

Oregon OT Licensing Board  
**PUBLIC MEETING MINUTES**  
**Friday, November 3, 2017**

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

The Oregon Occupational Therapy Licensing Board meeting was held on Friday, November 3, 2017, 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, Public Member, Nancy Schuberg, Executive Director and Rachel Cillo, Licensing Specialist. Public member Clyde Jenkins had an excused absence due to illness.

Guests: Michelle Sigmund-Gaines, Executive Director of the Mortuary Cemetery Board.

With a quorum present, Board Chair Linda Smith called the Friday meeting to order at 10:03 a.m.

**1. Minutes:**

The Board reviewed the minutes of the public meeting of August 4, 2017. A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Erion Moore 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 August 4, 2017. A MOTION WAS MADE BY Kari Hill AND SECONDED BY Sybil Hedrick Park TO APPROVE THE CONFIDENTIAL MEETING MINUTES with minor amendments. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

**2. Report of the Director:**

The Director will submit Board stipend paperwork following the meeting as it is the last meeting of the calendar year. Travel reimbursement forms will also be submitted for payment following the meeting.

**2015-2017 Budget:** The Director reviewed 13<sup>th</sup> month totals, the June invoices paid in July, and the final totals for the biennial budget. She provided a budget comparison with the prior biennium and noted that revenue from licensure fees increased 14%. Payroll costs increased 5% and Services and Supplies expenditures were reduced 3%. The ending balance for the biennium was approximately \$360,000. This amount is \$20,000 higher than the previous biennium.

**2017-2019 Budget:**

**2017 Revenues:** July: \$ 4,516; August: \$ 3,623 and September: \$ 4,559. Legislative total revenue projected 2017-19 biennium budget is \$379,000. Seventy-five % of the biennial income is from renewals occurring March 1-May1, 2018.

**2017 Total Expenditures:** July: \$24,059; August: \$14,227; September: \$6,461. In July, a charge of \$9,900 was incorrectly posted and later removed in September. The average of these 3 months is \$14,591 per month. The allotment is amount approved by the Legislature that the Board can spend for the biennium. The 2017-19 allotment is \$483,425 or \$20,142 per month. The expenditures for July, August and September are within this allotment.

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

**Personal Services:**

Expenditures: July; \$11,568.28; August: \$11,610.37; September \$11,558.07 are below the average spending limitation of \$14,294 per month.

Services and Supplies:

Expenditures: July: \$12,491; August: \$ 2,616; September: \$(5,097.35). July reflects the charge of \$9,900 incorrectly posted and later removed in September. The average of these 3 months is \$3,336. The limitation is \$5,847 per month. The average expenditures for July, August and September are within this allotment.

Legal Costs Tracking: The Flat Charge Agreement between the OTLB and the DOJ was renewed in July, 2017. The contract amount reflects an average legal costs of the past three biennia. The flat fee contract for 2017-19 is \$12,579 paid out in eight quarterly payments.

The Board tracked actual costs billed by the DOJ as follows: July: \$0; August: \$0 and Sept. \$109.20.

The OT Board is within the overall 2017-19 Budget.

2017-19 IT Update:

The Director updated the Board on the change in IT support. In prior years, the Board's entire IT infrastructure has been handled by a single outside contractor. The scope of work included: IT management of firewall security, network administration, email, files and folders, desktop maintenance, and the Board licensure database development, management and maintenance. Historically, this contract has been shared by the seven health boards that reside in the Portland State Office Building. The OT Board's share of this contract has been approximately \$8,000 a biennium. The current vendor is retiring from State work. The Board will have to replace its entire IT infrastructure using the three following solutions:

- 1) Enterprise Technical Services (ETS) has taken over email, firewall, security systems, phone and computer switches. This occurred in May, 2017. Set up charge by ETS is \$3,680 shared by 7 health boards equals \$526, one-time charge for the OTLB. The monthly charge will be \$1071.94 shared by 7 health boards, \$153.00/month for the OTLB.
- 2) The 83300 boards are looking at an outside contractor to manage desktop support and currently awaiting pricing from a state vendor that works with the schools. The vendor is CTA.
- 3) Database: 83300 Boards have researched and contacted Elite systems an Idaho company, however preliminary pricing has been too high. Confuzer, Inc has agreed to stay on through June, 30, 2018.

**IPADS:** The new IPADS were distributed to board members prior to the meeting and the board packets were sent electronically. Paper board packets will no longer have to be mailed. Feedback from the Board members was all positive, and they prefer the electronic packets to the paper. In addition, to being environmentally friendly, the primary reason for going to IPADS is security of confidential case documents. IPADS can be wiped clean remotely by the IT contractor if they were ever lost.

