

1 **Texas Board of Occupational Therapy Examiners**

2 **BOARD MEETING MINUTES**

3 February 1, 2019

4 333 Guadalupe, Suite #2-510

5 Austin, TX 78701

6 9:00 AM

7
8 **Members Present:** Stephanie Johnston, OTR, OTD, FAOTA, Chair
9 Todd Novosad, OTR, Vice Chair
10 DeLana Honaker, OTR, PhD, CLT, FAOTA, Secretary
11 Blanca Cardenas, Public Member
12 Jennifer B. Clark, COTA
13 Amanda Jean Ellis, Public Member
14 Karen Gardner, OTR
15 Sally Harris King, COTA
16 Pamela D. Nelon, Public Member
17

18 **Members Absent:** None
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 Ralph Harper, Senior Accountant
26 Sandy Lewis, Accountant IV
27 Lea Weiss, OT Coordinator
28

29 **Public Attendees:** Michelle Atanu, OTR, District Legislative Chair,
30 Texas Occupational Therapy Association
31 Shaun Conway, OTR, Senior Director, External & Regulatory Affairs,
32 National Board for Certification in Occupational Therapy
33 Gloria Garza, OTA Student
34 Judith Joseph, OTR, Executive Director,
35 Texas Occupational Therapy Association
36 Meghan Pudeler, Manager, State Affairs,
37 American Occupational Therapy Association
38

39 **1. Call to Order**

40 The meeting was called to order at 9:04 AM on February 1, 2019, by Stephanie Johnston,
41 Presiding Officer. She called the roll and announced that a quorum existed.
42

43 **2. Discussion and possible action on excusing board member absences**

44 No members were absent and no action was taken.
45

46 **3. Public comment**

47 There was no public comment.

48

49 **4. Approval of Minutes of November 16-17, 2018**

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

51 **Made by: DeLana Honaker**

52 **Second by: Karen Gardner**

53 **Motion passed.**

54

55 **5. Investigation Committee Report**

56 **A. Review and possible action on Agreed Orders for Case #s: 18-138; 19-005;**
57 **19-008; 19-030 and 19-049**

58 Mark Turek presented agreed orders for the following case numbers: 18-138; 19-005; 19-
59 008; 19-030 and 19-049.

60

61 The Board reviewed and ratified the agreed orders for case numbers: 18-138; 19-005; 19-
62 008; 19-030 and 19-049.

63

64 **B. Discussion and possible action on the Investigation Committee meeting of**
65 **January 11, 2019**

66 Mark Turek reported that 44 cases were reviewed at the January 11, 2019 meeting, resulting in
67 the Investigation Committee's issuance of five Agreed Orders. One informal conference was
68 held.

69

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

71 Mark Turek reported on performance measures and on-site investigations since the last Board
72 meeting, in addition to information regarding the implementation of fingerprint-based criminal
73 history background checks of applicants and licensees, which began on January 1, 2019 for
74 renewals and new license issuance.

75

76 **6. Discussion on a presentation by the American Occupational Therapy Association**
77 **(AOTA) including concerning AOTA's new skills assessment tool, Benchmark**

78 Meghan Pudeler of AOTA delivered a presentation regarding AOTA's Benchmark program. The
79 Board discussed the presentation.

80

81 The Board recessed at 10:05 AM and reconvened at 10:17 AM.

82

83 **7. Discussion on a presentation by the National Board for Certification in**
84 **Occupational Therapy (NBCOT) including concerning an NBCOT update**

85 Shaun Conway delivered a presentation concerning an NBCOT update, including regarding the
86 NBCOT examination and NBCOT Navigator activities. The Board discussed the presentation.

