

AGENDA ITEM 5

**REVIEW AND VOTE ON APPROVAL OF THE MAY 20-21, 2021,
BOARD MEETING MINUTES.**



***** DRAFT *****

TELECONFERENCE BOARD MEETING MINUTES

May 20-21, 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
 Helen Geoffroy – Attorney III

May 20, 2021

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

The meeting was called to order at 9:05 a.m., roll was called, a quorum was established. All Board members were present except Jeff Ferro, who experienced technical difficulties. Jeff Ferro was able to join the meeting at 9:26 a.m.

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

President Sharon Pavlovich welcomed and thanked all in attendance for joining the meeting. Ms. Pavlovich commented that she was excited to be present and adjusting to the past year’s events. Ms. Pavlovich stated that she received an email that outlined Governor Newsom’s plan to remove restrictions beginning June 15.

President Pavlovich stated that Agenda Items 8 and 9 would be addressed following the lunch break because that was when Dan Logsdon, Director of the National Center for Interstate Compacts would be available to participate.

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

Board Member Richard Bookwalter announced his recent reappointment to the Board and extended his gratitude to Governor Newsom. Mr. Bookwalter reported that he attended the American Occupational Therapy Association’s (AOTA) annual conference in April and that was informative and convenient. Mr. Bookwalter congratulated President Pavlovich on receiving her Doctorate and Board member Denise Miller for receiving her Fellow from AOTA.

Board member Denise Miller reported that she is very grateful to receive her Fellow from AOTA and that her nominator, Dr. Pamela Toto, Director of the Doctor of Clinical Science in Occupational Therapy Program at the University of Pittsburgh flew out to California and was with Ms. Miller when she received her award virtually.

Ms. Miller reported that she reactivated her National Board for Certification in Occupational Therapy (NBCOT) membership enabling her to add the 'R' back to her signature block along with the Fellow designatory letters.

Board member Beata Morcos congratulated both Denise and Sharon on their recent accomplishments and expressed how proud she was of them both.

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

President Pavlovich offered the floor to any member of the public who wished to introduce themselves at will or to speak of items not on the agenda.

There were no introductions or comments made.

5. Review and vote on approval of the February 25-26, 2021, teleconference Board meeting minutes.

- Lynna Do moved to approve the February 25-26, 2021, meeting minutes with non-substantive changes.
- 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:	Not in Attendance
Denise Miller:	Yes
Beata Morcos:	Yes

The motion carried.

6. Review and vote on approval of the April 1, 2021, teleconference Board meeting minutes.

- Lynna Do moved to approve the April 21, 2021, meeting minutes with non-substantive changes.
- 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: Not in Attendance
Denise Miller: Yes
Beata Morcos: Yes

The motion carried.

7. Review, update and discussion of various states' legislation introduced to allow their state to become a member state of the Occupational Therapy Licensure Compact, to facilitate the interstate practice of occupational therapy.

The Board members discussed the table identifying states that had initiated compact legislation and included the status of that legislation. The Board members agreed that moving forward Board staff would update the graph with the newest updates and include a link to that states' compact bill language for the Board members to review if they wish.

Vice President Jeff Ferro asked the practitioner Board members if they happened to notice any language within the other states' bills that was unique as it pertains to the compact or interesting that the Board may want to consider or discuss as it applies to the Board's laws or regulations.

President Pavlovich suggested that a side by side comparison with a couple states' language and the CBOT's language may be helpful.

Richard Bookwalter suggested a Practice Act comparison and a separate Compact language comparison.

Denise Miller suggested that a Practice Act comparison be assigned to a Board committee.

President Pavlovich decided that the Board should wait to speak with Dan Logsdon when he was in attendance at the meeting under Agenda items 8 & 9 that would be handled that afternoon. She also suggested that the Practice Act comparison discussion be tabled for a future meeting.

Public Comment

There was no public comment.

8. Update on the *Occupational Therapy Licensure Compact* by Dan Logsdon, Director, National Center for Interstate Compacts, The Council of State Governments.

(This item was moved to a 1:30 p.m. discussion time due to the guest speakers' availability.)

Dan Logsdon, Director, National Center for Interstate Compacts, The Council of State

Governments, thanked the Board for the invitation to speak at their meeting. He reported that Ohio, Maryland, Virginia, and Georgia enacted Compact legislation and that Maine, New Hampshire and North Carolina had legislation pending. He stated that legislation pending in Missouri was on the Governor's desk. Mr. Logsdon reported that it was possible that ten states, the number required to enact the compact, could enact compact language in 2021 but more than likely it would be in the first quarter of 2022.

Mr. Logsdon stated that AOTA and NBCOT were in support of the Compact and working to make it a reality.

President Pavlovich asked if there was a reason that Missouri's compact summary was extremely long. Mr. Logsdon replied that Missouri's bill could have been inserted in an Omnibus bill or a much longer piece of legislation.

President Pavlovich asked for an update on the Physical Therapy (PT) and Nursing Compacts nationwide and for the state of California.

Mr. Logsdon reported that the PT compact has 33 member states and the Nursing compact has 34 states and Guam which is a territory. Both professions are still interested in having compacts enacted. Mr. Logsdon is not aware that the compacts have been filed in California and to his knowledge California is not a part of any licensing compacts.

Mr. Logsdon shared that he wouldn't mind staying around for the Nursing and PT conversation if the Board need him to and he wanted to assure the Board that the Compact commission will operate in a transparent manner.

President Pavlovich asked Mr. Logsdon for reassurance that no changes have been made to any state's compact language regarding rule making, disciplinary matters or other substantive changes.

Mr. Logsdon confirmed that no changes had been made.

