

Oregon OT Licensing Board
PUBLIC MEETING MINUTES – Friday July 17, 2015
Providence Sport Center 909 SW 18th Ave, Portland, OR 97205

The Oregon Occupational Therapy Licensing Board meeting was held Friday, July 17, 2015 at the Portland Providence Sports in Portland, Oregon. The Board members present were: Mashelle Painter, COTA/L Chair; Linda Smith, OTR/L; Robert Bond, B.A. public member, and Sybil Hedrick, OTR/L, CHT, CSCS. Juanita Shepherd, public member was excused. Felicia Holgate, Director and Nancy Schuberg, Licensing Specialist, were present. Also present during the public portion was Kari Hill, OT Assistant. With a quorum present, Mashelle Painter called the Friday meeting to order at 10:00 a.m.

1. Minutes:

The Board reviewed the minutes of the public meeting of May 1, 2015. A MOTION WAS MADE BY Robert Bond AND SECONDED BY Linda Smith TO APPROVE THE PUBLIC MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the confidential meeting minutes of May 1, 2015. A MOTION WAS MADE BY Robert Bond AND SECONDED BY Mashelle Painter TO APPROVE THE CONFIDENTIAL MEETING MINUTES WITH MINOR AMENDMENTS. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2. Report of the Director: Director, Felicia Holgate sends monthly reports on revenue and expenditures. The Ways and Means Committee approved the final Agency budget. The biennium ended June 30, 2015, with an ending balance of approximately \$325,000 – the final amounts for June being paid in what is called the 13th month in July. We are in a good financial position and within our budget.

2013 – 2015 BUDGET total was \$380,132 with \$15,838 a month for the 24 months.

2015 Revenues: April **\$4,504**; and May **\$2,949**; June we expect to be about \$4,000 for a total of approximately \$345,000.

2015 Expenditures: April **\$14,187**; and May **\$16,030**; June we expect to be about \$16,000, a total of approximately \$370,000 spending.

The beginning balance from the last biennium was \$330,000. The ending balance we project when the final costs are paid for July 2015 will be **approximately \$325,000** which goes into our 2015-2017 Budget.

The new current 2015 – 2017 Budget started July 1:

The formal FTE increase from 1.25 to 1.50 FTE and other general increases give us a budget of **\$453,829**. This is an “allotment” (ie spending) of **\$18,909** per month. Our revenue projections for 2015 – 2017 are **\$376,600** but we add in the ending balance of **\$325,000**. We need to have an “ending balance” by the end of June **2017** to pay **at least 8 months** to run the agency until

renewals start. The 8 months are for July 2017 until March, 2018 since this is when renewals start when we get 80% of our revenue.

Legislative session ended July 6 and not many bills affecting the OT Licensing Board passed. The board budget passed. There continue to be work on fingerprinting bills. The Behavior Analysts are licensed by Salem Health Licensing Office added language that OTs who can do behavior analysis do not need their certification since they can do this within the OT scope. Music therapists will be licensed in the Health office. Payment for Telemed services passed. The Medical Board did not get Semi Independence status. There will be a group to study of discipline posted on the license web sites and whether it can be taken off after a certain time. A bill dealing with CCO who provide behavior health services did not include OTs in the list of professionals, but OTs fall in within any professions that can do behavior health in their scope.

Board Education: In one of the CLEAR webinars the Director points out to the Board the following regarding code of conduct for Board members:

- Declaring Conflict: If a board member has a conflict they can either leave for that portion of the board meeting; or declare the conflict and stay, disclosing it making certain it is noted as such in the board minutes.
- The Mission of the Board is Protection of the Public. The biggest issues that come up in this area are: (1) not declaring conflicts (2) breach of confidentiality and (3) not following financial responsibility
- Sanctions and Consequences: if the work is not done appropriately. In Oregon the Board follows the Best Practices which makes sure the work of the Board is done. This includes areas such as a yearly evaluation of the Director, and review of financial statements.
- Governance of Boards: The why and what – is the responsibility of board members
Operations of the Board: The how – is the responsibility of the executive director

Marijuana laws: July 1st there were changes to the Oregon marijuana laws. The Oregon OT Licensing Board along with other Oregon health boards will follow up on any complaint regarding therapists. In terms of use of marijuana, it will be treated as any other complaint, with the Board checking whether laws were broken and whether there are issues such as competency.

