

1 EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND  
2 OCCUPATIONAL THERAPY EXAMINERS  
3 QUARTERLY MEETING  
4 August 28, 2009, 10:00 AM

5  
6 333 Guadalupe, Ste. 2-500  
7 Austin, TX 78701  
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10 Persons Present: Council Members:

11 **Roger Matson, Chair**  
12 **Frank Bryan, PT Board Public Member**  
13 **Stephanie Johnston, OTR**  
14 **Pamela Nelon, OT Board Public Member**  
15 **Melinda Rodriguez, PT**

16 Staff:

17 John Maline, *Executive Director*  
18 Augusta Gelfand, *OT Board Coordinator*  
19 Nina Hurter, *PT Board Coordinator*  
20 Jennifer Jones, *Executive Assistant*  
21 Kevin Heyburn, *Attorney General Counsel*

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23 **I. Call to Order.**

24 At 10:04 a.m., Mr. Roger Matson, Presiding Officer, called the meeting to order.  
25 Mr. Matson called the roll, and a quorum was determined to exist. Mr. Daniel Reyna  
26 was absent, but his alternate, Mr. Frank Bryan, was present.  
27

28 **II. Public Comment.**

29 There was no public comment.  
30

31 **III. Approval of minutes of May 29, 2009 Executive Council meeting.**

32  
33 **Motion: To approve the minutes of May 29, 2009 Executive Council meeting as**  
34 **found in Tab 3 with no corrections.**

35 **Made by: Melinda Rodriguez**

36 **Second: Stephanie Johnston**

37 **5 ayes, motion passed.**  
38

39 **IV. Discussion and possible action on Executive Director's Report, concerning fiscal**  
40 **and budgetary matters, performance measures, outcome and actions resulting**  
41 **from the legislative session, agency personnel matters, ongoing projects, and**  
42 **other agency business.**

43 Mr. Maline presented a report to the council that covered the current FY2009 budget  
44 status, expected future FY2010 budget, and other agency matters that were earlier  
45 covered in the two board meeting presentations. Some of the topics discussed included  
46 the latest customer service report for the past year, 3<sup>rd</sup> quarter performance measures,  
47 new board member travel reimbursement rates, and any missed bills which passed and  
48 would have an impact on the agency and two boards. Questions were asked of him, all  
49 of which he answered.  
50

1 **V. Review and possible action on a new rule and rule amendments proposed by the**  
2 **Texas Board of Physical Therapy Examiners as follows: New rule §329.7,**  
3 **Exemptions to Licensure, and amendments to §323.3, Adoption of Rules; §329.5,**  
4 **Licensing Procedures for Foreign-Trained Applicants; §329.6, Licensure by**  
5 **Endorsement; §341.1, Requirements for Renewal; §341.2, Continuing Education**  
6 **Requirements; §341.3, Qualifying Continuing Education; §341.5, Waiver of**  
7 **Continuing Education Units (CEUs); §341.8, Inactive Status; §341.9, Retired**  
8 **Status; §341.20, Licensees Called to Active Military Service; §347.1; Definitions**  
9 **(Facility Registration); and §347.2; Requirements for Practice Setting of**  
10 **Licensees.**

11 Ms. Rodriguez and Ms. Hurter gave a synopsis of the proposed new rule and  
12 amendments and the rationale the PT Board used to make the proposed changes.  
13 There were several questions asked of Ms. Rodriguez by other council members, all of  
14 which were answered.

15  
16 **Motion: To approve the forwarding of the amendment to §323.3, Adoption of**  
17 **Rules, to the Texas Register for posting.**

18 **Made by: Stephanie Johnston**

19 **Second: Pamela Nelon**

20 **5 ayes, motion passed.**

21  
22 **Motion: To approve the forwarding of the amendment to §329.5, Licensing**  
23 **Procedures for Foreign-Trained Applicants, to the Texas Register for posting.**

24 **Made by: Melinda Rodriguez**

25 **Second: Stephanie Johnston**

26 **5 ayes, motion passed.**

27  
28 **Motion: To approve the forwarding of new rule §329.7, Exemptions to Licensure,**  
29 **to the Texas Register for posting.**

30 **Made by: Stephanie Johnston**

31 **Second: Frank Bryan**

32 **5 ayes, motion passed.**

33  
34 **Motion: To approve the forwarding of the amendment to §341.1, Requirements for**  
35 **Renewal, to the Texas Register for posting.**

36 **Made by: Stephanie Johnston**

37 **Second: Melinda Rodriguez**

38 **5 ayes, motion passed.**

39  
40 **Motion: To approve the forwarding of the amendment to §341.2, Continuing**  
41 **Education Requirements, to the Texas Register for posting.**

