



BOARD MEETING MINUTES
University of St. Augustine

Thursday, August 17, 2017
Friday, August 18, 2017

Board Member(s) Present

Denise Miller – President
Richard Bookwalter – Vice President
Sharon Pavlovich – Secretary
Teresa Davies
Jeff Ferro (*August 18, 2017 only*)
Laura Hayth
Beata Morcos

Board Staff Present

Heather Martin, Executive Officer
Jeff Hanson, Enforcement Coordinator
Jody Quesada, Enforcement Analyst
Ileana Butu, Legal Counsel
Norine Marks, Legal Counsel

Thursday, August 17, 2017
9:30 am - Board Meeting

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

The meeting was called to order at 9:40 am, roll was called, Jeff Ferro was absent. A quorum was established.

2. President's Remarks – Informational only; no Board discussion.

President Denise Miller thanked the University of St. Augustine for hosting the Board meeting. Ms. Miller welcomed Norine Marks on her return to the Board as the assigned legal Counsel and thanked Legal Counsel Ileana Butu for her service. Ms. Miller commented that the Board was fortunate to have two esteemed attorneys in attendance for the meeting. Ms. Miller added that the summer months have kept staff busy with work on BreEZe, staffing recruitments, and behind the scenes movement on the legislative process related to the Board's Sunset report.

3. Board Member Remarks – Informational only; no Board discussion.

Vice President Richard Bookwalter stated he was watching a bill which would enact competitive bidding for all durable medical equipment, which includes parts and types of seats for very complicated wheelchairs that offer external support for patients in need.

Mr. Bookwalter said that Kaiser Northern California is expanding its occupational therapy services and there are occupational therapist (OT) positions currently open in Fremont and San Leandro.

The remaining Board members had nothing to report.

4. Public Comment session for items not on the agenda.

Jennifer Snyder from Capital Advocacy, on behalf of the American Occupational Therapy Association (AOTA) and Occupational Therapy Association of California (OTAC) requested the Board consider collaboration regarding processing of advanced practice applications, and to identify ways to streamline the process to see whether there are areas that practitioners don't need to be granted approval. Ms. Snyder asked that the Board add this item to a future agenda.

The remaining public audience members were given the opportunity to introduce themselves at will.

Heather Kitching, OT, OTAC President introduced herself.

Lora Woo, OT, Lecturer and Clinical Instructor at California State University Dominguez Hills introduced herself.

Priya Joshi, OT, CHT introduced herself and stated that she wanted to speak on the advanced practice application issue from a provider standpoint. Ms. Joshi stated that there is a gap between the education preparation and the immediacy of the practitioner's availability to work. Ms. Joshi asked for solutions that can be looked at with respect to giving new graduates an opportunity to come with the approval to provide physical agent modalities as a result of their educational preparation. Ms. Joshi asked for clarification on Board requirements stating that the regulations are vague and open to interpretation in the advanced practice areas.

5. Review and vote on approval of the April 7, 2017, Board meeting minutes.

- ❖ Teresa Davies moved to adopt the minutes.
- ❖ Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Roll Call Vote

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

6. Review and vote on approval of the June 1-2, 2017, Board meeting minutes.

Vice President Bookwalter asked that page 9, paragraph 1 be updated to include his complete statement which should read: "Who better to provide data on the content of the exam, than the only entity offering the exam."

Executive Officer Heather Martin stated that there were a couple technical, non-substantive changes that were suggested by legal counsel.

- ❖ Laura Hayth moved to adopt the minutes as amended and to allow the Executive Officer to make any technical, non-substantive changes.
- ❖ Sharon Pavlovich seconded the motion.

Public Comment

There was no public comment.

Roll Call Vote

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

7. Presentation of licensing and enforcement data and reports for the quarter ending June 30, 2017.

Executive Officer Heather Martin reviewed the included statistical data. Ms. Martin said that she would pull annual data as well. Teresa Davies asked for detailed, usable application data that would show patterns and systematic consistency. Ms. Martin said that she would confer with the Department's BreEZe team to get a better understanding of what data could be extracted from the system.

