

Oregon State Board of Radiologic Technology (OBRT)

December 11, 2003 MINUTES

State Office Building 800 NE Oregon Street, Suite 407 Portland, Oregon

ATTENDANCE

Members and Staff: Rees Stuteville, LRT, Board Chair; Hank Miggins, CIA Public Member, Vice Chair; Barbara Agrimson, LRTT; Matt Lang, LRT; Ernest Wick, LRT; Terry Lindsey, Manager RPS, Advisory Member; Carol Parks, AAG; Judy Lee, Staff; Linda Russell, Staff

Members Absent: Lianne Thompson, Executive Officer

Also Present: Jim Gores, Budget & Management; Monica Brown, Legislative Fiscal Office; Laura Leshner, Governor's Office of Regulatory Streamlining; Tracy Rollman, RTRM, Oregon Society of Radiologic Technologists; Anne M. Warden, R.T.(R), Oregon Society of Radiologic Technologists

Public Session: 10:30 AM

EXECUTIVE SESSION - CALL TO ORDER - ORS 192.660 (1) (i) ? C

The OBRT Board meeting was held Thursday, December 11, 2003 in Room 615, State Office Building, Portland Oregon. Board Chair, Rees Stuteville called the meeting to order at 8:37 AM.

Executive Session was called to close by Rees Stuteville at 10:18 AM and the Public Session opens at 10:19 AM.

INVESTIGATION CASES VOTE

Rees Stuteville, Board Chair read the investigative case roster and the Board voted as follows:

03-05-01

The Board recommended approval of the license with the stipulation of five years of probation with immediate reporting of violation. Mr. Stuteville made the motion and Ernest Wick seconded the motion.

03-01-02

There Board is directing the Attorney General's Office to limit the hearing to the actual issue of this case. No motion or vote is needed.

PUBLIC SESSION - CALL TO ORDER -

Board Chair, Rees Stuteville called the Public Session to order at 10:19 AM. Mr. Stuteville welcomed guests.

Mr. Miggins makes a motion that the Executive Officer be removed to allow the Board meets its goals and objectives in accordance with Oregon statute and Legislative directives. Mr. Stuteville asks for discussion. All are in favor of the motion and the motion carries. Mr. Stuteville called for a recess at 10:21 AM to allow him to call the Executive Officer. Public Session called back into order at 10:34 AM.

Mr. Stuteville has made a motion for Mr. Miggins to serve as Executive Officer in the interim until the April Board meeting or the filling of the position. Terry Lindsey seconded the motion. All were in favor and the motion carries. Mr. Stuteville has reported the Selection Committee as being Ernest Wick, Matt Lang and Terry Lindsey. Mr. Wick will be chairing this Committee. Mr. Stuteville reminded everyone of the Oregon Society of Radiologic Technology meeting on April 15, 2004. Mr. Stuteville has asked Barbara Angrimson to chair a search committee for recruitment of new Board members. Barbara has accepted. Mr. Stuteville would also like to address the approval of Continuing Education approval of Limited Permits. Barbara Angrimson believes there the schools need to be more closely scrutinized. Linda believes that if we have to oversee what ASRT does then we may as well do it ourselves. Mr. Stuteville asks for a motion to rescind the emergency motion that was made last October 11th, 2003 and go back to full approval and in the interim address the Limited Permit CE and then at that time make another motion in April. Matt Lang seconded the motion and all were in favor.

Discussion follows with the plan for the move for more space for OBRT. There is more room which is necessary for the file cabinets as OSHA has violated us on that. Linda Russell says it is not just a matter of just working with the staff. It is not really up to the staff. If the Board makes a decision and then there will be other people that will follow on through. Hank you will probably will have to be a part of that and I'll help you any way I can. Hank responds with so long as I don't have to justify State SUV's. Mr. Wick says it is the DAS that approves the layout. DAS approves the plan for your office. You have to go by this plan and apparently everyone in suite 407 is in violation of that. I found that out the other day. We plan on making the move in March on the 11th floor. Mr. Stuteville asks for all those in favor. All agreed. Close, abstain, motion carries. Thank you, we will move to the 11th floor in March. One more thing before we move on. Ms. Marr, I have a request of you. We have to move the revision that's Limited Permit exam forward. I am going to ask you to be the point now. I will get some Board members to help you and I will be glad to be one of your horses to do that. If you want to give me some of those exams, I will do a blind review of them with my staff or faculty. I have asked them to some revisions to submit to you, whatever. But I would like to ask you to be the point on that because you have such history with it.

