

Oregon OT Licensing Board
PUBLIC MEETING MINUTES
Friday, August 4th, 2017

800 NE Oregon Street / Conf. Room 445 / Portland, OR 97232

The Oregon Occupational Therapy Licensing Board meeting was held on Friday, August 4, 2017, at the Portland State Office Building in Conference Room 445. The Board members present were: Linda Smith, OTR/L, Board Chair; Sybil Hedrick Park, OTR/L, CHT, CSCS, Vice Chair; Kari Hill, COTA/L; Erion Moore II and Clyde Jenkins, Public Members; Nancy Schuberg, Executive Director and Rachel Cillo, Licensing Specialist.

Guests: Daniel Canchola; Hailey Oliver – OTA Marketing

With a quorum present, Board Chair Linda Smith called the Friday meeting to order at 10:00 a.m. Welcome to Kari Hill, new OT Assistant member. This is Kari's first meeting as an official member.

1. Minutes:

The Board reviewed the minutes of the public meeting of May 5, 2017. A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Erion Moore TO APPROVE THE PUBLIC MEETING MINUTES with minor amendments. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the confidential meeting minutes of May 5, 2017. A MOTION WAS MADE BY Clyde Jenkins AND SECONDED BY Kari Hill TO APPROVE THE CONFIDENTIAL MEETING MINUTES with minor amendments. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2. Disciplinary/Investigations/Complaints: In accordance with ORS 192.660 (2) (L) 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.

The following cases were considered:

- **OT 2013 – 06:** Continued with follow up.
- **OT 2013 – 08:** Probationary License – Continued with follow up.
- **OT 2015-02:** Continued with follow up.
- **OT 2016-05:** Case is closed.
- **OTA 2016-06:** Continued with follow up.
- **OT 2016-09:** Continued.
- **OTA 2017-01:** Case is closed
- **OT 2017-04:** Case is closed.
- **OT 2017-05:** New
- **OT 2017-06:** New
- **OT 2017-07:** Under investigation – Board will review at the November meeting.

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

3. Motions from Executive Session and Ratify List of Licensees:

2016-09: A MOTION BY Erion Moore AND SECONDED BY Kari Hill TO CONTINUE THE CASE. MOTION PASSED WITH ALL PRESENT.

2017-05: A MOTION BY Kari Hill AND SECONDED BY Linda Smith TO DISMISS THE CASE. MOTION PASSED WITH ALL PRESENT.

2017-06: A MOTION BY Linda Smith AND SECONDED BY Erion Moore TO SEND A PRIVATE LETTER OF CONCERN. MOTION PASSED WITH ALL PRESENT.

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

4. Report of the Director:

2015-2017 Budget: Monthly revenue, expenditure and payment statements from April and May 2017 were sent to Board members with the mid-month office reports and June 2017 in the Board Packet.

2017 Revenues: April: \$ 2,936; May: \$ 3,906 and June: \$3,747.

Total revenue for the 2015-17 biennium was **\$391,669**. The Legislative total revenue projected in 2015 for this biennium was \$331,150. We have surpassed our projected revenue for the biennium.

2017 Total Expenditures: April **\$12,692**; May **\$14,022**; June **\$12,427**. We are awaiting the 13th month totals – those invoices for June that we pay in July. The allotment is what we can spend for the biennium and its \$454,683, or \$18,945 per month. Expenditures have stayed within the allotment.

Expenditures are broken down into two categories, Personal Services (payroll) and Services and Supplies:

Personal Services:

Expenditures: April; **\$11,284**; May: **\$11,600**; June **\$11,070** are below the average spending limitation of **\$13,600/month**.

Services and Supplies:

Expenditures: April: **\$1,407**; May: \$ **2,422**; June: **\$1,357**. We are still awaiting the 13th month figures. These are the invoices for June that arrive in July. Month 13 will include charges for the accountant, board consultant, ETS charges as they have taken over the firewall and phone switches. There is also a rent payment that will be included and several DAS charges.

