

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**

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State of California  
Department of Consumer Affairs  
Arnold Schwarzenegger, Governor



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**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY  
BOARD MEETING MINUTES**

**May 19, 2005  
Sacramento, California**

**Board Members Present**

Luella Grangaard, President  
Margaret Cunningham  
Hugh Smith  
Christine Wietlisbach

**Board Members Absent**

Mary Evert (Excused – Medical Reasons)

**Staff Present**

Gladys Mitchell, Interim Executive Officer  
Norine Marks, Legal Counsel  
April Freeman, Associate Governmental Program Analyst  
Jeff Hanson, Staff Services Analyst  
Marsha Gove, Office Technician  
Joseph Clarke, Office Assistant

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

President Luella Grangaard called the meeting to order at 9:20 a.m. Executive Officer Gladys Mitchell called the roll. A quorum of the Board was present.

Staff made two attempts to contact the teleconference location at Pomerado Hospital in order to ascertain if any members of the public were present. There was no answer.

**B. President's Remarks**

**C. Approval of the March 15, 2005 Board Meeting Minutes and the April 28, 2005 Board Meeting Teleconference Minutes**

The Board reviewed the March 15, 2005 Board Meeting Minutes and made one correction to include the swearing in of Christine Wietlisbach who was re-appointed to the Board.

- ◆ **Christine Wietlisbach moved to approve the March 15, 2005 Board Meeting Minutes as corrected.**
- ◆ **Hugh Smith seconded the motion.**
- ◆ **The motion carried unanimously.**

The Board reviewed and approved the April 28, 2005 Teleconference Meeting Minutes.

- ◆ **Hugh Smith moved to approve the April 28, 2005 Board Teleconference Meeting Minutes.**
- ◆ **Margaret Cunningham seconded the motion.**
- ◆ **The motion carried unanimously.**

**D. Executive Officer's Report**

- 1. Legislation**
- 2. Budget Report**
- 3. Sunset Complaint Survey**
- 4. Other Informational Items**

Legislation: Ms. Mitchell reported that three pieces of proposed legislation have been submitted to the Senate Business and Professions Committee for inclusion in the Omnibus Bill. The bills have not yet been included. If any one of the bills is not included in the Omnibus Bill due to controversy, the Board will have to find an author for all three bills. Ms. Mitchell does not believe any of the proposals are controversial.

Budget Report: Ms. Mitchell reported that as of May 11, 2005, the Board has expended \$527,535 of its \$705,718 or 74.75% of its current year appropriation.

Sunset Complaint Survey: Ms. Mitchell reported that the Consumer Complaint Survey component of the Sunset Review Report is almost complete. April Freeman reported that approximately 40 surveys will be mailed out the week of May 23, 2005 with a turn around time of approximately two weeks. Complainants that do not return their survey within the requested time frame will be sent a follow-up letter.

Other Informational Items: Ms. Mitchell stated that the Board will staff an informational booth at the Occupational Therapy Association of California's annual conference from October 28-30, 2005 in Santa Clara.

Ms. Mitchell raised the issue of the Board's need for experts to review enforcement cases.

All Board staff in attendance introduced themselves to the Board members.

**E. Fee Reduction**

Kevin Peterson of the Department of Consumer Affairs' (DCA) Budget Office summarized the Board's recent attempts to decrease license renewal fees. He stated that the original language submitted to DCA would have reduced the renewal fees to \$10 in fiscal year 2005/06 and \$70 in fiscal year 2006/07. The Consumer Services Agency viewed the \$60 increase from FY 2005/06 to FY 2006/07 as a "fee increase" and did not approve the proposed language.

Mr. Peterson explained to the Board that they needed to set a fee that will not only reduce the fund condition to below 24 months quickly, but also maintain a positive fund for several years.

He stated that the \$70 level would not bring the fund condition down quickly enough, whereas the \$50 level would bring the fund condition below the maximum 24 months in FY 2006/07 and still leave 4 months in reserve in FY 2011/12. He cautioned the Board that to do nothing with the current renewal fee would place the Board in violation of Business and Professions Code section 128.5 and place the Board in danger of having its excess funds moved to the State's General Fund.

Mr. Peterson recommended the Board reduce the renewal fee to the \$45-\$50 range and consider submitting future Budget Change Proposals which would give the Board greater spending authority to increase staff or enforcement costs as needed.

