

Oregon OT Licensing Board  
**PUBLIC MEETING MINUTES**  
**Monday, February 5, 2018**

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

The Oregon Occupational Therapy Licensing Board meeting was held on Monday, February 5, 2018, 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: Katharine Lozano, AAG for the Board and Genevieve deRenne, Board Consultant.

With a quorum present, Board Chair Linda Smith called the Monday meeting to order at 10:05am.

**1. Minutes:**

The Board reviewed the minutes of the public meeting of November 3, 2017. 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 3, 2017. A MOTION WAS MADE BY Kari Hill 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:**

**2017-2019 Budget:**

**Revenues:** October: \$ 5,036; November: \$ 3,136; and December: \$ 3,158.

Legislative total revenue projected for the 2017-19 biennium budget is \$379,000. 75% of the biennial income is from renewals occurring March 1-May1, 2018. Additional revenue of \$24,000 has been added for fingerprinting revenue paid out in Service and Supplies. The entire costs of fingerprinting are passed through to the Oregon State Police. The board is absorbing the administrative costs.

**Total Expenditures:** October: \$ 20,406; November: \$13,882; December: \$ 13,365 The 2017-19 allotment is \$483,425 or \$20,142 per month. Overall expenditures are within this allotment.

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

**Personal Services:**

Expenditures: October; \$11,558; November: \$11,796; December \$11,924. Monthly personal services expenditures are within the average spending limitation of \$14,294 per month.

**Services and Supplies:**

Expenditures: October: \$8,813; November: \$2,087; December: \$1,430. The limitation is an average of \$5,847 per month. The average expenditures for October, November and December are within this allotment.

**Legal Costs Tracking:** The Flat Charge Agreement between the OTLB and the DOJ was renewed in July, 2017. The flat fee contract for 2017-19 is \$12,579 paid out in 8 quarterly payments. The contract amount reflects an average cost of legal fees the last 3 biennia. The Board tracked actual costs billed by the DOJ as follows: October: \$800; November \$0 and December. \$0.

The OT board is within the 2017-19 budget.

**License Numbers:** As of February 2nd, there are **2,264** OTs; **564** OTA's; total of **2,828** licensees. Total licenses issued from November 3-February 2: **79** for an average of **26** licenses issued per month.

**OTLB Brochure:** The brochure that accompanies the certificate when licenses are issued was updated and was provided to board members.

**2018 Renewals:** Renewals start on March 1<sup>st</sup>. The Director reported there has been many inquiries about CE and the Pain Management requirement. Licensees want clarification regarding the CE rules, want to know if their CE will count, and many notifications of pain management completion. The Director reported that over 300 licensees have pain management due and will need to complete before they can renew.

The Director reported that a letter notifying licensees of renewals will be mailed out to all licensees prior to the 3/1 start date. An email will be sent out as well on March 1<sup>st</sup>.

**Board Travel:** Sybil Hedrick Park will attend the AOTA conference on April 19-22. Sybil will provide an update to the board at the May 11 meeting. Erion Moore, public member, will be next in line to attend the conference next year.

NBCOT has invited the Director and Board Chair to their bi-annual Regulatory Leadership Forum, at no cost to the Board. Linda Smith, Board Chair and Nancy Schuberg will attend. The date are April 6-7 in Atlanta, GA.

TIES Conference: The Director will attend the TIES conference on Friday, April 13 in Eugene. OTLB will have an informational table set up to answer any questions from attendees.

Student Legislative Day: The Director and Board chair will attend in Salem and present to students about the Board and the role in the legislative process.

**Education Mandate:** Statements from AOTA regarding the education mandates were provided to board members. Beginning in 2027, new OTs will have to have earned a doctorate to enter into the profession. The bachelor's degree requirement for OTAs is still up for debate.

**NBCOT News:** The NBCOT announced that they would start conducting background checks as part of the exam process beginning. The background check will be a public record draw (most likely from SSN) not a fingerprint check.

The NBCOT also announced their national **Presumptive Denial Policy** which would not allow individuals convicted of certain serious crimes to sit for the exam. The Director consulted with the AAG and found that in Oregon it, this policy would be an unconstitutional delegation of authority to a private party. Effectively, the NBCOT would be making board decisions. Katharine Lozano, AAG drafted an analysis to provide to NBCOT and NBCOT put the policy on hold until further review. The policy was scheduled to go into effect in 2019.

