

**Oregon Health Licensing Agency  
Sexual Offender Treatment Board  
Minutes of November 30, 2007**

**MEMBERS PRESENT**

Dr. William Davis  
Dr. Jane Allen  
Donald Didier  
Patrick Schreiner  
Debra Patterson

**STAFF PRESENT**

Susan Wilson, Director  
Tricia Allbritton, Policy & Strategic Planning Manager  
Tracy C. Nelson, Administrative Liaison

**MEMBER ABSENT**

Dr. Steven Mussack

**GUESTS**

Ann Christian, Legislative Representative  
Oregon Criminal Defense Lawyers Association

**ORIENTATION OF BOARD**

On Friday, November 30, 2007, from 9 am to 12 noon board members completed a *Board Member Orientation Presentation* by the Oregon Health Licensing Agency. OHLA Director Susan Wilson welcomed and congratulated the members on their appointment to the Sex Offender Treatment Board (SOTB). Members were introduced to agency staff and Ms. Wilson presented an overview of the agency's organizational structure and the role and responsibilities of the Director's Office and the agency's three divisions – Business Administration, Policy and Strategic Planning and Regulatory Services. [Overview attached for reference]

Ms. Wilson addressed the agency's mission and common ground among the multiple health and related professions administered by OHLA's uniform regulatory model. She noted that SOTB is a high profile statewide program supported by both the Governor and Attorney General. The Oregon Health Licensing Agency was selected as the regulatory authority because it offered an existing infrastructure and professional staff to respond, develop and coordinate treatment roles with county and statewide criminal and juvenile justice organizations while maintaining a regulatory process that is cost-effective and accountable.

The OHLA produced board member orientation video and handbook were reviewed. An overview of the agency and board Web site was conducted and members were provided with training on procedural information relating to the board books and meeting materials. OHLA's Human Resource staff presented an overview of statewide and agency policies; payroll, per diem and travel reimbursement protocols; and ethical standards and conflicts of interest for public employees.

## **CALL TO ORDER**

The initial organizational meeting of the Sexual Offender Treatment Board was called to order on November 30, 2007, at 1:50 a.m. at the Department of Agriculture, Basement Hearing Room, 635 Capitol Street NE, Salem, Oregon.

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

As Ms. Wilson was called away unexpectedly, Ms. Allbritton initiated review of the board's notice and agenda and pointed out an example of the placement and style of meeting minutes consistent for each OHLA program.

## **REPORTS**

### Standard Business Reports

Ms. Allbritton briefly summarized standard Reports" listed under Section III A – F on the agenda that are typically presented during board meetings. Ms. Allbritton introduced OHLA staff and noted their role in preparing the reports and presenting information during board/committee meetings.

Mr. Richard McNew, Business Administrative Division Manager, provided an abbreviated verbal report regarding information members will receive monthly by email starting January 2008. He explained that at Director Susan Wilson's request the agency had been evaluating and revising its processes, procedures, and accounting structures and organizing human resources to streamlining and gain efficiency and ensure accountability. He addressed analyzing cost allocation methodology to project agency expenditures, determining revenue needs, moving toward standardization of fees for all boards, and making administrative and regulatory processes simpler while improving the agency's customer service delivery systems.

Tim Molloy, Acting Regulatory Services Division Manager, provided an overview of the types of information address and reports he will present to the Board. He clarified the type of information presented relating to consumer protection activities, education and training provided by OHLA staff, consultation and complaint processing, investigations, mediation and disciplinary sanctions.

Ms. Allbritton, Policy and Strategic Planning Division Manager, provided a brief synopsis of the types of information that would be presented to the Board. She identified scope of practice issues, policies and procedures, legislation, rulemaking and communications typify the subject areas addressed by the policy division.

### Legislation

Ms. Allbritton explained the information contained under Section III-E relating to Enrolled HB 3233, starting with a *Law In Brief*, section-by-section summary of the bill's provisions, a copy of enrolled HB 3233, summary provided by the Attorney General's Sexual Assault Task Force, OHLA's SOTB Fact Sheet, posted on the agency/board Web site, and the Attorney General Hardy Myers Press Release. She presented a snapshot of the law – Oregon Laws 2007, Chapter 841, Sections 1 – 19, explaining that Legislative Counsel would be compiling the bill into the Oregon Revised Statutes, assigning ORS citations and section titles. She reported the final compilation should be available some time in March or April 2008.

