

PUBLIC MEETING MINUTES  
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Friday July 27, 2007 in Room 445 of the State Office Building, 800 NE Oregon St. Portland, Oregon. Board members present were: Genevieve deRenne, MA, OTR/L, FAOTA, Chair, Jeffrey Roehm, Public member, Vice-Chair, Joyce Browne, OTA/L, Alan King, OTR, and Tom Ruedy, (with an assistant with him to help) Public Member. Felicia Holgate, Director was present. With a quorum present, Genevieve deRenne called the meeting to order at 10:10 a.m. The Board worked through lunch which was provided at the meeting.

**1. Minutes:** The Board reviewed Public meeting minutes, of April 27, 2007. Jeff Roehm MOVED THAT THE PUBLIC MINUTES OF APRIL 27, 2007, BOARD MEETING BE APPROVED. Tom Ruedy SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed Confidential meeting minutes, of April 27, 2007. Jeff Roehm MOVED THAT THE PUBLIC MINUTES OF APRIL 27, 2007, BOARD MEETING BE APPROVED. Tom Ruedy SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT. The Board noted that the Director will add to the confidential April Board minutes to refer to this meeting's decision since it takes action rescinding the April board decision with an explanation.

**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 April 27, 2007 BOARD MEETING. Alan King SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

- The board also included the ratification of the applicant who has prior discipline.
- The board discussed issue of professor not requiring licensure in another state but needing a license to work in Oregon. The Board issued the license to the applicant because the CE requirements were met but did not require Re-Entry program or retaking of Examination as an exception to its rule.
- COTA monitored in new facility is doing well.
- New COTA Applicant who reapplied after license lapsed in 2002 must either retake the NBCOT exam or do Re-Entry program.

Currently there are 1530 licensees; 251 OT Assistants and 1279 Occupational Therapists as of 7/28/07; including 4 Limited Permit holders. These last 3 months the average number of licenses issued is 13 per month. In 2006 our average was 8 – 9 per month and at earlier this year we were averaging 11-12. More OT Assistants coming from other states are applying for licensure in Oregon.

**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.

**11:00 AM** The Director introduced AAG Johanna Mattanich. Greg Thielen was available during this portion of the meeting on speaker phone, helping the board with the complaint **OT 2007-01**

- **OT 2006 - 03 Theft:** Consent Order signed and notice given to AOTA, NBCOT and HIPDA. (NBCOT doing investigation also) File Closed.

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

Note: At the April 27<sup>th</sup> Board meeting a MOTION was made by Genevieve DeRenne and Seconded by Joyce Browne TO REVOKE THE PROBATIONARY LICENSE. The motion was passed with all the other board members present.

At this meeting the Board reconsidered the motion. After discussion of the matter Jeff Roehm MADE A MOTION TO RESCIND THE ACTION TAKEN AT THE APRIL, 27, 2007 BOARD MEETING AND CONTINUE THE LICENSEE UNDER THE CURRENT CONDITIONAL LICENSE WITH PROBATIONARY CONDITIONS. Genevieve deRenne SECONDED THE MOTION. The motion passed with all board members present.

- **OT 2007-01 Unprofessional Conduct:** Report received for consideration. The Board consultant was on speaker phone and gave a report on the investigation. The matter was continued with a request to obtain further information and be considered at the next Board meeting. One matter coming out of this investigation will be considered under a separate case as **OT 2007 – 03.**
- **OT 2007 – 02** Issues of OT AND PT: The Director advised the board of a new compliant coming jointly to the Physical Therapy Board.

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

- The Director summarized the status of **Re-Entry** applicants. There have been five licensees completing the Re-Entry program. There are currently 8 OTs in or asking about the program.

In the fall Pacific will start taking OT Assistants through the program. Currently there are 2 that might go through the program. We have 1 OT Assistant who is taking the NBCOT examination over to qualify. The director has already met with Sandra Pelham-Foster and John White. Sandra will handle the fieldwork requirement needed for Re-Entry.

Having received the syllabus and additional information from John White, the director will add this to information on the web site for Re-Entry

- **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 **March 2007** expenditures were **\$7,099**. **April, 2007** expenditures were **\$9,663**, **May, 2007** expenditures were **\$7,835** and **June 2007** expenditures were **\$9,754**. Spending continued below the budgeted monthly amount of **\$11,214**. Monthly interest payments continue to be close to **\$1500** a month. Revenues (with interest of close to \$1500 per month) have been **March \$ 3,580; April \$4,782; May \$4,563, and June \$3,261.**

Our Legislative Approved 2007-2009 Budget for \$290,133 comes to a **monthly amount of \$12,088.**

- **Legislation from 2007 Session:**  
**SB 135A** OT bill on scope, CE and Re-Entry was signed by the Governor June 11, 2007  
**SB 5029** Budget bill was signed by the Governor June 1, 2007  
**SB 717** Scope of Practice bill did not pass on the last day of session.