Denise Miller asked if he thinks that ten states would have joined by the end of 2021 and how will it be communicated to the rest of the Boards when the ten-state threshold is reached.

Mr. Logsdon said that he felt there was a good chance that the compact language would reach passage in ten states by the end of the year and that Council of State Governments would make the announcement if that happened. He also advised that AOTA and NBCOT would also be announcing the news as well.

President Pavlovich apologized to Mr. Logsdon and corrected herself regarding the state with the long summary in question New Hampshire and not Missouri. Mr. Logsdon acknowledged that the reason for that is that the bill combines compact language for multiple disciplines.

Vice President Ferro asked for more information regarding the Federal Bureau of Investigation (FBI) background check and states having a companion bill introduced.

Mr. Logsdon reported that the Council of State Governments and their Attorney are of the opinion that the compact itself is all the authorization that is needed. They believe it to be unnecessary. Mr. Logsdon went on to say that the FBI believes that additional language needs to be added to the member states' Practice Acts so that it is clear that the background check is authorized in statute.

Public Comment

There was no public comment.

9. Review and discussion of the Occupational Therapy Licensure Compact.

(This item was moved to a 1:30 p.m. discussion time due to the guest speakers' availability.)

President Pavlovich asked the Board where they wished to start the conversation regarding the compact.

Denise Miller thanked Dan Logsdon for his willingness to return to discuss the compact with the Board and had no further comments.

Lynna Do said if there were no significant changes since the previous meeting that the Board should continue to watch the progress.

President Pavlovich asked for clarification as to where the Board wants to go and why are we not moving forward.

Jeff Ferro asked if California had a bill sponsor as of yet because without a sponsor there is nothing else the Board could do right now. Mr. Ferro said that it was exciting to see the other states come along in the compact process.

Richard Bookwalter agreed with Mr. Ferro and expressed his desire to have the Compact map included in future Board meeting materials.

President Pavlovich agreed that the topic would stay on the agenda and at least include the updated map to keep abreast of the number of states that have enacted legislation.

Public Comment

There was no public comment.

President Pavlovich expressed her thanks and appreciation of Mr. Logsdon's time and said that she was excited to see this come together for the Council of State Governments.

10. Update on waivers issued by the Director of Department of Consumer Affairs in response to the COVID-19 pandemic.

President Pavlovich reminded that the Board members that CBOT had three waivers currently in place. The waivers were to extend the continuing education requirements related to a renewal, to extend the expiration dates for occupational therapy limited

permits and to extend an applicant's eligibility to submit an initial license fee from 60 to 120 days.

President Pavlovich reported that the Department of Consumer Affairs (DCA) would be informing Board staff of any future changes or extensions and then asked for any Board discussion on the topic.

There were no additional comments regarding the waivers, so President Pavlovich followed up by commenting that although the CBOT has these waivers in place, not all licensees and applicants have taken advantage of them. She noted that Covid-19 has brought about other difficulties like the inability to place students for completion of their fieldwork and she appreciates DCA doing what they can to ease things with the waivers.

Richard Bookwalter and Denise Miller were interested to know when/if in person Board meetings would resume.

Executive Officer Heather Martin said that the topic was being looked at and she would report back as soon as possible.

Public Comment

There was no public comment.

11. Discussion and consideration establishing a position on the following bills:

President Pavlovich thanked staff for the summation and reminded the Board members to let Board staff know if there is a position per bill so that they could get it on record.

a. Report on Pending Legislation

Ms. Martin provided a legislation report that listed each bill, contained a summary, listed a Board position if one was previously taken and gave a status update of bill position for the convenience of the Board.

b. Assembly Bill (AB) 2 (Fong) Regulations: legislative review: regulatory reform.

The Board decided to **Watch** this bill.

Mr. Bookwalter stated that this bill would have an impact on Board operations, but the Due date was 18 months out.

Public Comment

There was no public comment.

c. AB 29 (Cooper) State bodies: meetings.

Executive Officer reported that if meeting writings and materials are not available on the website 72 hours in advance they cannot be discussed.

Attorney Helen Geoffroy stated that the DCA Legal department was in discussions about document links and verbal updates. Ms. Geoffroy said that legislative updates may be an outlier as well.

Secretary Beata Morcos commented that the language could pose a problem for Board staff when needed documents come in last minute and they wouldn't be permissible.

The Board decided to **Watch** this bill.

Public Comment

There was no public comment.

d. AB 107 (Salas) Licensure: veterans and military spouses.

Executive Officer Heather Martin informed the Board that the Board issues regular licenses in as few as 30 days as long as required documentation is received.

The Board decided to **Watch** this bill.

Public Comment

There was no public comment.

e. AB 114 (Maienschein) Medi-Cal benefits: rapid Whole Genome Sequencing.

President Pavlovich reported that the Board took a position of 'Watch' at the February meeting.

Mr. Bookwalter reported that the bill was currently in the suspense file.

Board staff was directed to inform the Board of bills in suspense, so they don't discuss.

The Board decided to **Watch** this bill.

Public Comment

There was no public comment.

f. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses.

The Board decided to **Watch** this bill.

Public Comment

There was no public comment.

g. AB 305 (Maienschein) Veteran services: notice.

The Board decided to **Watch** this bill.

Public Comment

There was no public comment.

h. AB 339 (Lee) State and local government: open meetings.

Denise Miller, Jeff Ferro and Beata Morcos voiced their support of the bill because it increased accessibility for the public. Richard Bookwalter stated that if it passed, he favored the bill. He also noted that some of the closed captioning and other accessibility language was removed, and the current version of the bill was more focused on teleconferencing

Ms. Martin stated that there would be a fiscal impact if closed captioning was a requirement which is not the same thing as operational impact.

