

1 EXECUTIVE COUNCIL OF  
2 PHYSICAL THERAPY AND OCCUPATIONAL THERAPY EXAMINERS  
3 AGENDA  
4 QUARTERLY MEETING  
5 Board Room  
6 333 Guadalupe, Ste. 2-500  
7 Austin, TX 78701  
8 May 10, 2019

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10 Persons present:

11 Council Members

12 **Roger Matson**, Presiding Officer  
13 **Stephanie Johnston**, OTR  
14 **Barbara Sanders**, PT  
15 **Philip Vickers**, PT Board Public Member

16 Staff:

17 **John Maline**, Executive Director  
18 **Karen Gordon**, PT Board Coordinator  
19 **Lea Weiss**, OT Board Coordinator  
20 **Randall Glines**, Staff Services Officer  
21 **Mark Turek**, Chief Investigator  
22 **Ralph Harper**, Senior Accountant  
23 **Kara Holsinger**, AG Assigned Counsel

24 Person's absent:

25 **Amanda Ellis**, OT Board Public Member

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26 **I. Call to order.**

27 At 8:35 a.m., Mr. Roger Matson, Presiding Officer, called the meeting to order. Mr.  
28 Matson called the roll, and a quorum was determined to exist.

31 **II. Public comment.**

32 There was no public comment.

35 **III. Discussion and possible action on excusing council member absences.**

36 Ms. Ellis was absent, but was excused ahead of time due to a scheduling  
37 conflict.

38 **Motion: To excuse Amanda Ellis.**

39 **Made by: Stephanie Johnston**

40 **Second: Philip Vickers**

41 **4 ayes, motion passed.**

44 **IV. Approval of minutes of February 1, 2019 Executive Council meeting as found in Tab**  
45 **2.**

46 The February 1, 2019 meeting minutes were approved with no changes.

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**Made by: Barbara Sanders**  
**Second: Stephanie Johnston**  
**4 ayes, motion passed.**

**V. Discussion and possible action on Executive Director's Report concerning fiscal and budgetary matters, performance measures, ongoing projects, agency personnel matters, 86th legislative session, and other agency business.**

Mr. Maline briefly covered the Executive Director's Report previously presented at the PT and OT Board Meetings. There was discussion about the recently passed PT Direct Access Bill, but no action was taken. There were no other questions asked of Mr. Maline.

**VI. Discussion and possible action on proposing the repeal of Chapter 376, Registration of Facilities; and proposing changes to §362.1, Definitions; §374.1, Disciplinary Actions; and §374.2, Detrimental Practice, pursuant to changes made to the OT Practice Act by SB 317 from the 85th Regular Legislative Session concerning the discontinuation of the registration of occupational therapy facilities.**

Stephanie Johnston and Lea Weiss discussed the details of all the rule changes. There were some questions by other council members, all of which they answered.

**Motion: proposing the repeal of Chapter 376, Registration of Facilities.**  
**Motion made by: Philip Vickers**  
**Seconded by: Stephanie Johnston**  
**AYES: 4 NAYS: 0**

**Motion: proposing changes to §362.1, Definitions**  
**Motion made by: Barbara Sanders**  
**Seconded by: Stephanie Johnston**  
**Ayes: 4 Nays: 0**

**Motion: proposing changes to §374.1, Disciplinary Actions**  
**Motion made by: Stephanie Johnston**  
**Seconded by: Barbara Sanders**  
**Ayes: 4 Nays: 0**

**Motion: proposing changes to §374.2, Detrimental Practice**  
**Motion made by: Stephanie Johnston**  
**Seconded by: Barbara Sanders**  
**Ayes: 4 Nays: 0**

**VII. Discussion and possible action on proposing changes to Chapter 367, Continuing Education, including concerning the following:**

- i. the number of required continuing education hours,
- ii. whether, and under what circumstances, a licensee may count continuing education hours earned outside the two-year renewal cycle toward the licensee's required continuing education hours,
- iii. acceptable and unacceptable continuing education,
- iv. the definition of continuing education,
- v. pre-approved continuing education,
- vi. categories of continuing education including in-person and online activities, NBCOT Navigator activities, the AOTA Benchmark, fieldwork supervision, and research activities,
- vii. continuing education documentation.

**Motion: proposing changes to Chapter 367, Continuing Education.**

**Motion made by: Stephanie Johnston**

**Seconded by: Philip Vickers**

**Ayes: 4 Nays: 0**

- VIII. Discussion and possible action on the OT Board's review of its continuing education approval process and continuation thereof as per §367.1, Continuing Education, including concerning responses submitted by the American Occupational Therapy Association and the Texas Occupational Therapy Association for the review, and on addressing requests for special consideration for continuing education credit.**

**Motion: proposing changes to Chapter 367.2, Categories of Education.**

**Motion made by: Barbara Sanders**

**Seconded by: Stephanie Johnston**

**Ayes: 4 Nays: 0**

**Motion: proposing changes to Chapter 367.3, Continuing Education Audit.**

**Motion made by: Stephanie Johnston**

**Seconded by: Philip Vickers**

**Ayes: 4 Nays: 0**

- IX. Discussion and possible action on amendments to 322.4, Practicing in a Manner Detrimental to the Public Health and Welfare, and §344.1, Administrative Fines and Penalties, and the repeal of Chapter 347, Registration Physical Therapy Facilities pursuant to the repeal of physical therapy facility registration in SB 317, 85th Legislative Session. Discussion and possible action on amending §341.3, Qualifying Continuing Competence Activities (5)(C) Residency or fellowship relevant to physical therapy and (D) Supervision or mentorship of a resident or fellow.**

