

PUBLIC MEETING MINUTES \* DRAFT \*  
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Friday Feb. 1, 2008, at Edgefield, McMenamin's in Troutdale, near Portland. Board members present were: Genevieve deRenne, MA, OTR/L, FAOTA, Chair; Joyce Browne, OTA/L, Alan King, OTR and Tom Ruedy, Public Member with Thomas Kasche as his helper. Jeffrey Roehm, Public member, Vice-Chair was sick and excused, though he did participate in the discipline portion of the meeting and part of the strategic planning by speaker phone. Felicia Holgate, Director was present. With a quorum present, Genevieve deRenne called the meeting to order at 9:40 a.m. Robert Bond, who will be appointed in March as the new public board member replacing Tom was also present at 11 am and during the strategic planning.

**1. Minutes:** The Board reviewed Public meeting minutes, of October 12, 2007. Joyce Browne MOVED THAT THE PUBLIC MINUTES OF OCTOBER 12, 2007, MEETING BE APPROVED. Alan King SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed confidential October 12, 2007 meeting minutes. Alan King MOVED THAT THE CONFIDENTIAL MINUTES OF OCTOBER 12, 2007, BOARD MEETING BE APPROVED. Joyce Browne SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed the October 22, 2007 confidential emergency teleconference minutes. Joyce Brown MOVED THAT CONFIDENTIAL MINUTES OF OCTOBER 22, 2007, BOARD MEETING BE APPROVED. Tom Ruedy SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

**2. List of Licensees:** Licenses issued since the last Board meeting were distributed. Joyce Browne MOVED THAT THE BOARD RATIFY THE LIST OF LICENSEES ISSUED SINCE October 12, 2007 BOARD MEETING. Genevieve deRenne SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT. Currently there are 1589 licensees; 263 OT Assistants and 1326 OTs.

**3. 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. There were three cases discussed during closed session.

- **OT 2006 – 01 Probationary License:** Status report; licensee not working; no action.
- **OT 2007 – 02** Issues of OT and PT: The complaint came in to both the OT and PT Boards. After considering all facts the board took no formal action on the complaint.
- **OT 2007-04:** The board reviewed the complaint and considered the report. This was the issue before the board during its confidential telephone conference October 22, 2007. The report was discussed and no action was taken at this time; the case was continued.
- **OT 2007-06:** The board reviewed the complaint and considered the report regarding confidentiality issues. No action was taken at this time; the case was continued.

**4. Report of the Director:** Director, Felicia Holgate continues to send monthly office report summarizing the work in the office. There has been a lot happening at the Board office.

**Budget Review:** The Director gave a **fiscal summary**. Monthly expenditure statements are scanned and sent to the Board members for review. The Board reviewed monthly expenditures and discussed the financial situation. Our Legislative Approved 2007-2009 Budget for \$290,133 comes to an average **monthly amount of \$12,088** to spend.

The Expenditures in **2007** were: **September \$9,710; October \$9,954; November \$8,784 and December \$10,789.** We are spending under the average \$12,000 a month allocated.

Final revenues in 2007 are for **September \$ 2,800;** for **October \$ 3,048,** for **November \$2,187** and for **December \$1,812.** The holidays and end of the year are slow for new applications. The revenues also drop as we use up income and prior to renewals (when we get about 3/4 of our total income for the biennium). **Interest Revenue** used to be at \$1500 per month, and now is at \$1232 month of December. Interest income will continue to drop each month until our revenue comes in for renewals in April, May, June 2008 at which point interest income will increase to over \$2,000 a month.

The unofficial ending balance for the OT Licensing Board is \$235,000. We expect income for renewals to be approximately \$240,000. Revenues after May, 2008 will increase due both to the increase in monthly interest income after renewals and new applications coming in. The projection for income for 07-09 is over \$300,000 which is about the same as the projected amount prior to the reduced renewal fees, because we have more licensees than we expected when these projections were made in 2006. The board financial situation continues to be stable.

Due to the age of the majority of OTs, the board reviewed long term projections which will probably level off or drop in the next 4 – 10 years as need for occupational therapy continues to grow but a large percent of occupational therapy may retire as they will be in the over 55 age group.

