

Oregon OT Licensing Board
PUBLIC MEETING MINUTES
Friday, August 6, 2021
Video Conference

The Oregon Occupational Therapy Licensing Board meeting was held Friday, August 6, 2021 via Video Conference. The Board members present: Board Chair Sybil Hedrick Park, OTR/L, CHT, CSCS; Erion Moore II, Vice Chair & Public Member; Kari Hill, COTA/L; Clyde Jenkins, Public Member; Maxwell Perkins, OTR/L, and Nancy Schuberg, Executive Director. AAG Angela Hunt and incoming board member OT Whitney Hooker also attended.

With a quorum present, Board Chair Sybil Hedrick Park called the Friday meeting to order at **10:01 am**.

1. Executive Session

Disciplinary/Investigations/Complaints: In accordance with ORS 192.660 (2) (L) which allows the Board to meet in Executive Session on matters to consider information relating to information obtained as part of complaints and disciplinary investigations.

The following cases were considered:

- **OT 2021-03:** New
- **OT 2021-06:** New
- **OT 2021-07** New

PUBLIC SESSION: The Executive session was adjourned and the meeting was brought back to public session. All votes were taken in public session.

2. Review and approve public and confidential Board meeting minutes from May 7, 2021 and Special Meeting on June 17, 2021:

The Board reviewed the minutes of the **public** meeting of **May 7, 2021 and Special Meeting on June 17, 2021**. A MOTION WAS MADE BY Erion Moore AND SECONDED BY Kari Hill TO APPROVE THE PUBLIC MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the **confidential** meeting minutes of **May 7, 2021 and Special Meeting on June 17, 2021**. A MOTION WAS MADE BY Erion Moore AND SECONDED BY Kari Hill TO APPROVE THE CONFIDENTIAL MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

3. Motions from Executive Session and Ratify List of Licensees:

2021-03 A MOTION WAS MADE BY Erion Moore AND SECONDED BY Kari Hill TO **dismiss the case**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2021-06 A MOTION WAS MADE BY Erion Moore AND SECONDED BY Kari Hill TO **dismiss the case**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2021-07 A MOTION WAS MADE BY Erion Moore AND SECONDED BY Clyde Jenkins TO approve the license. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

RATIFY LIST: A MOTION WAS MADE BY Erion Moore AND SECONDED BY Kari Hill TO **RATIFY THE LIST OF LICENSEES** ISSUED SINCE THE LAST BOARD MEETING. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

4. Report of the Director:

COVID-19/RE-OPENING OF STATE GOVERNMENT UPDATE: The mask mandate is now back into effect as of last week for all State workers in the state buildings. Buildings still are remained closed to the public through Sept. 1. The travel mandate however has been lifted.

The Governor announced on Wed that all Healthcare providers will be required to either have weekly COVID tests or be vaccinated. This is going to be a temporary rule through the OHA. This is enforced through their employers, not the boards. OHA can assess a \$500 civil penalty per day. Full compliance with the rule is required no later than 9/30/21.

2019-21 BUDGET REVIEW: Financial reports for the months of the **April, May and June** of 2021 were provided to Board members in their board packets. These are the final months of the 19-21 biennium.

Revenue: April: \$6,086; May: \$5,115; June: \$5,718.

Total Overall Expenditures: April: \$16,783; May: \$21,416; June: \$18,234.

The allotment is what the board can spend for the biennium and it **\$619,842**, or **\$25,327** per month. January was over at 28K, but overall, the Board is within the limitation.

Total Expenditures are broken into two categories, personal services (payroll costs) and services and supplies, (everything else)...

Personal Services: Expenditures: **April: \$14,077; May: \$14,870 June: \$14,472.** The Personal Services budget is **\$400,255** for the biennium or **\$16,677/mo.** The Board is within the limitation.

Services and Supplies: **April: \$2,706; May: \$6,546; June: \$3,762.** The Sales and Supply budget is **\$219,587** or **\$9,149/mo.**

The OTLB was awarded the CFO accts receivable honor roll certificate.

LEGAL FEES: The Board pays their legal fees on a quarterly basis based on a flat fee contract with the DOJ, but tracks actual costs monthly. **April: \$214; May: \$599; June: \$620.** Beginning 7/1/2021, the Board will make payments on a month-to-month basis.

21-23 BUDGET: Sine die was June 27th and the session is now over. The CFO said this was the hardest budget cycle and records were set on decision being made really late in the process. There were also record set for the number of budget bills processed in the last week of the session.

