



Oregon Occupational Therapy Licensing Board

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www.otlb.state.or.us

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NEWSLETTER

The next meeting of the OT Licensing Board is set for Friday, **July 27, 2007** in **Portland** at the State Office Building in Room 445. Please look at the web site at www.otlb.state.or.us for the Agenda or call the Board office.

At the April 27th meeting the Board approved **two new proposed rule changes**. The Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact are published on the web site, and with the Secretary of State as required by the administrative rule procedures for all state agency rule changes. The two rules changes are explained below, one on **scope of OT practice** and the other on **adjusting and reducing the fees**.

Senate Bill 135 being considered during this 2007 legislative session, has passed on the Senate side and is now being considered on the House side of the legislature. The Board appreciates those who sent in comments. The Board worked closely with OTAO **Sybil Fisher** and Pacific University, School of OT Director **John White** as well as **Tiffany Bogus** in the effort to have a change in our definition. **Genevieve DeRenne**, Board Chair and the Director **Felicia Holgate** also testified at the hearing. We thank them for their support and help. We also thank the students from the third year class who attended the hearing and come to Salem to learn how the laws are made and how important these changes are to occupational therapists' life and work.

What does SB 135 do? It adds the requirement for current CE for all applicants and a Re-Entry program for those unlicensed in any state for more than three years. It became evident that in this bill we could not adopt the full AOTA model definition. Legislative Counsel's office proposed a short (and vague) definition and the Board decided that the current definition was preferable. Therefore that part of the **scope of practice of Occupational Therapy** was adopted as a proposed rule at the April Board meeting. You will find the model definition, with a few minor amendments agreed to by the Speech and PT lobbyists, on the next page.



The Board also continues to monitor other legislation that affects Occupational Therapists. Topics include changes to administrative laws, disciplinary hearings, public records laws, and mandatory pain management CE for Occupational Therapists. The Board and Director continue to work on these bills until the legislative session ends.

At the April Board meeting the board also considered SB 879A on pain management. A rule change will not be adopted until it has been signed into law. All three of these rules changes will be discussed at the July 27th board meeting. The scope of practice and reducing fees will have a hearing at 1 pm on July 27, 2007 for final board approval. The third rule on new required pain management will be considered further (see article that follows).

Add to OAR 339-010-005 Definitions a new (6) which follows:

(6) “Occupational therapy” further defines scope of practice as meaning the therapeutic use of everyday life activities (occupations) with individuals or groups for the purpose of participation in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for the purpose of promoting health and wellness and to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory, and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well-being, and quality of life. The practice of occupational therapy includes:

- (a) Methods or strategies selected to direct the process of interventions such as:
 - 1. Establishment, remediation, or restoration of a skill or ability that has not yet developed or is impaired.
 - 2. Compensation, modification, or adaptation of activity or environment to enhance performance.
 - 3. Maintenance and enhancement of capabilities without which performance in everyday life activities would decline.
 - 4. Health promotion and wellness to enable or enhance performance in everyday life activities.
 - 5. Prevention of barriers to performance, including disability prevention.
- (b) Evaluation of factors affecting activities of daily living (ADL), instrumental activities of daily living (IADL), education, work, play, leisure, and social participation, including:
 - 1. Client factors, including body functions (such as neuromuscular, sensory, visual, perceptual, cognitive) and body structures (such as cardiovascular, digestive, integumentary, genitourinary systems).
 - 2. Habits, routines, roles, and behavior patterns.
 - 3. Cultural, physical, environmental, social, and spiritual contexts and activity demands that affect performance.
 - 4. Performance skills, including motor, process, and communication/interaction skills.
- (c) Interventions and procedures to promote or enhance safety and performance in activities of daily living (ADL), instrumental activities of daily living (IADL), education, work, play, leisure, and social participation, including:
 - 1. Therapeutic use of occupations, exercises, and activities.
 - 2. Training in self-care, self-management, home management, and community/work reintegration.
 - 3. Development, remediation, or compensation of physical, cognitive, neuromuscular, sensory functions and behavioral skills.
 - 4. Therapeutic use of self, including one’s personality, insights, perceptions, and judgments, as part of the therapeutic process.
 - 5. Education and training of individuals, including family members, caregivers, and others.
 - 6. Care coordination, case management, and transition services.
 - 7. Consultative services to groups, programs, organizations, or communities.
 - 8. Modification of environments (home, work, school, or community) and adaptation of processes, including the application of ergonomic principles.
 - 9. Assessment, design, fabrication, application, fitting, and training in assistive technology, adaptive devices, and orthotic devices, and training in the use of prosthetic devices.
 - 10. Assessment, recommendation, and training in techniques to enhance functional mobility, including wheelchair management.
 - 11. Driver rehabilitation and community mobility.
 - 12. Management of **feeding and eating to enable swallowing performance**; *
 - 13. Application of physical agent modalities, and use of a range of specific therapeutic procedures (such as wound care management; techniques to enhance sensory, perceptual, and cognitive processing; manual therapy techniques) to enhance performance skills **as they relate to occupational therapy services**. *