Vice President Bookwalter stated that the upcoming OTAC conference would be a great opportunity for outreach.

Secretary Pavlovich requested that an application process flowchart be developed so that applicants could have a visual of what is needed to complete the license application process and President Miller requested a flowchart of the advanced practice application process.

8. Executive Officer's Report.
 - a. Operational and budget report.

Ms. Martin reported that month 13 final figures are not yet available, two-part time staff were hired for licensing and cashiering, and Board staff continues to submit tickets to make improvements and/or modifications to BreEZe.

- b. Report on fee increases and related activities.

Ms. Martin reported that a postcard regarding the fee increase was sent to the address of record for every practitioner and Board staff has receive hundreds of them returned due to licensees not updating their address as required by section 4102 of the Board's regulations.

President Miller asked what Board staff will do with the returned mail and Ms. Martin replied that staff may open complaints against these practitioners.

Ms. Martin explained that even though the fee increase became effective July 1, 2017, that due to the fact that July and August renewals were already printed prior to the data patch that the practitioners renewing in July and August would not receive underpayment notices for paying the \$150 renewal fee.

Ms. Martin stated that information regarding the fee increase was posted on the Board's Facebook and Twitter accounts. Ms. Martin reported that in 2016 only two posts were added to the Board's Facebook and Twitter accounts but as of the date of this meeting, Board staff has posted ten times on the Facebook and Twitter accounts.

President Miller stated that in light of the information reported, Board staff can count Strategic Action Plan item 3.5.3 as complete. Ms. Martin agreed.

Teresa Davies suggested that using the LinkedIn platform to communicate with the licensees would be a more relevant professional approach. Ms. Martin agreed to look into it further.

c. Future agenda items.

Ms. Martin stated that it was her hope that by increasing the social media announcements that this would garner more interest in licensees participating on the Board's committees as well as increase the applications for licensees to serve as practice reviewers.

Ms. Martin said that the Board Administrative manual specifies which committees are AdHoc versus Standing. Ms. Martin recommended that the Board's Disciplinary Guidelines be reviewed by the Enforcement ad-hoc committee so that recommendations and rationale for proposed amendments could be brought back for the Board's consideration.

Beata Morcos asked the status of the ad-hoc committees that were formed the previous year.

Ms. Martin said that those committees completed their assigned task, thus they were disbanded.

d. Other Informational Items – No Board discussion or action.

Ms. Martin stated that license portability, Assembly Bill 387 and AOTA's Ad-Hoc Committee recommendations on proposed fieldwork changes and establishment of an "Initial Experiential Learning Requirement" will be back on the October agenda.

Public Comment

Lora Woo, OT, Lecturer and Clinical Instructor at California State University Dominguez Hills thanked Ms. Martin for the clarifying explanation surrounding July and August renewals and she asked if there was a list of committees that she could share with her staff in order to encourage them to get involved.

President Miller stated that the Board would list the available committees and scope of those committees at the October meeting. Ms. Miller went on to explain that Board staff intends to increase outreach levels through the Board's website and its Facebook and Twitter accounts with a goal of greater show of interest from practitioners that would like to sign up and serve on the committees.

Heather Kitching, OT, OTAC President commented that the fee increase postcard was a great education tool and she shared it with her students. Ms. Kitching extended an offer of available space in the OTAC newsletter for the Board to increase their outreach.

9. Update and possible action on the Board's Strategic Plan *Action Plan*.

Executive Officer Martin reviewed the included Strategic Plan and the subsequent Strategic Plan *Action Plan*. Ms. Martin offered that she would like direction from the Board members, in the event they felt any of the items and their corresponding due dates should be reevaluated.

Beata Morcos questioned what the Board will need to do in order to require email address reporting.

Ms. Martin stated that the drafted language would need to complete the regulation process for Board staff to enforce email address reporting.

Public Comment

There was no public comment.

10. Consideration of proposed amendments to California Code of Regulations, title 16, Sections 4110, Application; 4111, Place of Filing; 4112, Review of Application; and 4114, Abandonment of Application.

