

Oregon OT Licensing Board
PUBLIC MEETING MINUTES Friday February 13, 2015
Portland State Office Building, Room 445, 800 NE Oregon St.

The Oregon Occupational Therapy Licensing Board meeting was held Friday, February 13, 2015 at the Portland State Office Building, Room 445, 800 NE Oregon St. in Portland, Oregon. The Board members present were: Robert Bond, B.A. Chair, public member; Mashelle Painter, COTA/L, Vice Chair; Linda Smith, OTR/L; Juanita Shepherd, public member; and Sybil Hedrick, OTR/L, CHT, CSCS. Felicia Holgate, Director was present. Nancy Schuberg, Licensing Specialist, also attended. With a quorum present, Robert Bond called the Friday meeting to order at 10 a.m.

1. Minutes:

The Board reviewed the minutes of the public meeting of NOVEMBER 7, 2014 AND DECEMBER 4, 2014. A MOTION WAS MADE BY LINDA SMITH AND SECONDED BY SYBIL HEDRICK TO APPROVE THE PUBLIC MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the confidential meeting minutes of NOVEMBER 7, 2014 AND DECEMBER 4, 2014. A MOTION WAS MADE BY LINDA SMITH AND SECONDED BY ROBERT BOND TO APPROVE THE CONFIDENTIAL MEETING MINUTES AS AMENDED AND THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2. Board Positions: The Board voted on the Chair and Vice-Chair positions. A MOTION WAS MADE BY ROBERT BOND AND SECONDED BY JUANITA SHEPHERD TO HAVE MASHELLE PAINTER TO SERVE AS CHAIR AND LINDA SMITH AS VICE-CHAIR. ALL THOSE PRESENT VOTED IN FAVOR.

3. Report of the Director: Director, Felicia Holgate sends monthly reports on revenue and expenditures. We are in the 2015 legislative session which started on February 2. The Governor's budget was delivered to Salem and the budget hearing is set for Tuesday Feb. 17 at 8:30. Robert Bond will appear at the hearing with Director Holgate. This will be before the Ways and Means subcommittee on Education.

Our budget is on track. The biennium ends June, 2015 and in the 2015 – 2017 Budget adds an increase in hours for staff. The state Association would support a fee increase if it was needed, but there should not be an increase needed in the next biennium.

CURRENT 2013 – 2015 BUDGET:

2015 Revenues: October \$7,720; November, \$1,841, December \$ 2,585

2015 Expenditures: October \$13,040; November \$19,336 (including large AG fees of \$5,481 on the legal case which now ended); December \$16,420 (with AG fees of \$3,856). We are within our budget allotment.

Robert Bond and Linda Smith will do a complete Board budget audit on Tuesday April 7, 2015 in the office to review our budget processes and the status of our Agency budget.

The Director noted that the cost for Shared Client Services is rising by about 20% and the seven Boards in Suite 407 are exploring alternatives in how our accounting services are done. We would like to have someone in house provide the services at a lower cost. The costs for our seven boards in the current biennium was \$142,000.

OTAO Board: Nancy Schuberg and Felicia Holgate attended the OTAO Board meeting on Thursday evening, Feb. 5, 2015 to discuss priorities, the budget, legislation, and the new public member that will be needed to replace Robert Bond in 2016.

OTAO is working with Pacific and students to provide regular CE for therapists. Both Linda Smith and Nancy Schuberg attended the recent CE given by Max Perkins on Ethics. The Board might work with them to give CE on areas of concern the Board sees.

OTA Refresher course: We received a notice from St. Catherine's University about an OTA refresher course. The Director has contacted Ann Custer about perhaps having LBCC work on running the OT Assistant Re-Entry course to take over what Pacific was doing.

License Numbers: As of February 5 there were 380 OT Assistants and 1700 OTs for a total of 2,080 licensees. We issued approximately 15 licenses a month. The slower time for licensing in the winter has ended and we now have an increase again. There are 19 applications ready to be issued March 1st, the date at which applicants pay only the one year fee.

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 2013 – 05:** Probationary License Continues
- **OT 2013 – 08:** Continued
- **OT 2013 – 12:** Probationary License Continues
- **OT 2014 – 09:** Continued
- **OT 2014 – 16:** Application
- **OT 2015 – 01:** Application
- **OT 2015 – 02:** Application
- **OT 2015 – 03:** New Complaint

- **OT 2015 – 04:** A MOTION WAS MADE BY MASHELLE PAINTER AND SECONDED BY ROBERT BOND TO SEND A LETTER OF CONCERN. ALL THOSE PRESENT VOTED IN FAVOR OF THE MOTION.

5. Ratify List of Licensees: A MOTION WAS MADE BY SYBIL HEDRICK AND SECONDED BY JUANTIA SHEPHERD TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE MAY BOARD MEETING. THE MOTION PASSED WITH ALL PRESENT.