Mr. Lang offers that Barb Smith is an educator and she is very knowledgeable on this and I have talked to her at great length and some of things that she has said has been very positive. But we have not formally invited her in. I would like to have her work very closely. Barb Smith is hesitant since she has not worked on the Limited Permit

Committee. Linda Russell wants everyone to remember one thing and that is before you go further, remember we need to protect the integrity of the exam as it exists today. We do not want it to go out everywhere to be discussed. Mr. Stuteville says that he understands. Barb Agrimson offers that the only expertise that I have is having written the mammography exam for the ARRT and I think that helps but I don't have anything with Limited Permit and I have never been on the committee. I just think that someone more up to speed would do a much better job. I'm willing to do other things. Mr. Stuteville responds with I just don't want to commit to something that I can't follow through with because I have a course that I have to get written by Spring time too. Would you consider swapping jobs? The answer is I wouldn't. Mr. Lang would you be interested in helping getting this process started? I would help recruit some faculty and people to help with the actual leg work of this. Mr. Lang will volunteer and help you out. Mr. Stuteville responds with okay sir and thank you. Mr. Stuteville asks Mr. Wick a favor. Mr. Wick has in the last few months with the help of the Executive Officer has visited and done a review on all the Limited Permit Schools. He will have a report ready for us maybe by the January meeting. He has a lot on his plate too. From that we will need to have some discussions or maybe even another session where we can talk specifically about that for a couple of hours. It is took look at revisions to the Limited Permit requirements basically where it has to do with practical experience and peer review. I think we found some weakness within the regulations as they stand. Mr. Lang has responded with what do you want me to do? Mr. Stuteville responds with I want you to make it happen. Mr. Lang responds with you got it. Mr. Stuteville asks Mr. Lang that when you get your report if you would also in your closing make some recommendations and that would give us a point to start with and then we will get a sub-committee to work on that. I'd like to include some of the limited permit people to put in for it on that.

Mr. Gores says some of my information Lianne has. I will have to get together with some of the staff and figure out what is here and what is not. I'll investigate that data. I will have a report ready at the January Board meeting with recommendations. Mr. Stuteville says that since you guys are picking up these other things, I am going to take care of and chair the Investigation Committee if you would like. This is something that I can do long distance with the office. The reason that I have asked you to take on these duties is not to saddle you but to make the staffs jobs easier in the interim because they need to know someone that is the point on Limited Permits schools. I don't think that the staff should have to sit there and scratch their heads and decide who to call on this.

Hank Miggins offers that you have just gone through a whole litany of things here and I brought these things up some time ago. We are in a situation where everybody is overloaded. The question goes to the size of this Board and we talked about this at the retreat and at first look at that I think that this Board has grown to the point that I agree with you. I think we need to look at expanding this Board. Again, I don't know what the actual legislative hoops are that we have to go through to make this happen but that is why I am asking. On many of these things we can go within the imaging community and particularly in a Limited Permit exam that we can go to the people that are experts in those areas. I agree with you and I would say that two to three more Board members need to be added. We will have to change an OAR on that. More of this will be discussed at a later meeting.

Mr. Stuteville says that I believe that we now have taken care of all of the extraneous activities and I would like to now turn our attention to the passports on Administrative Efficiency and Regulatory Streamlining. I would like to recognize our guests here, Monica Brown from LOF, Mr. Jim Gores our new DAS-BAM analyst and Laura Leshner who will be taking up the big job in the Governors Office of Regulatory Streamlining. I also invited Brian White here today and here is a copy of his report. The reason that I asked these individuals to come is because I want to get to meet all the current Board members and all the Board members meeting you as well. We would like to hear your thoughts and what you could help us with. We are not looking for you come in and to do it all for us. We only want to be upfront, straightforward and in compliance with all the Regulatory Streamlining and Efficiency. We do not want to duplicate efforts and that is why we have everyone here. Mrs. Leshner, I will let you have the floor first.

We are fortunate to have visited with all of you. We brought you a couple of things. One of them is from our visit there were some themes that staff of the Board discussed and wanted to provide those back to you. If you have questions about the themes, feel free to ask. I asked people what they were interested in and what was important to them. People were concerned with stakeholder relationships including the relationship with the legislature. People felt the need to prioritize work and address the associated policy issues in order to do that. People were concerned about the volume of work due to staffing levels. The next thing is the leadership and management issues and concerns and the other thing that I noticed about the Board that I think will serve you particularly well is the commitment, energy to the Board and the employees of the Board. That was universally apparent in everyone that I spoke with and it was something that I had noticed as well. At mid level there was several people that mentioned them because they thought the Board needed to be better informed or more involved in some of the things that were about the business and the work. There were several Board members that had a desire to be more active in a role of managing this agency. Do you have any questions about the detail of these things? Mr. Lang asks for clarification on leadership/management issues/concerns? Some of them were follow-up on assignments, keeping the Board informed about issues and managing the day to day work. People had different questions about how the Agency had come to be with this scrutinized place with the Legislature. They related that back to management – the leadership issues. Does that answer your question? Mr. Stuteville asks if she has any recommendations for us? She responds with an agenda she brought. When people talked about the outcomes that they wanted from a work session, people said that the key items were to prioritize the work and identify with the action that would have to be associated with that prioritization of that work. As I understand it the immediate need was about being responsive to the Legislature. This is what I would propose for an agenda for a work session for this Board. First identify your main work items. In the issue of balancing work staff in the capacity it shows and as I understand it you have been directed to reduce your capacity in terms of staff. So something has to give, there is an unbalance. So I would refer to is as identify your main work areas. See which of those are mandatory and generate the pros and cons of each work item making the change. I don't know what each change would be. Whether that would be an out source or reduce your level of service or level of effort for that particular work item. Or even stop that doing that work item. So identify pros and cons for a change for each work item and make sure that we haven't missed anything in those pros and cons/risk kind of things. See if there is agreement about those things you can do less of or differently. What next

