

DEPARTMENT OF CONSUMER AFFAIRS

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
DIVISION 39.**

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:

**Applications**

**NOTICE IS HEREBY GIVEN** that the California Board of Occupational Therapy (hereafter Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

**WRITTEN COMMENT PERIOD**

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than by Tuesday, April 1, 2025**, or must be received by the Board at the hearing, should one be scheduled.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. Except for technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 2570.3 and 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 30, 114.5, 115.5, 144, 850, 851, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, 2570.15, and 2570.16, the Board is considering amending sections 4110, 4111, 4112, and 4114 of Title 16 of the California Code of Regulations (CCR).

## **INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW**

The California Board of Occupational Therapy (Board) licenses, regulates, and investigates complaints against occupational therapy practitioners in California. The licensing categories, totaling more than 25,400 licensees and limited permit holders, include: occupational therapist license, occupational therapy assistant license, occupational therapist limited permit, and occupational therapy assistant limited permit. It is the Board's duty to enforce and administer the Occupational Therapy Practice Act, Chapter 5.6 sections 2570-2572 of Division 2, of the Business and Professions Code (BPC). Specifically, BPC 2570.20 requires the Board to adopt rules. . . for persons holding a license to practice occupational therapy or to assist in the practice of occupational therapy in this state."

Existing law sets the education, experience, and examination requirements as a means of determining entry level competency for occupational therapy practitioners. Prior to the inception of the BreEZe system, applicants could not submit their applications online. As of October 2016, applicants have an option to submit their applications in person or online, thus eliminating the necessity of the phrase "if available."

The proposed language will specify that the application can be accepted via online submission and will clarify the definition of "received" as it pertains to the application submission process. The proposed language will remove use of the phrase "accepted for filing" and replace it with the word "received" which is more consistent with the Board's current business process, since staff does not notify the applicant of acceptance, but rather approval of their applications.

Existing regulation defines that an application for an occupational therapist license or an occupational therapy assistant license be deemed abandoned if the applicant does not complete the application within two years after it is originally received by the Board and also allows an applicant a period of 60 days to submit the initial license fee after their application has been approved by the Board.

The proposed language will also decrease the time the Board must hold on to an application for licensure that has been abandoned but will increase the number of days an approved applicant has to pay for their initial license. This is necessary as applicants who are not yet working may need more time to produce the required funds. Due to the online capability of the BreEZe system, applicants can submit all of their documents electronically. Thus, the Board decided to reduce abandonment time for applications not completed within one year instead of two years. The Board also approved to extend the time for applicants to submit their initial license and limited permit fees from 60 days to 90 days to give new graduates extra time to secure employment.

Existing regulation defines that an application for a limited permit be deemed abandoned and the application fee forfeited if the applicant fails to complete the application or submit the required fee within sixty (60) days after it is originally received by the board. The regulation also allows an applicant a period of 60 days to submit the initial license fee after their application has been approved by the Board.

The proposed language will clarify that the limited permit application abandonment process by separating the acts of applying for the limited permit and paying the fee to receive the limited permit number. The language will clarify the imposed timeframe for each aforementioned action. The National exam can now be taken online which drastically reduces the processing time. Additionally, the visa process for foreign applicants has become more efficient and can be completed in one year. The language will notify the limited permit applicant that their application fee will be forfeited if the application is abandoned because board staff completed the review process despite the applicant not completing the application.

The proposed language was considered and approved by the Board at its August 24-25, 2023, Board Meeting.

### **Anticipated Benefits of Proposal**

This regulatory action proposes minor amendments to the application that are designed to help applicants with providing the correct fees for the application and fingerprint cards. The new language will provide clarity and transparency to the occupational therapy applicants who are applying for their initial license and/or limited permit. This action will also define certain terms related to the submission and review process of applications.

This regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state's environment.

### **Evaluation of Consistency and Compatibility with Existing State Regulations**

During the process of developing this regulatory proposal, the Board has conducted a review of any related regulations and has determined that these regulations deal with the qualifications of occupational therapists and occupational therapy assistants. Therefore, this regulatory proposal is consistent and compatible with existing state regulations.

**INCORPORATION BY REFERENCE:** None

## **DISCLOSURES REGARDING THIS PROPOSED ACTION**

### **FISCAL IMPACT ESTIMATES**

#### **Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

The Board estimates up to 16 individuals per year currently have to re-apply for licensure after their first application is deemed abandoned due to failing to complete their application or submit their initial license fee timely. Under this proposal these individuals will be required to pay \$50 for licensure, which would result additional license fee revenues of \$800 per year and up to \$8,000 over ten-year period.

The Board notes, no additional workload and costs will be incurred under this proposal because the Board is currently processing these applications.

The regulations do not result in costs or savings in federal funding to the state.

**Nondiscretionary Costs/Savings to Local Agencies:** None

**Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement:** None

**Mandate Imposed on Local Agencies or School Districts:** None

**Significant Effect on Housing Costs:** None

### **BUSINESS IMPACT ESTIMATES**

The Board has made an initial determination that the proposed regulatory action would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence which supports this determination.

### **Cost Impact on Representative Private Person or Business**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### **RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS**

#### **Impact on Jobs / Businesses**

The Board has determined that this regulatory proposal will not have any impact on the following:

- 1) the creation or elimination of jobs within the state,
- 2) the creation of new businesses or the elimination of existing businesses within the state, or,
- 3) the expansion of businesses currently doing business within the state.

This proposal would not have any of the above-referenced impacts as explained in the "Business Impact Estimates" section of this notice.

#### **Benefits of Regulation:**

This regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state's environment as this proposal is not related to any of those issues.

#### **Business Reporting Requirements**

The regulatory action does not require businesses to file a report with the Board

#### **Effect on Small Business**

The Board has determined that the proposed regulations will not affect small businesses. Although small businesses owned by licensees of the Board may be impacted the Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at [1610 Arden Way, Suite 121, Sacramento, California 95815](#) during the written comment period, or at the hearing if one is scheduled or requested.

### **AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE**

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board, at [1610 Arden Way, Suite 121, Sacramento, California 95815](#).

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Persons named below or by accessing the website listed below.

## **CONTACT PERSONS**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Ranjila Sandhu  
California Board of Occupational Therapy  
1610 Arden Way, Suite 121  
Sacramento, CA 95815  
Tel: (916) 263-2294  
Email: cbot@dca.ca.gov

The backup contact person is:

Jody Quesada  
[Same contact information as above]

## **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text ,if any, can be accessed through the Board website at [https://www.bot.ca.gov/board\\_activity/laws\\_regs/prop\\_regulations.shtml](https://www.bot.ca.gov/board_activity/laws_regs/prop_regulations.shtml).