

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**

400 R Street, Suite 5400  
Sacramento, CA 95814  
Phone: (916) 322-3394; FAX: (916) 445-6167  
E-mail: [cbot@dca.ca.gov](mailto:cbot@dca.ca.gov); Web: [www.bot.ca.gov](http://www.bot.ca.gov)

State of California  
Department of Consumer Affairs  
Gray Davis, Governor



---

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY  
BOARD MEETING MINUTES

November 7, 2001  
Rialto, California

**A. Call to Order, Roll Call, Establishment of a Quorum**

President Luella Grangaard called the meeting to order at 10:10 a.m. Secretary Christine Wietlisbach called the roll.

Board Members Present

Luella Grangaard, President  
Hugh Smith, Vice-President  
Christine Wietlisbach, Secretary  
Cynthia Burt  
Roberta Murphy  
Suzanne Sampson

Board Member Not Present with Excused Absence

Margaret Cunningham

**B. President's Remarks**

Ms. Grangaard welcomed the public, encouraging them to participate during, not only during the public comment session, but in other agenda items as well. She explained that Board meetings are noticed at least ten days prior to each meeting, that the Board takes action only on agenda items and that Board business is a matter of public record.

Ms. Grangaard commented that the definition of hand therapy in section 2570.2(l) of the Occupational Therapy Practice Act, "treatment of the hand, wrist and forearm", is causing confusion amongst various individuals, institutions and organizations. She indicated that many have interpreted this to mean occupational therapists cannot perform occupational therapy on the hand, wrist or forearm unless they are Certified Hand Therapists, which is limiting consumer's access to occupational therapy services. Ms. Grangaard said it is the Board's position that occupational therapy, by its very definition, encompasses the entire body and mind, quoting section 2570.2(k), which states in part, that occupational therapy is "the therapeutic use of purposeful and meaningful goal-directed activities which engage the individual's body and mind in meaningful, organized, and self-directed actions that maximize independence, prevent or minimize disability, and maintain health." She encouraged practitioners to continue to practice consistent with professional standards and asked the executive officer to prepare a letter explaining the Board's position on this matter.

### **C. Public Comment Session**

There were no public comments during this agenda item.

### **D. Approval of August 15, 2001 Board Meeting Minutes**

The Board reviewed the August 15, 2001 meeting minutes.

- ◆ **Roberta Murphy moved to approve the August 15, 2001 Board Meeting Minutes.**
- ◆ **Suzanne Sampson seconded the motion.**
- ◆ **The motion carried unanimously.**

### **E. Executive Officer's Report**

Gretchen Kjose, Executive Officer, advised that a Budget Change Proposal, in the amount of \$355,000 for fiscal year 2002/03 and \$22,400 ongoing was approved by the Department of Finance, giving the Board reimbursement authority for fingerprinting fees.

She reported that new office space had been located at 444 North Third Street, Sacramento, and that relocation of the Board's office would occur by the end of January or first of February 2002. She indicated that Jeff Hanson was hired as a staff services analyst on October 1, 2001 and Paula Pimentel would fill the office technician position on November 13, 2001.

She explained that several legislative proposals were sent to the Department of Consumer Affairs' (DCA) Legislative Unit for inclusion in DCA's Omnibus Bill, which would be discussed later today. She also indicated that the Board's infrastructure regulations were undergoing the various levels of review required before being sent to the Office of Administrative Law.

Ms. Kjose announced that Board's web site had been developed and includes information on Board meetings, agendas, laws, and proposed regulations.

### **F. Report on the Occupational Therapy Association of California's Annual Conference**

Ms. Kjose reported that the Occupational Therapy Association of California's (OTAC) Annual Conference was held in Sacramento on October 12-14, 2001 and that the Board was one of many conference exhibitors. She indicated that over 225 people visited the Board's booth, receiving information on licensing and certification requirements. She also congratulated Christine Wietlisbach who was the recipient of OTAC's Award of Excellence.

### **G. Report on Board Member Orientation**

Ms. Kjose advised that Hugh Smith and Suzanne Sampson attended DCA's Board Member Orientation on October 18-19, 2001 in Sacramento. She reminded the Board that they must complete mandatory Ethics Training by December 31, 2001 and indicated that it was available on video or through the Department of Justice web site. She pointed out that a copy of the Administrative Procedure Act (APA) was included in

today's Board packet and stated that this will be a valuable reference tool when the Board begins to deal with disciplinary matters.

Ms. Sampson and Mr. Smith commented that the orientation delved into policies and procedures pertaining to what Board members can and cannot do. Both indicated that the second day was particularly interesting because it was held at the State Capitol where DCA's Board Relations staff held a mock legislative session.

Legal counsel, Laura Freedman Eidson gave a briefing on the Form 700, Statement of Economic Interests, advising the Board that they must keep track of and report any gifts in excess of \$10.

