

PUBLIC MEETING MINUTES  
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Friday Nov. 6, 2009, Room 445 of the State Office Building, 800 Oregon St. Suite 445, Portland, OR. Board members present: Genevieve deRenne, MA, OTR/L, FAOTA, Chair; Alan King, OTR, Vice Chair; Mashelle Painter, B.S., COTA/L; and public members, Robert Bond and Mitch Schreiber (called in on speaker phone in the morning session); and Felicia Holgate, Director. With a quorum present, deRenne called the meeting to order at 10:02 a.m.

**Minutes:** The Board reviewed July 17, 2009 Public meeting minutes. Alan King MOVED THAT THE PUBLIC MINUTES OF JULY 17, 2009 BOARD MEETING BE APPROVED. Robert Bond SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed Confidential July 17, 2009 meeting minutes. Robert Bond MOVED THAT THE CONFIDENTIAL MINUTES OF JULY 17, 2009 BOARD MEETING BE APPROVED. Mashelle Painter SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed the confidential and public minutes of the Confidential Emergency telephone conference of August 20, 2009. Mashelle Painter MOVED THAT THE PUBLIC AND CONFIDENTIAL MINUTES OF AUGUST 20, 2009 BOARD MEETING BE APPROVED. Robert Bond SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

**2. Ratify List of Licensees:** Licenses issued since the last Board meeting were distributed. Robert Bond MOVED TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING. Alan King SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT. As of Nov 7 there were 270 OT Assistants, and 1410 OTs for a total of 1680 licensed therapists.

**Report of the Director:** Director, Felicia Holgate sends monthly reports.

**Customer Survey** results for 2009 with comments were given to board members. The e-mail yearly survey was sent October 2009. Results are part of Performance Measures in the budget process. The board reviewed the comments in the survey. Responses can only be made where the person identified themselves and gave a contact. Several issues were discussed:

A licensee asked about how a therapist gets on a panel with NW Rehab Alliance. It appears to be similar to an HMO where the therapist pays a fee to sign up and be referred clients. The Director will do some research on the issue and provide some information back. One query asked about the Board using an old e-mail address; this was updated. Another query was on the Oregon Health Plan asked about how long it takes to get authorization and approval for treatment. The Director will research who controls this and forward the query to OHP.

**OTA School progress:** Ann Custer, the Department Chair, Linn-Benton Community College has a start class date fall 2010. The link is at [www.linnbenton.edu](http://www.linnbenton.edu) At a future date the Board will plan a visit to see how the program works with partnering of other community colleges in the state.

**A Nov. paper newsletter/ mailing** will be sent to all licensees with information on Renewals, new laws, CE and pain management.

**Budget Review:** The Director gave a **fiscal summary**. Monthly revenue, expenditure, and payment statements are scanned and sent to Board members. The Board reviewed the current accounts. (The Recommended budget was \$ **361,756** which was average **monthly** amount of \$ **15,073**). The final reconciliation done on all budgets, included decreases reflecting the salary freeze and furlough days, pension funds, DAS assessment (due to budget cuts in staff and services) and Attorney General costs. The final Legislatively Approved **2009-2011 Budget is \$338,178** which gives the board an **average monthly amount of \$14,091**.

**Expenditures:** **June \$9,210; July \$15,848** (which includes a total of \$7,803 for accounting services for the year which is \$650/month); **August \$10,617; Sept. \$11,888**. Even with the yearly accounting charge, the average of the first three months of the biennium is \$12,784, under the average \$14,000 a month allocated in this biennium.

**Revenues** were: **June \$1,903; July \$1,861; August \$2,269; Sept. \$1,364**. Included in this were interest revenues: June \$ 323; July \$ 306; August \$ 264 and Sept. \$234. The Board financial situation continues to be stable, though income is down.

A comparison of **revenue** for the last few years does show a drop in income this year:

June 2007: \$3,262	July 2007: \$3,519	August 2007: \$3,935
June 2008: \$7,003 <b><u>Renewal</u></b>	July 2008: \$4,926 <b><u>Renewal</u></b>	August 2008: \$5,113 <b><u>Renewal</u></b>
June 2009: \$1,903	July 2009: \$1,861	August 2009: \$2,269

The Director filed notice of the proposed Administrative Rules for the renewal fee reductions in 2010 and will now publish the final notice to take affect in March 2010 when renewals start.

With a current license number at 1680 and a projection number of 1700 licensees by spring, 2010 when renewals start, the revenue projection leaves the board in a stable condition even with less new applications and smaller monthly revenue in the last few months. The board has a larger licensee base and a projection of over 1450 licensees renewing in 2010. Since renewals fees are 2/3 of the Board's revenue, even with the reduced renewal fee, the budget continues to be in a stable condition.

