

PUBLIC MEETING MINUTES
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Friday Feb. 6, 2009, at the Portland State Office Building in Room 445. Board members present were: Genevieve deRenne, MA, OTR/L, FAOTA, Chair; Alan King, OTR, Vice Chair; Joyce Browne, OTA/L; and public members, Robert Bond and Mitch Schreiber. Felicia Holgate, Director was present. With a quorum present, Genevieve deRenne called the meeting to order at 10:00 a.m. The Board had a working lunch with Mashelle Painter, whose application for the upcoming Assistant position is in the Governor's office. Mashelle joined the meeting after the confidential discipline section of the agenda was completed, until end of meeting at 1:47 pm.

1. Minutes: The Board reviewed Public meeting minutes, of Nov. 7, 2008. Joyce Browne MOVED THAT THE PUBLIC MINUTES OF Nov. 7, 2008, MEETING BE APPROVED. Alan King SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed confidential Nov. 7, 2008 meeting minutes. Alan King MOVED THAT THE CONFIDENTIAL MINUTES OF Nov. 7, 2008, BOARD MEETING BE APPROVED. Genevieve deRenne SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

2. List of Licensees: Licenses issued since the last Board meeting were distributed. Joyce Browne MOVED THAT THE BOARD RATIFY THE LIST OF LICENSEES ISSUED SINCE Nov. 6, 2008 BOARD MEETING. Alan King SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT. As of Feb. 2 there were 252 OT Assistants, and 1316 OTs (8 are Limited permits) for a total of 1568 licensed therapists. The economy has not caused a drop in new applicants at this time.

3. Closed Session: 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, the following cases were discussed.

- **OT 04-01** Request for reconsideration denied, Consent Order final.
- **OT 2007-04** Status report given
- **OT 08-03** OT Assistant; status report given; continued
- **OT 08-04** Complaint about PT – waiting for report
- **OT 08-05** Compliant; report given. No formal action taken.
- **OT 09-01** MOTION by Joyce Browne, SECONDED by Robert Bond to issue a letter for violation of ORS 675.210 to 675.340 as a warning for violation of ORS 675.220 “No person shall practice Occupational Therapy or purport to be an occupational therapist or occupational therapy assistant, or as being able to practice occupational therapy, or to render occupational therapy services, or use the abbreviations designated by the Occupational Therapy Licensing Board under ORS 675.320 unless the person is licensed in accordance with ORS 675.210 to 675.340.

- **Application L:** Prior crime reported. Application approved and ratified.

We have updated the licensee look up. All discipline cases are posted on the web site next to the name:

Initially Licensed: 3/16/1987
License Expires: 5/31/2008
Disciplined? Yes - [View Document 1](#) [View Document 2](#)

Currently there is no place where a summary of all disciplinary orders are shown on the web site. When a verification company needs to confirm licensee status, they can ask for all orders, or can e-mail the Director after meetings or periodically to see if there are new public disciplinary cases to report. Some boards show all disciplinary cases in one place on the web site and some do it our way showing the discipline just when you look up a specific licensee.

The Board director discussed the need for vigilance in keeping confidential any board business and to take care with all such information. The Director attended a Security meeting and there will continue to be updates, requirements on issues dealing with security of confidential information.

5. Report of the Director: Director, Felicia Holgate continues to send monthly office report summarizing the work in the office.

Budget Review: The Director gave a **fiscal summary**. Monthly revenue and expenditure statements with all payments are scanned and sent to the Board members. The Board reviewed the most current accounts. The Legislatively Approved **2007-2009 Budget** of \$ **290,133** comes to an average **monthly** amount of \$ **12,088**.

Expenditures were: **Sept. \$ 9,523, October \$ 9,224, November \$13,157 , Dec. was \$9,807.** The Board continues to spend under the average \$12,000 a month allocated. For November the increase is due to \$2,437 IT services, for the last six months and all the work for online renewal with credit cards.

Revenues were: **Sept. \$ 4,203; October \$ 3,048, November \$ 2,819, December \$ 2,815.** Revenues from **interest** were: **Sept \$ 1,113; Oct \$ 978, Nov. \$905, and Dec. \$ 865.** The Board financial situation continues to be stable.

