

PUBLIC MEETING MINUTES
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met **Friday August 10-11, 2012** in the Sitka Room, Salishan, in Gleneden Beach, Oregon. Board members present were: Alan King, OTR/L, Chair; Robert Bond, B.A. public member and Vice-Chair; Mashelle Painter, B.S., COTA/L; Linda Smith, OTR/L. Felicia Holgate, Director was present. With a quorum present, Alan King called the Friday meeting to order at 9:00 a.m.

1. Minutes: The Board reviewed May 4, 2012 Public meeting minutes. Linda Smith MOVED THAT THE PUBLIC MINUTES OF May 4, 2012, BOARD MEETING BE APPROVED. Robert Bond SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed Confidential May 4, 2012 meeting minutes. Mashelle Painter MOVED THAT THE CONFIDENTIAL MINUTES with one correction made OF THE May 4, 2012 BOARD MEETING BE APPROVED. Alan King SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

2. Ratify List of Licensees: Licenses issued since the last Board meeting were distributed. Linda Smith MOVED TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING. Robert Bond SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

3. Report of the Director: Director, Felicia Holgate sends monthly reports.

Board member appointment: The Governor's reappointment of Robert Bond to a second term has been confirmed.

The second public member, Mr. Schreiber, did not ask to be reappointed for a second term so his term expired June 30. The Director and Mr. Bond met with someone interested in the public member position but it turned out he lives in Washington State so is not eligible to serve. The Governor's office has been contacted and the Senate committee for confirmation met in early August so the next will be later in the year. We continue to look for a new public member.

Mashelle Painter was appointed to the AOTA Commission on Practice and will be working on issues such as the new OT Practice Framework. She is also the new Distance Education Coordinator for Linn Benton Community College, OT Assistant program.

Budget Review: The Director gave a **fiscal summary**. Monthly revenue, expenditure, and payment statements are scanned and sent to Board members. The Board is in good fiscal shape.

2012 Expenditures: **April \$12,707; May \$11,138; June \$11,262.** The Board has an average budgeted amount of \$15,000 per month.

2012 Revenues: **April \$103,813; May \$58,570, and June \$6,156.** There were 34 late renewal fees paid for a total of \$1700 (The late fee is \$50 if renewed after May 1 to May 31).

RENEWALS: License numbers continue growing. Historically, as this year, about 12 % do not renew – in 2012 there were 229 licenses not renewed, that lapsed.

End of May, before renewals: 1898 licensees (OTA 304 and OT 1594) - almost 1900 total !
June 1 after renewals: 1668 licensees (OTA 257 and OT 1411) - drop as expected 12 %
July 1 : 1692 licensees (OTA 260 and OT 1430) - 15 to 25 new per month
Aug. 1: new grads 1725 licensees (OTA 276 and OT 1449) - 25 new per month
Projected by Dec. 2012 1800 which is approximately 13 average new licenses per /month.
Projected by Dec. 2013 1950 which is approximately 15 average new licenses per month.

The current number includes 20 student Limited Permits issued. We expect about 30 new Initial licenses (meaning they just graduated and passed the exam vs. being licensed by endorsement from other states) by the end of summer. In addition to Pacific OT students, this year we also have the new OT Assistant students graduating from Linn Benton Community College.

In the Agency 2011- 13 Budget the Director projected an estimate 1770 licenses by end of 2012. With a projected total of approximately 1640 renewals by June 1 and estimated 15 – 25 new licenses issued per month we should be close to reaching 1800 by December, 2012.

New CRM data base changes are being made to other health boards. After renewals for the OTLB we will make our change over. It will take the Director time to learn the system. Advantages are:

1. As a risk factor Grant Moyle is the only person who knows the current system and if something happened to him it would be very difficult to make changes needed.
2. There is much more flexibility in the new CRM and is based on each licensee being a “customer”.
3. We will be able to train an extra person to help come up with additional reports we want to pull out and have someone extra to help work on changes

The Health Board Directors presented as a group on June 21st to the Governor’s new 10 year Enterprise Oregon Safety Team. Felicia Holgate and Robert Bond attended. Semi Independence for health boards was raised again and there is no clearer picture of what will happen with “other funds” agencies in this process.

