

Oregon OT Licensing Board
PUBLIC MEETING MINUTES
Friday, February 1, 2019

800 NE Oregon Street / Conf. Room 445 / Portland, OR 97232

The Oregon Occupational Therapy Licensing Board meeting was held Friday, February 1, 2019 at the Portland State Office Building in Conference Room 445. The Board members present were: Linda Smith, OTR/L, Board Chair; Sybil Hedrick Park, OTR/L, CHT, CSCS, Vice Chair; Kari Hill, COTA/L; Erion Moore II and Clyde Jenkins, Public Members, and Nancy Schuberg, Executive Director.

With a quorum present, Board Chair Linda Smith called the Friday meeting to order at **10:00 am**.

1. Minutes:

The Board reviewed the public minutes of the **November 2, 2018** meeting. A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO APPROVE THE PUBLIC MEETING MINUTES WITH MINOR AMENDMENTS. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the confidential meeting minutes of the **November 2, 2018** meeting. A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO APPROVE THE CONFIDENTIAL MEETING MINUTES WITH MINOR AMENDMENTS. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2. Report of the Director:

2017-2019 Budget:

Revenues: Oct.: \$1,848.94; Nov.: \$13,813.74; Dec.: \$8,962. Deposit slips for Oct. were sent too late to Salem to be counted which is why Nov. was high and Oct. was low. The totals include revenue from fingerprinting. An additional \$40 per new applicant is passed through to the Oregon State Police who runs the background checks. It is paid from Services and Supplies. The Legislature approved an additional \$24,000 in limitation for the additional expense. The total revenue projected in the budget for this biennium, \$379,000, plus \$24,000 (fingerprinting) is \$403,000. The Board's total revenue is **\$441,823**, with six months left in the biennium.

Total Expenditures: Oct.: \$17,433; Nov.: \$19,219 Dec.: \$16,821;. The allotment is what we can spend for the biennium and it is **\$483,425**, or **\$20,142** per month. The Board spending is within the budget.

Expenditures are divided into two categories, Personal Services (payroll) and Services and Supplies:

Personal Services:

Expenditures: **Oct.: \$ 11,726; Nov.: \$12,362; Dec.: \$13,675.** Our average spending limitation for personal services is **\$14,294/mo.** December reflects a step increase for both board staff. The board is within the limitation.

Services and Supplies:

For **Oct.: \$5,707; Nov.: \$6,857; Dec.: \$3,146.** The average amount we can spend per month is **\$5,847.** Expenses were higher in November but overall the board is within the limitation.

Legal Costs Tracking: Legal costs were as follows: or **Oct.: \$ 2,129 Nov.: \$509.60 Dec.: \$182.00.** The OT Board has consulted more with the AAG due to increase in number and complexity of recent cases. OTLB is on a biennial flat fee contract with the DOJ and pays a set fee quarterly. However, the total of AAG costs for the 17-19 biennium will be factored in establishing the 19-21 contract amount.

The OT board is within the 2017-19 budget.

19-21 Budgeting:

The projected ending balance in June 2021 is **\$329,584**, 17.4 months of ending balance. With the agency requests, increasing the admin position from .5 to .75 and projected IT costs, it is reduced to 10 months. The board needs 8 months of ending balance so the Board is not projecting a fee increase. If for some reason, there is a spike in expenses or revenues dip down, the Board has already gone through a formal board approval of a fee increase and will be ready to go to the E-board.

Governor's balance budget notebooks were completed and submitted. The Board Chair and Director gave testimony to the Ways and Means Sub Education committee on January 30th. Senator Roblan, complimented the Board, noting the high marks on our KPMS, maintaining our fees for 12 years, with just 1.5 FTE was "very impressive".

The next step in the process is the work session, which will occur on February 7th. The Director will attend in case there are any further questions by the sub-committee.

IT Update:

The IT Project Manager provided the Board with an update on the new database:

There are two processes that must occur- Procurement and OSCIO Oversight. They run concurrently and overlap, but are not done by the same agency. Essentially- Procurement helps us get to a contract, Oversight makes sure that the contract is in the best interest of the state and is a sound IT Investment. HRLB has been assigned a DAS Procurement Specialist and an OSCIO Analyst.