steps would be required and your next Emergency Board in January. Mr. Stuteville asks if she has seen this report and the answer is I have. So we really have kind of generated what we are doing and what we are doing now. In trying to look at where we can make that better or what we can eliminate. You can see from our discussion this morning what happens when we fulfill Continuing Education approval which was just something that we may do and we create a firestorm among our stakeholders. Mr. Stuteville adds there is a whole lot of subsequent things that go with this stuff. Just say here is where we are going and that automatically says here is what we are not doing. And that concerns me a lot. Barb Agrimson offers that it seems to me that we have no choice but to get that done. Mr. Gores says that he did his own research as he didn't get to talk to the Board members other than Rees as much as I would liked to have. I really like what she has put together. In talking with Linda, Judy and other member, it is a very good list of stuff. I guess from my perspective, to give you guys a little bit of background just to know where I am coming from and what I am bringing to the table. For the last two years prior to coming here, I ran a Board much like yours. I was the Executive Director and I came in under exactly the same circumstances that you guys are dealing with right now. I took it from where you guys are now, to two years later to where the County Commissioner's had a running County Agency. This last fiscal year our budget increased 16 percent while everybody else's dropped five percent. In the first year that I got there they cut us by 20 percent. So I have gone through what you guys are going through. The Legislature and County Commissioner's are very similar. I dealt with a Board that was under some scrutiny at the time and everything else. Taking that in and also what I know now having come here, I think what we are trying to do here today is get this going in that direction with this whole streamline process and try figure out where the holes are. I also think some of things that I think would be beneficial in the interim for this Agency to do is talk about some of the little problems that are out there that can be fixed in a hurry. Judy, Linda and I had a good conversation on Monday about just what some of these things are. And some of them like the management process decisions. I think if we look at them and not at the process, can result in some improvements. One very good example that Judy brought up to me is the fact that instead of sending back incomplete applications, she is required to keep them and track down these folks and get the information from them. My opinion is send them back to them and say to them, when you get this completed, send this back to us. This takes a lot of time. I would suggest flagging where they were incomplete so that they have an understanding. It is things like that that is where I'm trying to go with this and I don't want to take anymore time away from the floor. I would be happy to come to the next three or four Board meetings if that would help you guys out. We just need to show the Legislature that we are moving in the right direction and go from there. A question was raised relating to receiving the application and sending it back and whether or not there is other public records log where you can actually send it back. In other words once it is received by an agency my take on that is that always that you have to retain that record. Linda Russell offers that what we have normally done in the past is when we send out a "Need Information" letter there is an area on the application that needs the attention is usually photocopied on the opposite side of the letter. Then there is a place for the signature and they send it back and it goes with the original. The original is maintained in the pending file. That is how it has been handled.

Judy Lee says that there are so many things that need to be answered. Is it a Temporary Limited Permit or is it a RT ? I have generated several different letters. I

have compiled them all into one where they are either incomplete or something that needs to be fixed. I do phone calls and faxes and it is really time consuming.

Mr. Stuteville says that I don't really think that the Board has had the opportunity to go through this and review it. A comment was made that the Board has reviewed it. I was part of developing this process and there are many other areas in here like this that outcomes can occur with a lot less work. That is the kind of stuff that we really need to look at. Once we send out the letter, just leave it sit there until they respond. The question is why are we holding these people's hands? I believe that we have to go back (from what I have heard), that it goes back to some stakeholder issues.

Barbara Agrimson says what occurs is and I know that I don't know much of your work but I have heard that you have a big body of work around licensing, training, continuing education and investigations. Are there other big bodies of work that this Board does? Barbara Agrimson responds with the Board oversees the exams and the responsibility of the schools and making sure that education happens correctly. We are monitoring that exam.

Mr. Stuteville responds with there are eight areas that limited permit people are tested on and those tests are given quarterly. Those are proctored by the staff now. It takes a lot of time to set up those areas. Our long term goal is to put those into E-Commerce and to put that online. But again, we don't have the money to do that and the bigger issue is getting these exams revised. As a matter of fact it is something that we talked about today and it is something that has been ignored for the last few years is something that is immediate. Another issue is the Limited Permit schools. We have the responsibility to oversee these schools and we have just completed our review of those. That is another big body of work.

Mr. Gores says that he and Laura put together this list of statutes, duties, responsibilities that the Board has. And according to 688405 to 605 and we are really not statute directed but I'm thinking that goes into all the other stuff. I started reading through these about how these are going to be done like offering Continuing Education Programs. I don't know what that is and although I know its there but I never realized that this was our responsibility. I do not believe it should be there. I believe we should not be in the process of offering things, so from day one I did not think we should be in this situation. Mr. Wick believes that we are regulatory and that is enhancing professionalism. The other item I thought was of concern was directed Director of Radiation Control to enforce provisions. I did not know what that meant. There are parts of our regulation that are actually very helpful there. When they are doing regular inspections of facilities they can look at certain things that help the Board understand whether or not they are operating legally or not. It also states one or more Limited Permit exams per year and we are doing four a year. Can we cut back? Can we offer it twice a year? Judy Lee says that as far as the Limited Permit holders some of them only get three chances and we limit it to two exams a year. One of them might only get one chance and they are paying a lot of money to take the exam in addition to going to school. Barbara Agrimson offers that the stakeholders spoke to me about ethics and philosophy and they suggest that maybe we are spending too much time, money and resources on investigations. How many people do we actually discipline or fine compared to what we are spending and who is actually a threat to the public? That is a question that I have mulled over in my mind now

