

PUBLIC MEETING MINUTES  
Occupational Therapy Licensing Board

The Oregon Occupational Therapy Licensing Board met Thursday May 6-7, 2011 at the ground floor conference room at Sunriver. Board members present were: Alan King, OTR/L, Chair; Robert Bond, B.A. public member, Vice-Chair; Genevieve deRenne, MA, OTR/L, FAOTA; Mashelle Painter, B.S., COTA/L; and public member Mitch Schreiber. Felicia Holgate, Director was present. With a quorum present, Alan King called the meeting to order at 8:54 a.m.

The Friday meeting had all board members present. The Saturday planning session started at 9 a.m. with the same members present plus Linda Harthun Smith, OTR/L who is being appointed to the Board, awaiting Senate confirmation. She will be replacing Genevieve deRenne whose term ends.

**1. Minutes:** The Board reviewed Feb. 4, 2011 Public meeting minutes. Robert Bond MOVED THAT THE PUBLIC MINUTES OF Feb. 4, 2011 BOARD MEETING AS AMENDED (TO CORRECT THE SPELLING OF AN APPLICANT AND THAT THE LICENSE WAS ALREADY ISSUED) BE APPROVED. Genevieve deRenne SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

The Board reviewed Confidential Feb. 4, 2011 meeting minutes. Robert Bond MOVED THAT THE CONFIDENTIAL MINUTES OF Feb. 4, 2011 BOARD MEETING AS AMENDED (TO CORRECT THE SPELLING OF AN APPLICANT AND THAT THE LICENSE WAS ALREADY ISSUED) BE APPROVED. Mashelle Painter SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

**2. Ratify List of Licensees:** Licenses issued since the last Board meeting were distributed. Mashelle Painter MOVED TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING. Mitch Schreiber SECONDED THE MOTION AND IT PASSED WITH ALL PRESENT.

As of May 6, 2011 there were 260 OT Assistants, and 1433 OTs for a total of 1705 licensed OTs. There were 44 new licenses issued since the last Board meeting which averages 15 licenses per month in the last quarter.

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

**Budget Review:** The Director gave a **fiscal summary**. Monthly revenue, expenditure, and payment statements are scanned and sent to Board members. The Board received by paper the most current accounts. There was one amount for \$7,440 as a “transfer out to Dept of Human Services” which was a revenue transfer for the workforce data cost of \$5. per renewal. The final Legislatively Approved **2009-2011 Budget is \$338,178** which gives the board an **average monthly amount of \$14,000**. **The 2011-2013 Recommended Budget is for \$389,400 which includes cost for fingerprinting and background checks.**

**2011 Expenditures: Jan. \$ 8,845; Feb \$ 11,062; March \$ 9,742.** Note payment of \$735 is OT share of cost for new HP server. We continue to pay for joint computer hardware, software and IT work. We get this for a bargain as we share. IT costs of the Suite 407 health boards.

**2011 Revenues: Jan. \$1,428; Feb \$3,232; March \$2,549.**

Budget Hearing: The 16 Governor's Balanced Budget for the **2011-2013 Budget binders** were delivered in Feb. Hopefully with electronic legislation the Board will no longer need to prepare paper binders (a large time consuming for Staff). The Board's budget hearing was held Feb. 23 and Director Holgate and Chair Alan King were present. There were a lot of questions about the cost of fingerprinting. The final Budget work session was postponed several times and should be set in the next few weeks.

Fingerprinting: The Director continues to explore setting up fingerprinting for new applicants. The Recommended Budget includes costs for fingerprinting by State Police. Director will explore whether to get set up to do these at the board office or see whether to use the Nursing Board because they process each day what we would need all year (about 150). The current payment of \$52 per license applicant pays for the state policy fingerprints and mailings. Initially we estimate having fingerprints of all new applicants which is about 150-200 a year. The rules will be adopted and the costs must be approved by the legislature as part of our budget in the 2011 - 13 session.

Supervision: The Director finished cross checking the many discrepancies in what OT Assistants wrote on the 2010 online renewals in the Supervision BOX and what the OT who are supervising wrote down. The Director has been using education to be clear on these supervision requirements and that they are met.

The Board discussed whether supervision in schools can be done in a better way since Assistants work with many OT's in different schools and they require multiple supervision forms. Over the years the Supervision forms no longer need to be notarized, and the form only needs to be sent in once. During renewals, the Assistant only needs to confirm in the Supervision BOX online that this supervision continues. If supervision changes, Assistants need to file a new supervision form stating who the new supervisor is and who they are replacing.

