

PUBLIC MEETING MINUTES

Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Friday July 17, 2009, in Room 445 of the State Office Building, 800 Oregon St. Suite 445, Portland, Oregon. Board members present were: Genevieve deRenne, MA, OTR/L, FAOTA, Chair; Alan King, OTR, Vice Chair; Mashelle Painter, B.S., COTA/L; and public members, Robert Bond and Mitch Schreiber Felicia Holgate, Director was present. During the closed session, AAG Johanna Matanich was also present. With a quorum present, Genevieve deRenne called the meeting to order at 10:00 a.m.

1. Minutes: The Board reviewed Public meeting minutes, of April 3, 2009. Alan King MOVED THAT THE PUBLIC MINUTES OF APRIL 3, 2009 BOARD MEETING BE APPROVED. Robert Bond SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT, except Mashelle Painter whose appointment to the board was after the last meeting.

The Board reviewed Confidential April 3, 2009 meeting minutes. Alan King MOVED THAT THE CONFIDENTIAL MINUTES OF APRIL 3, 2009 BOARD MEETING BE APPROVED. Robert Bond SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT, except Mashelle Painter whose appointment to the board was after the last meeting.

2. Ratify List of Licensees: Licenses issued since the last Board meeting were distributed. Robert Bond MOVED TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING. Mitch Schreiber SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT. As of July 16 there were 263 OT Assistants, and 1375 OTs (9 Limited permit holders; with 18 other LP files open) for a total of 1638 licensed therapists.

3. Report of the Director: Director, Felicia Holgate continues to send monthly office report summarizing the work in the office.

IT Security: The Director drafted new DAS required Board Policies and Procedures for Security. They were reviewed by the Board and submitted to DAS by the Director.

LP: The Board discussed the timeline for issuing Limited Permits and the Director explained that the Limited Permit sometimes expires before the Director obtains the NBCOT grades and can issue the regular OT license. Having 90 instead of the current 60 days will correspond to the date given by NBCOT in the Authorization to Test letter as the expiration date. Limited Permits are issued once.

Robert Bond MOVED THAT LIMITED PERMITS BE ISSUED FOR 90 DAYS RATHER THAN 60 DAYS. Genevieve deRenne SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

Suspension of OTLB and Consolidation issues: The Board considered the Governor's announcement about "suspending" the Occupational Therapy Licensing Board and "consolidation". There was NO bill in the 2009 session and making changes to the Board would need legislative action. The Agency 2009-2011 Budget has been passed and signed by the Governor. Consolidation is an issue that comes up every session. During the 2008 budget the Suite 407 Health boards prepared a report to the E-Board on consolidation issues. There is no evidence that consolidation by itself is more efficient, effective, or less expensive.

The argument for the Governor's comments is that these license fees, though paid for by licensees and not "general funds", are in fact costs that are passed on to the public. In response, the Board is concerned about doing what is in the best interest of the public and that includes issuing licenses quickly and responding to concerns quickly. If occupational therapists do not obtain their license quickly and cannot work, they are not providing needed services and they are not paying taxes.

Customer Survey results and comments for the last year were given to board members. We will be doing a new survey in the fall of 2010. It will be sent to licensees and interested parties by e-mail. These results are part of the budget process and a state requirement, part of Performance Measures.

Governor's Commission on Autism: The Governor created a new Commission on Autism Spectrum Disorder. The Director followed up with OTs interested in serving, giving information on how to apply with the Governor's office. The Director will follow up to see whether an OT will be appointed.

OTA School progress: There is exciting news about progress to start of an OT Assistant school in 2010. Information was sent to Board members from Lane Committee College. No further information has been received about whether they have hired a Director to head the OT Assistant program.

Budget Review: The Director gave a **fiscal summary**. Monthly revenue, expenditure, and payment statements are scanned and sent to the Board members each month. The Board reviewed the current accounts. The Legislatively Approved **2009-2011 Budget** of \$ **361,756** comes to an average **monthly** amount of \$ **15,073**.

