

Oregon OT Licensing Board

Board Meeting – August 18, 2023

Portland State Office Building, 800 NE Oregon St. Suite 407, Portland, OR 97232

PUBLIC Board Minutes

The Oregon Occupational Therapy Licensing Board held a Board Meeting on **Friday, August 18, 2023**, via Zoom Video Conference. Board members: Board Chair/public member Erion Moore, Vice Chair Kari Hill, COTA/L, Maxwell Perkins, OTR/L, Whitney Hooker, OTR/L, CLT, public member Ellen Stauder and Nancy Schuberg, Executive Director were present. Angela Hunt, AAG attended the Executive Session. Guests: Paul Zulak, NBCOT Ambassador. Elise Dorris, board member candidate, Kristen Neville, AOTA State Affairs, and Jared Myers, Salem Keizer School District.

With a quorum present, Board Chair Erion Moore called the meeting to order at 10:01am.

Executive Session: In accordance with ORS 192.660 (2) (L) which allows the Board to meet in Executive Session on matters to consider information obtained as part of complaints and disciplinary investigations and ORS 1992.660(2)(f) to hear legal advice.

1. Disciplinary/Investigations/Complaints:

The following cases were considered:

- **2023-03** Continued
- **2023-06** Continued
- **2023-09** New
- **2023-10** 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. Pre-Discussion on boards position to questions regarding dysphagia. The board had a pre-discussion to bring all the members up to speed with the questions about dysphagia the board had received, and to discuss and agree upon the board stance. The bottom line is that the therapist must be competent and comfortable with what they are being asked to do. Therapists must self-assess whether they have the training, skill set and comfort level to do the intervention. If not, they should not be doing it. OTs do not work on swallowing in schools.

3. Review and approve public and confidential Board meeting minutes:

The Board reviewed the **public** meeting minutes of the **May 5, 2023 meeting:**

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Ellen Stauder TO APPROVE THE PUBLIC MEETING MINUTES. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the **confidential** meeting minutes of the **May 5, 2023 meeting:**

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Ellen Stauder 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:

2023-10: A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill 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 Ellen Stauder 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:

2021-23 BUDGET REVIEW: The Financial summaries for the months of **April and May** were reviewed by the Board.

Revenue: April: \$6,176; May: \$9,504.

Overall Expenditures: April: \$24,347; May: \$28,099.

The allotment is what the board can spend for the biennium and it is **\$697,289, or \$29,053** per month. Expenditures are within the limitation.

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

Personal Services: April: \$16,756; May: \$18,913.

Contract board investigator Leslea Smith worked 28.3 hours in April and 1.5 hours in May. Licensing Specialist Rachel Cillo did not work any overtime during these months.

May personal services totals were higher because the Board stipends were included.

The Personal Services budget is **\$486,932** for the biennium, or **\$20,288 per month**. The budget reflects a 1.65 FTE but we are keeping the AS2 position at .5. Personal Services totals are within the limitation.

Services and Supplies: April: \$7,591; May: \$9,186.

May was higher due to higher DOJ costs at \$2250, the quarterly fee for the database to Thentia, and costs associated with the board meeting / Erions trip to the AOTA conf.

The Sales and Supply budget is **\$210,357, or \$8,765 per month**. May was higher but overall, the board is within the limitation.

Most recent projections continue to show a healthy ending balance of \$350,000 for the 21-23 biennium.

23-25 Budget Update: As reported in the last meeting, the 23-25 budget passed and has been signed into law by the Governor. The new biennium began on July 1st. The fee increases are now in effect.

LICENSE NUMBERS: At the end of the day on August 17, 2023, the total number of **OT's: 2,387; OT Assistants: 499;** a total of **2,886** licensees in Oregon. There were **123** licenses issued since the last meeting that were ratified when the board had the motions.

BOARD APPOINTMENTS: Erion Moore will reach full term next year on April 21st. The board will start the appointment process to appoint Elise Dorris to the board as the new public member.

Max Perkins was re-appointed to the board for his 2nd term as the OT member, however, after 40 years as an OT, he has decided to go off the board next year and let his OT license expire. The board is advertising for a new OT member.

BOARD MEETING DATES: The final board meeting for 2023 will be held on Thursday, October 19th. The board chose dates for 2024 meetings: Jan. 24, May 3rd (in person), Aug. 2 and Nov. 1.

KEY PERFORMANCE MEASURES: The August meeting is when the board reviews performance on the key performance measures set by the legislature. Customer service feedback was high. The board only received one rating below good or excellent. The board is following best practices 100%. There was just one license that was issued late (past the 3 days of receiving all the required documents). Complaints are investigated on time 100% of the time.

OTAO CONFERENCE / BOARD PRESENTATION: The OTAO conference will be held the weekend of Oct. 28-29 at Pacific U's Main Campus in Forest Grove. Board members are invited to attend if they would like to and the board will pay for registration and travel expenses.

Max Perkins volunteered to present on behalf of the board at the conference. The title of the presentation is "Don't Let Ethical Issues Jeopardize Your License".

NEW EDUCATIONAL PROGRAMS IN OREGON: The Director updated the board on the new programs:

Western University of Health Sciences is no longer pursuing the OT doctorate program.

George Fox University which originally advertised to be a masters program is now going to launch a doctorate program in the Fall of 2024. The program director is OT Stanley Paul who said there are plans to admit 24 students for the initial cohort and increase it gradually to a maximum of 35-40 students over the next few years.

Western Oregon University: The new program director is Sean Roush who was formerly faculty and the interim director at Pacific U. He said one of the main reasons that WOU decided to start an OT program is that there are currently no public universities in Oregon offering an OTD. It will be out of Salem, and he's excited to work with the State Hospital, Chemeketa CC and the OTA program at LBCC.

