

Oregon OT Licensing Board
PUBLIC MEETING MINUTES Friday **Feb. 24, 2014**
(rescheduled from the cancelled Feb. 7th meeting
when the building closed due to inclement weather)
Portland State Office Building, Room 445, 800 NE Oregon St.

The Oregon Occupational Therapy Licensing Board meeting of Friday Feb. 7, 2014 was cancelled due to inclement weather and the closing of the State office Building. The meeting was **rescheduled** for **Monday Feb. 24 at 9 a.m.** at the Portland State Office Building, Room 445, at 800 NE Oregon St. in Portland, Oregon.

The Board members present were: Robert Bond, B.A. Chair (by speaker phone) public member; Mashelle Painter, COTA/L, Vice Chair; Linda Smith, OTR/L, and Juanita Shepherd, public member. Sybil Hedrick, OTR/L, CHT was excused. Felicia Holgate, Director was present. With a quorum present, Robert Bond called the Friday meeting to order at 9 a.m.

1. Minutes:

The Board reviewed the minutes of the meeting of Friday November 15, 2013. A MOTION WAS MADE BY LINDA SMITH AND SECONDED BY JUANITA SHEPHERD TO APPROVE THE PUBLIC AND CONFIDENTIAL MINUTES WITH MINOR AMENDMENTS OF NOVEMBER 15, 2013. IT PASSED WITH ALL PRESENT.

The Board reviewed the **special teleconference** on Monday November 25, 2013. A MOTION WAS MADE BY JUANITA SHEPHERD AND SECONDED BY LINDA SMITH TO APPROVE THE PUBLIC AND CONFIDENTIAL MINUTES OF THE SPECIAL TELECONFERENCE MEETING OF NOVEMBER 25, 2013. IT PASSED WITH ALL PRESENT.

2. Board meeting with Paul Grace, NBCOT President and CEO: The visit postponed due to inclement weather.

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 is in good fiscal shape.

2013 Revenues: October \$1,311; November \$915; December \$1565; January \$1,218. In March we will start receiving the 2 year renewal fees (\$150 for OT and \$100 for OTA). The next few months we will receive 80% of revenues.

2013 Expenditures: October \$12,610; November \$23,167; December \$16,733 and January \$12,807. The Board has a budget "allotment" of \$367,395 which means it has an average of \$15,308 per month over the two year budget cycle from July 1, 2013 to June 30, 2015. Currently for the first 7 months of the biennium we had an average expenditure of **\$14,967** per month.

The large November bill of \$9,7478 included the yearly costs for Shared Client Services, accounting services, which averages \$812 a month. Nancy is working extra hours so personal

services are higher. However, cuts from furlough and freezes in salaries ended as of July 1, 2103 and an additional \$12,275 will be added to our OTLB budget for step increases and COLA.

From the last meeting there was a question about a \$50 refund. It was for a Sept. refund for an OTA coming back under Reciprocity who had overpaid and was refunded.

As of Feb. 20, 2014 there were 387 OT Assistants and 1708 OTs for a total of 2095 licensees. We issued approximately 10 licenses a month for Nov. Dec and January months, which is a slow time of the year. There are currently 26 applications (7 OTA and 19 OT). We have over a dozen applications which will be issued in March.

Budget for 2015 – 2017 is already starting this March with a budget meeting with DAS (Department of Administrative Services) and Agency Directors/Budget officers. The next 2015 – 2017 Agency Budget Request is due August 1, 2014. The Director will put in budget package for increase in staff costs for adding hours from the .25 current FTE, upgrade the office staff position from an Office Specialist to Administrative Assistant 2 (a little higher position) and another package for funds for doing national background checks, in response to the Secretary of State Audit.

Renewals: The Director is working on starting renewals on March, 2014. We are reminding licensees what they will need to renew online, what CE they will need, what it means to be audited, requirements for supervision for OT Assistants, and mandatory pain management CE. Currently there are a lot of questions and updates coming in by e-mail and fax. The workforce data link is ready to go for licensees to answer questions for statewide health professional statistics.

