

PUBLIC MEETING MINUTES
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Friday April 27, 2007 at Samaritan Albany General Hospital, 4th floor, Conference Room 3. Board members present were: Genevieve deRenne, MA, OTR/L, FAOTA, Chair, Jeffrey Roehm, Public member, Vice-Chair, Joyce Browne, OTA/L, and Alan King, OTR. Tom Ruedy, Public Member was not present. Felicia Holgate, Director was present. With a quorum present, Genevieve deRenne called the meeting to order at 10:07 a.m.

1. Minutes: The Board reviewed Public meeting minutes, of JANUARY 19, 2007. Jeff Roehm MOVED THAT THE PUBLIC MINUTES OF JANUARY 19, 2007, BOARD MEETING BE APPROVED. Joyce Browne SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

2. List of Licensees: Licenses issued since the last Board meeting were distributed. Jeff Roehm MOVED THAT THE BOARD RATIFY THE LIST OF LICENSEES ISSUED SINCE THE JANUARY 19, 2007 BOARD MEETING. Genevieve DeRenne SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

Currently there are 1493 licensees; 243 OT Assistants and 1250 Occupational Therapists as of 4/25/07. In addition there is 1 Limited Permit holder. These last 3 months the average number of licenses issued is 11-12 per month. In 2006 our average was 8 – 9 per month.

There are 53 licensees whose license expire in May, 2007 and at the present 17 have renewed for the second year. Most of these licensees come to Oregon with temporary companies. The director estimates that half will renew and that there will be an estimated numbers of about 1470 - 1500 licensees by the end of June, 2007. The Director noted that just recently there have been more OT Assistants coming to Oregon through companies from out of state.

In 2006 there were 224 OT Assistants and 1086 OT that renewed their license. The director **estimates** in 2008 there will be 235 OT Assistants and 1220 OTs that will renew their license.

3. 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. There were three cases discuss during closed session.

- **OT 2006 - 03 Self reported theft:** The actions taken by the board in Open Session were:

MOTION by Jeff Roehm and SECONDED by Genevieve DeRenne **TO REVOKE THE LICENSE.** Alan King abstained from comments or vote. The motion was passed with all the other board members present.

- **OT 2006 – 01 Probationary License:** Status report given of licensee on probationary license.

MOTION by Genevieve DeRenne and Seconded by Joyce Browne **TO REVOKE THE PROBATIONARY LICENSE.** The motion was passed with all the other board members present.

- **OT 2007-01 Unprofessional Conduct:** This complaint was assigned out to investigate and report back to the board at their next meeting.

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

- The Director met with John White and Linda Hunt working on the Re-Entry program at Pacific. Linda Hunt, a new profession at Pacific University will take over the Pacific **Re-Entry** Program in the fall. This may include expanding the program to OT Assistants.
- The update on the possibility of an OT Assistant school in Oregon City is no longer being discussed due to legislative action on Community College budgets in Oregon. The need for Re-Entry program at Pacific to expand for OT Assistants is needed.
- The Director reviewed the presentation for the **online licensing and credit card payments** system. The costs are going to be shared by the Suite 407 licensing boards and therefore not anticipated to be great. The system is careful on security issues, keeping all systems separate with no direct access to the data base except by the Board office and the IT professional. It is important to note that the procedure outlined in the presentation means that every change made online, and approved by the director can be entered automatically into the data base, a great saving on staff time meaning that temporary help will not be required during renewals.

Office staff will be able to spend the rest of the time on problems cases, on CE audit cases (which will also be able to be done online making it easier to forward to board members reviewing the CE audits), and the final licensees who cannot be contacted. This cost savings will be passed on to licensees. Even with the anticipated increase by several hundred more licensees in 2008 than in 2006 the director does not anticipate any increase in staff.

