



TELECONFERENCE BOARD MEETING MINUTES

Thursday, October 21, 2021

Board Member(s) Present

Sharon Pavlovich – President
Jeff Ferro – Vice President
Beata Morcos – Secretary
Richard Bookwalter – Board Member
Lynna Do – Board Member
Denise Miller – Board Member

Board Staff Present

Heather Martin – Executive Officer
Jody Quesada – Associate Analyst
Jeanine Orona – Enforcement Analyst
Helen Geoffroy – Attorney III

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

The meeting was called to order at 9:30 a.m., Secretary Beata Morcos called roll and a quorum was established.

2. President’s Remarks – Informational only; no Board Action to be taken.

President Pavlovich thanked everyone in attendance for taking time out of their busy schedule and Board staff for all the hard work that goes in to meeting preparation.

3. Board Member Remarks – Informational only; no Board Action to be taken.

Board member Richard Bookwalter commented on the fact that the National Board for Certification in Occupational Therapy sent a scam alert email warning meant to advise as many licensees as possible of the potential threat.

Executive Officer Heather Martin reported that the Department of Consumer Affairs (DCA) is aware of the scam and has posted helpful information on the DCA website. Ms. Martin stated that she asked Board staff to add information to the top of Board’s website and post information on social media to alert licensees of the threat.

4. Public Comment Session for items not on the Agenda.

President Pavlovich offered any member of the public the opportunity to introduce their self at will or share a topic they wished to ask the Board to add to a future agenda.

American Occupational Therapy Association (AOTA) State Affairs Manager Kristen Neville introduced herself and thanked the Board for the opportunity to participate.

Program Director for the Occupational Therapy Assistant at Sacramento City College (SCC) Ada Boone Hoerl introduced herself and said that she was happy to attend the Board's meeting.

President Pavlovich referenced a letter from the Occupational Therapy Association of California's (OTAC's) requesting the Board consider creating, as a condition of licensure renewal, a requirement to complete a certain amount of educational hours related to "cultural diversity, cultural humility and working with diverse populations."

- Denise Miller moved to add OTAC's request to a future meeting agenda for discussion.
- Jeff Ferro seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter: Yes
Lynna Do: Yes
Jeff Ferro: Yes
Denise Miller: Yes
Beata Morcos: Yes
Sharon Pavlovich: Yes

The motion carried.

5. Sunset Review Committee's report and recommendation(s) to the Board regarding:

a) Highlights from the October 14, 2021, Committee meeting.

There were no Board comments or Public comments on the October 14, 2021, meeting highlights.

b) Acceptance of the September 1, 2021, Committee meeting minutes

- Richard Bookwalter moved to accept the September 1, 2021, Committee meeting minutes.
- Jeff Ferro seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter: Yes
Lynna Do: Yes
Jeff Ferro: Yes
Denise Miller: Yes
Sharon Pavlovich: Yes
Beata Morcos: Yes

The motion carried.

Board member Denise Miller asked that the public comment regarding adding a required Ethics course for license renewal included in the committee meeting minutes be added to the list of Future Agenda Items for discussion.

- Denise Miller moved to add the public comment to explore requiring an Ethics course requirement to a future agenda for discussion.
- Richard Bookwalter seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter:	Yes
Sharon Pavlovich:	Yes
Lynna Do:	Yes
Jeff Ferro:	Yes
Denise Miller:	Yes
Beata Morcos:	Yes

The motion carried.

- c) Review of draft 2021 Sunset Report prepared as of October 7, and possible recommendation to Board to approve

Executive Officer Heather Martin shared the Sunset Report sections via WebEx that were not included in the public copy of the meeting materials and verbally reviewed the sections for the convenience of the public to follow along.

- 6. Discussion and possible action on Sunset Review Committee report and recommendation(s).

Section 1 – Background and Description of the Board and Regulated Profession

There were no Board or Public comments.

Section 2 – Performance Measures and Customer Satisfaction Surveys

There were no Board or public comments.

Section 3 – Fiscal and Staff

There were no Board or Public comments.

Section 5 – Enforcement Program

Ms. Martin said that the committee was not recommending all of Section 5 and that she would verbally outline the committee approved changes that they recommend the Board approve.

The changes were made to subsection 37, (b) of subsection 38, subsections 40, 43, 44, subsection 45 had edits to the layout of the tables, subsections 46, 47, 50, 51 and 52.

