

1 **Texas Board of Occupational Therapy Examiners**

2 BOARD MEETING MINUTES

3 November 6, 2015

4 Renaissance Dallas Richardson Hotel

5 Orchestra Room

6 900 E. Lookout Drive

7 Richardson, Texas 75082

8 9:00 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 Sally Harris, COTA
15 Pamela D. Nelon, Public Member

16
17 Members Absent: Amanda Jean Ellis, Public Member
18 William N. 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 Cynthia Machado, Licensing Manager
25 Lea Weiss, OT Coordinator

26
27 Public Attendees: Anna Clinton, Presence Learning
28 Larry Duron, OTR, TOTA Standards and Practices Chair
29 Erick Fajardo, Policy Analyst, Sunset Advisory Commission
30

31 **1. Call to Order**

32 The meeting was called to order at 9:08 AM by Stephanie Johnston, Presiding Officer. She called the
33 roll and announced that a quorum existed.

34
35 **2. Public comment**

36 There was no public comment.

37
38 **3. Approval of Minutes of August 14, 2015**

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

40 **Made by: DeLana Honaker**

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

42 **Motion passed.**

43
44 **4. Discussion and possible action on the Executive Director's Report concerning fiscal and
45 budgetary matters, performance measures, ongoing projects, agency personnel matters,
46 the current Sunset Review, Executive Council activity, and other agency business**

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

50
51 **5. Investigation Committee Report**

52 **A. Review and possible action on Agreed Orders for case numbers: 13-144; 14-141;
53 15-057; 15-143; 15-195; 15-197; 15-201; 15-206; 15-215; 15-219; 15-220; 15-227**

1 **and 15-229**

2 The Board ratified case numbers: 15-195; 15-220; 15-206; 15-227; 15-201; 15-057; 14-141; 15-229;
3 15-219; and 15-197.

4
5 **B. Discussion and possible action on the Investigation Committee meeting of**
6 **October 13, 2015**

7 Mark Turek reported that seventy-nine investigations were reviewed at the October 13, 2015 meeting,
8 resulting in the Investigation Committee's issuance of thirteen Agreed Orders. One informal conference
9 was 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. Discussion and possible action on adopting changes to proposed §364.1. Requirements**
15 **for Licensure; §364.2, Initial License by Examination; §364.3, Temporary License;**
16 **Chapter 370, License Renewal; and Chapter 376, Registration of Facilities, and adopting**
17 **new §363.2, Petition for the Adoption of a Rule**

18 DeLana Honaker reviewed the proposed rules. Lea Weiss noted that no public comment had been
19 received regarding the proposed rules.

20
21 **Motion: To adopt as published with an effective date on or after January 1, 2016**
22 **the amendments to proposed §364.1. Requirements for Licensure;**
23 **§364.2, Initial License by Examination; §364.3, Temporary License; Chapter 370,**
24 **License Renewal; and Chapter 376, Registration of Facilities, and new**
25 **§363.2, Petition for the Adoption of a Rule**

26 **Made by: Todd Novosad**

27 **Second by: DeLana Honaker**

28 **Motion passed.**

29
30 **7. Rules Committee Report**

31 **Discussion and possible action on recommendations from the Rules Committee**
32 **including the following items:**

33 **A. Discussion and possible action on proposing a rule amendment to §374.4, Code**
34 **of Ethics, including discussion regarding inclusion of AOTA's 2015 Code of**
35 **Ethics and removal of AOTA's 2010 Code of Ethics**

36 DeLana Honaker reviewed the Committee's discussion regarding changes to §374.4 to remove AOTA's
37 Occupational Therapy Code of Ethics (2010) and to substitute in its place the excerpted principles and
38 related standards of conduct from AOTA's Occupational Therapy Code of Ethics (2015) with related
39 changes to the section to attribute and introduce such.

40
41 **Motion: To propose and publish the amendment to §374.4, Code of Ethics**

42 **Made by: Rules Committee**

43 **Motion passed.**

44
45 **B. Discussion on the following rules:**

- 46 **1. §364.1, Requirements for Licensure**
- 47 **2. §364.2, Initial License by Examination**
- 48 **3. §364.3, Temporary License**
- 49 **4. Chapter 370, License Renewal**
- 50 **5. Chapter 376, Registration of Facilities**
- 51 **6. Proposed new §363.2, Petition for the Adoption of a Rule**

52 DeLana Honaker noted that there had been no discussion on the rules.

53

1 **C. 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 The Board discussed questions related to the OT Practice Act and Board Rules as received by the
4 Texas Board of Occupational Therapy Examiners and discussed at the Rules Committee meeting.
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 and possible action on proposing rule amendments to Chapter 367**
10 **including the possible removal of AOTA as an approved provider of continuing**
11 **education as per §367.1, Continuing Education, and other continuing education**
12 **issues**

13 Todd Novosad reviewed the Committee's discussion pertaining to acceptable and unacceptable
14 continuing education activities with regard to educational activities approved or offered by AOTA and
15 TOTA according to §367.1, Continuing Education. The Committee had discussed that pre-approved
16 educational activities must be Type 1 or Type 2 activities and therefore may not be unacceptable
17 activities as per §367.2(b).
18

19 Todd Novosad noted, in addition, the Committee's discussion regarding updates to the Continuing
20 Education page and related FAQs and newsletter information regarding acceptable and unacceptable
21 activities, Type 1 and Type 2 activities, and an optional mentorship form to be used for CE as per
22 §367.2(a)(7), in addition to revisions to the CE Audit Response form.
23

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

26 Todd Novosad noted that no questions had been discussed.
27

28 **9. Discussion and possible action on the OT Coordinator's Report. The Coordinator's**
29 **Report may concern any items listed on the agenda and events that have occurred**
30 **between this meeting and the Board's last meeting.**

31 Lea Weiss discussed recent activities at the Board including efforts to update sections of the website,
32 updates in ACOTE accreditation status for OT and OTA programs in Texas and ACOTE actions
33 regarding entry-level OT and OTA education, and information regarding Board licensing statistics.
34

35 **10. Discussion and possible action on the Presiding Officer's Report. The Presiding**
36 **Officer's report may concern any items listed on the agenda and events that have**
37 **occurred between this meeting and the Board's last meeting.**

38 Stephanie Johnston thanked the public attendees for attending and discussed plans for the off-site
39 Board conference in February 2016.
40

41 **11. Discussion and possible action on scheduling future Board meeting dates and agenda**
42 **items for future consideration**

43 The Board discussed meeting next on February 19-20, 2016 as part of the Board's off-site board
44 conference, with topics to include the possible inclusion of telehealth in the Board Rules as a mode of
45 occupational therapy service delivery, supervision requirements, group activities and practice, and
46 updates to the jurisprudence examination.
47

48 The Board also discussed future meeting dates of May 6, 2016 and possible Education and Rules
49 Committee meetings on May 5 and May 6, 2015.
50

51 **12. Adjournment**

52 The Board adjourned at 11:01 AM.
53

54 **Minutes adopted on:** February 19, 2016