Lunch was provided as the Board continued working.

6. NBCOT screening of case simulations and gaming platform demonstration was shown by Nancy Schuberg on these links:

- Overview & Detailed Tour (*combined version*): <https://vimeo.com/120630402>
- Overview Animation Only: <https://vimeo.com/120586947>
- Tour Animation Only: <https://vimeo.com/120586948>

7. Administrative rules at 1:00 pm. This was the time set for an administrative rules hearing with the Board considering a rule on CE and NBCOT. The CE/NBCOT proposed rule was filed with the Secretary of State's office. There was one comment from Greg Thielen with a recommended change in language which was considered by the Board. The amended language was approved by the Board. No others attended and no other comments were received.

A MOTION WAS MADE BY LINDA SMITH AND SECONDED BY SYBIL HEDRICK TO APPROVE THE PROPOSED RULE. THE MOTION PASSED WITH ALL PRESENT.

The Director will work with NBCOT on a **joint statement** after the rule on CE and NBCOT certification is adopted. The Director sent the proposed rule to OTA and we have their support.

The final rule on Telehealth was filed with the Secretary of State on Nov. 20, 2014. Nancy will work on Q and A as questions come up. At this point we have not received any. We are collecting information on which licensees use Telehealth in Oregon and what areas of practice

8. OTs in Education workload: There are many concerns about caseload and workloads and use of aides to do occupational therapy and loss of OT Assistants in the schools. Mashelle Painter met with the Director and Chrissy Van Osdol who is working on a questionnaire for her doctorate program at Pacific.

The Workgroup met about the concerns and a meeting was set up with Dr. Nancy Golden, The Governor's Chief Education Office on December 2, 2014 with Mashelle Painter, and representatives from the Association, and schools of OT and OTA about OTs in school and caseload and other issues. The workgroup in their first meeting discussed some of the issues and come up with some solutions.

Dr. Golden gave the name of **Sarah Drinkwater** with the Dept of Education with whom we hope to work on state guidelines. The group came up with strategies that they came up with and from feedback from a survey done in September. These were discussed at the workgroup

meeting with Dr. Golden held on December 2, 2014. The goal of the group is to find best practices and how best to improve services for children. The next meeting is in March 2015.

This workgroup is a cooperative effort between the State OT Licensure Board, the Occupational Therapy Association of Oregon, faculty from both, Pacific University, School of Occupational Therapy and Linn-Benton Community College COTA program, as well as OTs with years of experience working in the school settings in Oregon.

There have been two statewide surveys to collect data regarding OT workload issues and the workgroup is enthusiastic about continuing this collaborative problem solving effort. The following are strategies and solutions discussed:

1. Establish collaboration & communication with designated representatives from the Oregon Department of Education to establish **state standards** (based upon data collection & other state models) for OTs in Oregon.
 2. Develop Best Practice standards as a resource & reference, and develop an assessment resource library within the state to augment local district evaluation resources. Consider use of standardized entrance & exit criteria such as Florida's CERT & DIRT tools.
 3. Evaluation teams within school districts might provide a more efficient model for timely assessment & determination of service levels for students
 4. Increased use of Certified Occupational Therapy Assistants in schools for intervention. Linn-Benton Community College, at their Lebanon campus has a COTA education & training program around the state.
 5. Use digital documentation for note-taking, assessments, evaluation reports, and service logs. Email has been helpful for improving parent & staff communication.
 6. Telecommunications allow for new service delivery, participation, and interventions.
 7. The graduate School of Occupational Therapy at Pacific University now provides a professional doctorate degree. There may be a new program coming to deal with shortages.
 8. More consistent FTE determination for OTs, based on consistent & quantifiable formulas, need to be implemented to provide reasonable levels of staffing, by school districts & ESD (Council for Exceptional Children recommends no more than 50 students per full time OT). OTs working in Early Intervention/Early Childhood Special Education often have additional case management duties requiring extensive time commitments well beyond personnel time allotted. This time needs to be recognized & supported. OTs need to establish supported boundaries about what is or isn't reasonable workload, setting limits & collaboratively developing solutions with school district administrators.
- a) Washington State has guidelines for caseload limits & determination of FTE. The contract in Evergreen Public Schools quantifies 1 OT per 2433 general education students in the school

district; a district with 26,800 students, divided by 2433= 11 full-time OTs each assigned to three to five schools maximum. The target caseload is 30 students per OT.

- b) Several time studies and use of the guidelines developed in North Carolina Department of Public Education determined that the time of service indicated on a student's IEP is multiplied by 2.17 per hour to acknowledge extensive workload augmenting service delivery.