Expenditures: March \$10,363; April \$10,448; May \$10,434. The Board spent under the average \$12,000 a month allocated in this last biennium.

Revenues were: **March \$2,627; April \$1,705; May \$2,029.** Included in this were interest revenues: **March \$497; April \$395; May \$355.** The Board financial situation continues to be stable, though our income is down a little.

A comparison of **revenue** for the last few years does show a drop in income this year:

Feb. 2007: \$ 3,290	March 2007: \$ 3,580	April 2007: \$ 4,782	May 07: \$ 4,563
Feb. 2008: \$ 3,337 Renewal	March 2008: \$31,812	April 2008: \$166,972	May 08: \$41,536
Feb. 2009: \$ 1,903	March 2009: \$ 2,627	April 2009: \$ 1,705	May 09: \$ 2,029

The Board Director noted that there are currently 21 files for Limited Permit applications for new grads and most will get licensed in the next few months. Even though income is a little lower, with the increase in applicants, there is still a projection for high numbers of renewals in 2010.

Felicia Holgate, Director and Bob Bond presented the current budget status, projections and ending balances. The Board discussed reducing the renewal fees for the 2010 renewal cycle. In 2001-2002 there were two factors that made the Board increase the fees: the cost of discipline (there were a few costly disciplinary cases) and the related attorney fees (there was a long costly legal deposition). In early 2000 the OT Assistant School closed, thus less applicants. There were less jobs, probably due to changes reducing Medicare payments for OT, resulting in a decrease in licensees.

The Board increased fees in 2003 for OT from \$85 to \$100. Since then, expenditures have been held low, in part due to the web site, doing more online, including renewals. Over half of the cost of the Board is for personnel. Even with an additional 400 licensees in the last 5 years, there has not been any increase in personnel, even part-time. We have been able to maintain having only a .25 FTE Office specialist. We share Gayle Shriver with another health licensing board, saving on all the costs of the position including rent, equipment, and other benefits.

The two main reasons for higher costs, discipline and attorney fees, were also low. There is also cost savings for the Board by not have an AAG present at every board meeting. If legal services are needed, the Director asks for the specific legal advice needed. Also, former board members are helping with consultation on discipline cases at a low cost. With a large ending balance, in 2008, the renewal fees were reduced: OT from \$100 to \$85; OT Assistants from \$70 to \$60.

License numbers continue to increase. The Board continues to have a large ending balance. The Board does need a large enough ending balance to carry over two years since 2/3 of the Board's income is from renewal fees every two years. Robert Bond spent four hours reviewing all the budget information with the Director and both concluded that we can safely reduce the ending balance, with sufficient funds for unexpected disciplinary cases or reduction in license numbers, and still have a stable budget in the next few years. The Director and Robert Bond recommend reducing the renewal fees in 2010 the following amounts: **OT from \$85 to \$75; and Assistants from \$60 to \$50.** This will make the fee for two-year OT fee from \$170 to \$150; and Assistants from \$120 to \$100.

Robert Bond MOVED THAT THE FEES FOR RENEWALS IN 2010 BE REDUCED BY \$10 PER YEAR FOR BOTH OT AND OT ASSISTANT FOR THE 2010 RENEWALS. Mashelle Painter SECONDED THE MOTION AND IT PASSED UNANIMOUSLY.

4. Closed Session: Disciplinary/Investigations/Complaints: In accordance with ORS 192.660, which allows the Board to meet in Executive Session on matters to consider information obtained as part of investigations of licensees, the following cases were discussed. **AAG Johanna Matanich** was present during the closed executive session while dealing with disciplinary cases.

