

AGENDA ITEM 12

REGULATIONS UPDATE.

The following are attached for review:

- Regulations Update report (on pending regulations)
- 2011 Rulemaking memo from Office of Administrative Law
- Schedules A and B to be submitted to OAL (per memo).

REGULATION UPDATE REPORT

Rulemaking File Subject	Sec.	Status	Date to OAL for publishing	Close of public comment period	Date Pkg Sent to DCA	Date Pkg Rtn'd from DCA	Final Pkg Due to OAL	Actual Submit Date To OAL	Date language goes into effect
Advanced Practices	4150, et al	Draft language approved at October 2009 Board meeting. Hearing held February 11, 2010. 15-day Notice issued May 24, 2010. Adopted July Board meeting.	12/15/09	02/08/10 06/07/10	10/25/10 Resubmitted 12/23/10		12/24/10* * 90-day extension granted		
Limited Permit and Representation	4123, 4125	Draft language approved at December 2009 Board meeting. Hearing held February 11, 2010. 15-day Notice issued May 24, 2010. Modified text adopted at July Board meeting.	12/15/09	02/08/10 06/07/10	Unknown Resubmitted 12/23/10	01/27/11	12/24/10* * 90-day extension granted	01/28/11	
Citations	4141, 4144, 4145	Language published June 11, 2010. Hearing held July 28, 2010. Board approved 15-day Notice; to be issued November 10, 2010.	06/01/10	07/26/10	11/29/10		05/31/11		
Disciplinary Guidelines & Required Actions Against Registered Sex Offenders	4147 4148	Language published June 11, 2010. Hearing held July 28, 2010. Board approved 15-day Notice; issued November 1, 2010.	06/01/10	07/26/10	12/24/10		05/31/11		
Ethical Standards of Practice	4170	Language approved at July 2010 Board meeting; to be published.							
Notification to Consumers	4171	Draft presented at July 2010 Board meeting; to be brought back to November 2010 meeting.							
Definitions and Delegation of Certain of Functions, Other	4100, 4101, 4144, 4145, 4146, 4147.5, 4148	Language approved at July 2010 Board meeting; to be published.							

REGULATION UPDATE REPORT

Rulemaking File Subject	Sec.	Status	Date to OAL for publishing	Close of public comment period	Date Pkg Sent to DCA	Date Pkg Rtn'd from DCA	Final Pkg Due to OAL	Actual Submit Date To OAL	Date language goes into effect
Definitions and Supervision Plan for an Occupational Therapist	4180, 4187	Language approved at July 2010 Board meeting; to be published.							
Retired Status	4123	(existing 4123 to be re-numbered 4126) Language approved at July 2010 Board meeting; to be published.							
Continuing Competency	4161	Language approved at November 2010 meeting; to be published.							
Dishonored check fee	4130	Draft language to be presented to the Board for approval.							
Registration for Sponsored Health Care Events	tbd	Draft language to be presented to the Board for approval. (This language will implement AB 2699)							
Citations and Disciplinary Guidelines	4144 4147	Enforcement Committee to review; draft language to be presented to the Board for approval.							

OFFICE OF ADMINISTRATIVE LAW

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Sacramento, CA 95814
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staff@oal.ca.gov

Susan Lapsley, Director



November 1, 2010

Chief Counsels
Regulation Coordinators

Re: 2011 Rulemaking Calendar and Legislative Reporting Requirements

We would like to take this opportunity to remind you that Government Code section 11017.6 requires every state agency responsible for implementing a statute that requires interpretation pursuant to the Administrative Procedure Act to prepare, by January 30, a rulemaking calendar for that year. The rulemaking calendar must be (1) prepared in accordance with the format specified by the Office of Administrative Law (OAL), (2) approved by the head of the department or, if the rulemaking agency is an entity other than a department, by the officer, board, commission, or other entity which has been delegated the authority to adopt, amend, or repeal regulations, and (3) published in the California Regulatory Notice Register (Notice Register). (Gov. Code, § 11017.6.)

We are enclosing two forms for providing the information required by Government Code section 11017.6. Schedule A is for proposed regulations implementing statutes enacted during 2010. Schedule B is for proposed regulations implementing statutes enacted prior to 2010. The forms can also be downloaded from our website at www.oal.ca.gov.

Also, please be aware that Government Code sections 11017.5 and 11017.6(b) contain other requirements for state agencies to submit certain information to the Legislature when implementing new programs or statutes.

Each year, OAL compiles all of the individual agency rulemaking calendars into one calendar for publication, distribution, and posting on our website. The Rulemaking Calendar will be reproduced for publication exactly as received, so it is important to send us a final document. *Please remember to fill in your agency name in the top heading on the form.* To aid us in publication, we request that you submit your Rulemaking Calendar on a diskette, CD, or via e-mail to mfong@oal.ca.gov.

Please submit your completed Rulemaking Calendar to OAL on or before **February 11, 2011**.

If you have any questions, please contact me at (916) 324-7952 or by e-mail at mfong@oal.ca.gov. You may also contact our Reference Attorney at (916) 323-6815 or at staff@oal.ca.gov.

Thank you for your attention to these matters.

Sincerely yours,

[original signed]

Melvin Fong
Legal Analyst

Attachments

DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF OCCUPATIONAL THERAPY

2010 RULEMAKING CALENDAR

SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING THE YEAR 2010

Subject:	CCR Title & Sections Affected:	Statute(s) Being Implemented:								
Retired Status	Title 39, Sections 4123	BPC 2570.17								
Responsible Agency Unit:	Contact Person & Phone Number:	Projected Dates:								
California Board of Occupational Therapy	Jim Schenk 916-263-0849	<table border="1"> <tr> <td data-bbox="1105 892 1222 1430">Notice Published:</td> <td data-bbox="1105 1430 1222 1581">Public Hearing:</td> <td data-bbox="1105 1581 1304 1686">Adoption by your agency:</td> <td data-bbox="1105 1686 1304 1791">To OAL for review:</td> </tr> <tr> <td data-bbox="1222 892 1304 1430">TBD</td> <td data-bbox="1222 1430 1304 1581">TBD</td> <td data-bbox="1222 1581 1304 1686">TBD</td> <td data-bbox="1222 1686 1304 1791">TBD</td> </tr> </table>	Notice Published:	Public Hearing:	Adoption by your agency:	To OAL for review:	TBD	TBD	TBD	TBD
Notice Published:	Public Hearing:	Adoption by your agency:	To OAL for review:							
TBD	TBD	TBD	TBD							
Comments/Status: (Existing 4123 to be re-numbered 4126) Draft language approved at July 2010 Board Meeting; to be published.										

DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF OCCUPATIONAL THERAPY

2010 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2010

Subject:		CCR Title & Sections Affected:		Statute(s) Being Implemented:	
Ethical Standards of Practice		Title 39, Sections 4170		BPC §2570.20	
Responsible Agency Unit:		Contact Person & Phone Number:		Projected Dates:	
California Board of Occupational Therapy		Jim Schenk 916-263-0849		Notice Published:	Adoption by your agency:
				TBD	TBD
				Public Hearing:	To OAL for review:
				TBD	TBD
Comments/Status:					
Draft language approved at July 2010 Board Meeting; to be published.					

DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF OCCUPATIONAL THERAPY

2010 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2010

Subject: Notification to Consumers	CCR Title & Sections Affected: Title 39, Section 4171	Statute(s) Being Implemented: BPC §§138, 680															
Responsible Agency Unit: California Board of Occupational Therapy	Contact Person & Phone Number: Jim Schenk 916-263-0849	<table border="1"> <tr> <th colspan="3">Projected Dates:</th> </tr> <tr> <td>Notice Published:</td> <td>Public Hearing:</td> <td>Adoption by your agency:</td> </tr> <tr> <td>TBD</td> <td>TBD</td> <td>TBD</td> </tr> <tr> <td colspan="2"></td> <td>To OAL for review:</td> </tr> <tr> <td colspan="2"></td> <td>TBD</td> </tr> </table>	Projected Dates:			Notice Published:	Public Hearing:	Adoption by your agency:	TBD	TBD	TBD			To OAL for review:			TBD
Projected Dates:																	
Notice Published:	Public Hearing:	Adoption by your agency:															
TBD	TBD	TBD															
		To OAL for review:															
		TBD															
Comments/Status: Draft language considered at November 2010 Board Meeting, pending further consideration by Board.																	

**DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF OCCUPATIONAL THERAPY**

2010 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2010

<p>Subject: Definitions and Delegation of Certain Functions, Other</p>	<p>CCR Title & Sections Affected: Title 39, Sections 4100, 4101, 4144, 4145, 4146, 4147.5 and 4148</p>	<p>Statute(s) Being Implemented: BPC §480, 2570.1, 2570.6, 2517 and 2570.20</p>				
<p>Responsible Agency Unit: California Board of Occupational Therapy</p>	<p>Contact Person & Phone Number: Jim Schenk 916-263-0849</p>	<p>Projected Dates:</p> <table border="1"> <tr> <td data-bbox="779 1428 909 1961"> <p>Notice Published: TBD</p> </td> <td data-bbox="909 1428 1039 1961"> <p>Public Hearing: TBD</p> </td> <td data-bbox="1039 1428 1169 1961"> <p>Adoption by your agency: TBD</p> </td> <td data-bbox="1169 1428 1268 1961"> <p>To OAL for review: TBD</p> </td> </tr> </table>	<p>Notice Published: TBD</p>	<p>Public Hearing: TBD</p>	<p>Adoption by your agency: TBD</p>	<p>To OAL for review: TBD</p>
<p>Notice Published: TBD</p>	<p>Public Hearing: TBD</p>	<p>Adoption by your agency: TBD</p>	<p>To OAL for review: TBD</p>			
<p>Comments/Status: Draft language approved at July 2010 Board Meeting; to be published.</p>						

**DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF OCCUPATIONAL THERAPY**

2010 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2010

Subject: Definitions and Supervision Plan for an Occupational Therapist	CCR Title & Sections Affected: Title 39, Sections 4180, 4187	Statute(s) Being Implemented: BPC §2570.13									
Responsible Agency Unit: California Board of Occupational Therapy	Contact Person & Phone Number: Jim Schenk 916-263-0849	<table border="1"> <tr> <td colspan="3" data-bbox="586 168 797 346">Projected Dates:</td> </tr> <tr> <td data-bbox="586 346 678 520"> Notice Published: TBD </td> <td data-bbox="586 520 678 695"> Public Hearing: TBD </td> <td data-bbox="586 695 797 877"> Adoption by your agency: TBD </td> </tr> <tr> <td colspan="2"></td> <td data-bbox="586 877 797 1031"> To OAL for review: TBD </td> </tr> </table>	Projected Dates:			Notice Published: TBD	Public Hearing: TBD	Adoption by your agency: TBD			To OAL for review: TBD
Projected Dates:											
Notice Published: TBD	Public Hearing: TBD	Adoption by your agency: TBD									
		To OAL for review: TBD									
Comments/Status: Draft language approved at July 2010 Board Meeting; to be published.											

**DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF OCCUPATIONAL THERAPY**

2010 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2010

Subject: Continuing Competency	CCR Title & Sections Affected: Title 39, Sections 4161	Statute(s) Being Implemented: BPC §2570.10				
Responsible Agency Unit: California Board of Occupational Therapy	Contact Person & Phone Number: Jim Schenk 916-263-0849	Projected Dates: <table border="1" data-bbox="581 172 760 877"> <tr> <td data-bbox="581 697 760 877"> Notice Published: TBD </td> <td data-bbox="581 520 760 697"> Public Hearing: TBD </td> <td data-bbox="581 344 760 520"> Adoption by your agency: TBD </td> <td data-bbox="581 172 760 344"> To OAL for review: TBD </td> </tr> </table>	Notice Published: TBD	Public Hearing: TBD	Adoption by your agency: TBD	To OAL for review: TBD
Notice Published: TBD	Public Hearing: TBD	Adoption by your agency: TBD	To OAL for review: TBD			
Comments/Status: Draft language approved at November 2010 Board meeting; to be published.						

AGENDA ITEM 13

ENFORCEMENT DATA AND REPORTS.

The following are attached for review:

- Enforcement Statistical Report
- Citation Statistics
- Probation roster

BOT ENFORCEMENT STATISTICAL REPORT
October 1, 2010 – December 31, 2010

Total Complaints-Received: 114 **DOI Investigations Initiated:** 2

Complaints-Closed: 146 **DOI Investigation Reports Received:** 1

Total Complaints-Pending: 67 **Formal DOI Investigations Pending:** 9
 (oldest: 4/2/08) (oldest: 3/10/10)

Record of Arrests and Prosecutions [RAP] Received: 5
Subsequent Arrest Reports Received: 8