Attorney Helen Geoffroy reviewed the May 17th analysis by the legislature that stated the costs incurred by requiring closed captioning would cost millions of dollars. Ms. Geoffroy said that the sheer expense of forcing this technology may mean it needs to be pushed out to a future date. Ms. Geoffroy confirmed that Mr. Bookwalter was correct in stating that all references relating to other languages and closed captioning were struck out and the bill now speaks to offering telecommunication.

Ms. Do clarified that she knew there are a lot of agencies that do provide in person interpretation for meetings.

President Pavlovich said that there is a lot of grey area for her when it comes to the money factor and asked the Board for their thoughts.

Denise Miller stated that she continued to stand with her support of the bill because she is a proponent of access.

Richard Bookwalter, Jeff Ferro, and Beata Morcos supported Ms. Miller's comments.

- Beata Morcos moved to **Support** AB 339.
- Jeff Ferro seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter:	Yes
Sharon Pavlovich:	No
Lynna Do:	Abstain

Jeff Ferro: Yes
Denise Miller: Yes
Beata Morcos: Yes

The motion carried.

Beata Morcos stated that she is of the opinion that if the Board chooses to support that we should let the authors know with a follow-up letter.

Vice President Ferro confirmed that a 'support' position is generally followed up with a letter that supports the bill's current language.

- Jeff Ferro moved to direct Board staff to draft a letter of **Support** for AB 339 that reserves the right for the Board to change position if the bill is amended.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter: Yes
Sharon Pavlovich: No
Lynna Do: Abstain
Jeff Ferro: Yes
Denise Miller: Yes
Beata Morcos: Yes

The motion carried.

i. AB 410 (Fong) Licensed registered nurses and licensed vocational nurses: Nurse Licensure Compact.

President Pavlovich asked for a pulse of the Board.

Lynna Do stated that the bill was at the Business and Professions committee so it's moving, and she would like to 'Watch' the bill.

Denise Miller and Jeff Ferro agreed with Board member Do.

- Beata Morcos moved to **Support** AB 468.
- Denise Miller seconded the motion.

Attorney Helen Geoffroy reminded the Board that a vote of support for a bill includes a letter of support to be sent by Board staff without it being included in 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.

j. AB 468 (Friedman) Emotional Support Animals.

President Pavlovich stated her support of the bill because she liked the delineation of service dogs vs. emotional support animals included in the bill.

Secretary Beata Morcos wondered if the requirement threshold would be raised in the approval process that allows a dog to become an 'emotional support dog'. Ms. Morcos supports the bill if it is being made more prescriptive because she has noted in the past that people were deeming other animals emotional support animals so that they could accompany the owner in public places. Ms. Morcos noted that in some cases the animals did not act appropriately.

Ms. Miller supports the bill due to the introduction of more oversight.

Richard Bookwalter supports the bill because it introduces prescriptive safeguards and provides a standard for the practitioner writing the letters for the dog.

Lynna Do supported the bill due to the language proposing increased oversight.

Vice President Ferro supported the bill as far as added a bit more regulation.

Ms. Miller stated that Assembly member Friedman writes very good legislation and she supports the work that she does.

Mr. Bookwalter reported that he would be willing to vote in favor of either a support or watch position since AB 468 was already out of the Assembly.

Ms. Miller agreed.

Secretary Morcos stated that she would rather support the bill so that more regulations are enacted.

- Beata Morcos moved to **Support** AB 468.
- 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: Yes
Denise Miller: Yes
Beata Morcos: Yes

The motion carried.

k. AB 562(Low) Mental health services for health care providers: Frontline COVID-19 Provider Mental Health Resiliency Act of 2021.

The Board decided to not include this bill on future reports because it does not apply to the Board of Occupational Therapy.

Public Comment

There was no public comment.

l. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.

Richard Bookwalter asked how the Board would know if a record was expunged.

Ms. Martin reported that if the individual provides the information or if the Board runs a background check on the individual after the date of expungement.

Mr. Bookwalter asked if this would create an impossible situation for Board staff and noted that it seemed impractical.

Ms. Martin reported that unless Department of Justice (DOJ) is required to report expungements and forward them to the Board, the Board more than likely wouldn't have the information and be able to comply.

Mr. Bookwalter wanted more information and clarification but since it was in the Suspense file, he supported a 'Watch' position.

The Board agreed with Mr. Bookwalter and decided to **Watch** this bill.

Public Comment

There was no public comment.

m. AB 830 (Flora) Department of Consumer Affairs: vacancies.

Executive Officer Heather Martin explained that the bill had changed but there is still Section 1 that applies to the Board. Ms. Martin stated that this bill requires that the appropriate policy committees would have to be notified within 60 days of an executive officer position becoming vacant. Ms. Martin informed the Board that this language is about the Board, but the action needed pertains to the Director of DCA.

Denise Miller spoke in support because it's clear language.

Richard Bookwalter expressed support only for the notification of vacancy but was neutral on the language pertaining to alarms.

Ms. Miller appreciated Mr. Bookwalter's comments and asked if this bill could be removed from the Board's review list. Ms. Pavlovich agreed with Richard.

The Board decided to **remove** the bill from the Board's list.

Public Comment

Lindsay Gullahorn of Capitol Advocacy and on behalf of OTAC stated that although she had no comment regarding AB 830 that she did want to share that she was watching the suspense files and AB 1468 was held so it is considered 'dead' for the year.

n. AB 852 (Wood) Nurse practitioners: scope of practice: practice without standardized procedures.

Richard Bookwalter commented that section three references topical medications and pertains to occupational therapists. He advised that it's not new language nor is it substantive.

