

Oregon OT Licensing Board
PUBLIC MEETING MINUTES -- Friday, August 5th, 2016
Portland State Office Building, Room 612, Oregon 97232

The Oregon Occupational Therapy Licensing Board meeting was held Friday, August 5th, 2016 at the Portland State Office Building in room 612. The Board members present were: Mashelle Painter, COTA/L Chair; Linda Smith, OTR/L, Vice Chair; Sybil Hedrick Park, OTR/L, CHT, CSCS; Erion Moore II and Juanita Shepherd, public members, Nancy Schuberg, Executive Director; Rachel Cillo, Licensing Specialist and Johanna Riemenschneider, AAG.

With a quorum present, Mashelle Painter called the Monday meeting to order at 10:00 a.m.

1. Minutes:

The Board reviewed the minutes of the public meeting of May 2, 2016. A MOTION WAS MADE BY Linda Harthun Smith AND SECONDED BY Sybil Hedrick Park TO APPROVE THE PUBLIC MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the confidential meeting minutes of May 2, 2016. A MOTION WAS MADE BY Linda Harthun Smith AND SECONDED BY Sybil Hedrick Park TO APPROVE THE CONFIDENTIAL MEETING MINUTES WITH MINOR AMENDMENTS. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2. Report of the Director:

Budget: Monthly revenue, expenditure and payment statements from April and May 2016 were sent to Board members with the mid month office reports and June 2016 in the Board Packet.

2016 Revenues: April: \$144,965.30; May \$49,977.10 and June \$9,274.13.

2015- 2017: The Legislative total revenue projected in 2015 for this biennium was \$331,150. As of July we have \$341,007 with 12 months to go in the biennium. The Director forecasts an additional \$45,000 in revenue during this period. The revenue projection has increased for this biennium to \$370,000 (including the revenue transfer for work force data).

Total revenue for renewal months was \$307,917, very close to the projection of \$300,000 made in February.

Work Force Data: State legislation enacted in 2015 requires now that all health licensing Boards to collect health workforce data from renewal applicants and to forward the data to the Oregon Health Authority. The OT licensing board has been collecting data since 2012. This biennium, the charge by the OHA per renewal went down from \$5 to \$4 for each renewal.

In 2016, there were 2,067 licensees that renewed x \$4 = \$8,268. The Director expects the transaction to occur in March 2017 as a revenue transfer.

2016 Expenditures: April: \$16,031.69; May: \$28,421; June: \$16,779.83

The budget remains within the allotment of **\$454,683** for the current biennium. This is an "allotment" for spending average **\$18,945** per month, the amount the legislature approved for our spending.

Personal Services:

Personal services in May were higher as anticipated due to the vacation pay out of the former Director. This put the Board spending for the month of May over the allotment of \$18,945 but overall, for the biennium, we average within the monthly allotment. With the former Director's retirement, Personal Services for June decreased to \$9,612 well-below the monthly allotment of \$13,600/month. This should remain steady throughout the remainder of the biennium.

Services and Supplies:

As anticipated, the annual charge for the in-house accountant was charged to Professional Services in June. The amount of \$5,814 accounts for 10 months of his services as he started in September 2015. The OTLB shares the accountant with 6 other boards in the Portland State Office Building. His costs are split based on total transactions by each board.

We are within our 2015-17 budget, and in good financial position.

Agency Request Budget 2017-19: The biennium agency budget was completed on July 20 and submitted to DAS on July 31. It was reviewed with the Board Chair and then the Board members at the Board meeting. It was sent to DAS (Department of Administrative Services), and it will go onto the Governor's office and then to the Legislature for final approval in 2017.

Estimates for 2017-19.

Projected Revenue: \$390,000 plus an ending balance projected at \$300,000 for a total of \$690,000.

Expenditures Limitation: \$473,797 with one policy package for increased AG legal fee allotment -- for total of \$502,359.

Policy packages for 2017-19 Budget: The Director put in for one budget policy package to increase the AAG fee allotment in case the Board ever had a case go to hearing.