The Director will continue to work with Mashelle Painter on supervision issues in schools, perhaps with the TIES conference. The Board will work to have supervision done correctly with OTs working for temp agencies. High turnover for temporary Assistants means they often work almost on their own, often with vulnerable patients on weekends. The concern is that there is appropriate supervision. How does the Board know temp therapists are evaluated appropriately and if there are problems if they are not just passed on to the next temporary facility. Evaluations should be done by the facility and direct supervisor.

Workforce Data: Further data from the Workforce data collection collected with renewals has not been made available. Since the Board will be moving to a new Data system, we can look at what other data we would like to ask for and how to use this data as a management tool. This will be discussed more at the Saturday planning meeting.

**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 - 07:** Application reconsidered; continued for next meeting
- **OT 2010 – 06: Renewal Application:** No action taken
- **OT 2010 – 07: OT Assistant:** No action taken
- ◆ **OT 2010 - 12:** Status given. File closed
- ◆ **OT 2011 - 1:** The Director sent case for investigation after consult with Chair.
- ◆ **OT 2011 - 2:** The Director sent case for investigation after consult with Chair
- ◆ **OT 2011 – 3:** New complaint continued

**Lunch:** Board members and the Director had lunch and continued with the meeting Agenda.

**5. Legislation:** Updated LINUS report was reviewed. SB 140, the Board’s bill has now passed the Senate and through the House Health committee and is waiting the vote on the House floor. The three changes do the following:

- ◆ Civil penalties up to \$1,000 could be issued by the Board without giving a first warning.
- ◆ Subpoenas could be signed by any Board member or delegated to the Executive Director.
- ◆ The Board could discipline if a licensee or applicant violates any Board laws or rules.

**6. Proposed rules and hearing:** The Director filed the proposed rules which were sent out to all Interested Parties and licensees. The deadline for final comment is May 31<sup>st</sup>. As of the date of the Hearing at this Board meeting, no one was present at the hearing and there were no comments. If there are no further issues raised, the Director will file the final rules through the Sec. of State to be effective in July.

One issue was raised on whether the new rule about Fingerprinting includes the use of LEDS (Law Enforcement Data Base) and whether therapists should be notified if the Board is checking LEDS records.

**7. New Business:**

**NBCOT:** In March Mashelle Painter attended the NBCOT Certification Examination Validation Committee (CEVC) meeting in CA. Small groups thoroughly reviewed portions of the OT and OTA certification exam to ensure that the test items are valid. Mashelle’s group worked on 30 test items considered “experimental” items which are on the exam but not factored into the final

score. Each item was intensely scrutinized and edited for clarity, relevance to practice. Some were replaced by newer items that have been written and submitted. Groups were assigned additional packets of newly written test items to review and edit. Mashelle found the experience informative and gave her a new-found appreciation for all the work that goes into developing the exam. She will attend another meeting in September in Memphis, TN to continue working on new test items.

NBCOT Recertification and competency: Felicia Holgate, Director attended an NBCOT meeting in Chicago in April dealing with CE competency as it related to recertification. Discussion focused on proposed simulation questions and what level of competency for recertification is expected – the initial level for original certification or at a higher level. NBCOT wants to take the lead on issues of competency. The Oregon Licensing Board will follow their work closely and the Board discussed whether to require NBCOT certification for licensure in Oregon.

The Director has asked NBCOT to send the current licensees who are NBCOT certified. NBCOT staff said Oregon has one of the highest percentages of licensees by state that are certified, over 90 %. The Director showed types of simulation questions with real situations planned and noted that video testing adds a new dimension for looking at competency in an objective manner. There would also be a subjective evaluation by the therapist such as now available through the NBCOT web site as well as other traditional educational continuing education. NBCOT is looking at how to evaluate using personal and subjective evaluations as well as more objective evaluations through case study decision making simulations.

**OTAO Conference in Tigard October 28 – 29:** The Board will participate with discussion on current Board issues. . Director has been asked to help with a legislative presentation. Further discussion will continue at the August Board meeting. Since OT members want to attend the conference, the Board meeting was set for Friday Nov. 4 after the OT Association Conference.

