

# OREGON Occupational Therapy Licensing Board

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September, 2013

## NEWSLETTER

### OTLB BOARD MEMBERS:

**Alan King**, OTR/L Chair

**Robert Bond**, Public Member, Vice-Chair

**Mashelle Painter**, MEd., COTA/L

**Linda Smith**, OTR/L

**Juanita Shepherd**, Public Member

**Staff:** **Felicia Holgate**, Executive Director  
**Nancy Schuberg**, Office Specialist

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**Please update your email, which is kept confidential, and contact information to keep current with important news. You can also provide a public e-mail.**

**Mission Statement: To protect the public by supervising occupational therapy practice. The Board is charged with assuring safe & ethical delivery of occupational therapy services**

**The next board meeting will be held on Friday November 15, 2013** in Room 618 – 10 Portland State Office Building, 800 NE Oregon Street. Contact the Director for the Agenda.

### **Work of the Board**

We thank you **Alan King** for your 8 years of service on the Licensing Board. Alan never missed a meeting in those 8 years. His leadership, high ethical standards and hard work have kept the Board running smoothly. He served as Board Chair for the past several years. Thank you Alan!

The Board members and Director will be at the **OTAO conference October 18th lunch** and available to speak with you on issues of concern. This year the Board presentation will given be by **Melisa Ranucci Soll**, a psychologist with the VA, giving a half hour presentation on *Identifying and Combating Professional Burnout: The Ethics of Self-care*. The Board has noted that many discipline cases involve therapists who are going through a difficult time in their personal life, often a breakup or divorce.

**Sybil Hedrick** is being appointed by the Governor and confirmed by the Senate on Sept. 16, 2013. She will hold the second OT position. You will read more in the next newsletter.

### **Secretary of State Audit of health boards**

The Occupational Therapy Licensing Board had an audit by the Secretary of State's office on August 15. The Audit is being done on all 17 Oregon Health Licensing Boards. We will let therapists know the results of the report when it is completed. The Governor's office and legislature continue to look at how Boards and Commissions are structured in Oregon.

**Telehealth draft rules:** The Board has a workgroup to consider a proposed rule to allow Telehealth for OTs in Oregon. It will follow the new 2013 AOTA position paper on Telehealth. Thank you to the following people who are helping:

Linda Smith, Board member	Pam Hood Szivek	Tim Esau	Donna Remmick
Sandra J Pelham-Foster	Gretchen Scheibel	Joan Guetschow	Kathleen Allgood

All licensees will have a chance to review and comment on proposed rules. In order to finalize any **administrative rule changes**, the Board must follow strict procedures.

**OTs working in Mental Health:** The Board will be working on new rules to clarify and confirm how OTs work in mental health. Most of the work will be done online and by phone conference. The following people will be helping with this rule:

Genevieve deRenne	Sean Rousch	Sara Pickett	Kelly Ricketts
Cat McGovern-Zlotek	Melodie Ethel-King	Kristy Fleming	Margo Traines

The **Pain Commission** has updated the **one hour free online module**. The Board will allow one **free hour of CE** for retaking it: <http://www.oregon.gov/oha/OHPR/Pages/pmc/index.aspx>

### **LEDS: Law Enforcement Data System**

The Board recently did a LEDS criminal history check of all currently licensed OTs in preparation for the 2014 license renewal period starting in March. There were .01 % "hits" which means any arrests or conviction found. The next newsletter will give more details. Licensees must report on their next renewal form any citation or arrest. **Licensee often do not realize that even though a there was no conviction (an example is a DUI diversion) the arrest must still be reported on your application and renewal.**

Since 2010, licensees have to report any **conviction** of a misdemeanor or felony and any **arrest** for a felony within 10 days. We are letting licensees know of the findings. The Board will decide whether to follow up. The results added several new cases to the Board's caseload.

### **New Law Ethics Exam**

A **new Oregon Law Ethics Exam** will be part of all new applications for licensure in Oregon starting in January 2014. Information will be on the web site.

### **Number of Occupational Therapists**

The Oregon OT Licensing board currently has a total of **2021 licensees** in the State of Oregon. There are 366 OT Assistants and 1653 OTs. Our numbers continue to grow.

## **The Effects of Alcohol: Are you really sober?**

*Over the past few years the Board has seen an increase in alcohol related complaints and disclosures of DUI arrests and convictions. Mr. Troy Costales, the Administrator of the Transportation Safety Division of the Oregon Department of Transportation (ODOT) lectures nationally on the effects of alcohol and public safety. The following scenario was drafted by him and needs serious thought and consideration.*

This is only one sample scenario and all of us are different and ingest/release alcohol differently

It is very early on Saturday morning and your designated driver drops you at home and the clock on your kitchen's wall says 3 AM. Then you notice the bright yellow note on your message board <<Working Saturday>>. Well it isn't too bad, everything will be just fine, you will get five hours of sleep and a cold shower will sober you right up for your first client at 9 AM, right?

In plain simple terms, nothing will help your body process the alcohol you consumed other than time. Time? How much time do you really need to be ready for that 9 AM client? On average, the human body will process out the consumed alcohol dissipation at a rate of around 0.015 per hour.