for several weeks and again it gets back to philosophy and ethics. I think we need to at least look at it because it has been brought to my attention and a big part of our resources goes towards that. Linda Russell says that the budget is \$11,000 and we have already spent close to \$8,000. Mr. Miggins says that we also need to look at what those cases are in terms of protecting the public. There are people out there who have very serious problems with drugs, alcohol, sex abuse and domestic violence and these are the ones that pose a threat to the patient and to the health authorities. If you take a look at our case history that we review each time they are very focused on that. We are not dealing with any frivolous reaction to this because they forgot to pay their fine. Linda says that support has been staff directed and as far as the cases that where they practice for less than six months and it is usually those that are late, moved with no address, occasionally it is over in six months or less than a year. They have already given us authority to have them sign the consent or they pay their civil penalty. And at the next Board meeting you either approve it and we can close the case. There is very little more than staff time that is spent on that and we are bringing in some type of revenue plus we are saying that you cannot do that so we are keeping them on the straight and narrow. As the word goes out it shows that they need to pay attention. Mr. Stuteville has noticed that the three years that he has been on the Board that the number of investigative cases as far as little things has been reduced. The word is getting out. Now I want to go back to your concern about the stakeholder. My concern is do we lower our standards to meet the governments financial physical needs? Should we consciously lower the standards of public safety to please the Legislatures? Monica Brown. I would like to clarify I do not recall that any Legislative member has asked us to lower our standards. Mr. Stuteville responds with no but they did it indirectly. Monica consistently heard from several members is that we do not get good information, we lack faith in the Board, and don't believe what we are told and we are confused so they are hesitant to throw more money at the problem. We need better information, we need a solid plan and we need a justification. If you can get your constituent's behind you that is a good thing too. But, if you are going to come forward and ask for more money and raise fees and establish new fees that is not up for a battle but you need to come up with a real solid story. Mr. Stuteville offers that it was a real good point.

Mr. Gores says that he agrees although lets not get so focused on the process. What I heard when I was investigating is that fact the AAG was overused in this Department. And you might because of the actions already taken be dropping your AAG fees. That is something that you are not going to find in the process. It has more to do with management behavior than it does with the process. A couple of other things that raised flags are that you are only given 200 LED's (background checks) out of so many applications. They are only checked if the person is honest enough to check the box. That rises a little bit of public safety concern for me and I think that if you under the right circumstances go the legislators and say that we to increase our ability to do background checks on these people, I don't why they would not agree to that. The other thing is a step that I came up with to back up Judy and Linda to show them what is already occurring. I went through a lot of my Boards just to see how many licensing's there are per FTE. What I came up with is Board of Nursing with 1700-1800 licenses per FTE down to Board of Pharmacy which has 903 FTE's. You folks have 1,975. You guys do have a hard job. Mr. Stuteville adds that the information has been sent to the Legislature. I think what has gone on due to improper communication and mistrust that Monica has talked about the needs have not been met. I think you guys have a great

argument if it is presented right. Monica Brown says the point is presentation. So you are saying if we present it well and have the facts to back it up that we can gain back some trust? So then we will be going in a new direction.

Barbara Agrimson asks if it would be helpful to this Board to discuss the what have you done for me lately with the Legislature? This is what we have done around Limited Permits, licensing and all of the other statutes or OAR's as part of the requirements. With that, will it put us in a good position for the January meeting or is something else needed? Carol Parks says that since only having one meeting with the body of the Board members, it is difficult to predict. But more important I think it is important to show what we have done but more important to show where we are going. The charges are to come up with a plan. The specific direction is the licensing process. There are so many things to licensing and critical to that piece. I think that by licensing they meant everything. But you do have to start somewhere so mapping the licensing process is a start. But you have to look at everything. What are the established steps of how we will get there? We need to establish timelines and hold yourself to that and then report back demonstrating progress. I don't believe that the 16 members of the Emergency Board or the even the full body of the Legislature believe that anything can be resolved overnight. But they have to have the confidence that the Board can move forward in that direction with consistency. We'd like to come back to the E Board and tell them this is what we have done and this is what we think we can get done but again I don't ever expect to see a real detailed plan. The big picture is I see is to offer to the Emergency Board to come back periodically before the next session. This will show that we want to pay attention and that we want to go this way and report because that is part of the communication that we need to be able to do. We recognize it and here is what we want to do.

Mr. Stuteville has called a recess for lunch. It is now 11:55 a.m. and I will call the session back into order at 12:37 p.m. Public session is called back into order at 12:37 PM.

