

PUBLIC MEETING MINUTES
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met **Friday November 15, 2013** at the Portland State Office Building, Room 618-10, 800 NE Oregon St. Portland

The Board members present were: Robert Bond, B.A. Chair and public member; Mashelle Painter, COTA/L, Vice Chair; Linda Smith, OTR/L, Juanita Shepherd, public member, and new Board member Sybil Hedrick, OTR/L, CHT, whose appointment was confirmed in March. Felicia Holgate, Director was present. Genevieve deRenne was present for a portion of the morning meeting dealing with several disciplinary cases. With a quorum present, Robert Bond called the Friday meeting to order at 10 a.m.

1. Board: Welcome to new Board member Sybil Hedrick: Sybil's appointment was confirmed by the Senate in September. This is her first board meeting.

NBCOT conference attended by Juanita Shepherd: As a new Board member Juanita learned a lot at the conference and gave a brief summary. The topics included Professional Boundary violations, Health Care Reform, social Media and Regulation, License Portability, and Anti-Trust implications for state Licensing Boards.

OTAO Conference: The OTAO conference was attended by Mashelle Painter, Linda Smith, Juanita Shepherd, and staff Felicia Holgate and Nancy Schuberg. The Board's presentation by Melissa Soll during Friday lunch was positively received. The Board had a poster presentation (which needs to be upgraded) and attended the Friday evening event. Licensees had a chance to ask questions of the board members and staff. Felicia Holgate received an Award of Appreciation from OTAO.

2. Minutes: The Board reviewed the special teleconference on Monday August 14, 2013. A MOTION WAS MADE BY LINDA SMITH AND SECONDED BY ROBERT BOND TO APPROVE THE PUBLIC AND CONFIDENTIAL MINUTES OF AUGUST 19, 2013. IT PASSED WITH ALL PRESENT, EXCEPT SYBIL HEDRICK WHO WAS NOT PRESENT AT THE LAST MEETING AND DID NOT VOTE.

The Board reviewed the special teleconference on Monday October 14, 2013. A MOTION WAS MADE BY LINDA SMITH AND SECONDED BY JUANITA SHEPHERD TO APPROVE THE PUBLIC AND CONFIDENTIAL MINUTES OF OCTOBER 14, 2013. IT PASSED WITH ALL PRESENT, EXCEPT SYBIL HEDRICK WHO WAS NOT PRESENT AT THE LAST MEETING AND DID NOT VOTE.

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 fiscal shape.

2013 Revenues: July \$3,431; August \$3,291, and September \$2, 801.

2013 Expenditures: 13th month, \$2,521 paid in July but from services from June in the last biennium: **July \$12,356; August \$13,784; and September \$13,312.** The Board has an average budgeted amount of \$15,000 per month. There is an increase in Personal Services expenditure

for adding hours to Nancy Schuberg. Services and supplies are normal. The Director will check what the \$50 refund for OTA Reciprocity out of state was for on the September accounts.

As of November 14, 2013 there were 380 OT Assistants and 1684 OTs for a total of 2064 licensees. We issued approximately 21 licenses per month. There are currently 14 applicants and two Limited Permits left (1 OTA and 1 OT). The list of licenses to ratify will show how many of the new Initial licenses issued for those who just graduated were from Pacific and Linn Benton CC. Four did not pass the NBCOT exam. One already retook the exam and passed and one that retook the exam did not pass the second time.

Secretary of State Audit: The Secretary of State audit was conducted on August 15 with the Director, staff, Nancy Schuberg, and Board consultant, Genevieve deRenne. The Director provided the auditors with the following: Board Policies and Procedures; Desk Manual and updates; monthly office reports; prior HRLB audit, Delegation of Authority, Discipline Matrix, survey results, workforce data graphs, Board member training manual. The team wanted to know how the Board knows the Director is doing the work that needs to be done and how the work is being done mostly in terms of issuing licenses and dealing with complaints. The SOS office also spoke to Alan King, Board Chair.

The Health Related Licensing Board Directors received a preliminary oral audit summary to the board directors on Monday September 30, 2013. The audit saw “no glaring problems” and will focus on differences of how work is done between boards and what best practices might be considered by all our boards. It will still be months before the final audit report is complete, but we will see a preliminary report to comment first.

Ethics Law Exam now online: The Director worked on a study Guide. Nancy gave a demonstration of the exam and how results are tracked. An applicant who passes the exam gets notice that they passed. An applicant who does not pass, gets a list of questions they got wrong. The Study Guide gives a review of what the questions are asking and has in bold where to find the answer. An applicant puts in their name, e-mail and last 4 of the SS #. An e-mail goes to the Director with the results. They will be marked as done on the application file and kept in a file. The exam and study guide information was sent out in the September newsletter and posted on the web site. The Law Ethics exam will be required for all applicants on January 1, 2014. The Board also will provide a free CE for current licensees who take the exam.