## **H. Discussion of Proposed Legislation for 2002**

Ms. Kjose gave an overview of four legislative proposals that will be included in DCA's 2002 Omnibus Bill. She indicated that the first one will correct a typographical error in section 2570.5(b) of the Occupational Therapy Practice Act, amending the language to provide that a person who has completed the education and experience requirements may apply for a limited permit while waiting to take the examination or waiting for the results of the examination.

Secondly, she stated that existing law contains two sections 2570 and the proposed legislation will clarify which section 2570 is referred to in section 2570.8(a), eliminating confusion over which set of requirements an applicant must have met by January 1, 2003.

Thirdly, she reported that enabling statutes did not give the Board authority to charge an application fee, and this proposal will authorize such a fee.

Finally, she said that section 2470.20(c) incorrectly references a section of the Accountancy Act and this legislative proposal will correct the reference to the appropriate Government Code.

Ms. Freedman Eidson also advised that legislation must be developed authorizing the Board to take disciplinary action against a licensee or certificate holder, a key component of a regulatory agency's ability to protect consumers. She indicated that current law, section 2570.17, limits the Board's disciplinary authority to denying an applicant licensure or certification. She said there is no authority for the Board to discipline an individual once they have become licensed/certified. She noted that typically this type of language grants authority to revoke, suspend, place on probation, or otherwise discipline a licensee or certificate holder for incompetence, gross negligence and other prohibited acts. She suggested that staff develop the language for the Board's consideration and mentioned that the Board would need to obtain a sponsor for this legislation.

## **I. Report of October 24, 2001 Regulatory Committee Meeting**

- 1. Scope of Practice Regarding Feeding and Swallowing Assessment, Evaluation or Intervention.**
- 2. Scope of Practice Regarding Hand Therapy**

Cynthia Burt reported that 31 people attended the regulatory committee meeting in Los Angeles on October 24, 2001. She related that the primary purpose of the meeting was begin to gather as much

information as possible from those involved in these types of practice so that the regulations developed are reflective of current practice and what is needed to protect the consumer. Ms. Burt indicated that two task forces had been developed to address feeding/swallowing and hand therapy issues and announced that Ms. Wietlisbach will head the hand therapy task force and Margaret Cunningham will chair the feeding/swallowing task force.

**J. Report of November 7, 2001 Regulatory Committee Meeting**

- 1. Disciplinary Guideline Regulations**
- 2. Ethical Standards of Practice**

Suzanne Sampson reported that a regulatory meeting was held earlier today to discuss disciplinary guidelines and ethical standards of practice. She indicated that the development of disciplinary guidelines would be postponed until the Board has statutory authority to discipline a license/certificate. Ms. Freedman Eidson clarified that disciplinary guidelines assist administrative law judges in making decisions in administrative matters when the Board has filed an Accusation or Statement of Issues against a licensee.

Ms Sampson advised that Roberta Murphy would develop a matrix for discussion purposes for the next committee meeting listing ethical standards of practice used in other states that regulate the profession.

**K. Review and Approval of Proposed Regulations to Adopt Title 16, Division 39, California Code of Regulations Sections 4140, Issuance of Citations; 4140.1, Assessment of Administrative Fines; 4140.2, Appeal of Citations; and 4140.3, Compliance with Citations.**

Ms. Kjose explained that the Board has authority to issue citations and fines under Business and Professions Code Section 125.9 but must first develop regulations regarding such. She indicated that issuance of a citation and/or administrative fine is an informal way of dealing with violations of law that do not warrant revocation or suspension of the license/certificate in order to protect the public. She then gave a brief overview of each proposed regulation and advised that, if approved at today's meeting, the regulations would be officially noticed through the Office of Administrative Law (OAL), with the public hearing held 45 days later.

Ms. Freedman Eidson recommended that section 4140.1 be changed to delete the specific periods of time referenced for unlicensed activity resulting from a lapsed license or certificate, explaining that they would be too restrictive. Ms. Grangaard asked for input from the audience but there were no comments.

- ◆ **Hugh Smith moved to approve the proposed regulations with the changes recommended by legal counsel; to delegate to the executive officer authority to adopt the regulations at the expiration of the public comment period if there were no adverse comments; and to make technical, non-substantive changes as may be required by the Office of Administrative Law.**
- ◆ **Roberta Murphy seconded the motion.**
- ◆ **The motion carried unanimously.**

**L. Discussion on Strategic Planning Process**

Ms. Kjose explained that all boards within DCA are required to have a Strategic Plan that is updated annually by July 1 and suggested that the Board hold a strategic planning workshop in conjunction with its next Board meeting, which the Board agreed to do.

**M. Tentative Schedule of Future Meetings**

The Board developed a tentative schedule for 2002, agreeing to hold its regulatory committee meetings in conjunction with Board meetings. The following dates and locations were selected:

January 17 and 18, 2002	Oakland, California
April 4 and 5, 2002	San Diego, California
June 21, 2002	Sacramento, California
September 26 and 27, 2002	Los Angeles, California (vicinity of Burbank Airport)
December 13, 2002	Sacramento, California

**N. Adjournment**

The meeting adjourned at 12:05 p.m.