Applications Denied pursuant to Business and Professions Code 480/485: 1

Cases Pending with the Attorney General (AG): 18

<u>Transmitted</u>	<u>Complaint No</u>	<u>Type</u>	<u>Current Status</u>
04/29/09	OT2008-129	Accusation	Hearing held 1/18/11 – waiting for Proposed Decision
05/05/09	AL2008-126	SOI	Statement of Issues filed 3/9/10, NOD recd, hearing scheduled 2/8/11
09/22/09	OT2008-374	Accusation	Accusation filed 3/23/10, NOD recd, hearing scheduled 3/7/11
12/14/09	OT2008-462	Accusation	PC23 issued 3/4/10; Default Decision to be considered by Board 3/3/11
01/20/10	OT2008-87	Accusation	Accusation filed 5/14/10, NOD recd, hearing scheduled 7/20/11
02/24/10	OT2007-43	Accusation	Accusation filed 9/2/10, Default Adopted 12/27/0; Revocation effective 1/10/11
07/21/10	D12008-77	Pet to Rev Prob	Petition to Revoke Probation filed 12/15/10; Hearing scheduled 9/14/11
08/03/10	OA2009-134	Accusation	Accusation filed 1/21/11
08/09/10	OT2008-407	Citation	Received appeal for hearing, hearing scheduled 3/29/11
08/12/10	D12006-360	Pet to Rev Prob	Petition to Revoke Probation filed 12/22/10; Hearing scheduled 9/14/11
08/31/10	OT2009-278	Accusation	Accusation filed 12/15/10; NOD recd
09/02/10	OA2009-266	Accusation	Accusation filed 1/31/11
09/09/10	OT2008-101	Accusation	Accusation filed 11/5/10; NOD recd; Hearing scheduled 8/3/11
09/15/10	D12004-124	Pet to Rev Prob	DAG to draft Petition to Revoke Probation
09/16/10	OT2009-43	Accusation	Draft Accusation recd 2/3/11, staff reviewing
11/03/10	OT2009-195	Accusation	DAG to draft Accusation
11/12/10	OT2009139	Accusation	Accusation filed 2/2/11
12/21/10	OT2007-1	Accusation	DAG to draft Accusation

Statement of Issues filed: 0
Petition to Revoke Probation filed: 2

Accusations filed: 3
Accusation & Petition to Revoke Probation filed: 0

Final Decisions:

6

November 10, 2010
November 11, 2010
November 11, 2010
November 19, 2010
December 7, 2010
December 9, 2010

Anjuli Kelley
Lynn Farney
Kevin Yoshino
Lisa Ngo
Terri Schonbrod
Jaime Galaviz

Voluntary Surrender
Probation, 3 years
Probation, 3 years
Probation, 3 years
Voluntary Surrender
Probation, 3 years

