

Oregon OT Licensing Board

Board Meeting – Friday, November 4, 2022

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, November 4, 2022** 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 attended in person 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 10:04am.

Executive Session: 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 and ORS 192.660(2)(f) to hear legal advice.

1. Disciplinary/Investigations/Complaints:

The following cases were considered:

- **OT 2021-14** Continued
- **OTA 2022-15** Continued
- **OT 2022-16** New
- **OT 2022-18** 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 **August 5th regular board meeting, September 6th Special meeting and September 23rd Strategic Planning 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 **August 5th regular board meeting, and September 6th Special 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:

2022-16 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.

2022-18 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.

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 **June, 13th month, July, August and September** were reviewed by the Board.

Revenue: June: \$38,201 /13th Month: <1,960> / July: \$13,222 /August: \$13,267 / Sept: \$7,238.

RE: 13th month negative balance. The board has an Accounts Receivable of \$2500 due to two civil penalties that were not paid to the board. Accounting added it to the first fiscal year and it wasn't realized so they subtracted it out and moved it forward to the current year. There was \$540 revenue that didn't get added to June leaving the board with a negative total of \$1,960.

Overall Expenditures: June: \$28,115 /13th Month: \$3,571 / July: \$16,151/August: \$24,857/Sept: \$29,059.

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: June: \$18,026 /13th Month: 0 / July: \$15,378 / August: \$16,121 / Sept: \$15,602.00

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.

The contract Investigator that used as needed, Leslea Smith, did not work any over time during these months. Licensing Specialist, Rachel Cillo, did not work any over time.

Services and Supplies: June: \$10,089 /13th Month: \$3,135 /July: \$774 /August: \$8,736/Sept: \$13,857.

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 \$340,000 for the 21-23 biennium.

23-25 Budget Planning: The Budget Analyst recommended budget revealed no further plans for consolidation. Because the board asked for a fee increase, they rejected the agency request budget but put it in as an ad-back. This requires the board Director to go through appeal, and meet with the CFOs and Governors Office, etc.

Gov office policy analyst Jackie Yerby also phoned the Director to let the board know that the consolidation originally proposed in 21-23 budget is now off the table. That there are no plans by the Gov. office to pursue it in 23-25.

LICENSE NUMBERS: As of end of the day on November 3rd, the total number of licensees are: **OTs: 2,160. OT Assistants: 448** for a total of **2,608** licensees in Oregon. There were 80 licenses issued since the last meeting.

BOARD TRAINING/STIPENDS: Board annual trainings are 100% completed by both members and staff. The paperwork for board meeting stipends for the calendar year will be submitted after the meeting.

BOARD APPOINTMENTS: The Board was very fortunate to have two excellent candidates apply for the public member vacancy. The new public member will be appointed once the new Governor has transitioned. The Director shared the new public member guide with the Board.

AFFIRMATIVE ACTION PLANS: The Board was provided the 1st draft of the 23-25 Board affirmative action plan. The plan was submitted to the office of cultural change in Sept. It will be reviewed and the Board will be provided feedback by November 29th.

NBCOT NAVIGATOR – ETHICS SIMULATOR / JEDI MODULES: NBCOT received a national award for J.E.D.I Reflection points, the online self-reflection tool which focuses on Justice, Equity, Diversity and Inclusion. Board Staff has completed all the modules. The board would like to promote it in the next newsletter so licensees are aware of the tool. There is also a new Navigator tool on Ethics.

End of the director's report.

5. Public Comment – There were no public comments.

6. Proposed Rule Adoption: In compliance with HB 2359 (2021). The Board reviewed the following rule draft:

339-010-0057 Health Care Interpreter Registry

(1) Except as provided in subsection (a) of this section, a licensee who is reimbursed with public funds shall work with a health care interpreter from the health care interpreter registry administered by the Oregon Health Authority under ORS 413.558 when communicating with a patient who prefers to communicate in a language other than English, unless the licensee is proficient in the patient's preferred language.

(a) A licensee who is otherwise required to work with a health care interpreter from the health care interpreter registry may work with a health care interpreter who is not listed on the health care interpreter registry only if the provider:

(A) Is employed by an education provider that provides education services to children from birth through age 21 and the interpreter is provided by the education provider in accordance with the education provider's requirements; or

(B) Verifies, in writing, that the licensee has taken the appropriate steps needed to obtain a health care interpreter from the health care interpreter registry in accordance with the rules adopted by the Oregon Health Authority under ORS 413.558; or

(C) Has offered the patient the services of a health care interpreter from the health care interpreter registry and the patient declined the offer and chose a different interpreter.

(b) A licensee shall give personal protective equipment, consistent with established national standards, to health care interpreters providing services on-site at no cost to the health care interpreter and may not suggest to the health care interpreter that the health care interpreter should procure the health care interpreter's own personal protective equipment as a condition of working with the licensee.

(c) A licensee shall maintain records of each patient encounter in which the provider worked with a health care interpreter from the health care interpreter registry. The records must include:

(A) The name of the licensee;

(B) The health care interpreter's registry number; and

- (C) The language interpreted.
- (2) For the purposes of this rule, education provider is defined as:
- (a) A school district, as defined in ORS 332.002.
 - (b) The Oregon School for the Deaf.
 - (c) An educational program under the Youth Corrections Education Program.
 - (d) A public charter school, as defined in ORS 338.005.
 - (e) An education service district, as defined in ORS 334.003.
 - (f) Any state-operated program that provides educational services to students.
 - (g) A private school.

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill TO **file the notice of the proposed rule and file the temporary rule.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

7. Final vote – Code of Ethics rule amendment: The AOTA updated the Code of Ethics in 2020. The OTLB rule 339-010-0020 (1)(h) was updated to reflect the most recent version. The revised rule removes the reference to the date. Notice was filed on 9/10/22. There was no public comment.

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill TO **file the permanent rule 339-010-0020 (1)(h) as proposed** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

8. Final vote – Updating Contact info: Licensees can now update their contact information and do name change requests through the online license portal. Slight revision made to the OTLB rule 339-010-0018 (3) to include “online submission.” Notice was filed on 9/10/22. There was no public comment.

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill TO **file the permanent rule 339-010-0018 (3) as proposed.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

9. Strategic Planning wrap-up/Survey: The Board approved the 2023-2028 Road Map. The pre-strategic plan survey results will be distributed to the OTA/O and the OT schools in Oregon.

10. OTA/O Conference: All four board members and the director presented an update on the board at the OTA/O Conference held on October 22nd.

11. OT in Schools Statement about evaluations: Board member Kari Hill, has received questions about the 2016 statement about evaluations that is on the website that is related to Early Childhood and School based OT services. The board decided to remove the statement all together from the website to avoid further confusion.

12: Next newsletter content – Dec.: The next newsletter will contain information about the NBCOT Navigator and JEDI modules, link to the Strategic plan.

13. Adjournment: The meeting adjourned at 12:15pm.

Nancy Schuberg, Executive Director, November 22, 2022.