

PUBLIC MEETING MINUTES
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Friday July 30, 2010 at the Oregon State Office Building, 800 NE Oregon St. Room 445. 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. With a quorum present, Genevieve deRenne called the meeting to order at 10:00 a.m.

Minutes: The Board reviewed May 7, 2010 and teleconference May 21, 2010 Public meeting minutes. Robert Bond MOVED THAT THE PUBLIC MINUTES OF May 7, 2010 and May 21, 2010 BOARD MEETING BE APPROVED. Alan King SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed Confidential May 7, 2010 meeting minutes. Mashelle Painter MOVED THAT THE CONFIDENTIAL MINUTES OF May 7, 2010 BOARD MEETING BE APPROVED WITH CORRECTIONS MADE TO NUMBERS OF CASES 2010-06 NOT -02 and 2010-07 not -06. Robert Bond SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed Confidential May 21, 2010 teleconference meeting minutes Mitch Schreiber MOVED THAT THE CONFIDENTIAL MINUTES OF May 21, 2010 BOARD MEETING BE APPROVED. Robert Bond SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

Ratify List of Licensees: Licenses issued since the last Board meeting were distributed. Mitch Schreiber MOVED TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING. Robert Bond SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

As of July 29, 2010 there were 236 OT Assistants (before renewals we had 272), and 1338 OTs (before renewals we had 1433 OTs) for a total of 1574 licensed OT with licenses expiring May 31, 2012. We issued 15-16 new licenses per month since the last board meeting which is well over the usual 12 or so new licenses. However, we have had 22 Limited Permits issued for new graduates.

Report of the Director: Director, Felicia Holgate sends monthly reports.

Budget Review: The Director gave a **fiscal summary**. Monthly revenue, expenditure, and payment statements are scanned and sent to Board members. The Board reviewed the current accounts. The final Legislatively Approved **2009-2011 Budget is \$338,178** which gives the board an **average monthly amount of \$14,091**.

Expenditures in 2010: April \$13,094; May \$14,772; June, \$9,218. We are spending under the average 14,000/month allocated in this biennium. The legislature did not "raid" the ending balance funds in Feb. for the general fund during the special session, but will be looking to this in 2011.

Revenues were: **April \$136,492 (compared to \$166,972 in 2008); May \$29,361;** (compared to \$41,536 in 2008); **June \$5,392 (compared to \$7,293 in 2008).** I compare it to 2008 because that is the last renewal period. The lower revenues this year is because of the reduced fee of \$10 per year,

and the lower interest we are getting. Interest revenue was: April \$177; May \$231; June \$223 (compared to \$1020 in June 08).

Budget Binders: The next biennium **Agency 2011-2013 Budget** binders are due in August. There will be a “policy package” which is needed for adding the extra cost of doing fingerprinting. The legislature must approve this increase in allocation even though the licensee pays for the fingerprinting by a separate check. The Director is exploring having the Nursing Board help process the fingerprinting because they process each day what we would need all year. The current payment of \$52 per license applicant pays for the state policy fingerprints and mailings. Initially we estimate having fingerprints of all new applicants which is about 150 a year. The Director is exploring whether to try to do this at the board office or whether it would work to have them done by the Nursing Board and paying them a nominal fee. For LEDS the board would send the applicant Name, DOB, SS and M/F info.

Board Rent: We have been informed that we have been paying for less footage than was correct and the rent is to increase in 2011 from \$655 to over \$1,000 per month. The Director is asking for specifics on how these new figures were determined and is following up on this.

OT Assistant supervision: The Director is working with Joyce Browne to review the Supervision material that will be sent out to all Assistants. A new Statement of Supervision form was drafted and the new AOTA Supervision Guidelines that will be approved at the July board meeting will be included along with the OTLB rules and laws about supervision and Q and A. This material will be sent by e-mail to each Assistant with a request that they review it with their supervising OTR at their next monthly meeting. Director will continue to work with the Board consultant to provide more education for Assistants and their supervising OT. Mashelle Painter will work with the Director to review the material. The Board will adopt the new AOTA Supervision guidelines.

Newsletter: The Director is working on the summer newsletter on discipline, and changes in laws.

Customer Satisfaction Survey: An e-mail was sent out to all licensees and interested parties to complete a Customer satisfaction survey. The results show an over 97% good or excellent rating. A copy of the automatically collated results and all the comments were given to the board. The surveys are anonymous and there is no way of knowing who sent in the survey unless the person gives their name in the comments section. The Director has no way to “get into” the system (and would not know how to) showing survey responses.

AUDIT: The Director is filling out a Health Related Licensing Board AUDIT, a new requirement since 2009. The Director is drafting responses to questions asked on complaints, licensing and communications and discipline statistics. The AUDIT team composed of other Directors and a public board member will meet in August. When they come for the AUDIT they will pick random files to do a paper review. A report will go to the Governor’s office and legislature.

Performance Measures: Part of the Budget is the Performance Measures which are also reviewed by the Board. The OTLB has four. These are reviewed by the legislature.

Customer Satisfaction: Percent of customers rating their satisfaction with the agency's customer services as "good" or "excellent" on overall, timeliness, accuracy, helpfulness, expertise, availability of information.

Best Practices: Percent of total best practices met by the Board

Timely Licensing: Percent of licensing applications processed within target (90% within 5 days)

Timely Resolution of Complaints: Percent of cases investigated and referred to Board within 120 days of receipt of complaint.

