

Oregon OT Licensing Board
PUBLIC MEETING MINUTES - Monday Feb. 1, 2016
Portland State Office Building Room 445, Oregon 97232

The Oregon Occupational Therapy Licensing Board meeting was held Monday Feb. 1, 2016 at the Portland State Office Building in room 445. The Board members present were: Mashelle Painter, COTA/L Chair; Linda Smith, OTR/L, Vice Chair; Sybil Hedrick Park, OTR/L, CHT, CSCS; and Robert Bond, B.A. and Juanita Shepherd, public members. Felicia Holgate and Nancy Schuberg, Director's Office; Genevieve DeRenne, Investigator were also present.

With a quorum present, Mashelle Painter called the Monday meeting to order at 10:00 a.m.

1. Minutes:

The Board reviewed the minutes of the public meeting of November 9, 2015. A MOTION WAS MADE BY Robert Bond AND SECONDED BY Sybil Hedrick Park TO APPROVE THE PUBLIC MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the confidential meeting minutes of November 9, 2015. A MOTION WAS MADE BY Robert Bond AND SECONDED BY Sybil Hedrick Park TO APPROVE THE CONFIDENTIAL MEETING MINUTES WITH MINOR AMENDMENTS. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2. Report of the Director:

Budget: Monthly reports on revenue and expenditures are sent to Board members.

2015 – 2017 Budget is for **\$454,683**. This is an “allotment” for spending of **\$18,945** per month, the amount the legislature approved for our spending. The board cannot spend more than what is approved by the legislature, even if more revenue comes in than projected. The revenue projection for **2015 – 2017** is **\$376,600** to which we add in the ending balance of **\$341,095**.

2015 Revenues: Sept. \$2,885; October \$2,895; November \$1,960; December \$2,270.

2015 Expenditures: **Sept. \$16,986; October \$20,007** (which included \$3,526 for first quarter for accounting services before our new accountant was hired); **Nov \$17,758; and Dec \$17,199.**

We are within our budget, and in good financial position.

New Board member: **Erion Moore II** has filled out his Governor's interest form which was forwarded to the Governor's office. Erion has experience with OT in acute inpatient and outpatient settings and also volunteers at Pacific. Robert Bond talked to him and Nancy and Linda Smith met with him. He will have to get Senate Confirmation in the Feb. 9, session. His first meeting will be at the May 2nd meeting.

Board training: There is now a new 3 part training session for New Board members and directors. It is available through ILearn. The curriculum contains 2 online courses and 1 classroom course. All of these must be completed within 6 months of the start date of new board members. Only those who were appointed on or after 1/1/16 are required to complete the curriculum.

Personnel/Status in Office: Nancy Schuberg set up interviews for the position and Nancy is now training Rachel Cillo in her old position. Rachel Cillo has been on staff now for 1 month and also came in 4 days in Dec. She is entering applications, issuing licenses, handling verifications, name and address changes. She is preparing the mass mailing of the March 1st letter being sent to all licensees. She comes in 5 days a week for 4 hours a day.

Felicia Holgate is working part-time now and Felicia is working with Nancy Schuberg who is taking over much of the Director's responsibility as she trains to take over the Director's position June 1. The Board is working on having good succession planning.

Use of Mentorships for CE. A question came up about making it easier for new therapists in rural Oregon have mentorship experience and for therapists mentoring to obtain CE. Since the new rule allows someone who is current NBCOT certified to have what they need for CE upon renewal, the Board members looked at the NBCOT mentorship rule. NBCOT has a form online that can be used and gives more CE credit than the Oregon CE rules. We will notify licensees about this agreement and how it can be used through NBCOT to obtain CE credit.

With the new telehealth rules, supervision for mentorship can be done via telehealth as it can for supervision of OT Assistants.

Use of medications by hand therapists: The PT laws allow PTs to prescribe certain medication for hand therapy, but OT's do not have this in their law. The Director contacted other hand therapists to see whether this is a problem or not and report back. Those in facilities have no problem but those in private practice would need to work with PT and/or the doctor.

Notification of Patient to DMV. A question came up whether a presentation at the OTA conference made it clear that OTs do have civil liability for reporting a patient to DMV. The Director will send out what we have on our web site on this issue and see whether that is the understanding of the therapist and report back.

2016 Renewals: There has been a lot of work in preparing for the next renewal period starting March 1. The letter to go out March 1 is ready and a link will be on the web site to start renewals. Everyone who has pain management due has been contacted. We are having lots of updates to addresses. We have contacted everyone overseas to see if they are renewing. There have been many, many questions on the new CE requirement - those current with their NBCOT certification meeting the requirement in Oregon.

For licensees who are Not Renewing we have a category for them so we do not continue to contact them. Staff confirms they are Not Renewing.

NBCOT conference: Mashelle and Nancy will attend the NBCOT Conference in May 12-13. NBCOT is paying for travel expenses of all the Directors and Board Chairs.

Website re-design – We are in the process of updating the website to a new format, similar to the Medical Board.

Good bye to Robert Bond. We said thank you to Robert Bond for his two terms of excellent service on the Board. The Board presented him with a clock engraved, "OTLB Board Extraordinaire".

LBCC: Ann Custer has moved on and LBCC is looking for a new Director of the OT Assistant program at the school.

License Numbers: As of Jan 29 there **1,945 OT's** and **466 OTA's** and for a total of **2,411** licensees. There were 10 license issued per month, the holiday season being a slow time. We have 25 licenses ready be issued on March 1, when we go to the next 2-year license.