The State is working with the Department of Justice on policy updates and the Oregon State police to create training for state employees. BOLI is also offering training sessions regarding recreational marijuana and will include substance abuse, prescription drugs, privacy concerns and disability accommodations.

As therapists you need to know what **your** employer rules, policies and collective bargaining agreement language guides you on such issues as reasonable suspicion and drug testing. Agencies will treat any suspected marijuana impairment the same as any suspected impairment of alcohol and prescription or illegal drugs. Please note only specific positions may be subject to mandatory drug testing. You need to check with your own personnel offices and any collective bargaining agreement or agency policy for specifics.

OLCC recently launched a public information to address general recreational marijuana questions at <http://whatslegaloregon.com/> BOLI (Bureau of Labor and Industries) is also offering training sessions regarding recreational marijuana and will include substance abuse, prescription drugs, privacy concerns and disability accommodations.

NBCOT Navigator webinar taken by Nancy Schuberg about the new system launched in June. Perhaps at the November meeting an OT Board member could use the system with Nancy Schuberg to show how it works.

- Navigator is available free to active OTR and COTA certificants. They can access it through their NBCOT account and can pull it up at any time so is convenient
- Through various tools up to 18 PDU's can be accrued toward renewal. Once a tool is completed, the PDUs are automatically filled in the log with a certificate available.
- An interactive virtual platform features games, quizzes and case simulations that mimic real life practice and case scenarios to help OTR and COTA certifications assess competency across all areas of occupational therapy.

Components include:

Mini Practice Quizzes 20 multiple choice questions. Results are given relative to your peer group with references and PDU earned.

Balloon Match Game users have to match balloons to the correct cloud in a limited period of time. Clouds could be children/adolescents, adults and seniors and the user has to match the balloons with different standardized tests.

Case Simulation gives practice of clinical reasoning by deciding on best action to take in a number of scenarios.

Self-Reflection asks specific questions related to your practice and navigator makes recommendations for tools to use. Or you can choose tools of your own choice through the navigator bar. There is also Custom Feedback, Reading list, and Evidence-based research.

There are 33 different ways to mix and match on the PDU activity chart. Everything is supported by current articles. Feedback is given on strength and weaknesses and a reading list is provided to help increase practice knowledge. Results will only be available to the licensee. It is up to the licensee to decide whether to share them. It is specifically designed for OTRs or COTA's - navigator will filter the tools that are appropriate.

Verifications: The Director worked with the California OT Licensing Executive Director Heather Martin and we now are sending license verifications to and from California by email. It is faster and cheaper. We hope to find someone in Washington State to do the same, but their bureaucracy makes it difficult to do.

Customer Satisfaction: Nancy Schuberg who now is the licensing specialist is getting high marks for her hard work. We received a recent email stating how much her follow up and quick service is appreciated. Recent results will be made available to the Board at the next meeting.

New Board member: Kim Smith will attend the November board meeting and we will start the process for board appointment. This is the public board member position to replace Robert Bond.

License Numbers: As of July 16 there were 433 OT Assistants and 1835 OTs for a total of 2,268 licensees. We issued approximately 37 licenses a month since the last Board meeting, counting the Limited Permits issued. Our applications have increased as we expected as summer grads start to apply for licensure and obtain Limited Permits. The big rush comes later this year because the Pacific Doctorate program classes go through August so applications will come in later than in the past.

There were 97 new licenses issued since the May meeting:

- 66 were OTs - 11 Initial licensees just passed the NBCOT certification exam
- 31 were OT Assistants - 73 by Endorsement coming from other states

There were 12 Limited permits issued of which 11 were from LBCC.

3. 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 – 06:** Reinstatement
- **OT 2013 – 08:** Probationary License
- **OT 2013 – 12:** Probationary License +
- **OT 2014 – 09:** Continued
- **OT 2015 – 05:** Interim Stipulated Agreement signed + Continued
- **OTA 2015 – 06:** New complaint, Continued
- **OT 2015 -07:** A MOTION WAS MADE BY Linda Smith AND SECONDED BY Mashelle Painter TO ISSUE A LETTER OF CONCERN. THE MOTION PASSED WITH ALL PRESENT.
- **OT 2015 – 08:** New complaint
- **Review of case 2013 - 09.** No action taken by the Board.

