

PUBLIC MEETING MINUTES  
Occupational Therapy Licensing Board Friday February 3, 2006

The Oregon Occupational Therapy Licensing Board met Friday February 3, 2006 at the Portland State Office Building, Room 445. Board members present were: Genevieve deRenne, MA, OTR/L, FAOTA, Joyce Browne, OTA/L, Alan King, OTR, Jeffrey Roehm, Vice Chair and Public Member, and Tom Ruedy, Public Member. Felicia Holgate, Director was also present. With a quorum present, Genevieve deRenne, Chair called the meeting to order at 10:45 a.m.

**1. Minutes:** The Board reviewed Public meeting minutes, of OCTOBER 22, 2005 Joyce Browne MOVED THAT THE PUBLIC MINUTES OF OCTOBER 22, 2005 LICENSING BOARD MEETING BE APPROVED. Jeff Roehm seconded the motion, and it **PASSED**. Alan King and Tom Ruedy abstained from the vote because they were absent at the last meeting.

**2. List of Licensees:** Licenses issued since the last Board meeting were distributed to Board members. Tom Ruedy MOVED THAT THE BOARD RATIFY THE LIST OF LICENSEES ISSUED SINCE THE October 21, 2005 BOARD MEETING. Joyce Browne seconded the motion, and it **PASSED UNANIMOUSLY**.

**3. Report of Director:** Director, Felicia Holgate continues to send monthly office reports summarizing the work in the office.

A) The Director is preparing for the **renewal cycle** starting March – June 2005. The Board discussed whether to send the first notice by e-mail but decided that until payment can be made online they would follow the same procedures as the last renewal cycle. Cashiering will be done in the office. The Director does not expect needing temporary help during the renewal cycle. Rod Lemeni, Office Assistant is available to work an extra Saturday if needed. License renewal fees are: OT two-year renewal \$200; OT Assistant two-year renewal \$140.

B) **CE Audits:** OT Board members are involved with approval the 5% random sample of licensees who must send in their continuing education logs and certificates. The OT Board members will decide if they wish the Director to approve some CE that is clearly AOTA, NBCOT, OTA/O and approved providers. New licenses will not be sent until the CE audits are completed.

C) **Fiscal Summary:** The Director gave a **fiscal summary**. **October 2005** monthly expenditures were **\$14,284** which included an AG amount of \$3,731 (for July investigations). **November 2005** expenditures were **\$10,959**. The Director checked why the October and November expenditures were high (even with late AG payment from July) and found that the OT Board was being charged 3/4 time instead of 1/4 time for the salary of Rod Lemeni, Office Assistant. With a correction in **December** the monthly expenditures were down to **\$1,641** (Personal services being **-\$1,085**). This brought the average monthly expenditures for October, November and December down to \$8,961 on average.

The legislatively approved budget of \$269,139 for the two year 05-07 biennium gives a budget **average of \$11,214 per month to spend**. Monthly interest payments in the State Treasury shows monthly interest payments of just over \$500.

D) Consolidation of Administrative functions of the seven health licensing board is proceeding and the directors were meeting each week to present the plan to the January 2006 E-board following the Budget Note from the last legislative session. The Board met with DAS, Budget Manager Kelly Freels and were told verbally not to submit a report to the January E-board. The director's requested that they receive in writing a letter requesting the Boards rather than to respond to the Budget Note, present a "white paper" with three proposals. The Director's met with Mr. Freels and other DAS representatives and another meeting is being set with the Directors and the DAS and LFO directors in the next few weeks to clarify what is expected from Suite 407 Boards.

E) Questionnaires: New customer service questionnaires will be sent with renewal forms. Returns received from new applicants show a high level of customer satisfaction. Questionnaire forms can be viewed anytime in the Board office. Questionnaires will be sent with all renewal forms this year. The Director pointed out that with the questionnaire going to all renewals the responses may not be as high as for new licensees.