- The Directors of all the Health Related Licensing Boards in Portland continues to look at the issue of Director reclassification. The Ways and Means committee brought up the issue of disparity of the pay for the directors compared to other state employees doing equal work but took no action. Even though DAS is looking apparently at the issue of agency head pay, there are 9 Small Health Licensing directors who are in an old classification system of “Executive Officer” in a much lower pay scale than those in the State management system.
- The Director visited the Idaho Board for OT within their Medical Board in Boise in April while on vacation there and met with Jodi Adcock, Allied Health Licensing for the State of Idaho Board of Medicine who works on OT licensing. The Idaho Board charges \$3 for verification and sends them out within 3 days. Oregon does not charge at all we also get them out within a few days.
- The Director next wants to contact California and Washington States to see whether our states can expedite verifications between states. Idaho gets verification out quickly and Jodi Adcock advised the Director that they would not call the Oregon board even if there was an ongoing investigation because of their confidentiality laws. In Oregon, under ORS 676.175 the Oregon board can notify the Idaho board since they are a regulatory board with functions similar to Oregon’s regulatory board.
- **Budget Review:** The Director gave a **fiscal summary**. Monthly expenditure statements are scanned and sent to the Board members for review by e-mail. The Board reviewed monthly expenditures and discussed the financial situation. The **December 2006** expenditures were **\$7,076**.

January 2007 expenditures were **\$8,620**. **February 2007** expenditures were **\$7,629**. **March, 2007** expenditures just received were **\$7,099**. Spending is still well below the budgeted monthly amount of **\$11,214**. These monthly interest payments continue to be close to **\$1500** a month. This interest currently doubles our monthly revenues.

4. Changes in Fees for Renewal Applications in May 2008: The Director recommend the Board reduce the Occupational Therapy license renewal fees. The Director submitted financial information with options on how much to reduce the 08 renewal fee. Since fees are in rule, the director can provide proposed rule change notification on fees to be heard at an “administrative hearing” during the July 27th meeting at 1:00 to consider all comments....

The Director also asked for the accountant from Shared Client Services to review our revenue and expenditures and received information from Rebecca Jasso who also recommends a reduction in fees and provided several options. Most boards have between 6 and 12 months of revenues to cover costs. The Oregon OT Licensing Board has a very healthy reserve. **The Legislatively Adopted budget for 07-09 has an Expenditure Limitation of \$290,033 which averages \$12,088 per month to spend.**

The Director does not anticipate any great change in expenditures. Even with the change to online and credit card payments for renewals discussed, there are no anticipated costs that could not be incorporated by the current expenditure limitation set by the legislature in the 05-07 and 07-09 budgets. The areas to watch for are: Discipline and AG costs; and possible other changes to federal Medicare/Medicaid laws that would affect the increase in OT license numbers in Oregon.

As discussed earlier, the affect of online licensing making automatic data changes in the data base reducing staff time means the Director and .25 staff time by Gayle Shriver, does not anticipate need for hiring any extra staff during renewals, even with the increased number of licensees. The additional costs for IT expenditure to complete the credit card and data changes and the cost of less than \$3 per credit card charge will be incorporated into the projected expenditures of \$12,000 a month.

The board looked at the amended projected 05-07 report on what the effect would be with reduced fees on the financial stability for the board. With a large ending balance projected in both 2007 and 2009 and sufficient months of reserves, the board considered several options in reducing license fees. The board evaluated all the budget figures, projections and after considering all the financial information made the following motion:

MOTION by Jeff Roehm and SECONDED by Joyce Browne MOVED TO REDUCE THE FEES TO:

1. Fee for OT license renewal (now \$200 for two years) **will be reduced to \$170** (\$85 yr).
2. Fee for OT Assistant license renewal (now \$140 for two years) **will be reduced to \$120** (\$60yr).
3. Fee for OT applications either in state (now \$85) or out of state (now \$120) **will be \$100.**
4. Fee for OTA applications either in state (now \$60) or out of state (now \$80) **will be \$70**

The fees are in the board’s rules and the Director will submit administrative rule changes. These changes will be submitted for final Board approval after a hearing set at the July board meeting before final adoption. The motion was passed with all the other board members present.

The Board noted that the reasons for the ability of the board to reduce fees are due to the two year licenses, the increase in licensee numbers, and the efficiencies of the Board. The Board is now able to pass on these savings to the licensees and still maintain a healthy budget for the Board.