Board member Richard Bookwalter questioned why some of the charts have no graph bars and why performance measure 7 displays “no data/graph”.

Ms. Martin stated that there was insufficient data for the computer software to produce a graph.

Mr. Bookwalter asked that Board staff either superimpose an asterisk and indicate the why, add a “0” when there are no graph bars or add a legend. He left the method up to Board staff.

Ms. Martin said that she would try to superimpose a text box with ‘0’s and add an explanation as well.

- Jeff Ferro moved to accept the recommendations of the committee with the understanding that there may be modifications as discussed by Executive Officer Heather Martin.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter:	Yes
Lynna Do:	Yes
Jeff Ferro:	Yes
Denise Miller:	Yes
Beata Morcos:	Yes
Sharon Pavlovich:	Yes

The motion carried.

7. OTD Committee’s report and recommendation(s) to the Board regarding:

- a) Highlights from the October 6, 2021, Committee meeting.

President Pavlovich who also served as the Chairperson of the OTD committee thanked all of the committee members for their thoughtful contributions. Ms. Pavlovich asked her fellow Board members for any input regarding the October 6, 2021, committee highlights.

Mr. Bookwalter inquired whether AOTA was consulted about the removal of “...or arranged by a nationally recognized professional association.” in Section 2570.6 (d).

Executive Officer stated that AOTA was not consulted because AOTA is named in that language in the last three sentences of 2570.6 (d).

Mr. Bookwalter suggested that Board staff reach out to AOTA to ensure that the removal of that language will not negatively impact any of the Career Mobility licensees.

Ms. Pavlovich stated that this committee agreed to not meet again.

- Richard Bookwalter moved to adopt the October 6, 2021, committee highlights.
- Jeff Ferro seconded the motion.

Public Comment

Kristen Neville of AOTA stated that she would share this topic with Chuck Wilmarth and her colleagues and if there was any concern that AOTA would get back to the Board.

Board Member Votes

Richard Bookwalter:	Yes
Lynna Do:	Yes
Jeff Ferro:	Yes
Denise Miller:	Yes
Beata Morcos:	Yes
Sharon Pavlovich:	Yes

The motion carried.

b) Acceptance of the August 16, 2021, Committee meeting minutes.

- Richard Bookwalter moved to accept the August 16, 2021, Committee meeting minutes.
- Lynna Do seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter:	Yes
Lynna Do:	Yes
Jeff Ferro:	Yes
Denise Miller:	Yes
Beata Morcos:	Yes
Sharon Pavlovich:	Yes

The motion carried.

c) Committee recommendations to the Board.

The highlights document was used as the committee's recommendation.

8. Discussion and possible action on OTD Committee report and recommendation(s).

- Richard Bookwalter moved to accept the committees' recommended revisions of Business and Professions Code (BPC) sections 2570.4 and 2570.6 in the committee meeting highlights.
- Beata Morcos seconded the motion.

Ms. Miller said that she was uncomfortable with accepting the language without seeing the language in its entirety with the changes included. Ms. Miller asked if Board staff could bring that back for review.

Mr. Bookwalter agreed and withdrew his motion.
Ms. Morcos withdrew her second.

- Denise Miller moved to instruct Board staff to bring BPC sections 2570.4 and 2570.6 in total including the changes recommended by the OTD committee to the November Board meeting.
- Richard Bookwalter seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter: Yes
Sharon Pavlovich: Yes
Lynna Do: Yes
Jeff Ferro: Absent
Denise Miller: Yes
Beata Morcos: Yes

The motion carried.

Vice President Jeff Ferro dropped off the WebEx platform at 11:25 a.m. due to connectivity issues.

- Richard Bookwalter moved to add the final recommendation of the OTD committee which was to discuss the appropriate number of OT students that can be supervised by an OT who is concurrently supervising OTAs to a future agenda.
- Beata Morcos seconded the motion.

Public Comment

Kristen Neville of AOTA asked for the motion to be repeated.
President Pavlovich repeated the motion.

Board Member Votes

Richard Bookwalter: Yes
Sharon Pavlovich: Yes

Lynna Do:	Yes
Jeff Ferro:	Absent
Denise Miller:	Yes
Beata Morcos:	Yes

The motion carried.

