

Oregon OT Licensing Board
PUBLIC MEETING MINUTES
Friday, August 7, 2020
Video Conference

The Oregon Occupational Therapy Licensing Board meeting was held Friday, August 7, 2020 via Video Conference. The Board members present were: Board Chair Sybil Hedrick Park, OTR/L, CHT, CSCS; Erion Moore II, Vice Chair & Public Member; Kari Hill, COTA/L; Clyde Jenkins, Public Member; Maxwell Perkins, OTR/L, and Nancy Schuberg, Executive Director. Katharine Disalle, AAG, also attended.

With a quorum present, Board Chair Sybil Hedrick Park called the Friday meeting to order at **10:00 am**.

1. Review and approve public and confidential Board meeting minutes from May 1 meeting and June 22 special meeting:

The Board reviewed the minutes of the public meeting of **May 1, 2020**. 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 **May 1, 2020**. 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 **June 22, 2020**. 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 **June 22, 2020**. 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. Report of the Director:

2019-21 BUDGET REVIEW

Financial reports for the months of April, May and June were provided to Board members in their Board packets.

Revenue:

April: \$78,627; May \$73,293; June \$68,056: These amounts DO include revenue received from fingerprinting. The total revenue projected in the budget for this biennium is \$482,000. 75% of this revenue generally comes from renewals.

TOTAL Overall Expenditures:

April: \$21,966; May \$21,179; June \$19,782. The allotment is what we can spend for the biennium and it **\$619,842, or \$25,327** per month. The Board is within the allotment.

Total Expenditures are broken into two categories, personal services (payroll costs) and services and supplies, (everything else)...

Personal Services: Expenditures: April: \$15,707; May \$15,536; June \$15,815.

The Licensing Specialist, Rachel Cillo, worked a few hours of overtime to keep up with renewals. The Personal Services budget is **\$400,255** for the biennium or **\$16,677/mo.** The Board is within the limitation.

Services and Supplies: For **April: \$6,860; May \$5,642; June \$3,967.** The Sales and Supply budget is **\$219,587** or **\$9,149/mo.** The Board is within the limitation.

LEGAL FEES:

The Board pays their legal fees on a quarterly basis based on a flat fee contract with the DOJ, but tracks actual costs monthly. For **April: \$707; May \$813; June \$749.**

21-23 BUDGET PLANNING: The Board reviewed the 21-23 budget during the June 22, 2020 Special Meeting. The Agency Request Budget notebooks were submitted to the state CFO on July 31, 2020. The Board had a follow up discussion on what to charge for Mailing Lists. The Board will charge \$100 starting with the 2021 fiscal year.

RENEWALS 2020 UPDATE:

The Board members were provided a recap of the final renewal numbers and a comparison with previous renewals. There were a total of 2,375 licensees that renewed. (1,932 OT's and 443 OTA's) The Board started with 3,030 licensees and lost 22%. 20% of licensees were not NBCOT certified and 80% were certified. The Board conducted a CE Audit of those who were not certified.

LICENSE NUMBERS: As of August 5, 2020:

OTs: 2,086

OTAs: 471

Total: 2,557

BOARD APPOINTMENTS:

Erion Moore, public member, is officially re-appointed.

Clyde Jenkins, public member, has agreed to serve a second term. His 1st term expiration date is 3/31/21

Kari Hill, OTA member has agreed to serve a second term. Her 1st term expiration date is 6/30/21

Sybil Hedrick Park, OT member, will complete her second term on 10/14/21.

2021 BOARD MEETING DATES:

Fridays: February 26, May 7, August 6 and November 5.

There will be Strategic Planning Session on September 24, 2021.

BEST PRACTICES: Board members completed the annual best practices survey. The Board is following best practices 100%.

2020 OTA CONFERENCE / PRESENTATION:

The OTA Conference will be held virtually and attendees can attend any time through the entire month of October. The Board has booked Kate Morrell, Speech pathologist to speak on behalf of the Board on telehealth. The title of her presentation is **Tele-rehab for Adults in the Outpatient Environment.**

PACIFIC LICENSING PRESENTATION – The Director reported that she presented to the Pacific Doctorate students via Zoom on August 4, 2020.