87

88 The Board recessed at 11:32 AM and reconvened at 11:49 AM.

89

90 **8. Rules Committee Report**

91 **Discussion and possible action on recommendations from the Rules Committee**
92 **including the following items:**

93 **A. Discussion and possible action on documentation, supervision, and**
94 **practice in non-traditional, community, and/or wellness-based roles or**
95 **settings and on proposing rule amendments to the following rules:**

- 96 **1. §369.2, Changes of Name or Address**
- 97 **2. Chapter 372, Provision of Services**
- 98 **3. §373.2, Supervision of a Temporary Licensee**
- 99 **4. §373.3, Supervision of an Occupational Therapy Assistant**

100 Lea Weiss delivered the Rules Committee report and noted the following:

101
102 The Rules Committee discussed requirements concerning the supervision of an occupational
103 therapy assistant and recommending to the Board the repeal of §373.3, Supervision
104 of an Occupational Therapy Assistant. The repeal concerns the rule section
105 regarding the supervision of an occupational therapy assistant with a regular license.

106
107 Current requirements include that an occupational therapy assistant must submit the
108 Supervision of an Occupational Therapy Assistant form with the employer information and name
109 and license number of one of the occupational therapists working for the employer who will be
110 providing supervision. The repeal would remove from the OT Rules the requirements for the
111 Supervision Log and requirements that occupational therapy assistants with a regular license
112 receive frequent communication supervision and interactive supervision from occupational
113 therapists.

114
115 The Rules Committee discussed that the repeal of the section would not remove all
116 requirements concerning the supervision of an occupational therapy assistant with a regular
117 license from the OT Rules as requirements regarding supervision already appear in further rule
118 sections, including that in each intervention note, the occupational therapy assistant must
119 include the name of an occupational therapist who is readily available to answer questions
120 about the client's intervention at the time of the provision of services and that the occupational
121 therapy assistant may not provide services unless this requirement is met.

122
123 The Rules Committee also discussed recommending amendments to §369.2, Changes of Name
124 or Address. The amendments would remove the requirement that an occupational therapy
125 assistant with a regular license notify the Board of supervisor changes and would add language
126 regarding the address of record to the section.

127
128 In the recommended amendments, a provision concerning the requirement that a licensee or
129 applicant notify the Board of changes of supervisor was revised. In the current rule, licensees
130 and applicants are required to notify the Board of changes of supervisor within 30 days. In the
131 recommended amendments and given that each intervention note will list the name of the
132 supervising therapist, this rule was revised to require instead that only applicants and temporary
133 licensees notify the Board of changes of supervisor.

134
135 The recommended amendments to §369.2 also include the addition of a provision concerning
136 the address of record of a licensee or applicant; the address of record is the physical address
137 that will be provided to the public. Information concerning the address of record currently

138 appears in other sections of the OT Rules. In the recommendations, the provision was added to
139 §369.2 as the section concerns changes to a licensee's or applicant's address information.

140

141 The Rules Committee did not discuss recommending changes to §373.2, Supervision of a
142 Temporary Licensee.

143

144 The Rules Committee, in addition, recommended amendments to §372.1, Provision of Services,
145 and §372.2, General Purpose Occupation-Based Instruction. The amendments were
146 recommended to cleanup and clarify the sections and to add clarifying language to §372.1
147 regarding the transmission of a medical referral.

148

149 Cleanups and clarifications to §372.1 include changes to provisions regarding an occupational
150 therapist's delegation of the collection of data for an evaluation and the delegation of tasks. In
151 the recommended amendments to such provisions, references to a temporary licensee have
152 been removed as the references to an occupational therapy assistant therein already refer to
153 both an occupational therapy assistant with a regular or temporary license.

154

155 The amendments also include language clarifying that when a referral is required for the
156 provision of occupational therapy services, such may be transmitted by an occupational therapy
157 plan of care, developed according to the requirements of the section, that is signed by the
158 licensed referral source.

159

160 The amendments, in addition, include a clarification of a requirement regarding the inclusion of
161 an occupational therapist's name in the intervention note.

162

163 The amendments include further cleanups and clarifications.

164

165 The recommended amendments also include a change to §372.2 to strike a reference to the
166 supervision requirements in §373.3 because the repeal of §373.3, Supervision of an
167 Occupational Therapy Assistant, was also recommended.

