

PUBLIC MEETING MINUTES
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Friday **Feb. 3, 2012** 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.

Also present for open session was Karen Hass, representative from OTAO, the state Association.

1. Minutes: The Board reviewed Nov. 4, 2011 Public meeting minutes. Mitch Schreiber MOVED THAT THE PUBLIC MINUTES OF Aug. 19, 2011, with a few minor editing changes, BOARD MEETING BE APPROVED. Linda Smith SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed Confidential Nov. 4, 2011 meeting minutes. Robert Bond MOVED THAT THE CONFIDENTIAL MINUTES OF November 4, 2011 BOARD MEETING BE APPROVED. Linda Smith SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

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. Mashelle Painter SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

As of Feb. 3, 2011 there were 291 OT Assistants, and 1558 OTs for a total of 1849 licensed OTs. There were 21 new licenses issued since Nov. which is fewer than most quarters, though we always get less near the end of the year. In the Agency 2011- 13 budget the Director estimated there would be over 1800 licenses by 2012. About 10 – 14 % will not renew.

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. The Board is in good fiscal shape.

2012 Expenditures: Oct. \$10,512; Nov. \$11,251; Dec. \$11,260. The Board has an average budgeted amount of \$15,000 per month. The DAS assessment of \$1,269 was for state services.

2011 Revenues: Oct \$1,229; Nov. \$1,360; and Dec. \$760.

Expenditures for the last few months included a new ergonomic chair and desk furniture for the Director, who has back issues, to help make work easier and to prevent need for sick leave. The Director with the Board's approval Board deemed it a prudent purchase.

Budget Binders for the 2011 – 2013 budget were delivered to Salem after the required budget documents were received. The Board has a healthy balance.

New Budget process coming up: A new state 10 Year Plan has been developed for rebalancing the

State Budget and Management changes to Agencies. We are not certain how the state Other funds/Health Boards will be handled yet. The Governor's priorities are: Education (Learning Council and Education Investment board) and Health (Insurance exchange and Transformation bill). The 2012 session will be for rebalancing the State Budget. The Hiring Freeze is one example of restrictions as well as continued Furloughs, reductions and restrictions.

The Framework has 5 areas: Education, Health People, Economy & Jobs, Health Environments and Safety. There will be Target allocation to each area – health boards are in the “Safety” bucket. We are not sure how health board other funds will be dealt with but will attend a meeting Feb. 7th. There will be program **Funding Teams** made of up citizens to evaluate and prioritize spending. Each Funding Team will have criteria to consider all state funding and make recommendations on spending to the Governor. The budget presentations might be changed, but we are not sure how. The legislature will still have its own process and we are not sure what they will approve. This means there will be 2 budget processes

Briefings will be for Boards on Commissions Feb. 7 in Salem evening and Feb. 16 in Portland. Agency Directors and Board Chairs are invited. The Agenda is: Overview of 10 year plan Framework, program Funding Teams and impact to Budget process for Boards and Commissions. The next Budget starts in March after the session. There will be allocation amounts for each Outcome area with the amount the Governor expects to spend in each area. There are lots of unknowns.

New web site training: The Director has training scheduled on Feb. 8 and Feb. 14th and plans to have training completed before renewals start in March. There should be no disruption in the web site as the state moves from Teamsite to Sharepoint. We hope Gayle will also be getting training later in the year and be a back up for the Director.

2012 online renewals: The Newsletter went out Jan. 4th with information about the 2012 renewals. We received many updates on contact information and questions about CE and renewals. We will delay having a CE “box” where licensees can put in their CE on a voluntary basis until the new data base system is in place. We do not want to change the renewal process so that it is as simple as possible in 2012. There will not be any changes to the CE audit process.

There will be a change in the **workforce data collection** which will be done as a **link** within the online renewals process. It will have new questions for the ethnicity, diversity (following changes to federal/state laws) and languages. We plan to then incorporate the updates changes for all licensees in the new data bases system later in the year. Application forms will be changed to reflect this. With the change to Sharepoint there is also a new process and system for credit cards going through Treasury.

A special reminder e-mail was sent to all new licensees since 2010 who had never renewed in Oregon before. The Director also sent an e-mail on renewals to all OT Assistants on Jan. 26 about renewals and keeping supervision forms current. A final **Notice of Renewal - paper copy** - will be mailed to all licensees to their last known address on March 1st when renewals are ready to start.

