

1 **Texas Board of Occupational Therapy Examiners**

2 BOARD MEETING MINUTES

3 August 14, 2015

4 333 Guadalupe, Suite #2-510

5 Austin, TX 78701

6 9:00 AM

7
8
9 Members Present: Stephanie Johnston, OTR, Chair
10 Todd Novosad, OTR, Vice Chair
11 DeLana Honaker, OTR, PhD, FAOTA, Secretary
12 Jennifer B. Clark, COTA
13 Sally Harris, COTA
14

15 Members Absent: Amanda Jean Ellis, Public Member
16 William N. Hale, Public Member
17 Pamela D. Nelon, Public Member
18

19 Counsel Present: Kara Holsinger, Assistant Attorney General
20

21 Staff Present: John Maline, Executive Director
22 Mark Turek, Chief Investigator
23 Cynthia Machado, Licensing Manager
24 Lea Weiss, OT Coordinator
25

26 Public Attendees: Anna Clinton, Presence Learning
27 Larry Duron, OTR, TOTA Standards and Practices Chair
28 Mary Hennigan, OTR, TOTA Executive Director, via conference call
29 Kathy Hutto, TOTA Legislative Advisor
30
31

32 **1. Call to Order**

33 The meeting was called to order at 9:25 AM by Stephanie Johnston, Presiding Officer. She called the
34 roll and announced that a quorum existed.
35

36 **2. Public comment**

37 There was no public comment.
38

39 **3. Approval of Minutes of May 8, 2015**

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

41 **Made by: DeLana Honaker**

42 **Second by: Sally Harris**

43 **Motion passed.**
44

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

48 John Maline briefed the Board on the fiscal standing of the agency, performance measures, and
49 budgetary and agency personnel matters. He also discussed the previous legislative session and
50 issues relevant to agency business.
51

52 **5. Investigation Committee Report**

53 **A. Review and possible action on Agreed Orders for case numbers: 15-056;**

1 **15-094; 15-118; 15-122; 15-129; 15-135; 15-141; 15-142; and 15-183**

2
3 The Board ratified case numbers: 15-141; 15-118; 15-122; 15-129; 15-135; 15-094; and 15-056.

4
5 **B. Discussion and possible action on the Investigation Committee meeting of July**
6 **23, 2015**

7 Mark Turek reported that sixty-five investigations were reviewed at the July 23, 2015 meeting, resulting
8 in the Investigation Committee's issuance of nine Agreed Orders. Three informal conferences were
9 held.

10
11 **C. Discussion and possible action on investigative activities to date**

12 Mark Turek reported on performance measures and on-site investigations since the last Board meeting.

13
14 **6. Executive Session pursuant to §551.074 of the Texas Government Code, regarding the**
15 **appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of**
16 **the Executive Director of the Executive Council of Physical Therapy and Occupational**
17 **Therapy Examiners**

18 The Board went into closed session at 11:05 AM. The Board returned to open session at 11:18 AM.

19
20 **7. Discussion and possible action on issues related to the current Sunset Review of the**
21 **Texas Board of Occupational Therapy Examiners by the Texas Sunset Advisory**
22 **Commission including issues related to the Self-Evaluation Report**

23 John Maline discussed the initial preparatory stages for the Sunset Review and topics in the Self-
24 Evaluation Report draft. Lea Weiss reviewed the Major Issues section of the Self-Evaluation Report
25 and the Board discussed such.

26
27 The Board broke for recess at 12:02 PM and returned at 12:25 PM.

28
29 **8. Discussion and possible action on adopting changes to proposed §362.1, Definitions;**
30 **§372.1, Provision of Services; §373.1, Supervision of Non-Licensed Personnel; §373.2,**
31 **Supervision of a Temporary Licensee; §373.3, Supervision of an Occupational Therapy**
32 **Assistant; §369.1, Display of Licenses; §369.2, Changes of Name or Address of**
33 **Licensees; §367.1, Continuing Education; and §367.3, Continuing Education Audit**

34 DeLana Honaker introduced the proposed rules and Lea Weiss shared information regarding public
35 comments received from TOTA, AOTA, and the Center for Connected Health Policy–The National
36 Telehealth Resource Center with regard to proposed changes to §362.1, §372.1, §373.1, §373.2, and
37 §373.3.

38
39 The Board discussed the proposed rules and public comments received, with attention to language in
40 the proposals related to physical presence and the supervision of non-licensed personnel in the context
41 of the proposed amendments pertaining to the possible inclusion in the Board Rules of telehealth as a
42 mode of occupational therapy service delivery. The Board also discussed the proposals and public
43 comments received related to the supervision of temporary licensees and occupational therapy
44 assistants.

