

Oregon OT Licensing Board  
**PUBLIC MEETING MINUTES**  
**Friday, May 5, 2017**

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

The Oregon Occupational Therapy Licensing Board meeting was held Friday, May 5, 2017 at the Portland State Office Building in Conference Room 445. The Board members present were: Mashelle Painter, COTA/L, Board Chair; Linda Smith, OTR/L, Vice Chair; Sybil Hedrick Park, OTR/L, CHT, CSCS; Erion Moore II and Clyde Jenkins, public members; Nancy Schuberg, Executive Director and Rachel Cillo, Licensing Specialist.

Guests: Kari Hill, COTA/L. Incoming Board member.

With a quorum present, Board Chair Mashelle Painter called the Friday meeting to order at 10:03 a.m. Welcome to Clyde Jenkins, new public member, first meeting.

**1. Minutes:**

The Board reviewed the minutes of the public meeting of March 6, 2017. 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 March 6, 2017. A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Erion Moore 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:**        Continued
- **OTA 2016-06:**        Continued with follow up.
- **OT 2016-08:**        Case is closed.
- **OT 2016-09:**        Continued.
- **OTA 2017-01:**        Continued.
- **OT 2017-02:**        Case is closed.
- **OTA 2017-03:**        Case is closed.

- **OT 2017-04:** New

**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:**

**2016-05:** A MOTION BY Mashelle Painter AND SECONDED BY Erion Moore TO DISMISS THE CASE. MOTION PASSED WITH ALL PRESENT.

**2017-01:** A MOTION BY Sybil Hedrick Park AND SECONDED BY Mashelle Painter TO DISMISS THE CASE. MOTION PASSED WITH ALL PRESENT.

**2017-04:** A MOTION BY Linda Harthun Smith AND SECONDED BY Sybil Hedrick Park TO DISMISS THE CASE. MOTION PASSED WITH ALL PRESENT.

A MOTION WAS MADE BY Linda Harthun Smith AND SECONDED BY Sybil Hedrick Park 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:**

The Director introduced Rachel Cillo, Licensing Specialist, to the new board member and incoming board member. Rachel has been on staff for almost a year and a half. She works five 4-hour days per week. Rachel's primary responsibilities include opening the daily mail, licensing, renewals, limited permits, reinstatements, verifications, and preparing vouchers that accompany the invoices submitted to the accountant to pay.

**2015-2017 Budget:** Monthly revenue, expenditure and payment statements from January and February 2017 were sent to Board members with the mid-month office reports and March 2017 in the Board Packet.

**2017 Revenues:** January: **\$2,762.39**; February: **\$5,570.41** and March: **\$4,733.06**. After March 1<sup>st</sup> of the odd years, revenue typically decreases as the application fees goes from the 2 year fee to the 1 year fee of \$100 for OT and \$70 for OTA's.

Total revenue for 2015-17 is \$381,080. The Legislative total revenue projected in 2015 for this biennium was \$331,150. We have met our projected revenue with 3 months remaining in the biennium. This includes the Work Force Data Revenue transfer of <\$8,264> reflected in the March report.

**2017 Total Expenditures:** January: **\$15,357**; February: **\$15,149**; March: **\$13,610**. 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: January: **\$10,061**; February: **\$10,458**; January: **\$10,458**, are below the average spending limitation of **\$13,600/month**.

#### **Services and Supplies:**

Expenditures: January: **\$5,296** February: **\$4,691** and March: **\$3,152**.

The Flat Charge Agreement between the OTLB and the DOJ was signed in August and the payments occurred 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 biennia. The Board is tracking actual costs billed by AAG as follows: Jan. \$612.50; Feb. \$176 and Mar. \$411. Total actual 2015-17 AAG costs are \$8686.50 with 3 months remaining.

A charge for the in-house accountant will be an estimated \$18,000 to occur in June. The board has already paid \$5800 earlier in the biennium for a total biennial cost of approximately \$23,800. The Board estimates a savings with the in-house accountant over using Department of Administrative Services Shared Client Services as well as many benefits of having the accountant on site, good communication, less back and forth between departments, and much quicker turnaround on payment of invoices.