Pain Management CE: We need to continue to track Pain Management for all new applicants since the last renewal in 2010. There continue to be a lot of questions on this, including from current licensees affirming it is a one-time requirement.

Telehealth grant: The Director checked about the HRSA grant possibility to study Telehealth. This was not pursued because it was intended only for those licensing boards that already have inter-state cooperative programs and polices ready to reduce statutory and regulatory barriers to telemedicine. Therefore we were not qualified for the grant.

Transparency website and public records: Recent Oregonian articles about travel expenditures discussed Licensing Board staying at “resorts”. The Director noted that wherever the Board meets, the Director pays only state room rates.

There is a new website that contains all state public meetings. The Director posted Board 2012 meetings and will continue to list any public meetings. There are new forms which Board and staff must fill out for Authorization to Use private vehicles. It compares what the cost is for a car renewal through the state contract.

Draft of Ethics/Law Exam: The draft exam was tested on OT Assistant students at Lynn Benton CC and will be “tested” on Pacific students. Director is checking whether to have it online through our IT staff or the state’s ILink program. This is postponed until after renewals are completed.

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:** Report considered and case continued.
- **OTA 2011 - 05:** Report considered and case continued.
- **OT 2011 - 06:** Report reviewed and case continued.
- **OT 2011 - 07:** Report reviewed and case continued
- **OT 2012 – 01:** New Complaint

5. Proposed Rules:

Ethics/Law Exam for new applicants: The Board considered a proposed administrative rule on requiring an Ethics/Law exam. Some Boards do have specific rules requiring the ethics exam. It is prudent to have a rule.

Proposed New Rule: 339-010-0013 Law Ethics Exam Requirement

Applicants for licensure for an Oregon Occupational Therapy license may be required to take and successfully pass an Oregon Law/ethics examination with a passing score set by the board.

Proposed Rules for background checks amending rule on fingerprinting

Amend: 339-010-0012 Background Checks and Fingerprinting Requirements

The Board may require **Oregon or National criminal history checks, including fingerprints or other background checks such as the Law Enforcement Data System (LEDS)**, from any applicants for a license as an occupational therapist or occupational therapy assistant, a limited permit, an applicant to reinstate a lapsed license, and applicant or licensee under investigation to determine their fitness. The fingerprints will be on forms prescribed by the Board. The Board will provide information on where acceptable fingerprints may be obtained and what acceptable procedure is to be used for submitting them. The Board will use the fingerprints to conduct Criminal History Checks. Fingerprint cards will be destroyed as required by law.

6. Legislation and Legislative Day:

OT students from Pacific and OTA students from Linn Benton CC College are meeting at the State Capitol on **Tuesday Feb. 21** as OT Day at the Legislature. OTA will offer few CE with a checklist of items that must be accomplished.

The Director is following new February legislation including the following:

HB 4063: Requires certain professional licensing agencies to accept applicant's military training or experience as substitute for education or experience required for licensure, certification or registration if military training or experience is substantially similar to education and experience required for licensure, certification or registration. Committee on Veterans Affairs

Note: Amendments remove the substitution for educational requirement, now only allow the "six months of supervised field work that complies with rules adopted by the board" to come from military experience, but only if the board deems the experience to be substantially equivalent. There is no intent to change the exam or school qualifications. The Director has advised the committee staff that these decisions are made on a national level and the state licensing board does not deal with applicants until after they have taken and passed the exam. In addition school and fieldwork requirements are set by a National AOTA group and the state board does not make these decisions.

The board members discussed one OT Assistant applicant who said he felt he was training well in his military work to pass the NBCOT exam and had fieldwork appropriate to the field.

HB 4116: Requires state agencies with fewer than 75 full-time FTE to enter into agreement with Oregon Dept. of Admin. Services for participation in shared client services relating to budgeting, purchasing, accounting, human services, financial reporting; Can grant written exemption.

