

**PUBLIC MEETING MINUTES**  
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Friday **May 4, 2012** in Portland at the State Office Building, Room 445, 800 NE Oregon St. Board members present were: Alan King, OTR/L, Chair; Robert Bond, B.A. public member and Vice-Chair; Mashelle Painter, B.S., COTA/L; Linda Smith, OTR/L, and public member Mitch Schreiber. Felicia Holgate, Director was present. With a quorum present, Alan King called the meeting to order at 10:00 a.m.

Also attending to make presentations were Linda Hunt, and Sandra Pelham Foster from Pacific U. School of OT to present at 12:30 on OT in elder care; Jim Heider presented on Semi Independence Board, and Karen Hass, representative from OTA/O, the state Association. Consultant DeRenne was present at 10 am during consideration of a portion of the confidential discipline cases. Also present was Christine Van Osdol.

**Board member appointment:** This is last meeting of public Board member Mitch Schreiber. He was presented with a gift from the Board members. His service on the Board was greatly appreciated. The Director is following up with an interested public member to replace Mitch Schreiber. The Governor's office reappointment of Robert Bond to a second term is still pending.

**1. Minutes:** The Board reviewed Feb. 3, 2012 Public meeting minutes. Robert Bond MOVED THAT THE PUBLIC MINUTES OF Feb. 3, 2012, BOARD MEETING BE APPROVED. Mitch Schreiber SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed Confidential Feb. 3, 2012 meeting minutes. Mashelle Painter MOVED THAT THE CONFIDENTIAL MINUTES OF Feb. 3, 2012 BOARD MEETING BE APPROVED. Robert Bond SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

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

**3. 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 is in good financial shape.

**2012 Expenditures:** **Jan. \$12,052; Feb. \$13,594; March, \$13,423.** The Board has an average budgeted amount of \$15,000 per month. Note: expenditures for Feb. and March include costs for temporary employee to fill in while Gayle Shriver was out on leave.

**2011 Revenues:** **Jan. \$1,020 9; Feb. 1,543; and March \$79,139** mostly from renewals.

**RENEWALS:** March 1, 2012 there was a total of 1864 licensees (295 OTA and 1568 OT).  
May 1, 2012 there was a total of 1871 licensees (297 OTA and 1574 OT).

As of March 1 we had 20 who had confirmed they are Not Renewing their 2012 license renewal.

As of May 4 we had 103 who had confirmed they are Not Renewing their 2012 license renewal. On March 31 we had issued 126 licenses for 2012 - 14. The end of April we had 1560 licenses which expired May 31, 2014 (this included those who renewed and new licenses issued since March 1, 2012. In the past we had 10 – 13 % of licensees not renew their license.

In the Agency 2011- 13 Budget, the Director projected an estimate of over 1700 licenses by end of 2012. We projected a total of approximately 1640 renewals by June 1. We estimate 15 – 25 new licenses issued per month.

**New 10 year Enterprise Oregon:** The State of Oregon has a new budget process in addition to the Legislative DAS budget process we have done in the past. A 3-4 page proposal for our Agency is due June 1, 2012. Proposals will go to the public member Safety “buying teams”, and after deliberations, these teams will make recommendations on spending to the Governor. We do not know exactly how “other funds” will be dealt with in this process.

**CE Questions and Audits:** The CE Audits were scanned and mailed to Board members for review and approval before licenses are issued. The Board affirmed that all new licensees must complete the Pain CE even if they work in the area of pain management. It is a legislative requirement and must be fulfilled. The Board audits 5 % of renewals plus some mandatory audits required by the Board. In general the Director and Board members said the quality of CE was good.

**Cultural Competency:** The Director is serving on a state committee dealing with research on how the state might provide Cultural Competency education for Oregon health professionals.

**Pain Management CE:** We track the Pain Management for all those new applicants who have not completed it since 2010. The Director asks each therapist that finishes their Pain CE to notify the Board so it can be noted on their data base. If it marked as done, that will already be noted on their online renewals.