The OT Board is within the 2015-17 budget.

**2017-2019 Governor Budget:** The 2017-19 OTLB Budget received legislative approval by the Education sub-committee and full-committee. The Director summarized the year-long budget planning cycle, starting with the Agency Request Budget, Governor's Balanced Budget and finally, the Legislatively Approved Budget.

The Director accounted the factors leading to a tight budget for the next biennium: inflationary costs by DAS, increasing the support staff from a .25 Office Specialist 1 to a .5 Administrative Specialist 2 in 2014 (\$62K), and continuing to absorb the Work Force Data cost (\$8.2K) into the budget rather than passing it through to the licensee.

The Board needs at least 8 months ending balance at the beginning of the biennium, as the renewal period falls 8 months after the start of the biennium. In order to have enough ending balance, the Director worked with the Legislative Budget Analyst to trim limitation and forecast revenue higher for a 10 month ending balance. The Director reminded the board that the forecast is only a prediction based from past history. If revenues do not continue to increase, there may be need to go to the legislature next year.

**2019-21 Budget:** It is clear a fee increase will be necessary for the 2019-21 budget. The Budget analyst has already alerted the legislature. The Board recognizes that there has been no fee increase in over 10 years and the fees were lowered in 2006 and 2008, and is in full agreement. Currently the fees are \$150 for OTs and \$100 for OTAs. The Director will work with the budget analyst to decide how much increase is required.

**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 various solutions.

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

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 potentially have a significant impact on the OT Board's future budget.

**License Numbers:** As of May 4, there are **2,024** OTs; **501** OTA's; total of **2,525** Licensees. Total licenses issued from March 5 – May 4: **73** for an approximate average of **36** per month.

**Website re-design:** The OTLB staff completed the website re-design and it is now live as of April 25. Feedback so far is very positive. There is a survey monkey to get licensee feedback on ease of use and availability of information and the Director will track and continue to share feedback with the Board.

**2017 OTA Conference:** Ideas for the board presentation at the OTA conference were discussed:

- Having a Drug Recognition Expert attend to discuss alcohol and drugs, the physiology of drug impairment and determining which drugs people/patients have consumed.
- Hosting an evening gathering in celebration of the 40 years of the OTLB.

Board ultimately decided that a presentation addressing the changing political climate and health care and ethics would be most beneficial to attendees. The Director will track ethical questions from licensees, work together with the Board Consultant and Board Chair. Sybil will check with AOTA president Amy Lamb about presenting at the conference on this topic.

**Common Credentialing** – The Director provided a summary of the Common Credentialing program scheduled to go into effect early next year. SB 604 mandates the OHA to establish this program / database to provide credentialing organizations access to information necessary to credential or re-credential health care practitioners in the state. There will be a one-time fee to these licensees of \$150. This will only affect OT's in Private Practice.

**AOTA Telehealth Webinar** to discuss updates on legislation and regulation regarding telehealth and occupational therapy will be held on June 6 or 7 at 8pm EST.

**Board appointments:**

Kari Hill, COTA/L submitted her interest form in March and her appointment was approved by the Governor. Senate approval is May 24th and her official term begins on July 1st. Kari's first meeting as the new OT Assistant member will be August 4, 2017.

OT Assistant member and Board Chair Mashelle Painter's last Board meeting. The Board thanked her for her all her many contributions, leadership and dedicated service for the last 8 years and presented her with an award.

Linda Harthun Smith will take over Mashelle's role as the new Board Chair and Sybil Hedrick Park will take over the Vice Chair role of the Board.

*Lunch was provided as the Board continued working.*

**5. AOTA Conference Re-cap:** Mashelle Painter provided a summary, along with handouts, of the AOTA Centennial conference she attended in March. There were over 15,000 attendees and many sessions related to OT's history. Session topics also included telehealth and legalization of marijuana.

She relayed AOTA Ad hoc committee findings on Experiential learning including a post-graduate/certification requirement that would require a "provisional license", potentially revising many states practice acts. A pilot program will be initiated in the 2018-19 academic year. The Board will watch this closely.