Friday ended with a summary of topics for the Saturday planning session. The **Friday session was adjourned at 3:35 p.m. by Chair Alan King.**

Meeting Date for August changed from Aug. 12 to Portland Aug. 19, 2011  
Meeting Date for Nov. 4 – Portland

Meeting Dates for 2012: We will try to schedule a Board meeting at the OTA school in the next year.

Friday, Feb. 3 Portland

Friday May 4, Portland

Friday August 3 with strategic planning

Friday, November 2, Portland

**Saturday May 7, 2011: Strategic Planning session:** The Saturday session was called to meeting at 9 am. A file of material has been provided to the Board for review on various issues.

**The Board started by reviewing goals and progress made from prior strategic planning sessions:**

Be financially stable and improve services  
Efficiently changed to 2-year licensing; streamlined online renewals  
Efficient use and promotion of e-mail and web site to keep up with growing work  
OTLB as professional hub for state  
Looked at supervision trends

**Discipline/investigations:**

Board members no longer handle discipline cases, giving sufficient time for other business  
Investigative process clarified with dedicated resources for discipline cases  
Use retired Board members for investigations  
Decide strategy on use of civil penalties, and investigations.  
Background checks, obtain legal authority for fingerprinting, write rules, consider using LEDS  
Training for Board members and handling investigations  
Develop Matrix for discipline, use of civil penalties (work on legal change to delete first warning requirement)  
Continue to improve discipline process  
Work on how to deal with impaired practitioner cases vs discipline process

**Communication**

OTLB central to OT communications for public and state professionals.  
Work with OTA state Association  
Collaborate with Pacific University; Pacific developed Re-Entry program  
Continued upgrading web site and Q and A; respond quickly to Questions submitted to Board  
Work to update OT definition,  
Support establishing OT Assistant School in Oregon  
More diversity in profession (via OTA school);  
Board attend, present, answer questions at yearly OTA conference  
Review laws, rules, regulations that clearly reflect current practice and efficient operation  
Made changes to education rules, Rules for Aides, CE, Pain management.  
Encourage management skills; maintain level of professionalism; ethical education

**Operations:**

Proactive in helping assure competency; monitor State Impaired Practitioner program  
Flexibility in discipline cases for educational and constructive practice results  
Develop ethics/law exam  
Expand CE and practice areas, Evidence Based Practice references  
Focus on management, wellness

**Legislation:**

Promote profession, monitor legislative bills, actively participate, educate legislators  
OT Day at Legislature set up with Pacific students, Association, and new OTA students

Protect licensing (super board, consolidation); work on pro/con of Semi Independence  
Obtain statistics and demographics; health reform, educate legislators, support OTA/O

### **2011 Goals and strategic plan:**

#### **Management classes/experience for OT/OT Assistants:**

One goal of the Board will include developing management skills in Oregon therapists. Perhaps the Board can help provide regional CE, work with OTA/O & conference on management skills for OTs and OT Assistants. With Pacific working on a DOT program can the Board collaborate on providing classes for these skills to other therapists not in the Doctorate program?

Some components of management involved:

- Managing people
- Managing a facility – the rules, regulations, scheduling, hiring/firing
- Balancing billable hours with patient care
- Working within the health care system.
- How to you “grow” and mature a staff.
- How to encourage leadership, personal life long learning, mentoring, giving back to profession
- How to foster and build quality services, with evidence based practice (EBP)

Therapists need to work on advanced clinical and/or management tracks. The Board will purchase management books to build a library.

**Temporary therapists:** There have been concerns about temporary employees working through temp companies. Temp therapists do not always get a real evaluation from their working supervisor. They do not need to work on training/evaluations; they have short stays, if there are issues, they can just move on.

The Board should develop requirements to check on background, prior jobs, how long they stayed, get written evaluations for position by direct working supervisor. Check on:

- Dates of last 3 positions, on site supervisor’s contact and evaluation mailed to Bd.
- Additional expectations required can be noted on the web site

**Continuing Competence and professional growth:** Management and growth of staff means therapists need personal and career growth. Competence includes the need for therapists to have a professional career track. Some area for growth:

- Licensure in Oregon require applicant/licensee to be NBCOT certified and recertified
- Improve competence, be a life long learner
- Promote growth and the next personal step in the therapists career
- What are best practices and use of evidence based practice

Can the Pacific program and/or Re-Entry program have a program to help develop management skills?