Laura Leshar has from the mandated list the map that covers other than the major topic heading. This will help in preparation for the Emergency Board in January. Some key things are included in that next presentation is included. You can decide what you want to keep or what you think is important or what you may want modified. It is just sort of a starting place. The other thing in conversation over lunch is that I heard that the Board had a retreat last fall. You actually have a longer term plan all laid out and documented. Perhaps that would line up nicely with the legislature. After talking with the Chair, one of the things that I heard is that plan does not address the staffing and work volume issue. Mr. Stuteville asks if Linda agrees to that. She says it does in some spots but it really doesn't. It does in terms of budget and for the staffing matter. Linda says that she understands that the direction is to reduce the staffing to 2.5. Laura Leshar wants to poll the Board on what the feelings are about what the critical aspects are. Just trying to get a collective priority is at first thought. In terms of doing the licensing, is that key, critical work for this Board? Yes, was answered all around the table. What about the Limited Permit exams? Offered was that we are looking for a different process. The numbers may be sufficient now but it is time consuming. Part of that is the practical number. We have about 60 applications per session. Linda Russell disagrees and offers that there is over 100 every single time. The Continuing Education program is linked to Limited Permit. It is important but it is not mandated. You guys talked about the radiological

control and enforced provisions. This piece in the sheet that Matt gave was a Direct Director of Radiological Radiation Control Enforcement Division. Mr. Stuteville states that that really comes under Terry's domain. That is Radiation Protective Services. But we work in conjunction with them. Monica Brown asks if this takes a lot of our staffing energy to do this? The answer was no. It was said that it would be interesting to see what priorities we have. Is it a low priority? A statement was made that our program of Continuing Education is not mandated and it is. Monica Brown would like to get a sense of what the priority really is. What occurred is that if the Board wants to change something you can recommend policy changes and maybe have a policy that says something different than what the statute actually does. Mr. Stuteville says that when you look at that question you need to look at what the licensures needs are in that area. Mr. Gores states that another issue in terms of the Limited Permit exams is that if the Board is able to continue present work toward revising the exam and getting into the educational service type of thing. This does take time, but it could be a temporary time frame. In other words over a period of six months or whatever it may be, then at the end of that time period it could be shifted over the Educational Services and eventually farmed out to them to handle that portion of it. Linda Russell makes the comment that there has to be a data base that accepts this coming back in. What I'm looking at is the process has started in terms of that to look at the issue to revise the exam and to actually have that done by E-Commerce where it goes out to Educational Services and makes it more available to the stakeholders. Also the proctoring is done by them rather than the staff. This would be a long term cost savings. The process and proof of the Continuing Education is one of the services that we used to provide, and then said we wouldn't but as of today will again. But again, you guys have to come up with what kind of a timeframe this will take. Linda Russell says that in order to renew there needs to be a required CE. Consequently, we evaluate every renewal that comes through the door and the other would be offering and evaluating Continuing Education. We've done both. It serves a purpose; however, I think that more important than someone going out and doing it is that we approve CE's for other sponsors and providers. The licensing has all of the things that Matt talked about. This is a different thing. Mr. Stuteville states it is related to the education process. It is stated that it is very important as you can not get licensed without it. Monica Brown asks if it is only the Limited Permit people that you have to look to see if they are approved. The answer is no, we still have to go online to check it. What kind of time does that take? Linda Russell answers with probably 10 to 15 percent except on CE's. That is a function and sounds like it is related to the renewing licenses and permits. It is not something that the Board and staff would have to invest a lot of time in. The question was asked for a percentage of time invested in doing approvals. The answer is hard to put in a percentage. It is a very big duty. Ernest Wick asks two questions of Linda. Do you have to check the people with their AART cards? Answer yes. Ernest Wick thought we had changed that. We still have to verify that it is still in place. They get their card ahead of time. This does take awhile to do this. We are verifying what they sent us on their card. This could be reduced just by reducing the validation file. Barbara Agrimson asks if we could we evaluate the offering for only the Limited Permit people. There is a lot of discussion among several members about this issue. We will be looking at that. Terry Lindsey says that this is also a public safety issue. You are ensuring their license.

Next issue is to investigate the alleged violation. Monica Brown asks if there is any opportunity in reducing how much effort is there. Mr. Stuteville says that when I first

volunteered to be on investigations, I wanted a committee to be able to work them as they came in and Lianne did not want to do that. She wanted to funnel everything through her. I think that took a lot of time for her to do. I have not been involved in any of this. The Executive Officer and staff are heavily involved in this and maybe there is not a need for both. Is that what I am hearing? Yes that is correct answered by Mr. Stuteville. Mr. Stuteville says it is a rumor that has been around for ages. It has mainly been an undercurrent initiated by the Hospital Association and the Conservatory that was supporting them at that time. To put all the Boards under one heading is referred to in Legislative terms is oversight. The oversight concept has not met well. I really wouldn't worry about it myself. I feel that not only do we have the Legislative support, the positive current is going in the right direction and I believe that will work for us. Again, as we are closing up Mr. Gores, I want to thank you, I've had lots of telephone calls with you and I appreciate your support. I know the staff speaks very highly of you and it is very nice to have someone working with us. The environment is more open for cooperation and we are very proud to have you with us sir and thank you very much. Mr. Gores says that you are welcome to give me a call at anytime. Gratitude is going out to Mr. Stuteville for his hard work and involvement as well.