4. Disciplinary/Investigations/Complaints: In accordance with ORS 192.660(1)(k), which allows the Board to meet in Executive Session on matters to consider information obtained as part of investigations of licensees.

- **OT 04-02 Re-instatement request after Stipulated Consent Order of Suspension**: The Board discussed the materials submitted and postponed action until the May meeting.
- **OT 05-06 New complaint, not maintaining confidentiality of client files; improper relationship with client**: The Board discussed the investigation materials, requested additional information and postponed action until the May meeting.
- **Follow up of Supervision**: Board member Joyce Browne had reviewed Supervision logs as a six month follow up. The Director sent Statement of Supervision forms showing which OT is supervising which OT Assistants. Other materials submitted by the facility were reviewed by the Board and found to be sufficient to show proper documentation of supervision of OT Assistants at the facility.
- **Application of Mr. L: action by NBCOT taken; suspended in NC; NBCOT report**: The Board reviewed the application materials submitted by Mr. L. **A MOTION WAS MADE BY Joyce Browne and seconded by Jeff Roehm TO DENY MR. L. HIS APPLICATION FOR LICENSURE IN OREGON BASED ON THE ACTIONS TAKEN BY THE LICENSING BOARDS IN NORTH CAROLINA, FLORIDA, AND WYOMING.**
- **New Complaint OTA 06 – 01**: The Director is collecting information on this new complaint.

5. Board Policies and Procedures: As part of the 2006 updated Board Policies and Procedures, a motion was made by Jeff Roehm to adopt the current AOTA Code of Ethics (Appendix D) and Standards of practice (Appendix C) . Genevieve deRenne seconded the motion and it passed UNANIMOUSLY. The Director pointed out that the Board has already adopted the AOTA Supervision Guidelines at its meeting in July, 2005. These documents are part of the new updated 2006 Board Policies and Procedures. The Director will put these AOTA documents on the web site.

**6. Limited Permit procedures:** In considering the date on the “Eligibility to Test” letter, the Director now issues the Limited permit 60 days from the date the student receives their proof of eligibility to test rather than the Expiration of this time limit.

The Director pointed out the current regulations need to be changed in OAR 339-010-0040(1) “Students who have successfully completed the educational and field work requirements and students who ~~have taken the certification examination~~ **have proof of their eligibility to take the certification exam**, but do not yet have their test results, may apply for a limited permit to practice occupational therapy under at least routine supervision...”

**A MOTION WAS MADE BY Jeff Roehm TO APPROVE THE RULE CHANGE. Joyce Browne SECONDED THE MOTION and it passed UNANIMOUSLY.**

The Director suggested this rule change be published with the next approved administrative rule changes to save time and mailing costs.

**New Committee on Use of Aides Rules and AOTA Guidelines:** The new AOTA Supervision Guidelines include language about supervision of OT aides. Members of the committee will include: Genevieve deRenne, Joyce Browne, Jennifer Allen. The Director will check with another occupational therapists to serve. The members plan to start meeting in March.

**8. New Advisory Committee on Fiscal Impact of Rule Changes.** The Director expects that this group will be able to discuss the issue of fiscal impact of any rule change by e-mail and then have a phone conference with final recommended language brought to the Board. The Director will still finalize the members to include two Board members, Leslie Krivarchka, and Pacific OT School representative, Sandra Pelham-Foster. The Director is still looking for an OTA representative to serve on the rules committee.

**9. Alan King** OT from Albany is the new Board member and will be attending a Governor’s Feb. training session. He has reviewed the Board Policies and Procedures and met with the Director on office procedures and the data base used by the Board.

**10. Statutory changes:** The Director presented the Board with proposed language to the OT statutes which will be presented as legislative Board concepts in April 2006. The major changes proposed are the update to the OT definition and the statutory changes to applicants who are not currently licensed and wish to Re-enter the profession. The Director received some comments from our Asst AG. The Director pointed out that the language to the definition is the AOTA model definition and will point out that the specific language should not be changed.

