

Oregon OT Licensing Board
PUBLIC MEETING MINUTES
Monday, March 6, 2017

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

The Oregon Occupational Therapy Licensing Board meeting was held Monday, March 6, 2017 at the Portland State Office Building in Conference Room 445. The Board members present were: Linda Smith, OTR/L, Vice Chair; Erion Moore II and Juanita Shepherd, public members, Nancy Schuberg, Executive Director and Rachel Cillo, Licensing Specialist. Sybil Hedrick Park, OTR/L, CHT, CSCS phoned in due to illness. Mashelle Painter, COTA/L Chair had an excused absence due to illness.

Guests: Kari Hill, COTA/L; Clyde Jenkins II, Jim Heider, Director of the PT board.

With a quorum present, Board Vice Chair Linda Smith called the Friday meeting to order at 10:04 a.m.

1. Minutes: The previously scheduled February 3rd board meeting was rescheduled to March 6th, due to inclement weather.

The Board reviewed the minutes of the public meeting of November 7, 2016. A MOTION WAS MADE BY Linda Smith 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 November 7, 2016. A MOTION WAS MADE BY Linda Smith AND SECONDED BY Juanita Shepherd TO APPROVE THE CONFIDENTIAL MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the minutes of the Special public meeting of November 22, 2016. A MOTION WAS MADE BY Linda Smith AND SECONDED BY Juanita Shepherd TO APPROVE THE PUBLIC MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the confidential Special meeting minutes of November 22, 2016. A MOTION WAS MADE BY Linda Smith AND SECONDED BY Juanita Shepherd TO APPROVE THE CONFIDENTIAL MEETING MINUTES. 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:** Continued
- **OTA 2016-06:** Continued with follow up.
- **OT 2016-08:** Case is closed.

- **OT 2016-09:** New
- **OTA 2017-01:** New
- **OT 2017-02:** New
- **OTA 2017-03:** New

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

Lunch was provided as the Board continued working.

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

2016-08: A MOTION BY Juanita Shepherd AND SECONDED BY Erion Moore TO DISMISS THE CASE. MOTION PASSED WITH ALL PRESENT.

2016-09: A MOTION BY Linda Smith AND SECONDED BY Sybil Hedrick Park TO CONTINUE THE CASE. MOTION PASSED WITH ALL PRESENT.

2017-02: A MOTION BY Erion Moore AND SECONDED BY Linda Smith TO DISMISS THE CASE. MOTION PASSED WITH ALL PRESENT.

2017-03: A MOTION BY Erion Moore AND SECONDED BY Linda Smith TO DISMISS THE CASE. MOTION PASSED WITH ALL PRESENT.

A MOTION WAS MADE BY Erion Moore AND SECONDED BY Juanita Shepherd TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2. Report of the Director:

2015-2017 Budget: Monthly revenue, expenditure and payment statements from October and November 2016 were sent to Board members with the mid month office reports and December 2016 in the Board Packet.

2016 Revenues: October: **\$6,516.24**; November: **\$3,982.04** and December: **\$2762.39**

Total revenue for 2015-17 is \$374,855. The Legislative total revenue projected in 2015 for this biennium was \$331,150. We have met our projected revenue with 6 months remaining in the biennium. The Director expects Work Force Data Revenue transfer of (\$8,268) to occur in March 2017.

2016 Expenditures: October: **\$12,226**; November: **\$11,742**; December: **\$12,269**. The allotment is what we can spend for the biennium and its \$454,683, or \$18,945 per month. The budget remains within the allotment.

Personal Services:

Expenditures: October: **\$9,849**; November: **\$10,593**; December **\$10,437**, are below the average spending limitation of **\$13,600/month**. November increase reflects the board member stipends for the calendar year. December Personal Services reflects an annual step increase plus 2.75% cost of living adjustment for both the Board Director and Licensing Specialist.

Services and Supplies:

Expenditures: October: **\$2,377**, November: **\$1,149** and December: **\$1,832**.

The Flat Charge Agreement between the OTLB and the DOJ was signed in August and the payments will be as follows: \$2,460.70 by Oct. 1, \$1,476 on Jan. 1 and April 1. These costs reflect an average of legal fees the last 3 years. The Board is tracking actual costs billed by AAG as follows: Oct. \$227.50; Nov. \$175 and Dec. \$577. Total actual 2015-17 AAG costs is \$7,487 with 6 months remaining.

A charge for the in-house accountant will be an estimated \$18,000 to occur in April. The board has already paid \$5800 earlier in the biennium for a total biennial cost of approximately \$24,000. The Board estimates a savings with the in-house accountant over using Department of Administrative Services shared client services as well as the many benefits of having the accountant on site including easier communication, less back and forth between departments, and much quicker turnaround on payment of invoices.

The director reviewed the recent IT upgrades. Two CPUs with Windows 10/Office 16 upgrades for two OTLB staff members for a total of \$1,400 and board laptop cost of \$930.00

The board discussed whether-or-not to purchase IPADs for each Board member to use ensure security with disbursement of Board packets. Pros and Cons discussed and the board voted to move forward to ensure security of confidential information. Procurement will occur next biennium when IT contractor has time.

The OT Board is within the 2015-17 budget and in good financial position.

2017-2019 Governor Budget: The board is awaiting legislative approval.

2017-19 IT Planning:

The Board is facing a monumental change for the 2017-19 biennium. In prior years, the Board's total 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 Boards 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 various solutions.

Enterprise Technical Services (ETS) will take over email, firewall, security systems, phone and computer switches.