With DAS Procurement, we have evaluated all of our options that would *not* require an open procurement, and have found that none of these options would be viable solutions. As a result, we're planning on pursuing an intermediate procurement, which is a less formal procurement, based on the low dollar amount of the expected contract (under \$150,000). We have submitted all preliminary documentation to OSCIO in order to move forward with the Procurement. Once OSCIO gives us the "greenlight", we will begin working with Procurement to draft the Request for Quotes (RFQ).

The RFQ process requires a minimum of 3 quotes. Three vendors have expressed interest in this project, and all three have offered on similar projects recently for other state agencies. Based on the quotes we've seen from these other agencies, we anticipate that the quotes will be within the budget that we've set for this project. We anticipate that implementation will be in phases- with mission critical pieces completed first, and additional, less time-sensitive components implemented later. We hope to have the database able to handle renewals by November 1, 2019, even if the rest of the database is not yet fully operational.

License Numbers: As of Thursday, January 31st there were 2,136 OTs; 523 OTA's; a total of 2,659 licensees. There were 64 total licenses issued from November 2, 2018 – January 31, 2019.

Board Appointments: The board's recommendation of Max Perkins as the new OT member has been submitted to the Gov. Office, along with all his paperwork. The date for the Senate Hearing was going to be Dec. 12th, however the Governor's office requested to delay it until March.

Board Trainings: The state of Oregon updated its Discrimination and Harassment Free workplace policy to include trainings for all employees and board members. There were two required online courses and 100% of Board staff and members have completed the training.

OTAO CE Quiz: Licensees can now review the OTAO Conference power point presentation by Joanna Tucker-Davis, and take the quiz on Google Drive, for one CE point. If they pass, a certificate of completion is sent by email. The quiz is available on the website and was featured in the December newsletter. To date, **31** licensees

took and passed the quiz for a free CE point. Google drive will be a good tool to use in the future to create CE quizzes for education of licensees.

OTAO Letter. The OTAO provided a folded letter and the Board staff will start including them with new licenses. A disclaimer was added to the letter, stating the two different organizations mission statements and adding that OTLB does not require OTAO membership.

OTAO Conference: The next OTAO conference will be held October 4-5 at Chinook Winds Casino, north of Lincoln City, at the coast.

2019-21 Affirmative Action Plan: The Board reviewed the first draft of the 19-21 AA plan with the Board. Comments from the office of Diversity and Inclusion are delayed. The motion to adopt the new plan will be done at the May meeting.

NBCOT Coming: The NBCOT has asked to be put on the agenda for the May meeting. Shaun Conway will be here to update the Board on certification programs and services.

Board Travel:

AOTA Conference is being held April 4-6 in New Orleans. The Director will attend and report back to the Board at the May meeting.

NBCOT Leadership Forum is being held May 21-22 in Baltimore: Rachel Cillo and Kari Hill will represent the Board at the meeting and report back at the July meeting. NBCOT pays for all travel expenses.

Student Legislative Day: LBCC and Pacific students will come together in Salem on March 8th to discuss their roles and how they interact, tour the capitol building and meet with their legislators. The Director will give a presentation to the students on the Boards role in the Legislative process. OTAO Legislative Day for licensees will be held on April 12th.

3. Disciplinary/Investigations/Complaints: In accordance with ORS 192.660 (2) (L) which allows the Board to meet in Executive Session on matters to consider information relating to information obtained as part of complaints and disciplinary investigations.

The following cases were considered:

- **OT 2013-08:** Continued
- **OTA 2016-06:** Continued - CE
- **OT 2018-02:** Continued
- **OT 2018-04:** Continued
- **OT 2018-05:** Case is closed
- **OTA 2018-06:** Case is closed
- **OT 2018-09:** Case is closed.
- **OTA 2018-15:** Case is continued

- **OT 2018-16:** Case is continued
- **OT 2018-23:** New case
- **OT 2018-24:** New case
- **OT 2019-01:** New case

Lunch was provided as the Board continued working.

PUBLIC SESSION: The Executive session was adjourned and the meeting was brought back to public session. All votes were taken in public session.