**License Numbers:** As of November 3<sup>rd</sup>, there are **2,203** OTs; **546** OTA's; total of **2,749** licensees. Total licenses issued from August 4-November 3: **120** for an average of **40** licenses issued per month.

The Director provided a chart of quarterly licensee totals for the last 11 years. OT numbers have increased 85% since 2006. OTA numbers have increased 77% since 2006. OT numbers have increased 14% since the same period last biennium (Oct. 2015). OTA numbers have increased 18% since the same period last biennium (Oct. 2015). The chart will be added to the Statistics tab on the OTLB website.

**2017 OTA Conference:** The OTA conference was on October 6 and 7<sup>th</sup> at the Holiday Inn near PDX. Four out of the five board members attended, along with Board staff. The Board paid the registration fee for the Board members, staff, along with Shawn Phipps, Vice President of AOTA, who addressed ethical dilemmas OTs face in the changing climate of health care. The Board paid for Mr. Phipps' airfare and hotel costs.

The Director shared the good feedback received at the conference with the Board. Licensees expressed appreciation for the work of the Board. The Director heard excellent feedback on Shawn Phipps' discussion on ethics.

**OTLB Brochure:** The brochure that accompanies the certificate when licenses are sent out is very old and outdated. The Board reviewed a sample in development and made comments. The staff will proceed with production of the new brochure including the suggestions made by the Board members.

**Pacific Capstones/OTAO Centennial Picnic:** In August, the Director attended the student capstone presentations at Pacific and she attended the OTAO centennial picnic and provided a quick update to the Board.

**Board re-appointments:**

Sybil Hedrick Park is officially re-appointed for another term on the Board, through 10/14/2021.

**2018 Renewals / CE Audit:** The Director reviewed the 2018 timelines for the Renewal process and changes she would like to make for the new renewals:

- 1) Supervision screen: to simply provide a link to the supervision form and remind them that they must fill it out, have the OT sign and fax it in.
- 2) If licensees indicate that they do not plan to renew, provide options as to why: moving out of state, retiring, changing career, taking time off, etc. The Director can have a better understanding of attrition rates and report to the Board.
- 3) Verify NBCOT certification as we renew, rather than checking this after renewals. It just takes a few seconds to check online.

The Director recapped 2016 CE Audit and reviewed the current CE policy for the new Board members. The Board plans to conduct the CE audit following renewals, most likely the latter part of June.

**Application Approval Process** – the Director provided the Board with an addendum to the application approval policy. The Board chair will be out of the country for the month of November and the Vice Chair will cover while she is absent.

**Meeting with new RSOI Coordinator** – the Director has been in contact with Debra Fitzgibbons, of RSOI and plans a meeting in Salem for the end of the month.

**Physical Therapist Compact Update** – the Director interviewed the PT Director, Jim Heider, about the PT Compact and provided a summary/update to the Board.

**Customer Service Survey results:** The Board received a summary of all the customer service survey reports for the fiscal year July, 2016-June, 2017. The survey results are one of the Board's Key Performance Measures (KPMs). The staff reviews all comments with the Board annually to determine how they might improve services. The results are very positive, all categories with 97% or above ranking for service good or excellent. Licensees stated they were appreciative of the prompt, personal service they receive in Oregon compared with other states. The Board Director also included July-October 2017 showing 98% or above in all categories to ensure the Board that Customer Service ratings continue to be high.

KPMs – The Board reviewed the Annual Performance Progress Report and reviewed the Key Performance Measures. The Board met each one of their performance goals for the year. The report will be added to the OTLB website.

**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 – 06:**        Continued with follow up.
- **OT 2013 – 08:**        Probationary License – Continued with follow up.
- **OT 2015-02:**        Continued with follow up.
- **OTA 2016-06:**        Continued with follow up.
- **OT 2016-09:**        Case was closed.
- **OTA 2017-01:**        Continued
- **OT 2017-07:**        Case was closed.

**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:**

**2016-09:** A MOTION BY Linda Smith AND SECONDED BY Sybil Hedrick Park TO DISMISS THE CASE. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

**2017-01:** A MOTION BY Sybil Hedrick Park AND SECONDED BY Kari Hill TO request further information from the license. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR

**2017-07:** A MOTION BY Linda Smith AND SECONDED BY Kari Hill TO DISMISS THE CASE. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY Linda Smith 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. Supervision Workgroup Update:** The Board received 11 volunteers to participate in a workgroup, including 7 OTs and 4 OTA's. OTA Board member Kari Hill will be leading the workgroup. The Director prepared several documents for the group including a list a questions the Board has received in the past on supervision, and the responses from the Board. The document was organized by category, working in multiple locations, PRN, schools, home health, signing notes. The first meeting will hear from the volunteers and why they joined the group, challenges they are facing with their employers, what they are unsure about.