Secretary of State Audit: The Secretary of State audit conducted in August gave a preview to the Director and Board Chair and will be finalized in the next week and be public. Generally the report is positive and the only “concern” about OTLB is not doing criminal checks for Occupational Therapy applicants. The Director pointed out that the request for funding for fingerprinting was denied by the legislature so they could not be done. Instead the Board did a LEDS check on all licensees with no increase in funds. The Director increased hours of the .25 office staff and the Director did the summary and work on LEDS rather than hiring someone.

Ethics Law Exam now online: All new applicants now have to pass the Oregon Ethics/Law exam before they are licensed. The exam can also be taken as a free CE for any licensee.

SB 604: Credentialing: The group continues to meet on a mandatory state credentialing organization. Licensing boards will need to provide information to the Oregon Health Authority credentialing group starting in 2016. Only a few OT licensees said they had concerns about credentialing.

2014 Legislation: The Director is tracking only a few bills: SB 1560 Telemed; HB 4059 reporting Military training used for applicants; HB 4070 taking Dental Board discipline off web site after 10 years; HB 4108 Durable Medical Equipment pilot.

There was an interesting development with **HB 1519A** which requires the Dental Board to dismiss certain disciplinary matters regarding sterilization as well as remove the names from the web site and pay back the civil penalty imposed by their Board. The other dentistry bill **HB 4070** has to do with expunging discipline after ten years. There will be a group of Directors and Associations meeting and preparing legislation for the 2015 session.

4. 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 were considered:

- **OT 2012 - 08:** Continued
- **OT 2013 – 01:** Closed
- **OT 2013 – 02:** A MOTION WAS MADE BY ROBERT BOND AND SECONDED BY LINDA SMITH TO CLOSE THE CASE. THE MOTION PASSED WITH ALL PRESENT
- **OT 2013 – 03:** Continued
- **OT 2013 – 05:** AAG Continued.
- **OT 2013 – 06:** Continued
- **OT 2013 – 08:** Continued
- **OT 2013 – 12:** Continued
- **OT 2013 – 13:** Continued
- **OT 2013 – 14:** Closed
- **OT 2013 – 15:** Continued
- **OT 2014 – 01:** A MOTION WAS MADE BY JUANTA SHEPHERD AND SECONDED BY ROBERT BOND TO ISSUE A PRIVATE LETTER OF CONCERN. IT PASSED WITH ALL PRESENT.
- **OT 2014 – 02:** Continued
- **OT 2014 – 03:** Continued
- **OT 2014 – 04:** Continued

2013 LEDS cases were summarized and finished.

At the November 2013 Board meeting, the Board talked about doing LEDS and how often they should be done, every year or every other year. After the legislature denied a budget packet in 2011 for doing fingerprinting checks, the Board amended the rule on background checks to add LEDS language. Then the Board notified licensees they would conduct a LEDS checks for renewals on all licensees.

The OT Licensing Board did conduct the Law Enforcement Background Checks (LEDS) of all licensees in May, 2013 and prepared a summary of all LEDS “hits” and what action was taken by the Board. At the Feb. 2014 Board meeting all the LEDS cases were finalized. The Board Director has a system to review prior “hits” already reviewed when the LEDS is done the second time. Hits of Arrest and/or convictions always appear each time a LEDS check is done. The Contract with the Nursing Board will be extended if possible to continue to do LEDS checks. In the future, LEDS may be conducted for both renewal and regular applicants, depending on budget approval by the legislature and whether staff or a contractor can do the work to summarize the results. This is both a budget and workload issue since the staff is currently set for 1.25 FTE.

OAR 339-010-0012 Background Checks and Fingerprinting Requirements.

