

PUBLIC MEETING MINUTES
Occupational Therapy Licensing Board Friday April 29, 2005

The Oregon Occupational Therapy Licensing Board met Friday April 29, 2005 at the Oregon Veteran's Home, The Dalles. Board members present, were Genevieve deRenne, MA, OTR/L, FAOTA, Greg Thielen, OTR/L, Joyce Browne, OTA/L. Tom Ruedy and Jeffrey Roehm (Vice Chair) and Public Members were excused. Felicia Holgate, Director was present. With a quorum, Genevieve deRenne, MA, OTR/L, FAOTA, Chair called the meeting to order at 1:00 p.m.

1. Disciplinary/Investigations/Complaints:

In accordance with ORS 192.660(1)(k), which allows the Board to meet in Executive Session on matters to consider information obtained as part of investigations of licensees, the Board started the Board meeting with issues pertaining to disciplinary matters in Executive Session. After discussion of the matters in Executive Session the Board returned to public session and made the following decisions on disciplinary cases:

COTA Scope of Practice: As an educational meeting, Board members discussed with facility staff on April 11, 2005 the need for a clear understanding of the role of the OT and the OT Assistant, reviewed the rules and AOTA guidelines. Four areas were discussed:

- 1) Policy and procedures regarding OT and OT Assistants in place at the facility; keeping a supervision log documenting the interactions between the supervising OTR and COTA.
- 2) Treatment plans reflect the COTA/OTR collaboration by having the COTA include the name of the OTR they talked to about the change in the documentation; implementing having patients who have not been seen for four or more days be re-assessed by an OTR.
- 3) If the discharge involves more than just a summary of the patient's performance while in treatment, the OTR needs to be involved and it needs to be documented as such. In limited cases, a COTA can follow through with the discharge from OT services. However, in acute care cases where there is a discharge and reevaluation, then the OTR does need to see the patient again.
- 4) Copies of Oregon laws and rules on Supervision, a copy of the Statement of Supervision and the AOTA Supervision Guidelines adopted by the Board.

Action: The Board will have a board member revisit the facility in six months (in October) and request that they submit monthly supervision logs for that period.

OT 04-08: Patient Injury: After reviewing the investigative report, and discussing the interview of the licensee by a Board member **Greg Thielen MOVED and Joyce Browne** **SECONDED that the Board issue a public letter of reprimand to OT for use of poor professional judgment resulting in patient harm.**

OT 04-09: OT Scope of Practice (by OT in supervising OT Assistant): Action taken The Board will issue a private "Letter of Concern" to the Supervising OT concerning supervision of the OTA.

OT 05-05 Facility Review of files and COTA Supervision: Further discussion led the Board to decide to direct the Director to set up a visit by Board member to visit the facility, review the records (including plan of care, evaluation, and notes). During the visit the roles of the COTA and OTR on staff will be discussed.

OT 2005-01: Physical Capacity Evaluation. After Board discussion of the case, no action taken; no violation found.

OT 2005-02: Assigned to Board member. Investigative report pending.

OT 2005-03: Sent to investigator for report; Assigned to Board member.

OT 2005-04: Investigation pending. Assigned to Board member.

License Application of L: The Board will wait for NBCOT verification and results of revocation of other state's license for not disclosing prior crime on that state's application.

2. Minutes: The Board reviewed meeting minutes, both Public and Executive Session of FEB. 3, 2005. Joyce Browne MOVED THAT BOTH MINUTES (as modified with correction of Browne) OF FEB. 3, 2005 LICENSING BOARD MEETING BE APPROVED. Genevieve deRenne seconded the motion, and it **PASSED UNANIMOUSLY**.

3. List of Licensees: Licenses issued since the last Board meeting were distributed to Board members. There have been more COTA by endorsement from other states and more than average licensees this period.

Greg Thielen MOVED THAT THE BOARD RATIFY THE LIST OF LICENSEES ISSUED SINCE THE Feb. 3, 2005 BOARD MEETING. Genevieve seconded the motion, and it **PASSED UNANIMOUSLY**.

4. Report of Director:

The Director Felicia Holgate sends monthly office reports summarizing the work in the office. The new telephone system was installed April 1; the new number is **971-673-0198**. The new fax number is **971-673-0226**. The old numbers will be forwarded for a year. All changes have been made on the web site. Stickers are being put on stationary noting the new number, in order to save cost of printing stationary.

Licenses expired in 2005: There were 17, as of 4/27: six have paid to extend to 2006 and five has signed that they do not intend to continue their licensure in Oregon. The director will close all files by June 1, 2005.

The Director gave a **fiscal summary**. Fourth quarter allotment plans continue to show lower actual costs than predicted, showing a strong financial picture. Jan. monthly expenditures were **\$9,551**; Feb. monthly expenditures **\$9,586**; March monthly expenditures **\$7,997**. The Board continues to monitor monthly expenditures and revenues to determine its financial

situation. Sometime in the next six months the Board will need to review the finances of the Board and determine whether it can give a reduction in fees during the 2006 renewal period.

