

Oregon OT Licensing Board

Board Meeting – May 3, 2024

Portland State Office Building, 800 NE Oregon St., Conf. Room 1D, Portland, OR 97232

PUBLIC Board Minutes

The Oregon Occupational Therapy Licensing Board held a Board Meeting on **Friday, May 3, 2024**, at the Portland State Office Building. Board members: Board Chair Whitney Hooker, OTR/L, CLT; Vice Chair Kari Hill, COTA/L; public member Ellen Stauder; public member Elise Dorris; Heather McCarthy, OTR/L; Nancy Schuberg, Executive Director and Angela Hunt, AAG were present.

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

Agenda Amendment: The agenda item, Public Meeting Law Review was moved into Executive Session portion of the meeting.

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 192.660(2)(f) to her legal advice.

1. Disciplinary/Investigations/Complaints:

The following cases were considered:

- **2023-03** Continued
- **2024-02** New
- **2024-03** New
- **2024-04** New
- **2024-05** New
- **2024-06** New
- **2024-07** New
- **2024-08** New
- **2024-09** New
- **Public Meeting Law Review**

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:

The Board reviewed the **public** meeting minutes of the **January 26, 2024 meeting:**

A MOTION WAS MADE BY Ellen Stauder AND SECONDED BY Kari Hill TO APPROVE THE PUBLIC MEETING MINUTES with MINOR CORRECTIONS. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

The Board reviewed the **confidential** meeting minutes of the **January 26, 2024 meeting:**

A MOTION WAS MADE BY Ellen Stauder AND SECONDED BY Kari Hill TO APPROVE THE CONFIDENTIAL MEETING MINUTES with MINOR CORRECTIONS. THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

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

2024-03 A MOTION WAS MADE BY Kari Hill AND SECONDED BY Ellen Stauder TO **dismiss the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2024-04 A MOTION WAS MADE BY Kari Hill AND SECONDED BY Ellen Stauder TO **dismiss the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2024-05 A MOTION WAS MADE BY Ellen Stauder AND SECONDED BY Heather McCarthy TO **dismiss the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2024-07 A MOTION WAS MADE BY Kari Hill AND SECONDED BY Ellen Stauder TO **dismiss the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

2024-09 A MOTION WAS MADE BY Kari Hill AND SECONDED BY Ellen Stauder TO **dismiss the case.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

RATIFY LIST: A MOTION WAS MADE BY Kari Hill 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.

4. 2024 Legislative bills: The following bills were tracked by the board during the 2024 short legislative session ending on March 7, 2024.

HB 4122 The bill directs the Oregon State Police (OSP) to establish a fingerprint retention system for participation in the FBI's Rap Back system. Creates requirements for authorized agencies to participate in the program to receive continuous notification of a person's criminal history. If there was an arrest of the participant who was enrolled in the voluntary program, we would be notified. Due by Jan. 1, 2025. When available from OSP, OTLB staff will review requirements for possible participation.

SB 1552 Omnibus bill. Section 44 relates to future applicants to be able to request from the board an evaluation of their criminal history to find out whether they would be able to get licensed prior to investing in the educational program. Similar to NBCOT Early Determination Review, people can find out if they would be allowed to sit for the NBCOT exam prior to starting their educational program. This applies to all health

boards and is due July 1, 2025. This is a requirement of all health boards so will be working with our sister boards as well as the DOJ on rulemaking.

SB 1557

Section 5 - Access to Health Care. Prohibits the denial of access to mental health assessment, treatment, or services to any individual under the age of 21 years on the basis that the individual also has an intellectual or developmental disability. Requires OHA, ODHS, the Department of Education (ODE), the Oregon Medical Board, and other health licensing agencies to adopt rules to implement the above provisions. The board may need to adopt rules since OTs are QMHPs. More analysis is needed.

5. Report of the Director:

2023-2025 BUDGET REVIEW:

The Financial summaries for the months of January through March, 2024 were reviewed by the Board. The budget for the biennium is **\$755,948**, which is how much the board can spend. The salary pot of \$33,067 additional limitation, has been added to the original budget to cover the COLA that employees received.

Revenue: Jan.: **\$8,043**; Feb.: **\$11,419**; Mar. **\$157,129**. March reflects the first month of the board's three-month renewal period. License renewals generally accounts for 75% of the boards revenue.

Overall Expenditures: Jan.: **\$24,981**; Feb.: **\$27,957**; Mar. **\$28,298**. The allotment is what we can spend for the biennium and it is **\$755,948** or **\$31,498** per month. The board is within the limitation.

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

Personnel Services: Jan.: \$20,958; Feb.: \$21,434; Mar.: \$20,778.

February was a little higher because it includes payment for investigator Leslea Smith time worked for OTLB on cases.

With the salary pot added, the Personal Services budget is **\$531,480** for the biennium or **\$22,145** per month. The board is within the limitation.

