

Texas Board of Occupational Therapy Examiners

BOARD MEETING

December 16, 2011

9:30 am

333 Guadalupe St, #2-150

Austin, TX

Members Present: Judith Chambers, Public Member
DeLana Honaker, OTR
Stephanie Johnston, OTR
Todd Novosad, OTR
Angela Sieffert, OTA

Absent: Catherine Benavidez, OT
Kathleen Hill, COTA
Will Hale, Public Member
Pamela Nelon, Public Member

Staff: John Maline, Executive Director
Kevin Heyburn, Assistant Attorney General
Mark Turek, Chief Investigator
Augusta Gelfand, OT Coordinator
Cynthia Machado, Licensing Manager

1. Call to Order

The meeting was called to order at 9:46 AM by Stephanie Johnston, Presiding Office.

2. Public comment

There was no public comment.

3. Approval of Minutes of September 2, 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 final fiscal year 2011 numbers. He covered how the performance measures had been affected by the fewer board meetings and increased number of licensees and cases.

5. Investigation Committee Report

a. Discussion and possible action on agreed orders for case #s: 10-071; 10-165; 11-136; 11-142; 11-189; and 12-014

The board ratified the agreed orders for 10-165; 11:136; 11-142; 11-189; and 12-014.

b. Discussion and possible action on Investigation Committee meeting of November 18, 2011

The Investigation Committee reviewed 58 cases which resulted in 6 agreed orders, and 3 informal conferences.

c. Discussion and possible action on investigative activities to date

Mr. Turek discussed the impact of the Board/committee meetings cancellation due to the budget cuts, on the agency's performance measures. He also discussed the cessation of all travel for investigations over the summer months. He briefly discussed the cooperation of this office with the US Attorney's office in the prosecution of a Medicare/Medicaid fraud trial that resulted in the conviction and prison sentencing of three individuals. The board agreed to have the Investigation department handle routine student criminal background checks, while bringing any unusual cases to the Investigation Committee.

The Board recessed at 10:48 and resumed at 11:00am.

6. Education Committee Report

The Education Committee Chair, Todd Novosad presented the board with the changes to §367.2 (a) (6). He also mentioned that the committee would write a question for each of the new adopted rules for the JP Exam and some information for the FAQ page of the website on student fieldwork supervision and other topics.

Motion To propose an amendment to §367.2(a)(6) Fieldwork Supervision

Motion by: DeLana Honaker

Second by: Angela Sieffert

Motion passed.

7. Rules Committee Report

The Rules Committee did not meet, so the posted rules were discussed by the Board.

There was a board discussion on the removing the requirement to display the renewal, which was not changed.

- a. Discussion and possible proposed amendment to eliminate the renewal card for licensees and facilities in the following rules: §369.1, Display of License, §370.1, License Renewal, §371.1, Inactive Status, §376.6, Renewal of Registration §376.8; Restoration of Registration and §376.10, Changes in Occupational Therapy Facility Ownership.
- b. Discussion and possible proposed amendments to §376.8, to discuss closure of a facility.
- c. Discussion and possible proposed amendment to §371.2, Retired Status, to review return to licensure.
- d. Discussion and possible action on Plan for 2012 Rule Review as per §2001.039 of the Government Code.

Motion: To amend §369.1, Display of License, to remove issuing renewal cards/certificates.

Made by: Judith Chambers

Second: Todd Novosad

Motion passed.

Motion: To amend §370.1, License Renewal, to remove issuing renewal cards/certificates.

Made by: Todd Novosad

Second: DeLana Honaker

Motion passed.

Motion: To amend §371.1, Inactive Status, to remove issuing renewal cards/certificates and §371.2, Retired Status, to return to licensure.

Made by: Judith Chambers

Second: Angela Sieffert

Motion passed.

Motion: To amend §376.6, §376.8, and §376.10 in the Facility Chapter to remove issuing the renewal card/certificate and the requirement that owners return their registration, when the facility is closed.

Made by: DeLana Honaker

Second Angela Sieffert
Motion passed.

The Board looked at the 2012 Rule Review Plan to review all the rules in accordance with Government Code §2001.039.

Motion: To Propose the Rule Review Plan
Made by: Judith Chambers
Second: DeLana Honaker
Motion passed.

The board took a recess for lunch at 11:45AM and resumed at 12:02PM.

8. Rule Adoption

- a. Discussion and possible adoption of proposed amendment to §372.1, Provision of Services. The board looked at the one public comment and thought the writer has misunderstood the board's intent about having all the documentation in the licensees hands, and the "progress notes." The board will write answers to this on the Frequently Asked Questions page.

Motion: To adopt §372.1 without change.
Made by: Todd Novosad
Second: Judith Chambers
Motion passed.

- b. Discussion and possible adoption of proposed amendments to §364.2. §364.3. §369.3, §370.3, and §373.3

No public comment was received on these proposed amendments.

Motion: To amend §364.2. §364.3. §369.3, §370.3, and §373.3 without change.
Made by: DeLana Honaker
Second: Todd Novosad
Motion passed.

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 went online to show the Board the new website under construction. Todd offered to send the link for cms for the website. The Board likes the new look and organization. Augusta showed the Board how the verification page looks and how licensees can print out their license report.

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 had not report.

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

The date for the next board meeting is May 18, 2012.

12. **Adjournment**

The board adjourned at 1:43 PM

The Board adopted the minutes on: May 18, 2012.