

Oregon OT Licensing Board  
**PUBLIC MEETING MINUTES**  
**Friday, May 3, 2019**

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

The Oregon Occupational Therapy Licensing Board meeting was held Friday, May 3, 2019 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, and Nancy Schuberg, Executive Director. Guests: Shaun Conway, NBCOT and Max Perkins, OTR/L.

With a quorum present, Vice Chair Sybil Hedrick Park called the Friday meeting to order at **9:58 am**.

**1. Minutes:**

The Board reviewed the public minutes of the **February 1, 2019** meeting. A MOTION WAS MADE BY Linda Smith 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 the **February 1, 2019** meeting. A MOTION WAS MADE BY Linda Smith AND SECONDED BY Kari Hill 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:

- **OTA 2016-06:**        Continued - CE
- **OT 2018-04:**        Continued
- **OTA 2018-15:**        Continued
- **OTA 2018-16:**        Continued
- **OT 2019-02:**        New case
- **OT 2019-04:**        New case
- **OT 2019-07:**        New case
- **OT 2019-08:**        New case

**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:**

**2019-02** A MOTION WAS MADE BY Linda Smith AND SECONDED BY Sybil Hedrick Park TO **send a private letter of concern**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

**2019-04** A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO **Issue a Notice of Denial** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

**2019-07** A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Clyde Jenkins TO **Approve the license**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

**2019-08** A MOTION WAS MADE BY Kari Hill AND SECONDED BY Linda Smith TO **Approve the license**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

**2018-24** A MOTION WAS MADE BY Linda Smith AND SECONDED BY Sybil Hedrick Park TO **approve her application and send a letter**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

A MOTION WAS MADE BY Linda Smith AND SECONDED BY Kari Hill 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:**

##### **2017-2019 Budget:**

**Revenues: January: \$6,839.14; February: \$7,007.98; March: \$4,917.01.** There was a \$27,451.47 revenue transfer in February to cover the cost of the shared IT and Accounting personnel. 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 **\$436,350**, with three months left in the biennium.

**Total Expenditures: January: \$44,930; February: <\$5,309>; March: \$18,210.26.** In January, \$27,451.47 was incorrectly posted to Services and Supplies. In February, it was credited back. The allotment is what we can spend for the biennium and it is **\$483,425**, or **\$20,142** per month. The 3 month average total was \$19,277 within the allotment. The Board spending is within the budget.

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

##### **Personal Services:**

Expenditures: **January: \$13,301.23; February: \$15,042.27; March: \$13,630.05.** Our average spending limitation for personal services is **\$14,294/mo.** In February, there was a charge for unemployment compensation for the accountant of \$1,352. Overall, the board is within the limitation.

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

For **January: \$31,629; February: <\$20,351.95>; March: \$4,580.21.** In January, there was \$27,451.47 incorrectly posted to Services and Supplies. In February, it was credited back causing the negative balance. The average amount we can spend per month is **\$5,847.** The average of the three months was **\$5,286**, within the limitation.

**Legal Costs Tracking:** Legal costs were as follows: **January: \$1,164.80; February: \$36.40; March: \$418.60.** The Board tracks legal costs carefully. OTLB is on a biennial flat fee contract with the DOJ and pays a set fee quarterly. The total of actual 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.

**Fiscal Analyst 2:** The Director reported that the 83300 Boards have hired a new shared Fiscal Analyst 2 to replace the Accountant who departed last August.

**Audits:** The Director reviewed the different types of audits (Board audits, Peer audits and Secretary of State audits) and when they last occurred.

**IT Update:** The Director provided an update on the status of the new database, currently going through the DAS procurement process. The go-live date is tentatively slated for October.

**2019-21 Budget Update:** The year long budget process for the 19-21 budget is done. HB 5022 was signed into law by Governor Brown on April 10. The legislatively approved budget is \$627,294.

**License Numbers:** As of Thursday, May 2nd there were 2,217 OTs; 532 OTA's; a total of 2,749 licensees. There were 92 total licenses issued from February 1 – May 2, 2019.

**Board Appointments:** OT Maxwell Perkins went through the Senate Hearing appointment on March 20<sup>th</sup>. His term will begin 6/15/19, replacing Linda Smith.

**Board Consultant/Investigator:** Genevieve deRenne has agreed to sign a new contract for the upcoming biennium. She will remain as the Board clinical advisor and investigator for the Board.

**Best Practice Survey:** One of four key performance measure of the Board. Board members completed the annual survey to ensure the board continues to follow Best practices and ensuring the board is appropriately involved in all functions of the Board. The results are shared with the legislature at the budgeting hearing.

**OTAO CE Quiz:** Licensees can now review the OTAO Conference power point presentation by Joanna Tucker-Davis, and take the quiz on Google Drive, for one CE point. If they pass, a certificate of completion is sent by email. The quiz is available on the website and was featured in the December, 2018 newsletter. To date, **38** licensees took and passed the quiz for a free CE point.

**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. The Board discussed ideas for a compelling presentation.

**2019-21 Affirmative Action Plan:** The board is awaiting feedback from the Office of Diversity on the AA plan submitted last September. Once it is approved the board will have its final motion and it will be posted in the board office and on the website.

**Board Travel:** NBCOT Leadership Forum will be held May 21-22 in Baltimore. Rachel Cillo, Licensing Specialist and Kari Hill, board member, will represent the Board at the meeting and report back at the July meeting. NBCOT covers all travel expenses.

**Student Legislative Day:** Student Legislative Day was held on Friday, March 8 in Salem. The Director attended the lunch session and presented to the students on the boards role in the legislative process.

**2020 Board Meeting dates:** The Board selected Fridays, February 14, May 1, August 7 and November 6.

**July 26, 2019 Board Meeting Location:** The next meeting will be held at the Providence Sports Care Center.

*Lunch was provided as the Board continued working.*

## **5. Legislative Update:**

**SB 808/~~HB 2813~~** This bill requires licensees of certain boards (including OTLB) to complete continuing education related to suicide risk assessment, treatment and management in the amount of 3 to 6 credits every six years. Completion must be reported to the board. SB 808 w/-2 amendment pass committee 4/8. Recommendation: Do Pass and subsequent referral to Ways and Means be rescinded and refer to Rules.

**HB 2011:** Requires health professionals (including OT's/OTA's) to complete CE on Cultural Competency as a requirement of every other renewal (every 4 years). Effective July 2021. HB 2011 w/-3 amendment passed committee 4/9. Referred to Senate Health care committee. No hearing scheduled yet.

**SB 855:** Directs licensing boards to develop pathways to licensure for persons who are immigrants and refugees. The -3 Amendment: Each board must study the manner in which immigrants and refugees become licensed and develop ways to reduce barriers to licensure. SB 855 w/-3 amendment passed committee 4/9. Still sitting in the senate awaiting transfer to House.

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

**HB 3030:** Creates new law that allows the spouse of a member of the Armed Forces of the US stationed in this state, who hold a valid license for the same occupation in another state, to be approved to practice in this state under the issuing state's license for as long as the spouse is deployed in Oregon. HB 3030 w/-2 amendment passed committee 4/8. Referred to Business and General Government committee – no hearing scheduled yet.

**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. Bill with dash 1 amendment passed committee 4/8. Referred to Business and General Government committee – no hearing scheduled yet.

### **Bills that did not advance:**

**HB 2985 :** OTA bill. Directs the Dept. of Education to adopt rules for provisions of occupational therapy to students who have IEP programs, including establishing limits on the number of children to whom the OT/OTA may provide services. Although the bill is not moving forward OTA has been working all session to ensure that the concept is getting airtime. OTA is participating in discussion with the Joint Student Success committee and other health-related education stakeholders and Lobby Day is April 12 to continue discussions with legislators in 1:1 meetings.

**SB 124:** Subjects certain persons to the statutes governing massage therapy. Closes the loophole that all massage is regulated in the state. Public Hearing held 2/4.

**HB 3344**:- Requires health care providers to include CPT codes in bills sent to consumers and insurers.

**SB 236 /SB 587:** They are the same bill except SB 236 refers to seven 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 work out a consensus.

**6. Vision Therapy:** The Director reported she met with Shelley Sneed (Director of the Optometry Board) & Michelle Sigmund Gaines (Director of the PT Board). PT and OT's rules are very general. Anyone who utilizes any treatment needs to have the proper level of training, certification, etc and it needs to be appropriate for the patient that is being treated. The ultimate burden is on the practitioner to make sure they are competent at whatever technique intervention they are employing. The Directors concluded to make a collaborative effort to educate licensees conducting vision therapy. Any best practices or any other suggestions can be communicated through the OTLB newsletter, the website or an email blast to all licensees.

**7. AOTA Conference Update:** Nancy and Linda attended the 2019 AOTA Conference in New Orleans April 4-6 and provided an update for the Board. At the State Regulatory Forum held at the conference on Friday, Linda and Nancy participated in a panel discussion regarding Scope of Practice questions and gave a short presentation.

**8. Shaun Conway, NBCOT:** The Board welcomed Shaun Conway, Senior Director of Regulatory Affairs with the NBCOT who updated the Board on the NBCOT and its programs: The NBCOT certification programs are nationally and internationally accredited by the National Commission for Certifying Agencies, (NCCA) and the American National Standards Institute (ANSI). The NBCOT has a rigorous process determining the content of the National Exam, the Practice Analysis Study, Standard Setting, Examination Development and Administration through Prometrics. Navigator is an award winning interactive tool where licensees can verify their practice strengths and areas where more knowledge is needed. OTs and OTAs can earn up to 14 PDUs. Over 40 states now accept Navigator CE.

**9. Rural Communities Outreach:** At the February board meeting, the Board decided it would be beneficial to get a better understanding of challenges in working in a rural environment. The Director reached out by email and provided a summary of all the responses. There are many issues, economic factors, cultural differences, access to care, finding quality CE, trainings, peer support and compensation. The Board asked the Director to share the report with the OTA/O and will continue to consider ways the Board can help address these issues.

**10. Medicaid Changes:** The board reviewed the update from the OHA on impending changes to Medicaid. On June 1, 2019 the OHA is ending the current prior authorization process. Providers will no longer have to request prior authorization of therapy services. Instead, they will submit documentation for the current plan of care with the initial claim. Based on this review, OHA will deny or approve payment of claims billed for the current plan of care. The intent is to stop the backlog that is slowing down the treatment to patients.

**11. Strategic Plan Update:** There were no new updates.

**12. June Newsletter:** The June Newsletter will feature a legislative update, introduce the new Board OT member Max Perkins and honor Linda Smith's service on the board. The Director always welcomes any contributions from the board members.

**13. Recognition of Service:** The Board paid tribute to Linda Smith for her eight years on the board, including two years as Board Chair, and presented her with a remembrance. Linda's completes her second and final four year term on 6/14/19.

The Vice Chair adjourned the meeting at **2:35 pm**.

**2019 Board meetings:** Fridays: July 26; Nov. 1

Nancy Schuberg, Director. May 7, 2019