

**Oregon OT Licensing Board  
PUBLIC MEETING MINUTES  
Friday May 11, 2018**

Linn Benton Community College / Conference Room 151  
300 Mullins Drive, Lebanon, OR 97355

The Oregon Occupational Therapy Licensing Board meeting was held Friday, May 11, 2018 at 10am at Linn Benton Community College. Board members in attendance during the Executive Session: Acting as Board Chair, Sybil Hedrick Park, OTR/L, CHT, CSCS; Kari Hill, COTA/L; Public members Erion Moore II (acting as Vice Chair) and Clyde Jenkins. Nancy Schuberg, Executive Director was also present. Board Chair Linda Smith, OTR/L had an excused absence.

Guests: Katharine DiSalle, AAG for the Board and Genevieve deRenne, Board Consultant – called in.

With a quorum present, Acting Board Chair Sybil Hedrick Park called the Friday meeting to order at 10:04am.

**1. Minutes:**

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

The Board reviewed the confidential meeting minutes of **FEBRUARY 5**. 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.

The Board reviewed the minutes of the SPECIAL public meeting of **MARCH 9**. A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Erion Moore TO APPROVE THE PUBLIC MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the confidential SPECIAL meeting minutes of **MARCH 9**. 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 2013-08:**            Continued
- **OT 2015-02:**            Continued - CE
- **OTA 2016-06:**            Continued
- **OTA 2017-08:**            Continued
- **OT 2018-01:**            New
- **OT 2018-02:**            Continued

- **OTA 2018-03:**      New
- **OT 2018-04:**      New - Renewal
- **OT 2018-05:**      New - Renewal
- **OTA 2018-06:**      New - Renewal
- **OT 2017-07:**      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. Board tour of the OTA lab at LBCC.** Mashelle Painter, former Board member and Co-director of LBCC OTA program, gave a tour to the board of the OTA Lab. Mashelle reported that on June 2<sup>nd</sup>, LBCC will host their first annual OTA workshop. The Board appreciates all the hospitality of Mashelle and LBCC in hosting the Board for their meeting.

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

**2015-02:** A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO close the case. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

**2016-06:** A MOTION WAS MADE BY Clyde Jenkins AND SECONDED BY Kari Hill TO terminate probation and grant a regular license. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

**2017-08:** A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO dismiss the case. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

**2018-01:** A MOTION WAS MADE BY Clyde Jenkins AND SECONDED BY Kari Hill TO dismiss the case. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

**2018-03:** A MOTION WAS MADE BY Clyde Jenkins AND SECONDED BY Kari Hill TO dismiss the case. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

**2018-07:** A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Clyde Jenkins TO continue the case. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY Kari Hill 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.

*Lunch was provided as the Board continued working.*

**5. Report of the Director:**

**2017-2019 Budget:**

**Revenues:** January: \$5,367 ; February: \$6,717 and March: \$120,693. Includes 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 Expenditures:** January; **\$16,101** February: **\$15,831**; March: **\$15,551**. 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: January: **\$11,996**; February: **\$11,937**; March: **\$11,908**. Our average spending limitation for personal services is **\$14,294/mo**.

Services and Supplies:

For January: **\$4,104**; February: **\$3,894** and March: **\$3,643**. The average amount we can spend per month is **\$5,847**. We are within the spending allotment.

Legal Costs Tracking: Legal costs were as follows: January: **\$946.40**; February: **\$176.00** March: **\$600.60**. The OT Board has had to consult more with the AAG due to complexity of recent cases. OTLB is on the flat fee contract with the DOJ.

The OT board is within the 2017-19 budget.

**License Numbers:** As of Thursday, May 10th, there are **2,227** OTs; **551** OTA's; total of **2,778** licensees. Total licenses issued from February 5-May 10, 2018: **85** for an average of **28** licenses issued per month.

**Best Practice Survey** – This is one of four key performance measures of the Board. Board members complete the annual survey every May to ensure the board continues to follow Best practices. There are 15 questions Yes or No questions members must answer to ensure the board is appropriately involved in all functions of the Board. The results are shared with the legislature.

**NBCOT – Presumptive Denial Policy:** The **Presumptive Denial Policy** 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. The director updated the Board that ultimately the NBCOT decided to drop this policy.

**OTAO Conference:** – The conference will be held October 5-6 at the Holiday Inn – Ptl'd Airport. The Board discussed the OTLB lunch presentation and decided that they would ask AAG Katharine Disalle if she would present on discipline cases.