AOTA/NBCOT WEBINAR – The Director provided the summary of the AOTA/NBCOT webinar she participated in on licensing. There were 1500 participants.

End of Directors report.

3. POLICY REVIEW:

The Board reviewed two policies in regards to Application review for those applicants with criminal history:

1. How to handle cases that involve non-disclosure of an arrest that later shows up on a Background check. The Board reviewed a new matrix that the Board would use to ensure consistency across all cases. The Board asked the director to look at past cases and see what the outcomes would have been if they were utilizing the matrix. The board will review at the Nov. 6, 2020 meeting.
2. The second policy would involve cases of licensees who get arrested for DUI that involve alcohol and whether Board wants to make it protocol to investigate if they worked or were they on call on the day of the arrest or the next day. The board also asked the director to look at applying this policy to past cases.

4. 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 2019-09:** Continued
- **OT 2020-01:** Continued
- **OT 2020-03:** Continued
- **OTA 2020-04:** Continued
- **OTA 2020-09:** New
- **OTA 2020-11:** New
- **OT 2020-12:** New
- **OT 2020-13:** New

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

5. Motions from Executive Session and Ratify List of Licensees:

2019-09 A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **suspend the license for one year and assess a \$1,000 civil penalty.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2020-01 A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **continue the case, renewal and dismissal contingent on receiving order of dismissal.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2020-03 A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **approve the renewal and dismiss the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2020-04 A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **continue the case, renewal and dismissal contingent on receiving order of dismissal.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2020-09 A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **send a letter and the Effects of Alcohol letter.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2020-11 A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **dismiss the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2020-12 A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **dismiss the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

2020-13 A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO proceed with an **order of reprimand and a civil penalty of \$200.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

RATIFY LIST: A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

6. OT Compact: The Board was presented with a summary of the OT compact and then the Board entered executive session to hear legal advice by Katharine Disalle, AAG from the DOJ.

After weighing the benefits and the legal risks, the Board decided it was not in support of the Interstate Licensing Compact. Sybil Hedrick Park will meet with the OTA to share the Boards concerns.

7. Update on LBCC OTA program: Mashelle Painter, program director, and former OTLB Board member, provided the Board with an update on the program and how they are dealing with COVID.

8. HB 2011 Cultural Competency CE Requirement: The Board reviewed the public comments received and voted to file the permanent rules.

A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **file the CCCE permanent rule.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

9. Temporary rule waiving FBI Background check requirement: The temporary rule will expire 8/31/20 and the requirement will go back into effect.

10. Proposed rule amendment: Division 20 CE Rules: the Board reviewed the draft and voted to proceed with rule making procedures.

A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **proceed with rule making procedures.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

11. Proposed rule amendment: delete 339-050-0000 (6) which is a \$50 fee during renewals for those who renew their license between May 2-May 31. The Board voted to delete the rule.

A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **delete the rule 339-050-0000 (6).** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

12. Proposed rule amendment: telehealth rules. The board voted to change the language from “occupational therapists” to occupational therapy practitioners to include OT Assistants. The board voted to update (4) regarding consent:

Prior to initiation of occupational therapy services, occupational therapy practitioners shall obtain informed consent of the delivery of service via telehealth from the patient/client. The consent may be verbal, written or recorded and must be documented in the patient or client’s permanent health record.

A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **proceed with rule making procedures.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

13. Proposed temporary rule: 339-010-0020(6) Unprofessional conduct for violations of executive orders. Health Boards were asked by the Governor’s office to adopt temporary rules so that Boards can take administrative actions for violations of executive orders. The Board reviewed the draft and voted to proceed with filing the temporary rule.

A MOTION WAS MADE BY Erion Moore AND SECONDED BY Max Perkins TO **proceed with filing the temporary rule.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

14. Strategic Plan: The date for the strategic planning session is set for 9/24/21.

15. Newsletter Planning: the next newsletter will cover the OTA conference presentation and to remind licensees about the effects of alcohol.

The Board Chair adjourned the meeting at **2:38 pm.**

2020 Board Meetings: Friday: Nov. 6

Nancy Schuberg, Director. August 14, 2020