

EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND
OCCUPATIONAL THERAPY EXAMINERS
QUARTERLY MEETING
August 6, 2010, 10:00 AM

333 Guadalupe, Ste. 2-500
Austin, TX 78701

Persons Present:

Council Members:

Roger Matson, *Presiding Officer*
Karen Gordon, *PT*
Frank Bryan, Jr., *PT Public Member*
Judith Chambers, *OT Public Member*
Stephanie Johnston, *OTR*

Staff:

John Maline, *Executive Director*
Augusta Gelfand, *OT Board Coordinator*
Jennifer Jones, *Executive Assistant*

Kevin Heyburn, *General Counsel*

I. Call to Order.

At 10:01a.m., Mr. Roger Matson, Presiding Officer, called the meeting to order. Mr. Matson called the roll, and a quorum was determined to exist. Ms. Gordon, PT is the substitute for the regular Physical Therapy Board assigned professional member, Ms. Melinda Rodriguez, who was unable to be present.

II. Public Comment.

There was public comment by Kathy Hutto, Texas Occupational Therapy Association (TOTA), who asked if she could reserve her comments for agenda item VI.

III. Approval of minutes of March 5, 2010, Executive Council meeting.

Motion: To approve the minutes of March 5, 2010, Executive Council meeting as found in Tab 3 with no corrections.

The minutes were approved with no corrections for the Executive Council meeting as found in Tab 3.

Made by: Stephanie Johnston

Second: Karen Gordon

4 ayes, motion passed.

IV. Discussion and possible action on Executive Director's Report, concerning fiscal and budgetary matters, recent SAO performance measure audit, quarterly performance measures, Strategic Plan and Legislative Appropriations Report (LAR), agency personnel matters, ongoing projects, and other agency business.

Mr. Maline presented a report to the council that covered the first eleven months of fiscal data of the fiscal year, and other agency matters that were earlier covered in the two board meeting presentations. Some of the topics discussed included the impact of the 5% budget cut for this fiscal year and next, outcome of the SAO performance measure audit, the Strategic Plan and

1 LAR preparation status, current performance measures, impact of the State Comptroller's
2 decision to hold up the FY2010 contingent revenue, and other ongoing projects in the agency.
3 Clarifying questions were asked of him, all of which he answered.
4

5 **V. Discussion and possible action on rule amendments proposed by the Executive Council
6 as follows: §§651.1-3, Fees.**

7 Mr. Maline gave a synopsis of the proposed amendments and discussed in depth the rationale
8 behind the fee increases. The changes are basically the result of having to raise sufficient
9 fees in order for the State Comptroller to release the FY2010 and FY2011 contingent funds
10 approved by the GAA. There were several questions asked of Mr. Maline by the council
11 members, all of which were answered.
12

13 **Motion: To approved the forwarding of the amendment to §§651.1-3, Fees, to the Texas
14 Register for posting.**

15 Made by: Stephanie Johnston
16 Second: Karen Gordon
17 4 ayes, motion passed.
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19 **VI. Review and possible action on rule amendments proposed by the Texas Board of
20 Occupational Therapy Examiners as follows: Chapter 367, §§1-3, Continuing Education;
21 §370.2, Late Renewal; new §370.3, Restoration of a Texas License; §362.1, Definitions.**

22 Ms. Johnston and Ms. Gelfand gave a synopsis of the proposed amendments and the rationale
23 the OT Board used to make the proposed changes. There were several questions asked of
24 them by other council members, all of which were answered. Ms. Kathy Hutto, representing
25 the Texas Occupational Therapy Association (TOTA), expressed her concern about the
26 amendments to Chapter 367, sections 1-3, Continuing Education, and stated that the TOTA
27 was against their passage.
28

29 **Motion: To approve the forwarding of the amendment to Chapter 367, §370.2, Late
30 Renewal, to the Texas Register for posting.**

31 Made by: Judith Chambers
32 Second: Frank Bryan, Jr.
33 4 ayes, motion passed.
34

35 **Motion: To approve the forwarding of Chapter 367, new §370.3, Restoration of a Texas
36 License, to the Texas Register for posting.**

37 Made by: Judith Chambers
38 Second: Frank Bryan, Jr.
39 4 ayes, motion passed.
40

41 **Motion: To approve the forwarding of the amendment to Chapter 367, §362.1, Definitions,
42 to the Texas Register for posting.**

43 Made by: Karen Gordon
44 Second: Judith Chambers
45 4 ayes, motion passed.
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47 **Motion: To approve the forwarding of the amendment to Chapter 367, §§1-3, Continuing
48 Education, to the Texas Register for posting.**

49 Made by: Judith Chambers
50 Second: Frank Bryan, Jr.
51 3 ayes, 1 nay, motion passed.

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VII. Executive Session for the discussion of personnel matters: the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners, pursuant to Texas Government Code Section 551.074(a).

The Executive Council and Mr. Heyburn went into Executive Session at 12:24 p.m., and returned from Executive Session at 12:40 p.m.

VIII. Open session for further discussion and possible action on personnel matters: the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners, pursuant to Texas Government Code Section 551.074(a).

No action was taken.

IX. Presiding Officer’s Report.

There was no report presented.

X. Discussion and possible action on scheduling future Executive Council meeting dates, and items for future consideration.

The next Executive Council meeting is scheduled for Friday, November 19, 2010, 10:00 AM, in the agency board room, Austin, TX.

XI. Adjournment.

The meeting was adjourned at 12:46 PM .

DATE REVIEWED BY THE COUNCIL:

ACTION TAKEN BY THE COUNCIL: