



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

**September 26, 2008**

**Board Members Present**

Mary Evert, President  
Patti Horsley  
Bobbi Jean Tanberg  
Christine Wietlisbach

**Board Staff Present**

Heather Martin, Executive Officer  
Norine Marks, Legal Counsel  
Jeff Hanson, Analyst  
Jim Schenk, Analyst

**Board Members Absent**

Nancy Michel

**A. Call to order, roll call, establishment of a quorum.**

President Mary Evert called the meeting to order at 10:11 a.m. establishing contact with all teleconference sites. Secretary Bobbi Jean Tanberg called the roll. A quorum of the Board was present.

**B. President's remarks**

President Mary Evert briefed members on a recent trip to Slovenia as the United States delegate to the World Federation of Occupational Therapy (WFOT).

**C. Board member updates/activities**

Patti Horsley updated members with information on the Older California Traffic Safety Task Force. Ms. Horsley advised that since the Board's website has been reconfigured to new state specifications, information on driving assessment and rehabilitation programs had been removed. Board staff indicated they would research the matter and have information and/or links to driver assessment and rehabilitation programs added to the website.

**D. Approval of the July 17, 2008, Teleconference Board Meeting minutes**

- ❖ Bobbi Jean Tanberg moved to approve the July 17, 2008, Teleconference Board Meeting minutes as proposed.
- ❖ Christine Wietlisbach seconded the motion.

**Roll call vote**

Mary Evert: Aye  
Patti Horsley: Aye  
Bobbi Jean Tanberg: Aye  
Christine Wietlisbach: Aye

- ❖ Motion passed unanimously.

**E. Approval of the August 22, 2008, Teleconference Board meeting minutes**

- ❖ Christine Wietlisbach moved to approve the August 22, 2008, Teleconference Board Meeting minutes as proposed.
- ❖ Patti Horsley seconded the motion.

Roll call vote

Mary Evert:	Aye
Patti Horsley:	Aye
Bobbi Jean Tanberg:	Aye
Christine Wietlisbach:	Aye

- ❖ Motion passed unanimously.

**F. Consideration of new legislative proposals for upcoming session:**

1. Amendment to Business & Professions Code Section 2570.2(b)

The proposed legislation would seek to allow an occupational therapy assistant to supervise an occupational therapy aide when the aide is engaged in client related tasks. Current statutes specify that only an occupational therapist can supervise an aide when the aide is engaged in client related tasks.

- ❖ Bobbi Jean Tanberg moved to seek legislative changes to Business and Professions Code Sections 2570.2(b) and 2570.2(a) to affect the proposed change.
- ❖ Christine Wietlisbach seconded the motion.

Roll call vote

Mary Evert:	Aye
Patti Horsley:	Aye
Bobbi Jean Tanberg:	Aye
Christine Wietlisbach:	Aye

- ❖ Motion passed unanimously.

2. Amendment to Business & Professions Code Section 2570.2(l)

The proposed legislation seeks to strike reference to “upper extremity” from the definition of hand therapy and replace it with “hand, wrist, and forearm.” The proposed change would alleviate confusion within the profession whether a therapist needs to possess Board approval to provide hand therapy services when treating the shoulder. The proposed change would also serve to clarify that post professional coursework relating to shoulder would not apply toward the educational component for advanced practice approval in hand therapy.

- ❖ Bobbi Jean Tanberg moved to seek legislative changes to Business and Professions Code Sections 2570.2(b) and 2570.2(a) to affect the proposed change.
- ❖ Christine Wietlisbach seconded the motion.

There was further discussion regarding the possibility of adopting regulations to accomplish the same intent since current regulation currently specifies hand therapy as it relates to “the hand, wrist, and forearm.” Ms. Tanberg commented that the proposed statutory amendments are more specific and provide clarification.

Roll call vote

Mary Evert: Aye  
Patti Horsley: Aye  
Bobbi Jean Tanberg: Aye  
Christine Wietlisbach: Aye

- ❖ Motion passed unanimously.

3. Amendment to Business & Professions Code Section 2570.28(p)

The proposed amendment would broaden a practitioner's responsibility to follow infection control guidelines beyond its current limited reference to only "blood-borne" infectious diseases.

- ❖ Christine Wietlisbach moved to seek the legislative changes as proposed.
- ❖ Patti Horsley seconded the motion.

Roll call vote

Mary Evert: Aye  
Patti Horsley: Aye  
Bobbi Jean Tanberg: Aye  
Christine Wietlisbach: Aye

- ❖ Motion passed unanimously.

4. Amendment to Business & Professions Code Section 2571

The proposed legislation is a minor technical change. The word "certification" is being replaced with "approved" in order to be consistent with new regulatory language referencing occupational therapy practitioners that are authorized by the Board to provide advanced practice services.

- ❖ Christine Wietlisbach moved to seek the legislative changes as proposed.
- ❖ Patti Horsley seconded the motion.

Roll call vote

Mary Evert: Aye  
Patti Horsley: Aye  
Bobbi Jean Tanberg: Aye  
Christine Wietlisbach: Aye

- ❖ Motion passed unanimously.

5. Amendment to Business & Professions Code Section 4999

The proposed legislation would amend Business and Professions Code Section 4999 to add occupational therapists to the list of licensed health professionals that may provide advice in an in-state, or out-of-state, telephone medical advice service.

- ❖ Christine Wietlisbach moved to seek the legislative changes as proposed.
- ❖ Bobbi Jean Tanberg seconded the motion.

Ms. Horsley suggested striking “licensed” in from the proposal. Ms. Marks cautioned that enforcement of this practice may be difficult when a complainant is unhappy with the advice provided.

Roll call vote

Mary Evert: Aye  
Patti Horsley: Aye  
Bobbi Jean Tanberg: Aye  
Christine Wietlisbach: Aye

6. Amendment to Health & Safety Code Section 123105

The proposed legislation would amend Health and Safety Code Section 123105 to add occupational therapists to the list of licensed health professionals that must provide access to medical records to a consumer or the care giver of another and establishes procedures for providing access to such records.

- ❖ Bobbi Jean Tanberg moved to seek the legislative change as proposed.
- ❖ Christine Wietlisbach seconded the motion.

Roll call vote

Mary Evert: Aye  
Patti Horsley: Aye  
Bobbi Jean Tanberg: Aye  
Christine Wietlisbach: Aye

7. Proposed new language that would allow the Board or an occupational therapist appointed by the Board to inspect records.

The proposed legislation would help facilitate Board Enforcement Staff and Division of Investigation (DOI) Investigators in inspecting medical records and requesting reports from a practitioner that has had a complaint filed against their license.

- ❖ Christine Wietlisbach moved to seek the legislative change.
- ❖ Patti Horsley seconded the motion.

There was further discussion regarding the proposal. The motion was amended to authorize the Board’s Executive Officer to work with Legal Counsel to keep language consistent with intent but to “clean up” the language prior to submission.

Roll call vote

Mary Evert: Aye  
Patti Horsley: Aye  
Bobbi Jean Tanberg: Aye  
Christine Wietlisbach: Aye

8. Proposed new language that would change the status of Occupational Therapy Assistants from “certified” to “licensed.”

The proposed legislation would delete further references to occupational therapy assistants as being “certified” or holding a “certificate” or “certification” and would replace such references with “licensed”.

- ❖ Bobbi Jean Tanberg moved to seek the legislative change.
- ❖ Patti Horsley seconded the motion.

Roll call vote

Mary Evert:	Aye
Patti Horsley:	Aye
Bobbi Jean Tanberg:	Aye
Christine Wietlisbach:	Aye

9. Proposed new language that would establish a retired status for occupational therapy practitioners.

The proposed legislation would create a retired status for occupational therapy practitioners.

- ❖ Bobbi Jean Tanberg moved to seek the legislative changes while keeping in mind the proposed change to “licensure” for occupational therapy assistants.
- ❖ Christine Wietlisbach seconded the motion.

Roll call vote

Mary Evert:	Aye
Patti Horsley:	Aye
Bobbi Jean Tanberg:	Aye
Christine Wietlisbach:	Aye

10. Proposed new language that would require occupational therapy practitioners to report to the Board the suspension or termination for cause of any practitioner in their employ and defines that term.

The proposed legislation would make an employer of an occupational therapy practitioner responsible for reporting to the Board the suspension or termination of employment of a practitioner and the cause. The proposed legislation would define the meaning of reportable causes of suspension or termination. The proposed legislation would establish tiered sanctions for employers that failed in their reporting responsibilities. The first failure to report would result in an education letter to the employer. A second failure would result in an administrative fine not to exceed \$1,000. Third and subsequent failures would result in an administrative fine not to exceed \$5,000.

- ❖ Patti Horsley moved to seek the legislative changes with edits to the proposed language. Under proposed subsection (b)(4) add “or billing records” and under proposed subsection (b)(5) strike reference to “gross.”
- ❖ Bobbi Jean Tanberg seconded the motion.

Roll call vote

Mary Evert:	Aye
Patti Horsley:	Aye
Bobbi Jean Tanberg:	Aye
Christine Wietlisbach:	Aye

11. Proposed new language would establish a Loan Repayment Program for newly licensed Occupational Therapists and Occupational Therapy Assistants working in California for a specified time frame.

The proposed legislation would establish the California Board of Occupational Therapy Student Loan Repayment Program within the Health Professions Education Foundation. The program would provide student loan repayment assistance to practitioners who agreed to work in California for a specified time frame. Funding for the program would be derived solely from reserves in the Occupational Therapy Fund.

- ❖ Bobbi Jean Tanberg moved to seek the proposed legislation with a minor edit regarding a grammatical issue.
- ❖ Patti Horsley seconded the motion.

Roll call vote

Mary Evert:	Aye
Patti Horsley:	Aye
Bobbi Jean Tanberg:	Aye
Christine Wietlisbach:	Aye

## **G. Executive Officer's report**

### 1. Budget update

Board members were provided an analysis of the Occupational Therapy Fund Condition and a historical revenue and expenditures report dating back to fiscal year 2004/05. There were no questions.

### 2. Personnel updates

Heather Martin, Executive Officer, reported that Jim Schenk was hired to fill an analytical position that was previously held by April Freeman.

### 3. Professionals Achieving Consumer Trust Summit (11/2008)

Heather Martin, Executive Officer, reminded Board Members to register for the Professionals Achieving Consumer Trust (PACT) Summit in November in order to obtain state governmental lodging rates. Board Members were asked to forward Ms. Martin their travel plans so that staff could complete travel arrangements, an email reminder would follow. Ms. Martin reported that the Board Meeting would be held on Thursday, November 20, 2008, as part of the PACT Summit, would likely have a full agenda.

### 4. Other informational items

Ms. Martin reported that Board Member Travel Claims for the upcoming OTAC Conference in October would be processed as normal since a budget bill had been passed. Ms. Martin reported some functions of Board operations were still impacted by the Governor's Executive Order, but exemption requests had been filed.

**H. Public comment session**

There was no public comment.

**I. The Board will convene in CLOSED SESSION pursuant to Government Code Section 11126(c)(3) to Deliberate on Disciplinary Decisions**

At 11:48 a.m. the Board convened in Closed Session to deliberate on two Disciplinary Decisions.

**J. Return to open session**

At 12:10 p.m. the Board returned to open session.

**K. Adjournment**

At 12:11 p.m. the Meeting was adjourned.