



**TELECONFERENCE SUNSET REVIEW AD HOC  
COMMITTEE MEETING MINUTES**

**Thursday, October 6, 2016**

Committee Members Present

Laura Hayth, OT, Chair  
Beata Morcos  
Denise Miller, OT  
Teresa Davies

Board Staff Present

Heather Martin, Executive Officer  
Jeff Hanson, Board Staff  
Heather Olivares, Legislative Analyst, DCA

Public Attendee

Tonya Nguyen

**1. Call to order, roll call.**

Laura Hayth called the meeting to order at 4:05 p.m. and a quorum was established; contact was made between all teleconference locations.

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

There was no public comment.

**3. Consideration and review of previous policy issues identified in 2012 Sunset Report that have not been addressed and possible recommendation to Board regarding prioritization and response on the status of those previous issues in the Board's 2016 Sunset Report.**

The members were provided with updated survey data in response to a request made at the last Committee meeting. Denise Miller asked about future surveys and the possibility of clarifying the questions that are asked on the survey. She questioned if it would be worthwhile in the survey to have some qualifiers to the questions on how the individual responds, in order to obtain a more fair value of how the staff helps. Ms. Martin explained that the information they are reviewing is raw data and that under question 7, where it states discuss the results, that portion has not been completed and will be provided at the next meeting. Ms. Martin provided an example when a licensee might be upset, such as being late on their renewal; she stated it's unlikely the licensee is going to indicate they got great service when they don't want to pay the \$75.00 late fee in the first place and it is not waived by staff. Further, depending on how long they were practicing on the expired license, they could be issued a citation, which makes them even more unhappy with the Board. Ms. Martin provided some examples of when licensees might contact the Board, with questions such as: when they can't on-line renew, or can't remember their password to log into BreZE to renew, or when their credit card is declined and they don't know why.

Ms. Miller stated that from her experience there is definitely an impression that the Occupational Therapy Association of California has found the Board much more accessible than in past years and made comments about this to many practitioners. Ms. Miller indicated she believes that there has been progress made by the staff and the Board, but the numbers

in the survey are not showing what practitioners have been saying for the past six months. Ms. Martin stated that she has seen that staff is more accessible and the only time the phones are not answered is perhaps once a month when staff is attending a staff meeting or if a caller calls before 8:00 a.m. or after 5:00 p.m., which are the Board's core hours.

Ms. Martin indicated she does like the suggestion of a qualifier and that she will contact DCA staff who is knowledgeable on Survey Monkey to find out what kind of qualifying question can be inserted after a question so that there is a better set of data for the next report in four years. Ms. Martin indicated that the core is so small that when there is a negative the percentage is extremely high. Ms. Miller stated that perhaps at the next OTAC conference that staff could provide the survey to try and obtain more responses, since there is some downtime at the conference. Ms. Hayth thought this was a good idea. Further, Ms. Miller indicated that since they are presenting at the conference they could direct the participants to take the survey. Ms. Martin suggested that Friday evening and Saturday afternoon at the OTAC meeting the Board has a booth where she can bring a laptop with the survey loaded and ask people to take the survey. The Committee liked this idea.

Ms. Hayth referred to question number 5 regarding the ethics application and renewals and stated that Ms. Martin would prepare a response. Ms. Martin addressed this issue by stating that at the next meeting on October 13, 2016, she will provide a draft response regarding Issue #4, which is the NPDB continuous query; #5 which is the ethical standards attestation; #7 regarding the travel; and #8 regarding the military so the Committee can provide feedback.

**4. Consideration and possible recommendation to the Board relating to the identification and development of new issues to be identified in the Board's 2016 Sunset Report.**

Ms. Hayth indicated that the last item for agenda number 3 leads into the next agenda item number 4, which has to do with the identification and development of new issues to be identified in the Board's 2016 Sunset Report. Ms. Hayth reminded the Committee that during the last time they met they were sent the strategic plan and it was agreed that they would come up with, in the order of most importance, the top three items from the strategic plan and share it with each other at this meeting. Ms. Miller stated that Ms. Martin did send the strategic plan to the Committee members.

