

Oregon OT Licensing Board
PUBLIC MEETING MINUTES
Friday, November 5, 2021
Video Conference

The Oregon Occupational Therapy Licensing Board meeting was held Friday, November 5, 2021 via Video Conference. The Board members present: Board Chair and Public Member Erion Moore; Vice Chair Kari Hill, COTA/L; Public Member Clyde Jenkins, 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 Erion Moore called the Friday meeting to order at **10:03 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:** Continued
- **OT 2021-08:** New
- **OT 2021-10** New
- **OT 2021-12** New
- **OTA 2021-13** New
- **OT 2021-14** New
- **OTA 2021-15** New
- **OT 2021-16** 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. **Policy discussion:** The board revised the policy on when the board chair can approve past criminal history and when it needs to go to the full board. The board also reviewed the procedure for handling past sanctions that are undisclosed by the applicants.

3. Review and approve public and confidential Board meeting minutes from August 6, 2021:

The Board reviewed the minutes of the **public** meeting of **August 6, 2021**. A MOTION WAS MADE BY Max Perkins AND SECONDED BY Clyde Jenkins TO APPROVE THE PUBLIC MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the **confidential** meeting minutes of **August 6, 2021**. A MOTION WAS MADE BY Max Perkins AND SECONDED BY Clyde Jenkins TO APPROVE THE CONFIDENTIAL MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

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

2021-08 A MOTION WAS MADE BY Max Perkins AND SECONDED BY Clyde Jenkins TO **dismiss the case**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2021-10 A MOTION WAS MADE BY Max Perkins AND SECONDED BY Clyde Jenkins TO **dismiss the case**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2021-12 A MOTION WAS MADE BY Max Perkins AND SECONDED BY Clyde Jenkins TO **dismiss the case**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2021-13 A MOTION WAS MADE BY Max Perkins AND SECONDED BY Clyde Jenkins TO **dismiss the case**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2021-15 A MOTION WAS MADE BY Max Perkins AND SECONDED BY Clyde Jenkins TO **dismiss the case**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2021-16 A MOTION WAS MADE BY Max Perkins AND SECONDED BY Clyde Jenkins TO **dismiss the case**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

RATIFY LIST: A MOTION WAS MADE BY Max Perkins AND SECONDED BY Clyde Jenkins TO **RATIFY THE LIST OF LICENSEES** ISSUED SINCE THE LAST BOARD MEETING. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

5. Report of the Director:

COVID-19/RE-OPENING OF STATE GOVERNMENT UPDATE: Tentative date is now set for Jan. 1st to open back up state government. Oct. 18th was the deadline for all state employees to be vaccinated / have a religious exemption or their employment is terminated.

Final 2019-21 BUDGET REVIEW: Ending balance for 2019-21 biennium was \$313,572. A budget comparison with previous biennia's was provided to the board for review.

2021-23 BUDGET REVIEW: The Financial summaries for the months of **July, August and Sept.** reviewed by the Board.

Revenue: The fee increases are now in effect. Reflected in these totals is the \$20 increase to the application fee, the \$25 charge for verifications and the \$100 for mailing lists.

Total Revenue by month: July: \$5,450; August: \$7,552; Sept: \$6,684

Overall Expenditures: July: \$17,309; August: \$24,418; Sept: \$22,577

The allotment is what we can spend for the biennium and it is **\$697,289 or \$29,053** per month. Overall expenditures for the months of July, August and Sept. are 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.**

Personal services totals increased starting July, because the director returned to full time from .8 plus the cost of the contract investigator who is paid out of personal services because she is a state employee.

The Personal Services budget is **\$486,932** for the biennium or **\$20,288/mo.** That reflects a 1.65 FTE but we are keeping Rachel's position at .5. Personal Services totals are within the limitation.

Services and Supplies: July: \$227; August: \$7,530 ; Sept: \$5,207 The Sales and Supply budget is **\$210,357** or **\$8,765/mo.** The board is within the limitation.

21-23 Budget Note: The Ways and Means sub-committee granted the Health-Related Licensing Boards each 2 year budgets. The budget note states that the boards in consultation with DAS must complete a comprehensive study of the shared needs and the most efficient and cost effective method to achieving those needs.

The six Health Related Licensing Boards have sent a letter stating their intent to proceed with a report for the legislature. The report will be submitted in December to DAS.

Fingerprinting fee increase: The Oregon State Police has raised their fees for the fingerprint background checks. Currently the board pays 28.00 plus \$13.25 (FBI) for a total of \$41.25 per background check. Currently the board charges applicants \$40 per background check and absorbs the \$1.25/check difference, roughly \$800 per biennium. With the increase, the board will be charged \$46.25 per check, which equals \$4K per biennium the board must absorb. The Director will research what steps will be required to increase the fee and report back at the Feb. 11, 2022 meeting.

LICENSE NUMBERS: As of November 4, 2021, the total number of licensees are: **2,430 OTs; 547OT** Assistants for a total of **2,977** licensees in Oregon.

BOARD APPOINTMENTS: OT Whitney Hooker is still waiting to be appointed to the board since the September Senate Confirmation Hearing was postponed. The next hearing date is November 15th.

BOARD COMPENSATION: Board members were provided information on HB 2992 (2021) which raises the stipend amount. Board members, who wish to be paid a stipend, will be paid \$151 per meeting. Board members must complete a board attestation form and send it to the director who will upload it into the HR system, Workday.

KPMS – Customer Service Ratings/APPR report: The boards customer service ratings and comments received for the 20-21 fiscal year were reviewed by the board members. This is one of the Key Performance Measures for the Board. The board had 98% good or excellent ratings in all categories. Licensees appreciate the work of the board.

The Board reviewed the Annual Performance Review recently submitted to the Legislative Fiscal Office.