President Pavlovich asked if that is signal to remove the bill from the list or be revisited by the Board.

Denise Miller was not ready to remove the bill because it included language that mentioned 'other relevant healthcare licensees' in addition to the fact that it's being heard in Committee. Mr. Bookwalter agreed.

The Board chose to **Watch** this bill.

Public Comment

Lindsay Gullahorn stated that the bill was be considered a clean-up bill from AB 890 last year.

Mr. Bookwalter asked Ms. Gullahorn if she knew why the bill had a lot of language regarding physical therapists struck out.

Ms. Gullahorn replied said that she did not know.

o. AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing.

Ms. Pavlovich asked Attorney Geoffroy what the difference was between AB 885 and AB 29. Ms. Geoffroy was of the opinion that AB 29 dealt more with communication and general access and AB 885 dealt with presentation.

Denise Miller reminded the Board that AB 29 was in suspense and offered her support for AB 885.

Richard Bookwalter stated that this bill seems to enact things the Board is doing under the emergency bill.

Attorney Geoffroy commented that the legislature is interested in amending the Bagley Keene language so that meetings can move to a more virtual platform due to the cost savings and the findings that more members of the public are willing to participate.

Ms. Miller stated that she would think the Board would support AB 885 because support was already expressed for AB 29, which is similar.

Vice President Ferro informed the Board that the other committee he participates on only allows camera use when the member is speaking in order to preserve bandwidth.

Secretary Morcos stated that bandwidth was bound to improve since folks are going back to work. Ms. Morcos expressed her confusion regarding the language compared to her personal experience of teleconference meetings and how they were conducted with various groups and committees.

Mr. Bookwalter expressed his support for AB 885 because the Board previously supported AB 339 and thought they are both good bills. Ms. Miller agreed with Mr. Bookwalter.

- Richard Bookwalter moved to **Support** AB 885
- 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:	Yes
Denise Miller:	Yes
Beata Morcos:	Yes

The motion carried.

p. AB 1102 (Low) Telephone medical advice services.

The Board agreed to **Watch** this bill.

Public Comment

There was no public comment.

q. AB 1236 (Ting) Healing arts: licensees: data collection.

President Pavlovich reviewed the bill and asked for Board input or thoughts.

Denise Miller asked Executive Officer Heather Martin what the thoughts of DCA were.

Ms. Martin stated that she couldn't speak for DCA but could report that the Board already asks for most of it not all this information so the collection is underway, however, the extraction may be another matter and the individual Boards may have to assist DCA with that part.

Mr. Bookwalter said that he can see the value in collecting the information but that some may find it obtrusive. He indicated he was unsure whether to 'watch' or 'support' this bill.

Ms. Pavlovich stated that Mr. Bookwalter made a strong point and asked for any other input that the Board wished to share.

Ms. Miller questioned the legislative timeline because she felt that because this bill affects the Board and if the bill will be voted on before the next Board meeting, she would rather support it so that the Board's voice is heard.

Ms. Martin stated that the bill was put into the suspense file after the Board materials were sent out for this meeting.

The Board chose to **Watch** this bill.

Public Comment

Lindsay Gullahorn representing OTAC informed the Board that AB 1236 did pass off the suspense file that very day and the bill's next stop is the floor. She explained that if it passes off the floor, then the bill will go to the Senate.

Ms. Miller stated that she is fine with her position of Watch since the legislature is not in session in July and there will be another window to weigh in August.

Ms. Martin said that the legislature is on recess from July 16th through August 16th and the Board's next meeting is on August 19th and 20th. That being said because August 27th will be the last day for the fiscal committee to meet the window for the Board to take a position on legislation will be very short but if the Board can give staff direction on August

19th, staff will have to draft the letter and submit it by Monday or Tuesday of the following week.

Vice President said that he was comfortable waiting until August because there was not anything currently that the Board doesn't agree with and need changed.

r. AB 1273 (Rodriguez) Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health Officer.

Mr. Bookwalter reported that this bill passed from the Assembly to the Senate, was read for the first time on May 13th and was sent to the Committee on Rules.

Vice President Ferro asked if any of this bill's language affected the work the Fieldwork Apprenticeship committee had done prior to the pandemic or would it support the work.

Denise Miller felt like the bill supports the committee's work.

Mr. Bookwalter said that he agreed with Ms. Miller because the bill adds the State Public Health Officer and the Director of the Department of Consumer Affairs (DCA) as designated participants of the Interagency Advisory Committee on Apprenticeship which seems to bring added representation in the direction of the Health Care boards.

Ms. Pavlovich asked Executive Officer Heather Martin what she thought.

Ms. Martin's opinion was that she thought the language was parallel to the Fieldwork Apprenticeship committee's work but added that this bill highlights apprenticeship and including DCA's Director could possibly give apprenticeships more traction.

Mr. Ferro added that he felt the language of AB 1273 shows that there is a broader understanding that apprenticeship is a way to deliver both in the classroom and on the job requirements for the health sciences occupations. The addition of the State Public Health Officer and the Director of Consumer Affairs on the Interagency Advisory Committee on Apprenticeship clearly shows a commitment that apprenticeship is another option available.

- Jeff Ferro moved to **Support** AB 1273.
- 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: Yes
Denise Miller: Yes
Beata Morcos: Yes

The motion carried.

s. AB 1361 (Rubio) Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates.

Richard Bookwalter reported that this bill was in the suspense file.

Denise Miller wanted to 'watch' this bill because she felt that the language was too prescriptive, specifically on page two, section two, paragraph two, where she felt the language pertained to the CBOT Practice Act.