Barbara Agrimson asks what she thinks this plan will look like. There are a few things that are going on. First off I think that there needs to be some immediate expenditure on the Internet technology and the reason being is that the data base is not working well. Board of Nursing has a very good engine put together on E-Commerce for renewing licenses and everything else. It is my hope that as time progresses that we might be able to just adapt that engine instead of spending all of that money. They already have a lot of issues resolved between Salem and here. Edna Marr says that the other thing that sounded like there were opportunities around the Limited Permit exam were to partner with Williamette ESD, look for a different process and perhaps consider a different number offered per year although you say there are 100 people. Mr. Lindsey says that that if two parts are done, in other words if the Limited Permit exam is updated, secondly, it is funneled over to the Williamette ESD and then the process. But then the data part has to be linked because in order for them to share the data, it has to be an updated data set to bring an end to the program. As soon as they get done with the exam it is shared with the Board. The question is raised whether or not that will hold us back? What about the question of the quick programming, would that help? There is no audit system and it was offered that there has been no audit trail since October 2001. A comment was made to that when we went on our retreat that was the number one out of six priorities. The first one was the full automation of licensing service to that included payment, bookkeeping, accounting, fiscal and program reports. That was October 2002. Mr. Gores offers that what we would be looking at is a two year time span. Mr. Stuteville asks if it is the Board of Nursing that already has this now or are they finishing up? It is offered that their licensing is not tied in with their education. So that program might have some other issues. Linda puts together the whole Limited Permit exam and everything very fast. The RAT control sound more like a liaison relationship. The other part is the evaluation of the CE offering that has potential reduction in effort. On the investigation of alleged violation that has a potential of a process reduction and level of effort, can someone speak to that a little bit? Matt Lang says that on the first one the potential reduction on CE offering, that relates only to the RT. Monica Brown says that where we might see reduction would be not evaluating for RT's, but only for Limited Permits. So is that a possibility? Barb and I need to go over that and see what our options are. Matt

Lang says that it has to do with the sorting out process of which violations are serious enough to merit the full attention of the Board and that type of thing. The staff could probably do some of that and I think that they already have done some of that. That needs to be sorted out a bit and simplified too. What Matt was talking about if I'm correct is shifting that sorting process to the Board members. I don't know if you are talking about a lot of savings as I am not sure what the Executive Director was doing with that in the first place. I'd rather shift that someplace else where there is no cost. Edna Marr states that she is afraid of doing that for a lot of reasons. One is confidentially, secondly is us being busy, so it would be a time thing. Some of these people are waiting for licenses so they need immediate action. It would take more time for them to get it to us than to follow-up on this and do it all. Mr. Stuteville says that another part of this is that we have Professional Investigators. When we have a complaint we do not actually go to these places. We have three different companies that we use and those investigators actually go and take care of it. So again, if we were doing the sorting we would have to get it back and we would not initiate the contract. Edna Marr says that maybe I heard you wrong, but I thought I heard that this Investigation Board was being done by the Executive Officer and the staff. This is sort of a duplication of effort. Is this correct or did I not hear that right? Linda Russell says I can tell you what is being done by each. All of the reports that the Board has seen came from me. I have always done it and I have prepared it for you. Plus I do all the consent orders, anything that is little or small that needs to be done, I have done for you. I track all the files, I keep all the files and I do all of your Civil Penalties. Lianne has called some of the individuals on some of the bigger cases, and she has always referred them to Carol. That is where the distinction has been. Mr. Stuteville believes that there might be some savings in that the Executive Officer should be in a position to make some determinations instead of expecting the AAG to do the determination for her. The response is that we can do some of these ourselves. We can do final orders and we can do the disciplinary paperwork ourselves. Mr. Lindsey says that the Executive Director could visit with the Chair in regards to what to do with them. Mr. Stuteville reports that we are three or four times over budget on our AAG expenses. Mr. Lindsey says that a lot of that comes from change in the environment where until recently the issue of the appeals wasn't so readily performed because of some recent decisions. There are two things and one is that we have had to turn to that assistance but I think that the environment of asking for a hearing also has created the additional costs. A comment was made that the other thing is the Continuing Education program. It sounds like that that will be a new policy in statute, but perhaps the Board might want to recommend a policy change then. A question asked was asked for more specifics, are we talking about offering CE? Mr. Stuteville answers with that is a maybe that is not in statute. It says the Board **MAY** offer continuing education. You can look it up. I don't think that the OBRT should be in the business of providing Continuing Education. This is something to evaluate as it has potential. We need to then get to a plan with resolution in those areas and that is where we have to make investments. Mr. Stuteville is handing out a copy of the retreat just so that you use it jog your minds in terms of what you do on the Board. Barbara Agrimson feels that there is some kind of order needed to present to the Emergency Board. Mr. Stuteville called for a recess at 2:00 PM.