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. The increased costs in IT will have a significant impact on the OT Board's future budget.

License Numbers: As of March 3, there are **1,972 OTs**; **485 OTA's**; total of **2,457** Licensees. Total licenses issued from Nov.7-March 3: **102** licenses for an approximate average of **25** per month.

Website re-design: The OTLB staff is has completed the website re-design to the new V4 format and is just awaiting approval from E-Gov to go live. It was submitted for review on January 24th. There is a survey monkey to get licensee feedback on ease of use and availability of information.

CE Compliance: The director finalized the policy on CE compliance and reviewed with the Board the status of the audit from 2016 renewals.

- 1) 100% of licensees renewals will be audited to verify that those who say they are certified have an active status and those who say they are not certificate are verified to have an inactive status. **Completed in June.**
- 2) Mandatory CE audit of all licensees who say they are certified and are verified to have an inactive status. **Completed in November. There were 8 people. Most of these did not realize they were no longer certified.**
- 3) Mandatory CE audit of all licensees with discipline. **Ongoing.**
- 4) A percentage of Non-certified licensees will be audited by random selection to ensure compliance of 30 CE points within the last two years. **Completed in June.**
- 5) A letter will be sent to educate licensees who are verified to have current NBCOT certification but say they are not certified. **Completed in November.**

Board appointments: Public Member: Public Member Juanita Shepherd's last Board meeting. The Board thanked her for her dedicated service for the last 4 years and presented her with an award.

Ernest "Clyde" Jenkins II submitted his interest form in January and his appointment was approved by the Governor. Senate approval is March 8th and his official term begins on April 1st. His first meeting as the new public member will be May 5th, 2017.

5. Board Education / Travel Planning

The board discussed future board education opportunities for its members. Mashelle Painter will attend the AOTA conference and report back to the Board at the May 5th meeting. The Governor has ordered no non-essential travel for the rest of the biennium. If the ban is lifted for the 2017-19 biennium, the board plans to send Sybil Hedrick Park to the AOTA conference in 2018.

6. Board Policy Review

a) The Board reviewed and approved a draft of the policy on approval of applicants with a "Yes" to a background question.

b) The Board discussed the rule/statute on re-entry. Currently any former licensee who has been unlicensed in any state for 3 years or over either must complete a board approved re-entry program or retake the national exam before they can get licensed in Oregon. Pacific U has discontinued the OT re-entry program as there is very few applicants, it is not worth their time. LBCC may or may not decide to offer their re-entry program.

What the OTLB has written in statute:

675.240 Qualifications for licensing as occupational therapist; rules. Except as provided in ORS 675.270, each applicant for licensure under ORS 675.210 to 675.340 as an occupational therapist shall:

(5) If the applicant has been unlicensed for more than three years, complete a board-approved reentry program or retake the board-approved national examination to determine fitness for practice as an occupational therapist.

What the OTLB has written in rule:

339-010-0016 CE Requirements for Applicants for Licensure

(2) All applicants for licensure who have passed the NBCOT certification examination more than a one year ago and have been unlicensed for more than three years will:

- (a) Successfully complete a Board approved Re-Entry Program specifically designed for occupational therapists preparing them for re-entry into the field of occupational therapy; or
- (b) Successfully retake and pass the NBCOT examination within the previous year.

Question: What will be the re-entry requirements for Oregon if there is no longer a program through the schools? Does any change require change in statutes, as well as the rule?

The board AAG is having a paralegal researching the legislative history on the "reentry program" because if the intent is the type of program that is disappearing, we would need a legislative change. However, if the legislative

history is open or ambiguous, then the type of supervised mentorship could legitimately be considered a “program” as long as the board sets the guidelines, parameters, required board approval of the supervisors, etc.

The Board will look for a program that follows the AOTA guidelines developed for practitioners returning after a prolonged absence.

7. 2017 Legislative Session update: The director reviewed the status of the bills affecting OT:

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. Public Hearing held.

SB 50 – Requires pain management CE every 4 years. Public Hearing scheduled for 3/14/17.

SB 5523 – OTLB budget bill – awaiting work session. OTAO submitted testimony in support. Awaiting work session.

HB 2751 – Allows occupational therapists to participate in a primary care provider loan repayment program. (Sponsored by Rep. Barreto). Awaiting public hearing.

HB 3263 – Bill number just assigned on Thursday March 2nd! 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).

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"

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

Amendment added:

“(c) A person licensed under the laws of this state in a profession or occupation other than art therapy who uses art therapy in a manner incidental to the person’s practice; or

“(d) A person who has training and national certification that attest to the person’s preparation and ability and who practices the profession or occupation in which the person is certified, if the person does not represent that the person is an art therapist.”.

8. Adopt 2017-2019 Affirmative Action Plan:

The Director provided a copy to the Board of the approved Affirmative Action plan approved by the Governor’s Office for official adoption.

A MOTION WAS MADE BY Erion Moore AND SECONDED BY Linda Smith TO ADOPT THE 2017-2019 AFFIRMATIVE ACTION PLAN. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

10. Strategic Plan: Review and next steps.

Newsletter: The Director appreciates any suggestions for topics and contributors for the next Newsletter, especially for the Wellness tips section.

Supervision Webinar: Question if the Board should take this on or the schools.

Workforce Data: 2016 Work force data sheets were provided to the Board to decide any changes. The Board will review at the next meeting.

2017 Board Meetings: Fridays: May 5, August 4 at PSOB and November 3 at Linn Benton.

The Board Chair adjourned the meeting at 1:35pm.

Director, Nancy Schuberg, March 16, 2017.