

PUBLIC MEETING MINUTES  
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Thursday October 14, 2010 at the Ponderosa Meeting room in the Best Western Ponderosa, Sisters, 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 member, Robert Bond. Mitch Schreiber was unable to attend and was excused. Felicia Holgate, Director was present. With a quorum present, Genevieve deRenne called the meeting to order at 1:10 p.m.

**Minutes:** The Board reviewed July 30, 2010 Public meeting minutes. Robert Bond MOVED THAT THE PUBLIC MINUTES OF July 30, 2010 BOARD MEETING BE APPROVED. Alan King SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed Confidential July 30, 2010 meeting minutes. Mashelle Painter MOVED THAT THE CONFIDENTIAL MINUTES OF July 30, 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. Alan King MOVED TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING. Mashelle Painter SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

As of October 12, 2010 there were 244 OT Assistants, and 1381 OTs for a total of 1625 licensed OTs. We issued 15-16 new licenses per month since the last board meeting which is well over the usual 12 a month. This may be due to the larger number of new Pacific graduates staying in Oregon or coming from other schools.

**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: July \$9,568; Aug \$19,660.** The August is so large because we **paid \$10,109 for a yearly government service charge** which comes out to \$842 a month (with a monthly charge for this it would be \$10,393 for August. An average of \$14,000/month is allocated in this biennium. The legislature will be looking at our healthy ending balance to help in with the deficit in the general fund during the 2011 session.

**Revenues** were: July \$5,162 ; Aug \$4,608; Interest revenue was: **July \$175; Aug. \$223.**

**Budget Binders:** The next biennium **Agency 2011-2013 Budget** binders were submitted to DAS and Legislative office on August 19, 2010. **The total Agency Request is for 2011-13 Biennium is \$375.040.** There is 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 learn to do LEDS (Law Enforcement Data System) at the board office or whether it would work to have them done by the Nursing Board and paying them a fee. For LEDS the board would send the applicant Name, DOB, SS and M/F. Some Boards do LEDS checks on those they audit. The Board will need to consider whether to do LEDS on a portion or all renewal applicants. We can expect an increase in the number of cases for the board to consider.

**Board Rent:** Suite 407 Directors met with Brian Patton from DAS and found out these projections for rent were using old numbers on square feet of Suite 407 and which Board used which space. We met with him twice and are waiting to see what the new numbers will show after the following up.

**Newsletter:** The Director is working on the next winter newsletter on discipline, and rule changes.

**AUDIT:** The Director had the first health board AUDIT, a new requirement since 2009. The AUDIT team composed of other Directors and a public board member met with the Director in August. Random files were audited. At least one public Board member was contacted. The report was distributed to the Board members. A copy of the report will go to the Governor and legislature.

The recommendations of the Audit team will be put on the agenda for the next Board meeting. At this time the Board did make a change in the procedures of the Board, that as soon as changes can be made the applications will ask for all prior verifications, not just those in the last 5 years. A MOTION was made by Genevieve deRenne and SECONDED by Robert Bond THAT LICENSE APPLICANTS SHALL BE REQUIRED TO SUBMIT VERIFICATIONS FROM EVERY STATE WHERE THE APPLICANT HAS EVER BEEN LICENSED (AS OPPOSED TO THE LAST 5 YEARS NOW BEING REQUIRED).

**New carpets changed from October to November 15 - 16:** The Board office will have to pack out all files furniture, file cabinets etc. taken out b/c new carpets are being installed. Current files were put into a separate place so they can still be accessed but everything else will need to be on hold while packed up and then put back in place. Since the Director has a lap top with access outside the office we will not get behind. All equipment including telephones will be disconnected during these 2 days. The Director will put a notice on the web site, the phone and e-mail. We will treat this like a Business Continuity Plan test.

**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 2010 – 06: Renewal Application:** No formal action taken
- **OT 2010 – 07: OT Assistant:** No formal action taken
- **OT 2010-08 Renewal Application:** Final DEFAULT order for Denial of Renewal of License issued. Appeal time ended Oct. 6. File closed. NBCOT, AOTA and HIPDB will be notified.
- **OT 2010-09: Application of D:** Applicant withdrew application. Case closed.
- **OT 2010-11: Application of F** withdrawn. File closed.
- **OT 2010-12: OT Application:** Order being drafted. Application withdrawn. File will be closed.
- **OT 2010-13:** New complaint received. Continued

**5. OTAO conference October in Sisters:** The Board discussed their presentations to be made Friday at the OTAO conference. The Director and Board members will be available to answer questions. The Director had all reservations confirmed.

6. AOTA adoption of new Supervision Guidelines, and Code of Ethics: Mashelle Painter MADE A MOTION TO ADOPT THE NEWEST AOTA CODE OF ETHICS AND SUPERVISION GUIDELINES. Robert Bond SECONDED THE MOTION AND PASSED WITH ALL PRESENT. The new documents will be posed on the web site.

**7. Rule and Law changes:** The Director attended the Sept. 30 meeting with other Health Related Licensing Board Directors 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.

- ◆ **Proposed Rules:** The Director attended administrative rule training on filing online rules and will now start the rule filing process for these rules and they will be published in the next newsletter and on the web site. New rule will also be drafted to required educational records to be kept for 7 years.

## 8. **New business:**

OT working in Doctor's office: A request for information about an OT working in a doctor's office brought up many legal and ethical concerns and is fraught with difficulties and red flags. The OT could not use the evaluation they made previously for this treatment; a separate evaluation must be made and plan of care developed before treatment could be done. A second evaluation will not be paid. There are complex laws on how billing is done in a private pay doctor's office vs. in a facility and different codes are used in different settings. Confidentiality issues are of concern; the therapist would be using information learned in a previous treatment setting with the patient. The board recommended the therapist consult further with an attorney over legal issues. The patient must have full disclosure and documentation of delineation of services.

CE inquires: CE will not be granted for therapists setting up a journal club where articles would be reviewed. CE will also not be granted for a class on de-escalation to Psych and Security staff even though the training is guided by state and other regulations because it is a facility requirement not directly related to OT practice.

### **Upcoming meetings in 2011:**

Friday Feb. 4, 2011 in Portland

Friday, May 6 in Bend

Friday, Aug 5 in Lincoln City

Mid Oct at OTAO conference – in Portland.

Genevieve DeRenne adjourned the October 14 at 4:05 p.m.

Felicia Holgate, Director October 18, 2010