**State web site training:** The conversion to the new web site is completed. Working on the new web site program Share Point is much easier. The changeover is only on the back end and did not change how the public sees the web site at [www.oregon.gov/otlb](http://www.oregon.gov/otlb) .

**Draft of Ethics/Law Exam:** The draft exam was “tested” on OT Assistant students at Lynn Benton CC and was “tested” on Pacific students. Director will take all the comments to have a final review of the exam and then explore how to have it online through our IT staff or the state’s I Link program.

**4 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 were considered:

- **Renewal cases:** All YES to History questions were reviewed in executive session.
- **OT 2009 – 09:** Applicant license reconsidered after withdrawn, and issued
- **OT 2010 – 11:** Applicant license reconsidered after withdrawn, and issued

- **OTA 2011 - 05:** Renewal license issued.
- **OT 2011 - 06:** File closed.
- **OT 2011 - 07:** License issued
- **OT 2012 – 01:** Case continued
- **OT 2012 – 02:** Report considered and no formal action taken.
- **OT 2012 – 03:** Reinstatement applicant with DUI – case continued
- **OTA 2012 – 04:** Supervision issue

**5. Proposed Rules:** The Board had no oral or written comments submitted to the proposed rules on the Ethics/Law exam and doing background checks such as LEADS. Linda Smith MOVED and Robert Bond SECONDED THAT THE PROPOSED RULES BE FOMRALLY ADOPTED. THE MOTION PASSED WITH APPROVAL OF THE FULL BOARD. The Director will file the final rules through the Secretary of State’s office.

**Lunch:** Board members and Director continued work through lunch

**6. At 12:30 A presentation by Linda Hunt on use of ACL for discharge decisions**

Linda Hunt appeared and presented with Sandra Pelham Foster from Pacific University: A power point presentation and materials were presented to the Board about how OTs use Allen Cognitive test results, and make recommendations on care for seniors. The presentation brought concerns to the Board about how Allen Cognitive “numbers” are being used in appropriately. The conclusions on how to use Allen Cognitive numbers have not been validated by research and the test was not intended to be used on its own. It is only one tool out of many others to be used when making decisions. OTs are not required to be certified to give the test.

Fieldwork students are coming back to Pacific with questions about how OTs are using the AC numbers in making discharge decisions that may not be appropriate, or in the best interest of the patient. Several articles about OTs role with seniors and advocating for patients were reviewed. These included:

- “The Relationship of the Allen Cognitive Level Test to Cognitive Abilities and Psychopathology”, Sandra K. David, Will T. Riley, American Journal of OT, October 12, 1989
- “Women with Disabilities’ Experiences in Long-Term Care: A Case for Social Justice”, American Journal of Occupational Therapy, Susan Magasi and Joy Hammel,
- “Predictive Validity of the Large Allen Cognitive levels Test (LACL) Using the Allen Diagnostic Module (ADM) in an Aged, non-Disabled Population”, Deborah Roitman, and Noomi Katz, Physical & Occupational Therapy in Geriatrics, Vol 14, 1996 the Hawarth press, Inc.
- “Care of the Elderly, Allen’s cognitive level with people who are dementing”, M Catherine Conroy, British Journal of therapy and Rehabilitation, 1998.

- “Mental capacity assessments and discharge decisions”, Robert Stewart, Peter Bartlett, Rowan Harwood, Oxford University press on behalf of the British Geriatrics Society, Age and Aging, 2005.

The Board will continue to discuss this issue further at their next meeting and the Director will work with Linda. Hunt to determine how to prepare Best Practices for this area of practice.

**7. CE Questions and Renewal audits:** As reported in the Director report, issues on Pain CE, audits done for renewals were discuss. The Board agreed with a therapist who wrote to recommend that if an OT is audited for the 3<sup>rd</sup> time, they can advise the Board and ask that they be taken off that year’s random audit of their CE.