President Pavlovich found Ms. Miller's view interesting as she stated that she did not view the language presented in the same way. Ms. Pavlovich said that it was her view that the context of the language surrounded trauma reform care and there not being alternatives for children with autism once they're in trouble and expelled from a program. Ms. Pavlovich stated that it would be an enlightening conversation to have amongst the Board members.

Ms. Miller said that she collectively agreed with Ms. Pavlovich's concern and thoughts surrounding the situation outlined but still felt that the language was too prescriptive.

Vice President Ferro said that as a Board member and as a father he wished to 'watch' this bill due to his awareness of children with learning disabilities

The Board agreed to **Watch** this bill.

Public Comment

There was no public comment.

t. AB 1386 (Cunningham) License fees: military partners and spouses.

President Pavlovich expressed her confusion at the amount of military bills introduced and asked Executive Officer Heather Martin to clarify the differences.

Ms. Martin clarified that the language in this bill includes waiving initial license and application fees. Ms. Martin disclosed that Board staff had responded to the DCA Budget Office advising that the fiscal impact was minimal and would compromise the Board's budget.

Attorney Helen Geoffroy announced that AB 1386 was in being held in suspense.

Mr. Bookwalter stated that the Board should 'watch' this bill.

Mr. Ferro and Ms. Miller agreed.

The Board agreed to **Watch** this bill.

Public Comment

There was no public comment.

u. AB 1468 (Cunningham) Prior authorization

President Pavlovich summarized that this bill would prohibit a health care plan from requiring authorization for the initial 12 treatment visits for a service like chiropractic, physical therapy, occupational therapy, and acupuncture etc. within a new episode of care.

Richard Bookwalter stated that he thought this legislation to be a benefit to some who will get more therapy but could also be taken advantage of and thought it to be an interesting quandary.

Public Comment

Bryant Edwards, President of the Occupational Therapy Association of California (OTAC) commented that Mr. Bookwalter's concerns were valid. Mr. Edwards stated that OTAC has taken a position of support. OTAC's concern is related to the automated systems in terms of the utilization, management, and review. OTAC believes there to be a lack of transparency and a lack of evidence that informs the algorithms there is ample evidence to support racial, gender and social biases.

Mr. Bookwalter expressed his support for the gender-neutral changes as well as the replacement of "Asian medicine" with "acupuncture and traditional medicine." Mr. Bookwalter pointed out what sections of the language were brand new.

President Pavlovich asked for a pulse of the Board. Beata Morcos and Lynna Do stated their support.

Mr. Bookwalter stated his support for the bill if was amended to remove language in sections three and four that outline 12 as the number of initial visits because it could be too financially lucrative for the facilities and it will potentially increase healthcare costs.

Denise Miller stated her support because she wonders if it's an access to care issue which is why 12 visits were chosen.

President Pavlovich's position was to lean toward a position of support if amended because of language in sections three and four. Ms. Pavlovich needed more information regarding reimbursement and fiscal costs for her to make an educated decision.

Jeff Ferro spoke as a consumer who had to use these services and commented that sometimes it is difficult to get approved for these services. He is concerned that the

healthcare costs will increase and that could present an access problem. He feels that it could be addressed on a case by case basis; 12 visits could be too many.

Ms. Do asked to change her position to Watch the bill and see where it goes.

Ms. Miller also decided that she would like to Watch the bill and requested that Board staff seek out and provide the position of the other disciplines mentioned in the bill.

Mr. Bookwalter does not want to oppose but believes that it could be supported due to the increase in income it could provide.

Beata Morcos stated that she felt passionate about the Board taking the position of 'Support if amended' if the Board felt so strongly because a position of 'Watch' does not outline or express the Board's concerns.

Ms. Miller stated that she was uncomfortable taking any position other than 'Watch' without knowing what position other professions have taken or will take and how it will affect them.

Public Comment

Bryant Edwards, President of OTAC stated that he appreciated Ms. Miller's sentiment. OTAC's biggest concern is the access and not disrupting continuity of care. Mr. Edwards believes the OT profession consists of professional and ethical stewards of the profession and the language is a middle point for the therapist to work with their clients to help establish a good plan of care.

Vice President Ferro stated his support for a position of 'Watch' because the bill is in Appropriations and there may be significant amendments.

Mr. Bookwalter, Ms. Miller, Ms. Morcos and Ms. Do supported a position of 'Watch'.

- Lynna Do moved to **Watch** AB 1468 with the understanding that if an emergency meeting was needed it would be held
- Vice President Ferro stated his support if Ms. Do would amend her motion to include that Board staff reach out to other affected Boards for their position.
- Lynn Do amended her motion to be **Watch** AB 1468 with the understanding that if an emergency meeting was need it would be held and to direct Board staff to provide the position of the other impacted Boards.
- Jeff Ferro 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.

v. Senate Bill (SB) 102 (Melendez) COVID-19 emergency order violation: license revocation.

Richard Bookwalter reported that the bill failed committee on April 5th but was granted reconsideration.

Vice President Ferro stated that reconsideration usually means that a couple of members of the committee were unable to be present and a member of the committee that was present felt that it should get reconsideration when the committee members were in attendance.

Ms. Miller reminded the Board that the healing arts boards are exempt from this bill and that the Board should consider removing the bill from the Board's list.

Mr. Ferro stated that he felt that the Board should 'watch' the bill just in case the healing arts boards were added back in. Ms. Pavlovich and Mr. Bookwalter concurred.

The Board agreed to **Watch** this bill.

Public Comment

There was no public comment.

w. SB 256 (Pan) Medi-Cal: covered benefits.

Richard Bookwalter reported that SB 256 was discussed in the Appropriations committee on that very day.

