

PUBLIC MEETING MINUTES
Occupational Therapy Licensing Board Friday, August 4, 2006

The Oregon Occupational Therapy Licensing Board met Friday August 4, 2006 at the Portland State Office Building, Room 445. Board members present were: Genevieve deRenne, MA, OTR, FAOTA, Chair, Joyce Browne, OTA, Alan King, OTR, and Tom Ruedy, Public Member. Jeffrey Roehm, Public Member and Vice Chair was excused. Felicia Holgate, Director was also present. Also present at 1:30 during the student supervision discussion was Sandra Pelham-Foster from Pacific University. With a quorum present, Genevieve deRenne, Chair called the meeting to order at 10:05 a.m.

1. Minutes: The Board reviewed Public meeting minutes, of MAY 5, 2006. Joyce Browne MOVED THAT THE PUBLIC MINUTES OF MAY 5, 2006 LICENSING BOARD MEETING BE APPROVED. Alan King seconded the motion, and it PASSED.

The Board reviewed the Executive meeting minutes of MAY 5, 2006. There was one amendment on the third page changing 3 weeks to 3 “years”. Tom Ruedy MOVED THAT THE EXECUTIVE BOARD MINUTES BE APPROVED. Joyce Browne seconded the motion, and it PASSED.

2. List of Licensees: Licenses issued since the last Board meeting were distributed. Joyce Browne MOVED THAT THE BOARD RATIFY THE LIST OF LICENSEES ISSUED SINCE THE MAY 5, 2006 BOARD MEETING. Alan King seconded the motion, and it PASSED. The Director noted that this total of 41 makes about twice as many new applicants licensed compared to last year. Some of this is due to applicants who renewal shortly after their license lapses and some to new Limited Permits. Last year’s average was 8 applicants per month. This year it is closer to 15 per month. Currently there are 1385 licensees; 232 OT Assistants; 1153 Occupational Therapists.

3. Report of Director: Director, Felicia Holgate continues to send monthly office reports summarizing the work in the office.

- Felicia and Genevieve talked at Infinity Rehabilitation mostly on Supervision. It is clear there are still problems in this area, especially when temporary OTs work. There was general board discussion about how supervision roles are not clearly defined, especially in some facilities that use temporary occupational therapists or occupational therapy assistants. Some OT Assistants are not properly supervised especially if they work alone at a facility and their supervisor may be someone with the temporary company rather than an OT at the facility. There may also be problems when a new OTR supervises an experienced OT Assistant who has been at the facility for a long time. There continues to be a general lack of clarity of the collaborative role between the OT and the OT Assistant. This continues to be an area for board education and focus.
- Budget documents should be coming soon at which time the Director has 10 days to submit budget binders. The information is almost completed and will be filed on time.
- Suite 407 Directors have purchased new dividers and will relocate the common area of the Suite, to have a more professional entrance and common area, and more private offices.

- The web site is being used more; a majority of people have already checked the web site for applications, CE, and discipline before they call the board. The Director encourages written verification requests to come by e-mail which can then be copied into the data base, and a response sent back quickly that it is done. Most new applicants start communicating by e-mail. Although personal contact is always appreciated for some work, online requests and written responses are often much quicker and more efficient.
- The Director is starting work on the Portland Health Licensing Board's, Business Continuity Plan.

A) Budget Review; Revenues: After the **renewal cycle** of March – June 2006, total revenues are **\$ 280,523 through June 2006**. The financial plan showed expected total renewal revenues of \$278,034. A few adjustments may still be made (refund, wrong amount paid etc.)

B) Renewals: Before renewals the average monthly revenue was approximately \$1500. During Renewals revenues in March were \$ 52,810 in April were \$135,784, in May were \$ 68,533 and June were \$ 8,192. There were a total of 186 licensees who did not renew their license in 2006 the number that was predicted given this is the new two year period of 2006-2008. This increase in new licensees puts the Occupational Therapy Licensing Board in a good financial position.

C) Expenditure Summary: The Director gave a **fiscal summary**. Each month as the expenditure statements come in they are scanned and sent to the Board members for review by e-mail. In addition the Board reviews monthly expenditures and the financial situation at each board meeting. The last five months show **January 2006** expenditures **\$7,907**. **February 2006** expenditures **\$7,836**, **March 2006** expenditures **\$8,88**, **April 2006** expenditures **\$7,285**. **May** expenditures **\$8,410** and **June 2006** expenditures **\$8,183**. The average monthly expenditure in this six month period was **\$8,083**. The legislatively approved budget of \$269,139 for the two year 05-07 biennium gives a budget **average of \$11,214 per month to spend**. Monthly interest payments in the State Treasury after the large renewal fee revenue now show an increased monthly interest payment of \$1600.