**8. Semi Independence Presentation:** James Heider, Director of the PT Board, and one of the Semi Independent agencies, presented on Semi Independence for health boards. The White Paper was provided and he answered all the questions on how the Semi Boards work. This gave the Board members a good perspective on how Semi Boards works, including the advantages and disadvantages.

If a legislative bill comes up in the next legislative session, the Board is ready to support having the OT Licensing Board become semi independent. The Director will take the next step, and work with other health licensing Boards, to change status to Semi Independence if the issue comes up in the 2013 legislative session. The OT Association of Oregon also supports Semi Independence for the reasons outlined in the presentation.

### **9. Scope of practice Question:**

An OT and a Naturopathic Doctor asked about whether an OT can be hired by the doctor to help in dealing with patients with chronic disease (Crohn’s and Ulcerated Colitis), to visit patients at home after the doctor prescribes a specific diet. The OT would help the patient make major lifestyle changers and help in how they deal with new eating habits. The doctor wishes to contract with the OT, who would work with the patient and strategize how to make major changes in lifestyle and how to follow the doctor prescribed diet.

The Board pointed out that making specific dietary recommendations is not within the scope of the OT and confirmed that this would need to be done by the doctor. However, the OT can focus on the occupational performance and teaching a program that would increase quality of life, independence and wellness. The OT can work on helping with aspects of how the patient would cook and plan meals as prescribed by the doctor, develop strategies and techniques to relieve or manage stress, and work on how behavior, habit and routine impact lifestyle, and how to make adaptations to create an effective treatment plan.

The critical issue is documentation and demonstrating the OT works closely with the naturopathic doctor. The OTs evaluation would need to show the occupational performance problems identified and how they were addressed. Appropriate documentation would be essential for billing.

### **10. New Business:**

1. **Board Best practices:** The Board members each filled out the questions for the key performance

Measures (KPM) dealing with board functions. The summary is available at the board office and results show that the Board complies with each area of performance including:

- Executive Director's performance expectations are current
- Executive Director received annual performance feedback
- The agency's mission and high-level goals are current and applicable
- The board reviews the Annual Performance Progress Report
- The board is appropriately involved in review of agency's key communications
- The board is appropriately involved in policy-making activities
- The agency's policy option packages are aligned with their mission and goals
- The board reviews all proposed budget
- The board periodically reviews key financial information and audit findings
- The board is appropriately accounting for resources
- The agency adheres to accounting rules and other relevant financial controls
- Board members act in accordance with their roles as public representatives
- The board coordinates with others where responsibilities and interests overlap
- The board members identify and attend appropriate training sessions
- The board reviews its management practices to ensure best practices are utilized

The Board also reviewed the agency customer satisfaction survey and all comments received in the last 2 years. **The satisfaction results are very high.** The results with all comments are available in the Board office. There is no way for the Director or Board to identify who fills out the survey unless a person identifies themselves in the Comments section.

**AOTA Physical Agent Modalities:** The new ATOA statement on PAM was considered. Mashelle Painter MOVED and Alan King SECONDED TO FORMALLY ADOPT THE AOTA STATEMENT ON PHYSICAL AGENT MODALITIES. THE MOTION PASSED WITH ALL IN FAVOR.

**Animal practice:** This is an area of OT practice. The Director sent the recent AOTA document on OTs practicing with animals and confirmed that this is within the scope of OT practice in Oregon. The OT should follow best practices outlined in the AOTA document.

**The meeting was adjourned at 4:10 p.m. by Chair Alan King.**

**Meeting Dates for 2012:** Friday August 10 – 11<sup>th</sup> with Board strategic planning at Salishan, at the Government rate. OTA conference the end of Oct. 2012 in Hood River – with Board presentation Friday, Nov. 2 Board meeting in Portland

**Proposed dates for 2013**

Friday, Feb. 8, 2013; Friday, May 3, 2013; Friday, August 9, 2013; Appearance at October, 2013 OTA conference the end of October; and Friday November 8, 2013

Drafted Felicia Holgate June 18, 2012