

AGENDA ITEM 5

REVIEW AND VOTE ON APPROVAL OF THE JUNE 23, 2016, TELECONFERENCE BOARD MEETING MINUTES.

The teleconference Board meeting minutes are attached for review.



TELECONFERENCE BOARD MEETING MINUTES

Thursday, June 23, 2016

Board Member(s) Present

Denise Miller – President
Richard Bookwalter – Vice President
Sharon Pavlovich - Secretary
Teresa Davies
Jeff Ferro
Laura Hayth
Beata Morcos

Board Staff Present

Heather Martin, Executive Officer
Ileana Butu, Legal Counsel
Jeff Hanson, Program Analyst

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

The meeting was called to order at 3:30 pm, roll was called, and a quorum was established.

2. **Public comment session for items not on the agenda.**

Executive Officer Heather Martin presented public comment item number 1: Request from a licensee asking the Board to consider providing a mechanism to have past disciplinary history removed from their record.

Richard Bookwalter recounted the Board has discussed and considered a similar matter in two prior meetings of the Board this year. At its May 19, 2016, meeting in San Marcos the Board decided not to change existing policies regarding the posting disciplinary action records on a licensee's web profile.

Public Comment

There was no public comment.

- ❖ Richard Bookwalter moved to not put the item on a future agenda.
- ❖ Laura Hayth seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Teresa Davies	Aye
Jeff Ferro	Aye
Laura Hayth	Aye
Beata Morcos	Aye

Ms. Martin presented public comment item number 2: Request from the National Board for Certification in Occupational Therapy (NBCOT) to consider: (a) accepting the NBCOT

Navigator online continuing competency assessment tools for the purpose of meeting California's continuing competency requirement, and (b) accepting NBCOT certification renewal as an option to meet the state's continuing competency requirements.

Public Comment

There was no public comment.

- ❖ Sharon Pavlovich moved to put the item on a future agenda.
- ❖ Laura Hayth seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Teresa Davies	Aye
Jeff Ferro	Aye
Laura Hayth	Aye
Beata Morcos	Aye

Ms. Martin advised the Board of NBCOT's request to come to a future Board meeting to provide an overview presentation of their Navigator continuing competency tool.

Public Comment

There was no public comment.

- ❖ Beata Morcos moved to invite NBCOT to the October 2016 meeting to provide a presentation of the Navigator tool.
- ❖ Sharon Pavlovich seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Teresa Davies	Aye
Jeff Ferro	Aye
Laura Hayth	Aye
Beata Morcos	Aye

3. Consideration and possible action related to proposed regulatory language revision to Title 16, CCR Section 4130, Fees.

Executive Officer Heather Martin presented two Analysis of the Board's Fund Condition depicting projections of the Fund Balance based on two fee change scenarios.

The first scenario depicts Fund Balance projections based on the initially proposed language increasing fees, but with a change to the inactive fee. Where the initially proposed language sought to increase the inactive fee from \$25 to \$50, this analysis sets forth projections based on the inactive fee being equivalent to the proposed biennial renewal fee for occupational therapists (\$220) and occupational therapy assistants (\$180). This amendment is being sought to align the Board's inactive renewal fee with statutory requirements. Business and Professions Code Section 703 sets forth the renewal fee for a

license in an active status shall apply also for renewal of a license in an inactive status for healing arts Boards. It is important to note that even with the increase making the inactive fee equal to the active renewal fee this Analysis of the Boards Fund Condition projects the Board would only have a 0.1 Month in Reserve after Fiscal Year (FY) 2022/23. After FY 2023/24 it is projected the Board's fund would decrease to a negative balance and declines by -1.8 months each fiscal year thereafter.

The second scenario depicts Fund Balance projections based on the factors outlined in scenario number one (including the proposal to increase the inactive fee to match the biennial renewal fee) but also proposes a second, tiered, increase in biennial renewal and licensing fees that would become effective January 1, 2021. Under this scenario the existing licensing and biennial renewal fee of \$150 for an occupational therapist would increase to \$220 effective January 1, 2018, and go to \$270 effective January 1, 2021. Under this scenario the existing licensing and biennial renewal fee of \$150 for an occupational therapy assistant would increase to \$180 effective January 1, 2018, and go to \$210 effective January 2021. Projections under this scenario eliminate the problem outlined in scenario number one where the Board's fund would deplete to a negative balance. Under this scenario it is projected the Board's fund would remain solvent.