Legal Costs Tracking: The Flat Charge Agreement between the OTLB and the DOJ was signed in August 2016 and the contract payments occurred as follows: \$2,460.70 by Oct. 1, 2016, \$1,476 on Jan. 1, 2017 and April 1, 2017. These costs reflect an average of legal fees the last 3 biennia. The Board tracked actual costs billed by the DOJ as follows: April \$157.50; May \$157.50 and June \$490.00. Total actual 2015-17 AAG costs were \$9,491. When the contract was signed, the Board had already paid \$4,078 in DOJ charges. Adding the contract amount of \$5,413 totaled \$9,491. Remarkably, the same actual amount to the dollar in the agreement with the DOJ!

The OT Board is within the 2015-17 budget.

2017-2019 Budget:

The OT Board has a total allotment of \$490,830 for the 2017-19 biennium, approved by the Legislature and signed by the Governor into law.

2017-19 DOJ Flat Fee Contract: 2017-19 DOJ contract for AAG services is \$12,579, broken down into eight quarterly payments of \$1,572.37. This amount is within the limitation in the 2017-19 budget.

A MOTION BY Sybil Hedrick Park AND SECONDED BY Linda Smith TO SIGN THE DOJ CONTRACT OF \$12,579 FOR THE 2017-19 BIENNIUM. MOTION PASSED WITH ALL PRESENT.

2017-19 IT Planning:

The Director updated the Board on the change in IT support. In prior years, the Board's entire IT infrastructure has been handled by a single outside contractor. The scope of work included: IT management of firewall security, network administration, email, files and folders, desktop maintenance, and the Board licensure database development, management and maintenance. Historically, this contract has been shared by the seven health boards that reside in the Portland State Office Building. The OT Board's share of this contract has been approximately \$8,000 a biennium. The current vendor is retiring from State work. The Board will have to replace its entire IT infrastructure using the three following solutions:

- 1) Enterprise Technical Services (ETS) has taken over email, firewall, security systems, phone and computer switches. This occurred in May, 2017. Set up charge by ETS is \$3,680 shared by 7 health boards equals \$526, one-time charge for the OTLB. The monthly charge will be \$1071.94 shared by 7 health boards equals \$153.00/month for the OTLB.
- 2) The 407 boards are looking at an outside contractor to manage the database and will also need to hire a person or contractor to handle desktop administration and support. This person may be shared with the Dentistry and Pharmacy boards. The increased costs in IT could potentially have a significant impact on the OT Board's future budget.
- 3) Database: 83300 Boards have researched and contacted Elite systems an ID company about their database but they have been slow to respond.

IPADs: These will be purchased in October and configured prior to the November meeting. The Director plans to deliver these to the Board members in advance of the November meeting and have training available for Board members during the November meeting. Michelle Gaines, Director of the Cemetery Board has agreed to provide training. The November Board packets will be delivered digitally via IPADS and hard copies mailed as a backup.

License Numbers: As of August 3rd, there are **2,113** OTs; **516** OTA's; total of **2,629** licensees. Total licenses issued from May 5 – August 3: **120** for an average of **40** licenses issued per month.

2018 Board Meeting Dates: Fridays: **February 2; May 4; July 20; November 2.** All meetings will be held at the PSOB Conference Room 445 except for the May meeting which will be held at LBCC.

2017 OTA Conference:

The OTA conference will be held on October 6 and 7th at the Holiday Inn near PDX. The OTLB Board presentation will be held on Friday, October 6 at 12:15-1:15.

Everyone on the Board stated that they would attend the conference on Friday. The Board will pay the registration fee and register for the Board members. The Board asked Shawn Phipps, Vice President of AOTA, to address ethical dilemmas OTs face in the changing climate of health care and he has accepted. He will arrive on Thursday

evening and depart on Sunday morning. Reservations have been made for him to stay at the Holiday Inn. The Board is paying for his airfare and hotel costs.

The Board further clarified that the presentation topic evolved from the discussion with Genevieve about some of the ethical dilemmas that licensees are now facing. How therapists can stay true to their ethics and their core values? Not only practitioners, but also clients and families, stressed about not knowing who is going to pay.

The Director will remind licensees about the upcoming renewals and introduce Board Chair Linda, who will introduce all Board Members. Sybil will introduce Shawn Phipps.

Rachel Cillo previewed the plan for the Conference Presentation Board and the handout about Renewals in 2018. The board will highlight licensee responsibilities, license renewal, address and name changes, pain management, CE,rule. The presentation board will include a flowchart and a photo of the current board members.