The Director is noting in the budget document that the Board will consider reducing the Occupational Therapy license renewal fees in 2008 if the current revenue situation stays the same next year.

D. CE Audits: OT Board members finished the CE audit and after they were completed set out guidelines and problem areas for members to watch out for in the July newsletter. This information has also been posed on the web site under CE and audits.

E) Performance Measures and Best Practices:

Performance Measures are mandated by the legislature and the forms show that there are three measures the OT Licensing board uses. First is on CE, the second on discipline and the third on customer satisfaction. Copies of this year's reports were reviewed. As part of this packet also included were the results and comments from the customer satisfaction results.

Best Practices were reviewed and may become part of the state legislative performance measures. This is a good way for the Board to review its work. The Board rated itself in all sections and tabulated results show the OT Licensing Board already adhering to all criteria in the best practices assessment.

The Board has defined processes for the executive director selection. The board establishes and communicates expectation and performance criteria to and with the director. The board evaluates the performance of the director at least annually.

F) Customer Satisfaction: A statistically significant number of customer satisfaction questionnaires were sent with renewal forms. Returns received from new applicants show an even higher level of customer satisfaction than that of overall renewal licensees. Returned questionnaires can be viewed anytime in the Board office. The comments from all licensees were printed out and were reviewed by Board members. The totals summary response shows that there is an **89 % above average or excellent rating**. The totals show a **92 % average and above rating**. The results from customers were a good segue into the next item on the agenda regarding the Director's merit increase.

3A. Special Merit Increase for Director: The board noted the excellent work done by the director, as well as the excellent customer satisfaction rating of the director's work. It was also noted that when the Director was hired there was a salary freeze and the director started at a step four (the appeal for a higher rate was requested and denied by DAS). The board noted the smooth running of the board office, the director's great versatility, bringing the board to speed in all areas, and keeping the board in an excellent financial position, as well as her excellent yearly evaluations. Alan King MOVED THAT THE BOARD RECOMMEND AN IMMEDIATE MERIT INCREASE FOR THE DIRECTOR, FELICIA HOLGATE. It was seconded by Joyce Browne and PASSED.

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.

- **OT 05-06** Improper relationship with client

The board considered a letter from the former licensee whose renewal was not approved regarding the wording of the final order. Genevieve DeRenne MADE A MOTION TO AMEND AND TAKE OUT REFERENCE IN THE FINAL ORDER REGARDING ANSWERS ON THE 06 RENEWAL FORM ON DISCIPLINE AND SURRENDER OF ANY OTHER LICENSE. THE BOARD ALSO WILL ADD A SECTION RELATING TO THE RIGHT TO REAPPLY AFTER THIS TWO YEAR PERIOD IS OVER. AT THAT TIME THE BOARD WILL RECONSIDER A RE-ENTRY TO THE PROFESSION PENDING COMPLETION OF ALL REQUIREMENTS SET BY THE BOARD. Joyce Browne SECONDED THE MOTION AND IT PASSED.

- **OTA 06 – 01:** This complaint about unprofessional conduct has been referred to the board consultant for further information.
- **Self reported theft:** The director will monitor whether charges are brought and the board at a later date will decide whether this matter needs to be investigated as a disciplinary matter.
- **New Complaint OT 06-02:** OT problems with documentation will be received shortly and assigned for investigation.

5. Use of Aides Rules: The Board considered the recommendation to amend the draft rule on Aides to add a sentence at the end that reads: “These rules do not apply to school aides and occupational therapists working in school settings. The rules on aides in the education setting are found in OAR 339-010-0050.” The director will file amendments following administrative procedures.

6. COTA Supervision Questions: Most of the questions dealt with supervision issues relating to fieldwork students. The Director invited Sandra Pelham-Foster, the new student fieldwork coordinator at the School of OT, Pacific University to attend this portion of the meeting. The Director noted that this week the school of OT is in the process of moving from Forest Grove to the new campus in Hillsboro. The Director handed out the AOTA guidelines on student fieldwork. Sandra Pelham-Foster brought in additional information and is putting together packets on fieldwork supervision.

An OT is the clinical supervisor for fieldwork students, and the one responsible for overseeing the student. When dealing with co-signing notes, it is important to distinguish questions of documentation for student supervision vs. for co-signing for Medicare/Medicaid payments. Even if the OTA co-signs student notes, the OT is responsible for the billing documentation. Often, questions the Board gets on co-signing notes are really asking about Medicare/Medicaid billing. OTs co-signing student’s notes becomes important when you are dealing with billing because a student cannot bill since only services of a credentialed therapist can be billed. A red flag will be raised by student signed notes, so err on the side of higher standard. In an inpatient setting the reimbursement and billing will go through the OTR license so the OTR has to sign everything that is billed.

