

PUBLIC MEETING MINUTES
Occupational Therapy Licensing Board Friday October 21, 2005

The Oregon Occupational Therapy Licensing Board met Friday October 21, 2005 at the Portland State Office Building, Room 445. Board members present were: Genevieve deRenne, MA, OTR/L, FAOTA, Joyce Browne, OTA/L, and Jeffrey Roehm, Vice Chair and Public Member. Felicia Holgate, Director was also present. Tom Ruedy, Public Member was absent. With a quorum present, Genevieve deRenne, Chair called the meeting to order at 1:33 p.m.

1. Minutes: The Board reviewed Public meeting minutes, of JULY 28, 2005. Jeff Roehm MOVED THAT THE PUBLIC MINUTES OF JULY 28, 2005 LICENSING BOARD MEETING BE APPROVED. Joyce Browne seconded the motion, and it **PASSED UNANIMOUSLY**. The Board reviewed Executive meeting minutes of JULY 28, 2005. An amendment was made and then Joyce Browne MOVED THAT THE EXECUTIVE MINUTES OF JULY 28, 2005 LICENSING BOARD MEETING BE APPROVED. Jeff Roehm seconded the motion, and it **PASSED UNANIMOUSLY**.

2. List of Licensees: Licenses issued since the last Board meeting were distributed to Board members. Jeff Roehm MOVED THAT THE BOARD RATIFY THE LIST OF LICENSEES ISSUED SINCE THE July 28, 2005 BOARD MEETING. Joyce Browne seconded the motion, and it **PASSED UNANIMOUSLY**.

3. Report of Director: Director, Felicia Holgate continues to send monthly office reports summarizing the work in the office. Agency payroll, accounting, cashiering and deposits are proceeding well. The computer data base now has daily and monthly deposit accounting records that can be printed directly from the data base when any payments are made.

A) Fiscal Summary: The Director gave a **fiscal summary**. Allotment plans continue to show lower actual costs than predicted, showing a strong financial picture: **June**, 2005 monthly expenditures were **\$ 10,689** **July**, 2005 monthly expenditures were **\$ 6,521** **August**, 2005 monthly expenditures were **\$ 5,265** * **Sept**, 2005 monthly expenditures were **\$ 22,534** * which includes adjustments from the July and August as well as a one year payment of \$6,252 for Shared Client Services. If the \$6,252 payment is prorated over the year, then the average monthly charge for first quarter was **\$9,868**. The total legislatively approved budget of \$269,139 for the two year 05-07 biennium, gives a budget **average of \$11,214 per month**.

When the Board moved to Shared Client Services a balance of **\$208,683** was transferred from DHS to OT account in the Oregon State Treasury on Sept. 2, 2005. On Sept. 30 that balance was \$158,896 with a first interest payment made 9/30/05 in the amount of \$534.95. As of October the balance in the account is \$197,197 (adjustment period added to the total State Treasury amount which had been kept back for payment of final July and August charges).

B) Change in License Fees: Long term reports about the board's budget from Deborah Manthe, legislative budget analyst were distributed for the board to consider whether to reduce the renewal license fees in 2006. Although it does appear that the licensee base is increasing, we will not know by how much until after the 2006 renewal period. There will be costs for online renewals and licensing from online credit payments (1.4% probably). The two unknown costs are attorney general fees and investigation costs. These long term budget figures were reviewed by the board showed a long term cash flow and projection from 1995-1997 through projected 2009-2011. The Board considered this additional information, taking into account the actual costs since 1995 through projections in 2011 and decided not to take any action on fees at the present time.

C) On line licensing renewals in 2006: The computer data specialist who is finalizing the accounting additions to the data base is now working on the online renewals and the director has contacted the State office that would be involved with online payments through the secure state system. The Director is following this closely and it

appears the data system to send renewals online will be ready by March 2006 but not the state credit card procedures. The Board will probably send the renewal notice online but licensees will need to copy their renewal form and send it in with their check to the Board office for their next two-year renewals. This partial online renewal would still be a savings in paper and cost of mailing.

