

**Oregon Health Licensing Agency
Sex Offender Treatment Board
Minutes of March 7, 2008**

MEMBERS PRESENT

Dr. William Davis, Chairperson
Donald Didier, Vice Chairperson
Dr. Jane Allen
Patrick Schreiner
Debra Patterson
Dr. Steven Mussack
Brie Akins

STAFF PRESENT

Susan Wilson, Director
Tricia Allbritton, PSPD Manager
Tim Molloy, ROD Manager
Dixie Bryant, Policy Analyst
Cerynthia Murphy, Policy Analyst
Kathryn Helton, Program Liaison

MEMBERS ABSENT

All Present

AUDIENCE MEMBERS

Carol Johnson
Ann Christian, Oregon Criminal Defense Attorneys

CALL TO ORDER

The meeting of the Sex Offender Treatment Board (SOTB) was called to order by Dr. William Davis, Chair, on Friday, March 7, 2008, at 9:10 a.m. at the Oregon Health Licensing Agency, Rhoades Conference Room, 700 Summer St. NE, Suite 320, Salem, Oregon.

Board members introduced themselves and their respective representation / affiliation as a professional designee on the Board.

APPROVAL OF AGENDA

Motion

Dr. Davis made a motion to approve the agenda with some modifications, including moving 'Public Comment' to follow 'Administrative Services Reports'. The motion was seconded by Dr. Mussack. The motion passed with Dr. Allen, Mr. Didier, Mr. Schreiner, Ms. Patterson, and Ms. Akins, voting aye.

APPROVAL OF MINUTES

Motion

Dr. Davis made a motion to approve the minutes and reports from 11/30/07, 1/4/08, 1/25/08, and 2/29/08. The motion was seconded by Dr. Mussack. The motion passed with Dr. Allen, Mr. Didier, Mr. Schreiner, Ms. Patterson, and Ms. Akins, voting aye.

REPORTS

Director's Report

Ms. Wilson addressed the distinct role and purpose of both the Agency and Board; Setting professional standards to protect the public. She also stated that she felt it would be best to not open the SOTB

statutes during the 2009 Legislation. Ms. Wilson reminded the Board of the "All Board/Council Meeting" scheduled April 18, 2008, at the Red Lion Hotel on Market Street in Salem, OR. Ms. Wilson provided an overview of the event: the Governor was invited to attend, all Board members were encouraged to attend and she noted theme highlights, which entailed the reorganization of the Agency, a detailed look at cost allocation and fee structures for the 2009-11 Legislative Session and the future goals of the Agency. Ms. Wilson explained how an average board meeting is structured, and stated that any questions or concerns should be directed to Cerynthia Murphy.

Administrative Services Reports

Mr. McNew explained that they will receive their statistical reports on a monthly basis. The reports will contain department wide expenditures, actual and budgeted for a designated time period. After reviewing the reports the board members should direct any questions to Mr. McNew. Mr. McNew stated that since this is the first official board meeting to vote on the temporary rules, including fee schedules, that there currently are no reports to share. However, as soon as the rules and fees are in place the Board will have an income and can begin to have a more balanced budget, as they are currently carrying a \$4,000 deficit balance. Mr. McNew explained that in order to have a balanced budget, they would have to have a total income (revenues) of \$150,000 by June 2009.

Dr. Jane Allen and Mr. Didier expressed a concern that the fees will be too high; therefore the number of applicants will be too low to achieve the necessary income.

PUBLIC COMMENT

Dr. Davis stated the Board would like to recognize Public Comment to enable a member of the audience to speak. At this time Ms. Carol Johnson introduced herself as having no direct affiliation to the Board. Ms. Johnson gave a detailed account of what transpired with her family, with regard to a specific therapist, and presented a list of issues that she would like the SOTB to address. Areas of concern centered on the following:

- A required psychology exam for therapists
- Special licensing for therapists working with juveniles
- Special licensing for therapists working with the developmentally challenged
- H.I.P.P.A. compliance
- Assessments for client's I.Q. level
- Client to be evaluated by a psychiatrist, if therapist isn't already a licensed psychiatrist
- Established lines of accountability
- Information on procedures for filing grievances
- Protection for juveniles
- Confidentiality

Ms. Johnson concluded her presentation with emphasis on the need for accountability.

Dr. Davis thanked Ms. Johnson for sharing her concerns and explained that incidences she presented center on the purpose of the SOTB. Members recognized her experience is not an isolated case, and members are optimistic that implementing statewide professional standards and treatment models will alleviate these types of problems.

Ms. Wilson explained to Ms. Johnson that she may submit her complaint to OHLA Regulatory Operations Division and introduced Tim Molloy, Division Manager. Ms. Wilson stated that the Agency will take whatever steps they can with the current laws in place. If the therapist she has a grievance with applies for certification, OHLA can then take action against him/her with specific detail.

