

Oregon OT Licensing Board

Board Meeting – Friday, Feb. 24, 2023

Portland State Office Building, 800 NE Oregon St. Suite 407, Portland, OR 97232

PUBLIC Board Minutes

The Oregon Occupational Therapy Licensing Board held a Board Meeting on **Friday, Feb. 24, 2023**, via Zoom Video Conference. Board members: Board Chair/public member Erion Moore, Vice Chair Kari Hill, COTA/L, Maxwell Perkins, OTR/L, Whitney Hooker, OTR/L, CLT and Nancy Schuberg, Executive Director were present. Angela Hunt, AAG and Leslea Smith, Board Investigator also attended. Guests: Elise Dorris and Paul Zulak, NBCOT Ambassador.

With a quorum present, Board Chair Erion Moore called the meeting to order at 10:03am.

Executive Session: In accordance with ORS 192.660 (2) (L) which allows the Board to meet in Executive Session on matters to consider information obtained as part of complaints and disciplinary investigations and ORS 192.660(2)(f) to hear legal advice.

1. Disciplinary/Investigations/Complaints:

The following cases were considered:

- **2021-14** Continued
- **2022-17** New
- **2022-19** New
- **2023-01** New
- **2023-02** New
- **Legal Advice**

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

2. Review and approve public and confidential Board meeting minutes:

The Board reviewed the **public** meeting minutes of the **November 4, 2022 meeting:**

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill TO APPROVE THE PUBLIC MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the **confidential** meeting minutes of the **November 4, 2022 meeting**

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill TO APPROVE THE CONFIDENTIAL MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

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

2021-14 A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill TO **dismiss the case** . THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2022-17 A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill TO **dismiss the case** . THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2022-19 A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill TO **issue a notice of intent to revoke the license and impose a civil penalty in the amount of \$2,500.**

There was a 2nd motion in agency case 2022-19:

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill **TO delegate to the Executive Director the authority to settle the case as necessary.** BOTH MOTIONS PASSED WITH ALL PRESENT VOTING IN FAVOR.

2023-01 A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill TO **dismiss the case** . THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2023-02 A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill TO **dismiss the case**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

HB 2736: A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill TO **request permission from the Governor's office to oppose HB 2736, enactment of the OT compact.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

RATIFY LIST: A MOTION WAS MADE BY Max Perkins 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:

2021-23 BUDGET REVIEW: The Financial summaries for the months of **Oct., Nov., and Dec.,** were reviewed by the Board.

Revenue: Oct: \$10,183; Nov: \$10,639; Dec: \$7,894

Overall Expenditures: Oct: \$23,137; Nov: \$26,575; Dec: \$23,697

The allotment is what we can spend for the biennium and it is **\$697,289 or \$29,053** per month. Expenditures are within the limitation.

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

Personal Services: Oct: \$16,508; Nov: \$23,167; Dec: \$16,941

November is higher because of the stipends paid to board members for the 2022 calendar year.

During these months, Leslea Smith worked 9.2 hours in Oct., 15.9 in Nov. and 7.1 hours in Dec. for a total of 32.2 hours.

The Personal Services budget is **\$486,932** for the biennium or **\$20,288/mo.** The budget reflects a 1.65 FTE but we are keeping the AS2 position at .5. Personal Services totals are within the limitation.

Services and Supplies: Oct: \$6,629; Nov: \$3,408; Dec: \$6,755

The Sales and Supply budget is **\$210,357** or **\$8,765/mo.** Overall, the Board is within the limitation.

Most recent projections continue to show a healthy ending balance of \$345,000 for the 21-23 biennium.

23-25 Budget Planning: The Governor's budget was released on 1/31/2023, later than usual due to the transition to the new Governor. The director presented to the OTAO leadership on the budget/fee increase on 2/3/2023. Under short notice, Kristy Fleming and Lori Taylor from the OTAO were present. Since not everyone from OTAO leadership could attend, the director followed up with a written summary after the presentation. The OTAO responded with full support at the meeting.

Presentation to the Ways and Means Education Sub-Committee was on 2/9/2023. Board Chair Attended. The HRLB's were the first boards to present, of all the health boards. LFO asked the director to help educate the committee members on how the budget process works, what other funds means, etc. There are quite a few new reps on the committee. Rep. McClain had concerns about the fee increase and requested fee info on all other states, along with licensee numbers in each state.

The Governor's Budget notebook was completed and posted on the website on 2/13/2023.

The next step in the budget process is the work session with the full Ways and Means Education committee. It has not yet been scheduled.

LICENSE NUMBERS: At of end of the day on Feb. 23, 2023, the total number of licensees were: **OTs: 2,235. OT Assistants: 466** for a total of **2,701** licensees in Oregon. There were **91** licenses issued since the last meeting that were ratified when we had the motions.