9. Revision of historical models of intervention & assessment provisions are needed. Some states use RTI for more timely short-term service delivery to determine effectiveness & adequate progress within a school term (quarter or semester vs. entire year). Provision of more consistent services, vs. diluting intervention so much that adequate annual yearly progress is limited. Students do not need to have OT services on their IEPs for years.

10. Provision of OT intervention services primarily via inclusion in the natural classroom environment vs. pull-out model requires more time logistically, including consultation with teachers/staff for more effective potential student progress.

11. Instruction, with teachers using an established evidence-based practice curriculum, can provide consistent training in the mechanics of handwriting for all students throughout at least the primary grades. This would decrease the need for OT assessment & intervention for handwriting challenges. In schools such as Eugene where these programs have been piloted significantly decreased subsequent referrals, even for students eligible for special education.

12. Portland Public Schools has created a video to provide information, for administrators, about how OTs can be an effective & essential part of the school district team. Similar resources would be helpful as a resource for the entire state.

13. If OT workload was more reasonable, then professional education support (OT fieldwork & internship experiences, etc.) would be more available for continued training in school based practice, to address increasing shortages of OTs.

14. A professional task force could be created (appointment by legislative representatives) to develop & coordinate policies, standards, guidelines, reasonable workload, etc. They would receive input & feedback from the OTs in schools, maintaining on-going communication & collaborative problem solving.

15. Resumption of the (recently dismissed) state Working Group to facilitate communication & program effectiveness. Every other Region Program in the state has this available.

16. Alliance with Parent Advocacy Groups to support revision of staffing & reasonable service provision may be necessary to pursue.

After discussing some of these concerns it was noted that it might be best that Mashelle Painter, newly elected Chair of the Board not present on these issues at the TIES conference this year.

9. 2015 Legislative session: Felicia and Nancy had training on the new Bill Tracker online system. The session just started.

OT Day at the Legislature is set for **Thursday, Feb. 26, 2015** with students from Pacific and Linn Benton CC attending, meeting with legislators, talking about bills that might affect their profession. Board members are welcome to attend.

The Agency state budget must be passed by the legislature. There are several bills to follow divided by topics:

Loan Repayment: **HB 2048** allow OTs to participate in primary care provider **loan repayment**

Budget: **HB 5023**: This is the budget bill. The first hearing will probably be the second week in April at 8:30. **HB 2106** reduce allotments based on percentage governor's allotment

Tax compliance as condition to licensing: **HB 2164** pilot

Fingerprinting: **HB 2228** and **HB 2229** and **HB 2250**

Dept of Adm: **HB 2438** transfer to DAS from Employment; **SB 104** E-Verify employment

Rules: **HB 2476** DAS to adopt uniform rules; **HB 2724** Waiver of fee; **SB 191** writing rules; **SB 358** rules submit to Leg counsel;

Behavior Analysts: **HB 2563** expands board; coursework

Health care workers: Caregivers skills **HB 2756**; assault health care provider **SB 132**; workforce data; **SB 230**; DHS facilities request ADLs by sex **SB 307**; discrimination **SB 309**; Health quality outcomes **SB 440**

False swearing when testifying before legislature **HB 2790**

Music therapy licensing board in HLO **HB 2796**

Oversight of Boards: **SB 101** fee data; **SB 105** Sunset of OTLB; **SB 289** periodic Board review

Telemed services: **SB 151**, **SB 144**

Semi Independence **SB 279** for Medical board only

Final Discipline Orders to OSB **SB 372**; Dentistry discipline removed from website **HB 2683** D

Legislative amendments identify who proposes changes **SB 435**

Mental health programs **SB 465**

10. Planning for Strategic meeting: The August date was changed and the planning meeting postponed. First the board will review past strategic planning decision.

Some topics to consider: Supervision issues; CE/NBCOT audits; Investigator – budget costs; Re-design of Web site. The Director will ask for comments from OTA/O, LBCC, other interested parties.

11. New Business

- The OTAO Conference is set for October 9 and 10th in Bend, OR. The Board will make a presentation at the conference.
- **The Board will start a workgroup on Use of Aides by OTs.** We will look at how PTs use aides as part of the process. The Director will ask for volunteers in the March newsletter going out.
- The Board wants to review how changes to the marijuana laws might affect the licensees.
- The Board members discussed working with OTAO to have volunteers who can help with some of the specialty questions we receive.
- The Board expects that Nancy Schuberg and Sybil Hedrick will attend the next NBCOT conference.

Confirm Dates for 2015 Board meetings:

Friday **May 1, 2015** in Portland

Friday ~~Saturday Aug. 7—8, 2014~~ – **July 17** in Portland at the MAC club with a tour of the Providence facility where Board member Sybil Hedrick works as an OT.

Friday **Nov. 6, 2014** in Portland

The Board adjourned its meeting at 2:00 p.m.

Draft by Director, Felicia Holgate March 5, 2015