Lynna Do suggested the Board 'watch' this bill until the update from the Appropriations committee is received. Denise Miller agreed.

The Board agreed to **Watch** this bill.

Public Comment

There was no public comment.

x. SB 306 (Pan) Sexually transmitted disease: testing

President Pavlovich reminded the Board that they chose to 'watch' this bill last meeting.

Richard Bookwalter stated that SB 306 was heard in Appropriations committee that day and he believed the bill should be removed from the Board's list because it is not related to occupational therapy practice.

Ms. Pavlovich asked that the Board continue to 'watch' the bill because in her experience OTs and OTAs that work in community-based practice deal with domestic violence clients, and minors with sexually transmitted infections and sexuality.

Mr. Ferro said that he would be willing to keep this bill on the 'watch' list again. Mr. Bookwalter agreed to 'watch' since it was relevant to Ms. Pavlovich's practice.

The Board agreed to **Watch** this bill.

Public Comment

There was no public comment.

y. SB 562 (Portantino) Health care coverage: pervasive developmental disorders or autism.

Richard Bookwalter reported that SB 562 passed Appropriations committee that day.

Mr. Bookwalter asked what position the Board previously took on this bill. Executive Officer Heather Martin stated that this was the first time the Board was seeing this bill.

Mr. Bookwalter said the language was the same as a previous bill with language surrounding Autism Service Professionals and what professionals could hold this title.

Denise Miller stated that Senator Portantino has a history of introducing these types of bills and the Board should be mindful of this bill and its movement for the August meeting.

Mr. Bookwalter reported that SB 163 was a previous bill with similar except for the removal of the Medi-Cal exclusion; SB 163 was vetoed by Governor Newsom.

Ms. Pavlovich asked that Board staff pull and provide Governor Newsom's veto message and place SB 562 at the top of the list to be reviewed with AB 1236 at the beginning of the August meeting.

The Board agreed to **Watch** this bill.

Public Comment

Lindsay Gullahorn representing OTAC reported that the Governor vetoed SB 163 in 2019 not because of the Medi-Cal language but because he believed there should be a different approach that included a formal license scheme that includes clinical expertise and administrative oversight to address the qualification standards for the autism professionals. Ms. Gullahorn stated that it was her opinion that SB 562 might suffer the same fate as SB 163. Ms. Gullahorn reported that OTAC does not have a current position, but it is currently being reviewed.

Ms. Pavlovich asked Ms. Gullahorn to inform OTAC that it is a big concern that OTAs are not represented in any iteration of the bill thus far and OTAs do a lot of the work with clients with developmental disorders and autism and they should be represented in the language in some shape or form.

Ms. Gullahorn said that Ms. Pavlovich had a great point and she will convey that to OTAC.

Bryant Edwards stated that it was his personal opinion that Ms. Pavlovich was 100% right and he would like to see any confusion surrounding OTAs being included in this bill eliminated. Mr. Edwards stated that he would be taking up the conversation with OTAC as well.

President Pavlovich expressed her appreciation to Ms. Gullahorn and Mr. Edwards.

z. SB 586 (Bradford) Criminal fees.

Richard Bookwalter reported that SB 586 passed in the Senate Appropriations committee with amendments.

President Pavlovich asked if there was a fiscal impact to the Board. Executive Officer Heather Martin stated there was not a fiscal impact to the Board.

The Board decided to **remove** the bill from the Board's list.

Public Comment

There was no public comment.

aa. SB 731 (Durazo) Criminal records: relief.

Lynna Do that there was a hearing on SB 731 that very day and would like to know what happened in the hearing.

Mr. Bookwalter stated that it passed as amended but the amendments weren't yet listed. Secretary Beata Morcos said that if it was up to her she would not support this bill because two years is not enough time past the sentencing and conviction which means the Board can't protect California's consumers.

Denise Miller agreed with Ms. Morcos and asked for clarification as to how the 2-year timeframe would affect someone that applied for an OT license.

President Pavlovich agreed with Ms. Miller and included an example of someone who committed felony domestic violence and did not reoffend in the two years following completion of their punishment and although they have a history of domestic violence, they would be granted relief and the Board would never know about it during the application process.

Ms. Martin said that Ms. Pavlovich was correct.

Attorney Helen Geoffroy stated that most of the language is already current law with only a few amendments. Ms. Geoffroy informed the Board that pursuant to section three, section 1203.425 and sex offenders are exempt.

Mr. Bookwalter noted that it seemed to mostly pertain to the Department of Justice and he wasn't sure that the Board should take a position on a bill that was an arm's length away. On the other hand, he can appreciate the comments that relate to how this can indirectly affect our consumers.

Ms. Morcos said that her position would be to oppose SB 731 now because she does not want the Board to be added to bill language late in the process and miss the opportunity to submit a position. Ms. Morcos further clarified her opposition by stating that convictions are a problem altogether and she wants the option to review them and make a choice when it comes to protecting the public that she serves.

Executive Officer Heather Martin informed the Board that Section 2 (b)(2) of the SB 731 language states that although the relief is granted the applicant would still be required to respond to any direct questions regarding their background. Ms. Martin said that although that seems like good language previously passed AB 2138 already took away the right for Board staff to ask applicants about convictions, so these two bills together effectively close the circle and tie the hands of the Board.

The Board members expressed their displeasure with the language. Attorney Helen Geoffroy reported that the language in question is not new language and the language is already in effect.

The Board thanked Ms. Geoffroy for the clarification. President Pavlovich asked the Board members to come prepared for Day 2 discussions regarding SB 731 and any highlights that will give Board staff direction on an 'opposition' letter.

Public Comment

There was no public comment.

SB 731 was addressed by the Board on Day 2 following the conclusion of Agenda item 10.

President Pavlovich reminded the Board that they were to bring back points or suggestions to assist Board staff in writing a letter of opposition.

Board member Lynna Do informed the Board that the bill was amended the evening prior and suggested the bill should be reviewed by the Board.

Attorney Helen Geoffroy informed the Board that the amendments could be reviewed because the bill was accessible to the public. Ms. Geoffroy reported that Section 170 of the bill provides a generic sentence for felonies if it is not delineated in the penal code.

Ms. Geoffroy gives legal analysis on Section 1170 newly added language and then reviewed other sections that the Board questioned her about. Ms. Geoffroy informed the Board that she would need more time to do a legal analysis on sections that were brought to her attention with no time to prepare.

Secretary Beata Morcos suggested that SB 791 be revisited at the August meeting because the additions were confusing, and she cannot vote on a bill when she is missing important information.

Ms. Do agreed and said that she wanted to 'watch' this bill and revisit it in August.

Mr. Bookwalter spoke in favor of a 'watch' position.

Ms. Miller agreed and stated that if the legislative committee is able to meet prior to the August Board meeting that she would like to review that recommendation as well.

Public Comment

There was no public comment.

bb. SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations.

The Board decided to **remove** the bill from the Board's list because the bill was dead.

CONVENE CLOSED SESSION

The Board decided to address all Closed Session items on Day 2 of the meeting.

Recess.

The meeting recessed for the day at 4:56 p.m.

May 21, 2021

Board Member(s) Present

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

Board Staff Present

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

9:00 am - Board Meeting

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

The meeting was called to order at 9:03 a.m., roll was called, a quorum was established. All Board members were present although Vice President Ferro was experiencing audio issues.

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

President Pavlovich welcomed all in attendance and recounted some amazing accomplishments throughout history that also took place on May 21st. Ms. Pavlovich stated that Charles Lindberg made his first nonstop flight, Amelia Earhart became the first woman to fly solo across the Atlantic Ocean and the Red Cross was founded.

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

Denise Miller noted that she had just finished a meeting with her rotary organization in which the speaker was from the Red Cross and very excited to announce that Clara Barton started the Red Cross in Washington D.C. that very day so many years ago.

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

President Pavlovich read aloud Public Comment #1 that was provided via email and included the concern of OTAC moving forward with the push to credential all school-based OTs and PTs. The author wanted to know the Board's position on this topic.

Ms. Pavlovich did ask Board staff to verify the accuracy of the number of OTAC members in relation to the Public comment.

Mr. Bookwalter asked Board staff to retrieve the notes from the similar OTAC bill from a few years ago.

Attorney Helen Geoffroy reminded the Board that the only thing that can be spoken about is whether the public comment query will be placed on a future agenda or not.

Executive Officer Heather Martin advised the Board that staff would respond to the author of the public comment letting them know that it would be on a future agenda, have staff gather the data requested by President Pavlovich and Mr. Bookwalter and place the bill associated with this topic on the legislative agenda item.

Ms. Pavlovich read aloud Public Comment #2 that was received via email asking the Board to provide clarification on whether advanced practice approval is required for a non-complicated, non-surgical patient with carpal tunnel syndrome.

Ms. Pavlovich asked Board staff to place public comment 2 on a future agenda and for Board staff to research relevant information to provide the Board for discussion.

President Pavlovich then checked in on Vice President Ferro's audio difficulties and was informed by the moderator that Mr. Ferro dropped off the meeting and had not yet returned.

The moderator announced that there were members of the public in the audience that wished to make a comment.

Joyce Fries, Academic Fieldwork Coordinator and Associate Professor of Grossmont College's OTA program introduced herself and said that she was happy to be in attendance.

Bryant Edwards, President of OTAC introduced himself and stated that he was happy to be present. Mr. Edwards took the opportunity to clarify the credentialing efforts by OTAC. The current issue in the schools is that OTs and PTs do not have a pathway to ascend a leadership ladder because they don't have a service credential. OTAC is not looking to credential all therapists in the school district but are requesting the California Commission on Teacher Credentialing to explore a pathway so that there can be opportunities for leadership.

Ms. Pavlovich asked Mr. Bryant about the OTAC membership numbers and he said he did not have an exact number on hand but that it was approximately 10% of the licensed population.

5. Update on status of Board's Committees and next steps.

Executive Officer Heather Martin reported that the ad Hoc OTD committee participants had completed the required paperwork and had been sworn in except for a few. The next step would be for Board staff to send out meeting 'Doodle poll' to determine availability.

Ms. Martin reported that the California Occupational Therapy Fieldwork Council (CAOTFC) members were solicited by email to inquire whether they wished to participate on the Fieldwork Communications Workgroup and that Board staff had only received 6 responses thus far. Ms. Martin committed to sending a follow-up email to the CAOTFC members.

6. **Board President announcement of Committee appointments.**

President Pavlovich reviewed the current roster of each committee.

Ms. Pavlovich announced that the OTD committee had sufficient volunteers and that she would Chair that committee. The Practice committee needed additional volunteers in varied practice settings and Denise Miller was the Chair. The Fieldwork Communications Workgroup was still in the process of seeking participants and needed a Board member to Chair. The original ad Hoc Fieldwork Committee that dealt with alternatives to traditional fieldwork placement needed a Chair and information as to whether the original members were still interested in participating.

Board member Lynna Do volunteered to Chair the Fieldwork Communication Workgroup.

Board member Denise Miller asked to serve on the Fieldwork Communication Workgroup.

Board member Richard Bookwalter asked if both committees discussing fieldwork could be combined.

After further discussion the consensus was to keep the two committees separate.