4. Motions from Executive Session and Ratify List of Licensees:

2013-08 A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO **end her probation and close the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2018-02 A MOTION WAS MADE BY Linda Smith AND SECONDED BY Kari Hill TO **Proceed with the Final Notice by Default** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2018-15 A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Clyde Jenkins TO **Proceed with the Final Notice by Default.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2018-23 A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Clyde Jenkins TO **offer a probationary license with conditions.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2018-24 A MOTION WAS MADE BY Linda Smith AND SECONDED BY Sybil Hedrick Park TO **approve her application and send a letter.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2019-01 A MOTION WAS MADE BY Linda Smith AND SECONDED BY Kari Hill TO **approve her application and send a letter.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Linda Smith TO **RATIFY THE LIST OF LICENSEES** ISSUED SINCE THE LAST BOARD MEETING. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

5. Legislative Update:

The Director reported that overall, Oregon’s economy is doing well. Governor Brown said, Oregon is growing faster than at any point in Oregon history. No projected big cuts in agency budgets or sweeps.

The Director provided the Board members with a list of bills she is tracking. The list was shared with Pacific, LBCC and the OTA Legislative committee. The various bills are being tracked for various reasons, some involve schools, other health boards, related to mental health, or administrative that will affect licensure boards.

Among the bills being tracked:

HB 2454 – along the eastern Oregon border, the Economic Development region, allows those already licensed in another state to be authorized to work, provided they pay the application fee.

SB 587/SB236 – Has to do with health insurance –cannot require prior authorization for coverage of specified treatment by PTs or OTs if treatment is medically necessary.

SB 124 – Has to do with Massage therapy. Subjects certain people who do massage therapy to the laws and rules of the state.

The Director noted that she has not yet seen a bill by the OTAO. She will continue to monitor all new bills.

6. Vision Therapy:

The OT Board received questions in regards to OT's doing Vision Therapy. The Board consulted with AOTA, searched for OARs/ORSs around Vision Therapy, and contacted the Optometry board.

Requiring an OD referral: AOTA stated that referral requirements in the state vary and it is the responsibility of the OT practitioner to follow whatever laws or regulations are in place in their state.

The Board felt OTLB should not require this for the following reasons:

1. Limits patient access to care –The volume of trained optometric physicians is a low number and will create barriers for patient access to care. Even if an OT is doing basic ADL modifications that accommodate for vision, the OT is going to help that patient be safer, more independent and more functional. This is something OTs have been doing historically. In rural communities it will be more difficult for patients to see an OD for evaluation.
2. Financial obligation – Not all insurance companies pay for OD assessments, which if an OD referral were a requirement, the potential to place greater financial burden to a patient in need of care increases greatly and could facilitate financial disparity in the population.

NOTE: OTLBs does not require any other referrals except to prescribe medications.

Vision Therapy equipment: AOTA stated when it comes to using VT equipment, an OT practitioner always needs to make sure that 1) the use of the equipment is within their scope and 2) that the OT practitioner is competent to use the equipment. OTLB agrees with AOTA, therapists using prescription grade lenses & magnifiers need to have appropriate training.

AOTA and the Board agrees: It makes sense for OT practitioners to work with clients on environmental modifications and exercises that could improve visual function, restore ADLs and IADLs, but with the important caveat that the literature is very thin on whether such interventions are effective and it is unclear whether or not certain interventions and equipment are within OT scope of practice. Given this, OT practitioners should be very careful about using VT equipment and VT interventions on patients, especially if they plan on not consulting with an optometrist or ophthalmologist. The OT practitioner must use their clinical judgment on whether a client could benefit from a certain intervention, bearing in mind the question about scope of practice and thin literature. It's the scope of practice and the OT practitioners level of competency that is most important. If any complaint or issue came to the Board, the practitioner would need to be able to prove they had the training, experience and education to perform the therapy.

Regarding Dr. Marshall's reference to suicide-related side effects, the Board would like more information, is there any literature or statistics? This information should be going out to warn therapists of the side effects of utilizing the Red/Green glasses.

7. Supervision Workgroup: The Board viewed the website and its updated OTA/Supervision section. Supervision log forms, initial supervisory meeting template and examples of the types of supervision are among the updates. The Director combined the OTA and Supervision sections so the information is easy to locate.

8. Strategic Plan Update: The Board continues to track the progress of the 2016 Strategic plan goals. The Director is focusing on how to move the board forward with technology. The Director is hopeful the new database will allow for online applications and paying application fees by credit card.

9. March Newsletter: The March Newsletter will feature a legislative update, ethics around dating a patient and a recap of Student Legislative day.

The Board Chair adjourned the meeting at **12:30 pm.**

2019 Board meetings: Fridays: May 3; July 26; Nov. 1

Nancy Schuberg, Director. February 8, 2019