*Language different from AOTA Model definition of OT at beginning of (6) and at end (c)12 which was “Management of feeding, eating, and swallowing to enable eating and feeding performance”; and (c)13 on the last line adds “as they relate to occupational therapy services”.



REDUCTION in RENEWAL FEES

After considering the Board's current budget, proposed expenditures and revenues approved by the 2007 legislature and reserves, the board voted to change the rules to adjust and reduce fees as follows:

Fee for OT license renewal (now \$200 for two years) **will be reduced to \$170** (\$85 yr).

Fee for OT Assistant license renewal (now \$140 for two years) **will be reduced to \$120** (\$60yr).

Fee for OT applications either in state (now \$85) or out of state (now \$120) **will be \$100**.

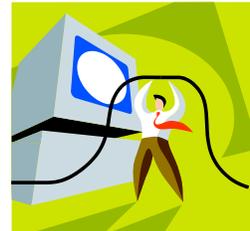
Fee for OTA applications either in state (now \$60) or out of state (now \$80) **will be \$70**

The proposed fee changes will have a final board hearing at the July 27, 2007 board meeting at 1:00 pm and the renewal fee will take effect when you renew in 2008. Those fee changes will additionally be reviewed by State, Department of Administrative Services and at the Legislature during the next session.

How are we able to reduce the fees? First, the increase in licensee numbers has brought in more revenue than projected to the Board. Second, the board is passing on savings from board efficiencies to you. Those efficiencies include: two-year licensing, the use of e-mail and the web site, sharing costs with other licensing boards in Suite 407 for computer and data improvements, new copier and scanner, fax machine, and sharing administrative and office rental space. We also share costs with another board for the licensing specialist Gayle Shriver who works for our Board 2 hours a day reducing costs for her rent, computer and benefits. Other efficiencies allow Director Felicia Holgate to work with Gayle to keep up with increased license numbers, now at 1500, without requiring additional staff.

Other Board news

The Board has just updated its web site. Look at www.otlb.state.or.us
We have drafted new application forms and the board just approved a new format for your license certificate.



We are happy to say that we will provide online renewals with State of Oregon secure credit card payments for your 2008 renewals. We will save staff time by having changes automatically transferred into the data base, and avoid errors in misreading handwriting and manually doing each change; thus we will incorporate the credit card costs into the reduced fee.

HELP us keep costs down

What can you do to help keep your fees down? Keep the board current on changes to your address, telephone and e-mail address. During the busiest time of the year we will save time and money by not having information returned and trying to track you down.

E-mail is a great way for the Board to save money, but only if we have a current valid e-mail address for you. Consider getting an E-mail that you use only for your professional work.

When you send your renewal in, double check that you have everything completed, signed and dated. Filling in renewals online in 2008 will save time and money, even if you decide not to use the credit card option.

Have your Continuing Education materials ready to send in if you are **audited**.

OT Assistants, have **current Statement of Supervision forms** filed with the office. It will save us time in approving your license. In early 2008 the Director will mail all OT Assistant Supervision forms for you to complete and send in prior to or with your renewal application form.

PROPOSED REQUIREMENT FOR PAIN MANAGEMENT

Assuming SB 879A passes into law, this legislation will add Occupational Therapists to the list of health care professionals who are **required** to have Pain Management classes.

The new law will require 7 hours (including one free online CE on pain).