Public Session is called back into order at 2:10 PM. Monica Brown says that before we left we needed to talk about where we need to be and where you need to be coming to this Emergency Board. Most of you are probably aware that we have had one meeting

of the Emergency Board and I just want to caution you that even large agencies also with other funds are not asking for General Fund reports that had what many had considered direct economic development positive input into the economy. We have had very difficult times getting approval of additional FTE's and additional resources from the Emergency Board. You are also in the position of having the next Emergency Board one week before the special election on the Income Tax Surcharge. So that is the environment you are in and I think that the important thing will be telling the positive story of where you will go. I don't think you have to agree 100 percent where the Legislature says you should be if you believe you could never get 2.5 FTE's and do everything that you are supposed to. But you have to explain that story of what it would take to get the 2.5 FTE's and we recognize that is what the legislature has given us and we may have to live with, but this is where we believe we need to be and here is how I think we should get there. You have outlined a lot of your priorities and areas that you want to look at for efficiencies and I think you need to identify the timelines or how you think you could get there or what types of input either technology or other investments that you might need. But at the same time be willing to outline the needs. But it is very possible that they may say we have given you enough so go forth and do good work. That is just the reality that you are in and you may not be thrilled with and maybe they will give you more or maybe they won't. But you have to be able to explain what happens. A question was raised about when you talk about FTE's and you say 2.5, what if the half was for the Executive Officer and the two for the other two? Can we do that? The reply is that administratively you can do that but in the long term I think that has some potentially administrative nightmares for you. It is really going to be an Executive Branch decision on how to implement a budget. Getting through the rest of this biennium this Board may think that this may be perfectly acceptable on how you are going to get what you need. But that goes into part of your longer term plan. Maybe part of it is planning and evaluating what it is that you want the Executive Director to do. Maybe it is more of a working Executive Director than we have had in the past or maybe it is sharing an Executive Director with another part time Executive Director. I think that there are a couple of them up here that have part time Executive Director's. Is there a sharing thing? I think we need to identify some things that we might want to look at before there is a decision to move forward. We don't to just go forward status quo. If you wind up going two full-time staff and one half-time Executive Director and it that is going to be within you budget then you are going to want check in with the Executive Branch on how you do that administratively. Make sure that you are in all of your personnel goals to do that. This is something that you may want to take a look at when you move forward to you next budget proposal that will be coming up in the next few months. You have a lot of options. Are there any other questions for me? If not then I will leave and let you do the good work that you do. Question was raised. You talk about the content. Could you talk a little bit about presentation? Answer is that I think that there is the right solution to that. You need to find someone who can best present the story. This may be one or two people. Whoever can best communicate the story that you want to tell. Maybe you might four or five people just for a level of support. But only have one or two speak. You need to tell what business story you are going to tell and then figure out how you can best communicate that in an effective way. Just throwing out data charts and not having anyone who knows what they mean, that is not a great way to go. But I think you need to say, I hear you, here is how we are responding and here is where we want to go. Do you have a request? Make this your next big question. I can't tell you what to do on this one. You may have no requests for additional resources or FTE's at the next Emergency Board.

You may say we heard you and our best position is to not ask for anything else yet. Just do well with what you have in the interim or you may feel that you are able to come up with a convincing story to bring a request forward. But I haven't even heard anything like that. Mr. Stuteville asks the staff how they feel about the ½ FTE for the Executive Officer. Linda answers with that will allow more Board participation. I think that Rees had a great idea today by having point people. I think it is good and something that should continue on after we are settled in. I think it is excellent that you have different people responsible. I think there needs to be open communication between the Board, staff and Executive Officer. There has been such a lack of it that I think that is where a lot of the misunderstandings have taken place with stakeholders, with everyone. The last communication whether it was verbal or written, it does not matter, it has not been there. I think that it would be okay. I don't see where it would be a problem right now in this biennium. I think what this Board needs to do is look at where we need to go. You have proved that you are an effective Board, you did what you needed to do and you are moving forward. Judy and I support you 100%. But we need your guidance and we need your direction. Half time would be better than none at all. Mr. Lang has a couple different points of view. In the long run I do not see a ½ time EO would be necessarily good. Maybe for the rest of the biennium it might be. And it certainly is a way to save money. The other thing that you have to keep in mind, which I obviously see is that there is two ladies in this room who really stuck their neck out to get things here. I would really hate to cut one of their positions because they stuck their neck out. I do not think that a ½ Executive Officer is the best thing for this organization in the long term. Mr. Stuteville asks how long should the presentation be? Monica Brown says no longer than 10 minutes. They really like to move these things along quickly. A solid 10 minute presentation of your voices and then letting them talk to you. I think you will be there longer than 10 minutes but give them the opportunity to ask you questions. Typically your letter will be two to three pages and if you feel you need to attach supplemental reports then do so. You are going to want to hit the high points and then let them talk to you about what they have heard and give you feedback on whether they think you are on the right path. You have to make some decisions about the letter that you want to submit. You have to make some decisions about what you are reporting. Are you reporting to them about progress that you have made? Are you reporting to and asking for something? If you are ready to go and can meet the December timeline, feel free to do so. Your next step is to decide what outcome you want from that Emergency Board. Whether it is just to report in and move forward or what do you want them to do. They want us to report back on what our plan is. They want our progress. Monica Brown wants to caution that if you ask for something the environment its self makes it very difficult to be successful but this Board I believe would have to be doubly effective to get them to give you something else. If you can really support it, then ask for what you need. What do you feel puts you in the best position to be successful now and in the immediate future? Put yourself in a good position. She was dismissed and was thanked for all her valuable information.

