

Oregon OT Licensing Board
PUBLIC MEETING MINUTES
Friday, July 20, 2018

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

The Oregon Occupational Therapy Licensing Board meeting was held Friday, July 20, 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 DiSalle, AAG, Celeste Summer, OT/L.

With a quorum present, Board Chair Linda Smith called the Monday meeting to order at **9:58am**.

1. Minutes:

The Board reviewed the minutes of the public meeting of **MAY 11**. A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Kari Hill 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 11**. A MOTION WAS MADE BY Erion Moore AND SECONDED BY Clyde Jenkins TO APPROVE THE CONFIDENTIAL MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the minutes of the SPECIAL public meeting of **JUNE 1**. A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO APPROVE THE PUBLIC MEETING MINUTES WITH MINOR AMENDMENTS. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the confidential SPECIAL meeting minutes of **JUNE 1**. A MOTION WAS MADE BY Erion Moore AND SECONDED BY Clyde Jenkins TO APPROVE THE CONFIDENTIAL MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2. Report of the Director:

2017-2019 Budget:

Revenues: April \$150,068; May \$74,254. Due to the timing of the meeting, June reports were not yet available. The totals include revenue from fingerprinting. An additional \$40 per new licensee is passed through to the Oregon State Police, paid from Services and Supplies. The Legislature approved an additional \$24,000 in limitation in February. The total revenue projected in the budget for this biennium, \$379,000, plus \$24,000 (fingerprinting) is **\$403,000**. Total revenue from renewals was \$342,176.

Total Expenditures: April: \$19,193; May: \$17,753. The allotment is what we can spend for the biennium and its **\$483,425**, or **\$20,142** per month. The budget remains within the allotment.

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

Personal Services:

Expenditures: April: \$11,988; May: \$12,068. Our average spending limitation for personal services is **\$14,294/mo**. Personal Services expenditures are within the limitation.

Services and Supplies:

For April: \$7,206; May: \$5,684. The average amount we can spend per month is **\$5,847**. Expenditures were higher in April, however, overall for the biennium the average is \$4,261 per month, within the limitation.

Legal Costs Tracking: Legal costs were as follows: April: \$673.00; May: \$1,437.80. The OT Board has had to consult more with the AAG due to increase and complexity in number of recent cases. OTLB is on a biennial flat fee contract with the DOJ and pays a set fee quarterly. The total of AAG costs for the 17-19 biennium will be factored in establishing the 19-21 contract amount.

The OT board is within the 2017-19 budget.

19-21 Budgeting

June 28 was the deadline to submit Program Option Packages to DAS for approval. OTLB has four this year and they are included in the board packets.

POP 101 – Information Technology. The Board is in the process of transitioning away from a long-time service provider to a combination of in-house and contracted support. There are increased operating costs relating to replacement of outdated core agency IT systems and support. In addition, the Board with its sister boards is transitioning to a new licensing database, and the budget includes staff training and support. Estimate cost: \$50,000 biennium for the OT Board.

POP 107 – Increase in Administrative Staff. Increases the Administrative Assistant 2 from .50 FTE to .75 FTE to enable the one Board staff to provide more administrative support in various duty areas. The number of licensees have grown to over 2,800 as of February 2018, a 17% increase from the same time-frame last biennium. As numbers increase, the questions and requests increase both on applications, scope of practice, continuing education requirements, including pain management, supervision of OT Assistants and overall work required. Investigations have increased and workload has greatly increased. The Board conducts LEDS background checks on all licensees every two years prior to renewals and plans to continue to do so. Fingerprint background checks are now a requirement of all new applicants. Cost: \$35,008.

POP 121 – Re-class of 833 Health Directors from PEM C to PEM D, along with OBMI, OBVEM, SLPA, and OBNM Boards. Align the current executive director classification with existing executive director classification in Agency 83300 and other board and commissions of similar size and work scope to effect pay equity. The PEM D has an overall higher salary range than a PEM C. Board members were provided with salary range for both levels. This action is being directed by LFO (Legislative Fiscal Office) to ensure pay equity across the health boards.