Pacific U: Recruitment of the new program director is in process. The director participated in meeting the candidates and watching their presentations.

New Oregon OT schools: Two new OT schools are opening up in Oregon. Western College Health Services in Lebanon will begin a doctorate program in 2022. George Fox will start a Masters degree program in 2024.

Annual trainings: The Director thanked the board members for completing the annual board trainings. There were three courses required: Preventing Discrimination and Harassment, Information Security Training and an Overview of Boards & Commissions.

NBCOT Leadership Forum: The director attended the virtual forum, provided summaries and notes in the board packets.

NBCOT Certification Renewal Panel: Board Member Kari Hill has accepted an appointment to this panel and updated the board.

End of Directors report.

6. Public Comments: There were no comments.

7. Proposed rule amendment: A directive by the Governor's office in consultation with the DOJ, for health boards to be able to take disciplinary action if licensees do not comply with OHA COVID-19 rule requiring face coverings and vaccines by health professionals. The board voted to go forward with the temporary rule.

339-010-0020 Unprofessional Conduct

(5) Unprofessional conduct relating to federal or state law or rules:

- (a) Intentionally making or filing a false or misleading report or failing to file a report when it is required by law or third person or intentionally obstructing or attempting to obstruct another person from filing such report;
- (b) Obtaining or attempting to obtain compensation by misrepresentation;
- (c) Engaging in assault and/or battery of any person;
- (d) Conviction of a crime or engaging in any act which the Board determines substantially relates to the practice of occupational therapy or indicates an inability to safely and proficiently engage in the practice of occupational therapy; or failing to notify the Board within 10 working days of a conviction of a misdemeanor, or an arrest for or conviction of a felony;
- (e) Disciplinary actions imposed by another professional licensing body based on acts by the licensee similar to acts giving rise to discipline under the Practice Act or rules of the Board;
- (f) Engaging in false, misleading or deceptive advertising.
- (g) Fails to notify the appropriate licensing board of any conduct by another licensed medical provider when the licensee has reasonable cause to believe that the medical provider has engaged in prohibited or unprofessional conduct. As used in this subparagraph, "prohibited conduct" means a criminal act against a patient or a criminal act that creates a risk of harm to a patient and "unprofessional conduct" means conduct unbecoming a medical provider or detrimental to the best interests of the public, including conduct contrary to recognized standards of ethics of the medical provider's profession or conduct that endangers the health, safety or welfare of a patient.
- (h) Fails to notify the Board of a change in the licensee's name, address, contact telephone number or place of employment or business as required by OAR 339-010-0018.

(i) Failing to comply with Oregon Health Authority's rules requiring masks, face coverings or face shields, including OAR 333-019-1011 or OAR_333-019-1015, if applicable.

(j) Failing to comply with Oregon Health Authority's rules requiring vaccinations, including OAR 333-019-1010 or OAR 333-019-1030.

Links to rules: [333-019-1011](#) [333-019-1015](#) [333-019-1010](#) [333-019-1030](#)

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Clyde Jenkins TO **proceed with a temporary rule (339-010-0020 (i) and (j))** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

8. Proposed rule amendment: The Pain Management CE rule drafts in compliance with HB 2078 were reviewed and approved by the board.

339-020-0015 ~~One-time requirement for CE on Pain Management~~

~~(1) After January, 2008, a one-time requirement of 7 points of CE on Pain Management must be completed as part of the 30 points of CE defined in OAR 339-020-0020.~~

~~(2) All currently licensed Occupational Therapists and Occupational Therapy Assistants who renew their license in May, 2010 must complete the one-hour online Oregon Pain Commission class and six additional points of CE on Pain Management. Any classes provided by the Pain Commission will count toward the 7 points. Licensees may use any CE points on Pain Management taken between 2006 and their renewal date in May, 2010.~~

~~(3) All new applicants for Occupational Therapy and Occupational Therapy Assistants must complete the one-time requirement of 7 points of CE on Pain management (including the one online hour offered by the Pain Commission) prior to their next renewal or within two years of license in Oregon, whichever comes later.~~

Rule change a result of the passage of [HB 2078](#).

339-020-0015 CE on Pain Management

(1) Beginning in 2022, all applicants for license renewal must complete the Oregon Pain Management Commission's pain management course during each license cycle.

(2) Beginning in 2024, as part of the renewal process, all applicants for renewal must demonstrate completion of the Oregon Pain Management Commission's pain management course in a format prescribed by the Board during every license renewal.

(3) This required CE on pain management may also be used towards satisfying the Occupational Therapy CE requirement under OAR 339-020-0010.

APPLICANTS:

339-010-0016 CE Requirements for Applicants for Licensure

(1) All applicants for licensure will either be current on their NBCOT certification (National Board of Certification in Occupational Therapy) or will need 30 points of Board approved continuing education two years prior to becoming licensed in Oregon.

(2) All applicants for licensure who have passed the NBCOT certification examination more than a one year ago and have been unlicensed for more than three years will:

(a) Successfully complete a Board approved Re-Entry Program specifically designed for occupational therapists preparing them for re-entry into the field of occupational therapy; or

(b) Successfully retake and pass the NBCOT examination within the previous year.

(3) All applicants for licensure must complete the Oregon Pain Management Commission's pain management course prior to issuance of licensure. Evidence of completion must be provided in a manner prescribed by the board.

(34) The Board has the discretion to waive requirement for license application requirements.

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Clyde Jenkins TO **proceed with rule making**. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

9. Newsletter content: The December newsletter to all licensees will include information about upcoming renewals, and share the information on KPMs.

The Board Chair adjourned the meeting at **12:48 pm**.

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

Nancy Schuberg, Director. November 17, 2021