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 had formal motions made:

- **OT 2009-07:** The Applicant asked that application be put on hold.
- **OT 2010-02:** Genevieve deRenne MADE A MOTION which was SECONDED by Mitch Schreiber THAT THE BOARD WRITE A STERN LETTER OF CONCERN ABOUT PROFESSIONAL BOUNDARIES AND ASK LICENSEE TO COMPLETE AN ETHICS COURSE AS PART OF THE REQUIRED CE FOR THE 2012 RENEWAL AND ADVISE LICENSEE THAT THE CE WILL BE AUDITED.
- **OT 2010 – 03: Application of H:** This matter was continued.
- **OT 2010 – 04: OTA Application:** This matter was continued.
- **OT 2010 – 06: Renewal Application:** The case was continued
- **OT 2010 – 07: OT Assistant:** Mashelle Painter made a MOTION TO SEND HER A LETTER ASKING THAT SHE WORK UNDER 'CLOSE SUPERVISION' AS DEFINED BY RULE AND THAT THE BOARD RECEIVE FEEDBACK FROM HER SUPERVISOR. Robert Bond SECONDED THE MOTION.
- **OT 2010-08 Renewal Application of G.:** Notice of denial of renewal of license issued. Final order for Denial of Renewal of License by Default was mailed and we are waiting for the appeal time to pass.
- **OT 2010-09: Application of D:** This matter was continued.
- **OT 2010-10: Renewal application:** No action taken. File will be closed.
- **OT 2010-11: OT new application F:** This matter was continued.
- **OT 2010-12: OT new application:** A MOTION WAS MADE BY Mashelle Painter AND SECONDED BY Robert Bond to DENY THE APPLICATION FOR LICENSURE IN OREGON.

The Board members had lunch and continued discussion of agenda items. All board members and the Director were present.

5. CE Questions Request for CE:

CE for developing OT products. This is not what was intended to count for CE credit. If information about the product was for submission of an article or a book, credit can be received since it is research oriented. This is different as products are for sale. It does not fall under CE categories and credits.

CE for LP supervision: LP supervision does not count for CE any more than any supervising OTR who does not get CE for supervising an OT Assistant.

CE for military training: Some of the classes would be relevant and could count for CE credit. It would depend on the OT focus, how it helps the OT working with vets. The log form can be filled out explaining how the information helps the OT with their OT work and is at practice level. The Board can review the log form information.

6. Education: There were several issues dealing with OT and OTA attendance at IEP meetings, and OTs keeping records and although there was some discussion, the board will continue its discussion at the next Board meeting. The Director met with Sandra Pelham Foster to review the questions asked on documentation. The draft responses were reviewed by the board members.

1. Issue of documentation kept by schools: The Director will draft a response asking about the ESD keeping records. On the issue of how long school records should be kept, the Director will draft rules in line with what is currently common practice, 7 years, which is what both PT and federal laws require.

2. Issue of OT at IEP meetings: The board talked about the need for an OT to attend IEP meetings when the plan of care is developed or changed. There will be further discussion.

3. Issue of OT Assistants attending IEP meetings: Under the AOTA guidelines it is clear that an OT Assistant can attend IEP meetings for the OT. There will be further consideration of the matter.

7. Rule and Law changes: The Health Related Licensing Boards are looking into having a “step down” impaired practitioner program. The current new statewide program, which is the only impaired practitioner program which can be used in Oregon is very expensive and the OT Licensing Board is not currently a part of it.

The Director has draft rules to add or change the following:

- ◆ Model Rules of Procedure: changes need to be made to follow current law.
- ◆ Time for Requesting Contested Case Hearing: changes need to be made to follow current law.
- ◆ Fees to pay for Fingerprinting and Workforce survey.
- ◆ Rules for new Fingerprinting and investigation requirement.
- ◆ Licensee keeping Board current on contact information.
- ◆ Unprofessional conduct to report crimes and prohibited conduct.

The Director will follow administrative rule procedures to send out wording on these proposed rules to get comments at the next Board meeting in October. One additional rule on how long school education records should be kept will be drafted.

8. OTAO conference October in Sisters: The Board will make a presentation to discuss renewal issues that came up, CE and audits, and everyone reporting CE in 2012, Yes to History Questions for arrests and mental health issues, and a summary of recent discipline taken by the Board. The Director will pull together statistics. The Board will meet on Thursday the afternoon before the OTAO conference starts for its Board meeting, and can talk about the presentation which will be Friday or Saturday. The Director and Board members will be available to answer questions. The board will discuss their presentation by e-mail and the Director will make reservations.

9. AOTA adoption of new Supervision, and Code of Ethics: The Board will continue this until the October meeting. The new Ethics Code can be sent to applicants/licenses who have discipline.

10. **New business:**

Best Practices: Each Board member reviewed and filled out the form to rate itself on its practices using the criteria available on the form.

Attendances at 2010 Conferences: CAC and NBCOT conferences will be coming up. The Director and Board members will see which they might attend.

Upcoming meetings in 2010: Thursday, October 14, 2010 in Sisters; the OTAO conference will be on Friday-Sunday.

Proposed Meeting dates for 2011 set for the following Fridays:

Friday, Feb. 4, 2011 Portland

Friday, May 6 at the coast ?

Friday, Aug 5 in Portland

Mid Oct at OTAO conference – this might be in Portland.

Genevieve DeRenne adjourned the July 30 board meeting at 4:00 p.m.

Felicia Holgate, Director August. 4, 2010