Citizen’s Advocacy Center: Felicia Holgate, Director attended a CAC conference in Seattle entitled “Regulation’s Impact on Access to Safe Affordable Care” on October 29 – 30th. Topics included Scope of Practice Restrictions Limit Access to Care, Good End of Life Care; Degree Creep and who benefits; business restrictions, Anti-Trust and Access to Care.

NBCOT: At the CAC conference Felicia talked to Paul Grace who is the CEO of NBCOT. He plans to visit the west coast in January. The Director asked him to consider coming Friday Feb. 7, 2014 when the Board is meeting and he thought he could. This will be added to our Agenda.

OTA Supervision: There is a follow up to the question that came up at the last Board meeting about having an OT supervise an OT Assistant who is their spouse. The specific situation was in fact due to a weekend hardship when there was no other OT present. It was only for one day

until another supervisor was present on Monday. Both the therapists and facility know this is not best practice and not recommended.

Legislation follow-up:

DMV reporting and civil liability legislation: The Director sent information out to licensees in the September newsletter and the Board about the new 2013 law that gives civil liability to health care providers reporting a person with cognitive or function impairments to the DMV. This information is added to the web site.

OT and PT mandatory reports of child and elder abuse: We just noticed that DHS had not added OT and PT to the list of mandatory reports on their web site though the legislature several years ago added us to the list. We contact DHM and were advised they will make the change. The web site on our web site is on the right menu under Current Topics with information on “Elder and Child Abuse OT Mandatory Reporting”.

SB 604: Credentialing: There is a group meeting about a new mandatory one state credentialing organization which will require licensing boards to provide information to the Oregon Health Authority credentialing group data base by 2016. The Director is following up and Directors have expressed concerns about the type of information and how we would provide the information to OHA.

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:

- **OT 2011 – 07:** A MOTION WAS MADE BY LINDA SMITH AND SECONDED BY SYBIL HEDRICK TO DISMISS THE CASE. ALL THOSE PRESENT VOTED IN FAVOR OF THE MOTION.
- **OT 2012 - 08:** The case was Continued
- **OT 2013 – 01:** The case was Continued
- **OT 2013 – 03:** The case was Continued
- **OT 2013 – 05:** The case was Continued
- **OT 2013 – 06:** The case was Continued
- **OT 2013 – 08:** The case was Continued
- **OT 2013 – 09:** A MOTION WAS MADE BY LINDA SMITH AND SECONDED BY SYBIL HEDRICK TO DISMISS THE CASE. ALL THOSE PRESENT VOTED IN FAVOR OF THE MOTION.

- **OT 2013 – 10:** A MOTION WAS MADE BY JUANITA SHEPHERD AND SECONDED BY ROBERT BOND TO SEND A LETTER OF CONCERN. ALL THOSE PRESENT VOTED IN FAVOR OF THE MOTION.
- **OT 2013 - 11:** Continued LEDS: No action
- **OT 2013 – 12:** Continued LEDS: A MOTION WAS MADE BY MASHELLE PAINTER AND SECONDED BY ROBERT BOND TO TAKE DISCIPLINARY ACTION FOR A PROBATIONARY LICENSE. ALL THOSE PRESENT VOTED IN FAVOR OF THE MOTION.
- **OT 2013 – 13:** Continued LEDS: No action
- **OT 2013 – 14:** The case was Continued
- **OT 2013 – 15:** The case was Continued
- **OT 2013 – 16:** The case was Continued

LEDS cases were summarized and discussed. Several are already on the board case files.

Several applications with Yes to History questions were reviewed by the Board and these applications were reviewed and then will be ratification by the Board.

5. Ratify List of Licensees: Note, this Agenda item was moved to after the disciplinary cases since they include some applications that need to be ratified by the Board. A MOTION WAS MADE BY ROBERT BOND AND SECONDED BY JUANITA SHEPHERD TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE MAY BOARD MEETING. THE MOTION PASSED WITH ALL PRESENT.

Lunch: Board members continued the meeting during lunch.

6. CE issues:

- **Cultural Competency Policy Statement:** A draft policy statement was reviewed by the board and was adopted to be added to the Board Policy and Procedures Manual:

CE in cultural competency is considered relevant for the current practice of Occupational Therapists and may be used toward satisfying the required CE hours.