The budget bill SB 5521 was finally signed into law by the Gov on 7/14. Because most of the budgets went through the process so late, most agencies didn't have the bill signed by the governor by the start of the biennium (July 1).

The Ways and Means sub-committee went against the Gov budget proposal and gave the Health Related Licensing boards each 2 year budgets, instead of 1, and asked for a comprehensive study of staying autonomous versus transferring to HLO. Since Governor has signed the bill into law, the boards will move forward to work with DAS to complete the study.

The fee increases are now in place as of the start of the biennium July 1st.

LICENSE NUMBERS: As of August 5, 2021, the total number of licensees are: **2,349** OTs; **532** OT Assistants for a total of **2,881** licensees in Oregon.

BOARD APPOINTMENTS/RE-APPOINTMENTS: Whitney Hookers appointment forms were submitted to the Gov office at the start of July on track for a September Senate Confirmation Hearing. She is on track to start her term on Oct. 15th, when Sybil Hedrick Park's term ends.

Erion Moore is the next board chair and Kari Hill will be the Vice Chair, when Sybil goes off the board in Oct.

KPMS – BEST PRACTICES: This is one of the Board's 4 key performance measures. Each board member completed a survey. The results were OTLB is following best practices 100%.

2022 Board meeting dates: The board chose the following dates: Feb. 11, May 6, August 5, November 4. Sept. 23, 2022 for Strategic Planning.

OTAO: Updates:

- **2021 OTOA Conference:** Will be held virtually on Saturday, October 9th, the director has arranged for Dr. Varleisha Gibbs, the AOTA VP for Practice Engagement and Capacity Building to do a presentation on managing stress and burnout. Dr. Gibbs has also been attending the RSOI Town Halls with the school therapists and has been a great resource for them.
- **Leadership:** Lori Taylor is the new president and Liz Miller is now the past president.
- **OT Compact:** The director met with the OTOA presidents and explained why the Board was not in support of joining the OT Compact at this time.

OTLB Investigator – Sybil Hedrick Park has decided that she cannot commit to being the OTLB investigator when she leaves the board. The board will extend Leslea Smith's contract through 2022 and continue to look for an investigator to be on contract.

Pacific U – The director reported that she will give a presentation on licensing and the board on August 10th with the new grads.

Annual Board trainings: The director will send out an email in Sept. with information on how board members can complete the required annual trainings.

COSA: The director has been invited to sit on a panel at the COSA conference in October. The conference is for school administrators.

NBCOT Leadership Forum: will be virtual this year on Sept. 22-23 from 10-2pm. All Board members are invited to attend.

End of Directors report.

5. 2021 Legislative Session: bills related to the board or the profession or health providers that passed the legislative session: Sine die was June 27th.

[HB 2078](#) – changes pain management from one time 7 hrs to 1 hr. Completion at initial license and every 36 months thereafter. Governor signed into law.

Impact: Modifies the continuing education requirements related to mandatory pain management CE. Requires updates to the OARs – 1/2022.

[HB 2315](#)– Amended so that is only requires specified behavioral health providers (OT is not included) to complete required CE on Suicide risk assessment, risk and management. OT will continue to report any CE per SB 48 (2017). Governor signed into law.

[SB 5521](#) – Budget bill for Health Related Licensing Boards. Governor signed into law.

[HB 2359](#) Relating to Health care interpreters: Requires health care providers to work with health care interpreters from health care interpreter registry operated by the Oregon Health Authority to provide interpretation services.

[SB 567](#) Relating to discrimination in provision of health care; amending ORS 659.142. Make unlawful practice limiting or refusing treatment based on patient’s race, color, national origin, sex, sexual orientation, gender identity, age or disability, requires completion or individualized assessment.

[HB 3057](#) – During COVID-19, would allow OHA to share individually identifiable information related to COVID -19 info to care coordination entities (CCO’s insurers, clinic based care coordinators) at health plans and with for coordination purposes. Protect privacy Public hearing and work session held. Would take place under HIPAA umbrella. No one else would have access to data. (OT mentioned as a health provider). Governor signed into law.

[HB 3159](#) – requires health care provider and health insurer to collect from patient, client or member data on race, ethnicity, preferred spoken and written language, disability status, sexual orientation and gender identity. Requires OHA to establish data system for receipt and storage of specified data. Governor signed into law.

6. Rule amendment – final motion – CE – Accepting CE on self-care:

After the May 7, 2021 board meeting, the proposed rule for the CE Category and points allowing CE on self-help was filed. Notice was given to all the stakeholders, association, legislature, and all licensees through the Newsletter, and was also posted on the website.