**SB 789A Pain Management legislation:** Signed by Governor; considered under Item #8

The Board noted the great accomplishment in getting through the legislative session with a new scope of Occupational Therapy (and other aspects of SB 135) now in the law. The Director was complemented for her part in having this completed.

The Director PLAYED a tape of **State Rep. Greenlick** (House District Portland) talking about “any two professions agreeing” and **State Rep. Gilser** (House District Corvallis) at the end of the house legislative meeting with the Director and board member Alan King present where she talks about Occupational Therapists being the “unsung heroes” of the medical profession. The Director had a letter ready to be signed and sent to Rep Gilser thanking her for those words and it was signed by Genevieve de Renne, Board chair.

State Rep. Mitch Greenlick (House District 33 in Portland) sent a letter requesting a meeting which was held on Tuesday July 24 with his legislative assistant Tom Powers and Director, Felicia Holgate, to discuss health care issues and “the balance that boards must strike between the protection of the public and the dedication to increasing the quality of the regulated professionals.” Rep Greenlick noted that “sometimes these responsibilities overlap and are complementary; at other times, they conflict and must be resolved.”

The meeting included discussion of scope issues (working with other professions), how discipline is handled, substance abuse cases and whether we have a monitoring program (we do not), Continuing Education. The meeting did not focus at all on consolidation or semi-independence. The director pointed out customer satisfaction; and that protection of the public is the primary role of the board.

Statements of Supervisions: The board office is getting a lot of new supervision forms; and more often OTRs are asking to be taking off supervision of an Assistant. We continue to confirm statements and ask each OTA to review AOTA supervision materials with their OTR supervisor. This is helping with licensee compliance with supervision. At this time out of 251 OT Assistants, we have 29 without supervision forms, meaning they are not currently working in Oregon. The Director also noted that Infinity Rehab is checking up on all their temporary OTs that they are current with their forms.

Affirmative Action: The director noted that she attended the last Affirmative Action meeting in Salem and that she tries to attend various conferences, classes on diversity and discrimination.

**4. Best Practices:** A year ago in July 2006 the board members evaluated how the board was doing with “best practice”. These will now be required performance measures for all agencies. The director asked the board members to fill out the checklist and it will be available for the measures for 2007. It was noted that in the July 2006 review the board members found that they complied with ALL the practices with complete compliance in each area.

The Director will collate the answers and have them available for performance measures. Note: The reports submitted by board members at this meeting found that the Board follows through on all aspects of Best Practices for boards and commissions.

- **Board retreat:** The Director asked about timing of another Board retreat. The last one was held several years ago, and now with the end of the legislative session most aspects discussed at the last retreat have been completed with positive results. This includes:

OPERATIONS: financially stable, budget approved; reduced fees; online renewals ready for 2008, Using services of former board member as consultant

COMMUNICATIONS: SB 135 passed with work with other professions; web and e-mail increasing meetings held outside Portland, work with OTAO and conference, provide great customer service

LAWS RULES: SB 135 successfully passed; being written into rules. Finished work on definition, Re-Entry and requirements for applicants; rules for OT Assistants, and CE

The Board asked that the Director set up the strategic planning meeting in 2008; that meeting will be held **Friday, February 1, 2008 in Portland.**

**5. 1:00 Notice Given for adoption of final Administrative Rules on Fees and Scope of Occupational Therapy:** Notice was previously given to licensees (in May newsletter) on the web site and to Interested Parties, the Board was ready to hear any testimony about the adoption of these rules. Remarks received at the Board office was a letter from Karen Smith with OTAO in favor of the rule changes on OT scope of practice.

John McCulley, lobbyist for Speech Language and Audiology Association was present and noted that the rules as written were the same as the wording adopted by both the Speech Language and Audiology Association and the OT Licensing Board at the hearing for SB 135.

Tracy Rutten, lobbyist for the Physical Therapy Association said the agreement reached by the OT Board and the Physical Therapy Association was the language found in these rules. She noted that the Director Felicia Holgate worked with Rikki Susick and came up with the agreed upon language. Tracy noted how well she worked with the Board director Felicia Holgate during the session.

Having heard all comments Jeff Roehm MADE A MOTION and Alan King SECONDED THE MOTION TO ADOPT THE RULES AS WRITTEN. The motion was passed with all the other board members present.

Notice will be sent by the Director for final adoption of these rule changes in accordance with administrative rule procedures. The Director will publish the new application forms with the new fees on them and post them on the web site. In 2008 we will have online renewals and the new licenses.

