

Oregon OT Licensing Board

Board Meeting – Friday, May 5, 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, May 5, 2023**, at the Portland State Office Building. Board members: Board Chair/public member Erion Moore, Vice Chair Kari Hill, COTA/L, Maxwell Perkins, OTR/L, Whitney Hooker, OTR/L, CLT, public member Ellen Stauder and Nancy Schuberg, Executive Director were present. Angela Hunt, AAG and Leslea Smith, Board Investigator, attended the Executive Session. Guests: Paul Zulak, NBCOT Ambassador.

With a quorum present, Board Chair Erion Moore called the meeting to order at 10:02am.

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:

- 2022-19 Continued
- 2023-03 New
- 2023-07 New
- 2023-06 New
- 2023-04 New
- 2023-05 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 **February 24, 2023 meeting:**

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

The Board reviewed the **confidential** meeting minutes of the **February 24, 2023 meeting**

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Ellen Stauder 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:

2023-03 and 2023-07 A MOTION WAS MADE BY Ellen Stauder AND SECONDED BY Max Perkins TO **impose a public reprimand.**

There was a second motion in agency case 2023-03 and 2023-07:

A MOTION WAS MADE BY Ellen Stauder AND SECONDED BY Max Perkins TO **delegate to the Executive Director the authority to settle the case as necessary.**

2023-06: A MOTION WAS MADE BY Whitney Hooker AND SECONDED BY Max Perkins TO **dismiss the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2023-04: A MOTION WAS MADE BY Max Perkins AND SECONDED BY Erion Moore to **dismiss the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2023-05: A MOTION WAS MADE BY Max Perkins AND SECONDED BY Ellen Stauder to **dismiss the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

RATIFY LIST: A MOTION WAS MADE BY Max Perkins AND SECONDED BY Ellen Stauder 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 **Jan., Feb. March** were reviewed by the Board.

Revenue: **Jan: \$9,045; Feb: \$ 6,617; March: \$7,946.** Starting March 1st, the board went to the 1-year fee from the 2-year fee.

Overall Expenditures: **Jan: \$ 22,330; Feb: \$20,465; March: \$21,494.**

The allotment is what the board 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: Jan: \$ 17,699; Feb: \$ 18,539; March: \$15,151.

Board investigator Leslea Smith, worked 2.1 hours in January, 4.7 hours in February and 12.3 hours in March for the OTLB. Rachel Cillo did not work any overtime during these months.

The Personal Services budget is **\$486,932** for the biennium, or **\$20,288 per month**. 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: Jan: \$4,632; Feb: \$1,926; March: \$6,343.

The Sales and Supply budget is **\$210,357**, or **\$8,765 per month** Overall, the board is within the limitation.

Most recent projections continue to show a healthy ending balance of \$350,000 for the 21-23 biennium.

23-25 Budget Update: The Director reported the work session for the subcommittee was held on March 29 and the budget bill (HB 5023) passed. It was voted on by the full committee on April 7 and it passed again. The fee increase will go into effect starting July 1st, which is the start of the 23-25 biennium. The final step will be to complete the Legislatively Approved Budget (LAB) notebook.

LICENSE NUMBERS: At the end of the day on May 4, 2023, the total number of **OTs: 2,291; OT Assistants: 473**; a total of **2,764** licensees in Oregon. There were **63** licenses issued since the last meeting that were ratified when we had the motions.

BOARD APPOINTMENT update: Ellen Stauder, the new public member, was appointed to the Board on April 26. Max Perkin's reappointment was submitted by the Governor to the Oregon Senate for confirmation. The hearing is scheduled for May 9th.

BOARD MEETING DATES: There are two board meetings left in 2023, August 18 and Nov. 16. The board changed the date of the Nov. 16 meeting to **Oct. 20**.

ETHICS PRESENTATION: The Board is hoping to have Dr. Shawn Phipps speak about ethics on behalf of the board at the next OTA0 conf. The Director has reached out to Mr. Phipps but did not receive a response.

NEW BOARD MEMBER HANDBOOK: The Director provided the new board member handbook to the board members. This was one of the goals on the strategic plan.

23-25 Affirmative Action Plan: Final approval was received on Feb. 27th from the Office of Cultural Change. The plan will be posted on the OTLB website on July 1st, when the new biennium starts.

End of the director's report.

5. Public Comment: There were no public comments.

6. 2023 AOTA Conference: Board Chair Erion Moore attended the AOTA Conference on behalf of the board and provided an update.

7. Permanent rule vote – Fee increase: For the 23-25 biennium, the OT Board must raise its fees 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).

Notice was given to all licensees, the OTA/O, stakeholders and the legislature on April 14th. Public comment is due by June 2nd, 2023, at Noon. As of May 5th, no public comments have been received. The board voted to file the permanent rule contingent upon receiving no public comment. If there is public comment, the board will hold a special meeting to review the comments.

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 delegate authority to the director to file the permanent rule amendment following the period for public comment, provided the board does not receive any public comment. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

9. Proposed rule change – Use of Titles: The Board reviewed a first draft of the rule amendment and decided to make further changes for review at the August 18th board meeting.

10. 2023 Legislative Session – bill list: An update on the bills that the board is tracking was provided to the board members. [The bill number is hyper linked to the bill.](#) **Bills in bold are still alive.**

[HB 2618](#) – requires the DOE to study best methodology for determining appropriate caseload of school-based health practitioners – BSPA, OBPT, OTLB. Passed the house. *Public Hearing held 4/18 in the Senate.*

[HB 2736](#) – Enacts the interstate OT Licensure compact. *Did not move forward.*

[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. *Passed the House. Referred to Ways and Means.*

[HB 2886/SB 408](#) – OHA to establish process to receive and review health care professional's scope of practice requests and impact stmts. *Both bills did not move forward.*

[SB 584](#) – OHA to implement website for health care providers to contact [health care interpreters](#) directly and to process billing. *Work Session held 4/3. Did not pass.*

[HB 5023](#) – Health related licensing boards budget bill. Passed Ways and Means. On to the Gov for signature.

[HB 2432](#) – DCBS required to study trends in reimbursement paid to specific health care providers. *Did not move forward.*

[SB 304](#) - Establishes task force on occupational licensing to study value of an occupational licensing regulatory agency. Passed the Senate. Referred to Ways and Means

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. *Passed the senate.*

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. *Did not move forward.*

HB 2992 – Restricts insurers ability to refuse to credential health care provider or refuse to contract with health care provider. *Did not move forward.*

HB 2803 – requires OHA to study nutritionist licensing. *Did not move forward.*

HB 2540 – Establishes Board behavioral health specialists. *Did not move forward.*

11. Newsletter content: Content for the next newsletter was discussed.

12. Strategic Planning: Progress on the goals on the strategic plan: a new board member guide was completed. The board has met with 1 out of the 3 new educational program directors.

13. Other Business: The board considered 2 licensee questions:

1. If a licensee, who is a Certified Lymphedema Therapist with experience in head and neck, could offer 15-minute sessions of Manual Lymph Drainage (Vodder technique) at a local farmers market. *The Board recommends she not do Manual Lymph Drainage (Vodder Technique) sessions without a thorough evaluation. There were several risks mentioned relating to not knowing the cardiac history, including heart failure and blood clot.*
2. Can OTs recommend nutritional suggestions to patients as well as recommending supplements/herbs/topicals that may assist in inflammation and pain related to pelvic health conditions? *The board feels that recommending supplements/herbs/topical is not within the scope of practice of an OT.*

14. Adjournment: The Board adjourned at 1:03 pm.

Nancy Schuberg, Executive Director. May 18, 2023.