45
46 **Motion: To withdraw the proposed, published rules to §362.1, Definitions; §372.1,**
47 **Provision of Services; and §373.1, Supervision of Non-Licensed Personnel, and to**
48 **send them back to the Rules Committee for discussion and possible action**

49 **Made by: Sally Harris**

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

51 **Motion Passed.**

52
53 The Board returned to a discussion of the proposed amendments to §373.2, Supervision of a
54 Temporary Licensee; §373.3, Supervision of an Occupational Therapy Assistant; §369.1, Display of

1 Licenses; §369.2, Changes of Name or Address of Licensees; §367.1, Continuing Education; and
2 §367.3, Continuing Education Audit.

3
4 **Motion: To adopt the amendments to §373.2, Supervision of a Temporary Licensee;**
5 **§373.3, Supervision of an Occupational Therapy Assistant; §369.1, Display of**
6 **Licenses; §369.2, Changes of Name or Address of Licensees; §367.1, Continuing**
7 **Education; and §367.3, Continuing Education Audit, as published, with an**
8 **effective date on or after October 1, 2015**

9 **Made by: Todd Novosad**

10 **Second by: DeLana Honaker**

11 **Motion passed.**

12
13
14 **9. Rules Committee Report**

15 **Discussion and possible action on recommendations from the Rules Committee**
16 **including the following items:**

17 **A. Discussion and possible action on proposing rule amendments to the following**
18 **rules:**

19 **1. Chapter 364, Requirements for Licensure**

20 DeLana Honaker reviewed the Committee's discussion of changes to sections §364.1, Requirements
21 for Licensure; §364.2, Initial License by Examination; and §364.3, Temporary License, to clarify the
22 existing rules in general. Further changes discussed included changes regarding fee waivers and/or
23 expedited services under specified conditions for active duty military service members, military
24 veterans, and/or military spouses, as necessitated by Senate Bill 807 and Senate Bill 1307 from the
25 84th Legislative Session, which concern Chapter 55 of the Occupations Code. Additional changes
26 discussed included removing the requirement that all applicants for licensure by examination submit the
27 receipt showing that they have ordered the NBCOT score report and placing the requirement in §364.3,
28 Temporary License, as those applying for a temporary license must submit such in order to ensure the
29 Board receives notification of their passing examination score. DeLana Honaker noted that the
30 Committee did not discuss language changes to §364.4, Licensure by Endorsement.

31
32 **2. Chapter 370, License Renewal**

33 DeLana Honaker reviewed the Committee's discussion regarding changes to Chapter 370, license
34 renewal, to clarify the chapter with regard to renewal and restoration requirements. She reviewed the
35 Committee's discussion pertaining to changes regarding late fee waivers, renewal requirements
36 extensions, and/or expedited services under specified conditions for active duty military service
37 members, military veterans, and/or military spouses, as necessitated by Senate Bill 1307 from the 84th
38 Legislative Session, which concerns Chapter 55 of the Occupations Code. She added that the
39 Committee had discussed language clarifying that an individual whose license has been restored may
40 verify such on the Board's license verification page and may begin to work as a licensee once such has
41 been verified.

42
43 **3. Chapter 376, Registration of Facilities**

44 DeLana Honaker reviewed the Committee's discussion regarding changes to Chapter 376 regarding
45 clarifying provisions in the chapter. Language changes included that a change in ownership or type of
46 ownership as described in §376.10, Change in Occupational Therapy Facility Ownership, requires that
47 the former owner notify the Board in writing on a form prescribed by the Board within 30 days after the
48 change in ownership, and that the new owner register the facility under new ownership. DeLana
49 Honaker also reviewed the Committee's discussion regarding language changes including that if
50 occupational therapy services will no longer be provided at a registered facility, the facility registration
51 must be cancelled by submitting a form as prescribed by the Board within 30 days after the facility's
52 registration expires and that to resume the provision of occupational therapy services at a future date,
53 the facility registration may be restored by meeting the requirements in §376.8, Restoration of
54 Registration.

1
2 **B. Discussion and possible action on proposing a new rule to Chapter 363,**
3 **Consumer/Licensee Information, concerning the petition for adoption of rule**
4 **changes**

5 DeLana Honaker reviewed the Committee's discussion related to the addition of a new rule section,
6 §363.2, concerning the petition for the adoption of a rule, which would prescribe the form for a petition
7 to the Board and the procedure for its submission, consideration, and disposition as provided by Texas
8 Government Code, §2001.021.

