

## PUBLIC MEETING MINUTES

### Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Friday Feb. 6, 2010, in Room 445 of the State Office Building, 800 Oregon St. Suite 445, Portland, Oregon. Board members present were: Genevieve deRenne, MA, OTR/L, FAOTA, Chair; Alan King, OTR, Vice Chair; Mashelle Painter, B.S., COTA/L; and public members, Robert Bond and Mitch Schreiber. Felicia Holgate, Director was present. With a quorum present, Genevieve deRenne called the meeting to order at 10:15a.m. Board consultant Joyce Browne was present during a portion of the discipline agenda of the meeting.

**Minutes:** The Board reviewed the Nov. 6, 2009 Public meeting minutes. Robert Bond MOVED THAT THE PUBLIC MINUTES OF Nov. 6, 2009 BOARD MEETING BE APPROVED. Mitch Schreiber SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed Confidential Nov. 6, 2009 meeting minutes. Mashelle Painter MOVED THAT THE CONFIDENTIAL MINUTES OF Nov. 6, 2009 BOARD MEETING BE APPROVED. Robert Bond SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

**Ratify List of Licensees:** Licenses issued since the last Board meeting were distributed. Mitch Schreiber MOVED TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING. Robert Bond SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT. As of Feb. 5 there were 272 OT Assistants, and 1429 OTs for a total of 1701 licensed therapists. Renewals will start in March and we expect that about 10 % of licensee will decide not to renew.

**Report of the Director:** Director, Felicia Holgate sends monthly reports. There are some legislative bills we are following in the Feb. 2010 short session including HB 3618 modifying home care worker which we believe will not affect OTs; HB 3614 Task Force on Core Gov Functions; SB 1010 Surgical technologist (only relevant to the Board because this was an issue before the board in the past when an OT worked with a surgeon); SB 1035 Abolish certain boards, reduce funding; SB 1037 Additional reporting by state agencies; SB 1040 Universal provider registry; and SB 1056 Legislative review of all agencies, Sunset established.

At the January Health Board Directors meeting, Claudia Black from the Governor's office and Rep. Mitch Greenlick, Chair of the House health committee said there was no move to consolidate the boards. There was discussion of the new law that health board directors serve at the pleasure of the Governor. Recently there have been changes with more oversight of boards including Board Best Practices reported as part of the Budget Performance Measures, monthly meeting of health directors, closer contact with the Governor's office, and the new legislation with additional reporting and audit functions for health boards. The Directors are looking at way to improve services and consolidate functions of all the health boards. The Suite 407 boards already consolidate many of their administrative functions including IT, copier, fax, reports, and staff

**OT Day at the Legislature:** Pacific University 3<sup>rd</sup> year students will be at the rotunda of the State Capitol on Tuesday Feb. 16, 2010 to meet with legislators, have presentations on what OT is and what they do and learn about the legislative process. Felicia Holgate, Board Director and Robert Bond will be attending to represent the Board and answer questions.

**The Nov. Renewal newsletter/ mailing** was sent to **all** licensees with information on Renewals, new laws, CE and pain management, and Supervision. There were over 200 paper copies of Nov. newsletter **returned**. We sent e-mail to each one and asked them to update. There were still another 100 that we had to resend and ask for update or that we have no current information on them. About 50 still have not contacted us. We now have a list of about 60 that we believe are not renewing, and 26 of those that confirmed they are not renewing.

**Online Renewals:** We are getting ready for online renewals. The first online renewals was in 2008 and less than half renewed online. This year we hope to have over 80% renew online. The Director mailed and put a document on the web site giving renewal information. Information was sent on what CE is required, the new Pain Management and the online process. The new workforce development questions have been added as well as including supervising for both OT and OT Assistant if they renew online. Licensees will need to request a paper copy if they do not renew online. The renewal fee is reduced.

**Pain CE:** We have documents from the Pain Commission that shows that for the 1 hour online pain class about 800 have completed it through 2009. We are comparing the Pain Commission list with what renewal applicants send. We ask a specific question on the renewal whether the 1 hour free pain commission class has been completed and whether the six hour of CE on pain has been completed.

**Telecommute Agreement:** has been signed by Board Chair on behalf of the Board meeting for Occasional/Irregular work at home. The Director tries to work at home one day a week. Often it is on days the Director is going to Salem or has other meetings.

**Strategic plan:** The Director has two students at Pacific School of OT summarizing material Director found from other state boards on their (1) CE categories and credits and on (2) impaired practitioner programs. The health boards are looking at a matrix to use for investigations/penalties that will then be reviewed by the Board. We were told by Rep. Greenlick there will be no push to a consolidated or "super board" and that if changes are made to boards it will be done with input from Health Board Directors, Associations and licensees.

**Budget Review:** The Director gave a **fiscal summary**. Monthly revenue, expenditure, and payment statements are scanned and sent to Board members. The Board reviewed the current accounts. The final Legislatively Approved **2009-2011 Budget is \$338,178** which gives the board an **average monthly amount of \$14,091**.

**Expenditures in 2010: Sept. \$11,888; October, \$11,094 ; Nov. \$10,306.; Dec. \$9,750.** We are spending under the average \$14,000 a month allocated in this biennium.