SB 1553: Prohibits agencies from adopting rules during regular Legislative session. Prohibits agencies from adopting rules that become effective before adjournment of next regular legislative session. Specifies exceptions. Sponored by Sen. Beyer

SB 1571: Prohibits agencies from adopting rule that becomes effective on or after effective date of Act and before July 1, 2013. Specifies exceptions. Creates Leg Committee to review all rules adopted by agencies before February 1, 2013, and prepare report reflecting committee's determinations. Allows committee to introduce legislation addressing subject matter of rules reviewed by committee.

A few other bills just to watch that might affect OTs:

HB 4001: Requires criminal records check for volunteers and employees who staff State city or county Emergency Operations Center .

HB 4009: Eliminates monitoring entity from impaired health professional program; Requires report on participation in program, and noncompliance directly to professional's licensing Bd.

HB 4011: Requires person convicted of DUI to submit proof that person completed required treatment program before reinstatement of driving privileges; can except for good cause.

HB 4012: Provides legislative approval of Oregon Health Authority proposals for coordinated care organizations; quarterly reports required on implementation of model of health care delivery.

SB 1509: Legislative approval of OR Health Authority proposals for coordinated care organizations and OR Health Insurance Exchange Corporation business plan for health insurance exchange

HB 4027: Expands immunity from liability for health care provider who provides free services for charitable organization or for person providing outreach services without compensation to homeless.

HB 4091: OR DAS convene work group for creating single system, administered by State Police, for performing criminal records checks on those require licensing by this state.

HB 4153: Establishes criteria for coordinated care organizations. Makes coordinated care organizations public bodies for purposes of Oregon Tort Claims Act.

SB 1522: Requires OR Health Authority to take into account psychological, social factors facing members of coordinated care organization in establishing quality measures and global budgets.

SB 1526: Excludes certain types of communications from public meetings law

SB 1587: Terminated semi independence of Appraisers Certification board.

SB 1568: Establishes requirements for health insurance coverage of **autism** spectrum disorders.

SB 1572: Requires name of member, committee of Legislature requesting amendments to measure to be identified on proposed amendments; Allows additional sponsors to be listed.

SB 1580: Provides legislative approval of Oregon Health Authority proposals for coordinated care organizations. Requires authority to report quarterly to legislative.

SB 1590: Sunset committee: Abolish state agencies and requires performance evaluations.

Cultural Competency: A committee has been set up to study a bill **on cultural competency** to be required for every renewal period. Director was requested to be part of committee and accepted as there are a lot of responsibilities for small health boards to take on as we did with Pain CE.

Legislative fiscal impact statements: The Director took training and will be filling out fiscal statements to any legislation that might affect the Board. This means careful following all proposed bills.

Lunch: Board members and Director continued work through lunch

7. Re-Entry: Pacific has a program in place, at the request of the Board on a formal Re-Entry program for those out of practice for more than 3 years in any state. They have helped with an OT and an OT Assistant program. John White is finding that there are concerns with those out of practice for more than 10 years and is requesting that they not provide the program for those applicants.

8. CE Questions and audits:

Chronic Pain: The OT will need to fill out the log form and determine which part of the class would apply specifically to their OT patients. The Board would approve a portion of the CE but not 6 weeks. Since most of the class appears to be entry level, perhaps only a few hours would count for OT CE.

Cultural Diversity: The Board would give CE credit for classes on Cultural Competency and talked about what the OT wrote about the relevance and benefit of the class: “In my current practice I work with a very diverse population of clients and it was helpful in that it made me more aware of my own cultural biases. The training itself was interactive/engaging and increased my awareness not only of cultural differences but, how to embrace those differences and to find out what similarities we have to work together to meet the needs of clients in a way that is respectful of their culture so that they feel respected, honored and valued.... building rapport and developing a safe/trusting therapeutic relationship/environment...to help motivate them to engage in any type of occupational therapy treatment”.

The board members questioned how they would know whether the speaker was qualified, or that the class was at practice level relevant to the OTs work, and how this would truly the OTs work with their clients.

9. New Business: None

The meeting was adjourned at 2:40 p.m. by **Chair Alan King**.

Meeting Dates for 2012:

Friday May 4, 2012 changed to meet in Portland during renewals.

Friday August 10 – 11th with Board strategic planning at Salishan at the Government rate.

OTAO conference the end of Oct. 2012 in Hood River – with Board presentation

Friday, Nov. 2 Board meeting in Portland

Felicia Holgate Feb.6, 2012