The **Board budget hearing** was held on April 18 with Felicia Holgate and Genevieve deRenne present. Members of the Ways and Means Education Subcommittee are: Senator Devlin, Chair, Senator Gordly, Senator Nelson, Senator Walker, Senator Whitsett; Representative Johnson, Representative Morgan and Representative Whisnant. The director made the presentation. Questions come up about the need for enough money in the budget to allow for unexpected case investigations and AG costs on disciplinary cases.

The Director sent a **summary of legislation** by e-mail from the LINUS state system which allows tracking of bills. The most important bills now being followed are the budget bill, the change to shared client services, and changed to administrative hearing processes. There may be amendments for consolidating health licensing boards; no language has been seen.

On line licensing renewals in 2006: Our computer data contractor is working on a small licensing renewal package designed for our small license needs to be able to renew licenses online. By March we may be ready to start online renewals. The licensees would receive a notice in the mail with a specific password for renew online (or request theirs by mail) with instructions about payment.

Questionnaires: The director gave the results of the customer service questionnaires which were sent to all those in 2004 that received a new license, those who requested a licensee list and those who had a written verification sent by the Board. The results are available at the office and from a scale of 1 – 4, with 4 being the highest. The comments giving positive feedback for the Board's responsiveness and quick service. There is no charge for written verifications and they are usually sent the same day as requested. The Director will later send questionnaires to a random sample of all current licensees to get their response.

E-mails as public records: We will receive guidance on how to retain e-mails and prepare a policy regarding retention of e-mails. E-mails are a public record.

5. Re-entry: Final proposal by Pacific and proposed rules and changes to the statute were discussed. Revisions from the first proposal change the wording to "Re-Entry" program, include specific costs; and expand objectives and methods. Pacific asked that the Board decide on the number of CE given under the program. Since the Board is revising the section on Re-entry there will not be any need for number of CE. This portion will be deleted from the Re-entry program from Pacific. The proposal will be put on the web site.

Re-Entry Guidelines: The Director worked on proposed changes to the statute and rules in the area of Re-Entry. Director did research on what other states are doing, some of whom do have "mentorship", retaking of the NBCOT examination. **The Board changing terminology from "mentorship" to "re-entry"**. The board will propose needed changes to the statute in the next legislative session on the issue.

5. Rule Changes: The following changes to our current rules were adopted by the board:

New language for new OAR 339-010-0016 Requirements for Applicants for Licensure

(1) All applicants for licensure who have passed the NBCOT certification examination and have not been licensed for up to three years will need 15 credits of board approved continuing education a year prior to becoming licensed in Oregon.

(2) All applicants for licensure who have passed the NBCOT certification examination more than a one year ago and have not been licensed for more than three years will
(a) successfully complete a Board approved Re-Entry Program specifically designed for occupational therapists preparing them for re-entry into the field of occupational therapy; or
(b) successfully retake and pass the NBCOT examination within the previous year.

(3) The Board has the discretion to waive requirement for license application requirements.

6. Changes in Mentoring rule: 339-020-0100 Mentorship

[(1) delete the whole section of mentorship between licensees and non licensees]

[2] **1** For purposes of mentorship between licensed occupational therapy practitioners, **in order to obtain CE credit they shall:**

(a) Enter into a written mentorship agreement signed by both parties that includes a detailed description of the planned and collaborative experience and the goals to be achieved under the plan;

(b) Provide written documentation signed and dated by both parties that the mentorship was successfully completed, if requested by the Board

[(b) During the mentorship the licensed mentee may practice occupational therapy if the mentree meets all the experience requirements mandated for practice at the mentorship site.]

(c) Both the mentor and the mentee may obtain CE credit under OAR 339-020-0020.

339-010-0005 Definitions

(5) “Mentorship”, as it is used in these rules, is a collaborative experience [**of no less than 40 hours**] of direct contact between [**an applicant and a**] currently licensed occupational therapy practitioners for the purpose of updating professional skills [**of an applicant**]. Mentorship may include, but is not limited to, mentee observation of the mentor’s practice, classroom work, case review and discussion, and review and discussion of professional literature.

7. Changes in Statute: The Board will submit a change to the following Oregon statute:

ORS 675.240 Qualifications for licensing as occupational therapist add:

(5) If the applicant is not currently licensed, and does not have the qualifications determined by the Board to be sufficient to practice in Oregon, the applicant must complete a Re-Entry program that complies with the rules adopted by the Board.

OAR 675.250 Qualifications for licensing as occupational therapy assistant.

