

PUBLIC MEETING MINUTES
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Friday **Aug 19, 2011** in Portland at the State Office Building, Room 445, 800 NE Oregon St. Board members present were: Alan King, OTR/L, Chair; Robert Bond, B.A. public member and Vice-Chair; Mashelle Painter, B.S., COTA/L; Linda Smith, OTR/L, and public member Mitch Schreiber. Felicia Holgate, Director was present. With a quorum present, Alan King called the meeting to order at 10:00 a.m.

The Board congratulated Linda Smith to the Board. Her appointment by the Governor was ratified by the Senate on May 26, 2011. Both Linda Smith and the Director attended the Senate confirmation hearing.

1. Minutes: The Board reviewed May 6 - 7, 2011 Public meeting minutes. Robert Bond MOVED THAT THE PUBLIC MINUTES OF May 6 - 7, 2011 BOARD MEETING BE APPROVED. Mashelle Painter SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT; EXCEPT LINDA SMITH ABSTAINED AS SHE WAS NOT YET APPOINTED TO THE BOARD.

The Board reviewed Confidential May 6, 2011 meeting minutes. Robert Bond MOVED THAT THE CONFIDENTIAL MINUTES OF May 6, 2011 BOARD MEETING BE APPROVED. Mitch Schreiber SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT; EXCEPT LINDA SMITH ABSTAINED AS SHE WAS NOT YET APPOINTED TO THE BOARD.

2. Ratify List of Licensees: Licenses issued since the last Board meeting were distributed. Linda Smith 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 August 18, 2011 there were 273 OT Assistants, and 1508 OTs for a total of 1781 licensed OTs. There were 65 new licenses issued since the last Board meeting which averages 19 - 20 licenses per month in the last quarter, a little higher than average.

Limited Permits are counted in the total so when the LP holders pass the exam and become Initial licensees, we issue a new license but the total does not change. There have been 21 LP issued in 2011 and most will get a license in Oregon.

3. Report of the Director: Director, Felicia Holgate sends monthly reports.

New Administrative Rules were distributed. They include the latest adopted rules.

New Oregon Revised Statutes: New laws were distributed including the 2011 changes.

Budget Review: The Director gave a **fiscal summary**. Monthly revenue, expenditure, and payment statements are generally scanned and sent to Board members. At this

meeting the Board received copies of the May and June accounts because it is the end of the Biennium and there were some extra costs. The Board has a healthy budget.

The Director and Vice Chair Bob Bond reviewed the budget documents, ending balance and budget for this 2011 – 2013 Biennium which started in July 2011

2011 Expenditures: April \$ 9,850; May \$ 12,348; June \$ 17,742. The May accounts included the payment for 2 day Board travel/lodging/meals. The June accounts included IT, computer, and updating new server installation; payment of \$3,884 for office ergonomic furniture purchased at end of biennium. The out of state travel was the HIPDB confidential reporting of health professional conference in Seattle.

2011 Revenues: April \$ 2,630; May \$ 1,918; June \$ 3,489. Note: There was a transfer of funds to DHS of \$7,440 for a \$5 per licensee mandatory workforce data collection.

Agency 2011-2013 Budget Hearing: The final Budget work session was held the last days of the session and the final legislative Approved budget for 2011 – 13 is \$364,166. The cost for background fingerprint checks was denied. The Board average amount comes to \$15,000 per month

Rent for 2011: DAS facilities agreed that an appropriate and clearly determined change in space measurements was not done. Rent will not increase now. We expect new measurements of the office space and common space to be done later this year.

Legislation: Fingerprinting: At this time the Director will not be setting up fingerprinting of applicants since the legislature did not approve the costs. The Board will continue to study other methods of checking backgrounds such as LEADS (Law Enforcement Data System) and HIPDB Continuous Query system.

Semi Independence: Pros and cons are being studied and a report is being prepared.

HRLB Audit report: The Board reviewed and accepted the Director's responses at the previous board meeting to Health Related licensing Boards Audit report and it will be sent to the HRLB Audit team, the Governor and legislature.

Summary of Board response to Audit Report and Board recommendations:

The AUDIT team composed of other Directors and a public board member met with the Director in August 2010. The OT Board reviewed all comments at the May planning session and considered each item and a response follows each recommendation:

1) The OT Board has additional part time staff to address the issue of Director burn out especially during renewals and other high volume periods. The Director has a new retired Board member to help with Discipline cases. A contract has been signed by a retired attorney to help on projects and fill in when Director is on vacation.

2) Sufficient funds for legal costs: This is a budget issue for the legislature. Currently the Board has \$23,351 budgeted for AAG costs for the 2011-13 Agency Budget. If there is not a sufficient amount the Board would need to go to the Emergency Board.

3) Establish criminal background checks (fingerprints) for applicants. Board has new fingerprinting rules but costs as a “pass through” were not legislatively approved. The Board will consider other means such as LEDS (Law Enforcement Data Base) or HIPDB.

4) Ethics and Jurisprudence state examination: A draft exam on laws and rules for applicants was distributed to the Board. The questions will be reviewed and then put online as part of the application process. Later it might be used for current licensees, perhaps as a free online CE credit.

5) Verifications: In October 2010, the OT Board changed its application to require that an applicant provide primary source written verification of license from every state they have ever held a license, regardless of the license current status (prior was last 5 years).

6) Recommendation to expand to seven members by adding one OT member and one Public member with no ties to the OT profession. This would require a legislative change. Current Board members resigned membership on the OT and OTA school boards as well as the Association, to keep a separation in roles. The Board has sufficient members for meetings and never had more than 1 member absent. Board members no longer handle disciplinary investigations leaving them more time to work on OT issues. At this point the Board does not recommend a larger board.