6. OTA: October conference and board presentation and involvement during the conference.

The Board will hold a board meeting during the OTA state conference which will be held Friday, October 12, 2007 at Portland State University. To make it easier for occupational therapists to attend, the Director will arrange for a room for the Board to hold their board meeting at the same building where the OTA board will hold its convention.

In addition the board will provide a reception hosted by the Board for Occupational Therapists during the conference and provide refreshments. The Board members suggested that since this is also the 30th anniversary of OT license that former members of the Board, former staff and legislators be invited to the reception as a social occasion.

In addition the Board plans to provide some free CE class for members, probably on the new CE requirement on pain management to save costs for occupational therapists in Oregon.

7. Legislation from 2007 Session:

SB 135: Status as of April 27: Definition change has been taken out of the statutory changes in the bill and will be considered as a rule change by the Board. The other provisions of SB 135 on **Requiring Re-entry program and CE for new applicants** has passed out of the senate and is waiting for House appointment to a committee. **Genevieve DeRenne** testified with the Director on this bill (as well as the OT Budget bill). In addition both OTA and Tiffany Bogus from Pacific U. testified with students of the 3rd year class. This language continues to be found on the OTLB web site and the drafted rules on scope of practice for Occupational Therapy will be published in the May board newsletter and follow the administrative rules procedures.

SB 5029 our budget bill passed out of Ways and Means Fri. April 20th; no issues

SB 789A Pain Management legislation: The Director provided the board information about the commission and areas where CE can be obtained with costs for the CE. The Board already offered services to help the Pain Commission strengthen its discussion of pain to include more information on how occupational therapists work in the area. All occupational therapists in the state will have a four year period within which to complete 7 hours of pain management (this includes the 1 point of CE online that is free).

The Director has already alerted Pacific University and OTA about providing CE in this area in the next few years. New applicants will have two years to come into compliance with the legislation. The Director will need to keep track of all renewals to determine who has completed their one time pain management classes. The Director will provide CE administrative rules for the July meeting after the bill is signed into law.

The Board considered providing some free pain management classes put together by the director at no cost to licensees in the state. The Director will obtain a list of Occupational Therapists who work in the area of Pain as it related to specific OT practice.

Other Legislation: The director continues to follow various other legislative bills out gave a summary of bills and provided the Bill Summary of those that might affect the OT board. Bills have to be out of one house by the end of April or they will not go forward: The most important ones are:

- Amendment to Orthotic Prosthetic bill SB 326 exempting PT and OT from licensure requirement
- SB 717 Scope of Practice heard by commission or board prior to going to legislature
- PT – amend to allow PTs HB 2386A SB 359 use Dr.of PT; expand the access from 30 to 90 days.
- Several bills on chiropractors; conflict with PT were heard HB 2242, 2701, 359. 679, 898
- Several bills with other boards on complaints; timing of complaints being heard; cost of complaint investigation to licensee; finding cause before investigating complaints; imposing sanctions; requiring certain info public re complaints; increasing cost of civil penalty; allowing for psychological exams, fingerprinting on criminal background checks, list complaints annually to legislature and governor’s office, and web site, disclosing information of complaint (HB 2029, 2423,A, 2528, 2609, 3492 and SB 146, 200A, 229A, 315, 359, 433, 455, 752, 786; SB 433 (exempts Nursing Board to abstain from imposing discipline on licensees who voluntarily seek treatment for chemical dependency or emotional or physical problems if board find they pose no danger to public health, safety or welfare).
- Public Records, SB 554A respond without delay; 555 cost of record;
- Misc: Medical payment for prosthesis HB 2517; Audits for Semi Ind (2550) Semi Ind for Psychologist Examiners (2009 – not going anywhere); health benefit for counselors (2687A); several bills increasing fees of other licensing boards; new licensing boards: Orthotic and Prosthetic (see above SB 326) Land Use Planners (SB 18) landscape maintenance (SB 467); security breach notifications (SB 583); Administrative Rules found outside scope SB 799; increase fees Nursing assistants SB 2034

The Director commented on other licensing board hearings in which legislators got into the issue of complaints that public and licensees did not feel were properly handled by boards and were reheard at the legislative level. These kinds of issues might spill over into looking at all licensing boards and how they handle complaints.