## **7. OTAO: October conference and board presentation and involvement during the conference.**

The Board will hold a board meeting during the OTAO state conference probably in the morning on Friday, October 12, 2007 at Portland State University where the OTAO conference will be held. The Board can hold its confidential part of the meeting in the morning, and then discuss issues of interest during the afternoon session which is open to the public to encourage OTs to attend. Several items of

interest will include new CE on Pain Management and rules dealing with OTs in school/education. CE will be provided for attendance at the Board meeting.

In addition the board will host a **reception** during the conference and help provide refreshments. The Board members suggested that as the **Celebration of the 30<sup>th</sup> Anniversary of OT Licensure**, we will invite former Board members, staff and legislators. Students who were involved in the legislative process can be invited to “host” legislators. Friday would be a better day to hold this reception. Perhaps a special award can be given to legislators who worked on OT issues this session.

In addition the Board will hold its vendor time with a Board table to be available to licensees on Saturday. The Director will be there and board members can be available for several hours on Saturday as we have done in the past.

**8. SB 789A Pain Management:** The Director provided the board information about the Pain Commission. The Board has already offered suggestions to change the one hour online CE developed by the Pain Commission to strengthen its discussion on how occupational therapists work with pain. The Board wants to follow up on having an Occupational Therapist serve on the Pain Commission.

All occupational therapists in the state will have a four year period within which to complete the one time requirement of Pain CE (either 6 CE points, or if it is reduced, 4 hours). There is also the 1 point of CE online class that is free and already available (as referred to above which needs improvement regarding how it talks about OTs working with Pain).

The Director has talked to staff at Pacific University and OTA/O about providing CE in this area in the next few years. The Director will check on what specific pain classes are available within the OT program at Pacific University. That may be a basis from which to think about course development.

The Director discussed how the board will track this requirement. On the renewals, Pain CE can be audited as any other CE, and licensees on their renewals in 2010 will indicate that they have completed the required CE, including the 1 hour online class plus the other required hours (whether additional 3 or 6 hours depending on what the final rules of the Commission state). The Director will need to tag all new applicants for when their completion of the Pain CE within 2 years or their next renewal.

The Board will work with Physical Therapists so that we have the same requirements and perhaps to offer CE classes on pain together, and share the cost. The Director though eager to have classes available in 2007 at the OTA/O conference, will more realistically work toward having classes available in 2008. Tracy Rutten on behalf of the PT Association was present and discussed their position at the legislative hearing and the importance of having the same requirements.

The Board can help subsidize the cost of the new requirement of CE on pain for licensees in the Oregon. The Director talked to some Occupational Therapists who work in the area of Pain as it related to specific OT practice. OTA/O can be involved in making classes available. The Director would like to have classes eventually available on the OTLB web site, either as interactive classes, video classes, perhaps taped from OTA/O conference and ask that Pacific’s Practitioner Day involve a day with pain management classes offered as CE in the next few years.

The board also discussed the fact that any classes taken by OTs approved by the commission will be approved by the Board for this requirement. Perhaps with Pacific and the OT Association in 2008 we can develop classes on various aspects of Pain: pain for geriatrics, children, ADL performance, alternative to medication, psychological aspects etc.

## **9. Other Business:**

**Splinting Issue:** The issue of a representative of a splinting company showing up at a facility was discussed and several areas of concern expressed. Is the person coming to a facility on behalf of a company a licensed OTR in Oregon when they are doing hands on with a patient? There was great concern expressed about a company representative working with a patient in a facility working within the licensing and facility requirements. The Director will follow up and report back to the Board.

**CE Waiver Request:** Director reported that the licensee from April board meeting who asked for waiver is working on various classes, perhaps helping at the OTA conference to gain CE inexpensively. Another OT is having medical problems and has already contacted the Board about perhaps not being able to complete her CE, but has some CE already completed. The Director will monitor and follow up with these cases.

**Task Force: Set up by OTA on issues of 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. The biggest concern expressed was that in this area the consequences of competence can cause death in a patient.

## **Upcoming Meetings important on profession development**

**NBCOT:** Certification board meeting dealing with discipline in Virginia in October.

**CLEAR:** In Georgia in Sept. dealing with discipline and investigations

**Citizens Advocacy Center:** On Discipline and boards held in Washington State in October

## **Upcoming meeting proposed for 2007 meeting dates.**

**Friday, October 12, 2007 in Portland** during the OTA conference at Portland State University. The board will also host a reception during the conference. The time and place will still be confirmed.

**2008 meeting dates proposed:**

**Fri. Jan 25, 2008**— Portland changed to **Friday, Feb. 1, 2008** (strategic planning meeting)

**Fri. April 25, 2008** – Portland; work on renewals, CE audits

**Fri. July 25, 2008** - Seaside at OT facility for board meeting

**Fri. October, 2008** – with OTA conference outside Portland

**Genevieve DeRenne adjourned the meeting at 2:43 p.m.**

**Felicia Holgate, Director on August 1, 2008**