339-020-0020 CE Categories and Points

(18) Personal Development / Self Care: not to exceed 4 points.

There were no public comments so the board had the final motion:

A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Erion Moore TO proceed with permanent rulemaking of rule 339-020-0020 (18). THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

7. Rule amendment – final motion – Imposition of Civil Penalties: After the May 7, 2021 board meeting, the proposed rule for the the amendment to Imposition of Civil Penalties was filed. Notice was given to all the stakeholders, association, legislature, and all licensees through the Newsletter, and was also posted on the website.

339-010-0021

Imposition of Civil Penalties

(1) Imposition of a civil penalty does not preclude disciplinary sanction against the occupational therapist's/occupational therapy assistant's license. Disciplinary sanction against the occupational therapist's/occupational assistant's license does not preclude imposing a civil penalty. Criminal conviction does not preclude imposition of a civil penalty for the same offense.

(2) The civil penalty shall be payable to the Board by **credit card** ~~cash~~, cashier's check or money order.

(3) Civil penalties shall be imposed according to the following schedule in the absence of a finding of aggravating or mitigating circumstances (per OAR 339-010-0022):

(a) Practicing or assisting in occupational therapy practice as defined in ORS 675.220(1) and 675.222 without a current Oregon license or limited permit due to nonpayment of fees, **\$250 per month**.

~~(A) Date license lapses to six months, \$100;~~

~~(B) Six months to twelve months, \$200;~~

~~(C) One year to two years, \$500;~~

~~(D) Two years and up, \$1,000.~~

There were no public comments so the board had the final motion:

A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Erion Moore TO **proceed with permanent rulemaking of 339-010-0021 Imposition of Civil Penalties**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

8. Rule amendment – final motion: Telehealth procedures in the event of an emergency: After the May 7, 2021 board meeting, the proposed rule for the amendment to the telehealth rules was filed. Notice was given to all the stakeholders, association, legislature, and all licensees through the Newsletter, and was also posted on the website.

339-010-0006

Standards of Practice for Telehealth

(5) When providing telehealth services, an occupational therapy practitioner shall have procedures in place to address remote medical or clinical emergencies at the patient's location.

There were no public comments so the board had the final motion:

A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Erion Moore TO **proceed with permanent rulemaking of 339-010-0006 Telehealth rules**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

9. Proposed rule: Board Compensation: The OTLB board member stipend rate per meeting is \$30, too low compared with other health boards. Raising the amount will require adding a rule. Here is what is in OTLB statutes:

675.310 (4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may **provide by rule** for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

After the May 7, 2021 board meeting, the proposed rule adding board compensation was filed. Notice was given to all the stakeholders, association, legislature, and all licensees through the Newsletter, and was also posted on the website.

339-001-0020 Board Member Compensation

(1) Compensation for preparation and attendance of regularly scheduled board meetings is \$125.

(2) Compensation for preparation and attendance of special meetings is \$30.

There were no public comments.

After the 2021 Legislative Session, the AAG advised that HB 2992 passed requiring that all board members must be paid a per diem. The DOJ is still looking at it and DAS will provide guidelines. The board voted to withdraw the notice of proposed rulemaking since a rule is no longer needed.

A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Erion Moore TO **withdraw the notice of proposed rulemaking for 339-001-0020**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

10. CE Waiver Request: An OT is requesting a waiver of his CE requirement from 30 to 15 points due to an injury. The rules state that the board in individual cases involving a physical disability can grant waivers of the minimum CE requirements. As long as the applications for waiver is at least 2 months prior to license expiration. The expiration of the license is May 31, 2022.

The board reviewed the information and granted the waiver.

A MOTION WAS MADE BY Sybil Hedrick Park AND SECONDED BY Erion Moore TO **grant the CE waiver request**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

11. Newsletter content: The Sept/Oct newsletter to all licensees will include an article about the change in board members, as well as COVID-19 latest updates. The new cultural competency and pain management requirements will be included as well.

12: Recognition of Service: The Director paid tribute to Sybil Hedrick Park for her eight years on the board, including two years as Board Chair, and presented her with a remembrance. Sybil completes her second and final four-year term on October 14, 2021.

The Board Chair adjourned the meeting at **11:48 am**.

2021 Board Meetings: Friday: November 5.

2022 Board Meetings: Fridays: Feb. 11, May 6, August 5, November 4. Sept. 23 Strategic Planning.

Nancy Schuberg, Director. August 10, 2021