#### **Other Issues:**

Director Classification: Felicia Holgate, Director thanked the board for the extra step increase. On January 25, 2008 the Acting DAS Director Kris Kautz agreed to meet with directors in the “Executive Officer” classification. Susan Wilson, DAS Administrator, Human Resource Services Division confirmed: “Because of ongoing discussions about management service classifications and other considerations, DAS has not been in a position to address those specific concerns . . . is proposing that we abolish the classification of Executive Officer . . . to remove outdated classifications . . . the positions within that classification must be allocated to other classifications. That is done on a position by position basis to find a classification that best encompasses the unique responsibilities of each job. It is possible that not all of the positions will end up being allocated to the same classification. The compensation for the position will be . . . established for the classification to which the position is allocated . . . Because this is being done through a classification abolishment and allocation process, it will not require the use of permanent financing /position authority. It does mean that any increase in salary costs must be covered within the agency’s budget. Our goal is to have the allocations done by mid-April . . . [and] insure that the new classification is included in the base for the 2009-11 Governor’s Recommended Budget.”

The Director Felicia Holgate, will work with the DAS personnel and board Chair to determine an appropriate classification for the job duties of the position. Director Holgate thanked the board members for their continued support of the effort for proper classification in the last several years.

Customer Satisfaction Survey and Comments: The Director continues to provide the board with comments received. Although positive comments are always appreciated, the comment about not being able to find an application on the web site gives direction to the Director to find a better way on how to find specific applications for those not computer savvy; for example make clearer to scroll down and when to click to open a new document showing specific application forms. Specific comments are more helpful in helping improve the work of the board.

OTA Statements of Supervision were sent out to all Assistants (with info about Pain Management) by mail the first week of January. We are getting many returned now with questions about CE and will accept all Statements that are dated in 2008 for the May renewal.

Notarization of Statement of Supervision: A question was raised by Joyce Browne, OT Assistant member of the Board as to why the Statement of Supervision must be notarized. Since there has been more emphasis on the collaborative work between the Supervising OTR and the COTA, and the review of AOTA guidelines, the Board decided the notarizing of the form will not be continued after the 2008 renewal. The board will discuss this at the April Board meeting.

Board members and training: The board needs for one more new public board member to replace Jeff Roehm whose last meeting will be in April, 2008. The Director will advise Bob Bond and Joyce Browne (who has not had the Governor's Board member training) of date of the next training held.

Board membership for OT Assistant: Joyce Browne raised the issue that upon her ending time on the board there should continue to be an Assistant on the Board. The important contribution of the Assistant perspective was acknowledged by the board. ORS 675.310 indicates by law that there are three Occupational Therapy members on the Board. The Director will bring a policy or rule back to the board at the April meeting that an Assistant continue to be appointed to the board as the third professional Occupational Therapy member of the board.

Pain Management: The 1 hour Pain Commission class has improved and there is now one separate slide for OT on the online presentation. A copy was provided to the board. The Director advised that Occupational Therapist, Marcel Gose, recommended by John White, contacted the Pain Commission about being an OT member of the Statewide Commission of this Governor's Board.

Status of Online Renewals: Information of what the "interface" will be like was provided to Board members. The board needs a rule, but at this point a board policy, that renewal fees will be non refundable. With credit card payments a uniform policy is needed for all licensing boards. Other boards already have a rule or policy that says the renewal fee is non refundable.

Tom Rudy MOVED THAT THE BOARD ADOPT A POLICY THAT RENEWAL FEES WILL BE NON REFUNDABLE. Joyce Browne SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT. The Director will propose a rule change at the April board meeting.

Posting of CE on the OTLB web site: The Director noted that providing information about CE on the web site is a service that is a good benefit for licensees and worth the time it takes the Director. The Director will start posting classes at Pacific University and OTA/O, with links to their sites. OTLB will make an effort to provide information about all free CE we hear about. The Director talked to Sybil Fisher, President of OTA/O and will work with OTA/O to clarify for licensees the difference between the licensing board and the Association. The Director will work with OTA/O to provide information on CE of benefit to all licensees and OTA/O. There may also be links to other sites where CE is provided.

Posting jobs on web site: The Director will refer to specific web sites with links to OT Association of Oregon web site where job postings are provided.

5. Scope of Practice Question: The Board will continue to look at the issue of a licensee working as a surgical assistant and check about the “Stark laws” and report back to the Board.

Lunch provided to the board: This was Tom Ruedy’s last meeting as public member of the Board. During lunch Tom was presented with a certificate of appreciation for his work on the board.