POP 109 – Raise licensure fees:

To offset the majority of the costs of transition to the new IT provider and database, as well as the cost of the increase in administrative staff, the Board has approved a fee increase as follows:

	Current	Proposed Fee – effective Jan. 1, 2020
OT Application	\$175 2 year fee / \$100 1 year fee	\$195 2 year fee / \$120 1 year fee
OTA Application	\$120 2 year fee / \$70 1 year fee	\$140 2 year fee / \$90 1 year fee
OT Renewal	\$150	\$175
OTA Renewal	\$100	\$120
OT Reinstatement	\$200 2 year fee / \$125 1 year fee	\$225 2 year fee / \$150 1 year fee
OTA Reinstatement	\$150 2 year fee / \$120 1 year fee	\$170 2 year fee / \$140 1 year fee

The estimated biennial revenue generated from licensure fee increase is \$72,975.00. The costs of the two programs is \$85,000. The board will absorb the remaining \$12,000.

Note: OT Board has not raised fees since 2006.

License Numbers: As of Thursday, July 19 there were **1,987** OTs; **472** OTA's; total of **2,459** licensees. Total licenses issued from May 11-July 19, 2018: **87** for an average of **29** licenses issued per month.

2018 Renewals – A final renewal summary was provided to the Board members.

	2/28/18 Total Licensees Before renewals	Total Renewed	Difference
OT's	2,277	1,863	414
OTA's	566	445	121
TOTAL	2,843	2,308	535

18.8% of licensees did not renew.

419 "Complied" (not NBCOT certified) – 18%

1,885 NBCOT Certified - 82%

Reasons why Licensees did not renew:

Could not obtain a visa: 1

Illness: 2

Retired: 22

Left the state: 72

Did not say why: everyone else

A CE Audit was conducted randomly on 5% of those licensees who were not NBCOT certified.

CE Tips: The board reviewed the "CE Tips" section on the website and made updates. As we begin the new renewal cycle, the director will remind licenses in the next newsletter what the board will and will not accept, and to not wait until the last minute to do their CE.

- CE must be specifically related to your OT Practice and be at practice level.
- Any annual training for your job, universal precautions, common health care safety training, is not accepted as CE for your OT/OTA license.
- CE on emerging practice – must have evidence-based support in addition to the completion certificates to count.
- Self-help courses – although helpful to the licensee, these would not count as CE for your license.
- Medicare training may be approved depending on documentation and how it is related to OT.

2019 Board Meeting dates: The Board selected the following dates for the 2019 board meetings:

Fridays: Feb. 1st, May 3rd, August 2nd and Nov. 1st.

Board Officers: Linda Smith will go off the Board on June 14, 2019 when her 2nd term is completed. Vice Chair Sybil Hedrick Park will become Board Chair at that time. In preparation for the role, Sybil will run the May 3, 2019 meeting.

OTAO Conference: – The conference will be held October 5-6 at the Holiday Inn – Ptlid Airport. The OTLB presentation will be on Friday from 12:45-1:30. AAG, Katharine DiSalle will present on behalf of the board. OTLB will pay registration fee for the board members, however if OTLB pays for therapists, they cannot use the CE toward their license.

Presentation ideas: As a health professional, you're held to a higher standard. You're working with a vulnerable populations. What happens outside of work affects your practice. You represent your profession.

OTLB Presentation Board ideas:

- Post the violations that have occurred.
- When you are arrested...
- Self-reporting requirement.
- New fingerprinting requirement
- Change when to contact the board.
- Statistics – graph showing increase in discipline, OTs and OTAs. Oregon vs. National.
- 2018 Work Force Data.

