

Oregon OT Licensing Board  
PUBLIC MEETING MINUTES

Friday, July 26, 2019

Providence Sports Care Center / 909 SW 18<sup>th</sup> Ave. / Portland, OR 97205

The Oregon Occupational Therapy Licensing Board meeting was held Friday, July 26, 2019 at the Providence Sports Care Center. The Board members present were: Board Chair Sybil Hedrick Park, OTR/L, CHT, CSCS; Vice Chair & Public Member Erion Moore; Kari Hill, COTA/L; Clyde Jenkins, Public Member; Maxwell Perkins, OTR/L, and Nancy Schuberg, Executive Director.

With a quorum present, Board Chair Sybil Hedrick Park called the Friday meeting to order at **9:59 am**.

**1. Minutes:**

The Board reviewed the public minutes of the **May 3, 2019** meeting. A MOTION WAS MADE BY Maxwell Perkins 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 the **May 3, 2019** meeting. A MOTION WAS MADE BY Maxwell Perkins AND SECONDED BY Sybil Hedrick Park 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: \$3,411; May: <3,068>; June: \$4,649.** There was a \$9,240 revenue transfer to the OHA in May for Workforce Data costs. The totals include revenue from fingerprinting. An additional \$40 per new applicant is passed through to the Oregon State Police who runs the background checks. It is paid from Services and Supplies. In 2018, the Legislature approved an additional \$24,000 in limitation for the additional expense. The total revenue projected in the budget for this biennium, \$379,000, plus \$24,000 (fingerprinting) is \$403,000. The Board's total actual revenue is **\$438,629**. This includes the revenue transfers out for Workforce data, the shared accountant and IT personnel.

**Total Overall Expenditures: April: \$18,621; May \$18,615; June: \$27,403.** The allotment is what we can spend for the biennium and is **\$483,425**, or **\$20,142** per month. For the overall biennium, the Board spent \$421,000, within the budget. This does not include the 13<sup>th</sup> month expenditures.

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

**Personal Services:**

Expenditures: **April 13,735; May \$13,949; June: \$14,073.** The average spending limitation for Personal Services is **\$14,294/mo**. The Board's Personal Services costs are within the limitation.

**Services and Supplies:**

For **April: \$4,886; May \$4669; June: \$14,096.** The total spent on services supplies is \$122,000, this does not include the 13<sup>th</sup> month invoices for June.

**Budget comparison:** The Director provided the final numbers for the 17-19 budget and compared with previous years. There was an increase in Services and Supplies spending that can be attributed to fingerprinting costs to OSP and the increase in the flat fee contract with the DOJ.

**Legal Costs Tracking:** **April: \$ 910; May \$54; June \$91.** The Board tracks legal costs carefully. OTLB is on a biennial flat fee contract with the DOJ and pays a set fee quarterly but tracks actual costs. The 17-19 contract

was \$12,579, however due to increased number of complex legal cases, actual costs were \$15,306.20. The flat fee contract saved the Board, \$2,727.24.

**2019-21 Budget Update:** The legislatively approved budget for the OT Board is **\$619,842**.

**DOJ Flat Fee Contract Review:** The 19-21 Flat fee contract amount offered by the DOJ is **\$18,528**. This amount is calculated by averaging the legal costs of the past 3 biennia, plus the increase in hourly fee. The Board discussed the pros and cons of proceeding with the contract. The contract amount is within the Boards 19-21 budget limitation.

The Board had a motion to enter in the 2019-21 Flat Fee contract of \$18,528 with the Dept. of Justice:

A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO **go forward with the Flat Fee Contract for DOJ Legal Services**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

**Reclassification Study Update:** The Director provided the Board with a written update of the presentations to DAS HR Central Evaluation Team (CET) for reclassification of the Director positions of the Health Related Licensing Boards. The CET made the determination that the Director positions should be classified as PEM D, from its existing level of PEM C. The reclassification puts the Directors at the same level of other Board Directors doing the same work.

