



**Oregon Health Licensing Agency
SEX OFFENDER TREATMENT BOARD**



9:00 a.m. Friday, May 1, 2009
700 Summer Street N.E., Suite 320
Salem, Oregon

MINUTES

A regular meeting of the Sex Offender Treatment Board (SOTB) was held at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon on May 1, 2009. The following items were considered and action was taken.

MEMBERS PRESENT

Dr. William Davis, Chair
Donald Didier, Vice-Chair
Brie Akins
Dr. Jane Allen
Debra Patterson
Patrick Schreiner

AGENCY STAFF PRESENT

Samantha Patnode, Policy Analyst
Trampus Schuck, Board Specialist
Kraig Bohot, Public Information Officer
Mike Simpson, Quality and Statistical analyst
Tim Molloy, Regulatory Operations Manager
Cerynthia Murphy, Licensing Supervisor

GUESTS PRESENT

Roger Little

Call to Order

Dr. William Davis, Chair, called the meeting of the Sex Offender Treatment Board to order at 9:07 am on May 1, 2009, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room 700 Summer Street NE, Salem, Oregon.

Executive Session - ORS 192.660(2)(b)

Davis convened Executive Session under ORS 192.660(2)(b) at 9:10 am for the purpose of reporting the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent. Executive Session concluded at 9:25 am.

Regular Session

Davis reconvened regular session at 9:25 am. No action or recommendations were made.

I - Approval of Agenda

MOTION

Patrick Schreiner made a motion and Brie Akins seconded to approve the agenda for May 1, 2009. The motion passed unanimously.

II - Approval of Minutes

MOTION

Debra Patterson made a motion and Donald Didier seconded to approve the January 23, 2009, minutes with corrections. The motion passed unanimously.

III - Reports

A. Director's Report

Samantha Patnode, Policy Analyst presented 2009 Legislation regarding HB 3232, which was introduced by Representative Mitch Greenlick after the Governor's Office pulled the concept due to technical issues and provisions in the "Relating to Clause". Patnode stated that many changes are housekeeping measures to bring programs into uniformity with the central agency model. Such changes are standardized board member terms, and licensing cycles. Other areas include language to allow the agency to establish specialty fields of practice for cosmetology, strengthen consumer protection, and referral of impaired practitioners to treatment programs. She stated the Democratic Caucus had questions and concerns with the provision related to the tattooing or piercing of minors as a criminal offense, they requested the bill be referred to the House Rules Committee for review. The committee will likely pass the bill with the removal of the tattoo and piercing provision. An overview of all amendments was made to the Council.

Patnode highlighted the agency's budget bill HB 5525 and fee bill HB 5526 which had a public hearing on April 9, 2009, in the Ways and Means Education Sub-committee. A Work Session is scheduled later in the month. Meetings were also scheduled and held with both Co-Chairs of the committee to review the budget and answer any questions. The Agency and the information given were well received.

Patnode provided an overview of legislation sponsored by Representative Mitch Greenlick explaining how the bills could affect the Board and the agency. She noted that specific bills add public members to health related boards. Patnode explained other bills introduced by Greenlick address required terms in office, improved oversight with regards to impaired licensees, requirements for reporting incidence where scopes of practice may overlap, and restricting the liability of hearings and court fees to complainants.

1. Administrative rules

Patnode provided an overview of the temporary rules effective December 1, 2008 and the proposed rules which were filed simultaneously to allow for public comment which ends April 30, 2009. She said the agency is delaying filing permanent administrative rules in order to make changes to the application requirements specifically identification required to become an authorization holder. Patnode reported the proposed rules use the Department of Homeland Security Form I-9 as a model for identification requirements. Upon further investigation the agency found the purpose for the Form I-9 is to verify employment eligibility rather than identity, which is not the intention of the agency. OHLA is revising the original proposed rule to reflect the Department of Motor Vehicle (DMV) Real ID Act requirements, put in place by the federal government in 2005. The DMV serves as an expert in the field of identification and determining its integrity. Patnode briefly discussed fingerprinting and criminal history background checks. She stated the permanent administrative rules are scheduled to be on or before June 1st.