Common Credentialing Update: The Oregon Common Credentialing program establishes a database for credentialing organizations to access the information necessary to credential all health care practitioners in the state. This is mandated by SB 604 from 2013. It is intended to simplify the administrative process related to credentialing, reduce the burden on practitioners, and eliminate duplication for credentialing organizations. The OHA administers this program.

If a licensee is employed at a facility that requires he or she to be credentialed, then it would apply to him or her. Practitioners who work on patients in health care facilities and are reimbursed by health plans and are credentialed would be required to participate.

Mandatory participation was initially going to begin in Nov 2018 however, OHA is delaying the full launch of the program and will soon begin a voluntary early adoption phase to help inform and finalize the program.

Pacific OTD student capstones: The student capstone presentations will be held on August 8-9. The agenda will be sent to the Board in case members would like to attend. They are open to the public. The director will be at Pacific on August 7th to talk to the students about the board and licensing.

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 2013-08:** Continued
- **OTA 2016-06:** Continued - CE
- **OT 2018-02:** Continued
- **OT 2018-04:** Continued
- **OT 2018-05:** Continued
- **OTA 2018-06:** Continued

- **OT 2018-07:** Case was closed
- **OT 2018-10:** Continued
- **OT 2018-11:** Case was closed
- **OT 2018-12:** Case was closed
- **OT 2018-13:** Continued
- **OT 2018-14:** Case was closed

Lunch was provided as the Board continued working.

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:

2018-02 A MOTION WAS MADE BY Kari Hill AND SECONDED BY Clyde Jenkins TO **grant an addendum to the consent order.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2018-05 A MOTION WAS MADE BY Linda Smith AND SECONDED BY Sybil Hedrick Park TO **issue a notice of intent to revoke the license and issue civil penalties.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2018-06 A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Linda Smith TO **grant a probationary license and issue a civil penalty.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2018-07 A MOTION WAS MADE BY Linda Smith AND SECONDED BY Kari Hill TO **dismiss the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2018-10 A MOTION WAS MADE BY Kari Hill AND SECONDED BY Clyde Jenkins TO **issue a notice of denial.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2018-11 A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO **approve the license and send a letter of concern.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2018-12 A MOTION WAS MADE BY Linda Smith AND SECONDED BY Clyde Jenkins TO **approve the license and send a letter.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2018-13: 2018-13: A MOTION WAS MADE BY Linda Smith AND SECONDED BY Kari Hill TO **offer a consent order with terms including a civil penalty.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2018-14: A MOTION WAS MADE BY Erion Moore AND SECONDED BY Sybil Hedrick Park TO **approve the license and send a letter.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY Sybil Hedrick Park 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.

5. Policy license approval: Due to advice by the AAG, the board reviewed and revised the policy on application approval as follow:

- ~~Depending on the applicants written explanation and whether or not the offense indicates: is a one-time offense, is a misdemeanor or citation, or is older than 3 years, the Board Chair may make the decision to proceed with licensure. Instead:~~
- If it is a one-time offense, a misdemeanor or citation, and is older than 3 years, the Board Chair shall make the decision to proceed with licensure. The full board will ratify the license at the next scheduled meeting.

A MOTION WAS MADE BY Clyde Jenkins AND SECONDED BY Linda Smith TO **approve the policy amendment**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

6. Pelvic Floor Advanced Therapy – Tracy Arnold, OTR/L gave the Board a presentation on advanced Pelvic Floor therapy. She has asked the board to approve this practice in the Oregon Scope of practice. Currently the AOTA has no national stance.

“Advanced” therapy includes:

“Internal pelvic floor treatment including standardized digital exams of the vagina &/or rectum along with palpation to assess tissue mobility &/or pain in the pelvic floor & surrounding tissues, & treatment interventions to treat pelvic issues including biofeedback, as well as other treatment modalities such as therapeutic exercise, external manual therapy, & myofascial release.”

The director asked all state administrators if they approve this type of therapy in their state and reviewed the results with the board.