Meanwhile the regular Budget documents through DAS for the legislature continue and the Agency Requested Binders are due Sept. 1st. Instead of the 12 binders required in the past only 3 will be required, plus several copied by disk and one sent electronically.

Draft of Ethics/Law Exam: The Director reviewed the comments made by students on the review of the law/ethics exam and will make a final draft and then explore how to have it online through our IT staff or the state’s ILink program.

Rules filed: Final rules filed with the Secretary of State make them permanent September 1.

4 Disciplinary/Investigations/Complaints: In accordance with ORS 192.660, which allows the Board to meet in Executive Session on matters to consider information obtained as part of investigations of licensees, the following cases were considered:

- **OT 2011 – 07:** Continued
- **OT 2012 – 01:** To be closed
- **OT 2012 – 02:** File closed
- **OT 2012 – 03:** Reinstatement applicant with DUI withdraw
- **OTA 2012 – 04:** Continued
- **OT 2012 – 05:** Applicant with DUI continued
- **OT 2012 – 06:** Applicant: license issued

5. CE questionnaire with OTA0: No further discussion

Cultural Competency: The Director continues monthly meetings in serving on the legislative committee dealing with looking at Cultural competency CE for health boards. A survey was prepared and sent to all health boards, associations and schools.

Lunch: Board members and Director continued work through lunch which was brought into the room.

6. OTA0 conference presentation: Will be discussed at Saturday planning session. The Board will change its November Board meeting to a time during the OTA0 conference Friday and Saturday. The Director will update the Poster Board.

7. New Business:

Affirmative and Diversity Report: Reviewed by the Board and accepted.

Policy and Procedure for overseas applicant: In reviewing an applicant who was coming from England, but previously worked in Oregon, the Board will require some additional paperwork to be submitted as this applicant has not worked as an OT in the US.

First, current NBCOT certification will be required – which will take care of the current CE requirements. Second, the Board will request verification from the licensing body in England. Third, the Board asks for several recent work evaluations.

These requirements for overseas applicants will be added to the Board Policy and Procedures manual. The Director will work on updating the policy and procedures and have them for the February meeting, after reviewing them for recent changes made by the Board.

LEDS: The Board will work on a contract with the Nursing Board to provide a significantly significant percentage of current licensees and do background checks through the Law Enforcement Data System which reviews records for arrests or crimes committed in Oregon.

The work will follow to look at results in terms of whether “hits” showing arrests or convictions were reported by applicants or OTs during applications or renewal. It would include reviewing their application files to determine what specific history questions were asked at the time. Over the years what questions were asked has changed and in prior years questions only asked about arrests for felony or convictions. The results would then need to be processed and presented to the Board as discipline cases for decisions.

Telehealth: The Board will consider the request about Telehealth at the February board meeting.

Meeting Dates for 2012:

OTA conference the end of Oct. 26 – 27, 2012 in Hood River – with Board presentation

Meeting will start 3:30 to 6 on Friday and continue if needed on Sat 8 – 12.

Note: This October meeting is instead of the Nov. 2 Board meeting in Portland.

Board meetings in 2013:

Feb. 8, 2013 at Portland State Office Building.

May 3, 2013: in Corvallis

August 2, 2013 in Roseburg: with a community meeting planned and perhaps CE on ethics.

October 2013 board meeting when OTA meets end of the month in Portland

AOTA is holding the 2013 Meeting April 25 – 28 in San Diego. The Director plans to attend and perhaps other Board members might also attend.

The Friday Board meeting was adjourned by the Board Chair Alan King at 2:10 p.m.

Minutes continue for the Saturday planning session:

Saturday, Strategic Planning meeting was called to order at 9 a.m.

The Board reviewed past strategic planning materials (*shown in italics*) which included the one from May, 2011:

Discipline: process; investigator/board training; strategy for civil penalties, setting a matrix; background checks: fingerprinting; LEDS (law enforcement data system) for Oregon arrests and convictions which might capture some federal crimes.