New Workforce data: The Director shared a new format of the Workforce data charts with the board members. OHA said they should be able to have final drafts by the conference.

Law/Ethics exam: The Director made recent updates and provided the members with a printout to acquaint new members with the requirement of all new applicants.

Board re- appointments:

Kari Hill, COTA/L received her Senate approval on May 24th and her official term began on July 1st. She has completed the required Board training.

Sybil submitted her paperwork for re-appointment. Senate appointment will be held in September. Her first term ends on October 14, 2017. Her next term will be October 15, 2017-October 14, 2021,

Paperless licenses / applications:

As the Health Boards move their IT systems, there may be opportunity to go to paperless licenses and applications. The Board discussed the pros and cons of going paperless.

The Director is going to check the requirements of the PT and Speech Boards about posting your license.

Pacific University OTD program:

The Director reported that she will speak to the graduating Pacific Students on August 8th about the Board and licensing. The capstone presentations will occur on August 9th and 10th. A schedule was provided to the Board if they would like to attend.

CE Broker: Board staff discussed CE Broker, an online CE management software designed to streamline process related to renewal compliance. NBCOT members can use the NBCOT online CE management so this would be available for non-NBCOT certified licensees. The Board approved adding it to the website however would not enter a formal partnership as the majority of licensees in Oregon (78%) are NBCOT certified.

Lunch was provided as the Board continued working.

5. Supervision Question: A question came up concerning OTA supervision in a home health setting. Whether a single OT can be a head supervisor rather than having the four other OT's on staff sign separate OT forms. Often times that these OTs need help covering a visit or two when they are busy. In the past, the Board response has been that the head supervising OT must be familiar with the facility and the patients, however, there are some settings where this is challenging. The downside of having several OT supervisors is the monthly meeting requirement. The Board decided to form a Workgroup to address the challenging scenarios and provide clarification and guidance to licensees.

6. Fingerprinting of New Applicants and Reinstatements: At the May meeting, the Board approved implementation of national background checks by way of fingerprinting. Applicants and licensees reinstating their lapsed license would be required to visit a Field Print location, pay \$12.50 and have their fingerprints taken electronically. Field Print submits the prints electronically to the Oregon State Policy who runs the background check with the FBI. The Director updated the Board that the subscription agreement for WebLeds software was signed with KRP Data Systems, a state vendor. Costs for the terminal will be \$260 per year. With the WebLeds access the Board will be able to run LEDS checks on the terminal on all licensees prior to renewals and receive FBI check results electronically. The Board agreed to the start date of January 1st, 2018 to allow time for communication and rule making.

Policy on LEDS background checks and fingerprinting was reviewed and adopted by the Board:
A MOTION BY Linda Smith AND SECONDED BY Sybil Hedrick Park TO ADOPT POLICY ON LEDS CHECKS AND FINGERPRINTING. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

7. Rulemaking: The Board reviewed and approved proposed rule amendments as follows:

#1 OTLB is implementing national background checks by way of fingerprinting for new applicants beginning Jan. 1, 2018. The rule change updates the present rule with current procedures and aligns with the statutory authority (ORS 676.303).

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, **or** an applicant to reinstate a lapsed license. and applicant or licensee under investigation to determine their fitness. **The fingerprints shall be provided in a format 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. **When applicable, fingerprint cards will be destroyed as required by law. The Board may conduct a criminal record check on licensees applying to renew a license using the Law Enforcement Data System (LEDS) maintained by the Department of State Police.**

#2 Provides authority to sanction a license if an OT or OTA fails to cooperate with Board investigations.

339-010-0020 Unprofessional Conduct

(3) Unprofessional conduct relating to the Board includes:
(a) Practicing occupational therapy without a current Oregon license;
(b) Failing to renew license in a timely manner;
(c) Failing to provide the Board with any documents requested by the Board;
(d) Failing to answer truthfully and completely any question asked by the Board;
(e) Failing to provide evidence of competency when requested;
(f) Violating the Practice Act, Board rules or Board Orders;
(g) Failing to cooperate with Board investigations.

#3 Consistency between CE requirements for applicants for licensure and CE requirements for licensees.

