

Oregon OT Licensing Board
PUBLIC MEETING MINUTES Friday May 1, 2015
Portland State Office Building, Room 445, 800 NE Oregon St.

The Oregon Occupational Therapy Licensing Board meeting was held Friday, May 1, 2015 at the Portland State Office Building, Room 445, 800 NE Oregon St. in Portland, Oregon. The Board members present were: Mashelle Painter, COTA/L, Chair; Linda Smith, OTR/L, Vice-Chair; Robert Bond, B.A. and Juanita Shepherd, public members, and Sybil Hedrick, OTR/L, CHT, CSCS. Felicia Holgate, Director and Nancy Schuberg, Licensing Specialist, were present. With a quorum present, Mashelle Painter called the Friday meeting to order at 10:00 a.m.

1. Minutes:

The Board reviewed the minutes of the public meeting of **Feb 13, 2015** and **April 7, 2015**. A MOTION WAS MADE BY Linda Smith AND SECONDED BY Sybil Hedrick TO APPROVE THE PUBLIC MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the confidential meeting minutes of **Feb. 13, 2014** and **April 7, 2015**. A MOTION WAS MADE BY Linda Smith AND SECONDED BY Juanita Shepherd TO APPROVE THE CONFIDENTIAL MEETING MINUTES AS AMENDED AND THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2. Report of the Director: Director, Felicia Holgate sends monthly reports on revenue and expenditures. The Ways and Means Committee still needs to approve the final Agency budget and we are waiting for the work session. This biennium ends June 30, 2015. We are in a good financial position and within our budget.

CURRENT 2013 – 2015 BUDGET:

2015 Revenues: January \$ **2995**; February \$ **4,455**; March \$ **3,785**.

2015 Expenditures: January \$**11,761**; February \$**12,566**; March \$ **16,040** (included \$1,950 for IT support for the year). Without the AG costs our expenditures are down closer to what they were before. We have our final three month allotment of just over \$20,000 per month. We also paid the revenue transfer of \$8,950 which is a charge from the Oregon Health Authority for the data collection at the cost of \$5 per renewal license. The Board pays this legislative cost rather than charge the licensees the \$5.

Tuesday April 7, 2014 Board members **Robert Bond and Linda Smith** did an audit in the office on board accounting with Felicia Holgate and Nancy Schuberg explaining how checks are received and processed, how license number predictions are made and budget projections made.

We no longer have the high Attorney General charges after the case was settled, and we are in good financial shape, staying well within our total allotment. Felicia Holgate is working full time and put in paperwork to upgrade Nancy Schuberg's half time position from Office Assistant to an Administrative Assistant position at one higher step.

Board members: Mashelle Painter is the new Chair. The Director met with Robert Bond and Kim Smith who is interested in the public board member position. She will attend a future board meeting. Linda Smith's reappointment for another four year term is progressing through the legislative Rules committee. She does not need to attend the legislative Senate hearing since this is a reappointment. The Director will follow up on a potential new OT Assistant board member to replace Mashelle Painter, though this is not until 2017.

OTAO OT Day at the Legislature: Nancy Schuberg attended the OT Day at the Legislature on Feb. 26th and is writing an article we were asked to submit to NBCOT about this education day. Nancy Schuberg also spoke to the LBCC class on March 18th about licensure and the Board.

NBCOT will have webinars and visits to states rather than an annual conference this year. Paul Grace visited the Oregon Board last year. The Director was on a phone conference about the various board structures on Feb. 3, 2015 and there was a webinar about a NC dental board court decision that actions taken by that Board violated anti-trust regulations. Because Oregon has different supervision of Boards by the Governor's office and rule adoption is done by the Secretary of State, the anti-trust issues are not a concern in Oregon.

The final CE rule was filed with the Sec of State and the Director worked with NBCOT on a **joint statement** after the rule on CE and NBCOT certification is adopted.

The Director will prepare to do **LEDS checks** on all licensees prior to the start of the March, 2016 license renewals, though we may be able to do these with a contract within Suite 407 rather than through the Nursing Board.

Pacific University: The new Director Dr. Gregory **Wintz**, PhD, OTR/L for the OT School at Pacific has been appointed to start in September. John White will continue on teaching at Pacific. The Director will send Dr. Wintz an application form and welcome him to Oregon. The Director already met him when she was part of the search process.

New applications for OT and OTA will accept that if the applicant has current NBCOT certification their CE is approved. This will correspond with the new rule that current certification with NBCOT means the renewal applicants are in compliance with CE requirements.

License Numbers: As of April 30th there were 402 OT Assistants and 1774 OTs for a total of 2,175 licensees. We issued approximately 32 licenses a month. Our applications have increased. We expect increases as summer graduates start to apply for licensure and obtain Limited Permits.

3. 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 2013 – 05:** A MOTION WAS MADE BY Robert Bond AND SECONDED BY Sybil Hedrick THAT THE PROBATIONARY LICENSE BE TERMINATED IN COORDINATION WITH THE COURT PROBATION CONDITIONS. ALL THOSE PRESENT VOTED IN FAVOR.

- **OT 2013 – 06:** Reinstatement continued
- **OT 2013 – 08:** Probationary License
- **OT 2013 – 12:** Probationary License
- **OT 2014 – 09:** Continued
- **OT 2014 – 16:** Application continued
- **OT 2015 – 01:** Application continued

OT 2015 – 02: A MOTION WAS MADE BY Linda Smith AND SECONDED BY Juanita Shepherd TO ISSUE A PRIVATE LETTER OF CONCERN. ALL THOSE PRESENT VOTED IN FAVOR.