With the rising numbers of OTA's in Oregon, this is the right time to be addressing Supervision. OTLB gets many questions about Supervision and will consider having supervision as a topic for the next OTA presentation.

**6. Fingerprinting of New Applicants, Limited Permits and Reinstatements:** The Director provided an update on the implementation of Fingerprint background checks for new applicants and reinstatements of licensure. The OTLB's current background check method, using the LEDS system, only checks Oregon records through the Oregon State Police. Approximately 70% of the estimated 350 new applicants every year seeking Oregon licensure will come from out-of-state. The Board feels it can better meet its mission of protecting the public health by instituting this more comprehensive criminal background verification process. The OTLB will continue its current process of completing a LEDS criminal background check on all *renewal* applicants.

For any application received after January 1, 2018, the applicant will be required to submit digital fingerprints at any Field Print location. Field Print has over 1,200 locations nationwide. The information has been posted on the website along with the Field Print code which must be inputted when scheduling the appointment. The portal access to WebLeds will begin in December. The Board staff has completed the required LEDS training courses.

The fee will need to be ratified in the 2018 Legislative Session. The proposed fee of \$40, includes the \$28 Service Fee and \$12 FBI check fee, is passed through entirely to the Oregon State Police. The Board will absorb the administrative costs. The Director will ask the Joint Ways and Means Committee to grant an increase in limitation to cover payments to the Oregon State Police.

The OTLB has statutory authority to require fingerprint background checks, in accordance with ORS 676.303 as well as specific authority in rule to conduct national criminal history checks using fingerprint identification with OAR 339-010-0012 Background checks and Fingerprinting Requirements and OAR 339-005-0000 Fees.

**7. Rulemaking:** After consulting with the AAG, the Director updated the Board about adopting a rule that deals with posting the license in a conspicuous place. Per statute 675.280, Occupational Therapists are required to post their licenses in a conspicuous place on the premises of the employer. Knowing that some employers are not following this protocol, the OT Board wanted to draft a rule similar to the PT Board that further states that compliance with the statute can mean displaying the certificate, making a paper or electronic copy available upon request or displaying an electronic copy of the licensee directory from the board website. The AAG stated that unfortunately, the PT statute is very different from OT in that it uses "display" and "accessible to" rather than "post." The Board's disciplinary authority under ORS 675.300 and 675.336 is permissive, not mandatory. In other words, the Board does not *have* to take enforcement action against licensees who do not post their certificates.

**8. Level 4 Lasers:** The Board received a question from an OT working at a PT Clinic in Bend. She uses low level 3B (5watt) and level 4 (9watt) lasers in her practice, both FDA approved, stating they decrease inflammation and increase wound healing. Generally, the Oregon Board follows the AOTA on modalities and does not require certification but tells its licensees they must have the education, experience and training to perform the task. However, there are concerns that High Level (Level 4) lasers are for surgical use and run the risk of burning the patient. The PT's in the clinic have contacted the PT Board and they have said No to lasers while they are getting an opinion from the DOJ along with more information from the laser manufacturers. The topic will be addressed at the March 9, 2018 PT Board meeting. Board Vice President Sybil Hedrick Park will attend the meeting. The AOTA does not currently have a national stance on the specific use of lasers.

**9. Telehealth:** The Board asks if licensees use telehealth in their practice and tracks this in the database. The telehealth rules were implemented in 2014 and the Board checked in with those who indicated that they do use telehealth. Any issues/barrier/challenges using telehealth and/or what is working well? There was very little response, just four licensees responded but the overall was that the telehealth model works well. "There are some limitations but overall it is an efficient way to deliver therapy services in underserved areas." Telehealth has been most successful with Oregon kids living on the coast who have no other options for pediatric services".

**10. IPAD training** – Michelle Sigmund-Gaines, Director of the Mortuary Cemetery Board provided training on the new IPADs for the Board members. She has an IT background and was instrumental in helping the Director

configure the IPADS for the Board members. She is leading the charge in replacing the IT Contractor for the 83300 Boards. The OTLB appreciates her time to get OT Board members setup with IPADs.

**11. Strategic Plan:** Board is making good progress on the goals set forth in 2016 Strategic Plan, completing all the goals listed for 2016-17.

**12. December Newsletter:** The featured article will provide information about 2018 Renewals.

**2018 Board meetings:** Fridays: Feb. 2, May 11 @ LBCC, July 20, Nov. 2.

The Board Chair adjourned the meeting at 1:29 pm.

Director, Nancy Schuberg, November 20, 2017.