The Director has not yet worked out how Joyce Browne's suggestion to have the Supervision Form prepared and sent online rather than by mail, could be done. After the main renewal online process is done the Director will work on this. This will also include looking how much of certifying CE could be done online. For all renewals the licensee will be "signing" online that they swear to the information they have submitted online, such as the questions on arrest, that that an online signature could be used legally if there are disciplinary issues involved later.

D) Consolidation of Administrative functions of the seven health licensing board is proceeding and the directors are meeting to provide a plan to the January 2006 E-board following the Budget Note from the last legislative session. The Director will continue to keep the Board members of advised of the progress of this plan.

E) NBCOT conference: The Director attended the conference in Virginia last Saturday, October 15, 2005: The agenda included licensing of foreign trained occupational therapists, regulatory and credentialing perspectives, TOEFEL English Language testing; Validity and Reliability of NBCOT Certification Exam and Serving the Public Interest. The Director learned a lot about the actual NBCOT examination process, and immigration requirements for foreign trained applicants. In addition the Director was able to meet with Shaun Conway, the person who helps resolve exam and other NBCOT issues; with Karen Smith, the person with AOTA the Director works with and with Mark Lehner a Washington State Board member who recently was re-licensed in Oregon, and Wendy Starnes, Associate Director for NBCOT licensing with whom the Director deals with on discipline issues as well as other state people.

F) Questionnaires: New customer service questionnaires were sent to all those we licensed this year and now are sent with every new license issued. The returns show a high level of customer satisfaction. Returned forms can be viewed anytime in the Board office.

4. 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. No cases needed any action.

- **Prior Stipulated Consent Order of Suspension:** The Director clearly define what is needed prior to the OT submitting a reinstatement form with documentation for the Board to consider.
- **Application of Mr. L:** NBCOT is trying to contact Mr. L and to finalize whether they are taking any action. His certification is valid through 3/07. The Director gave NBCOT staff at the Conference and gave them an additional phone number and e-mail address for this applicant.
- **Follow up of Supervision:** The Board reviewed Supervision logs; a six month follow up from a previous complaint reviewed by the Board. The Director will send the Statement of Supervision forms showing which OT is supervising which OT Assistants and whether the logs show minimal on site, monthly face to face contact between the OT and OT Assistant.

5. AOTA: The board considered adopting the 2005 Occupational Therapy Code of Ethics. The board will consider whether this code is intended to require that an Occupational Therapist must disclose ethical violations by other Occupational Therapists. The Director will follow up for reconsideration at the next Board meeting.

6. Limited Permit procedures: There was concern that the Limited Permit holder can be issued a limited permit that gives them 60 days from the expiration date of "Eligibility to Test" letter. If the Limited permit holder waits until the end of that time period to sign up and take their test they could have a limited permit for 4

or 5 months. The holder must work under the routine supervision of a licensed OT. The AOTA Supervision Guidelines also deal with supervision for Limited Permits.

In considering the date on the “Eligibility to Test” letter, the Director will change to now issue the Limited permit 60 days from the date the student receives their proof of eligibility to test rather than the Expiration of this time limit. The Director pointed out the current regulations need to be changed in OAR 339-010-0040(1) Students who have successfully completed the educational and field work requirements and students who ~~have taken the certification examination~~ **have proof of their eligibility to take the certification exam**, but do not yet have their test results, may apply for a limited permit to practice occupational therapy under at least routine supervision...”

7. Use of Aides Rules and AOTA Guidelines: The Director sent notice to the board that the Board was working on or had completed almost all the topics they had discussed at the August 2004 Strategic Planning meeting. The board will next appoint a committee to work on the rules regarding “Use of Aides”. The new AOTA Supervision Guidelines include language about supervision of OT aides.