**Question from Licensee** – At Providence, the PT and SLP licensing boards accept that since a physician is writing a discharge note when the patient discharges from the hospital, therapists no longer write a discharge for all the patients who were discharged on a day when they were not treated, or discharged later in the day or evening. The PT Board now addresses it in their new rules, and SLPA leaves it up to the best practices of the employer. Providence has since adopted this policy. The OT Board agrees to leave it to the facility to establish this policy.

**Recent PT Rule changes:** The board reviewed these for relevance to the practice of occupational therapy.

**3. 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.
- **OT 2013 – 08** Probationary License – Continued with follow up.
- **OT 2015-02** Continued with follow up.
- **OTA 2016-06** Continued with follow up.
- **OTA 2017-01** Continued.
- **OT 2017-04** Continued.
- **OT 2017-08** New
- **OT 2017-09** New
- **OT 2017-10** New
- **OT 2017-11 (LEDS)** New

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

**4. Motions from Executive Session and Ratify List of Licensees:**

**2013-06:** A MOTION BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO CLOSE THE CASE. MOTION PASSED WITH ALL PRESENT.

**2017-01:** A MOTION BY Erion Moore AND SECONDED BY Sybil Hedrick Park TO CLOSE THE CASE. MOTION PASSED WITH ALL PRESENT.

**2017-04:** A MOTION BY Clyde Jenkins AND SECONDED BY Erion Moore TO CLOSE THE CASE. MOTION PASSED WITH ALL PRESENT.

**2017-08:** A MOTION BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO IMPOSE A \$500 CIVIL PENALTY. MOTION PASSED WITH ALL PRESENT.

**2017-09:** A MOTION BY Kari Hill AND SECONDED BY Linda Smith TO SEND A LETTER OF CONCERN. MOTION PASSED WITH ALL PRESENT.

**2017-10:** A MOTION BY Sybil Hedrick Park AND SECONDED BY Linda Smith TO SEND A LETTER OF CONCERN. MOTION PASSED WITH ALL PRESENT.

**2017-11 (LEDS):** A MOTION BY Linda Smith AND SECONDED BY Clyde Jenkins TO SEND A LETTER. MOTION PASSED WITH ALL PRESENT.

A MOTION WAS MADE BY Clyde Jenkins AND SECONDED BY Erion Moore 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. AAG Presentation to the Board:** Katharine Lozano presented to the Board about liability and public meeting law.

**6. Supervision Workgroup Update:** The Board was provided a summary from the meeting held on December 11, 2017. Half the workgroup attended in person and half phoned in. The meeting was introductory and every participant stated where they worked and why they joined. Many issues and concerns involve a lack of knowledge by the employer of the requirements of supervision. Many OTAs working PRN are not getting enough support by management to ensure that they are properly supervised.

Goals were set and the group was divided into two groups:

**Group one:** will create an employer education document not only outlining supervision laws but also comparing the differences between the three disciplines speech, OT and PT. A first draft was provided to the group to lay the groundwork.

**Group two:** best practices. Organize and consolidate the issues discussed in the first meeting. Decide on best practices in settings being careful of creating barriers that would deter companies from hiring OTAs.

The next supervision workgroup meetings for group one and two will be held in February.

**7. Fingerprinting of New Applicants and Reinstatements:** Fingerprint background checks are now in place for all new applicants for licensure, limited permits and reinstatements of licensure. It has been taking on average three-four days to receive results back from the Oregon State Police (OSP) from when the fingerprints are taken at Field print. It has not delayed licensing.

On February 8<sup>th</sup>, the Director will present to Ways and Means requesting fee ratification and more limitation in services and supplies to cover the payments to the OSP. The \$40 fee is entered as revenue but we pay the OSP out of services and supplies.

**8. Policy Update:** The Board discussed applicant requirements and made the following decision on policy:

1. If an applicant reinstates their license within 2 years of it lapsing, are they required to pass a fingerprint background check as a provision of licensure? The Board decided to leave the policy as it is currently and require fingerprinting for reinstatements.
2. Are Foreign applicants are allowed to submit a fingerprint card in lieu of digital prints through FieldPrint since Fieldprint has locations only inside the USA? The board will allow applicants who are out the country to submit fingerprint cards, however those inside the US, must utilize the state vendor (FieldPrint).
3. If returning applicants have been unlicensed in Oregon for over two years they are required to re-take the Law/Ethics exam? Yes, they should be required to retake the exam.
4. The one-hour pain management module will be required for new applicants and reinstatements as part of a licensing requirement. Currently the module is due within 2 years of licensure.