BOARD TRAINING/STIPENDS: The 2023 board training courses are now available in Workday for board members to complete.

BOARD APPOINTMENTS: The Executive Appointments team is now assembled under Governor Kotek and the recommendation to appoint Ellen Stauder to the OT board has been re-sent to the team. The Governor reviews the appointments and then sends them to the Senate for confirmation. The Senate hearing date is set for April 18th. The May 5th Board meeting will be the first official meeting for Ms. Stauder.

The hearing date after April 11th is scheduled for May 9th. The board will target Max Perkins's re-appointment for that confirmation date. Max's 1st term ends on June 14th.

BOARD TRAVEL: Arrangements are in process for Board Chair Erion Moore to attend the AOTA Conference in April. This trip was planned years ago but was delayed due to the pandemic.

GOVERNOR AGENCY EXPECTATIONS: The Governor is rolling out expectations for all agencies and the Director reviewed the items she will need to complete in the upcoming months.

OTAO WINTER NEWSLETTER: The OTAO asked the director to write a short column for their newsletter. Former board member Sybil Hedrick Park has been honored with an award in her name. There is also information about the new OTD program at Western U of Health Sciences.

2023 OTAO CONFERENCE PRESENTATION / COLLABORATION WITH OTAO ON CE COURSE: The board discussed ideas for the next presentation and decided based on the recent survey feedback to see if Shawn Phipps can do a presentation on ethical dilemmas. The board asked him to present back in 2017 and it was very well received.

PACIFIC/LBCC ADVOCACY DAY was held on Feb. 22nd. It was virtual and the director presented on the board involvement in the legislative process and how the OTAO and OTLB have different mission statements.

NEW WOU PROGRAM: Sean Roush is the new founding program director for a new OTD program at Western Oregon University (WOU). This will be housed at WOU's Salem campus and they are projecting to admit their first class in the fall of 2024, assuming all goes on schedule with ACOTE. This will be the first public university with an OT program in Oregon and will provide accessibility to a wider range of students. Sean mentioned, because it's in Salem, he's excited about the opportunity to collaborate with the Oregon State Hospital, Chemeketa CC, and the OTA program at Linn Benton. They plan to start out with 35 students and grow to 40.

End of the director's report.

5. Public Comment – There were no public comments.

6. Trevor St. Clair, Program Director at Western U of Health Sciences attended the meeting and updated the board on the new OTD program in Lebanon.

7. Final Adoption Vote: HB 2359 (2021) requires health boards to adopt rules to enforce the requirement that health care providers work with health care interpreters from the health care interpreter registry operated by the OHA. The final vote will adopt 339-010-0057 Health Care Interpreter Registry into rule. Rule does not apply to OTs working in schools. Proposed rule and temporary rule were filed on 11/8/22. Comments were due by 12/31 @ Noon and there were no public comments. The temporary rule that was filed is no longer in effect as of 2/28.

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Whitney Hooker TO **FILE the Permanent rule.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

8. Proposed Rule change: For the 23-25 biennium, the OT Board must raise its fees again due to \$50K worth of unexpected budget hits in the current biennium and no renewal growth. The impacts include higher personal services due to a pay equity bump, extra step added, early COLA and HB 2992 (2021) requiring a higher stipend for board members. There was also a new lease which has almost doubled the monthly rent. Beginning in 23-25, the Shared Financial Services contract will increase from \$9,300 to over \$33,000/biennium. (The existing contract was estimated too low due to lack of reliable historical data).

339-005-0000 Fees

Fees are non refundable. Two year licenses shall be issued to all licensees in even-numbered years at the fee schedule listed below. On a case-by-case basis the Board may approve the issuance of a one-year license.

- (1) The fee for an initial Oregon or out-of-state occupational therapy license by endorsement is ~~\$120~~ **\$160**. The Board may also assess the actual cost of conducting a background check, including fingerprinting.
- (2) The two-year renewal fee issued for the occupational therapy license is ~~\$200~~ **\$240**. The Board may also assess the actual cost to the Board of conducting workforce demographics surveys.
- (3) The fee for an initial Oregon or out of state occupational therapy assistant license is ~~\$90~~ **\$130**. The Board may also assess the actual cost of conducting a background check, including fingerprinting.
- (4) The two-year renewal fee for the occupational therapy assistant license is ~~\$140~~ **\$160**. The board may also assess the actual cost to the Board of conducting workforce demographics surveys.