Matrix: The Director was not ready with information to work on a Matrix for discipline but this will be a topic at the next Board meeting. The Board will also review the rules about civil penalties that could be issued for certain conduct such as in a DUI case. The Board will consider such things as: whether there was abuse of a patient, what the nexus is to professional work, how personal and professional conduct are related, whether there was a citation, arrest or conviction, whether the conduct violated a rule or law, how long ago the conduct occurred, and how it affects the profession. The Board will also look at what other boards use for civil penalties. There can be red flags and a hierarchy set up for certain behaviors, such as whether there was patient harm.

The Board will also review past Board discipline actions taken, discuss how precedence affects future cases. There will also be a review of DUI cases, both applicant and renewals. This can also be used for the state conference board presentation at OTA in Hood River.

Review laws, rules, regulations clearly reflect current practice and efficient operation.

Protect licensing and profession: (super board, consolidation); work on pro/con of Semi Independence. Obtain statistics and demographics; health reform, educate legislators, support OTA; Look at background of temporary therapists coming to Oregon to work

The Director expect a lot of legislation in 2013 on board and commissions, including “sunset laws” to review whether any board should continue to exist, and changes to board status such as some kind of consolidation or considering of Semi Independence. The recent Secretary of State audit about the 250+ Oregon boards and commissions will result in many suggestions to change how Boards are set up.

Legislation: Continue to promote profession, monitor legislative bills, educate legislators, and support OT Day at Legislature (with OT and OTA students and Association).

Semi- Independence: The Board reviewed and supports legislation if it comes up for Semi Independence. The Director worked with James Heider and Chrissy Van Osdol and has a video about Semi Independence. It can be used to educate the Association, profession, legislators and posted on the web site. The Director met with OTA Board at their July meeting. The Association supports moving to Semi Independence. .

OT Day at the Legislature: The Director will contact Tiffany Boggis at Pacific and Linn Benton CC to make reservations for OT Day at the legislature in early 2013. There is a Student OT club at Linn Benton. Mashelle Painter will be involved with this aspect of education for OT Assistant students.

NBCOT: Consider whether to mandate current NBCOT certification for licensees.

Diversity in profession and on the Licensing Board. The Board Director is working on the Cultural Competency group from the Oregon Health Authority considering training for health professionals (see below) on cultural competency/diversity training. The group is looking at the definition of CC, how it can be provided, whether board can help pay for it, whether changes should be done on an individual health professional level or systematically within facilities. What recommendations come out of the group is not yet clear. Would the Board support costs to cover some CE in this area?

EBP: Encourage evidence based practice.

Management skills: Encourage management skills; maintain level of professionalism.

Telehealth: The Board will study this topic. It is on the Agenda for the Feb. 2013.

Ethics and Law exam: develop mandatory online exam for applicants. The Director has the exam ready and is now working on how to make it available online so there is not additional work for staff. After an initial review by new applicants it can later be made available as a free CE for licensees or be mandated for all licensees.

Data system: Board is changing to a new data base; need to confirm some information and collect other data, including state mandate workforce data. This customer based system will give flexibility in using data, allow developing management reports.

New Web site system and training: The State has a new contract and the Director finished the initial training on the system. Changes to the web site are done by the Director.

OTAO, Pacific, Linn Benton OTA school: Continue to work with OTAO, Pacific and Linn Benton on mutual concerns (legislation, Re-Entry, state conference).

The Board had the 2012 AOTA priorities to review. They included:

Leadership development; Promoting profession; Advocacy in traditional and emerging practice; Support state association advocacy; Train and develop how to conduct effective advocacy; Promote role of OT in health care reform, especially in primary care.

Other Topics for discussion 2012

LTC (Long Term Care) issues and least restrictive environment for elders: The information about Linda Hunt's class on "Understanding Capacity and How it Affect the Discharge Process" was distributed. The Director plans to attend the class to learn more about the issue. Information on Best Practices can be posted on the web site. What other evaluations can be used with or in place of the ACL? What does AOTA have on this?