A comparison of revenue at the end of year when we are have less applicants in the last few years:

Nov. 2006: \$3,924	Dec. 2006: \$2,722	Jan. 2006: \$2,500
Nov. 2007: \$2,187	Dec. 2007: \$1,812	Jan. 2007: \$3,022
Nov. 2008: \$2,819	Dec. 2008: \$2,815	Jan. 2008: \$1,632

The 16 binders with the Governor’s Requested Budget have been submitted to both DAS and the legislative office. The Director met Feb. 4, 2009 with the DAS/Budget and LFO, Legislative Fiscal Office on our budget. OTLB presentation is scheduled **Monday, Feb. 16 at 8 – 10:30**. The appearance is before the Education subcommittee of Ways and Means. Since we are a small health related licensing board with no issues we hope for an expedited process. Alan King plans to attend the budget hearing with Director Felicia Holgate.

At the last Board meeting while talking about “Best Practices”, Robert Bond, public member volunteered to do an audit or financial analysis on the Board procedures. He met with Director Felicia Holgate for a few hours on Nov. 12, 2008 to review all budget fiscal process.

Public member Bond reported that he has experience with accounting, business and audit functions and reviewed the systems in the state agency with cash flow, and checks and balances. There is no actual cash in the board office, with all payments done by checks or credit cards. There is no petty cash. Since the board reviews all monthly accounts and payment summaries, the protections are there and the system works well. Mr. Bond also spent time examining exactly how checks are entered in the system with both Director Felicia Holgate and Gayle Shriver and sees a good system in place. The system does not allow a license to be issued without the accounting being entered. If an improper check was deposited, both the license fee would show incorrectly on the actual license, and the accounting would not add up. The audit was done strictly for the benefit of the Director not because of any concerns. Mr. Bond said the visit was enlightening and reviewed the Oregon Revised Statutes which keep our accounts in a separate account with the state treasury.

The Board received again this year the Gold Star 2008 award for outstanding work by fiscal staff. The credit goes to our Shared Client Services and we appreciate the commendation for Lora Carson.

The Board will start reviewing whether the renewal fees will stay the same in 2010 sometime by the end of 2009 in time to adopt rule changes prior to the renewal date. Because we do currently have a large ending balance, if there are no major changes that might require additional funds, the board will look to change the renewal fees just for the May, 2010 renewal cycle. The major changes to monthly expenditures are always discipline and attorney fees. We have held those low. There may also be legislative issues that come up creating an increase in board expenditures that must be considered.

Legislative/Governor issues: The director continues to attend legislative hearings and meet with the health related board directors on mutual issues of concern. The Governor’s office has joined us in these meetings. The Governor’s bill is HB 2118. Other bills we are tracking have been submitted to the board as a legislative LINUS summary. The orthotic bill has been withdrawn and we will follow up to have amendments exempting PT and OT from licensing if this comes back at a future date, which we assume it will. Other bills include the following:

- HB 2345: Impaired practitioner program
- HB 2056, 2058, 2059, 2118, 2241: HRLB oversight, appointments, public members, reports
- HB 2143, SB 11: Health Care collecting information from licensees for workforce reports
- HB 2346: Limits Boards authority to conduct mental, physical, competency examinations
- HB 2347: Prohibits health boards from assessing discipline costs
- SB 25: Oregon State Hospital Advisory Board
- SB 274: Hearing officer’s final authority on discipline rather than boards.
- SB 290 Prosthetic Orthotics Board: exempting OT and PT – apparently withdrawn
- HB 2009, HB 2118: Oregon Health Plan, Health Advisory Board
- SB 5528 OTLB Agency Budget
- Other issues: Pilot project for an independent board that vets “scope of practice” changes; Fingerprinting and criminal background checks; keeping licensee e-mails confidential; mandatory duty to report child abuse (we have not seen this issue in a bill at this time).

There was discussion of the many issues, especially the impaired practitioner program.