9. Update on Fieldwork Communications Workgroup.

Board member Lynna Do who also served as the Chairperson of the Fieldwork Communications Workgroup reported that the Workgroup met twice, and the next scheduled meetings lacked a quorum and subsequent efforts at scheduling a meeting were unsuccessful. Due to the challenges with scheduling subsequent meetings Ms. Do brought the work to the Board to move it forward.

Ms. Do stated referenced two letters reviewed by the Workgroup, one addressed to facility administrators and the second addressed to practitioners, meant to encourage the supervision of students for the Board's review and approval. Ms. Do also asked that the Board discuss the committee's request to increase PDUs earned for those practitioners who supervise a fieldwork student and additional PDUs if it is a student from a California program.

- Lynna Do moved to discuss all three Fieldwork Communications Workgroup items to a future agenda.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter:	Yes
Sharon Pavlovich:	Yes
Lynna Do:	Yes
Jeff Ferro:	Absent
Denise Miller:	Yes
Beata Morcos:	Yes

The motion carried.

10. Discussion on the Board's Fund Condition and possible increase of license renewal and other miscellaneous fees to maintain solvency.

Executive Officer Heather Martin reviewed the fund condition statement and other included budget documents and drew attention to historical fund reversion amounts during the period of fiscal year (FY) 2009-10 through FY 2020-21. Ms. Martin referenced other healthcare board fees before reiterating that no matter how much Board staff has underspent, and continues to underspend, there has never been enough revenue generated to offset the Board's expenditures.

Public Comment

There was no public comment.

Mr. Bookwalter asked that Board staff bring back the healthcare board fees chart and highlight which boards/bureaus are closest in size to the Board.

11. Executive Officer Report on Board operations.

Executive Officer Heather Martin reported that Board staff had recently submitted hiring packages to fill two enforcement analyst positions and one the positions will be filled in November. Ms. Martin advised of a request to hire a retired annuitant (RA) to assist with the transition plan for Jeff Hanson's Staff Services Manager I position following his December retirement and assist with other enforcement-related workload until the two analysts positions could be filled, staff on-boarded and trained. A second RA will be hired to assist with the remaining recruitment packages.

12. Update on the Occupational Therapy Workforce Study conducted by the California Community Colleges Chancellor's Office.

Ms. Martin reported that after several email requests there continues to be no response on the OTA Workforce study.

13. Update on Occupational Therapy Licensure Compact.

Ms. Martin stated there were no changes to the Compact from the previous report and reminded the Board that this is a standing item and any changes they will be reported at the November meeting.

14. Suggested agenda items for a future meeting.

Denise Miller asked if there was a way for the Board to fast track certain Enforcement cases in order to save money.

After seeking further clarification, Ms. Martin stated that it is part of the licensees' due process to request an Administrative hearing in addition to the Informal Conference with Board staff.

- Richard Bookwalter moved to bring the issue of an Ethics course requirement for license renewal to a future agenda if it was not previously moved and voted on.
- Denise Miller seconded the motion.

DCA Attorney Helen Geoffroy said that the Board President can add any items to the list of future agenda items that she sees fit without a motion.

Mr. Bookwalter and Ms. Miller withdrew their motion and second respectively.

President Pavlovich stated that the topic would be added to the list of future agenda items.

Public Comment

There was no public comment.

15. Selection of 2022 Board Meeting dates.

The Board members selected February 24-25, 2022, May 19-20, 2022, August 18-19, 2022, and November 3-4, 2022, as the 2022 dates the Board would meet.

Denise Miller asked when the Board would be allowed to meet in person for Board meetings.

Ms. Martin replied that if the Board directed staff to schedule an in-person meeting, they would do so. Ms. Martin stated that the DCA Executive Office would need to be included in the request as vaccine status and testing would need to be addressed.

Ms. Miller asked that Board staff report on what other boards/bureaus are doing regarding in-person meetings.

President Pavlovich thanked the public audience for attending and Board staff for all their hard work and dedication. Ms. Pavlovich informed the public that the Board would be entering in to Closed Session to deliberate on disciplinary matters and would only return to Open Session to adjourn the meeting.

CONVENE CLOSED SESSION

The Board convened in Closed Session at 12:50 p.m.

RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 1:16 p.m.

Adjournment.

The Board adjourned at 1:16 p.m.