Ms. Martin explained that the underlined text in Section 4110 (b) is being proposed because applicants are not paying for their application at the time of submission. Ms. Martin went on to suggest that Section 4110 stay unchanged and a portion of the proposed language be added to Section 4112 as follows:

"Within thirty (30) days after receipt of an application for a license or limited permit, and payment of the application fee, whichever occurs last, the board shall evaluate the application and inform the applicant, in writing, whether the application is complete and approved or that it is deficient and what specific information or documentation is required to complete the application."

Secretary Pavlovich asked why the Board can't require payment before an applicant is able to click 'submit'?

Ms. Martin explained that changing that particular functionality would affect all boards and would require feedback from the BreEZe IT group as well as all the other boards.

Beata Morcos questioned why “if available” was included in Section 4111?

Ms. Martin replied that “if available” was included because the language mirrors that of Section 4110 and it provides consistency.

Ms. Martin explained the proposed changes to Section 4114.

A discussion ensued amongst legal counsel and Board members as to where to include language that references fees paid.

Vice President Bookwalter suggested adding a section (d) for the language.

Legal Counsel Marks agreed.

The proposed changes to Section 4114 are as follows:

Remove “and the application fee forfeited” from sections (a) and (b)

Add “or” at the end of Section (a)(1) and (b)(1).

Add a new section labeled (d) that reads:

“Any fee paid will be forfeited if the application is deemed abandoned.”

- ❖ Richard Bookwalter moved to accept the proposed changes in Article 2, Sections 4110, 4111, 4112 and 4114 and approve for noticing.
- ❖ Laura Hayth seconded the motion.

Richard Bookwalter amended his motion.

- ❖ Richard Bookwalter moved to accept the proposed changes in Article 2, Sections 4110, 4111, 4112 and 4114, approve for noticing and allow the Executive Officer to make any technical, non-substantive changes.
- ❖ Laura Hayth seconded the motion.

Public Comment

There was no public comment.

Roll Call Vote

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

11. Update and possible action on pending Rulemaking files, California Code of Regulations (CCR), title 16:

- Section 4130, Fees;
- Sections 4161, 4162, and 4163, relating to Continuing Competence;
- Section 4149.5, Petition for Reinstatement or Modification of Penalty;
- Section 4176, Notice to Consumers.

Executive Officer Martin reviewed the included regulation update report. Ms. Martin asked for any feedback from the Board members regarding priority reorganization on the 'process not yet started' amendments on page two.

There were no proposed changes.

Public Comment

There was no public comment.

ADMINISTRATIVE HEARING

The Administrative Hearing was canceled and rescheduled at the Petitioner's request.

CLOSED SESSION

The Board met in closed session pursuant to Government Code section 11126(e) to confer with and receive advice from legal counsel regarding pending litigation.

The Board entered in to closed session at 11:48 a.m.

RECONVENE IN OPEN SESSION

The Board reconvened in to open session at 1:05 p.m.

12. Recess for the day.

The meeting adjourned at 1:05 p.m.

Friday, August 18, 2017

9:30 am - Board Meeting

13. Call to order, roll call, establishment of a quorum.

The meeting was called to order at 9:46 am, roll was called. A quorum was established.

CLOSED SESSION

14. The Board will meet in closed session pursuant to Government Code section 11126(e) to confer with and receive advice from legal counsel regarding pending litigation.

This item was completed on Day 1.

15. Public Comment session for items not on the agenda.

Audience members were given the opportunity to introduce themselves at will.

Heather Kitching, OT, OTAC President introduced herself.

Lora Woo, OT, Lecturer and Clinical Instructor at California State University Dominguez Hills introduced herself.

Executive Officer Heather Martin presented an email sent to Board staff regarding whether or not suture removal fell within the scope of practice for OTs and asked the Board if they wanted to have this topic added to a future Board meeting for discussion.

Public Comment

There was no public comment.

- ❖ Jeff Ferro moved to not put this item on the agenda.

Jeff Ferro retracted his motion.

