

**MINUTES of the Occupational Therapy Licensing Board  
Meeting (1/8/04 reschedule due to snow) January 20, 2004**

The Oregon Occupational Therapy Licensing Board met Tuesday, January 20, 2004 in Conference Room 415 of the State Office Building at 800 NE Oregon Street, Portland. Genevieve deRenne, MA, OTR/L, FAOTA called the meeting to order at 9:10 a.m. and Chairperson Greg Thielen, OT/L joined the meeting at 9:20. All Board members were present:

Greg Thielen, OT/L, Chair;  
Joyce Duong, OTA/L;

Genevieve deRenne, MA, OTR/L, FAOTA;  
Jeff Roehm, Ph. D.

There is one public position vacant. Felicia Holgate, Director was present as well as Karen Foley, OTAO President, John White, Director, OT School at Pacific University, and Jim Gores, State Budget Analyst. Rod Lemeni, Office Specialist was introduced. Tom Ruedy, Sue Nelson and Peggy Smith also attended.

**1. Minutes:** The Board reviewed minutes from the October 23, 2003 meeting. Joyce Duong **MOVED THAT THE MINUTES FROM THE OCTOBER 23, 2003 LICENSING BOARD MEETING BE APPROVED AS WRITTEN.** Genevieve deRenne **seconded** the motion, and it **PASSED UNANIMOUSLY.** (Greg Thielen absent for this portion of the meeting).

**2. List of Licensees:** Licenses issued since the last Board meeting were distributed to Board members. Genevieve deRenne **MOVED THAT THE BOARD RATIFY THE LIST OF LICENSEES ISSUED SINCE THE OCTOBER 23, 2003 BOARD MEETING.** Jeff Roehm **seconded** the motion, and it **PASSED UNANIMOUSLY.** (Greg Thielen absent for this portion of the meeting).

**3. Office Report:** The Director Felicia Holgate gave the office report, summarizing work of the Board since November, 2003: Updates on the WEB site included Q&A; Supervision guidelines; CE Activities Log Form; deleting the requirement for transcripts on applications, adding E-mail addresses; and making license verifications a "primary issuing source". Use of web statistics was distributed and the Governor's portal with license application forms was explained. Jeff Roehm suggested adding Career information to the Web site. The Director noted that approved minutes of Board meetings will be added to the Web.

Long and short term **goals** and the Director's priorities were distributed.

Jim Gores, budget analyst was present and gave a summary of the Statewide Budget Overview, addressed issues of funding, license fees as "other fees", a possible special session and semi-independence.

A **Fiscal** summary was provided by the Director. The Director's report showed expenditures of \$18,428 first quarter (July – Sept) reported at the October meeting were adjusted for an additional \$2,352 incorrectly charged to the 03 biennium. This was a first quarter payroll expenditure but charged to second quarter. Oct. expenditures were \$7,939. Nov. expenditures were \$8,355. The legislatively approved budget is not yet finalized. The original revenue forecast will be approximately \$30,000 lower than projected because there will be no fee increase until after the two year renewal period of May 04- May 06. The Director is working closely with budget analyst Jim Gores to monitor the budget.

Differences in budget have occurred primarily because (1) There are no current disciplinary matters so Attorney General costs are lower than budgeted for the first two quarters; (2) The salary of the former Executive Officer was on temporary basis with no benefits; and new Director's salary is at a lower rate.

**Public Board member** position vacant: John White, Director at Pacific University introduced Tom Ruedy to the Board as interested in the public member position. Tom has OT experience as a quadriplegic and interaction with the health system as an advocate for the disabled. The Director will meet with him.

**Voided Limited Permit:** One limited permit holder was notified their permit was voided when licensee did not pass exam. The Limited Permit was returned to the office.

**Supervisory Guidelines:** The Supervisory Guidelines are in the Board's Policy and Procedure Manual, and are on OTLB web site and are sent out regularly to members.

**Proof of eligibility for Limited Permit:** The Director asked guidance on accepting an e-mail sent by NBCOT to the applicant as proof of required notice of eligibility of applicant to take the exam. The Board noted that the Limited Permit is temporary, and there is a signed Statement of Supervision for the Limited Permit holder, and the Board confirms test results. The Board will accept an e-mail as proof of eligibility to take the exam and issue a limited permit. The Board requested the Director to notify each Supervisor when a Limited Permit holder's license expires or is voided.

**CE credits:** The Board discussed how to interpret "immediately preceding" under OAR 339-020-0030 – 0060 in relation to Continuing Education. Lapsed licensees (for up to three years) when an applicant applies near the end of the licensure period (January application with a May renewal date) must have 15 points of CE. In this case the applicant then needs another 15 points before the end of April. For regular renewals, an applicant can receive credit for classes taken in March, April, and May of 2003 until April 31, 2004 if they did not claim those hours in the earlier renewal period. The applicant also pays the full year fee. The Board interprets "immediately preceding" as what is in the best interest for the protection of the public and the applicant. The Board has some flexibility on a case by case basis to determine which CE credits apply.

**CE for New Graduates:** The Board discussed requiring CE credits for new graduates earlier than the present rule in OAR 339-020-0050 which requires the 15 points of CE during the year immediately preceding the date of the licensee's second license renewal. This will be discussed at a future meeting.

**Licensee Lists:** The Director provided information on what others charge for licensee lists.

**Cut off date:** The Director reported that the former Executive gave the full year plus a few months for a new licensee after the notifications for renewals went out in March. The Director will continue to follow this procedure for the cut-off date for issuing licenses. As new applicants finish their application process the Director notifies them that their license is only valid until May 31, 2004 and that they have the option of waiting a few months and receiving the new two-year license valid from March 2004 to April 31, 2006.