Ms. Hayth stated that her top three most important items from the strategic plan is goal 3.3, developing multimedia via webinars and printed materials and housing them on the Board's website so that people can go there and see important topics. She also believes that goal 3.4 on reporting requirements is important and that it should be a priority to require that every licensee report their email address to the Board. She pointed to goal 2.1 to pursue an increase in budgetary authority to secure necessary staffing to improve enforcement efforts. Ms. Miller asked about item 2.1 and what it means to the Committee and if they're looking for more staff. Ms. Miller asked if a priority could be established for budgetary authority to secure necessary staffing to meet the priorities of the Board so that the staff ratios match whatever the priorities are for the Board. Ms. Martin explained that the Board started the budget change proposal process to increase the budget authority in March of 2015 and was approved for six new enforcement staff and one new licensing staff member this year. Ms. Martin referenced Ms. Miller's suggestion regarding staffing and suggested that perhaps at one of the 2017 Board meetings there be discussion on staffing increases where staff is not specific to a program area, but instead more toward operational work for the Board in general.

Ms. Miller indicated that she recalls from the strategic planning process that a lot of effort went in to outreach and that she agrees with Ms. Hayth. Ms. Morcos stated that the items most important to her from the strategic plan are 3.4, which agrees with Ms. Hayth; item 3.5

because she believes a lot of the questions will be answered if this is implemented. Ms. Mocros' third goal is either 3.3 or 1.4 to improve outreach.

Teresa Davies stated she agreed with Ms. Hayth and stated that she also sees 1.3 to create and implement a cross-reference table that clarifies the relationship between Professional Development Units, Continuing Education Units, and Continuing Education hours in order to better assist licensees in determining whether or not their continuing education courses meet state requirements is important. She also referred to goal 1.2 as being important to pursue regulatory amendment that would require Occupational Therapists seeking advanced practice approval to complete only Board approved courses. Her third important goal was 2.3 or 3.3.

Ms. Miller indicated that the three top issues for her from the strategic plan are 1.2, 3.2 which is the development of multimedia to be placed on the Board's website and 4.2 research regulatory issues affecting the full range of Occupational Therapy practice settings to address diverse Occupational Therapy service delivery models.

Ms. Martin advised the Committee that as a follow-up to the last meeting the staff was asked to review the 2014/2015/2016 meeting minutes to identify anything that hasn't been taken action on and bring back a list. She indicated there are only two items: 1) from the June 2015 meeting when the Board considered increasing the PDUs for supervising students in the future for the Board to look at interdisciplinary practice and PDUs for supervising other healthcare students, two of the seven Board members were in agreement of this recommendation; 2) from the October 2015 Board meeting there was a public comment made that continuing education should be made for new grads on their first renewal. This concluded Ms. Martin's report and referred this back to the Committee.

Ms. Hayth asked what the reasoning was behind having new grads do continuing education on their first renewal, and she believes they should. Jeff Hanson stated that he recalls the rationale behind this recommendation was that theoretically someone who has initially graduated could be potentially renewing their license in six months, which is the minimum amount of time a license would be issued. Ms. Martin provided clarification by stating that based on the month of issuance of the license and their birth month; they could get a waiver on their first renewal, which is 30 months after they received their license, so they don't have to do the PDUs. In theory, the licensee is in year five of practice before they have to do the PDUs. Ms. Hayth questioned why the Board approved this. Mr. Hanson asked the question as to where would the line be drawn for first time renewals, he suggested that perhaps it should be stated that if a license is issued for more than 24 months the licensee would have to complete PDUs. Discussion followed on this matter and it was decided by the Committee that they will recommend to the full Board that this be included as one of the new policy issues in the Sunset Report. Motion was approved to make a recommendation to the full Board to include this issue in the Sunset Report.