- ❖ Sharon Pavlovich moved to add the topic to a future agenda.
- ❖ Jeff Ferro seconded the motion.

Public Comment

Heather Kitching asked Legal Counsel Norine Marks what the role and impact would be of the document that was submitted by the Physical Therapy Board of California (PT) that includes a disclaimer that states it "is not a declaratory opinion of the PT Board of California."

Legal Counsel Marks stated that she did not know the context in which the PT Board issued the statement and without context she would not be able to answer.

Roll Call Vote

Laura Hayth	Aye
Teresa Davies	Aye
Jeff Ferro	Aye
Beata Morcos	Aye
Richard Bookwalter	No
Denise Miller	No
Sharon Pavlovich	Aye

Executive Officer Martin asked whether the Board members would like to consider a logo update/re-branding at a future meeting.

- ❖ Richard Bookwalter moved to consider a new CBOT logo at a future meeting.
- ❖ Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Roll Call Vote

Laura Hayth	Aye
Teresa Davies	No
Jeff Ferro	Aye
Beata Morcos	Aye
Richard Bookwalter	Aye
Denise Miller	Aye
Sharon Pavlovich	Aye

16. Discussion and possible action regarding lack of available fieldwork sites, impact of large employers requiring schools pay stipend for fieldwork placement and potential impact to students and consumers.

President Miller referred to the included letter from St. Catherine University regarding fieldwork sites that was addressed to the Board and asked if the Board members had any comments.

Vice President Bookwalter stated that the Board should thank St. Catherine's for the letter because it helped answer some of the questions Board members had at a previous meeting.

Executive Officer Martin stated that Board staff would prepare a response to St. Catherine's letter.

Public Comment

Lora Woo stated that after reading Ms. Anderson's letter that she wondered how effective St. Catherine's efforts to reach out to the OT community were and that she was befuddled by Ms. Anderson's disappointment.

President Miller asked if Ms. Woo had been contacted as a potential fieldwork site.

Ms. Woo said that she had but it was not made clear what program the caller was calling from and did not learn their identity until calling back and further probing as to the caller's identity.

Vice President Bookwalter expressed his concern regarding references in Ms. Anderson's letter as to what the Board said, what the public said and what OTAC said. Mr. Bookwalter asked that the letter thank Ms. Anderson and clarify who the Board is, their role, and the limit of the Board's scope.

President Miller agreed with Mr. Bookwalter.

Public Comment

Heather Kitching commented that as a practitioner, she sees the expansion as a good idea and it will only become more common.

Ms. Kitching asked that the Board become versed in the federal program called State Authorization Reciprocity Agreements (SARA). Ms. Kitching stated that because Florida and California do not participate, California students cannot participate in the states that do participate.

Secretary Pavlovich commented that from an education standpoint, Loma Linda has just started to scratch the surface on SARA and her recollection is that it is very expensive.

Joyce Fries OT, Academic Fieldwork Coordinator and Faculty Occupational Therapy Assistant Program at Grossmont College voluntarily introduced herself.

Teresa Davies asked if the Board was going to keep adding the fieldwork topic to the agenda without action.

Secretary Pavlovich stated that it was her understanding that the Board would keep this on the agenda in order to keep an eye on how the California workforce is impacted and the different models suggested for improving fieldwork opportunities.

President Miller and Vice President Bookwalter agreed that it can be removed when there is not any new information to discuss on the topic.

Secretary Pavlovich expressed her concern on behalf of the OTAs since they weren't included in AOTA's AD-Hoc Committee's recommendations regarding fieldwork and asked that it be kept on the agenda.

Ms. Martin stated that a manager with DCA's SOLID facilitators agreed to put together a survey monkey to send out the California programs to identify the issues of the fieldwork placement.

Teresa Davies stated that because the Board continually speaks of Genesis that we should reach out to them or cease bringing them up. Ms. Davies reminded Board staff that the direction given to staff was to ask Genesis if they implemented their proposed plan.

President Miller addressed Ms. Davies' point and agreed that the Board does not have to talk about Genesis anymore but supports keeping fieldwork placement as a placeholder.