The Occupational Therapy Licensing Board's mission is to regulate the practice of occupational therapy in a way to promote access to safe, quality care for all Oregon citizens. Oregonians are growing increasingly diverse, and inequities in access to quality health care continue. Health care practitioners work more effectively when they understand cross-cultural situations, and are more responsive to the needs of Oregon's socially and culturally diverse communities.

Cultural competency is relevant to the current practice of all licensees, and licensees may use this type of continuing education toward satisfying the required CE hours for licensure. Cultural competency continuing education is a life-long process of examining values and beliefs while developing and applying an inclusive approach to health care practice in a manner that recognizes the context and complexities of provider-patient interactions and preserves the dignity of individuals, families and communities. Continuing education in cultural competency should teach attitudes, knowledge and skills to care effectively for patients from diverse cultures, groups and communities.

In order for Oregon to achieve the triple aim of improving health, improving care, and lowering cost, providers must be responsive to the needs of diverse populations. The Oregon Health Authority's Office of Equity and Inclusion helps provide information about and trainings in cultural competency as one tool to improve health outcomes and enhance patient safety.

The Board will try to provide information on available classes, especially those at low or no cost on the OTLB web site to help promote classes and trainings.

- CE for Retreat: An OT asked whether she can count a retreat she took through the Center of Courage and Renewal, to “revamp/reboot” herself, and to realign herself with “why she does this very intense necessary work”, as an OT. She stated that the workshop provided her with “the space to articulate why I went into this field in the first place and why it holds great value to me to be an occupational therapist” and it increased her “creativity, well being, time management, and overall effectiveness as a therapist in the school system”.

The Board considered the information and agreed it was valuable to her, but this would not count as CE for the OT Board. They noted how many OTs take more than the minimum 30 points of CE. This retreat is more of a “self help” that is positive and valuable and could well impact and improve her practice, but will not count for CE, which needs to be more direct practice-related topics. Perhaps she can do a poster presentation for the next OTA conference.

CE by 2011 graduates: All licensees must have 30 hours of CE in the last 2 years, unless they graduated and took the exam. The 2013 grads will not need any CE for the 2014 renewal. The 2012 grads need 15 points of CE but they can take it anytime in the last 2 years. The 2011 grads need 30 points. Can they count CE they took in 2011 in their first year of license? No, the Board considered the questions of 2011 grads and decided CE will not count unless it is 2 years prior to renewals which will mean these 2011 grads can count CE from March, 2012 toward their 2014 renewal. They noted that many OTs have much more than the minimum CE requirements.

7. Web Site Updates: New Ethics Law exam and other changes: Nancy Schuberg summarized and showed the Board members in the Director's office some of the changes made to the web site. She reviewed the new complaint form she drafted, the study guide and Ethics/Law exam, the article by Mashelle Painter on OT Assistants, which was added the supervision documents, the legislative change giving civil immunity for reporting patients to the DMV and mandatory reporting of elder and child abuse.

8. Key Performance measures: Review with Board the four key performance measures that the Director works on for the budget:

Customer Satisfaction: Percentage of customers rating satisfaction with agency's customer service as good or excellent in overall customer service and in timeliness, accuracy, helpfulness, expertise and availability of information, is in the 98% range.

Board Best Practices: The board met all criteria for best practices. Members review the criteria for best practices yearly since 2006 and complete evaluation of board standards. New criteria were reviewed in July, 2008 and accepted. The Board reviews Best Practice criteria each year. Their latest was in May 2013.

Timely Issuing of licenses: This measure gives the percentage of licensing application processed within target of five days after receipt of all required documentation. It is rare that a license is not issued within 3 days.

Timely Complaints reviewed by Board: The measure shows the percentage of complaints brought before the board for consideration within 120 days of receipt of complaint. Since the Board has few complaints, about 8-15 complaints a year, the Board investigates and resolves complaints that come to the Board's attention quickly. The Board takes appropriate disciplinary action if licensees are found to be in violation of state regulations. Some complaints do not violate statutes or rules (i.e. they are personnel matters, which need to be resolved by the employer) so are beyond the scope of the Board's jurisdiction. The Board suspends, puts on probation, reprimands and takes other non public action such as requiring education, a letter of concern, and working toward improving how licensee provided services.

9. New Business:

Confirm Dates for 2014 Board meetings:

Friday Feb. 7, 2014 in Portland with visit by NBCOT

Friday May 2, 2014 in Portland

Friday August 1-2, 2014 with strategic planning meeting outside Portland

October, 2014: Attend OTAOC conference in Wilsonville

Friday November 7 in Portland

The Board adjourned its meeting at 3:00 p.m.

Drafted by Director, Felicia Holgate November 20, 2013