**Providing OT Services:** The Director notified the Board of several question regarding an OT feeling pressure from either an employer or from a family member to provide OT services when the OT does not feel any more services are needed. They are referred to OAR 339-010-0020 "Unprofessional conduct relating to professional competency includes: (e) Failing to provide professional occupational therapy based on evaluation of patient's/client's needs and appropriate treatment procedures".

**Optometry referrals:** A question came up from a member relating to referrals from optometrists. The OT wrote that as of January 2000, Medicare recognizes optometrists as physicians for the purposes of certifying need for OT services. The Board discussed that the Licensing Board does not require a physician referral. However, payment may require such a referral and the OT had to follow Medicare or other guidelines on that issue which was not under the Board's jurisdiction. The Board noted that the evaluation can be for an OT evaluation which addresses low vision as part of the evaluation process rather than a referral for "low vision". A board member will follow up with the OT who asked the question.

**Swallowing evaluations/treatment and intervention:** A question came up regarding swallowing evaluations/treatment and intervention. The Board discussed that OT practice can include this work if the OT has the specialized training and experience in this area. Generally the Board felt that a COTA could not provide this work because so much assessment is involved with the treatment. If the treatment plan provides for specific work that can be done by a COTA as part of the treatment plan then a COTA can do the work. However, as a practical matter the Board noted that in general this was work for an OT and not a COTA because of the need for specialization and continual assessment required during the process.

**CE Reviews online by Board:** The Director asked the Board to consider ideas for making CE reviews/audits more efficient. At the present, aside from putting the CE log form on the web, it is not more efficient to have CE logs filed online.

**Discharge Summaries:** In general it is recommended that an Occupational Therapist co-sign discharge summaries and this is common in many situations. The Board discussed this and acknowledged that in some cases when an Occupational Therapy Assistant is not adding to or amending the goals, and is simply summing up the progress, not changing the charting or planning, the Occupational Therapy Assistant can sign the summary. It was also noted that in some cases discharge summaries are not signed at all. There are great differences from one employer to the next as to what a discharge summary consists of and how it is used. In summary, the Board noted that more flexibility was needed depending on the circumstances and the content of the discharge summary. The Board concluded that an OT did not have to co-sign discharge summary in all cases.

**4. Investigations:** The Board discussed the status of:

**OT-02-03:** Duong abstained. The Director gave an update stating that a letter was sent asking whether the OTA was working, inquiring about a notarized Statement of Supervision, asking about work status and whether the OTA was taking a mandatory ethics course. (Close supervision was required for period of 20 working days and then nine months of general supervision with written documentation of the routine supervision submitted quarterly.) The OTA called the Director on Dec. 17, 2003 saying he was not working and therefore had no Statement of Supervision. He had not taken the ethics course and had nothing to report to the Board since he was not working. The Director advised the OTA to be certain to call if anything changed as to his status of work. No Board action needed.

**OT 01-03** – Thielan gave an update on the current status. This was a domestic problem, not evidence of any pattern of behavior. After the OT follows through with a court mandated course the case can be dismissed. The OT is not presently working. No Board action needed.

**LR 2-03:** A summary of civil penalties for late renewals was distributed to the Board. LR2-03 showed the Stipulated Order imposing Civil Penalties was signed and file closed. Greg Thielen MOVED THAT THE BOARD RATIFY THE STIPULATED ORDER IMPOSING CIVIL PENALTIES. Jeff Roehm seconded the motion and it **PASSED UNANIMOUSLY**.

**5 & 6. Admin changes** for two-year licensure (2004-2006) and fee changes: The Board discussed draft changes needed to issue two-year licenses, and changes to fees and will discuss this at its next meeting.

**7. Certification:** Genevieve deRenne summarized use of designations for the Board. When an occupational therapist or occupational therapy assistant first passes their NBCOT exam they are certified by NBCOT and use OT/R or COTA. If they do not renew their national certification they use OT/L or OTA/L to indicate that they are licensed in Oregon but do not have national certification. NBCOT certification is not required by the Oregon Licensing Board. However it may be required by the employer. It is the licensee's responsibility to maintain their certification. The Oregon OT Board does not keep a list of licensees who are certified after confirming their initial certification with NBCOT after taking and passing their exam.

**Support Services for Adults with Developmental Disabilities:** Genevieve deRenne discussed changes to regulations with no substantive changes affecting OT. No action was needed.

**8. OTA Conference:** Board members appreciated the opportunity for their presentations at the OTA conference in November. Licensees took the opportunity to thank Peggy Smith, the retired Executive Officer who worked on their behalf for 22 years. The next state conference is set for October 15 - 17, 2004 in Corvallis.

**9. Legislative concepts:** Board members discussed submitting legislative changes to the present OT definition. There is a proposed change to model rules on the OT definition being discussed by AOTA. The present OT definition was statutorily defined in ORS 675.210 in 1977. The Board will assign a task force with Genevieve deRenne and Joyce Duong from the Board, two members from OTA, two members from Pacific University and two practitioners from the community to study the issue.

10. The Board gave a warm welcome to **Peggy Smith**, retired executive officer of the Oregon OT Licensing Board and presented her with a Certificate of Appreciation, a cake and a gift. She received their sincere thanks for her 22 years of dedicated service to the board and OT community.

Next meeting: Thursday, April 8, 2004 in Portland  
Dates for future meetings: Thursday, July 8, 2004,  
Thursday, October 7, 2004,  
Thursday, January 13, 2005

Greg Thielen adjourned the meeting at 1:10 p.m.

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Felicia Holgate, Director,

January 22, 2004