This would be part of your required 30 hours of CE every two years.

The Oregon Pain Commission has information on the web site at www.oregon.gov/DHS/pain

The Board will provide you with all the information you will need to understand the requirement and will help subsidize classes for you, so the new requirement can be obtained by all Occupational Therapists at low or no cost. It will also be the responsibility of the Board to make sure everyone that renews their license in 2010 has the requirement completed. It is a one time requirement.



If you have further questions and comments contact the OT Licensing Board director, Felicia Holgate at 971-673-0198 or e-mail Felicia.M.Holgate@state.or.us and look at the pain management web site above.

Anyone working in Oregon as an Occupational Therapist dealing with Pain Management and is able to help with this project, please contact the board Director.

OTs working in schools in Oregon

The Board plans time during the October board meeting, which will be held in Portland during the OTAOC conference, for Occupational Therapists working in school to share your concerns. We plan to draft administrative rules to answer some of the issues the board has heard. Anyone willing to help work on new rules in this area, please contact the board director, Felicia Holgate. We invite OTs working in schools to submit questions, comments and about their work and concerns in this area.

The current rules, laws relating to OT include:
OAR 339-010-0050 Occupational Therapy Services For Children in an Educational Setting



(1) Types of services:

(a) Direct services are services at least once a week regularly scheduled;

(b) Monitoring services (not to be considered as a substitute for direct intervention):

(A) The occupational therapist completes the evaluation and develops the intervention plan but instructs others to carry out the procedures;

(B) The child's health and safety must be maintained;

(C) The person employed by an educational agency must be an adult specifically designated to receive training in providing the ongoing educational programs as designated by the licensed occupational therapist;

(D) The person being trained must be able to demonstrate the procedures correctly without prompting from the occupational therapist;

(E) The person being trained must be able to name the restrictions put on the procedure by the occupational therapist and point out safety factors and precautions without prompting.

(2) Appropriate documentation of services for children with handicap in the educational setting:

(a) The occupational therapist is responsible for deciding the level of occupational therapy services appropriate for the child and these services must be clearly stated;

(b) The occupational therapist is responsible for the occupational therapy evaluation design of the occupational therapy services to be provided and writing the occupational therapy goals and objectives;

(c) It must be defined which occupational therapy services are to be provided by the occupational therapist and which services are part of the child's educational routine;

(d) If an occupational therapist is monitoring a portion of the child's educational program, then that therapist is responsible for frequent and consistent contact with the child. The occupational therapist is also responsible for re-evaluation and assessment on a regular basis;

(e) The occupational therapist is responsible for direct training and supervision of designated adults carrying out the educational programs that are designed by the occupational therapist and defined in the individual plan;

(f) The occupational therapist is responsible for these program outcomes and documentation to accomplish the goals and objective.

339-010-0055 Occupational Therapy Aides Tasks: Recently the board amended this rule, and in the area of education the board added at the end: (5) An aide does not provide skilled occupational therapy services in any practice setting. These rules do not apply to school aides and occupational therapists working in school settings. The rules on aides in the education setting are found in OAR 339-010-0050. (Emphasis added)

The rule in 339-010-0020 Unprofessional Conduct

(2) Unprofessional conduct relating to professional competency includes:

(c) Failing to provide a comprehensive service that is compatible with current research and within an ethical and professional framework;

(e) Failing to provide professional occupational therapy based on evaluation of patient's/client's needs and appropriate treatment procedures;

(f) Using an occupational therapy aide in violation of the law or Board rules regarding occupational therapy.

30th Anniversary of the OTLB

***The Board is planning a reception during the OTA
conference in October to celebrate the 30th Anniversary
of licensing and professionalism for Occupational
Therapists in Oregon.***

***We invite all those involved in organizing OT in Oregon &
will invite legislators who worked on OT legislation.
If you have names of people you think should be invited
please contact the Board.***

Board Members:

**Genevieve deRenne, MA, OTR/L, FAOTA, Chair
Alan King, OTR/L
Joyce Browne, OTA/L
Jeffrey Roehm, Ph.D. Public Member, Vice-Chair
Tom Ruedy, Public Member**

OTLB Staff:

**Felicia M. Holgate, Director
Gayle Shriver, Office Assistant (2 hours/day)
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