- **OT 2015 – 03:** File closed.
- **OT 2015 – 04:** File closed
- **OT 2015 – 05:** A MOTION WAS MADE BY Sybil Hedrick AND SECONDED BY Mashelle Painter THAT THE BOARD ISSUE AN INTERIM STIPULATED AGREEMENT. ALL THOSE PRESENTED VOTED IN FAVOR.

4. Ratify List of Licensees: A MOTION WAS MADE BY Sybil Hedrick AND SECONDED BY Linda Smith TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING. THE MOTION PASSED WITH ALL PRESENT.

Lunch was provided as the Board continued working.

5. OTs in Education workload: The concerns about caseload and workloads and use of aides to do occupational therapy and loss of OT Assistants in the schools were discussed with **Sarah Drinkwater**, and members of the Dept of Education. The group wants to work on adopting state guidelines. The group discussed some of the strategies the workgroup members came up with and from feedback from a survey done in September. The goal of the group is to find Best Practices and how to improve services for children. This workgroup is a cooperative effort between the State OT Licensure Board, the Occupational Therapy Association of Oregon, faculty from both, Pacific University, School of Occupational Therapy and Linn-Benton Community College COTA program, as well as OTs with years of experience working in the school settings.

There is a lot of statewide interest in this group and the next step is to establish collaboration & communication with designated representatives from the Oregon Department of Education to establish **state standards** (based upon data collection & other state models) for OTs in Oregon, and develop Best Practice standards as a resource & reference, with an assessment resource library to augment local district evaluation resources.

6. Workgroup on Use of Aides is being set up. Sybil Hedrick will head the group and work with Nancy Schuberg. A copy of the PT rules and AOTA guidelines were available. There are two therapists who volunteered to be on the committee after the newsletter was out: Susan B. Redmond, OT/L, MBA, Manager Acute Rehab Therapies and Mandi Moorehead, OT at Green Valley Rehab Health Center in Eugene.

It would be good to have two additional OT Assistants to help the group. The plan is to help further define what an OT Aide can do. Some OTs for example would allow an aide to do an ultrasound under their sight and earshot, but others might not. This would be permitted as long as the OTR was comfortable allowing the Aide to do so and under the AOTA guidelines it would be permitted. It is important to have someone from PEDS involved. It would also be good to have someone from a smaller facility than Providence work on the group.

The group's goal is to come up with further definitions on what aides can do. Currently there is specific training and a checklist required for the facility. The protocol recommendations could be proposed by this group and then adopted by the Board.

7. 2015 Legislative session ends in June and few of the bills are still going through the session. The Agency state budget had passed the Ways and Means subcommittee and is being passed through the full committee this morning.

The bills being followed are divided by topics and status is updated:

Loan Repayment: ~~HB 2048~~ allow OTs to participate in primary care provider ~~loan repayment~~

Budget: **HB 5023**: This is the budget bill. The final work session was April 23. ~~HB 2106~~ reduce allotments based on percentage governor's allotment

~~Tax compliance~~ as condition to licensing: ~~HB 2164~~ pilot

Fingerprinting: **HB 2228** and ~~HB 2229~~ and **HB 2250** – some are progressing

Dept of Adm: **HB 2438** transfer to DAS from Employment; ~~SB 104 E~~ Verify employment

Rules: **HB 2476** DAS to adopt uniform rules; ~~HB 2724~~ Waiver of fee; **SB 191** writing rules; **SB 358** rules submit to Leg counsel minor changes

Behavior Analysts: ~~HB 2563~~ and **SB 696** expands board; confirms that if currently can do BA therapy under another license do not need a second license.

Health care workers: Caregivers skills **HB 2756**; assault health care provider ~~SB 132~~; workforce data; **SB 230**; DHS facilities request ADLs by sex **SB 307**; discrimination ~~SB 309~~; ~~Health quality outcomes~~ ~~SB 440~~

~~False swearing when testifying before legislature~~ ~~HB 2790~~

Music therapy licensing board in HLO **HB 2796**

Oversight of Boards: ~~SB 101~~ fee data; ~~SB 105~~ Sunset of OTLB; ~~SB 289~~ periodic Board review

Telemed services: ~~SB 151~~, **SB 144**

Semi Independence **SB 279** for Medical board only

~~Final Discipline Orders to OSB SB 372; Dentistry discipline removed from website~~ * but to be studied in the Interim. Legislative amendments identify who proposes changes **SB 435**

Mental health programs **SB 465**

Autism bill **SB 696**

8. The OTA Conference is set for October 9 and 10th in Bend, OR. It is important to have Board members involved and meet with licensees to have them know who they are. The Board will make a presentation at the conference during the Saturday lunch presentation. Nancy will work on updating posters and this can be discussed at the July meeting.

9. Impact of Marijuana law changes: The Director noted that other Boards are not taking any special action on how law changes might affect discipline. Each case will be looked at in terms of how the competency of the licensee is affected. This will be added to the provide information to licensees to be sure they understand this.

10. New Business:

Best Practice evaluation: The members filled out the 2015 Best Practices evaluation of their own work as board members.

Telehealth: Nancy will post Q and A on the web site. The issue of whether and how OT Assistant can use Telehealth needs to be included.

Dates for 2015 Board meetings:

Friday **July 17** in Portland, Providence Sports Care Center, Sybil Hedrick's employer.
Friday/Saturday **October 9 – 10** OTA conference in Bend with a Saturday presentation
Friday **November 6**, 2015 in Portland in room 445 at the Portland State Office Building.

Dates for 2016: The first Friday of the month.

Friday Feb. 5

Friday May 6

Friday Aug. 5

Friday Nov. 4

The Board adjourned its meeting at 1:25 p.m.

Final draft by Director, Felicia Holgate June 5, 2015