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 were considered:

- **OT 2009 - 07:** Application withdrawn until 2012
- **OT 2010 – 06:** Continued
- **OT 2010 – 07:** Continued
- ◆ **OT 2011 - 1:** Continued
- ◆ **OT 2011 - 2:** To be dismissed.
- ◆ **OTA 2011 - 3:** Continued
- ◆ **OT 2011 – 4:** Continued
- ◆ **OTA 2011 - 5:** Continued.
- ◆ **OT 2011 – 6:** To be dismissed.

- ◆ **Application of L** – to be issued when completed

Lunch: Board members and Director continued work through lunch.

5. CE request for waiver: The rule states: **339-020-0090 Waiver** The Board may, in individual cases involving physical disability or illness, or undue hardship, grant waivers of the minimum continuing education requirements or extensions of time within which to fulfill the same or make the required reports. Applications for waiver shall be made to the Board in writing at least two months prior to license expiration.

Renewals do not start until March and licensees need to complete CE as a condition of licensure. There are some free and many low cost CE available. The Director will point some of these out. The Board can consider this at the Feb. meeting again, but sees no reason to give a waiver this early and expects all renewal applicants to do their CE.

CE request for reading: **CE rule 339-020-0020** does not provide CE for reading. The Board applauds readings done by the OT but it is not accepted for CE. There are some Peer review articles with an exam at the end that can be counted.

6. OTA conference presentation by Board: There will be a Board presentation during the Friday lunch time. The Director will prepare a power point and talk about legislation (cultural competency, civil penalties – matrix, \$ for fingerprinting) new law exam, semi independence, new data system and web site, workforce data collection. Talking points will be prepared for Board members to cover:

- (1) NBCOT certification - Mashelle Painter.
- (2) Promoting EBP and Management: Robert Bond
- (3) Discipline: Mandatory reporting – increase in cases, matrix: Alan King

7. Board Best practice survey: Board members filled out the survey. Results will be submitted as part of the Agency Performance Measures.

8. Telehealth – postponed

9. Ethics/Law Exam for new applicants: a draft exam was distributed and the Director will follow up for an online requirement to go with new applications.

10. New Business:

NBCOT: A draft response to questions on making certification mandatory:
Why the Oregon OTLB is considering that **NBCOT certification be required**

NBCOT certification is an important step for Oregon Occupational Therapists. Initially every student must take the national exam to be “certified”. Initial certification is a state requirement. NBCOT serves the public interest by developing, administering and

reviewing a certification process that reflects current standards of competence. NBCOT also works with state regulatory boards on credentials, professional conduct, and regulation. Continuing your national Certification gives the authority to continue use of OTR and COTA and use of the “R” and “C” is a trademark of NBCOT.

1) Is it redundant to what the Oregon OT Licensing Board already requires?

The NBCOT’s certification renewal requirement is national in scope and was designed to be complementary to state continuing education requirements. Not all state regulatory laws require continuing education and requirements vary from state to state. This gives a minimum consistency throughout the country for all OTs who maintain current certification. State regulatory agencies and employers looking at current NBCOT national certification status also have information on any disciplinary action taken by NBCOT against licensees.

2) Is costly and time-consuming?

The current NBCOT certification renewal fee is \$65 for a three-year renewal cycle which averages \$22 a year. CE activities that the Oregon OT Licensing Board accepts are also accepted by NBCOT. From a professional development perspective, NBCOT includes a number of options at little or no cost. NBCOT recognizes that OTs are busy and the costs for CE emphasis building flexibility into the portfolio of CE activity options. The CE certification renewal application is available online at www.nbcot.org and the application process is efficient and timely.

NBCOT has developed a self assessment tool to help with on-going professional developments plans to identify strengths and weaknesses of knowledge and skills used in their practice areas which include: General OT, physical disabilities, mental health, pediatrics, geriatrics, orthopedics and community mobility.

3) Philosophically, why be associated with NBCOT after the trademark “OTR” and registration process was allegedly “taken away” from AOTA?

The decision to move certification away from the AOTA was made by the Association’s Representative Assembly in 1986. This decision ultimately resulted in the establishment of the American Occupational Therapy Certification Board (AOTCB). The AOTCB was incorporated in 1988 and later changed its name to the National Board for Certification in Occupational Therapy, Inc. (NBCOT).

NBCOT conference: New Board member Linda Smith will attend. It is important to understand the topics on the Agenda and all members should attend at some time.

Delegation to Director: The Board considered amendments to the previous Delegation to Director. Linda Smith MOVED and Mitch Schreiber SECONDED TO APPROVED THE AMENDMENT TO THE BOARD’S “DELEGATION TO THE EXECUTIVE DIRECTOR”. The document will be added to the Policy and Procedure binder. There was some concern whether in the future with a new Director whether all the duties should be delegated to a new Director. The current Director said when the Board will consider hiring a new Director, the Delegation document will be one of the items brought to the Board to consider as they see the background and experience of the candidate.

The meeting was adjourned at 2 p.m. by **Chair Alan King**.

Meeting Date for Nov. 4, 2011 is in Portland

Meeting Dates for 2012: Schedule with OTA school will not work on a Friday in 2012.

Feb. 3 Portland

Friday May 4 – 5, 2012 Medford with strategic planning meeting

Friday August 3 - 4 perhaps with a Board CE presentation

OTAO conference in 2012 in Hood River – with Board presentation

Friday, November 2, Portland