

1 **Texas Board of Occupational Therapy Examiners**

2 BOARD MEETING MINUTES

3 November 4, 2016

4 Sugar Land Marriott Town Square

5 Cane I-II Room

6 16090 City Walk

7 Sugar Land, TX 77479

8 8:00 AM

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

17
18 Members Absent: Will Hale, Public Member

19
20 Counsel Present: Kara Holsinger, Assistant Attorney General

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

26
27 Public Attendees: Katherine Hahn, MOT Student
28 Tim Reistetter, TOTA Standards & Practice Chair
29 Sophie Rydin, TOTA Education Chair
30

31 **1. Call to Order**

32 The meeting was called to order at 8:08 AM by Stephanie Johnston, Presiding Officer. She called the
33 roll and announced that a quorum existed.

34
35 **Motion: To excuse Will Hale's absence from the Board meeting**

36 **Made by: Stephanie Johnston**

37 **Second by: Pamela D. Nelon**

38 **Motion passed.**

39
40 **2. Public comment**

41 There was no public comment.

42
43 **3. Approval of Minutes of August 5, 2016**

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

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

46 **Second by: Todd Novosad**

47 **Motion passed.**

48
49 **4. Discussion and possible action on adopting changes to proposed §367.1, Continuing**
50 **Education; and §369.1, Display of Licenses**

51 Lea Weiss reviewed the proposed rule amendment to §367.1, Continuing Education. The amendment
52 would remove the provision that educational activities that meet the criteria for continuing education as
53 per Chapter 367 that are approved or offered by the American Occupational Therapy Association or the

1 Texas Occupational Therapy Association are pre-approved by the Board and that the Board will review
2 its approval process and continuation thereof for educational activities by January 2005 and at least
3 once each five-year period thereafter. The amendment would clarify continuing education rules, as any
4 educational activity approved or offered by any provider that meets the requirements of Chapter 367 is
5 acceptable as continuing education, and licensees are responsible for choosing continuing education
6 according to the provisions in Chapter 367.

7
8 Lea Weiss noted that one comment was received, which was from Sophie Rydin and was submitted on
9 behalf of TOTA; the comment opposed adoption of the amendment.

10
11 Sophie Rydin and Tim Reistetter addressed the Board regarding concerns pertaining to adoption of the
12 proposed amendment.

13
14 The Board discussed the amendment, the public comment submitted by Sophie Rydin, and Sophie
15 Rydin's and Tim Reistetter's comments during the meeting.

16
17 **Motion: To adopt as published the amendment to proposed §367.1, Continuing**
18 **Education**

19 **Made by: DeLana Honaker**

20 **Second by: Sally Harris**

21 **Motion failed.**

22
23 The Board determined to withdraw the amendment.

24
25 Lea Weiss reviewed the proposed rule amendment to §369.1, Display of Licenses. The amendment
26 would clarify the section by removing the provision that the wallet-sized license must be carried by the
27 licensee when in practice settings other than the licensee's principal place of business. The
28 amendment would also clarify in this section that a licensee may provide occupational therapy services
29 according to the terms of the license upon online verification of current licensure and license expiration
30 date from the Board's license verification page by removing language referring only to a new licensee
31 with a regular or temporary license. This change would align this section with other existing sections
32 that refer to additional license types that may be verified online.

33
34 Lea Weiss noted that no public comment was received. The Board discussed the amendment.

35
36 **Motion: To adopt as published the amendment to proposed §369.1, Display of Licenses**

37 **Made by: Todd Novosad**

38 **Second by: DeLana Honaker**

39 **Motion passed.**

40
41 **5. Investigation Committee Report**

42 **A. Review and possible action on Agreed Orders for Case #s: 16-047; 16-095; 16-162;**
43 **16-163; 16-212; 16-213; 16-214; 16-230; 16-256; 16-259; 16-260; 16-261; and 16-263**

44 Mark Turek presented agreed orders for the following cases: 16-256; 16-259; 16-047; 16-162; and 16-
45 214.

46
47 The Board reviewed and ratified the agreed orders for case numbers: 16-256; 16-259; 16-047; 16-162;
48 and 16-214.

49
50 **B. Discussion and possible action on the Investigation Committee meeting of**
51 **October 11, 2016**

52 Mark Turek reported that sixty eight cases were reviewed at the October 11, 2016 meeting, resulting in
53 the Investigation Committee's issuance of ten Agreed Orders. Three informal conferences were held.
54

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

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

3
4 **6. Executive Session pursuant to §551.074 of the Texas Government Code, regarding the**
5 **appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of**
6 **the Executive Director of the Executive Council of Physical Therapy and Occupational**
7 **Therapy Examiners**

8 The Board went into closed session at 8:46 AM. The Board returned to open session at 8:57 AM.

9
10 No action was taken.

11
12 **7. Rules Committee Report**
13 **Discussion and possible action on recommendations from the Rules Committee**
14 **including the following items:**

15 **A. Discussion and possible action on proposing a rule amendment to §372.1,**
16 **Provision of Services, including clarification regarding the receipt of verbal and**
17 **written referrals for occupational therapy services**

18 DeLana Honaker reviewed recommendations made by the Rules Committee concerning suggested
19 changes to §372.1, Provision of Services. The amendment would clarify provisions regarding the
20 receipt of verbal and written referrals for occupational therapy services and clarify that with regard to
21 medical conditions, a referral must be requested at any time during the evaluation process when
22 necessary to ensure the safety and welfare of the client.

