

PUBLIC MEETING MINUTES - DRAFT -
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Friday **Nov. 4, 2011** in Portland at the State Office Building, Room 1D, 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.

OTAO members were hoping to attend but no able to do so and will try to in the future. Fiscal Officer, **John Terpening** attended the meeting. **Sandra Pelham Foster** presented to the Board about TeleHealth. **Chrissy Van Osdol** and **Morgan Benson** talked to the Board about OT caseload in education.

1. Minutes: The Board reviewed Aug 19, 2011 Public meeting minutes. Linda Smith MOVED THAT THE PUBLIC MINUTES OF Aug. 19, 2011, with a few minor editing changes, BOARD MEETING BE APPROVED. Alan King SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed Confidential Aug. 12, 2011 meeting minutes. Robert Bond MOVED THAT THE CONFIDENTIAL MINUTES OF Aug. 19, 2011 BOARD MEETING BE APPROVED. Mashelle Painter SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

2. Ratify List of Licensees: Licenses issued since the last Board meeting were distributed. Robert Bond MOVED TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING. Linda Smith SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

As of Nov. 3, 2011 there were 284 OT Assistants, and 1542 OTs for a total of 1826 licensed OTs. There were 57 new licenses issued since the last Board meeting which averages 19 licenses per month in the last quarter.

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

Budget Review: The Director gave a **fiscal summary**. Monthly revenue, expenditure, and payment statements are 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. Budget Binders are ready to go to Salem as soon as the final budget documents are received.

2011 Expenditures: **July \$8,714; August \$ 10,390; September \$18,764.** This includes \$9400 payment for a year of SCS (Shared Client Services) accounting costs (\$783 per month). The Board has an average budgeted amount of \$15,000 per month

2011 Revenues: **July \$ 1,303; August \$ 3,479; and September \$ 3,238.**

New Board Policies and Procedures: Updated information was distributed to the Board and references the many changes made since the last review. They were adopted by the Board with AOTA current documents. Added to the Mental Health section is the reference to the AJOT May June 2011 Vol. 65/No 3 on “Effectiveness of OT services in Mental Health Practice”.

New Board Training Document: A new document drafted by the Director was reviewed by Linda Smith and will be available for new Board members. The next position to fill will be for a public member.

Ethics/Law Exam for new applicants: a draft exam was distributed last meeting and the Director will “test it” with the OTA students and Pacific OT students and then follow up for an online requirement to go with new applications.

CE Waiver: Director noted that the OT request at the last meeting for a waiver of CE has been working to take CE for their renewal.

Board members and membership in other Boards: Can or should a Board member also serve as a member on an Association or OT school Board? There may be a conflict for a licensing board member serving on the Association Board, though this does not prevent serving on both. There is not a conflict serving on an Association committee, though that might depend on which committee (such as legislative). The Director raised the question at the Health Board Directors meeting and was advised that the Governor’s office advised members can be on both boards, and in fact some Health Boards have mandated by law that a member from the professional school serve on their Licensing Board. Best Practice would be if issues come up that are a conflict, the member excuse themselves from voting.

Accreditation process for OTA School at Linn Benton CC: The on-site visit for accreditation with ACOTE was completed. All areas were found to be compliant and there were three “suggestions” to enhance the program. The review committee will make a decision on the status of the program when they convene in December and the decision will come within 4 weeks of that meeting.

Query on OT private practice visits at patient homes: An OT asked about any rules preventing OT's from seeing patients in the patient’s homes - not homebound patients, covered by Medicare, through Home Health agencies. The OT is thinking of bringing her own portable equipment. She has looked into expanding her malpractice to cover in home treatment. AOTA has advised her that she was covered (no additional cost), wherever she wanted to see patients, private homes and internists offices.

The Board commented this was an enterprising OT. She would have all the same payment issues and must check carefully about liability or safety issues. Director talked to the Physical Therapy Board, which has many PTs working in this setting and they have no special rules for this setting, though they cautioned that all the documentation rules apply as in any setting.

Closed Session: Chair Alan King had a discussion of Executive Director’s yearly evaluation and will be finalizing the evaluation.

4. 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 2010 – 06:** Continued
- **OT 2010 – 07:** To be closed.
- **OTA 2011 - 03:** To be closed.
- **OT 2011 – 04:** Discussion.

A MOTION WAS MADE by Robert Bond and seconded by Mitch Schreiber TO APPROVE THE STIPULATED ORDER FOR VOLUNTARY SURRENDER OF LICENSE IN LIEU OF REVOCATION.

- ◆ **OTA 2011 - 05:** Continued

Lunch: Board members and Director continued work through lunch.