3. Disciplinary/Investigations/Complaints: In accordance with ORS 192.660 (2)(l), which allows the Board to meet in Executive Session on matters to consider information obtained as part of investigations of licensees. In accordance with ORS 192.660 (2)(f), the Board to met in Executive Session to discuss legal advice with Board counsel. New AAG, Katharine Lozano, was present for the meeting on discipline cases.

The following cases were considered:

- **OT 2013 – 06:** Continued.
- **OT 2013 – 08:** Probationary License - Continued.
- **OT 2013 – 12:** Probationary License + per 2015-05.
- **OT 2014 – 09:** MOTION BY Sybil Hedrick Park AND SECONDED BY Mashelle Painter TO RELEASE THE LICENSEE FROM COOPERATIVE AGREEMENT.
- **OT 2015-02:** Continued.
- **OT 2015 – 05:** MOTION BY Linda Harthun Smith AND SECONDED BY Robert Bond FOR A NEW PROBATIONARY LICENSE WITH ADDED STIPULATIONS.
- **OT 2015 – 09:** MOTION BY Mashelle Painter AND SECONDED BY Sybil Hedrick Park FOR DISMISSED ACTION IF CASE IS NOT A FELONY.
- **OT 2015 – 10:** Anonymous complaint – Continued.
- **OT 2015 – 11:** New Complaint – Continued.
- **OT 2015 – 12:** New Complaint – Continued.
- **OTA 2015 – 13:** Applicant – A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Mashelle Painter TO APPROVE ISSUING THE APPLICATION.
- **OTA 2016-01:** Case closed.
- **OT 2016 – 02:** The LEDS check revealed OT did not report an arrest for reckless driving in 2013.

LEDS checks: Have been completed on all licensees. Summary made on Excel with results of 2014 and 2016. There are three issues the Board is following up with.

The Executive session was adjourned and the meeting was brought back to public session. All votes were taken in public session.

4. Ratify List of Licensees: A MOTION WAS MADE BY Linda Harthun Smith AND SECONDED BY Juanita Shepherd 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. Jan Cuciti, OTAO President came to meet with the Board. She wants to continue the good relations between the Association and the Board. She asked if there were any special issues to be discussed. Jan pointed out that Legislative Day is set for Tuesday Feb. 9. They are working on the 2016 state conference which will be Oct. 13 - 15. They expect more licensees to attend in Portland. The costs need to be cut back. Membership is at about 250 which is a smaller percent of those who were members in the past. There was discussion about the concern of caseloads for OTs in school and Chrissy Van Osdol with Sandra Rogers and Kate Allgood are still all working on these issues.

6. CE rule and audits – Audits will run right after renewals and the Board will audit those licensees who are not NBCOT certified. The NBCOT said they would audit 5 percent of those NBCOT certified.

The Board agreed to modify the current CE Rule to remove (3) (b)

(b) Current licensees who have their second year of NBCOT certification shall obtain a minimum of 15 points of CE from Board approved categories.

It causes a great deal of confusion and the licensees are already providing 12 PDUs annually to the NBCOT. Staff will bring back language for a rule change in May.

7. Delegation of Authority: The delegation of authority was approved by the Board for the incoming Executive Director. A MOTION WAS MADE BY Sybil Hedrick Park and seconded by Linda Smith to approve the Delegation of Authority be used in June when the Director retires and Nancy Schuberg takes over as Director on June 1, 2016.

8. 2016 Legislative Session: The Board is tracking the following legislation:

SB 1504: NBCOT has discussed a licensure compact and PT has a legislative health committee bill in the 2016 session. There are new legal issues that came up on this bill.

HB 4016: Impaired practitioner program: Only a few boards (Medical, Dental, Nursing, Pharmacy) have this, it is very expensive and there is a bill to let them go back to doing their own programs. Cost is prohibitive.

HB 4095: Dentistry: bill about removing discipline from the web site: HRLB do not agree this should be done...

HB 4130: Transparency: huge bill

HJR 201: Amending Oregon Constitution on review of state agency administrative rules – add a whole new level for every rule change... Board cannot take a position – must follow Gov's lead

SB 1503: Licensed PA reimbursement and another HB on a new board for anesthesiologist

SB 1505: Pharmacy reimbursement rates

SB 1549: Fingerprinting of state employees – note we already do this /bc of LEDS

The legislature will most be dealing with PERS, drought costs, minimum wage, public records, etc. However, we must do fiscal impact statements on many bills that might affect all state agencies.

9. Gregory Wintz - Pacific U Director of OT – came to introduce himself to the Board and talk about the Doctorate Program and how Pacific can work with LBCC, the Board and the OTA. Greg gave his background in Washington and Idaho. He is focused on the growth of the school and the Doctorate program. Last year the first class of Doctorate students graduated. He is looking to a vision for what OTD can offer. Best evidence needs to be used. He also discussed the experiential learning program. There is co-treatment and work by School of Psychology and OT, as well as PAs, Pharmacy and PT at the Virginia Garcia clinics. He will attend the OT Day at the legislature set for Feb. 25. When the Board meets at Pacific in November the school can summarize Capstones projects and discuss the Experiential learning fieldworks.

10. Discharge policy – Staff will work on a policy statement to be reviewed at the next meeting.

2016 Board Meetings: Mondays May 2, 2016, Aug. 5-6, 2016 Strategic Planning at Oregon Garden. Genevieve – facilitate? Felicia – ideas. Monday, Nov. 7, 2016 @ Pacific.

The Board adjourned its meeting at 2:40 pm.

Directors, Felicia Holgate & Nancy Schuberg, Feb. 16, 2016