8. Board preparation for OTAO conference: Board members Genevieve deRenne and Joyce Browne held a one-hour Board session Friday, Oct. 21 at the conference on the following topics:

- (1) OT Definition: Comparing old 1977 definition and proposed new AOTA model definition;
- (2) CE Rules: updated Categories and Points
- (3) Supervision of OT Assistants: AOTA Supervision Guidelines adopted by Board
- (4) ReEntry into Practice; Pacific Program: for those unlicensed for more than 3 years
- (5) Discipline: Trends and issues
- (5) Statistics: How many OT and OT Assistants licensed in Oregon;

The Director and board member Joyce Browne will be available during the Saturday poster session at the OTAO conference on Saturday. This is a good opportunity to meet licensees and answer their questions. The poster board, the same as last year, has information on the topics presented at the session above as well other information for occupational therapists. All the information is also available on the web site at www.otlb.state.or.us

9. Web Site: COTA Supervision: The board approved the OT Assistant questions and answers to be added to the web site under Issues, Questions and Topics by the Director.

10. New Board Member: Alan King. OT from Corvallis was appointed by Governor on October 15, 2005. The board extends a warm welcome and looks forward to his work with the Board. The Director will set up an orientation for him. There will be an article in the next newsletter about his appointment. He will attend the next board meeting on February 3, 2006.

11. Statutory changes: The Director presented the Board with proposed language to the OT statutes which will be presented as legislative Board concepts in April 2006. The first major change proposed is an update to the **OT definition**: At the last Board meeting the Board asked the Director to notify the Health Licensing Office (Board of Athletic Trainers, and Respiratory Therapists Licensing Board), and Speech-Language Pathology and Audiology Board, and the PT Board about its proposed language.

The Board received a letter from the Speech-Language Pathology and Audiology Board stating that they recognize there is overlap between the two professions and that their concern is that the Occupational Therapists have the education and experience when working in this area. The Director will send a letter back that the OT Board has the same concerns.

The Director also received word from the PT Board that their board considered the language and will not be opposed to it. The PT Board will send on the language to their PT Associations. The Director will follow up on the response. This is still a long process. In April 2006 the Board will submit the concepts to the Governor's office; and with that approval the proposed ORS changes will go for final drafting into a bill for the 2007 legislative session.

Other legislative changes the Director suggests were previously discussed with changes to the rules regarding CE and Re-Entry requirements for new applicants for licensure in Oregon. There are also a few other changes. The Director will send the proposed language to our Asst. AG for consideration and to see whether the Asst. AG has any comments or other suggestions for changes to the current statutes.

12. Other business:

- **Re-Entry for applicant C.H.** There is a request for waiver of CE. Cambria let her license lapse in 2003 when her son was diagnosed with cancer. She did not complete the final CE points she needed. The Board will have the Director determine how many CE points she now has; how many she feels she can attain for re-instatement purposes.
- **New licensee: M. H.:** This licensee is a Katrina victim and is trying to relocate to Coos Bay. The Director checked with the Board Chair to waive the fees. Mr. H. was fortunate that he had copies of his Louisiana license certificate, although we could not verify it with the Louisiana OT Board, we did receive verification from NBCOT. His license was mailed out to him October 17. There is one more pending Katrina victim OT who is applying for licensure in Oregon. The Board did acknowledge that they already had paid for their licensure in Louisiana but could not practice there; and the Board confirmed that it was issuing the Oregon license and waiving the license fee until they renew in May, 2006.
- **OTA: Distance Learning:** The director received an e-mail asking about whether OT Assistants could complete a long distance program. The director will respond that education will need to be approved by both AOTA and NBCOT.
- **Re-Entry:** The Board and Director will review the current status of applicants for licensure that are going through the Pacific Re-Entry program.

Upcoming meeting: Friday, Feb. 3, 2006 in Portland at 10:30 a.m. at the State Office Building.

Proposed Board meetings for 2006: **May 5**, perhaps at the Coast; **Aug 4** in Portland;
October, probably in Eugene at the OTA conference.

Genevieve deRenne adjourned the meeting at 4:03 p.m.

Felicia M. Holgate, Executive Director October 24, 2005.