The Director will draft policies per discussed, and present to board for formal adoption at the May 11<sup>th</sup> Board meeting.

**9. Adopt Wellness policy:** In accordance with the Executive Order 17-01, to improve the wellness of state employees, the board reviewed and adopted the wellness policy. By improving the health and well-being of the employees, agencies will be better able to serve Oregonians, improving productivity and slow the increase in health care costs. The health related licensing boards, worked together on the initiative and the topic will be an ongoing agenda item at their future monthly meetings.

A MOTION BY Sybil Hedrick Park AND SECONDED BY Linda Smith TO ADOPT THE WELLNESS POLICY. MOTION PASSED WITH ALL PRESENT.

**10. 2018 Legislative session:** The list of tracked bills was provided to the Board, Pacific University, LBCC, OTAOL Legislative committee and lobbyist:

**SB 1514** Establishes periodic sunset review of state boards, commissions, committees, task forces and other executive department entities that meet certain criteria. Requires Legislative Policy and Research Director to establish roster and schedule of entities for periodic sunset review. Requires listed entities with periodic sunset review scheduled for next odd-numbered year regular session of Legislative Assembly to provide specified information, and requires director to compile and present information to committees and facilitate committee undertaking periodic sunset review.

**SB 1547** Expands list of health care professionals who can provide medical release to youth athlete who is suspected of having concussion. Prescribes requirements for health care professionals to be qualified to provide medical release.

**HB 4052** Establishes Small Business Rules Advisory Committee to serve as advisory committee for agencies adopting new administrative rules and to review effectiveness of existing administrative rules. Requires agency to review effect of rule every five years.

**SB 1533 / HB 4100** Allows facility providing therapy or counseling that incorporates activities utilizing nonclinical setting to be established in area zoned for exclusive farm use if certain conditions are met.

Page 9:

(b) Therapy or counseling activities that may be conducted at a facility described in this subsection include, but are not limited to:

(E) Physical, **occupational**, speech and mental health therapy activities that are specifically conducted in nonclinical settings, incorporating various mounted or ground-based interaction scenarios with livestock or incorporating other farm, agricultural and livestock setting components, to more effectively facilitate therapy reception in persons aged 18 years or younger.

**SB 1559** Directs state agencies to establish procedure for employees to anonymously disclose certain information. Requires Department of Justice to establish mandatory training program regarding whistleblowing activities in this state. Requires department to establish manual describing department's standards and procedures for implementing Whistleblower Law.

**SB 1545** Provides for cost of providing state court technology services to state agencies to be assessed against agencies beginning July 1, 2019. Directs Oregon Department of Administrative Services to apportion assessment among agencies on basis of number of full-time equivalent positions budgeted by agency. Directs department to deposit funds assessed in State Court Technology Fund. Directs Judicial Department to provide certain information to Oregon Department of Administrative Services.

**SB 1534** Requires Department of Human Services to establish minimum training standards for home care workers and personal support workers and to provide training. Directs department and Home Care Commission to maximize federal funding available to pay for training.

**SB 1540** Modifies definition of child abuse for purpose of mandatory reporting. Expands scope of investigation of abuse of persons with mental illness or substance use disorders that may be conducted by Department of Human Services or Oregon Health Authority.

**HB 4067** Expands definition of term “child with a disability” for purposes of special education to include children who have developmental delays and who are under 10 years of age.

**HB 4132** Prohibits dependency jurisdiction on basis of medical child abuse allegation under certain circumstances.

**11. Level 4 Lasers:** The Board is considering whether it can allow OTs to use Level 4, 9 watt lasers in their practice. Sybil Hedrick Park and the Director will attend the March 9th PT Board meeting to hear information by the vendor. The AOTA does not have a national stance on the use of lasers.

**12. 2018 OTA Conference:** The conference will be held October 5-6 at the Holiday Inn near the Portland Airport.

**13. Strategic Plan:** Listed on the strategic plan is to send licensee text reminders. The Director will check to see if we have ability to do this with our current database.

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

**2018 Board meetings:** Fridays: May 11 @ LBCC, July 20, Nov. 2.

Nancy Schuberg, Director. February 20, 2017.