4. Ratify List of Licensees: A MOTION WAS MADE BY Linda Smith AND SECONDED BY Sybil Hedrick TO RATIFY THE LIST OF LICENSEES ISSUED SINCE THE LAST BOARD MEETING. THE MOTION PASSED WITH ALL PRESENT.

Lunch was provided as the Board continued working. The conference room overlooks the soccer field. The board members had a tour of the Providence Sports Center facility.

5. OTs in Education workload

The concerns about caseload and workloads and use of aides to do occupational therapy and loss of OT Assistants in the schools were discussed with **Sarah Drinkwater**, and members of the Dept of Education. The workgroup wants to adopt state guidelines. The group discussed some of the strategies the workgroup members came up with and the feedback from several surveys. The goal of the group is to find best practices and how best to improve services for children. 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.

There is a lot of statewide interest in this group. The next step was to have collaboration and 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, and develop Best Practice standards as a resource & reference, with an assessment resource library to augment local district evaluation resources. The group met with Connie Hector and Melissa Glover, Oregon Department of Education, Office of Learning-Students Services on Monday June 21 in Salem. There is a group panel on these issues set for the state conference. Working with the Department of Education and school administrators is the best way to get improvements.

Discussion continued about workload/caseload issues; decrease in the number of COTAs in schools; administrators not understanding the scope of OT practice, the scope of what COTA's can do, and what "supervision" and scope of COTAs practice not being understood. There is also concern about using the "consult" model inappropriately and use of aides to do what OTAs should be doing. In some schools aides are being called "motor specialists" and doing what is within the scope of an OT Assistant, providing a skilled service without the training.

It is important to work with the Dept of Education to have them work with school administrators and those providing related services to have them identify the problems and then to work to improve services for kids. We want to collaborate with the regional managers and administrators to come up with guidelines, and best practices. Behavior and mental health can be a large part of practice in the schools.

The OT Licensing Board will work with OTAOS as this is an Association issue and encourage OTs in education to join OTAOS and use their state association to advocate for them. The roundtable at the conference will help update therapists on the issues and where we are at and work on next steps. Hopefully this will help therapists engage with the state association and set up a school bases SIS (special interest group). The licensing board can have a link to the information and put also on the Association web site on issues of importance for school therapists. The important thing is to improve services for kids.

The group might review the AOTA power point about services for kids. The Board will provide this information in the next newsletter and encourage therapists to join in the work through the state association and join the state association. We want to help raise awareness of the issues.

6. Workgroup on Use of Aides is set up. Sybil Hedrick will head the group with Nancy Schuberg. A copy of the PT rules and AOTA guidelines are available. Members of the group: Susan B. Redmond, OT/L, MBA, Manager Acute Rehab Therapies; Mandi Moorehead, OT at Green Valley Rehab Health Center in Eugene; Susan Redmond, Acute Rehab, Salem health; Kari Hill, COTA, NWRES, Hillsboro; and Ann Brady.

A meeting is set for August. The plan is to define more specifically what an OT Aide can do. Some OTs for example would allow an aide to do an ultrasound under their sight and earshot, but others might not. This would be permitted under AOTA guidelines as long as the OTR was comfortable allowing the Aide to do so and the aide has the training and experience.

The goal to come up with further clearer rules and definitions on what aides can and cannot do. Currently there is specific training and a checklist required for the facility. The protocol recommendations could be proposed by this group and then adopted by the Board. The group will review the AOTA six domains of practice and clarify how an OT and COTA can “supervise” aides, including the newly licensed “behavior interventionists”. Currently the therapist must be on site.

It is important to have OT Assistants involved, someone from PEDS. The group will include a study of Use of aides in schools as well as supervision of the new legislative **behavioral interventionists** who can work under OT and OT Assistant.

7. OTAO Conference is set for October 9 and 10th in Bend, OR. Board members involved and meet with licensees to have them know who they are and what they do. The Board session is during the Saturday lunch period.