**5. Consideration and possible recommendation to the Board relating to suggested legislative amendments to Business & Professions Code section 2570.2(k), "Practice of occupational therapy" that were submitted to the scope of practice ad hoc committee August 8, 2016.**

Ms. Hayth read the staff recommendation to the Committee for Issue #9, "The Board should draft language and submit it to the Committee in order that the Committee can understand specifically how the Board desires to expand the definition."

Ms. Miller indicated since the Committee members were on a conference call she asked Ms. Hayth to read the suggested language for this item. Ms. Hayth stated the following:

(k) "Practice of occupational therapy" means the therapeutic use of purposeful, valuable, and necessary ~~and meaningful~~ goal-directed activities (occupations) which engage the individual's body and mind in meaningful, organized, and self-directed actions that maximize independence, and/or self-reliance, minimize or ~~prevent or minimize~~ disability, and maintain health. Occupational therapy services encompass occupational therapy assessment, treatment, education of, and consultation with, individuals who have been referred for occupational therapy services subsequent to diagnosis of disease, ~~or~~ disorder, or impairment (or who are receiving occupational therapy services as part of an Individualized Education Plan (IEP) pursuant to the federal Individuals with Disabilities Education Act (IDEA)). Occupational therapy assessment identifies performance abilities and limitations that are necessary for self-maintenance, learning, work, and other similar meaningful activities. Occupational therapy treatment is focused on developing, improving, or restoring functional daily living skills, compensatory skills to enable performance in occupation, and prevent or minimize disability and/or impairments in daily life functioning. ~~compensating for and preventing dysfunction, or minimizing disability.~~ Occupational therapy techniques that are used for treatment involve teaching activities of daily living (excluding speech-language skills); designing or fabricating selective temporary orthotic devices, and applying or training in the use of assistive technology or orthotic and prosthetic devices (excluding gait training). Occupational therapy consultation provides expert advice to enhance function and quality of life. Consultation or treatment may involve modification of tasks or environments to allow an individual to achieve maximum independence. Therapeutic ~~s~~Services are provided individually or in groups, or through special populations or social groups. ~~, in groups, or through social groups.~~

Ms. Martin provided clarification that at the last Scope of Practice Ad Hoc Committee meeting, two members individually, not the Committee, provided suggested legislative proposals.

Ms. Miller asked if the Scope of Practice Ad Hoc Committee had come to a conclusion on the legislative proposal. Ms. Martin indicated that the Scope of Practice Committee met several times; however, because of the full Board's action at the February Board meeting, by accepting the recommendation to not amend the scope of practice and in the interest of time and since the Sunset Committee was going to review this item, that Scope of Practice Committee recommended to the Board that the Sunset Committee review the legislative proposals.

Ms. Morcos asked the professional members for their opinion on the suggested changes, since they are in the industry and this is what will represent the practice of occupational therapy; she stated it is difficult for her to have an opinion. Ms. Hayth indicated that she would have to give it a lot more thought since her and Ms. Miller are the only two OTs on the Committee, which requires more time.

Ms. Miller asked the Committee if they want to accept or reject the proposed language it can be done at this meeting. Ms. Martin stated if they want to reject the language and not amend the scope of practice, then the only item staff would need to follow-up on Issue 9 from the 2012 Sunset Report would be to give a solid recommendation why the staff does not need to address the issue. Ms. Miller stated that she recommends accepting the Scope of Practice Committee's recommendation to not open the scope of practice issue. It was agreed by the Committee members.

Ms. Martin clarified to the Committee that they can recommend anything they want to the Board, whether it has to do with these recommendations or if they want to provide something different.

However, she stated since there is a placeholder bill out there to extend the Board's sunset this is probably the most favorable opportunity to get other legislative changes through the legislative process.

Discussion continued on this issue between the Committee members and a motion was made to reject these suggested changes to the definition of the practice of occupational therapy. Ms. Morcos suggested this item be included on the October 20<sup>th</sup> agenda. The Committee approved a motion to put former legislative proposals on the October 20<sup>th</sup> meeting agenda for review and possible inclusion in the sunset report.

**6. Adjournment.**

The meeting was adjourned at 5:42 p.m.