

1 EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND
2 OCCUPATIONAL THERAPY EXAMINERS
3 QUARTERLY MEETING
4 November 30, 2007
5
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7 333 Guadalupe, Ste. 2-510
8 Austin, TX 78701
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10 Persons Present: Council Members: L. Suzan Kedron, *Chair*
11 Daniel Reyna, *Public Member*
12 Melinda Rodriguez, *PT*
13 Stephanie Johnston, *OTR*
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16 Staff: John Maline, *Executive Director*
17 Augusta Gelfand, *OT Board Coordinator*
18 Mark Turek, *Chief Investigator*
19 Jennifer Jones, *Executive Assistant*
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23 **I. Call to Order.**

24 At 10:16 a.m. Ms. Kedron, Presiding Officer, called the meeting to order. Ms. Kedron
25 called the roll; Pamela Nelson was absent due to illness, and a quorum was
26 determined to exist.
27

28 **II. Public Comment.**

29 There was no public comment.
30

31 **III. Approval of minutes of March 2, 2007 Executive Council meeting.**

32 The minutes were approved with no corrections.
33

34 **Motion:** To approve the minutes of March 2, 2007 Executive Council
35 meeting as found in Tab 3.

36 **Made by:** Melinda Rodriguez

37 **Second:** Daniel Reyna

38 **3 ayes, motion passed.**
39

40 **IV. Discussion and possible action on Executive Director's Report, concerning**
41 **fiscal and budgetary matters, performance measures, agency Sunset Review**
42 **status, past legislative session, agency personnel, ongoing projects, and other**
43 **agency business.**
44

45 Mr. Maline presented a report to the Council concerning the FY07 budget and
46 receipts, the FY08 budget and receipts, the FY07 performance measures, employee
47 status, circumstances surrounding Sunset Review postponement, and several minor
48 projects on-going in the agency. Several questions were asked of Mr. Maline, all of
49 which he answered.
50

1 **V. Review and possible action on new rule and rule amendments proposed by**
2 **the Texas Board of Physical Therapy Examiners as follows: amendments to**
3 **§322.1, concerning Provision of Services, and §335.1, concerning Licensed**
4 **Physical Therapist/Licensed Physical Therapist Assistant.**

5
6 Ms. Rodriguez gave a synopsis of the proposed changes to §322.1, Provision of
7 Services and §335.1, Licensed Physical Therapist/Licensed Physical Therapist
8 Assistant, and the rationale of the PT Board used to make the proposed changes.
9 There were several questions asked of Ms. Rodriguez by other Council members,
10 all of which were answered.

11
12 **Motion: To approve publishing rule §322.1 of the Texas Administrative**
13 **Code relating to Provision of Services in the Texas Register.**

14 **Made by: Stephanie Johnston**

15 **Second: Daniel Reyna**

16 **3 ayes, motion passed.**

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18 **Motion: To approve publishing rule §335.1 of the Texas Administrative**
19 **Code relating to Licensed Physical Therapist/Licensed Physical Therapist**
20 **Assistant in the Texas Register.**

21 **Made by: Stephanie Johnston**

22 **Second: Melinda Rodriguez**

23 **3 ayes, motion passed.**

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26 **VI. Review and possible action on new rule and rule amendments proposed by the**
27 **Texas Board of Occupational Therapy Examiners as follows: amendments to**
28 **§370.2, concerning Late Renewal, §372.1, concerning Provision of Services,**
29 **§§373.3, concerning Supervision of a Licensed Occupational Therapy**
30 **Assistant; and §367.1, concerning Continuing Education.**

31
32 Ms. Johnston and Ms. Gelfand laid out the rule amendments to §370.2, Late
33 Renewal, §372.1, Provision of Services, §373.3, Supervision of a Licensed
34 Occupational Therapy Assistant; and §367.1, Continuing Education, to the other
35 members of the Council. There was lengthy discussion on §370.2 by members of the
36 Council on the e-mail from Mr. Heyburn concerning whether the rule fell within the
37 Occupational Therapy practice act. Mr. Heyburn informed the Council that in his
38 opinion, passage of the rule would exceed the authority of the Occupational Therapy
39 Board. There were questions asked of them by other Council members, all of which
40 were answered.

41
42 When Ms. Kedron requested a motion from the Council concerning forwarding rule
43 amendment to §370.2, Late Renewal to the Texas Register, no motion was made the
44 Council members. Ms. Kedron then stated that the rule amendment would be
45 returned to the Occupational Therapy Board with no action taken by the Council.

46
47 **Motion: No motion made for §370.2, concerning Late Renewal**

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49 Ms. Johnston and Ms. Gelfand laid out the amendment to §372.1, Provision of
50 Services, to the other members of the Council. There were questions asked of them
51 by other Council members, all of which were answered.

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Motion: To approve publishing rule §372.1 of the Texas Administrative Code relating to Provision of Services in the Texas Register.

Made by: Daniel Reyna
Second: Stephanie Johnston
3 ayes, motion passed.

Ms. Johnston and Ms. Gelfand laid out the amendment to §373.3, Supervision of a Licensed Occupational Therapy Assistant, to the other members of the Council. There were questions asked of them by other Council members, all of which were answered.

Motion: To approve publishing rule §373.3 of the Texas Administrative Code relating to Supervision of a Licensed Occupational Therapy Assistant in the Texas Register.

Made by: Stephanie Johnston
Second: Melinda Rodriguez
3 ayes, motion passed.

Ms. Johnston and Ms. Gelfand laid out the amendment to §367.1, Continuing Education, to the other members of the Council. There were questions asked of them by other Council members, all of which were answered.

Motion: To approve publishing rule §367.1 of the Texas Administrative Code relating to Continuing Education of the Texas Register.

Made by: Stephanie Johnston
Second: Daniel Reyna
3 ayes, motion passed.

X. Presiding Officers Report.

Ms. Kedron did not give a report.

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

The next Executive Council meeting is scheduled for February 15, 2008 in the agency board room in Austin, Texas.

XII. Adjournment .

The meeting was adjourned at 12:10 p.m.

DATE REVIEWED BY THE COUNCIL: 02/15/2008

ACTION TAKEN BY THE COUNCIL: Approved as submitted