended to removed via telecommunication, as this is not currently part of rules.

Motion: The publish the amendment for public comment

Made by: Todd Novosad

Second by: Angela Sieffert

Motion passed.

B. §369.3, Use of Titles

The committee added similar language about maintaining certification with NBCOT to use the copyrighted initials OTR© and COTA©.

Motion: To publish the amendment for public comment

Made by: Todd Novosad

Second by: Angela Sieffert

Motion passed.

C. §372.1, Provision of Services

Kathleen reported that the committee reported an amendment amended the language to read: "It is a violation of the OT Practice Act for anyone other than the evaluating or treating occupational therapist, to dictate, or attempt to dictate, when occupational therapy services should or should not be provided, the nature and frequency of services that are provided, when the patient should be discharged, or any other aspect of the provision of occupational therapy as set out in the OT Act and Rules."

The committee also reported language about progress notes as written by the occupational therapist. The Board removed that language.

Motion: To amend this amendment for public comment

Make by: Catherine Benevidez

Second: DeLana Honaker

Motion passed.

D. §373.3, Supervision of a Licensed Occupational Therapy Assistant

The Committee reported the proposed removal of the word “Licensed “ in the heading of this section. They also added in language from another rule: “If the occupational therapist assistant has no occupational therapist’s name to write in their notes, or available to call, the occupational therapy assistant cannot provide OT services.”

Motion: to publish this amendment for public comment

Made by: Kathleen Hill

Second by: DeLana Honaker

Motion passed.

E. §376.4, Requirements for Registered Facilities

The committee reported a amendment with language that if an OT facility moves, it must obtain a new wall registration that reflected that address.

Motion: To public this amendment for public comment

Made by: Catherine Benevidez

Second by: Todd Novosad

Motion passed.

7. Education Committee

Todd reported that the Education Committee had re-written the Jurisprudence Exam questions according to recommendation by DeLana to eliminate True/False, all of the above, B & C type questions. He further stated that the committee had spent the committee time in the morning discussing questions, wording and validity of questions to replace questions currently online. The new questions will be posted online by Augusta in June. Kathleen reported that some of the questions are based on critical thinking, not necessary quoted in the rules.

8 Discussion and possible action on the OT Coordinator’s Report. The Coordinator’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. Gelfand mentioned that the current population of licensees had exceeded 12, 000 and put Texas as the second most populous in the country. Numbers for the last fiscal year were that 45% of new licensees were from out of state.

9. 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 named the Board Members who had attended AOTA’s annual conference in California. There was a pre-conference workshop presented by DeLana Honaker. Stephanie mentioned the first re-entry courses just successfully completed at Tomball College. Lastly she mentioned that this is Kathleen Hill’s last Board Meeting as the Governor has appointed new board members to replace the three members whose terms had expired. Judy Chambers was appointed to the Optometry Board. Kathleen will be attending TWU’s Bridge Program to become an OT. The third member was Todd Novosad, who was re-appointed for a full six year term; his first term was not a full term as he was replacing a OT who left the board. Stephanie presented a plaque to Kathleen and thanked her for all her service on the board.

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

The Board chose Sept. 13, 2013 and then November 8, 2013 in conjunction with TOTA’s annual conference in Sugar Land.

11. Adjournment

The Chair called an adjournment at 12:14 PM.

Minutes adopted on: September 13, 2013