42 **Made by: Stephanie Johnston**

43 **Second: Pamela Nelon**

44 **5 ayes, motion passed.**

45  
46 **Motion: To approve the forwarding of the amendment to §341.3, Qualifying**  
47 **Continuing Education, to the Texas Register for posting.**

48 **Made by: Stephanie Johnston**

49 **Second: Melinda Rodriguez**

50 **5 ayes, motion passed.**

1  
2 **Motion: To approve the forwarding of the amendment to §341.5, Waiver of**  
3 **Continuing Education Units (CEUs), to the Texas Register for posting.**

4 **Made by: Stephanie Johnston**

5 **Second: Frank Bryan**

6 **5 ayes, motion passed.**  
7

8 **Motion: To approve the forwarding of the amendment to §341.8, Inactive Status,**  
9 **to the Texas Register for posting.**

10 **Made by: Stephanie Johnston**

11 **Second: Melinda Rodriguez**

12 **5 ayes, motion passed.**  
13

14 **Motion: To approve the forwarding of the amendment to §341.9, Retired Status, to**  
15 **the Texas Register for posting.**

16 **Made by: Pamela Nelon**

17 **Second: Stephanie Johnston**

18 **5 ayes, motion passed.**  
19

20 **Motion: To approve the forwarding of the amendment to §341.20, Licensees**  
21 **Called to Active Military Service, to the Texas Register for posting.**

22 **Made by: Stephanie Johnston**

23 **Second: Frank Bryan**

24 **5 ayes, motion passed.**  
25

26 **Motion: To approve the forwarding of the amendment to §347.1; Definitions**  
27 **(Facility Registration), to the Texas Register for posting.**

28 **Made by: Stephanie Johnston**

29 **Second: Frank Bryan**

30 **5 ayes, motion passed.**  
31

32 **VI. Review and possible action on rule amendments proposed by the Texas Board of**  
33 **Occupational Therapy Examiners as follows: §370.2, Late Renewal to discuss late**  
34 **renewal and restoration of expired licenses; and §376.5, Exemptions to Facility**  
35 **Registration to add the requirements for out-patient registration for nursing**  
36 **homes, assisted living centers and off-site out-patient, hospital owned facilities.**

37 Ms. Johnston and Ms. Gelfand gave a synopsis of the proposed amendments and the  
38 rationale the OT Board used to make the proposed changes. There were several  
39 questions asked of Ms. Johnston by other council members, all of which were  
40 answered.  
41

42 **Motion: To approve the forwarding of the amendment to §370.2, Late Renewal, to**  
43 **the Texas Register for posting.**

44 **Made by: Melinda Rodriguez**

45 **Second: Pamela Nelon**

46 **5 ayes, motion passed.**  
47

1 **Motion: To approve the forwarding of the amendment to §376.5, Exemptions to**  
2 **Facility Registration, to the Texas Register for posting.**

3 The Council deferred discussion of this item until the December 4, 2009 meeting. Ms.  
4 Johnston stated that the OT Board may wish to revisit the rule again  
5

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

8 Mr. Maline gave a synopsis of the proposed rule amendments to the Council, all of  
9 which involved fee changes. He also discussed the results of the economic analysis he  
10 performed on the facility registration fees. He was asked several questions, all of which  
11 he answered.  
12

13 **Made by: Stephanie Johnston**

14 **Second: Frank Bryan**

15 **5 ayes, motion passed.**  
16

17 **VIII. Executive Session for the discussion of personnel matters: the appointment,**  
18 **employment, evaluation, reassignment, duties, discipline or dismissal of the**  
19 **Executive Director of the Executive Council of Physical Therapy and**  
20 **Occupational Therapy Examiners, pursuant to Texas Government Code Section**  
21 **551.074(a).**

22 The Executive Council and Mr. Heyburn went into Executive Session at 12:04 p.m., and  
23 returned from Executive Session at 12:35 p.m.  
24

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

30 No action was taken.  
31

32 **X. Presiding Officer's Report.**

33 There was no report.  
34

35 **XI. Discussion and possible action on scheduling future Executive Council meeting**  
36 **dates, and items for future consideration.**

37 The next Executive Council meetings are scheduled for:

38 Friday, December 4, 2009, 10:00 a.m.

39 Friday, June 4, 2010, 10:00 a.m.

40 August 27, 2010, 10:00 a.m.  
41

42 **XII. Adjournment.**

43 The meeting was adjourned at 12:44 p.m.  
44

45 **DATE REVIEWED BY THE COUNCIL: 12/4/09**

46 **ACTION TAKEN BY THE COUNCIL: Approved w/no changes**  
47