**Recognition of the Oregon OTLB:** The Oregon OTLB was spotlighted in the recent NBCOT e-newsletter for state regulatory boards. OTLB achieved the Gold Star certificate in accounting from the CFO.

**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 Board asked AAG to review to ensure that OTs can legally perform these tasks in Oregon. This will be reviewed at the next board meeting.

**7. AOTA Conference Update:** Sybil Hedrick Park attended the conference on behalf of the Board. The conference was held April 19-21, in Salt Lake City, UT. Sybil presented to the Board the highlights including:

- An update on compact licensure: It's moving forward however very costly and questions still to be answered include who will run the compact, how to sustain and who would pay to develop and sustain it.
- NBCOT discussed OT eligibility determination for internationally educated OTs.
- Telehealth continue to be discussed and how states are handling it. AOTA emphasizes to keep language broad as to not create any barriers.
- AOTA advocates jurisprudence exam for states. (Oregon already has its in place).

**8. NBCOT Leadership Forum Update:** Held on April 6-7, NBCOT travel expenses for the Board director and chair to attend from each state. Nancy Schuberg and Linda Smith attended. The director provided detailed notes of the conference to the board members. 40 jurisdictions were in attendance from 50 states + Puerto Rico. Conference presentations included the following:

- The FTC discussed FTC vs Regulatory Boards.
- Dr. Beth Redbird discussed a study she did on occupational licensure and the economic and structural effects. Fed. Of State Medical Boards Chief Advocacy Office discussed the fallout of the NC State of Dental Examiners VS FTC decision of 2015.
- Chuck Wilmarth, AOTA discussed recent state legislation and portability, and challenges with scope of OT practice.
- Debra Persinger from the Federation of Massage Therapy boards – discussed security violation in administering the Massage Board national exam.
- Barbara Williams, NBCOT discussed how NBCOT deals with applicants with discipline, arrest history, complaints and sanctions.

**9. LLLT – Low Level Laser Therapy:** OT Joyce Stahly has asked the board for a detailed response regards to use of LLLT. The Director attended the March 3rd presentation at the PT board meeting by Mark Callenhan from Light Force Therapy, one of the primary vendors on the market.

The specific laser type is photobiomodulation therapy laser used for topical heating for the treatment of pain, stiffness, and to improve circulation. AAG Katharine DiSalle verified that in Oregon, OTs could lawfully use a level 4 laser for inflammation reduction (but not wound care). While it is a class IV laser, it is not considered a surgical or industrial laser, but rather a deep tissue therapy laser that is a considered a (LLLT) low level laser therapy laser. That is, there is no cellular destruction or damage; no tissue ablation or coagulation. It was verified that there is no conflict with the Medical Board. However, they warned that lasers may cause injury if used incorrectly. At low heat they could cause burning if left too long on one spot. Eye protection is necessary.

The Board decided continue its research before deciding whether-or-not to restrict the use.

**10. 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.

(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 Director sent an email out to all telehealth users in Oregon and the response was in complete agreement with the AOTA. The Board agreed to amending the telehealth rule by deleting #6. The Director will file the notice with the Secretary of State office.

**11. Policy Update:** The Board discussed applicant requirements at the February 5<sup>th</sup> board meeting and the Director presented the Board with the revised drafts to the policies:

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).

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.

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.

A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO ACCEPT NEW POLICIES AS DRAFTED. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

**12. Supervision Workgroup:** The Director reported the status of the Supervision Workgroup:

Group 1 – collaborating with Speech and PT board to provide a quick fact sheet as an employer education document. A Quick Fact sheet was provided as a starting point. Steve Park of Pacific has done a very in depth look at all the supervision documents out there. He is proposing a longer document that interprets and supplements current OTLB statutes and administrative rules. The key is to make it user friendly, enough info to clarify but not too much to overwhelm. The next meeting will be held in July.

Group 2 – decided they would focus on the content of the OTLB website. The goal will be to make it more of a useful resource for therapists and employers by adding addition information by way of Q and A. Group 2 will look at other states OT board FAQs, the issues presented in the first meeting and the AOTA supervision guidelines and most common questions the board receives. New Q and A categories discussed:  
Roles and responsibilities; PRN / Working in Multiple settings / OTAs in schools / OTAs in home health.

Ultimately, the final outcomes will be communicated through the Board newsletter and website.

**13. Strategic Plan Update:** The Director reported that one of the plan goals, text reminders to licensees, are beyond the capability of the current database. The director can look into this once the new database is in place.

The Acting Board Chair adjourned the meeting at 2:30 pm.

**2018 Board meetings:** Fridays: July 20, Nov. 2.

Nancy Schuberg, Director. June 6, 2018.