The Board may require Oregon or National criminal history checks, including fingerprints or other background checks such as the Law Enforcement Data System (LEDS), from any applicants for a license as an occupational therapist or occupational therapy assistant, a limited permit, an applicant to reinstate a lapsed license, and applicant or licensee under investigation to determine their fitness. The fingerprints will be on forms prescribed by the Board. The Board will provide information on where acceptable fingerprints may be obtained and what acceptable procedure is to be used for submitting them. The Board will use the fingerprints to conduct Criminal History Checks. Fingerprint cards will be destroyed as required by law.

Board policy on LEDS background checks: Before issuing two year license renewals the OT Licensing Board will conduct LEDS checks on all licensees. As discussed in the November, 2014 Board meeting, all LEDS “hits” will be summarized and compared to the first set done in May, 2013 and reviewed by the Board.

The Board Director will have a system to compare any previous “hits” already reviewed. Any new “hits” will be brought to the Board by the Director. Reasons for concern include:

- If there are multiple criminal “hits”
- If the case is a felony, especially if it a conviction (as opposed to an arrest)
- If the licensees has any prior criminal or other issues of concern about their practice

The Board may decide to conduct yearly LEDS checks or other background checks after reviewing the Board budget and if there is sufficient staff to summarize them. The Board may decide to conduct LEDS checks or other background checks for any or all applicants after reviewing the Board budget. A summary of all LEDS conducted will be kept by the Director and available for Board review. Each time a LEDS review is done it includes all previous “hits” since they are not taken out of the system.

Applications for review: Any applications with Yes to History questions were reviewed by the Board and some applications were given investigation numbers. There was one new application to review and ratify with a Yes to History question. The review was done in closed session, and was added as a case **OT 2014 – 04**.

5. Ratify List of Licensees: Note: this Agenda item was moved to after the disciplinary cases since they include some applications that need to be specifically reviewed and ratified by the Board. A MOTION WAS MADE BY LINDA SMITH AND SECONDED BY ROBERT BOND TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE MAY BOARD MEETING. THE MOTION PASSED WITH ALL PRESENT.

6. Proposed Rules: The proposed rules on Telehealth, Mental health and Cultural Competency were reviewed and will be published with the Secretary of State as proposed rules. A hearing will be held by the Board after all comments are received.

7. Scope questions: The Board reviewed an innovative use of OT when the OT is also a birth doula, for informational purposes.

The second scope question has to do with an OT using a glucometer. There was information given by AOTA on how an OT teaches a patient or caregiver to use the glucometer test in diabetes patients. The Director will check with the Nursing board to see that there are no medical issues involved as the test does pierce the skin.

8. New Business:

Inactive or retired license: The Board was asked to consider use of Inactive license or retired licenses. This issue will be dealt with by the OT Association of Oregon. The Director will help in identifying retiring OTs for the State Association who can become “honorary” members.

Questions on billing and insurance: Genevieve deRenne, Board consultant is helping with some of the issues coming up. Generally the Board does not have jurisdiction over billing issues, but with Medicare and insurance changes, it has become difficult for licensees who want to be sure there are no ethical questions. There is a great deal of pressure on therapists to have high productivity, sometimes to the detriment of the patients.

Question on caseload for OTs in Education: Many concerns about caseload, use of aides to do occupational therapy and loss of OT Assistants in the schools were discussed. A workgroup will be set up to discuss the issues of OT in schools.

Questions on Supervision: A workgroup will be set up to deal with the issues of supervision when there are temporary or PRM therapists and how OT Assistants are supervised. AOTA is also looking at revising its Supervision guidelines.

Confirm Dates for 2014 Board meetings:

Friday ~~May 2~~, changed to Monday April 28, 2014 in Portland

Friday August 1, 2014, Portland

October, 2014: Attend OTA conference in Wilsonville

Friday November 7 in Portland

The Board adjourned at 11:55 p.m. Minutes drafted by Director, Felicia Holgate Feb. 25, 2014