168

169 The Board discussed the possible rule changes.

170

171 **Motion:** To propose and publish the amendments §369.2, Changes of Name or
172 Address; §372.1, Provision of Services; and §372.2, General Purpose
173 Occupation-Based Instruction, and the repeal of §373.3, Supervision of an
174 Occupational Therapy Assistant

175 **Made by:** Rules Committee

176 **Second by:** None required.

177 **Motion passed.**

178

179 The Board proceeded to agenda item 9.

180

181 After agenda item 12, the Board returned to this agenda item and Lea Weiss noted the
182 following:

183

184 The Rules Committee discussed practice in non-traditional, community, and/or wellness-based
185 roles or settings and a Frequently Asked Question (FAQ) draft concerning OTA supervision that
186 was developed according to discussions during the November 16, 2018 Rules Committee
187 meeting and November 16-17, 2018 Board meeting. The Rules Committee discussed the draft
188 and recommended such be added to the Board's website.

189
190 The Board discussed the FAQ and directed Lea Weiss to add such to the website.

191
192 **B. Discussion and possible action on questions received by the Texas Board**
193 **of Occupational Therapy Examiners related to the OT Practice Act and**
194 **Board Rules**

195 Lea Weiss noted that there were no questions discussed and no action was taken. After the
196 discussion, the Board continued to agenda item 13.

197
198 **9. Discussion and possible action on the Executive Director's Report concerning**
199 **fiscal and budgetary matters, performance measures, ongoing projects, agency**
200 **personnel matters, Executive Council activity, legislative session, and other**
201 **agency business**

202 John Maline briefed the Board on fiscal and budgetary matters, performance measures, ongoing
203 projects, agency personnel matters, Executive Council activity, and the current legislative
204 session. In addition, Ralph Harper addressed updated policies regarding board member
205 reimbursement for board travel expenses. The Board discussed the agenda item. No action
206 was taken.

207
208 **10. Executive Session pursuant to §551.074 of the Government Code regarding the**
209 **appointment, employment, evaluation, reassignment, duties, discipline, or**
210 **dismissal of the Executive Director of the Executive Council of Physical Therapy**
211 **and Occupational Therapy Examiners**

212 The Board went into closed session at 12:22 PM. The Board returned to open session at 12:32
213 PM. No action was taken.

214
215 **11. Discussion and possible action on the OT Coordinator's Report. The**
216 **Coordinator's Report may concern any items listed on the agenda and events that**
217 **have occurred between this meeting and the Board's last meeting.**

218 Lea Weiss discussed recent activities at the Board and information regarding Board licensing
219 statistics. No action was taken on the agenda item.

220
221 **12. Discussion and possible action on the Presiding Officer's Report. The Presiding**
222 **Officer's Report may concern any items listed on the agenda and events that have**
223 **occurred between this meeting and the Board's last meeting.**

224 Stephanie Johnston thanked the public for attending and thanked Meghan Pudeler and AOTA
225 and Shaun Conway and NBCOT for their presentations. No action was taken on the agenda
226 item.

227
228 The Board returned to agenda item 8 to return to a topic therein.

229

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

232 Stephanie Johnston noted that Board meetings have been scheduled for May 3, 2019; August
233 2, 2019; November 15, 2019; and February 7, 2020, with possible committee meetings to be
234 held May 2 and 3, 2019; August 1 and 2, 2019; November 14 and 15, 2019; and February 6 and
235 7, 2020. DeLana Honaker noted that she did not anticipate that the Rules Committee would
236 meet in May, 2019.

237
238 The Board discussed agenda items for future consideration. Stephanie Johnston noted that
239 possible agenda items for the upcoming meeting may include items related to continuing
240 education requirements and the continuing education approval process.

241
242 **14. Adjournment**

243 The Board adjourned at 12:45 PM.

244
245 **Minutes adopted on: May 3, 2019**