DOJ Flat Fee rate – Pilot Project. The DOJ would charge a quarterly fixed amount based on an average from the previous 3 years. If a case went to hearing the costs would be spread out over future years and it gives the chance to adjust the limitation. The DOJ submitted a proposal and the Board voted to accept it.

A MOTION WAS MADE BY Linda Harthun Smith AND SECONDED BY Mashelle Painter TO ACCEPT THE FLAT FEE RATE PROPOSAL FOR AAG COSTS. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

RENEWAL WRAP UP:

Renewal Totals: OT's: 1,668; OTA's: 399; Total: 2,067

This was the first renewal since the change to CE rule. Licensees who keep up their NBCOT certification current now satisfy the OTLB CE requirement. The board staff received many questions about the new CE rule. A total of 78% of licensees reported that they were NBCOT certified. We sent the licensee list of those who renewed to the NBCOT and they sent it back listing who was certified and who wasn't. We audited this list to make sure this agreed with what licensee told us.

A total 22% of licensees said they complied had 30 points of CE, were not certified. These were subject to the CE audit by the Board. The Board audited 5% of those not-certified in June.

1,611 licensees checked they were NBCOT certified.

455 checked they complied with the 30 CE rule.

Summary:

- Licensees feedback regarding new CE rule is very favorable.
- Some licensees had difficulty paying with certain cell phones and Ipads.
- Many, many questions on Pain Management requirement and new CE rule.
- 13% of OTs and 13% of OTAs did not renew. Slightly higher than usual 12%.

The Director suggests the following changes for next renewal:

- Work with IT to track reasons why licensees were not going to renew.
- Re-word Question 6 on the background question to exclude licensees who were simply moving to another state.
- Verify NBCOT certification during licensure process.
- Consider conducting audits during renewals again.
- Have licensees input the expiration date of their NBCOT certification.

Overall, renewals went very smoothly.

Telehealth on renewal: Licensees were asked to indicate if they use telehealth as a mode of delivery of therapy. 42 OTs and 4 OTAs checked that they were using telehealth.

License Numbers: As of August 5, there are **1,809 OT's** and **443 OTA's** and for a total of **2,252** licensees. There was an average of 32 licenses issued per month in May through July. There is always a higher average during the summer months when students graduate and get licensed.

OTAO Conference: The conference dates are Friday and Saturday, October 7-8 at the Monarch Hotel in Clackamas. The Board will pay the registration cost for Board members to attend. The Director has arranged for the NBCOT to attend and present the Navigator tool.

The Board decided to accept CE at the OTAO conference for the NBCOT/OT presentation, and the lobbyist presentation, but not the business meeting presentation.

Website re-design – OTLB staff is working on updating the website to the new V4 format, similar to the Medical Board. Progress is slow due to high learning curve of new format, limited technical support and summer peak licensing season leaves less time to spend on learning the new website.

3. Disciplinary/Investigations/Complaints: In accordance with ORS 192.660 (2) (L) and (F) which allows the Board to meet in Executive Session on matters to consider information relating to information obtained as part of complaints and disciplinary investigations and consult with counsel concerning the legal rights and duties of a public body in regards to current litigation or litigation likely to be filed.

The following cases were considered:

- **OT 2013 – 06:** Continued with follow up.
- **OT 2013 – 08:** Probationary License – Continued through Nov. 2016.
- **OT 2015-02:** Continued with follow up.
- **OT 2015 – 05A:** Closed. Did not renew license.
- **OT 2015 – 10:** A MOTION BY Juanita Shepherd AND SECONDED BY Erion Moore TO DISMISS THE CASE. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

- **OT 2015 – 11:** Case was closed.
- **OT 2015 – 12:** Case was closed.
- **LEDS : OT 2016 – 02; OTA 2016 – 03 OT 2016 – 04:** Letters sent. No board actions.
- **OT 2016-05:** New
- **OTA 2016-06:** New
- **OTA 2016-07:** A MOTION BY Sybil Hedrick Park AND SECONDED BY Erion Moore TO DISMISS THE CASE. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

PUBLIC SESSION: The Executive session was adjourned and the meeting was brought back to public session. All votes were taken in public session.