REPORTS (continued)

Dr. Davis stated they would now return to the order of the agenda prior to interjecting public comment.

Regulatory Operations

Tim Molloy, Regulatory Operations Division Manager, introduced himself to the Board and briefly explained his role. Having no reports to share, Mr. Molloy explained what will commonly be included in the reports and how they will be used.

Outreach and Communication

Kraig Bohot, Communications Coordinator, reviewed the section of the OHLA Website relating to the SOTB. He showed how to access the 'web license inquiry' that is currently in the process of being completed so the public may confirm certification of therapists. Mr. Bohot showed members each of their posted short biographies, and indicated he would need to take their photos after the meeting concluded to add to the board member information section.

Committees and Reports

Nothing to report.

ITEMS FOR BOARD ACTION

Temporary Rule Review

Ms. Allbritton presented an overview of temporary rules developed from meetings held January through March 2008, and referenced the issue statement under discussion regarding review and approval of temporary operating rules to initiate the application and qualification process for certification of sex offender therapists. She summarized the rules pertaining to definitions, fee structure, requirements for application and certification of clinical, associate, time-limited grandfather provision and reciprocal qualification criteria. Ms. Allbritton pinpointed the timeline and key actions to be completed between the temporary rule effective date (March 15, 2008) and the outside time line for filing permanent rules (September 9, 2008).

The proposed fees for application and certification were discussed at length, with members cautioning that a costly application/certification fee structure may affect and limit the number of individuals applying for certification. The main concern was how to reach a revenue base of \$150,000 by June 30, 2009.

Other discussion included whether or not grandfathering fees should be set higher than other qualification pathways, the proposed incremental fee structure, and containing costs. After discussion the following proposed fee schedule was agreed upon by all members:

<i>Basic Licensed Sex Offender Therapist:</i>	<i>\$350 App. Fee + \$50 License = \$400</i>
<i>Grandfathered Licensed Sex Offender Therapist:</i>	<i>\$650 App. Fee + \$50 License = \$700</i>
<i>2 Year Renewal:</i>	<i>\$250 App. Fee + \$50 License = \$300</i>

Motion

Dr. Davis made a motion to approve the temporary rules and the recommended the proposed fee schedule. Mr. Didier seconded the motion. The motion passed with Dr. Allen, Dr. Mussack, Mr. Schreiner, Ms. Patterson, and Ms. Akins, voting aye.

Notice of Rulemaking

Ms. Allbritton referenced the issue statement under discussion regarding filing notice of proposed administrative rules establishing requirements and standards for certification of sex offender therapists. She reported that following discussion during the February 29 Rules Advisory Committee meeting, provisions of OAR 331, division 840 relating to standards of practice, professional conduct and client relationships, client confidentiality / disclosure and informed consent were reorganized and structured to

improve content and format. She asked the Board to review and approve the changes. Members concurred with the restructured sections and content.

Ms. Allbritton explained the concurrent development of rules relating to provisions or requirements addressing supervision, continuing education, code of professional conduct and discipline and enforcement. She noted that the public hearing is scheduled for April 25, 2008, to allow opportunity to comment on the rules which also includes the temporary rules.

The Board discussed how to best notify all parties interested in becoming certified with the Sex Offender Treatment Board. It was determined that notification would have to be aggressive and the outreach widespread. The Board was provided with Cerynthia Murphy's information to provide OHLA with potentially interested parties for contact regarding the rules. Parties will be notified via email, hard copies, press releases, and through OHLA's updated Web site.

Motion

Dr. Davis made a motion to approve the proposed administrative rules and the filing of the notice for the rulemaking hearing related to the proposed administrative rules for the Sex Offender Treatment Board. The proposed rules will establish requirements and standards for SOTB certification with the changes previously adopted and the new proposed fee schedule. Mr. Didier seconded the motion. The motion passed with Dr. Allen, Dr. Mussack, Mr. Schreiner, Ms. Patterson, and Ms. Akins, voting aye.

EXECUTIVE SESSION

The Board did not enter Executive Session.

OTHER BOARD BUSINESS

None

MISCELLANEOUS

None.

Motion

Dr. Davis made a motion to adjourn the meeting. Dr. Mussack seconded the motion. The motion passed with Dr. Allen, Mr. Schreiner, Ms Patterson, and Ms. Akins, voting aye.

The meeting adjourned at 12:10 p.m.

I attest that the Sexual Offender Treatment Board minutes of March 7, 2008, are a true and accurate reflection of the matters discussed and the views of the participants.

Kathryn Helton, Board & Qualification Specialist
(Signature not available)

Date