Your goal is to be completely sober before you leave the office, right? Between your commute and preparation for the day, let's say that 8 AM is the time you want to roll out the door. Here is a calculation of the maximum amount of alcohol your body will process while you get that five hours of sleep:

*Time/Blood alcohol concentration (BAC):* 8 AM/ 0.000 (your goal before you leave for the office), 7 AM/ 0.015, 6 AM/ 0.030, 5 AM/ 0.045, 4 AM/ 0.060 3 AM/ 0.075\* (0.08 is the Oregon legal limit for driving).

**In order to be 0.0 when you walk out at 8 AM, your BAC at 3 AM had to be 0.075 or lower!**

But, the dissipation rate is only half of the picture. What about the consumption rate? This too isn't an exact science, as each of our bodies react with slight differences, but there are some good general guidelines on our BAC level and how many drinks we consume. The peak BAC reached can be from one to two hours after the last drink. During the evening your body will process the alcohol, but not as fast as you consume it.

Let's roll back the clock to your Friday evening festivities. You started consuming alcohol at 7 PM with two drinks in that first hour. You enjoyed one drink per hour for the rest of the evening but at 1 AM and then again at 2 AM you decide to take one extra drink. Here, in general, is what this means to your BAC:

7 PM/ 0.035 (two drinks), 8 PM/ 0.055 (one drink), 9 PM (one drink and your body starts to process the first drink). 10 PM/ 0.080 (one drink and your body is still processing), 11 PM/ 0.085 (one drink and your body is still processing), Midnight/ 0.90 (one drink and your body is still processing), 1 AM/ 0.110 (two drinks and your body is still processing), 2 AM/ 0.130 (two drinks and your body is still processing), 3 AM/ 0.115 (no drinks and your body is still processing), 4 AM/ 0.100, 5 AM/ 0.85, 6 AM/ 0.070, 7 AM/ 0.055, 8 AM/ 0.040

In this example, your BAC, when you walk through your door at 8 AM is 0.115 and is 0.04 at 8 AM. You stuck with one drink per hour except at the beginning and the end of the night and you stopped drinking just after 2 AM . . . yet your body is still processing away the alcohol at 8 AM and you arrive at the office, prepared to treat patients with alcohol in your system.

So that fun evening puts you and your patients at risk. Even a few drinks the night before can impair your judgment at work the next day. As one recent commercial says "Think before you drink" for your sake and the sake of your patients.

## **Medicare Fraud Charges: What Members Need to Know About Fraud & Abuse**

The Medicare Fraud Strike Force recently charged numerous individuals for their participation in alleged Medicare fraud schemes, including occupational therapy. [Read the press release from Department Health and Human Service \(HHS\)](#). Many members of American Occupational Therapy Association (AOTA) bill Medicare for the occupational therapy services they provide to beneficiaries. AOTA urges all members to know and understand the severity of committing fraud, and know how to appropriately report suspected fraud when necessary. AOTA offers a number of resources on fraud including [ethics to guide practitioners'](#) decisions and [reimbursement resources on fraud and abuse](#).

## **Legislative Session**

**Secretary of State's Audit:** All the Oregon Health Licensing Boards are currently having an **audit done by the Secretary of State's** office. The OT Licensing Board had its audit on August 15<sup>th</sup>. We expect a final report in the fall. The legislature and the governor's office continue to consider whether to change the structure of Oregon boards and commissions.

**Civil Immunity for OTs reporting patients to DMV:** HB 2195 changed Oregon law to give civil liability to Occupational Therapists who report patients who are unsafe to drive due to cognitive or functional impairment under DMV's voluntary reporting program. Click for an [information sheet is here](#) . It will also be posted on the web site under Issues, Questions, and Topics.

Other bills we followed dealt with helping military spouses/partners with applications and a right to "stay" disciplinary administrative hearing; changes to Oregon Health Licensing Agency (including midwives & added licenses for Behavior Analysts); state payroll Estubs; posting minutes of transparency website; person holding appointive authority serve at Governor's pleasure; PT bills on authority to practice when previously treated patient and doctor referrals; DAS looking at criminal records and fingerprinting; final orders going to Oregon State Bar; reporting adverse health care incidents to Oregon Patient Safety Commission; OHA establishing a statewide credentialing organization; and therapists prohibited referrals if they have financial interest.

## **CHECK THE WEB SITE [www.oregon.gov/otlb](http://www.oregon.gov/otlb) FIRST FOR INFORMATION**

If you have a **name change**: Scan and e-mail to [Felicia.M.Holgate@state.or.us](mailto:Felicia.M.Holgate@state.or.us) or FAX a copy of the legal document to 971-673-0226. Make sure it shows the change, exactly how the name reads and changes to address, e-mail, and telephone.

If you need a **license verification** sent to another state please just e-mail giving the exact address where it needs to go to [Felicia.M.Holgate@state.or.us](mailto:Felicia.M.Holgate@state.or.us). There is No charge. We do not need their form. We use our own form printed off your data base file. It confirms whether there has been discipline, is signed and has a seal. We will e-mail back when it is done.

For any other changes in contact information, send an e-mail to [Felicia.M.Holgate@state.or.us](mailto:Felicia.M.Holgate@state.or.us) Please check the **web site** at [www.oregon.gov/otlb](http://www.oregon.gov/otlb) for answers to your questions. There is a section on **Information Requests and Issues, Questions and Topics**.

***Occupational Therapy: Living life to Its Fullest***