(5) same as above

8. Changes to CE rules were reviewed and the following specific changes are proposed:

339-020-0000 Continuing Education Defined:

remain as is

[339-020-0010 CE Requirements for Licensure] delete – see new 339-020-0010

[339-020-0030 CE Requirements for Current Licensees] delete – see new 339-020-0010

[339-020-0040 CE Requirements for New graduate Licensees] delete; see new 339-020-0010

[339-020-0050 CE Requirements for Initial Licenses (Except New Graduates)] – delete see new

[339-020-0060 CE Requirements for Lapsed licensees (Three Years or Less)]...delete see new

[339-020-0070 CE Requirements for Non-Licensees (More Than Three Years)] delete see new

339-020-0010 CE Requirements for Current Licensees

all new language

(1) All current licensees shall obtain a minimum of 30 points of CE from Board approved categories during the two years immediately preceding the date of the license renewal.

(2) Exception: Current licensees who have had their licenses for less than two full years, but more than one year, shall obtain a minimum of 15 points of CE from Board approved categories during the year immediately preceding the date of the license renewal.

DIV 20 Administrative Rules 339-020-0020 CE Categories and Credit

Credit for CE shall be calculated on a point basis in the following categories and must relate to occupational therapy services. It is the responsibility of the licensee to demonstrate how specific classes contribute to the development of the occupational therapy skills. “Application to OT Services” (CE Log) must be included for credit. Unless stated otherwise, one point equals one contact hour. Eight to 15 required CE points must come from categories 1-11. A limit of 7 of the required CE points may be accrued from categories 12-17. **These numbers refer to a yearly total of 15 points.**

(1) – (13) remain the same

(14) Student supervision, Level I Fieldwork: [One-half point per student per week (or portion of a week) of supervision.] **One point for 8 hours.**

(15) Student supervision, Level II Fieldwork: [One point per student per week (or any portion of a week) of supervision.] **One point for 8 hours.**

(16) Mentoring; as defined in OAR-339-[020-0100]**010-0005**: One point for every eight hours contract mentoring with documentation. **Points may be obtained for both the mentor and the mentee.**

(17) Professional leadership **on a Board or Commission relating to OT** – Volunteer services to organizations, populations, and individuals that advance the reliance on and use of one’s occupational therapy skills and experiences to the volunteer setting or experience: 10 hours equal two points. Up to four points a year with documentation.

(18) Re-Entry Supervisors: Therapists providing supervision under OAR 339-010-0016: One point for 8 hours.

9. OT definition Group met on Thursday Feb. 17, 2005 at Providence. Board members include Genevieve deRenne and Joyce Browne. Other committee members were Teresa Jeardeau, Lindsey Allen, Kristin Gulick, Nancy Naishtat, and Sandra Rogers. After

discussion, the recommendation to the Board is to adopt the 2004 AOTA model definition of OT as the Oregon definition, with the necessary change in the Oregon Statute. Joyce Browne MOVED TO ADOPT THE AOTA MODEL DEFINITION OF OT (PRESENTLY DEFINED IN ORS 675.210(3) AND RECOMMENDED INITIATING THE PROCESS FOR MAKING THIS CHANGE TO OUR PRESENT LAW. The current Oregon definition of OT has been in effect since 1977 when the Board was formed and is out of date. Greg seconded the motion. The Decision was unanimous.

10. Specialties on Web site: The Director is adding sections on the web site for issues, questions and topics. Each of these sections dealing with policy or scope of practice will be first reviewed by Board members. The last of the first set of documents is the COTA Supervision questions which the director still needs to finalize with Joyce Browne and Genevieve deRenne.

A few of the next topics the director is working on is foreign trained Occupational Therapists, Temporary Agencies requesting licensing, coding issues and specialty topics...

11. Impaired Practitioners: Information was distributed to Board members. No further action is being taken at the present time. This is a good topic for future discussion.

12. Other business:

- **NBCOT conference** reset to October (much of the Saturday topic will be on foreign trained occupational therapists).

CE/Mentorship for licensee S.H: Board members reviewed her initial application and work on CE and “mentorship” with updates and approved her application for licensure.

OT Board position The Director has heard from four Occupational Therapists interested in the OT position being vacated by Greg Thielen in October. The Director talked to Nancy Goss Duran in the Governor’s office and they are not yet ready to make appointments to be filled in October. The appointment will be made though before expiration of the current position.

CE on Saturday April 30 in The Dalles: The three occupational therapist members of the Board and the Director will attend the Saturday CE session with Marc Marenco set up by the OTA.

13. Upcoming meetings:

Friday, July 15 at 10:30 in Salem. This will be Greg Thielen’s last meeting as a Board member, after serving eight years on the board. The meeting will be held at the hospital.

Friday, October 21 in Portland during the OTA conference

Proposed Board meetings for 2006: Feb. 2 Portland; **May 4; Aug 3; October** – where OTA conference is held. **Genevieve deRenne adjourned the meeting at 5:55 pm.**

Felicia M. Holgate, Executive Director May 4, 2005.