OSPA PRESENTATION: Rachel Cillo, OTLB Licensing Specialist, along with David Linn and Sherri Paru from the Speech and PT boards, were invited to participate in a panel discussion at the OSPA (Oregon School Personnel Association) conference about Licensing requirements. It was held on July 24th.

NBCOT DISCIPLINARY DATA: Discipline data provided by the NBCOT was included in the board packet.

2022 WORKFORCE DATA: Data compiled from the OHA survey that all licensee completed when they renewed in 2022 was provided to the board members.

End of the director's report.

6. Public Comment: There were no public comments.

7. 2023 Legislative Session: An update on the bills that the board tracked during the 2023 legislative session was provided to the board members. Only two bills tracked by the board ended up passing. (The bill number is hyper linked to the bill).

HB 2618 – requires the DOE to study best methodology for determining appropriate caseload of school-based health practitioners – BSPA, OBPT, OTLB.

HB 5023 – Health related licensing boards budget bill.

8. Dysphagia – Feeding – Swallowing: The Board was joined by Kristen Neville, AOTA State Affairs and OT Paul Zulak and Jared Myers, administrator from the Salem-Keizer School District.

Dysphagia is a condition related to abnormal eating and swallowing. The AOTA guidelines state that "the treatment of eating, feeding and swallowing" are part of the OT's scope of practice. AOTA 2017 document on Eating, Feeding and Swallowing link:

[https://www.oregon.gov/otlb/Documents/AOTA%20Feeding%20Eating%20Swallowing%20\(2017\).pdf](https://www.oregon.gov/otlb/Documents/AOTA%20Feeding%20Eating%20Swallowing%20(2017).pdf)

Kristen provided these additional excerpts from AOTA and ACOTE:

Feeding is the term used to describe the process of bringing food to the mouth, “sometimes called self-feeding” (AOTA, 2014b, p. S19). Eating is defined as “keeping and manipulating food or liquid in the mouth and swallowing it. Swallowing is moving food from the mouth to the stomach” (AOTA, 2014b, p. S19). Feeding and eating, which are essential to human functioning for nourishment of the body, are forms of social interaction and are influenced by a person’s culture, including food choices, rituals around eating, and the social meaning of eating.

From the ACOTE standards: OTs are trained to: Evaluate and provide interventions for dysphagia and disorders of feeding and eating to enable performance, and train others in precautions and techniques while considering client and contextual factors.

OTAs are trained to: Demonstrate interventions that address dysphagia and disorders of feeding and eating, and train others in precautions and techniques while considering client and contextual factors.

OTs would generally not be working with students on swallowing within the school environment.

OTs work on accommodations and communicate protocols to make it safe for the student.

The OT Licensing Board does not get specific related to what an OT can and cannot do; the OT or OTA must self-assess whether they have the clinical competency, training and experience to deal with the issue, regardless of what the supervisor is asking.

There was discussion from a managerial perspective, if this is standard practice in the school settings, within the OT's scope and part of the job description; the onus would be on the therapist to achieve competency. The board suggested that competency can be established in many ways through additional training, shadowing, research, coursework, and observation.

The bottom-line message from the Board is that dysphagia management is an advanced practice and like all OT services, the therapist must be competent with what they are being asked to do before they do it. The therapist must assess if they have the training, skill set and comfort level to do the intervention. If not, they should not be doing it. If an issue comes up with the board, the licensee will be asked to prove they had the expertise, experience and education to do the intervention.

9. Proposed rule change – Limited Permit designations: The board reviewed a rule amendment of 339-010-0040 to require that those working under a limited permit use designations OT/LP and OTA/LP.

339-010-0040 Limited Permit

9) An occupational therapist working under a limited permit must clearly identify themselves as working under a limited permit by using the designation OT/LP.

(10) An occupational therapy assistant working under a limited permit must clearly identify themselves as working under a limited permit by using the designation OTA/LP.

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Ellen Stauder TO file notice of the proposed rule amendment to require designations under the limited permit rule. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

9. Proposed rule change – Unprofessional Conduct: The board reviewed a rule amendment of 339-010-0020 unprofessional conduct rules. Purporting to be a licensee or permittee when the person does not hold a valid license or permit is unprofessional conduct.

339-010-0020 Unprofessional Conduct

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

(i) Purporting to be a licensee or permittee when the person does not hold a valid license or permit.

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Whitney Hooker TO file notice of the proposed rule amendment to amend the rules on unprofessional conduct per the draft. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

10. Proposed rule change – CE Certification: The Board reviewed the rule amendment of the CE Certification rule to add the pain management requirement.

339-020-0800 CE Certification

(1) Persons seeking to renew their license or to restore a lapsed license shall submit with their application a statement certifying that they have completed CE requirements set forth in these rules that are applicable to them. If persons seeking renewal practiced in Oregon at any point during the prior licensing period, they are

required to obtain Cultural Competency CE as stated in 339-020-0025(1) and to complete the pain management course as stated in 339-020-0015(1).

A MOTION WAS MADE BY Max Perkins AND SECONDED BY Kari Hill TO file notice of the proposed rule amendment to amend the rules on CE certification per the draft. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

11. Newsletter content: Content of the next newsletter was discussed. It will feature the OTA Conference and OTLB presentation.

12. Strategic Planning: Progress on strategic plan goals: V4+ website launch has been completed.

13. Other Business: An update was provided on the OT compact.

14. Adjournment: The Board adjourned at 12:35 pm.

Nancy Schuberg, Executive Director. August 29, 2023.