**IT Update:** The Board has entered into a contract with a vendor, Thentia, to replace its 20-year-old database. The new database will allow online applications and applicants will be able to pay by credit card. There will be an interface with applicants to check their application status. Licensees will be able to update their own contact information, and continuing education. The go-live date is scheduled for November, 2019.

**License Numbers:** As of Thursday, July 25, there were **2,285** OTs and **543** OTA's; for a total of **2,828** licensed therapists. There were **78** total licenses issued from May 3-July 25, 2019.

**2019-21 Affirmative Action Plan:** The Board received approval by the Office of Diversity of its 19-21 Affirmative Action plan submitted in September, 2018. The Board had a final motion to adopt the AA Plan.

A MOTION WAS MADE BY Maxwell Perkins AND SECONDED BY Clyde Jenkins TO **adopt the 19-21 Affirmative Action Plan**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

The Director will post it on the website and have it available in her office.

**OTAO Conference:** The next OTAO conference will be held October 4-5 at Chinook Winds Casino, north of Lincoln City, at the coast. The OTLB presentation will be one hour on Friday, October 4. Kristen Neville of the AOTA State Affairs group will present on behalf of the Board on Licensure Compacts.

**Pacific Capstone presentations:** The schedule of the Pacific OTD student capstone presentations was provided to the Board. The Director will speak to the students on August 6<sup>th</sup> about the Board, licensing and limited permits, rules and statutes.

**ACOTE/AOTA Education Mandate:** The Director reviewed the recent joint statement by ACOTE and AOTA. The educational mandate of an OTD for OT's and Bachelor's degree for OTA's starting 2027, is no longer in effect.

**2020 Board Meeting dates:** The Board changed the date of the August 7, 2020 Board meeting to **July 31, 2020**.

**Recognition of the Board:** The Director shared the latest newsletters from the AOTA State Affairs group and the NBCOT. Both newsletters included mention of the Oregon OT Board.

**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:

- **OTA 2016-06:** Continued with follow up
- **OT 2018-04:** Continued with follow up
- **OTA 2018-16:** Continued
- **OT 2019-04:** Continued
- **OTA 2019-09:** New Case

*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:**

**2019-09** A MOTION WAS MADE BY Maxwell Perkins AND SECONDED BY Kari Hill TO **continue the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

A MOTION WAS MADE BY Maxwell Perkins 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.

**5. NBCOT Leadership Forum Update:** Kari Hill provided the Board with an update of the NBCOT Leadership Forum that she attended in May, in Baltimore, MD. Rachel Cillo, Licensing Specialist, also attended.

#### **6. Final Legislative Update:**

The following bills passed and will affect the OT Board:

**HB 5022:** OTLB budget bill. No fee increases anticipated for the 2019-21 budget. Governor signed bill into law. 4/10

**HB 2011:** Takes effect on **7/1/2021**. A board shall adopt rules to require licensees to complete CE on **cultural competency**. Shall be a condition of renewal (every other renewal). Board shall consider the availability of the CE when adopting rules regarding the required number of credits of CE. A board shall encourage but may not require the completion of CE approved by the OHA. The board shall accept as meeting the requirements of this subsection CE that meets the skills requirements by the authority by rule. Amendments to 676.850 apply to applicants and renewals.

**HB 3030:** A licensing board may issue a temporary authorization to a person who: A) is a spouse of the Armed Forces sanctioned in Oregon; B) Holds a current license in another state and the board determines that the other state requirements are substantially similar to those of the licensing board. C) Provides to the board in a manner determined by the board, sufficient proof that the person is in good standing with the out-of-state board; D) has demonstrated competency as determined by the board.

Temporary authorization is valid until the earliest of the following:

- a) Two years after the date of issuance
- b) The date the spouse (person who is in the military) completes the term of service.
- c) The date the license issued by another state expires.

The authorization is not renewable. Takes effect on 1/1/20.