Mr. Stuteville asks Mr. Gores what he thinks. He reports there are a couple of different things to think about. First off, I have to agree to some extent that it is going to be a difficult environment to ask for anything. Right now your .5 FTE is going to run out in January and right now you are allotted three. You are probably not going to be able to fill that position for a couple of months and the next Emergency Board is in April. My personal take on this is that I think that you guys do need your FTE. I will be more than

happy to do what I can to get you that. Mr. Stuteville asks if we can hire some part time help on an as needed basis and Mr. Gore found out the answer was yes. Mr. Stuteville says the question that always comes to his mind when talking about the 2.5 FTE's. Are we talking dollars or is this 2.5 FTE's mandated no matter what the dollars are? I'm not sure what the answer is in the case. If you don't have the money it does not matter what FTE you got. I'm not sure that in this case, that is the issue because when you listen to the tape and when you sit before the Emergency Board they did not talk to us about money and that is the question that I have. Frankly I do not believe that the Legislative body has been honest with us either. When I listen to that tape afterwards then I knew that they had not been honest with us. I still need to hear or get a clear picture on the FTE versus a dollar. In the last meeting we had, I was the one to raise the question are we limited to dollars by the Legislation action or can we use those dollars by keeping the full FTE through a certain period of time. And we agreed to that. But now I am hearing I didn't do what I told you. A comment was made that they affiliate the dollar by the FTE that is authorized. The reason that this Board got so slammed by the last session is that it was directed to as of the beginning of biennium which was the 2.5 FTE and that did not happen. What has happened is that Board has quietly not dropped its FTE. And that is what set them off. Mr. Stuteville says it goes back to the statement that he made in the Executive Session where we were using the Human Resource rule. I was the one that raised that question and put it on the table. And I having spent 25 years in development and looking at appropriations and what Legislative bodies do I misread the state of Oregon's Legislative body. I also think that they are not interested in seeing a request now for money or FTE's period. They want to see the plan and maybe the following Emergency Board would be the place to go back and communicate or celebrate what we have done. And document in detail and effort that we need these FTE's. Linda offers that we have been giving them what they have wanted all along. We already did that today. We gave the legislature what they wanted. We needed to remove the helmsman. I think that we need to bring that forward because we did it. Mr. Wicks offers that I learned down there is that apparently there was a red flag regarding our finances. I get the feeling a red flag went up a few years back that was concern. That concern was by perhaps an increase that they did not approve. We need for them to see that we are in control. How are we going to show what changes we are making? Mr. Stuteville says that is was presented and I think it is a matter of taking the material that taken to the Emergency Board November the 7th and cleaning it up a little bit and incorporating some of the things that we have learning today about how to prepare our presentation. I think we are pretty much there. Now that we have identified these things and lay them out and with respect to the 2.5 FTE's how we are living with that right now how we intend on living with that. But yet there is a lot more work to be done. I think that is where we should be going. I really think those kinds of items are important to the folks in the legislature. One point that I think that we really need to get across is the change in leadership and that we are leaving that position vacant because savings is really what they like to hear. Also I believe that they need to know that we got rid of the expedited fee. I think that they also need to hear that since these ladies got here it went from six weeks to two weeks. Let the data show the trend. We have to present the material in a brief and concise way and show them specifically what they want to see. Make them aware of the problem and make them aware of the consequences of not meeting your obligations and then they will start to try. Mr. Stuteville says that Representative Hansen will be contacting some of you after he gets back from Hawaii about what went on in this meeting. A comment was made about Representative Morgan and her support for the

Board and it might be a good idea to have Rees get hold of her and get some ideas of what her concerns might be. Edna Marr talked with Jerry Krummel and she is so excited about what we are doing and the fact that we are interested in making some changes and to let her know if there is anybody that she can talk to for us. She wants to work with us. Mr. Stuteville says that another real supporter on the Emergency Board is Senator Wardly. She was very concerned about Continuing Education.

Mr. Stuteville asks that each of us take some responsibility. That was one reason that I wanted to give you all assignments was so that we could spread the responsibility's around a little bit. I understand Mr. Gore's recommendation about leaving the position open and not recruit for a couple or three months but that is not all fair to Hank. I would agree to maybe a month or two before we start advertising. Mr. Miggins feels it will be very important to this Board to totally evaluate the expectations of this Board. We need to go through the job description and re-write it before we can even consider announcing it. That is going to take a little time. What I wanted to get to was this letter. It is my position that we create a letter reporting to the Emergency Board, trying to get as much data in it by December 29th as soon as possible, and revising for January 22nd if we have to. What I would also like to do is draft the letter, e-mail to you and you e-mail back or responses and ideas. In other words open up communication all the way. Representative Hansen will be involved with this one.

Mr. Stuteville says that we will be addressing the vacancy savings in the Executive Officer position, change in leadership, the expedited fee gone and the general plan of where the Board is going. I do have one additional matter. There is a rumor to eliminate the Board. I don't know if anybody knows anything about that. But if that happens, I will not be able to serve on this Board because I do not believe in it.

ADJOURNMENT

Rees Stuteville, Board Chair asked if there was any other business or public comment. Hearing none, he thanked everyone for coming and adjourned the meeting at 4:17 PM. The next meeting is scheduled for January 09, 2004 at 8:30 AM in Room 445 of the Portland State Office Building. The Board committees will meet on Thursday, January 09, 2004, specific schedules to be announced.