**Revenues** were: **Sept. \$1,364; October \$1,066; Nov. \$ 869; Dec. \$1,470.** Interest revenue was: **Sept. \$234; Oct. \$226; Nov. \$199; and Dec. \$195.** The Board financial situation continues to be stable. Even though income is a little lower we are still increasing license numbers mostly from out of state applicants. Renewals start in March 2010 and renewal income accounts for over 2/3 of the Boards income for the next two years. With a current license number at 1702 we are close to our revenue projections .

The Director filed the final permanent notice of the proposed Administrative Rules for the renewal fee reductions in 2010 on January 5, to be effective for the March 2010 renewals.

**4. Closed Session: Disciplinary/Investigations/Complaints:** In accordance with ORS 192.660, which allows the Board to meet in Executive Session on matters to consider information obtained as part of investigations of licensees, the following cases had formal motions made:

- **OT 2009-02:** Probationary license issued 8/3/09 and conditions being followed.
- **OT 2009-04:** Report presented. No formal action taken

**OT 2009-05:** A MOTION WAS MADE by Robert Bond AND SECONDED by Mashelle Painter THAT THE BOARD FOUND NO EVIDENCE OF MISCONDUCT BY THE OT ASSISTANT AND THE FILE WILL BE CLOSED. ALL WERE IN FAVOR. The licensee and complaint will be so advised.

- **OT 2009-06:** The emergency suspension continues. The final Consent Order (OT 2010-01) was drafted and sent out, and is waiting for signature.
- **OT 2009-07:** Applicant for Licensure: The Board reviewed the discipline from Washington State. The matter was continued until the May meeting.
- **OT 2010-02:** Sent for investigation.

LUNCH was provided for the Board which continued discussion of agenda items. All board members and the Director were present. The Director paid \$10 tip for the delivery of lunch, noted here for reimbursement purposes.

#### **5. Rule and Law changes:**

**Law changes:** The Board considered legal changes recommended by the AAG on civil penalties, subpoenas, discipline and fingerprinting. MOTION MADE by Genevieve deRenne and SECONDED by Alan King to BRING LEGISLATIVE CONCEPTS FORWARD FOR THE 2011 LEGISLATIVE SESSION. There was no objection. They must be first approved by the Department of Administrative Services and then by the Governor's office. Legislative counsel will review the wording as drafted and recommended by the Board's AAG. Drafts will be sent to OTAO and Pacific.

**Fingerprinting** draft rules were discussed. They will be sent to OTAO and Pacific for comment. In 2009 the Governor's bill gave the board the authority to require fingerprinting of applicants as of Jan. 1, 2010. The Board will draft rules and prepare policies and procedures on processing fingerprints, finding the most efficient system before we start.

**6. CE questions and Issues:** The Director has two students at Pacific School of OT summarizing material Director found from other state boards on their (1) CE categories and credits and (2) impaired practitioner program. Several CE questions have come up:

- Volunteer in Haiti: The board applauds the work of this OT but does not feel it is education based and will not approve CE for volunteer work. This is personal growth rather than CE as defined.
- Leadership retreat for 2008 and 2010: The OT will need to show how individual classes are educational, what the outcomes are, and the learning objectives of each session. Then the board will reconsider.
- MBA in non profit management: The board discussed the argument presented by the licensee as to how the education will improve his OT skills and how he will use what he learns in these graduate courses for his OT work. The board approves CE that helps OTs with improving their skills as they are patient related. The board now needs to look at how educational classes in professional development and management skills are used to help an OT in their professional work. If the OT can show how such classes relate to their practice, the board will approve such educational classes for CE hours.
- Advance Master Degree in Exercise Science and Health Promotion: Some of the classes most likely will count toward CE but each class will need to be reviewed. The Director will ask the OT to outline how each class specifically relates to their OT practice.

## **7. New business**

**Governor's letter/board audits and information**: Robert Bond recommends that a letter from the Board members be submitted with the board audits to the Governor's office and the legislature. The Board members should also have input on how the Director is performing.

### **Reponses to Questions from last board meeting on NW Rehab and about the Oregon Health Plan:**

The Director obtained information about NW Rehab and how this group works in Oregon and Washington State. It does not prevent the licensee from having her own contract with any health provider. They are a non-profit. The Director talked to the Chair about the issue and it is still pending. This might be similar to other groups trying to have one state credentialing for all health practitioners.

There was a query on the Oregon Health Plan and how long it takes to get authorization and approval for treatment. The Director contacted the licensee several times, (did not get response from the Oregon health Plan) and the licensee has now received further guidance for the OHP office.

### **New Business:**

The Director continues to attend and work with the other Health Related Licensing Boards (HRLB). This group is working on many issues and has been a wonderful resource.

### **Upcoming meetings in 2010:**

Friday, May 7, 2010 Corvallis – conference room reserved at Good Sam

Friday, July 30, 2010 Portland

Thursday, October 14, 2010 in Sisters, the day before the OTA conference – rooms reserved

Genevieve DeRenne adjourned the meeting at 2:45 p.m.

Felicia Holgate, Director Feb. 9, 2010