**Workforce Needs Analysis Costs to Agency:** The board will need to pay an extra \$5 per licensee cost for workforce statistical analysis in the next biennium, not anticipated in the budget. The Director is asking for the best way to increase the Board's spending limitation, either by going to the Emergency Board or during the Feb. 2010 session. The additional cost estimated by projecting how many licensees we anticipate will renew their licenses is approximately \$7,500- \$8,000. The Director is working with other boards to do this as a group (doctors, nurses, pharmacists, dentist, physical therapists, and occupational therapists). Some boards will absorb costs in their budgets and other will increase fees. There was also a request to include SS numbers at a rules meeting of the Workforce group and the Board's position was not release any SS numbers of Occupational Therapists for workforce needs analysis.

**4. Closed Session: Disciplinary/Investigations/Complaints:** In accordance with ORS 192.660, which allows the Board to meet in Executive Session on matters to consider information obtained as part of investigations of licensees, the following cases had formal motions made:

- ◆ **OT 2009-02** Probationary license issued 8/3/09 and conditions being followed.
- **OT 2009-03 Application for B:** License issued. File closed.
- **OT 2009-04:** Continued
- **OT 2009-05:** Continued

• **OT 2009-06:** Emergency suspension to consider further information and decision MOTION made by Mashelle Painter and SECONDED BY Genevieve deRenne TO SUSPEND THE LICENSE FOR TWO YEARS. THE OT CAN REAPPLY IN TWO YEARS FOR A REINSTATEMENT OF LICENSE RENEWAL AND THE BOARD WILL CONSIDER HIS APPLICATION. AT THAT TIME THE OT WILL NEED TO SHOW: (1) has completed the 30 CE points required for 2010 and another 30 points for 2012, including the required pain management; (2) continued with urine tests at least once a month for a period of two years and have the results submitted to the Board; (3) continue with AA meetings and give the Board authorization to have his AA sponsor notify the Board about his monthly attendance; (4) continue addiction treatment and provide monthly reports to the Board. Once a year he needs to send the Board a detailed report on his attendance, progress, sobriety and prognosis. An independent evaluation by a licensed psychologist, who is approved by the Board, shall be made and submitted to the Board. The cost shall be paid by the licensee. At the time the Board considers the reinstatement, the Board may decide to issue a regular license, not issue a license or issue a probationary license with specific conditions. All those present approved the motion (Mr. Schreiber was not present for the vote)

LUNCH was provided and the Board continued discussion of agenda items.

**Strategic Plan:** The board talked about where to start working on issues. What other CE should be accepted and expanded. Are there new areas in alternate medicine to consider? What is driving practice? What specifically do Occupational Therapists need to be current with new and alternative areas, and what new skills are growing. The Director is starting to do research. Other areas to work on include Evidence Based Practice, Investigations, criminal background/fingerprinting procedures/rules, Impaired Practitioner program, and Legislative “super board” concept and education of licensees.

**6. Board Best Practices:** The board members rated their work on the Board. The results were collected and will be reported as a legislative Performance Measure as part of the Budget document.

**7. Reports from NBCOT and OTA conferences:** Mashelle Painter and Robert Bond attended. The Board was thanked for giving them a chance to attend. Mashelle appreciated being better informed on how NBCOT works so she will be better able to service the board. The sessions were well organized and provided good material. The first day involved a mock board meeting. Topics included membership on boards, legal issues, doing public business, technology, quorum, and what is typical for health boards. Some of this was covered at the Oregon Governor’s Board and Commission training.

Shaun Conway gave updates on passing exam rate (OTR is 80% and OTA is 85 %). The 2009 CE audit, showed compliance of 94 % for OT and 91 % for OTA. There is a 90 percent renewal rate. NBCOT does 4700 verifications a year. They discussed foreign trained therapists and how schools are approved.

Both Mashelle and Robert agreed the Oregon Board does a good job on agenda items, approved minutes, legal issues. They discussed what is board business and how material is brought to the Board.

The Saturday session focused on discipline, conflict of interest, First Amendment issues, Americans with Disabilities Act, identity theft, scope of practice and expanding practice (tela-practice) and the cost of discipline. Three states do not regulate assistants: Hawaii, Colorado, California.

Robert Bond had a new respect for what NBCOT does and how many licenses are processed (1 % are Oregon licenses). Oregon does not have many of the problems other states have, especially with how they interact with their state Association. Many states take up to 2 or 3 months to issue licenses. They have no one dedicated to their licensees. Issues of confidentiality, ethics and boundaries were briefly discussed.

#### **8. New Business:**

The Director continues to attend and work with the other Health Related licensing Boards (HRLB). They are working on rules for the new requirement that Directors and public members “audit” disciplinary functions of other boards. Other topics being discussed include process of background and fingerprints, and other best practices.

Tracking CE online was discussed for a future improvement. It must be clear that everyone must complete the 1 hour free online Pain Commission class with an additional six hours for a total of 7 pain management CE. It is a one-time requirement and part of the required 30 hours.

#### **Upcoming meetings in 2010:**

Friday, Feb. 5, 2010 Portland

Friday, May 7, 2010 Corvallis

Friday, August 13, 2010 Portland \*Thursday, October 14, 2010 in Sisters, the day before the OTA conference.

Genevieve DeRenne adjourned the meeting at 2:50 p.m.

Felicia Holgate, Director Nov. 9, 2009

*\* [note: after meeting changed to July 30, 2020]*