23
24 **Motion: To propose and publish the amendment to §372.1, Provision of Services**

25 **Made by: Jennifer Clark**

26 **Second by: Amanda Ellis**

27 **Motion passed.**

28
29 **B. Discussion and possible action on the Sunset Commission recommendation**
30 **regarding directing the OT board to adopt rules to specify the types of**
31 **criminal activities that may result in denial, suspension, or revocation of a license**
32 **and proposing a new rule section regarding licensure of individuals with criminal**
33 **convictions**

34 DeLana Honaker reviewed the Rules Committee's recommendations regarding proposing new rule,
35 §374.5, concerning licensure of persons with criminal convictions. The new section would specify the
36 types of criminal activities that may result in denial, suspension, or revocation of a license in
37 accordance with the Sunset Commission's adopted recommendation that the Board adopt rules
38 regarding such.

39
40 **Motion: To propose and publish the new rule §374.5, Licensure of Persons with**
41 **Criminal Convictions**

42 **Made by: Rules Committee**

43 **Second by: None required.**

44 **Motion passed.**

45
46 **C. Discussion on §372.2, General Purpose Occupation-Based Instruction, including**
47 **clarification regarding general purpose occupation-based groups or classes**

48 Lea Weiss reviewed the Rules Committee's discussion regarding §372.2 and noted that the Committee
49 referred to the rule section concerning clarification regarding general purpose occupation-based groups
50 or classes.

51
52 **D. Discussion on proposed changes to §369.1, Display of Licenses**

53 Lea Weiss noted that there was no discussion by the Rules Committee.

54

1 **E. Discussion and possible action on questions received by the Texas Board of**
2 **Occupational Therapy Examiners related to the OT Practice Act and Board Rules**

3 Lea Weiss noted that no questions had been discussed by the Rules Committee and that the
4 Committee took no action.

5
6 **8. Education Committee Report**
7 **Discussion and possible action on recommendations from the Education Committee**
8 **including the following items:**

9 **A. Discussion on proposed changes to §367.1, Continuing Education**

10 Todd Novosad reviewed the Education Committee's discussion regarding the previously proposed
11 amendment to §367.1, Continuing Education, and the public comment received.

12
13 **B. Discussion and possible action on a request for consideration for continuing**
14 **education credit from Veronica Orozco**

15 Todd Novosad noted that the Education Committee discussed the request for consideration for
16 continuing education credit from Veronica Orozco and denied the request.

17
18 **C. Discussion on acceptable and unacceptable continuing education and continuing**
19 **education documentation**

20 Todd Novosad noted that the Education Committee discussed acceptable and unacceptable continuing
21 education activities and CE documentation.

22
23 **D. Discussion on possible changes to continuing education requirements, the**
24 **continuing education approval process, and acceptable and unacceptable**
25 **continuing education**

26 Todd Novosad noted that the Education Committee discussed continuing education requirements, the
27 continuing education approval process, and acceptable and unacceptable continuing education. He
28 also noted that an agenda item for the Committee's next meeting may include a discussion of changes
29 to Chapter 367, Continuing Education, including changes to the definition of continuing education.

30
31 **E. Discussion and possible action on questions received by the Texas Board of**
32 **Occupational Therapy Examiners related to continuing education**

33 Todd Novosad noted that no questions had been discussed by the Education Committee and that the
34 Committee took no action.

35
36 **9. Discussion and possible action on occupational therapy practice and aromatherapy**

37 The Board discussed occupational therapy practice and aromatherapy. The Board took no action.

38
39 **10. Discussion and possible action on the Executive Director's Report concerning fiscal and**
40 **budgetary matters, performance measures, ongoing projects, agency personnel**
41 **matters, the current Sunset Review, Executive Council activity, upcoming legislative**
42 **session, and other agency business**

43 John Maline discussed the current Sunset Review; the Sunset Commission's August 22, 2016 meeting;
44 and the upcoming legislative session.

45
46 The Board recessed at 9:53 AM and reconvened at 10:06 AM.

47
48 John Maline briefed the Board on the fiscal standing of the agency, performance measures, budgetary
49 and agency personnel matters, and issues relevant to agency business.

50
51 **11. Discussion and possible action on the OT Coordinator's Report. The Coordinator's**
52 **Report may concern any items listed on the agenda and events that have occurred**
53 **between this meeting and the Board's last meeting.**

1 Lea Weiss discussed recent activities at the Board, updates to the website, information regarding Board
2 licensing statistics, and recent ACOTE accreditation actions.

3
4 **12. Discussion and possible action on the Presiding Officer's Report. The Presiding
5 Officer's report may concern any items listed on the agenda and events that have
6 occurred between this meeting and the Board's last meeting.**

7 Stephanie Johnston thanked the public attendees for attending.

8
9 **13. Discussion and possible action on scheduling future Board meeting dates and agenda
10 items for future consideration**

11 Stephanie Johnston noted that Board meetings have been scheduled for February 3, 2017; May 5,
12 2017; August 18, 2017; and November 17, 2017, with possible Committee meetings to be held
13 February 2 and 3, 2017; May 4 and 5, 2017; August 17 and 18, 2017; and November 16 and 17, 2017.

14
15 **14. Adjournment**

16 The Board adjourned at 11:16 PM.

17
18 **Minutes adopted on:** February 3, 2017