

Texas Board of Occupational Therapy Examiners

BOARD MEETING

May 18, 2012

9:00 am

333 Guadalupe St, #2-150

Austin, TX

Members Present: Catherine Benavidez, OT
Judith Chambers, Public Member
Will Hale, Public Member
Kathleen Hill, COTA
DeLana Honaker, OTR
Stephanie Johnston, OTR
Pamela Nelon, Public Member
Todd Novosad, OTR
Angela Sieffert, OTA

Staff: John Maline, Executive Director
Kara Holsinger, Assistant Attorney General
Nancy Fuller, Attorney General's Office
Mark Turek, Chief Investigator
Augusta Gelfand, OT Coordinator
Cynthia Machado, Licensing Manager

1. **Call to Order**

The meeting was called to order at 9:00 AM by Stephanie Johnston, Presiding Office.

2. **Public comment**

There was no public comment.

3. **Approval of Minutes of December 16, 2011**

Motion: To adopt the minutes as written

Motion by: Judith Chambers

Second Todd Novosad

Motion passed.

4. **Discussion and possible action on Executive Director's Report concerning fiscal and ongoing projects, agency personnel matters, and other agency business**

John Maline briefed the Board on the current status of the agency's income and expenses. He reported the funds returned after his "finding of fact" from the comptroller's office.. Mr. Maline reviewed some issues since the last board meeting. The agency was dropped by the website host and had to get a new host and take advantage of the change with a redesigned website. He mentioned the change that the board has proposed to not mail out renewal cards as of June 1, while licensees may print out proof of licensure on the website. He covered how the performance measures had been affected by the fewer board meetings and increased number of licensees. Lastly he reported that Nell McMillan is back at work after another hip surgery and that Augusta Gelfand will be telecommuting from Seattle over July and August.

5. **Investigation Committee Report**

- a. **Discussion and possible action on agreed orders for case #s: 10-071; 12-016; 12-017; 12-022; 12-023; 12-027; 12-032; 12-038; 12-039; 12-042; 12-062; and 12-075.**

The board ratified the agreed orders for 10-071; 12-016; 12-017; 12-022; 12-023; 12-027; 12-032; 12-038; 12-039; 12-042; 12-062; and 12-075.

b. Discussion and possible action on Investigation Committee meeting of April 19, 2012

The Investigation Committee reviewed 86 cases which resulted in 12 agreed orders, and no informal conferences.

c. Discussion and possible action on investigative activities to date

Mr. Turek discussed the travel for school presentations and investigations. He reminded that Board that about impact of the fewer Board/committee meetings due to the budget cuts, on the agency's performance measures.

6. Discussion and possible proposed amendment to §376.10, concerning Change In Occupational Therapy Facility Ownership

The proposed rule had not moved forward with the other proposed rules at the Executive Council meeting because of conflicts with the PT rule on the same subject. This is compatible wording.

Motion To propose an amendment to §376.10

Motion by: Kathleen Hill

Second by: DeLana Honaker

Motion passed.

7. Rule Adoption. Discussion and possible adoption of proposed amendments to:

The Board reviewed all the rules up for adoption and voted on them together.

§367.2, Categories of Education

§369.1, Display of License

§370.1, License Renewal

§371.1, Inactive Status and §371.2, Retired Status

§376.6, Renewal of Registration and §376.8, Restoration of Registration

There was only one public comment which was not sustentative.

Motion To adopt all the proposed rules

Motion by: Catherine Benavidez

Second Judith Chambers

8. Discussion and possible adoption on Plan for 2012 Rule Review as per §2001.039 of the Government Code

Motion: To adopt all chapters in the rules

Motion by: DeLana Honaker

Second: Pamela Nelon

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

Ms. Gelfand discussed the new website which went "live" on March 1st. She also mentioned the 4 new developing OT/OTA school programs in Texas. Ms. Gelfand asked if we could include those who fail the audit automatically in their next scheduled audit quarter, and Kara Holsinger suggested that we include repeating the audit in the agree orders and change the audit rules.

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

Ms Johnston reported that DeLana had presented at the AOTA national conference and taken questions during the presentation via text. She also reported that she had taken advantage of a

window of opportunity with NBCOT and written to them about the score report and vital information that is not a part of their report. Paul Grace, NBCOT Executive Director sent a reply that they would add a column to their report on August 1st when they are scheduled for IT changes. The new column is to name the number of times the applicant took the exam once they pass. Lastly, Stephanie mention that that there is a May 24th deadline for Call for Papers for the TOTA conference in November in Austin. DeLana suggested that the board have a panel on the Act and Rules. Kara Holsinger mentioned that there cannot be an meeting where there is a quorum of the board.

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

The dates for the next board meetings are September 7, 2012. and November 2nd in conjunction with the TOTA annual conference at the Renaissance Hotel in Austin. DeLana suggested that we review the Jurisprudence Questions, so the Education Committee will hold a meeting on this other educational issues before the board meeting on September 7th.

12. **Adjournment**

The board adjourned at 10:55AM

The Board adopted the minutes on: September 7, 2012