CITATION STATISTICS
10/1/10-12/31/10

#	LICENSURE CLASS		VIOLATION					CIT. #	FINE (OT)	OT Fine Modified	GRAND TOTAL FINE DUE (OT)	FINE (OTA)	OTA Fine Modified	GRAND TOTAL FINE DUE (OTA)	DATE ISSUED	DUE DATES		Appeal Rcvd	PAYMENT			
	OT	No Lic	FDC	UPC	CC	ULP	PDU									AD	Req For Conf.		Fine	ICR	ADMN	Pymnt Date
1	1									\$50				10/01/10	11/01/10	11/01/10		12/17/10	\$50	\$0	\$0	
1	1									\$150				10/01/10	11/01/10	11/01/10		10/28/10	\$150	\$0	\$0	
1	1									\$250				10/01/10	11/01/10	11/01/10		10/18/10	\$250	\$0	\$0	
1	1									\$250				10/01/10	11/01/10	11/01/10		10/04/10	\$250	\$0	\$0	
1	1									\$50				10/01/10	11/01/10	11/01/10				\$50	\$0	
1	1									\$400				10/01/10	11/01/10	11/01/10		01/18/11	\$400	\$0	\$0	
1	1									\$250				10/04/10	11/03/10	11/03/10		10/14/10	\$250	\$0	\$0	
1	1									\$250				10/04/10	11/03/10	11/03/10		11/01/10	\$250	\$0	\$0	
1	1									\$50				10/05/10	11/05/10	11/05/10				\$50	\$0	
1	1									\$500				10/05/10	11/04/10	11/04/10		10/29/10	\$500	\$0	\$0	
1	1									\$500				10/05/10	11/04/10	11/04/10		10/14/10	\$500	\$0	\$0	
1	1									\$50				10/05/10	11/05/10	11/05/10		10/18/10	\$50	\$0	\$0	
1	1									\$50				10/07/10	11/07/10	11/07/10		11/08/10	\$50	\$0	\$0	
1	1									\$2,950				10/11/10	11/10/10	11/10/10				\$2,950	\$0	
1	1									\$50				10/11/10	11/10/10	11/10/10		12/13/10	\$50	\$0	\$0	
1	1									\$50				10/11/10	11/10/10	11/10/10				\$50	\$0	
1	1									\$50				10/12/10	11/11/10	11/11/10		12/21/10	\$250	\$0	\$0	
1	1									\$250				10/12/10	11/11/10	11/11/10		WITHDRAWN	\$0	\$0	\$0	
1	1									\$0				10/12/10	11/11/10	11/11/10		11/10/10	\$1,000	\$0	\$0	
1	1									\$1,000				10/21/10	11/20/10	11/20/10		12/31/10	\$1,000	\$0	\$0	
1	1									\$2,500				10/28/10	11/27/10	11/27/10				\$2,500	\$0	
1	1									\$900				11/01/10	12/01/10	12/01/10		01/20/11	\$200	\$700	\$0	
1	1									\$1,450				11/01/10	12/01/10	12/01/10		12/01/10	\$1,450	\$0	\$0	
1	1									\$50				11/02/10	12/02/10	12/02/10		11/12/10	\$50	\$0	\$0	
1	1									\$50				11/02/10	12/02/10	12/02/10				\$50	\$0	
1	1									\$50				11/02/10	12/02/10	12/02/10		11/15/10	\$50	\$0	\$0	
1	1									\$50				11/02/10	12/02/10	12/02/10		12/06/10	\$50	\$0	\$0	
1	1									\$50				11/08/10	12/08/10	12/08/10		01/06/11	\$50	\$0	\$0	
1	1									\$50				11/10/10	12/10/10	12/10/10				\$50	\$0	
1	1									\$50				11/10/10	12/10/10	12/10/10		01/10/11	\$50	\$0	\$0	
1	1									\$50				11/15/10	12/15/10	12/15/10		11/24/10	\$50	\$0	\$0	
1	1									\$50				11/15/10	12/15/10	12/15/10				\$50	\$0	
1	1									\$50				11/15/10	12/15/10	12/15/10		12/01/10	\$50	\$0	\$0	

CA Board of Occupational Therapy

PROBATIONER ROSTER

Practitioners Placed on Probation

NAME	LICENSE #	EFFECTIVE DATE	LENGTH
Fujikawa, Kris	OT 5673	05/13/07	5 years
Pasad, Arvin	OT 7530	12/03/07	5 years
Baird, Adrian	OT 2060	01/25/08	3 years
Martinez, Eneisto	OT 4089	03/14/08	3 years
Cook, Corinne	OTA 1348	07/24/09	3 years
Lucia, Rinea	OT 6433	08/20/09	3 years
Schmidt, Rebecca *	OT 8291	11/27/09	3 years
Schombrod, Terri	OT 6305	12/29/09	3 years
Harris, Donald	OTA 1772	04/23/10	4 years
Hassami, Moqam	OTA 1532	04/23/10	3 years
Belasco, Jonathan	OTA 1063	06/16/10	3 years
Hickey, Anne	OT 7080	08/19/10	3 years
Clements, Solema	OTA 1504	09/07/10	3 years
Sealicy, Mary*	OT 6209	09/01/10	2 years
Galaviz, Jaime	OTA 1799	12/09/10	3 years

* Tolled

Applicants Granted a Probationary License Certificate

NAME	LICENSE #	EFFECTIVE DATE	LENGTH
Kim, Grace	OT 8982	09/15/06	5 years
Delmo, Lourdes	OT 9558	08/15/07	4 years
Billings, Cynthia	OT 2917	01/30/07	5 years
Boncholsky, Greg	OT 10090	06/26/08	3 years
Crame, Jody	OT 10136	07/23/08	4 years
Pitts, Andre	OTA 1829	09/23/08	5 years
Jayne, Benjamin	OT 10605	04/10/09	3 years
Adams, Monica S	OT 10760	08/11/09	3 years
Oshampin, Susan	OT 10842	09/15/09	3 years
Rogers, Amy	OT 10926	10/29/09	3 years
Severin, Sandra *	OTA 1975	12/22/09	3 years
Smith, Lindsey	OT 11072	01/07/10	30 mos.
Kelly, Aduli	OT 11186	03/22/10	3 years
Ng, Lisa	OT 11572	11/19/10	3 years