Patnode stated a public hearing was held on March 2, 2009, Hearings Officer Bert Krages. She provided the hearings officer report including recommendations to provide potential licensees with a pre-qualification process, regarding fitness to practice at the time of pre-qualification. Patnode said the agency is currently developing a process.

B. Administrative Services Division

Mike Simpson, Program Analyst, presented an overview of statistics relating to the Board. Statistics included were licensing stats, proposed and final orders, active license trends, age diversities, continuing education audit results, and Web site traffic. The Board was provided with the report and a copy was placed in council documents for retention.

C. Regulatory Operations Division

No regulatory issues were discussed at this time.

D. Program Operations Division

1) Outreach and Communication

Kraig Bohot, Public Information Officer, stated that currently there are 30 certified sex offender treatment therapists in Oregon. He noted the original projection was to certify 100 therapists. Bohot asked if that was still an attainable goal given the current economic climate and the completion of the grandfathering process. He noted the agency and the board will continue to facilitate continuing outreach efforts, including the upcoming Oregon Adolescent Sex Offender Treatment Network (OASOTN) annual conference May 13-15. He asked for feedback on other avenues of outreach and communication such as Web sites, newsletters, and further efforts to work directly with agencies and organizations that employ or contract with sex offender therapists to encourage establishing certification as a condition of employment.

Bohot stated the Teacher Standards & Practices Commission (TSPC) has requested an SOTB member speak at the commission's summer meeting. He asked that any member interested notify him as soon as possible.

2) Committees and Reports

➤ Rules Committee Meeting

The board reviewed and briefly discussed the Rules Committee Report from March 20, 2009. The purpose of the meeting was to allow input from stakeholders on the Adult, Developmentally Disabled and Juvenile Treatment Plan Models. Public comment was received and changes integrated into the models.

IV - Items for Board Action

A) Proposed Administrative Rules

Patnode stated the board needed to approve the treatment models and refer them to administrative rulemaking. She presented a proposed timeline for permanent administrative rules.

MOTION

Allen made a motion and Patterson seconded to begin the rulemaking process to incorporate the Juvenile Treatment Model into the administrative rule. The motion passed unanimously.

MOTION

Didier made a motion and Schreiner seconded to begin the rulemaking process to incorporate the Developmental Disability Treatment Model into administrative rule. The motion passed unanimously.

B) Degree Requirements for Grandfathering

Cerynthia Murphy, Licensing Supervisor stated the agency had received two grandfathering applications which she is unable to determine if they meet the educational requirements of a master's degree or higher in behavioral science.

The Board discussed the applications in general rather than reviewing the individual files. The Board stated the degree requirement is not strictly in behavioral science, noting an applicant can submit evidence of additional professional training to meet the education requirements.

Murphy stated the agency would be obtaining a federal classification of instructional programs from the Oregon Student Assistance Commission, Office of Degree Authorizations, which will determine if specific degrees fall under the behavioral sciences program.

Murphy stated two applicants have a criminal background. The Board discussed the applications anonymously and addressed the question in general terms rather than reviewing the individual files. The Board discussed fitness to practice and the nexus of a crime to practicing as a sex offender therapist. Board members noted that some crimes should have time limits and other may preclude an applicant from certification. The consensus of the Board was that person to person crimes should disqualify a candidate from certification. The Board also noted that when making such determinations a pattern of criminality should be considered. The Board agreed to defer the issue to the Rules Committee and suggested a similar structure to the Department of Human Services fitness to practice model be used.

V - Executive Session

No executive session at this time.

VI - Other Board Business

No board business at this time.

VII - Public Comment

No public comment at this time.

VIII – Miscellaneous

A. Board Interest File

The meeting adjourned at approximately 1:35 pm.

Prepared by: Trampus Schuck, Board Specialist