6. Strategic Planning: The board reviewed the strategic plan from 2003 and information provided on many issues for consideration by the Board. The Board was fortunate to have Mr. Bob Bond attend this meeting since he will be a member by March, 2008 and has input into the strategic planning. Mr. Bond is currently also on the Pacific, School of Occupational Therapy board with good insight into many Occupational Therapy issues.

Information was reviewed including what former board members, the Association and Pacific University suggested, ways to deal with impaired practitioners, statistics and workforce needs assessment. There was also information about temporary or rehabilitation contract companies. The Board considered whether some licensees with “issues” end up working with companies where they get less rather than more supervision and move around working at several facilities when it would be better for them to work at one with more supervision and stability. Licensees may work for these companies because they get paid more and have flexibility with part-time work; but productivity is a big focus, and working with SNIFs (Senior Nursing Facilities) can be a place to “hide” marginal therapist who may have had issues which resulted in their losing their position at other facilities.

The Board talked about the issue of criminal background checks, who has to do them, who pays for them and what that requires. The Director will provide the board with information at the April board meeting. Discussion also included how often applicants can take the NBCOT examination. The director will check whether states are notified when an applicant is retaking the exam.

Joyce Browne and Alan King attended the NBCOT conference and discussed what they learned about rule writing, and a different way to view the discipline process: “Using the Disciplinary Action Process Constructively to Improve the Quality of Care” with an educational perspective placing the responsibility on the licensee. There are ways to empower the board and not just refer to AOTA guidelines but to take positive action on discipline and see outcomes.

Another area discussed by NBCOT is “Boundary Violations in Professional-Patient Relationships”. The Director received the NBCOT documents about confronting behaviors by having a licensee write an

explanation about their behaviors to see if there is an understanding of potential harm and whether the licensee recognizes that there are problem with their behavior; and having some kind of assessment made. (The process outlined in the NBCOT materials can include a program of an outside evaluation, therapy, education, suspension, limited practice, clinical supervision, probation or community service). The process can also include having the licensee appear before the Board.

The Board started by coming up with Internal Strength and Weaknesses; and External Threats and Opportunities. These key results were then put into three main categories. The following chart shows what was included:

**KEY RESULT** OTLB Board Meeting Feb 1, 2008

<b>EDUCATION</b>	<b>COMMUNICATION</b>	<b>OPERATIONS</b>
Functionality/ Integration Look globally at patients Need an OTA School in Oregon Education: OT Masters vs. OTA Assoc. Education of OT in Management OT Masters Educ vs. PT Dr. level Profession is asleep Who is the gatekeeper? Work with AOTA NBCOT re Educ issues Teach ethical education issues with students and therapists How PT competition affects OT prof How OT profession positions itself	Board Relationship with: OTA, Pacific U, NBCOT & Professional members Importance of clearly defining roles: Board, Pacific U, OTA Importance of legislature and laws Issues in contract rehab settings Accessibility to & from Board Provide quick responses to Qs	Technology: continue to Streamline Strength: good working OT Board Retiring OTs: Shortage coming b/c of Age Budget in good shape Board not take on too much Review of Licensing & Discipline Process: Have criminal Background Checks ? Education instead of Punishment (NBCOT) Should we have Oregon Jurisprudence Test?

The board reviewed each category and evaluated the Current Reality and the Roadmap for 2008 – 2012. The work ended with a Vision of where the Board wants to be in each area by 2012. The chart on the following page shows the results:

**7. Other Business:**

CE on Lymphodema: The video and information is for lay persons, not at the “educational” level required for CE credit. It does not advance therapy knowledge at an appropriate level.

OT in Private Practice: The Board can provide information to OTA about the 192 licensees who indicated they are in “private practice” and help with an e-mail questionnaire. The Director will continue to work with the Association and Board Chair on this issue.

**Upcoming meeting proposed for 2008 meeting dates.**

**Fri. April 25, 2008** – Portland; renewals, CE audits; draft rules on pain and education

**Fri. July 25, 2008** - Seaside; at OT facility for meeting; community meeting; Pain CE Friday or Sat.

**Fri. October, 2008** – Salem at OTA conference

Meetings in 2009: Can we schedule the April, 2009 meeting at Pacific University.

Genevieve DeRenne adjourned the meeting at 4:30 p.m. Felicia Holgate, Director on **Feb. 7, 2008**