CE survey: OTAO with the help of the Board did a review of what CE licensees want. Should the Board get involved with providing CE on ethics, and laws. How would this be done? What are the priorities of the Board and Association?

Changes in health care in Oregon and education system: We need to continue to monitor changes to Health Care Homes and Coordinated Care organizations.

OTAO conference Oct:

1. Presentation on supervision: Mashelle Painter outlined a panel presentation on supervision to include herself, Director Felicia Holgate, former board member, Genevieve deRenne and John Siberz, COTA who has worked in a SNF/Reab for 12 years. Supervision continues to be an issue. The Board follows up with OT Assistants to keep them current on filing and being supervised.

2. Presentation as a case study on the DUI issue:

The Director, Linda Smith and Mashelle Painter attended a July 30th meeting of the Health Board Director's meeting where a presentation was made by staff of the Department of Motor Vehicles. The Board must legally find a "nexus" between the arrest/conviction and professional work of the licensee. Whether putting an OT on public probation would prevent them from working is only one factor to consider among many. Every case needs to be decided on its own merits. Public protection is the mission of the Board. The Board will work on a matrix on how they will deal with DUI. More cases for renewals and new applicants coming before the Board deal with DUI issues.

There are 70 stops for DUI each day on Oregon. In order to unclog court system, Oregon set up a diversion program. 10,000 cases go to convictions and 10,000 go to Diversion. If the person follows

all conditions of probation the case will not go to court for conviction. The second DUI does not get diversion. All stipulations must be followed. Even if there is no conviction, the DUI arrest does not go away. Insurance wants the information and puts the driver into a different category. Although the DMV administrative case may be settled, it may take as many 30 to 90 days for criminal process to start. There is a dual processes, one going to DMV administrative, the other through court.

Linda Lewis, runs the DMV impaired driver program and is in charge of diversion. With 24,000 cases a year, some are dismissed, as when the officer does not show up in court. Another speaker was a law enforcement specialist in drug recognition, talked about how the police evaluate the “drunk driver”. The horizontal gaze test is 88 % accurate, and cannot be practiced or faked. Other tests are the one leg stand, and walking the line, but other medical factors can affect these.

It is important to know that if a driver completes diversion, the conviction might go away but not the arrest. There is a separate process to go back and ask for it to be expunged. There was discussion of the IID – lock system set up in cars which tests the alcohol level of the driver before the ignition starts. A conviction is not expunged.

If there is a crash, the process is different. In certain situations, even if it is a first offense, it cannot go into diversion, as when there is a child in car, there was an accident, injury, or drugs. Mashelle Painter and Linda Smith had a chance to talk to a PT Board who talked about a “case study” example. He noted that although the law considers .08 as evidence of impairment, there is some impairment at .02.

The information about DUI’s was useful and helps the board realize how many layers and how complicated the process can be. This information helps the Board members in making decisions and to be better informed. Depending on conditions in the specific situation, a board cannot be too lenient, and must look carefully how to treat the professional while keeping the public safe.

The Board then discussed how it would present at the OTA conference in an interactive way to keep licensees engaged. After using a DUI case study this year, perhaps in 2013 it could set the stage for someone from DMV to come talk to licensees on the topic. It also would be interesting to know how temp agencies deal with DUIs or if they look at the issue. The board can ask Consonus, Infinity, NBCOT and AOTA what they do for background checks.

What is the big picture? Licensees are held to a higher standard and the board must consider issues in their personal life affecting their professional life. What any one licensee does affects the whole OT profession. The Board must protect the public but also maintain standard of profession.

The Board outlined how it would do a presentation with involvement of the OTs at the conference during their ½ hour after lunch at 1:10 to 1:45 to be interactive and relevant to licensees. One case study using a DUI example will be presented given the short time, with discussion by tables, and summarize and conclusion of the case and board action. The power point case will be “Personal vs. Professional Conduct: your role and responsibilities to co workers, licensing board and clients”.

The Saturday strategic planning meeting was closed at 12:10.
Drafted by Director Felicia Holgate August 21, 2012