Conferences:

OTAO conference: The Board presentations last Friday were changed somewhat so that Alan presented on discipline, Mashelle on NBCOT, CE and Supervision, and Robert on the Board budget and work of the Board. The presentation gave CE credit to attendees.

NBCOT: Linda Smith attended the NBCOT 17th annual October 21-22 conference. Regulation-Emerging Regulatory Issues: The Impact of Healthcare Reform.

The Affordable Care Act (ACA, aka Obama Care) will be affecting OT practice in addition to other Allied Health professions. We learned about details of the ACA. Experts in healthcare presented how they anticipate changes in healthcare will impact the Allied Health professions and issues regulatory boards will face with these changes. Telemedicine is one specific area discussed in relationship to portability of licensees across state borders.

Barbara Safriet, JD, LLM from Lewis and Clark Law School, provided insight to what ACA is adding to healthcare reform including:

- Accessibility across economic and geographic barriers
- Cost effectiveness-health promotion
- Nationwide consolidation to 10-12 healthcare systems
- Efficiency-EMTs, fire fighters doing BPs, blood draws and home safety checks
- Quality-standardization of practice
- Accountability-stringent penalties for fraud

She charged state regulatory boards to meet with major employers and discuss standards of practice, gather information, and disseminate information (schools systems-large caseloads, billing practices). She talked about educating legislators regarding OT issues relating to statutes. She assisted in compiling a handbook on Standard of Practice and approaching legislators which is available on NBCOT website. She might be a good speaker for the Board at a future meeting.

NBCOT has their finger on the pulse of ACA, who in making policy decisions at the national level and is well aware of the issues affecting OT practice. States can glean ways to deal with similar issues by learning lessons from other states, networking and education. This is NOT an era of isolationism. It is time to be active and involved; otherwise changes will be dictated without OT participation.

There were additional fascinating presentations and Linda will share this information when time allows. She thanks the board for the opportunity to attend this stimulating and informative conference. She has a new appreciation for the role of the OTLB and NBCOT. Both are needed!

AOTA Upcoming April 28, 2012: Mashelle Painter will attend the AOTA conference on the OTA Forum “Empowering the OTA/OT Partnership for Optimal Service Delivery and Appropriate Client Reimbursement Outcomes in a time of Reform”. She and other presenters will address current issues related to healthcare reimbursement and the role of the OTA/OT partnership in meeting consumer needs through a better understanding of guidelines for practice and reimbursement.

6. Telehealth: Presentation by Sandra Pelham Foster: The AOTA position paper was distributed to Board members. Also at the OTA/O conference Pam Hood-Szivek presented on this topic. At this point the Oregon Board would require the therapist to be licensed in both the state where the therapist was as well as where the patient was.

AOTA grant: The purpose of the HRSA grant is to provide funding to state professional licensing boards to carry out programs under which licensing boards of various states cooperate to develop and implement state policies that will reduce statutory and regulatory barriers to telemedicine.

John Terpening advised that to receive a grant the board would need to get permission from DAS/BAM, Tamara Brickman and then retroactive permission to increase the Agency allotment from Ways and Means.

7. OT in Education caseloads: Chrissy Van Osdol and Morgan Benson came to the Board to discuss large caseloads for OTs working in schools. Chrissy Van Osdol talked about her experiences in having large caseloads as an OT working with children in school. She stressed the goal to better serve clients who are the children in school, as well as the therapists in doing a good job. This is not just a local issue but also in other Oregon school districts counties and a national concern.

The OT Licensing Board does not have jurisdiction over schools and how they deal with staff, but does share the concerns about therapists being able to provide appropriate services to clients. The best step is for therapists to work with the state association, OTA/O to have their support.

8. Web site: A document on Best Practices for Voluntary reporting driving issues to the DMV was reviewed: Board approved posting the document on the web site.

9. New Business:

Ordering durable medical equipment for VA: A query came in a bout Durable Medical Equipment at the VA. The Board discussed the issue and how federal law would govern how DME is ordered, paid for and installed. The suggestions will be given to contact someone with the VA in Portland about the issue.

The meeting was adjourned at 2:18 p.m. by **Chair Alan King.**

Meeting Dates for 2012:

Friday, Feb. 3 Portland

Friday May 4, 2012 Medford. **NOTE: Changed to Portland**

Friday August 3 - 4 with Board strategic planning at Salishan if we can get the Gov. rate. OTAOC conference in Oct. 2012 in Hood River – with Board presentation; **NOTE: changed to Aug 10-11**

Friday, Nov. 2 Board meeting in Portland

Felicia Holgate Nov. 10, 2011