- **OT 2007-04:** A status report was given. **A MOTION WAS MADE BY Mashelle Painter AND SECONDED BY Robert Bond TO CLOSE THE CASE.**
- **OT 2008-03:** Status report: File is closed
- **OT 2009-02 Application for P:** MOTION MADE BY Genevieve deRenne AND SECONDED BY Robert Bond TO ISSUE A PROBATIONARY LICENSE WITH CLOSE SUPERVISION AND THAT A COPY OF HIS SIX MONTH REVIEW BE SUBMITTED TO THE BOARD.
- **OT 2009-03 Application for B:** License approved to issue.
- **OT 2009-04:** Scope of practice issue sent for investigation and report at the next meeting.

LUNCH was provided and the Board continued discussion of agenda items.

5. **CE issues:** The board reviewed procedure during renewals when OT members of the Board audit and approve CE. The Director sends the CE audits to the OT members of the Board and gets their approval by e-mail or fax. Although the board does not pre-approve CE, they do answer questions about what will count.

Pain Management: If the Pain CE is not completed by renewal in May 2010 the Board will not issue the license until the requirement is met. The Director asked licensees to send an e-mail as they complete the requirement so some of the 1600 data base files needing this information will already be completed before May 2010 renewals. The data base was changed to add a place to input when and what Pain classes were taken. Licensees will be advised that renewal licenses will not be issued, if the requirement is not met. A separate paper mailing will be sent to all licensees.

Diversity/cultural competency training: The question of diversity/cultural competency training was discussed and this class would be approved for CE.

Motivational Interviewing was discussed and would be approved for CE.

6. **Legislative/Governor issues:** The session is over.

Both “suspension” of OT Licensing Board and “consolidation” issues were discussed. The Director will refer those who ask about the Governor’s comment on “suspension” to the Governor’s office. There was general discussion about the importance of providing quick and efficient services so licenses are issued quickly. Especially in the struggling economy it is important that licensees can work and citizens can receive OT services they need. The Director has talked about this with the Association President.

The most important bills affecting OTs that passed are:

- OTs on list of mandatory reporters of child abuse
- Mandatory duty of health professional licensee to report prohibited or unprofessional conduct; (\$720 fine); require board to report to law enforcement; licensee report arrest for felony or conviction of misdemeanor or felony to their board.
- Changes to Senate confirming of board members, Director works under “authority” of Governor; additional reporting requirement for boards, public members involved in discipline
- Fingerprinting authority given to board; need for rules to be drafted
- Ability to keep confidential licensee personal information, home address, e-mail
- Impaired Practitioner program; only mandated for those boards that have a program

The Director will attend the Attorney General class on **new laws** on Sept. 15. The Director continues to attend meetings of the health related licensing boards. We will follow up on various common issues after a summer break, including how best to obtain set up fingerprints, and other discipline issues.

7. **OTLB** Board members will make a **presentation** during the Portland OTA conference on Friday, October 16 from 11 – 12 noon. The presentation will be for all attendees and CE will be provided. The focus will be current issues including new legislation, online 2010 renewals, and recent disciplinary decisions. The Director will confirm which board members will be available to attend and present, as well as be available to answer questions and meet licensees during breaks and lunch at the OTLB table.

The Board will start putting the new OTAO brochures in the envelope for new licenses issued. The board recommends that OTAO send brochures to current licenses with their OTAO's yearly mailing.

8. Board retreat/training for 2009: September 25; Director will check about Government rate at Salishan for the Board strategic planning meeting.

9. NBCOT conference in October: Mashelle Painter and Robert Bond will attend. The Board discussed the important of understanding how NBCOT functions.

10. New business:

The Director is working on a draft jurisprudence/Ethics exam for new licensees. We will look into eventually having it available online so the applicant completes it and sends in the certificate of completion. It would be open book with the rules and laws being available online for study and review.

Proposed dates for 2010:

Friday, Feb. 5, 2010

Friday, May 7, 2010

Friday, August 6, 2010

Friday, October the Thursday before the OTAO conference in 2010.

Upcoming meetings: Friday, Nov. 6 2009 in Portland.

Friday, Sept. 25, 2009 Board strategic planning meeting.

Genevieve DeRenne adjourned the meeting at 2:30 p.m. Felicia Holgate, Director **July 17, 2009**