The Director noted that although there would be some fiscal impact on the licensee, there is no fiscal impact on the Board. The next step is for the Director on behalf of the Board to submit these as legislative Concepts to the Governor’s office by April 2006. The Director hopes to submit the changes to DAS in February. After that approval the proposed ORS changes will go for final drafting into a bill for the 2007 legislative session.

**11. CE questions; audit procedures for renewals;** The Board members will be approving CE credit. This was already discussed under the director's report. Questions discussed were:

- Can an OT newsletter be counted for CE categories and points under #6? No, this publication was used as a PR flyer for marketing OT services and was not primarily an education research activity such as a publication in a professional journal.
- Can an OT receive credit for working on setting up the OTA conference? Yes, this would fall under #17 Professional leadership.

**12. Other business:**

- a) Can an OT perform hydrosound therapy for foot wounds? This type of modality is not normally done by an OT but could if the OT had training and experience depending on a situation that falls within OT functions.
- b) Can an OT in a home health situation install grab bars or other OT equipment?. What are the liability issues for the OT? Yes, the OT can do installation of OT equipment. The liability issues would need to be clarified by the facility or agency liability provider.
- c) Can an OTA do biofeedback? Yes, but only in collaboration with the OT. The OT would have to make the initial evaluation, the biofeedback would need to be set out in the goals and OT care plan and the OT would have to interpret the data. If the person who happens to be an OT Assistant is performing biofeedback with other credentials, they could do so but not using their OTA credentials.
- d) Can an OTA see people for modalities (myofascial release, craniosacral) without intervention of an OT? No, the OTA can only work under the supervision and in collaboration with the OT. The OT must do the initial evaluation, set the plan and do interpretation of data. See the AOTA Supervision Guidelines.
- e) Can an OT perform "nerve conduction tests". This is something that must be done under the direct supervision of the Doctor. There are restrictions on who can perform such tests. The Board members do not believe this is something done by OTs and noted that the test done as part of an OT activity would need to be in the OT plan of care and goals for the patient.
- f) There were coding questions submitted for OT hand therapy which are not within the jurisdiction of the Board. The last question submitted asks whether an OT Aide can perform "scar or desensitization massage"? It appears to the Board that this does not fall within the rules regarding "Use of Aides" under OAR 339-010-0055. However, the Board noted it is forming a committee to look at the OT Aides rules which can take question into consideration when they meet.
- g) Signing Discharge Summary: AOTA Standards of Practice under IV #3 Outcomes, talks about the need to have documentation in the file or in the charting that an OT patient has been discharged. A board member will call the OT to further discuss the issue.

- h) **Rules on OT in Education Setting:** The board acknowledges the need to review these rules and see how they need to be modified to conform to current trends in the field.
- i) **Elder Abuse Reporting:** A brochure on changes in the reporting requirements directly requiring OTs as required reporters will be mailed out by DHS, Oregon Department of Human Services, Seniors and People with Disabilities. The Director will add something to the web site and put something about the mandatory reporting by OTs in the next newsletter.
- j) **Special Mailing for all OT Assistants on Supervision:** A mailing will be sent in February to all OT assistants with a letter about requirements for supervision. It will include the Supervision Form, the AOTA Supervision Guidelines, sample documentation forms, and the Questions and Answers found currently on the web site regarding supervision. This mailing will be sent just a month prior to them getting their renewal notices.

**Upcoming meeting: Friday, May 3, 2005** in Portland at 10:30 a.m. at the State Office Building.

**Proposed 2006 meetings: Aug 4, 2006 Portland, and October,** probably in Eugene at the OTAOC conference.

**Genevieve deRenne adjourned the meeting at 3:45 p.m.**

(503) 588-0133 Felicia M. Holgate, Executive Director Feb. 7, 2006.