7A. Proposal for administrative rule to be adopted by the Board on Scope of Practice: Draft rule change on OT scope of practice were adopted by the board. Notice will go to all interested to be mailed out with administrative rule notice for a hearing at the July board meeting to consider any comments. The draft proposed by the board is basically the ATOA scope of practice with a few minor changes in the last two sections. The Director will publish the notice in the board newsletter and the web and sent it out to all interested parties.

Proposed new application forms drafted by Director: The board discussed background questions which had been reviewed by the board’s Assistant Attorney General. The Director will now finalize the forms for all applications and post them on the board web site in May.

Proposed new copy of license: The Board reviewed a new draft license which does not include the address on the licensee copy, but has it on the Board copy, and as a receipt for the license (example given at the board meeting). The Board agreed that this would be a good improvement to Occupational Therapy license forms.

7B. CE Waiver Request: The Board considered a request from Feb. 2007 from a licensee about waiver of CE requirements. The board felt that there are now many options in obtaining continuing education, including inexpensive online classes, volunteering for the OTA board or working on the conference where CE can be obtained. The Director will pass on suggestions and ask the licensee to report on the progress the licensee has made in obtaining CE at the next board meeting.

8. OT Assistant Supervision Review: Joyce Browne expressed concern about needing to send yet another form into the board office and felt that Occupational Therapy Assistants knew their responsibility in submitting supervision forms. The Director will rewrite the information sent to assistants to merely remind them of their responsibility and provide a new Supervision form for their use. There does not appear to be a great problem in obtaining supervision forms and the director will continue to provide AOTA guidelines to all those submitting forms. The director tags all OT Assistant files where there is no form because the assistant has replied that they are not working at the present time in Oregon.

8. Other Business:

- **Future meeting with OT working in Education:** The director attended a TIES conference on April 18 and will put out a general notice that the Board will consider any questions, comments concerns of occupational therapist working in education about how its rules need to be changed. The Board will put this on their agenda for the October meeting and publicize it to the OTs.

- **ATP Wheelchair Assistive Technology:** The Board director received information at the TIES conference about legislation for use of certain chairs having an ATP licensed person doing the work. The Board asked the Director to notify the requestor that occupational therapists in Oregon can do this work under the AOTA guidelines on scope just adopted by Rule by the board.

- **Licensee List:** The director pointed out that when a home phone or e-mail is requested the director asks the requestor for her to contact the licensee and give them the message. Requesters have been happy with the effort the board puts out to contact licensees on their behalf.

The board does realize that the Board will comply with public records laws. However, protecting the personal information of licensees as a general rule has not created any special concerns or requests under the public records laws. The Director also pointed out that the licensee list given for the fee of \$25 is the address list of the licensees and not their e-mail address or phone numbers.

- **Dysphagia: The AOTA on Feeding, Eating, Swallowing** document is now on web site. Recent questions on videofluoroscopies and a dysphagia workshop were answered by the Director saying that they should review the AOTA document and as long as they had the education, training and experience they were within the scope of OT practice.

- **Q on Medicare, Medicaid, PPS, productivity:** Director would like to find something to put on web site and will do some follow up on this issue.

- **OT in private practice:** The director also will look to provide information on our web site on this.

Upcoming meeting proposed for 2007 meeting dates.

Friday, July 27, 2007 in Portland with a hearing set to consider any comments on rule adoptions for new reduction in fees, for rules on AOTA model definition on scope of practice and on new CE rules on pain management.

Friday, October 12, 2007 in Portland during the OTAO conference at Portland State University. The board will also host a reception during the conference.

2008 meeting dates proposed: **Fri. Jan 25, 2008** – Portland
Fri. April 25, 2008 – Portland (work on renewal CE audits)
Fri. July 25, 2008 - Coast, probably Seaside (check Providence facility for board meeting)
Fri. October, 2008 – with OTAO conference outside Portland

Genevieve DeRenne adjourned the meeting at 2:20 p.m.

Felicia M. Holgate, Executive Director May 1, 2007.