138 **Motion: proposing changes to Chapter 322.4, Practicing in a Manner**  
139 **Detrimental to the Public Health and Welfare.**

140 **Motion made by: Stephanie Johnston**

141 **Seconded by: Philip Vickers**

142 **Ayes: 4 Nays: 0**

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144 **Motion: proposing changes to Chapter 344.1, Administrative Fines and**  
145 **Penalties.**

146 **Motion made by: Stephanie Johnston**

147 **Seconded by: Barbara Sanders**

148 **Ayes: 4 Nays: 0**

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150 **Motion: proposing the repeal of Chapter 347, Registration Physical**  
151 **Therapy Facilities.**

152 **Motion made by: Stephanie Johnston**

153 **Seconded by: Philip Vickers**

154 **Ayes: 4 Nays: 0**

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156 **Motion: proposing the amending of §341.3, Qualifying Continuing Competence**  
157 **Activities (5)(C) Residency or fellowship relevant to physical therapy and (D)**  
158 **Supervision or mentorship of a resident or fellow.**

159 **Motion made by: Stephanie Johnston**

160 **Seconded by: Philip Vickers**

161 **Ayes: 0 Nays: 4**

162 Motion not passed. Returned to the Physical Therapy Board for  
163 reconsideration.

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165 **X. Discussion and possible action on proposing changes to §651.1,**  
166 **Occupational Therapy Board Fees; repeal of (j) Registration Fees, All**  
167 **Facilities; repeal of (k) Renewal Fees, All Facilities; repeal of (l) Late fees--All**  
168 **Facilities; and repeal of (m) Facility Restoration.**

169 Mr. Maline discussed the repeal of facility related fees due to the stopping of the  
170 facility registration program.

171 **Motion: proposing the amending of §651.1, Occupational Therapy Board**  
172 **Fees; repeal of (j) Registration Fees, All Facilities; repeal of (k) Renewal**  
173 **Fees, All Facilities; repeal of (l) Late fees--All Facilities; and repeal of (m)**  
174 **Facility Restoration.**

175 **Motion made by: Barbara Sanders**

176 **Seconded by: Stephanie Johnston**

177 **Ayes: 4 Nays: 0**

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180 **XI. Discussion and possible action on proposing changes to §651.2, Physical**  
181 **Therapy Board Fees; repeal of (k) Facility Registration, All Facilities; repeal**  
182 **of (l) Facility Renewal, All Facilities; repeal of (m) Late Fees – All Facilities;**  
183 **and repeal of (n) Facility Restoration.**

184 Mr. Maline discussed the repeal of facility related fees due to the stopping of the  
185 physical therapy facility registration program.

186 **Motion: proposing the amending of §651.2, Physical Therapy Board**  
187 **Fees; repeal of (k) Facility Registration, All Facilities; repeal of (l)**  
188 **Facility Renewal, All Facilities; repeal of (m) Late Fees – All Facilities;**  
189 **and repeal of (n) Facility Restoration.**

190 **MOTION MADE BY: Stephanie Johnston**

191 **SECONDED BY: Philip Vickers**

192 **AYES: 4 NAYS: 0**

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194 **XII. Discussion and possible action on repealing §651.3 (c) Duplicate of Facility**  
195 **Registration Certificate.**

196 **Motion: proposing the repeal of §651.3 (c), Duplicate of Facility**  
197 **Registration Certificate.**

198 **MOTION MADE BY: Philip Vickers**

199 **SECONDED BY: Stephanie Johnston**

200 **AYES: 4 NAYS: 0**

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202 The Executive Council agreed to take a break at 9:24 AM, and it reconvened at  
203 9:36 AM.

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205 **XIII. Executive Session pursuant to Section 551.074 of the Government Code, regarding**  
206 **the appointment, employment, evaluation, reassignment, duties, discipline, or**  
207 **dismissal of the Executive Director of the Executive Council of Physical Therapy**  
208 **and Occupational Therapy Examiners.**

209 There was no closed meeting.

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212 **XIV. Return to open meeting for discussion and possible action regarding the**  
213 **appointment, employment, evaluation, reassignment, duties, discipline, or**  
214 **dismissal of the Executive Director of the Executive Council of Physical Therapy**  
215 **and Occupational Therapy Examiners.**

216 There was a general discussion about the process of filling the Executive

217 Director position which will be vacant as of August 1, 2019.

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220 **XV. Presiding Officer's Report.**

221 There was no Presiding Officer's report

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224 **XVI. Discussion and possible action on scheduling future Executive Council meeting**  
225 **dates, and items for future consideration.**

226 The next Executive Council meeting is scheduled for August 9, 2019 at 9:00 a.m.

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228 **XVII. Adjournment.**

229 The meeting was adjourned at 10:48 a.m.

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**DATE REVIEWED BY THE COUNCIL: August 9, 2019**

**ACTION TAKEN BY THE COUNCIL: Approved as written**