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Whitney Hooker TO **FILE the Proposed rule to raise fees.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

9. Proposed rule change: The OTA0 is developing a mentorship program and would like OTLB to change the rule to award more points, as follows:

339-020-0020 CE Categories and Points

(15) Mentoring, as defined in OAR-339-010-0005(5): One point for every ~~eight~~ **two** hours contract mentoring with documentation. Points may be obtained for both the mentor and the mentee. **(Maximum 14 pts)**

These totals would align with the NBCOT's list of Competency Assessment Units. [Link to rule on CE Categories and Points: click here.](#)

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Whitney Hooker TO **File the proposed rule as drafted (339-020-0020(15)).** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

10. Bill List: The bills listed are among the ones being tracked that could have an impact, either to the OT board or the profession of OT. The list was shared with the educational program directors and the OTA0. The bill number is hyper linked to the bill on OLIS.

[HB 2618](#) – requires the DOE to study best methodology for determining appropriate caseload of school-based health practitioners – BSPA, OBPT, OTLB.

[HB 2736](#) – Enacts the interstate OT Licensure compact. Update: A work session was scheduled for March 1st.

[HB 2959](#) – Establishes a task force on health care services in Oregon schools to examine scope of duties of licensed health care providers employed by the schools.

[HB 2886/SB 408](#) – OHA to establish process to receive and review health care professional's scope of practice requests and impact stmts.

[SB 584](#) – OHA to implement website for health care providers to contact health care interpreters directly and to process billing.

[HB 5023](#) – Health-related licensing boards budget bill.

[HB 2432](#) – DCBS required to study trends in reimbursement paid to specific health care providers.

[SB 304](#) - Establishes task force on occupational licensing to study value of an occupational licensing regulatory agency.

[SB 517](#) – Prohibits licensing board, commission or agency from denying, suspending or revoking occupational or professional license solely for reason that applicant or licensee was convicted of crime or subject to qualifying juvenile adjudication that does not substantially relate to specific duties and responsibilities for which license is required.

[HB 3065](#) – Allows out-of-state applicant seeking 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 Board Economic Development region.

[HB 2992](#) – Restricts' insurers ability to refuse to credential health care provider or refuse to contract with health care provider.

[HB 2803](#) – requires OHA to study nutritionist licensing.

[HB 2540](#) – Establishes Board behavioral health specialists.

[11. Scope of practice question – can OTs fit clients for pessaries?](#) A licensee reached out about the OT scope of practice in the realm of pelvic health. They would like to find out if the board would allow OTs to fit clients for pessaries. The licensee works in a pelvic floor clinic in Portland. Kristen Neville from AOTA State Affairs joined the meeting. She told the board AOTA does not have a position on OTs fitting pessaries. The board reviewed AOTA documents on the role of OTs in pelvic health, the treatment of pelvic organ prolapse, and the Practice Framework which does mention pessaries on page 32.

After discussing, the Board feels if the licensee is trained in advanced pelvic health, and has the expertise and the experience, that it would be within the OT scope of practice. The Board highlighted that if any question came up with the board, a therapist must always be able to show they have the education, expertise and experience to perform the task. The treatment or intervention must be provided within an OT context (as part of an OT treatment plan).

[12. Clarification of rules on Aides:](#) A licensee asked a question about the use of aides. Specifically whether an aide can be trained to perform an ultrasound modality and what supervision is required. Included in the rules on aides, is this statement:

339-010-0055 Occupational Therapy Aides Tasks

(2) An occupational therapist or occupational therapy assistant may supervise the aide. When the aide is performing treatment-related tasks, the supervising occupational therapy practitioner must be within sight or earshot of the aide, and must be immediately available at all times to provide in-person direction, assistance, advice, or instruction to the aide.

(3) Treatment-related tasks that the aide may assist with under the direct supervision of the occupational therapy practitioner include:

- (a) Routine transfers;
- (b) Routine care of patient's personal needs during the course of treatment;
- (c) Execution of a well-established routine activity and/or exercise;
- (d) Assisting the occupational therapy practitioner as directed during the course of treatment.

The Board had concerns about aides doing modalities and decided that ultimately it is the OT's responsibility and they must use their professional judgment. If something goes wrong the OT would be liable. Questions were brought up, what would the aide be expected to do? Would the OT set up all the controls and the aide was just doing wand movements? How would it be billed? The board discussed use of aides as a possible CE topic in the future.

13. Newsletter content – Discussed content for the next newsletter.

14. Strategic Planning – Strategic plan progress: Step-by-step tutorials for uploading CE, pain management and cultural competency as well as filling OT supervision ad completed and posted on the website, sent in the Dec. 22 newsletter. Discussed collaboration on CE course with the OTA/O, completed the JEDI modules by board staff, and bill monitored by OTLB, shared with OTA/O and education programs.

15. Other business: There was no other business.

16. Adjournment: The board adjourned at 1:22 pm.

Nancy Schuberg, Executive Director. March 13, 2023.