### Administrative Rules

Information contained in the board members' books was referenced. Ms. Allbritton referenced information regarding Administrative Rulemaking in members' board books. She explained the distinctions between law/rules, the reasons for rulemaking, the purpose of administrative rules, the criteria for developing rules, and the process for rulemaking. She pointed to excerpts provided from the Administrative Procedures Act (APA) and explained the importance of adhering to the Department of Justice's Model Rules of Procedure – which OHLA follows for both contested cases and rulemaking.

Ms. Allbritton distinguished between *rules – policy – procedural statements – administrative memoranda*. She provided an overview of the link between agency and program rules, and the importance of centralized agency authority for rulemaking versus adopting program specific rules. Ms. Allbritton explained the role of advisory committees, fact finding, maintaining an open, transparent and inclusive process during rulemaking and the importance of each diverse perspective from stakeholders. She addressed the Administrative Procedures Act requirements for fiscal impact statements and advisory committee input on disclosing fiscal impact and affects on small businesses and persons resulting from rules. She referred members to an example of a rule schedule included in the board books.

## **ITEMS FOR BOARD ACTION**

### 2008 Chair and Vice Chair

The importance of the Chair and Vice Chair designations on the Board were discussed, with emphasis on the duties and expectations of the roles as noted in the Board Member Orientation presented earlier. Following discussion, nominations for Board Chair were opened. Donald Didier nominated William Davis as the 2008 Chair. Nominations for Board Vice-Chair were opened. Pat Schreiner nominated Donald Didier as Vice Chair.

### **MOTION**

Debra Patterson made a motion and Jane Allen seconded the motion to approve William Davis as Chair and Donald Didier as Vice Chair for the 2008 calendar year. The motion passed with Donald Didier, William Davis, Debra Patterson, Jane Allen and Pat Schreiner voting aye.

### 2008 Subcommittees

Ms. Allbritton explained OHLA's use of board subcommittees and the distinction between standing committees and specially appointed ad-hoc committees. She provided a brief summary of a sample chart describing the standard committees – Rules, Education, Standards, Regulation, Outreach -- the purpose/role of each committee, frequency of meetings, and member composition. Following discussion, members concurred that during the first year of board development full member participation at meetings and during fact finding would be best, which could be adjusted to fewer designated members when appropriate.

MOTION:

### 2008 Board Meeting Dates

Staff presented a proposed 2008 meeting schedule, noting the dates fall on Monday's and Fridays, beginning at 9 am. The meetings would be to conduct regular board business, gather information on specific subject areas, i.e. "fact-finding", and reserved for other business objectives. Following discussion and clarification, the proposed December 17, 2007 date conflicted with members' schedule, and proposed an alternative of January 4, 2008. Members were advised on the need for a quorum.

MOTION

Donald Didier made a motion to accept the proposed 2008 schedule with an amended date of January 4, 2008. Debra Patterson seconded the motion to approve the meeting dates. The motion passed with Donald Didier, William Davis, Debra Patterson, Jane Allen and Pat Schreiner voting aye.

### **HOMEWORK ASSIGNMENT**

Ms. Allbritton passed out folders to each member and summarized objectives for the January 4, 2008 meeting. Included in the materials were OHLA's draft of application forms and materials, a copy of Washington state's application materials, an outline of proposed temporary operation rules (template), a proposed meeting agenda for initial rulemaking, and details description of each OHLA division. She asked that members review the materials, meet with their various stakeholders to gain input, and bring forward suggestions for the application materials, equivalencies, grandfathering provisions and documentation/criteria guidelines.

Ms. Allbritton responded to member's questions regarding the forms and the materials provided and clarified response timelines in preparation for the January 4, 2008 meeting.

### **Public Comment / Board of Interest File**

Ann Christian, Oregon Criminal Defense Lawyers Association - Legislative Representative, briefly states their support for the SOTB bill and program.

Board members expressed their appreciation for OHLA's professionalism, work and organization.

The meeting adjourned at 3:26 p.m.

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I attest that the Sexual Offender Treatment Board minutes of November 30, 2007, are a true and accurate reflection of the matters discussed and the views of the participants.

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Tracy Nelson, Administrative Liaison

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Date