339-010-0016 CE Requirements for Applicants for Licensure

(1) All applicants for licensure who have passed the NBCOT certification examination and have been unlicensed for up to three years will need 15 points of board approved continuing education a year prior to becoming licensed in Oregon. **will either be current on their NBCOT certification (National Board of Certification in Occupational Therapy) or will need 30 points of Board approved continuing education two years prior to becoming licensed in Oregon.**

A MOTION BY Linda Smith AND SECONDED BY Sybil Hedrick Park TO ADOPT RULE AMENDMENTS AS PROPOSED. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

8. Telehealth Webinar: The Director provided a summary of the AOTA webinar presented in June. The Oregon telehealth rules did not include any barriers or challenges mentioned in the webinar. The Director has prepared

an email to send to licensees who have indicated that they use telehealth in their practice to follow up and will report back to the Board in November.

9. 2017 Legislative Session update: The Director reviewed the final status of the bills affecting OT. By the end of the session, two more bills didn't make it out of committee. Both the Loan Repayment and Hippotherapy bills died in the Senate committees after passing the House.

SB 48 – Requiring regulatory boards to adopt rules requiring practitioners to complete CE related to suicide risk assessment, treatment and management. Occupational Therapists would have to complete 3-6 CE points every 6 years. Dash 2 amends the bill to a voluntary program but requires board to adopt rules requiring licensees to report to the completion of suicide risk assessment, treatment and management education. The board would document and provide this information to the OHA annually. Passed the Senate on 4/25/17.

SB 50—Requires pain management CE every 4 years. Bill is dead.

SB 5523 – OTLB budget bill – awaiting work session. OTA0 submitted testimony in support. Work session 4/27 – Budget approved. Awaiting Governor's signature.

~~**HB 2751**—OTA0 bill—allows occupational therapists to participate in primary care provider loan repayment program. (Sponsored by Rep. Barreto). Third reading on 4/20. Passed the house! Died in committee.~~

~~**HB 3263**—OTA0 bill—Directs State Board of Education to adopt by rule standards for provision of occupational therapy to students who have individualized education programs. (Sponsored by Rep. McLain; Rep. Doherty; Sollman). Bill was dropped.~~

~~**HB 2723**—Prohibits exclusion of hippotherapy from services provided in medical assistance. Public Hearing held. Hippotherapy bill language has been changed to reflect PT/OT/ST not just "intervention therapy". Passed the house. Died in Committee.~~

HB 2432 /-SB 255 – Directs Health Licensing Office to issue license to engage in practice of Art Therapy to qualified applicant. Passed the house.

~~**SB 217**—allows chiropractic physicians and naturopathic physicians to provide release for athlete who sustained concussion or is suspected of sustaining concussion. The dash 3 amendment adds other healthcare professional (OT's included) to the list of practitioners who can release an athlete suspected of possible concussion based on a special certification from the OHA and proof of liability insurance coverage. The dash 6 amendment moves the requirement for certification and proof of insurance from the OHA to the licensing boards. Dead bill.~~

10. Strategic Plan: The Board reviewed the 2016 strategic plan, goals met and items still be to be accomplished.

11. Newsletter: The next quarterly newsletter will be sent in September. The content will include the OTA0 conference, posting the proposed rules and reaching out for future board members outside of Portland.

12. Discussion with OTA0 Marketing. Daniel Canchola and Hailey Oliver, OTA0 Marketing, attended the meeting to discuss ways we can support each other. Currently, OTLB sends out email blasts for OTA0 and promotes the OTA0 Conference in the quarterly OTLB newsletter. OTA0 is trying to increase membership and several ideas were discussed including having an OTA0 point person to write articles for the OTLB newsletter, emailed to all licensees. Create a brochure to include with the license when they are issued and sent out. It was emphasized to educate licensees about the two organizations to ensure there is no confusion between them and their missions...OTA0 to promote the profession and OTLB to protect the public. We need to be aware of potential conflicts of interests.

Hailey reviewed the survey she sent out to all licensees and plans to increase membership: OTA0 will focus on succession planning, making sure current members receive their renewal notices and adding their presence on social media sites.

2017 Board Meetings: Friday, November 3. The meeting location changed from LBCC to the Portland State Office Building, Conference room 445.

The Board Chair adjourned the meeting at 1:47 pm.

Director, Nancy Schuberg, August 11, 2017.