Laura Hayth commented that practitioners should think ahead because this is a new business model, and companies need to figure out how to conduct business ethically and not go under.

Public Comment

Lora Woo asked if there was any discussion within the Board, regarding participation in the possible pilot program with AOTA.

Vice President Bookwalter stated that he would like to address Ms. Woo under agenda item 17.

17. Discussion and consideration of establishing a pilot apprenticeship program for occupational therapy assistants completing their fieldwork.

Executive Officer Martin reviewed the included documents and raised consideration of establishing apprenticeships so that California can potentially have an innovative way to address lack of fieldwork sites or the challenges in placing students. Ms. Martin stated that if the Board chooses to move forward on this topic that the Board would have to seek legislation and get one of the community colleges to agree to participate in the pilot program.

President Miller and Secretary Pavlovich both agreed that it sounded great and thanked Ms. Martin for her work.

Vice President Bookwalter was excited about the program and added that on the job training models exist and looked forward to seeing what it could do for the profession.

Jeff Ferro stated that the grant program is exciting and \$50-60 dollars a year have been allotted for apprenticeships in the past. Mr. Ferro said that the Board would be doing the state and future practitioners a service by checking into this potential opportunity and that the Board should maximize efforts to get money for the profession.

President Miller thanked Mr. Ferro for bringing this concept to the Board's attention.

Ms. Miller asked the Board what the immediate action of the current Board should be.

Ms. Davies stated that at minimum Executive Officer Martin should participate on the public task force. Ms. Davies added that an update at the October meeting and establishment of an ad-hoc committee at a future meeting, if necessary.

Mr. Ferro asked that the Board find subject matter experts to address the Board and to have initial discussions with colleges and potential employers that may want to participate. Mr. Ferro reported that the grants come out in February or March.

President Miller asked Executive Officer Martin if she would reach out to someone to come and speak about apprenticeships in October.

Ms. Davies stated that there should be a specific direction on this topic if it is to be addressed in October and suggested the topic revolve around what apprenticeship means as a whole, rather than the execution.

Public Comment

Joyce Fries stated that a partnership with state colleges makes sense. Ms. Fries asked who would receive the funds and how breakdown of the funds would look.

Mr. Ferro stated that the money goes to the program and the program breaks it down but it's not an easy answer at this stage.

Heather Kitching said that this potential program is visionary and she offers her heart felt gratitude and appreciation to the Board for being proactive.

Lora Woo found the conversation exciting and was appreciative that the Board would enlist others to be involved in the process.

18. Update on legislation:
 - a. Assembly Bill (AB) AB 703 (Flora), Professions and vocations: licenses: fee waivers.
 - b. AB 710 (Wood) Department of Consumer Affairs: boards: meetings.
 - c. AB 1005 (Calderon), Professions and vocations: fines: relief.
 - d. AB 1087 (Irwin), Teacher credentialing: services credential with a specialization in occupational therapy and physical therapy services.
 - e. AB 1510 (Dababneh), Athletic Trainers.
 - f. AB 1706 (Committee on Business and Professions), Healing Arts.
 - g. Senate Bill (SB) 762 (Hernandez), Healing arts licensee: license activation fee: waiver.

Executive Officer Heather Martin gave an informational overview of the included legislative update.

Public Comment

Heather Kitching stated AB 387 is expected to return which deals with payment for all interns in medical care settings and would be catastrophic to the workforce.

19. Selection of 2018 Board Meeting dates and locations.

The Board tentatively agreed on the following dates for the 2018 Board meetings.

The locations are proposed and subject to availability of meeting venues.

February 8-9, 2018, Bay Area.

May 31 – June 1, 2018, Sacramento.

August 23-24, 2018, San Marcos.

October 24-25, 2018, Pasadena.

20. Suggested agenda items for a future meeting.

- License portability to be added to the agenda.
- Learning experiential requirement to be added to the agenda.
- Invite speaker on apprenticeship.
- Send a survey to schools
- Response to St. Catherine's University
- Update on the Sunset report.

Adjournment.

The meeting adjourned at 11:37 a.m.