The Board has asked the PT Board to review to ensure there is no conflict. The Board will review the decision of the PT Board at the November meeting.

7. Telehealth rules: At a NBCOT Conference breakout session telehealth was discussed and it was brought to the attention of the Board chair that AOTA was not in support of #6 in the Oregon telehealth rules.

OAR 339 – 010 – 0006 Standards of Practice for Telehealth

(6) When providing occupational therapy services via telehealth, an occupational therapist shall determine whether an **in-person evaluation** is necessary and make every attempt to ensure that a therapist is available if an on-site visit is required.

(a) If it is determined **in-person interventions** are necessary, every attempt must be made to ensure that an on-site occupational therapist or occupational therapy assistant shall provide the appropriate interventions.

(b) The obligation of the occupational therapist to determine whether an in-person re-evaluation or intervention is necessary continues during the course of treatment.

Concerns stemming from the fact that the existing language requires the treating occupational therapist to attempt to ensure that an on-site OT be available in the event an in-person evaluation or interventions were necessary. In some remote rural locations, it is not feasible for the treating OT to ensure that an on-site OT would be available to perform in-person evaluations.

The Board approved the amendment at the June 1 Special Meeting. The Director filed notice with the Secretary of State office, and gave notice through OTA, Interested parties, June newsletter and website. The last day to comment is 7/23/2018.

The Director reviewed feedback by way of letter from the AOTA in support of the change. The final motion will be taken at the November meeting.

8. Lone Star College Re-entry program – The board was asked by two former OT's to approve this program as a pathway for licensure in Oregon.

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

...

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...

Pacific discontinued their OT re-entry program and LBCC decided not to pursue their OTA re-entry program.

The Board asked John White at Pacific to review the program. He reviewed the itinerary as well as the information posted by the AOTA, "Specific Guidelines for Re-entry". Based on the information gathered, he felt the program exceeded most of the AOTA guidelines and should be sufficient for Oregon OT's and OTA's needing a re-entry refresher course. OTs or OTAs could be lapsed up to 11 years and still meet the AOTA guidelines for re-entry. Those beyond that would need to provide additional CE, 10 hours per year beyond 11 years of being out of practice.

A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO **approve the Lone Star College Re-entry program**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

9. Scope of Practice questions: Two questions for the Board involving scope of practice:

- 1) The Board was asked if an OT can apply fluoride varnish as a preventative service. The Board made the determination that it did not fall under the definition of OT, as she would not be teaching a skill, it is an application. There is no skill building. The OT cannot bill for the service.
- 2) The Board was contact by Dr. Gabby Marshall, optometrist from Bend. She stated that in Bend, St. Charles hospital advertises Vision Therapy as an out-patient rehab service. The problem is patients are getting inappropriate care because they think they are getting visual rehabilitation and they really aren't. Concerns about false advertising, perception and that patients are not getting good "visual" rehab. The therapists are not full trained and may be using tools incorrectly.

Sybil Hedrick Park volunteered to phone Gabby to find out more the OT's who may be doing Vision Therapy at St. Charles.

10. Supervision Workgroup: There was no new update this meeting as the groups had not convened since the last board meeting. The next workgroup meeting is **July 31**, from 6-7pm.

11. Strategic Plan Update: The Director is focusing on how to move the board forward with technology. The Director is hopeful the new database will allow for online applications and paying application fees by credit card.

12. September Newsletter: Topics for the September board newsletter will include the OTA0 conference, continuing education, and an update on the Common Credentialing.

13. New OT Board Member Candidates: The board discussed four excellent OT candidates for Linda's replacement but will wait until the Nov. 2 meeting to make the final decision to allow additional time to meet and consider the candidates.

The Board Chair adjourned the meeting at **2:15 pm**.

2018 Board meetings: Friday: November 2.

Nancy Schuberg, Director. August 8, 2018