**6. Re-entry into practice**

A follow up to the last meeting, the Board further discussed the rule/statute on re-entry into practice. Currently any former licensee who has been unlicensed in any state for 3 years or over must either 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 were very few applicants, and do not have the resources to continue offering the program. LBCC is following suit with Pacific, not to offer their program either due to limited resources.

The Board AAG researched the legislative history on the “re-entry program” because if the intent is the type of program that is disappearing, a legislative change would be required. The legislative history on the re-entry program clearly demonstrates that a statutory change would be required if something less than an actual academic university program qualified as a re-entry program.

Board staff researched and provided information on an online program at Lone Star College, TX (Tomball campus). It could be a viable option without making any statutory or rule changes.

The board decided to keep the rules and statutes as they are for now and let applicants present the Board with the course to approve. The Board receives very few inquiries regarding re-entry into practice.

**7. Changing political climate surrounding health care:** Genevieve DeRenne, Board Consultant/Investigator, shared questions received from licensees asked by the company they work for to do something they are not comfortable. The licensee is fearful of speaking up, that they may lose his/her job. One example was a for-profit company that was limiting pediatric services and primarily treating adults and only children who have acute medical conditions. The employee wanted advice as she felt they were discrimination against the population and turning away based on diagnosis. The licensee was experienced in treating pediatrics, not adults. Another example was a licensee asked to sign notes when they are not familiar with the clients. With the changing climate of healthcare, Genevieve alerted the Board that it is likely we will continue to see more of these types of questions. It is important to acknowledge these situations exist and discuss the board stance. As the board becomes more savvy in understanding these situations, the better they can advise licensees.

The Board discussed addressing the topic at the OTA conference. Sybil will contact the AOTA president about presenting. The AOTA is tracking the American Health Care Act (AHCA) and Amy Lamb, President, sent an email outlining the potential impact on the profession. The Director will continue to track ethical questions by licensees and report to the board. She will speak to other board director’s to see what they are experiencing in this regard.

**8. Fingerprinting of new applicants and reinstatements:** The board discussed whether-or-not to require national background checks for new applicants and reinstatements by way of fingerprinting. Applicants would be required to contact a Fieldprint office, a company contracted with the Oregon State Police (OSP). Applicants would visit their website and enter the Fieldprint code that is connected to the OTLB. Applicants enter demographics online and schedule the appointment. They can search by zip for a location, they set the date and time and make the payment of **\$12.50**. It takes about 10 minutes. There are locations nationwide including HI, AK and Puerto Rico. Fingerprints are scanned electronically and sent to the OSP electronically through vpn. OSP runs the search, sends it to us and then bills us.

In addition to the Fieldprint charge, the licensee would pay to OTLB an extra **\$41** in addition to the current application fees. OTLB would count as income and then pay it as an expense to OSP. The \$41 includes:

- \$28.00 OSP service fee
- \$12.00 FBI check
- \$1 Cost of LEDS terminal

**Turnaround time for results:** 2 hours for FP scan to arrive OSP. OSP’s goal is 2-day turnaround to the Board but right now 4 days. + MAIL time. With a LEDS terminal, it would be immediate.

A MOTION BY Sybil Hedrick Park AND SECONDED BY Erion Moore TO IMPLEMENT NATIONAL BACKGROUND CHECKS OF NEW APPLICANTS AND REINSTATEMENTS BY WAY OF FINGERPRINTING. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

**9. 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. 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. OTAO submitted testimony in support. Work session 4/27 – Budget approved. Awaiting Governor’s signature.

**HB 2751** – OTAO 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!

~~**HB 3263**—OTAO 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, Soliman). 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.

**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:** Review and next steps.

Newsletter: The Director asked for suggestions for topics and contributors for the next Newsletter.

Supervision Webinar: Board discussing having the schools do this.

**2017 Board Meetings:** Fridays: August 4 at PSOB and November 3 at Linn Benton.

The Board Chair adjourned the meeting at 1:50pm.

Director, Nancy Schuberg, May 17, 2017.