Services and Supplies: Jan.: \$4,023; Feb.: \$6,523; Mar.: \$7,520.

The Sales and Supply budget is **\$224,468** or \$10,218 per month. The board is within the limitation.

25-27 BUDGET UPDATE: Budget planning for the 25-27 budget is in process and the Director reported that she has submitted the revenue forecast to the Dept. of Administrative Services (DAS). The next step will be to review the budget with CSL (inflationary costs) and determine if adjustments are required. The Agency Request Budget is due to be submitted to the CFO on August 1, 2024.

RENEWAL UPDATE: The board's biennial license renewals began on March 1st and will go through May 31st. Current licenses expire on May 31st and on June 1st, licenses not renewed change to lapsed status.

The Director reported that renewals have been going smoothly. The board had 3,066 licensees when renewals began and it is anticipated that the board will lose 23-24% of its licensees.

All licensees must upload their legislatively mandated cultural competency and OHA pain management module CE completion certificates. Board staff audits the mandatory CE on 100% of the renewals submitted. Board staff also audits the NBCOT certification status, making sure it is consistent with what the licensee reported. Those not certified must upload 30 points of CE taken within the last two years.

LICENSE NUMBERS: As of May 2, 2024, there were 2,621 OT's and 549 OT Assistants for a total of **3,170 OT** practitioners licensed in Oregon. There were **118** licenses issued since the January 26, 2024 board meeting that were ratified when the board had their motions.

KPMs – Best Practices: The board has four Key Performance Measures that are reported to the legislature every biennium. 1. Timely licensing, within 3 days of receipt of required documents; 2. Timely resolution of complaints, within 120 days, 3. 95% good or excellent customer satisfaction and 4. 100% rating of following best practices.

The board approved a proposed change to the #2 on the list of best practices. In line with Governor Kotek's expectations of agencies, the Executive Director will receive a performance review every 2 years. The board approved the proposal.

A MOTION WAS MADE BY Heather McCarthy AND SECONDED BY Ellen Stauder TO **revise #2 on the Best Practice questionnaire, changing annual performance review to a biennial performance review.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

BOARD APPOINTMENTS: Heather McCarthy and Elise Dorris attended the Senate appointments hearing on Feb. 8th. Heather and Elise both officially started their first terms on the board on Feb. 16th and April 21st, respectively.

The next appointment will be in 2025 when Kari Hill, COTA/L reaches the end of her second term.

2024 BOARD MEETING DATES: The remaining board meeting dates for 2024 will be August 9 and November 1st. The board members will select board meeting dates for 2025 at the August board meeting.

2024 BOARD TRAININGS: If they haven't done so already, board members were reminded to complete the required annual trainings on preventing harassment in the workplace and on phishing. The courses can be accessed in the Workday system.

2024 OTAO CONF. / PRESENTATION: The dates of the 2024 OTAO Conference are Friday, November 15th and Saturday, November 16th at LBCC in Lebanon.

Board member Whitney Hooker volunteered to give a presentation on behalf of the board at the conference. The board will pay for conference fees and travel expenses if the board members would like to attend.

NEW GRAD/STUDENT GUIDE: The Board reviewed an addition to the New Graduate/Student guide.

A/R HONOR ROLL: The board received a letter from CFO that the board made the honor roll for accounts receivable reporting in fiscal years 22 & 23. The board shares the award with our accounting counterparts, Katy Moreland, Maria Bustamante and Daisy Tran at DAS who complete the complicated AR forms and submit them on board's behalf.

AOTA STATE AFFAIRS/ NBCOT NEWSLETTERS: The Director shared the recent newsletters received from the AOTA State Affairs group and the NBCOT.

End of the director's report.

6. Public Comment: There were no public comments.

7. 2024 AOTA ASPIRE CONFERENCE: Whitney Hooker shared information with the board about her trip to the AOTA conference.

8. Proposed rule change: For rule, 339-010-0005 Definitions Section (6)(c)(L), the proposed rule change revises the verbiage from "Management of feeding and eating to enable swallowing performance" to, "**Management of feeding, eating and swallowing to enable eating and feeding performance.**" This is in line with the AOTA 2022 Practice Act.

A MOTION WAS MADE BY Kari Hill AND SECONDED BY Heather McCarthy TO **file notice of the proposed rule.** THE MOTION PASSED WITH ALL PRESENT VOTING IN FAVOR.

9. Licensee newsletter: The next newsletter will be sent after the completion of renewals. The newsletter will focus on the totals from renewals, introduction of the new board members and thanking the outgoing board members.

10. Strategic Planning: The board reviewed progress made on the strategic plan.

11. Other Business: None

12. Adjournment: The Board adjourned at 2:19 pm.

Nancy Schuberg, Executive Director. June 12, 2024