Even if a COTA is in the room with the OT/student, the OTR must be in control of the treatment. If a student signs a note it looks as though the student performed the treatment. Whoever co-signs the note is the one billing. On billing issues, the contract with the facility will need to be reviewed. How documentation is done depends on the practitioner and the facility. Since the OT is responsible for documentation of the student, the practitioner must be diligent in understanding the implications of having students in situations such as skilled nursing facilities. If an agency takes a student to supervise then the student must be properly supervised in each practice setting.

Some facilities with fieldwork students hand pick patients so as not to give Medicare patients to students to avoid the problem. AOTA guidelines refer to the facility policy. Talk to the facility Medicare intermediary on billing issues. The Boards deals with issues of competency not billing.

Certainly OT Assistants should be involved with the fieldwork student. If a student is with an OT Assistant and the OTR is not on site, the student dealing with behavior or difficult problems first works with the OT Assistant but the OTR should also be advised and kept informed. The Board questioned whether OT Assistants receives enough education or experience to be prepared to be supervisors. A lot of work needs to be done by a facility to supervise students. The Board discussed how both OT and OT Assistants should be taught about being supervisors.

AOTA has minimum standards and the Board may have stricter guidelines. Some states do not license OT Assistants, so when they talk of credentialed professionals, in Oregon that includes OT Assistants. The new AOTA Commission on Education Standards, April 2006 say that an OT Assistants can supervise OT students only in areas for which OT Assistants are qualified and competent. Since OT Assistants cannot do evaluations or assessments, they cannot supervise students in these areas.

The student is there to be supervised, not to make the OTs job easier or to have free help. Student should not be alone in a building without an OTR or OT Assistant. The board discussed Level II students who can be alone with patients. Minimum standards require only eight hours of supervision per week for Level II students, through direct observation, roll modeling, review, consultations etc.

When students write assessments of their fieldwork experience for Pacific University they discuss the site, whether they got needed feedback, and had access to proper supervision. Often the feedback is that the students did not feel the supervisor really heard them and there was no communication.

Finally, the Board noted that both the OT and the OT Assistant can received CE credit for their portion of student supervision under Oregon CE Rules. Sandra Pelham-Foster pointed out that the reason these issues exist is because Medicare regulations change. The Board needs to stay responsible and responsive and be proactive. If it received questions, they should deal with the issues.

7. Dysphagia and Dysphasia: The director provided the Board with the new AOTA certification information and some of the comments recently received asking about how much eating/swallowing work can be done by OTs in Oregon. The Director is working on a web site article and will contact the Speech and Language Board to come up with joint language from both boards on these issues.

8. Board meeting at OTA conference in Eugene: The Director will make arrangements and reservations for board members during the Eugene OTA conference which will be at the community college. A room is reserved from 2 – 6 for the Board meeting, though the first hour from 2-3 will be not be open to the public since it will be for confidential disciplinary matters. This will be announced in the OTA brochure. OTA has asked the board to make a one hour presentation Friday evening. The Director will confirm the time, place and topics. Several board members will be available on Saturday for the Board poster session, providing a place for licensees to meet and talk to board members. The Director will use the lap top computer to show licensee look ups and OTLB web site.

9. Active Duty Military Occupational Therapists: The director received a response from Brigadier General Caldwell who recalled a bill last session to allow state license fees to be waived which did not pass. No other Health Related Licensing Board in Portland waives license fees for those in the military. The two occupational therapists are in Washington DC and Maryland and are not on active duty overseas. No action was needed. The Director pointed out that there was one exemption given last year to waive a Louisiana applicant's Oregon fee because the applicant had been affected by Hurricane Katrina and had already paid a license fee in Louisiana.

10. Statutory changes for new OT Definition and Requiring Re-entry program and CE for new applicants: The Director advised the Board that the Governor's office did approve this legislative concept to be a bill in the 2007 session. Both the PT Board and the Speech-Language Board will not oppose the bill. However, we have heard that the PT Association and Speech Language Associations might present concerns or oppose the bill. The Director will follow up and document all contact about the proposed language. The Board wishes all concerns to be resolved before the session starts in January, 2007.

11. AOTA Practice Act comments: The Director and individual Board members will comment on the new draft practice Act. The Director will send documents online for members to comment.

12. Other business:

Massage Therapy: The Board was asked about Qigong Sensory Massage and whether it counts for OT CE as well as for Massage Board CE. That depends on the purpose of the training classes. If the classes are to get a massage license then no, it cannot count for OT CE credit. If the classes are specifically for documented therapeutic OT use in an OT setting then OT CE credit can be given.

Upcoming meeting: Friday, Sept. 29, 2006 in Eugene from 2 – 6 at the OT Association of Oregon Conference. **At the next meeting the Board will consider the proposed 2007 meeting dates.**

Genevieve deRenne adjourned the meeting at 2:55 p.m.

Felicia M. Holgate, Executive Director August 7, 2006.