- ◆ **Christine Wietlisbach moved to notice the proposed regulations reducing the renewal fee to \$50 effective January 1, 2006.**
- ◆ **Margaret Cunningham seconded the motion.**
- ◆ **The motion carried unanimously.**

#### **F. AOTA Conference**

Ms. Grangaard reported that she and Ms. Mitchell attended the American Occupational Therapy Association's annual conference from May 12-15, 2005 in Long Beach. Ms. Grangaard presented the Board's recommended changes to ACOTE standards as developed at the April 28, 2005 Teleconference Meeting. She stated that AOTA received a lot of testimony and that the Board's comments were more exact than recommendations made by AOTA.

Ms. Grangaard also presented at an ethics workshop regarding the role of regulatory bodies. She expressed interest in making a similar presentation regarding the enforcement process at the August Board Meeting.

#### **G. Discussion of Legal Difference for COTA/C vs. COTA/L**

Ms. Grangaard stated that she has received correspondence requesting an explanation of the difference between the professional abbreviations COTA/C and COTA/L and when occupational therapy assistants are going to be licensed instead of certified? Norine Marks, DCA Legal Counsel, stated that "licensed" and "certified" are equivalent for all intent purposes, however, the California statutes outline occupational therapists as "licensed" and occupational therapy assistants as "certified." Ms. Grangaard stated that she would have preferred that occupational therapy assistants be referred to as COTA/L, but when the law was developed the Physical Therapy Board of California did not consider their Physical Therapy Assistants as professionals and the lobbied for similar language for occupational therapy assistants.

Christine Wietlisbach stated that in other states there is a legal difference between licensees and certificate holders, but not in California. The Occupational Therapy Association of California will lobby for licenses for occupational therapy assistants in California.

Ms. Marks will research this issue and report at the August 2005 Board Meeting.

## **H. Report from Sunset Review Committee**

Hugh Smith summarized the activities of the Sunset Review Committee at the April 28, 2005 Teleconference Meeting. The Committee reviewed the questionnaire and assigned duties to staff and Board members. The Committee also set the following time line: data gathering in May, first draft completed in June, final draft completed in July, report presented to Board at August Board Meeting, report presented to DCA and the legislature in September. Mr. Smith noted that past Board members were asked to participate in the report as members of the public.

Ms. Mitchell explained the Sunset Review process to the members and reported that much of the required data is already been gathered from previous years.

## **I. Strategic Planning Session – Update**

Board staff identified the goals that have been accomplished from the 2004 Strategic Plan. Those goals include implementing regulations to clarify limited permit requirements; developing an improved advanced practice application; adopting regulations on continuing education requirements; adopting regulations on supervision requirements; adopting regulations on disciplinary guidelines; and, developing a media-based outreach program.

Board members reviewed each of the goals and objectives of the 2004 Strategic Plan. Appropriate modifications were made to individual goals and deadlines. New goals included, but were not limited to, adopting regulations on iontophoresis and phonophoresis; pursuing legislation for a retired license status; developing a training module for members regarding enforcement and the disciplinary process; assembling a list of experts to assist in reviewing enforcement cases; providing all practitioners with a copy of the laws and regulations; and ensuring sufficient access to training and supervision for occupational therapists pursuing certification in dysphagia.

The 2005 Strategic Plan will be prepared and made available for comments at the August Board Meeting.

## **J. Executive Officer Search Process**

Les Chan from the DCA Personnel Office explained that the process for selecting a permanent Executive Officer is completely under the authority of the Board. He stated that DCA advertised the position on the State Personnel Board's website during the month of April. A few applications were received.

Ms. Grangaard questioned whether the Board could search outside State government. Nancy Hall advised the Board that they could choose to search in publications such as the Los Angeles Times, San Francisco Chronicle, Sacramento Bee, Craig's List, etc, in addition to sending announcements to other government agencies.

The Board went into closed session to discuss the applications that were received.

The Board returned to open session and directed Mr. Chan to:

- Extend the notice until the end of July,
  - Broaden the search to include California's major newspapers,
  - Contact prior applicants from November 2004
  - Send notice to other government agencies
  - Send notice to occupational therapy associations in other states.
- ◆ **Luella Grangaard moved to authorize the Executive Officer Selection Committee to use all available methods of advertising, maximizing a \$5,000 budget, in order to carry out the search for an Executive Officer.**
- ◆ **Margaret Cunningham seconded the motion.**
- ◆ **The motion carried unanimously.**

**K. Public Comment Session**

The date for the August Board Meeting was changed from August 15, 2005 to August 26, 2005.

**L. Closed Session Pursuant to Government Code Section 11126(c)(3) to Deliberate on Disciplinary Decisions**

**M. Closed Session Pursuant to Government Code Section 11126(c)(1) to Interview candidates for the Executive Officer Position**

**Return to Open Session**

**N. Adjournment**

The meeting adjourned at 1:35 p.m.