4. Ratify List of Licensees: A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Linda Harthun Smith TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

Lunch was provided as the Board continued working.

5. NBCOT conference: Linda Smith and Nancy Schuberg attended the NBCOT Conference May 11-13. NBCOT paid for travel expenses for both Linda and Nancy. The purpose of the conference was to promote greater awareness of the role and function of the NBCOT, the national certification agency for OT. Notes from the meeting were provided for Board members. Linda and Nancy reported about the certification industry accreditation, practice competency standards, the rigorous process of creating and ensuring the integrity of the national exam.

6. CE Audit:

NBCOT certified licensees: NBCOT had told the initially OTLB that they would audit 5% of Oregon certified licensees however after renewals were completed they informed the Director that they are unable to do this for the Oregon Board. The Director presented the Board how 3 other states with similar rules are handling CE Audits. The Board suggests that a workgroup be formed to decide how to handle the CE Audit of certified licensees. NBCOT certification is on different timelines than the Board. NBCOT CE requirements are different than Oregon.

The workgroup will also consider modifying rules to accept CE on case management, Navigator and re-write the rule on allowing CE for volunteering.

Non-certified licensees: An audit of 5% of non-certified licenses was conducted in June.

7. New Rule Adoption: Amending current supervision rule 339-010-0005 to include language allowing face-to-face supervision through telehealth.

A MOTION WAS MADE BY Linda Harthun Smith AND SECONDED BY Juanita Shepherd TO AMEND SUPERVISION RULE. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

8. School OT workgroup status: The Director sent an email to Jan Cuciti, OTAO President, informing her Connie Hector of RSOI had retired and her replacement was Nancy Lawson. Connie Hector had been in touch with ODE about concerns of heavy caseload and consult model prior to her retirement.

9. Early Intervention Q and A: A Question and Answer sheet will be published on the OTLB website to address common questions from licensees working in early education. Mashelle Painter is reviewing Q and A sheet.

10. First DUI Policy: The Board discussed establishing policy for applicants and licensees with past and current arrests for first DUI. The Director will work on a drafting a policy that addresses applicants with past criminal history.

11. Records Request Policy: The Governor sent an Executive Order which implements the recommendations of the Secretary of State's recent audit of public record practices among state agencies. The order calls to standardize public record access. It included policy language which was modified by the Director for the OT Board and sent to the state archivist for approval. The Board currently gets approximately 50 public requests for licensee lists a year. The Board responds to these requests immediately within 3 days.

A MOTION WAS MADE BY Linda Harthun Smith AND SECONDED BY Erion Moore TO ADOPT THE RECORDS REQUEST POLICY. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

12. Strategic Planning: The Board held a Strategic Planning Session on July 25th. The summary sheet of the Strategic Plan was provided to the Board. The Board approved the summary but suggested to write out the acronyms. The strategic plan will be published on the website and sent to the OTAO president, Pacific and Linn Benton programs directors.

The Board discussed next steps in implementing the plan:

Website: Survey licensee for feedback on organization of website.

Newsletter: The Director will look at Microsoft Word templates to make the newsletter more compelling to read. Add mental health blurbs and headlines to grab the attention of the reader.

Workforce Data: Request detailed practice setting categories to make data more useful.

Supervision Email Blast: The Board will send out a Supervision reminder twice per year.

13. In-active status: In Oregon, you are either licensed or not licensed. There is currently not an option for Inactive or Retirement status as in WA, CA and TX. The Board considered having an In-active status in which you could pay a lower renewal fee, maintain your CE while you're not working in the state. The Board discussed the pros and cons and decided that since the Board licenses quickly, within 3 days of receiving all the documentation, to remain as it is for the time being.

2016 Board Meetings: Monday, Nov. 7, 2016 @ Pacific.

2017 Board Meetings: Fridays: February 3, May 5, August 4 and November 3.

The Board adjourned its meeting at 1:45 pm.

Director, Nancy Schuberg, August 12, 2016