Felicia will do a summary of what has changed in the last 12 years.

The Board will update what we are working on including: OTs in schools. Use of Aides, NBCOT - CE, Telehealth, Marijuana, mental/behavior health, as well as make a review of financial status and continued reduced license fees.

Perhaps there can be a 10 – 15 minute interactive session with table groups could be part of the presentation during the Saturday lunch. Could there be a game like jeopardy, 100, 200, 500, 1000 points for answering Questions. There might be a pre or post True and False quiz. Nancy will work on updating posters.

8. Review of laws/rules: The Director has done a review of Oregon laws and rules review with Nancy Schuberg.

9. New Business:

Behavior Analyst and behavior analyst interventionists:

Behavior Analysis laws to treat autism and use of registered “behavior interventionists” with ongoing training and supervision by a licensed behavior analyst, by a licensed assistant behavior analyst or by a licensed health care professional” is allowed. SB 696 amended laws dealing with Behavior Analysts: <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB696>

The new law states: SECTION 4. The Health Licensing Office shall establish by rule criteria for the registration of behavior analysis interventionists. The criteria must include, but are not limited to, the requirement that the applicant: (1) Have a high school diploma or a General Educational Development (GED) certificate; (2) Be at least 18 years of age; Enrolled Senate Bill 696 (SB 696-B) Page 3 (3) Have successfully completed a state and nationwide criminal records check that requires fingerprinting; (4) Have completed at least 40 hours of professional training in applied behavior analysis approved by the office by rule; and (5) Receive ongoing training and supervision by a licensed behavior analyst, by a licensed assistant behavior analyst **or by another licensed health care professional.**

An OT wrote to ask about how OTs can work with the new legislation behavior interventionists through the Health Licensing Office. Specific regulations will be written by the Health Licensing Office. The question is what the OT Licensing Board will require for OTs supervising such behavior interventionists.

The Board discussed that both an OT and an OT Assistant could supervise the behavior analyst, just like they can supervise other aides. The Oregon board might expect more supervision as with other aides. Since the Board has just started the Workgroup of Use of Aides, the issue of how behavior analysts are supervised will also be discussed by them.

CE for Pacific experiential learning:

Sandra Pelham-Foster OTD, MPHA, OTR/L, Associate Professor and Academic Fieldwork Coordinator | Occupational Therapy Pacific University advised the Board about the occupational therapy clinical doctorate degree, which has 24 weeks of level II fieldwork, and an additional 16 week experiential component to the students required clinical learning opportunities. This experience does not have to be supervised by an OT. However, when the focus of the capstone work is in an advanced area of practice and would include direct patient care, then an OT would provide supervision. The community practitioners are requesting guidance if they may utilize the experiential supervision hours for license renewal credits. The OTLB currently does not have a category for supervision of OT experiential level student work.

The Board concurred that this can be added as a new CE category. Practitioners can be advised that the Board will give CE credit for those giving supervision for these students. The experiential is different and considered a separate category by ACOTE. Sandra agrees the newer change to current NBCOT does help, but also wants to promote the benefit of supervision for CE as much as she can as she looks for additional student placements.

Postponed: Strategic Planning meeting: The planning meeting was postponed until the August 2016 board meeting. There will be a review of past strategic plans. 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, and other interested parties. Other ideas are to work on an excel disciplinary/complaint summary that can pull statistics; consider I Pads for board members; OTA video/webinar/exam for those new to supervision.

Dates for 2015 Board meetings:

Friday/Sat. **October 9 – 10** OTA0 Bend conference with Saturday lunch presentation by the Board. The November meeting is changed from Friday to **Monday November 9, 2015** in Portland in room 445 at the Portland State Office Building.

Meeting Dates for 2016 changed to be generally on Monday:

Monday Feb. 8, 2015

Monday May 2, 2016

Friday – Sat. Aug. 1- 2, 2016 perhaps at Silver Creek Falls

Monday Nov. 7, 2016 after checking with Pacific and when new Director is free at OT School

The Board adjourned its meeting at 2:03 p.m. Draft by Director, Felicia Holgate July 21, 2015