**SB 854:** Directs professional licensing boards, in certain circumstances, to accept individual tax payer identification number or other federally-issued identification number in lieu of a Social Security number on the application for issuance or renewal of authorization to practice occupation or profession. (*Effective for all apps received after 1/1/2020*). **Passed.** National certification still may require SS# so this would not work in some instances.

**SB 855:** Dealing with “brain waste” professionals in their home countries come to this country and find themselves unable to get licensed and can only become CNAs, driving cabs. Need licensing board to look at their process to see where there are barriers. Have licenses boards look and report back and come up with strategies for more effective pathways to getting licensed. **Due November 30, 2019.**

#### **Bills that did not pass:**

~~**HB 2454** – Allows out of state applicant seeking an occupational license in Oregon more time to meet Oregon standards if applicant is already licensed in another state and is seeking to work in Eastern Oregon Border Economic Development Region. Did not get out of committee. Did not pass.~~

~~**SB 808**— Requires licensee to complete **CE on Suicide Risk Assessment, treatment & mgmt.** Completion must be reported to the board. Did not get out of committee. Did not pass.~~

~~**SB 236 / SB 587:** They are the same bill except SB 236 refers to 7 visits without no prior authorization and SB 587 refers to 10 visits. Prohibits policy or certificate of health insurance from requiring prior authorization for coverage of specified treatment by participating physical or occupational therapist if treatment is medically necessary and falls within quantitative treatment limits of policy or certificate. Patient is denied treatment on the same day they receive the evaluation. Therapeutic associates testified at the public hearing on 2/6. All stakeholders need to come to the table and workout a consensus.~~

**7. AOTA CE Requirements Update:** The Director provided the board with the new AOTA model CE guidelines and a chart comparing the new guidelines with NBCOT CE and OTLB CE requirements. The board will look at these closely Board updates the cultural competency CE.

#### **8. Rule amendment:** Statutory Minor Correction:

Last November #6 was deleted from the telehealth rules, 339-010-0006.

~~(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.~~

As a result of omitting #6 in telehealth rules last year, a few items need to be renumbered as follows:

### **339-010-0005**

#### **Definitions**

(1) "Supervision," is a process in which two or more people participate in a joint effort to promote, establish, maintain and/or evaluate a level of performance. The occupational therapist is responsible for the practice outcomes and documentation to accomplish the goals and objectives. Levels of supervision:

(a) "Close supervision" requires daily, direct contact in person at the work site;

(b) "Routine supervision" requires the supervisor to have direct contact in person at least every two weeks at the work site or via telehealth as defined in OAR 339-010-0006~~(9)~~(8) with interim supervision occurring by other methods, such as telephone or written communication;

(c) "General supervision" requires the supervisor to have at least monthly direct contact in person with the supervisee at the work site or via telehealth as defined in OAR 339-010-0006~~(9)~~(8) with supervision available as needed by other methods.

### **339-010-0006**

#### **Standards of Practice for Telehealth**

(8) Supervision of Occupational Therapy Assistant under 339-010-0035 for routine and general supervision, can be done through telehealth, but cannot be done when close supervision as defined in 339-010-0005 is required. The same considerations in ~~(7)~~(6)(A) through (F) must be considered in determining whether telehealth should be used.

**9. OED/OHA Meeting Update:** The Director is now involved in regular meetings with PT, Nursing, Speech, and the OHA Medicaid and ODE. The meetings are intended to collaborate with training programs for school administrators and other issues of common concern.

**10. Strategic Plan Update:** The Director will work with the new vendor on a new system of reporting OTA supervision with the new database vendor so that OTA's can submit "statement of supervision" forms electronically.

**11. September Newsletter Planning:** The September Newsletter will feature the upcoming OTA meeting. Remind licensees of renewals in 2020.

The Board Chair adjourned the meeting at **12:38 pm.**

**2019 Board Meetings:** Fridays: Nov. 1

**2020 Board Meetings:** Fridays: Feb. 14, May 1, July 31, Nov. 6

Nancy Schuberg, Director. September 1, 2019