OT Day at the legislature: OTA and Pacific University, School of OT staff, students met with legislators, the OTA lobbyist, had presentations about what Occupational Therapists do, had 7 demonstration tables with various aspects of OT. The students did an excellent job with hands on equipment and a jeopardy type wheel showing information. John McCulley OT lobbyist also helped orient the students with Tiffany Boggis, and Sandra Pelham Foster. John White attended part of the day. A group came from Bend. There was an adaptive car in front of the capitol. The school may plan to do these annually. There will be a follow up meeting on how to make it more effective.

The board had a working lunch provided. Mashelle Painter attended, an OT Assistant who applied with the Governor's office for the June opening of the OT Assistant position on the Board. She met with the director for three hours in January. She was notified of the receipt of her application by the Governor's office.

5. New Business:

Letter from OTA and AOTA: OTA asked the OT Licensing Board to send a letter it has co-signed by OTA and AOTA to reach more licensees. The Licensing Board is aware of the confusion of some licensees between the functions of this board and the association. The Director will send a copy of the letter to all licensees as part of the next OTLB newsletter. There will be an explanation of the distinction in the mission and roles of the Licensing Board and the Association. The majority of licensees receive the newsletter online so the letter will be added as a link that can be viewed. For newsletters going out by paper, a copy of the letter will be sent. This will be an "educational moment" pointing out the importance of how the roles differ and the importance of this work.

Discussion of upcoming April Board meeting at Pacific University, School of OT: Practitioner's Day will focus on student fieldwork in the profession presented by Sandra Pelham-Foster. The Board will present on supervision issues during the lunch hour. The Board meeting will start earlier so that the board members can complete the work on the agenda and then attend Practitioner's Day. If it appears there will be too much to complete on the agenda within that time frame, the Director will set up a separate teleconference in May on disciplinary matters.

Board members will discuss disciplinary issues of supervision that the Licensing Board has dealt with. One issue to address is when an OT Assistant is the administrative supervisor at a facility over an OT, while at the same time that OT, under the licensing laws, is the supervising OTR over that same OT Assistant. The OT Assistant writing the performance evaluation of their supervising OTR is a problem.

It was noted that an OT Assistant during fieldwork can not supervise an OT student. We may try to present a brief overview of legislative issues that are current in April. If there is time there can be a brief overview of disciplinary issues. Joyce Browne also pointed out that supervision is not just for patient review but also about teaching the assistant.

Questions 1: Treating children in private practice setting does not require a doctor's prescription under the licensing laws. However, there may be a prescription required for payment under insurance requirements. The insurance question and Medicare issues are beyond the scope of this board.

Question 2: Do Occupational Therapists prescribe orthotics? No, the referral for an orthotic device comes from the doctor. For example, if the patient sees a hand therapist, the medical doctor will most likely have a discussion about the type of splint being used. The medical doctor may state specifically what they want, degrees of range and usually the therapist then identifies the splint that is best to use. The medical doctor might identify the protocol to use, which may also include the type of splint.

Question 3: Electronic Documentation is used now in many facilities. If the facility has students there does need to be a place for the OT signature. If the student signs notes, the OT must still co-sign the student notes by the end of the day. The facility's electronic system needs to be amended if it does not have the ability to add a field for co-signature. Some facilities allow the student to log in, which in itself is the signature through the log in. However, for the supervising OT there must be a way in the system to show they reviewed and approved the notes.

At some facilities the OTR has a list of all the patients the student saw and by the end of the day the therapist must go in and co-sign all the notes.

The Board changed the July 17-2009 board meeting from Medford to Portland.

After the end of the meeting Board members and Mashelle Painter will join Felicia Holgate in the OTLB office to view how legislative hearings can be viewed online, and some will view the upcoming hearing at 3 pm on impaired practitioner programs for health boards.

Upcoming meetings:

Friday, April 3 at Pacific University;

Friday, July 17, 2009 in Portland

Friday, Nov. 6 2009 in Portland.

Genevieve DeRenne adjourned the meeting at 1:47 p.m.

Felicia Holgate, Director **Feb. 2009**