9
10 **Motion: To propose and publish the amendments to §364.1, Requirements for Licensure;**
11 **§364.2, Initial License by Examination; §364.3, Temporary License; Chapter 370,**
12 **License Renewal; and Chapter 376, Registration of Facilities, and to propose and**
13 **publish proposed new rule §363.2, Petition for the Adoption of a Rule**

14 **Made by: Rules Committee**

15 **Motion passed.**

16
17 **C. Discussion on the following rules:**

- 18 1. **§362.1, Definitions**
- 19 2. **§372.1, Provision of Services**
- 20 3. **§373.1, Supervision of Non-Licensed Personnel; §373.2,**
21 **Supervision of a Temporary Licensee; and §373.3, Supervision**
22 **of an Occupational Therapy Assistant**
- 23 4. **§369.1, Display of Licenses; and §369.2, Changes of Name or**
24 **Address of Licensees**

25 DeLana Honaker reviewed the Rules Committee's discussion regarding the amendments proposed at
26 the May 8, 2015 Board meeting with regard to language related to physical presence and the
27 supervision of non-licensed personnel in the context of the proposed language related to the inclusion
28 of telehealth in the Board Rules as a mode of occupational therapy service delivery.

29
30 **D. Discussion and possible action on questions received by the Texas Board of**
31 **Occupational Therapy Examiners related to the OT Practice Act and Board Rules**

32 The Board discussed questions related to the OT Practice Act and Board Rules as received by the
33 Texas Board of Occupational Therapy Examiners and discussed at the Rules Committee meeting.

34
35 **10. Education Committee Report**
36 **Discussion and possible action on recommendations from the Education Committee**
37 **including the following items:**

38 **A. Discussion and possible action on proposing rule amendments to Chapter 367 to**
39 **include categories of education, acceptable and unacceptable continuing**
40 **education activities, and other continuing education issues**

41 Todd Novasad reviewed the Education Committee's discussion regarding acceptable and unacceptable
42 continuing education activities with regard to educational activities approved or offered by AOTA and
43 TOTA according to §367.1, Continuing Education.

44
45 Todd Novasad, in addition, reviewed the Committee's discussion regarding NBCOT Navigator activities
46 and that such do not meet continuing education requirements as per Chapter 367; he also noted that
47 the Committee discussed returning to a discussion of the Navigator activities at a future meeting.

48
49 **B. Discussion and possible action on questions received by the Texas Board of**
50 **Occupational Therapy Examiners related to continuing education**

51 The Board discussed questions related to continuing education as received by the Texas Board of
52 Occupational Therapy Examiners and discussed at the Education Committee meeting.

53

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

4 Lea Weiss discussed recent activities at the Board including efforts to update sections of the website,
5 updates in ACOTE accreditation status for OT and OTA programs in Texas, and information regarding
6 licensing statistics.
7

8 **12. Discussion and possible action on the Presiding Officer’s Report. The Presiding**
9 **Officer’s report may concern any items listed on the agenda and events that have**
10 **occurred between this meeting and the Board’s last meeting.**

11 Stephanie Johnston thanked the public attendees for attending and discussed plans for the off-site
12 Board conference in February 2016.
13

14 **13. Discussion and possible action on scheduling future Board meeting dates and agenda**
15 **items for future consideration**

16 The Board discussed meeting next on November 6, 2015, during the TOTA Mountain Central
17 Conference, in Richardson, Texas, with topics to include the possible inclusion of the 2015 AOTA Code
18 of Ethics and removal of the 2010 AOTA Code of Ethics from §374.4, Code of Ethics, of the Board
19 Rules, and discussion regarding continuing education activities pre-approved by the Board and NBCOT
20 Navigator Activities. The Board also discussed a possible meeting date in Richardson, Texas, for the
21 Rules Committee on November 6, 2015, prior to the Board meeting, and for the Education Committee,
22 November 5, 2015. The Board also discussed future meeting dates of February 19 and 20, 2016 as
23 part of an off-site Board conference with discussion items to include language related to the possible
24 inclusion of telehealth as a mode of occupational therapy service delivery and a discussion of changes
25 to the current Jurisprudence Examination questions.
26

27 **14. Adjournment**

28 The Board adjourned at 1:50 PM.
29

30 **Minutes adopted on: November 6, 2015**