**Data Base:** The Board will be updating the information on the data base. Other items that can be collected are: Certificates like CHT, temporary companies, and previous work experience, supervision, current NBCOT certification

**Semi-Independent Boards:** The Director provided the Board with the new Semi Independent reports and information how they would function. The Governor's office asked Boards to look at the pros and cons of Semi-independence and how the change would make the Board more efficient and effective and save money. Board members discussed the advantages and disadvantages. A recent report from Semi-Independent Boards was available to Board members. Semi Independence would be voluntary and is supported by many health boards. The Association and Pacific support the concept. The OTLB will continue to work to make changes that are in the best interest of the OT profession in Oregon.

**New Data system:** The Data base on licensees will change from Fox Pro to CRM Customer Relations Management system, a customer based system giving more flexibility in using data. It can also be used to pull together additional management reports, something that can not currently be done.

One example is that the Director will be able to pull up status of daily applicant files, what is missing, and note items as they arrive. Currently this is done by checking paper files. The Board will consider what other data to collect. The new system may be in place in time for the 2012 online renewals due May 1 and starting in March, 2012.

**New Web site system and training:** Currently the Director uses "teamsite" system for the State web site. The State has a new contract and will be providing training in the fall of 2011.

**Other ideas:**

Can we help sponsor AOTA and NBCOT to have their national conference in Portland? Sandra Pelham Foster is working on Autism changes and IEP in Education where schools may be hiring others to do OT work.

**Telehealth:** The Board will study this important area of new practice

**Response to Audit report and Board recommendations:**

The AUDIT team, composed of other Directors and a public board member, met with the Director in August 2010. Random files were reviewed. A public Board member of the OT Board and the former Association President were contacted. A copy of the report went to the Governor's office and legislature. The recommendations were:

1) The OT Board should allocate resources for additional staff to address the issue of Director burn out especially during renewals and other high volume periods. *The Director uses the services of a former Board member for discipline and has hired on contract a retired former attorney to help during peak time, vacations and for projects like drafting of an ethics/legal exam.*

2) The OT Board should seek additional resources to provide enough money to pay for cost of potential contested case (AG and professional services) proceeding/s and other legal expenses. *This is a budget issue for the legislature. The bill to have a special amount for health board AG costs has not passed. Currently the Board has \$23,351 budgeted for AAG costs for the 2011-13 Agency Budget. Since cases are concluded with Consent Orders, we anticipate this will be sufficient. If not, the Board would need to go to the Emergency Board. The Board assumes we will continue to have Consent Orders rather than contested case hearings. At this time, the Board will not ask for additional legal costs.*

3) The Legislature should approve the OT Board's policy package to establish FBI criminal background fingerprint checks for applicants; and will consider whether to do LEDS checks. *The Board is waiting to see whether the policy package is approved by the legislature to cover costs for State Police to process and some staff costs. The Director will publish the final rules for fingerprinting.*

*Board members discussed how to use fingerprints, whether NBCOT could require this and our Board use NBCOT. Would LEDS obtain the same results, though just in Oregon, not nationwide? The Director will continue to work on how to process them. A lot of additional work would be required by staff.*

4) The OT Board should establish an Ethics and Jurisprudence state examination for applicants as regards the relevant statutes and rules. *The Director has a draft exam on ethics/laws and will continue to work on how it can be done online, how many and what question should be on it. The Board discussed that such an exam should be given eventually to current licensees as well as new applicants. Discussion will continue at the next Board meeting.*

5) The OT Board should require that an endorsement applicant provide primary source written verification of license from every state they have ever held a license, regardless of the license current status. *DONE Oct. 2010: The Board voted at the October, 2010 Board meeting to require applicants to send verification from every state. (The Director found old application files from 1998 asking that letters of Verification be sent from states held in the last 5 years).*

6) The OT Board should be expanded to seven members by adding one OT member and one Public member with no ties to the OT profession. *This would require a legislative change. Current Board members resigned membership on the OT and OTA school boards as well as the Association to keep a separation between their roles. The Board always has sufficient members for meetings and never had more than 1 member absent. As board members no longer handle disciplinary investigations, this leaves them more time to work on OT issues. At this point the Board does not recommend a larger board.*

**Alan King, Board Chari adjourned the Saturday, May 7, 2011 planning meeting at 12:00 noon.**

Felicia Holgate, Director May 17, 2011