Public Comment

Pat Nagaishi, President, the Occupational Therapy Association of California (OTAC) expressed licensees may be shocked over the increase in fees and was concerned how the increase in state licensing fees might impact membership with OTAC.

Jeff Ferro indicated the fees that are being proposed are comparable with those of other health care Boards in California. The proposed increase in fees is prudent and necessary for the Board to maintain fiscal solvency.

Vice President Richard Bookwalter reported that Board staff scheduled five public meetings to provide information relative to Board's operating expenses and to allow licensees the opportunity to weigh in on the proposed fee increases. Public participation was not great and at some meetings there were no attendees. Mr. Bookwalter stated that when licensing began, the licensing and renewal fee was \$150 annually. The Board was able to reduce the fees to \$150 for a biennial (two year) license once it paid off a General Fund loan from the state to fund the start of the Board. Mr. Bookwalter indicated it would be helpful if OTAC could convey this information to its membership.

President Denise Miller indicated the Board could consider expanding its presentations at OTAC's Annual Conference to include something that government and advocacy groups might find helpful where members of the Board and OTAC can speak to the importance of both organizations.

Public Comment

Heather Kitching, President-Elect, OTAC indicated she agreed with all comments made, but believes OTAC will be hit hardest by the fee increases. Ms. Kitching offered license holders in California are in the earliest stages of understanding how their voices can be heard by the Board. Ms. Kitching acknowledged the collaborative offer from President Miller and indicated both the Board and OTAC will need to think strategically and creatively to enhance messaging to licensees.

President Miller indicated the Board might consider establishing an Ad Hoc Committee on strategic messaging regarding this matter.

Mr. Bookwalter indicated he was in support of option two, which would provide long-term financial stability. Beata Morcos and Laura Hayth also agreed with the second option.

Public Comment

Ms. Kitching suggested that it would be helpful for the Board in its strategic messaging to speak to specific improvements and benefits that licensees would experience as a result of the fee increases, such as receiving timely responses and being able to reach staff by telephone more easily. Ms. Kitching offered OTAC would be happy to assist in getting this message out to its membership.

Mr. Bookwalter indicated he recently renewed his license in April and used the new BreEZe licensing system. Mr. Bookwalter reported he found the new on-line renewal process to be much more efficient than mailing a renewal application and a check. He was able to receive immediate confirmation his license was renewed upon completion of the transaction whereas before it would have taken weeks. He cited this as example of improving benefits and services that licensees will experience.

Sharon Pavlovich stated that she appreciated everyone's comments as they are all valid. For new grads the increase in fees would be the 'norm' for them. Ms. Pavlovich indicated the collaborative efforts discussed by the participants in this meeting look very promising.

- ❖ Richard Bookwalter moved to approve the fee structure presented in the modified text of scenario two (with the tiered renewal fee increases) and to notice the language for public comment.
- ❖ Laura Hayth seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Teresa Davies	Aye
Jeff Ferro	Aye
Laura Hayth	Aye
Beata Morcos	Aye

In regard to the suggestion to establish an Ad Hoc Committee to develop Strategic Messaging for the fee increases, Legal Counsel Ileana Butu recommended that this item be added to a future meeting agenda. President Miller directed Board staff to place this matter on a future Board Meeting agenda.

4. Consideration of and possible action on bills of interest to the Board:

- a. Assembly Bill (AB) 1715 (Holden), Behavioral Analysis: licensing.

Ms. Heather Martin briefed Board Members a June 27, 2016, hearing was being cancelled at the request of the author.

- b. AB 2007 (McCarty), Youth Athletics; youth sports organizations: concussion or other head injuries.

Ms. Martin briefed Board Members the bill is scheduled to be heard by the Senate Committee on Health June 29, 2016, and there have been no material changes for the Board to take any action.

- c. Senate Bill (SB) 479 (Bates), Healing arts: behavioral analysis: licensing.

Ms. Martin explained this bill was not listed on the tracking sheet in the Board Meeting materials because the bill is dead.

- d. SB 1155 (Morrell), Professions and vocations: licenses: military service.

Ms. Martin reported the bill was heard June 21, 2016, and was being directed to the Senate Committee on Veterans Affairs. The Board did not take any action on this matter.

- 5. **The Board will convene in Closed Session pursuant to Government Code Section 11126(c)(3) to deliberate and vote on disciplinary matters.**

At 4:22 pm the Board went into Closed Session.
At 4:55 pm the Board reconvened.

- 6. **Adjournment.**

At 4:56 pm the Board meeting adjourned.

DRAFT