Board member Beata Morcos volunteered to serve on whichever committee that Ms. Pavlovich needed.

Public Comment

Ada Boone Hoerl, Program Director for the Occupational Therapy Assistant at Sacramento City College (SCC), stated she was interested in participating on the Fieldwork Communications Workgroup, but she may have travel conflicts for the month of July.

Ms. Martin suggested to Ms. Boone Hoerl that she participate during 'Public Comment' if she was available when a meeting was scheduled.

Joyce Fries, Academic Fieldwork Coordinator and Associate Professor of Grossmont College's OTA program, reported that multiple cohorts are backing up and keeping the fieldwork committees separate is a better idea so that one does not affect the other, specifically she felt that the Fieldwork Communications Workgroup outreach task was an emergency and should be treated as such.

Ms. Pavlovich reiterated that the two fieldwork committees would be kept separate.

7. **Discussion and evaluation of criteria listed for appointment of committee members as specified in the Board Member Guidelines and Procedure Manual.**

President Pavlovich reviewed the minimum qualifications for a non-Board member to serve on a committee. The minimum qualifications were:

- 5 years of professional experience
- An occupational therapist or occupational therapy assistant holding a current, active and unrestricted license
- No pending, current or prior disciplinary action

Ms. Pavlovich stated that her concerns with the minimum qualifications were that there was no mention of retired licensees being able to participate; she believed that five years of experience was excessive, and three years' experience was sufficient. Ms. Pavlovich stated that it would be beneficial to tap into the young energy that two-three years brings to the table.

Executive Officer Heather Martin stated that the requirement of holding a current license has already affected the Board's current committees as three potential participants were ineligible due to a recent retirement.

Richard Bookwalter supported changing the language to include retirees and lowering the five years of required experience but felt it should be more than one year of experience.

Denise Miller stated that the overarching theme is that the President can choose to appoint whomever she sees fit regardless of years of professional experience. The most important thing is to remove the word 'active' to be able to include retired practitioners.

Ms. Martin added that Matt Lege of SEIU who was an integral member of the Fieldwork Committee that discussed alternatives to traditional fieldwork was not asked if he wanted to continue with that committee because of the language excluding non-practitioners.

Public Comment

There was no public comment.

Ms. Martin informed the Board that if the Board wanted to amend the manual it would need to be brought back to a future meeting to make the revisions. Ms. Martin cautioned the Board at only removing the word 'active' and not also taking the opportunity to expand the qualifying criteria at the same time.

Attorney Helen Geoffroy informed the Board that it would not be appropriate to make any immediate appointments pertaining to verbal confirmations of change but to wait until the manual is changed.

A short break was announced, and the moderator apprised the Board that Vice President Ferro attempted to rejoin the meeting and his connection dropped shortly thereafter.

Ms. Miller stated that in the interest of time she was comfortable with President Pavlovich and her officers making some suggested edits and then bringing those edits back to a future Board meeting to discuss.

President Pavlovich said that she was comfortable with the Board members that were present submitting suggestions and then she could finish up with Vice President Ferro when he was available and bring them back to the Board at a future meeting. Ms. Pavlovich wanted to focus on minimum qualifications. She reported that she is comfortable with 2-3 years of professional experience and no more than five years in 'retired status'.

Mr. Bookwalter said that he agreed with Ms. Pavlovich's suggested amendments.

Board member Lynna Do had no comment

Secretary Beata Morcos agreed with President Pavlovich's suggested amendments.

Ms. Miller said that she thought policies are sometimes too prescriptive and that the current Board should be thoughtful of the fact that when the Board makes policies, they are locking future boards into those policies as well.

Ms. Pavlovich asked if any of the Board members opposed non-licensee members being appointed to a committee.

At approximately 10:27 a.m. it was announced that Vice President Ferro would not have WebEx access for at least a few hours.

Ms. Miller stated that she was unsure but said she could weigh if provided more measurable information on a specific non-licensee's background.

Mr. Bookwalter stated that he had not previously thought about the prospect of whether or not a non-licensee should be able to participate on a CBOT committee but he did speak to the fact that the Board has non-licensee Board members that are fantastic contributors and he wished to hear their opinion on this topic. Additionally, he asked if non-licensees could be on a committee, should there be a limit as to how many can participate on each committee?

Ms. Do stated that a non-licensee member should be required to have some healthcare knowledge or association with the profession and the maximum number of non-licensees should not be greater than two.

Secretary Morcos said that she thought committees should admit public members to even out the voting process, but she felt it important that the majority of a committee consist of practitioners.

Public Comment

Ada Boone Hoerl, stated that as an educator she supported lowering the minimum years of practice experience required because it promotes continuum of engagement.

Ms. Boone Hoerl pointed to a new graduate being able to become a fieldwork educator after one year and then depending on if the Board decides two or three years of required professional experience for committee members, the new graduate would be eligible to participate on Board committees; she suggested these two options would afford them the opportunity to build a professional development pathway.

- Richard Bookwalter moved that the committee member minimum qualifications in the Board's Administrative manual be reduced from five to three years of professional experience and be changed to admit retirees that have retired within five years of holding an active license and that the text be brought before the Board at a future meeting.
- Denise Miller seconded the motion.

Mr. Bookwalter intended to amend his motion to include language that included 2 non-licensee members could participate on each committee.

Ms. Miller asked Mr. Bookwalter if he would be willing to keep that as a separate motion.

Mr. Bookwalter agreed.

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.

Mr. Bookwalter referred to the possibility of a situation where a retiree that has been retired more than five years could also qualify under the non-licensee group and that the Board would need to consider all categories of a non-licensee. Mr. Bookwalter suggested that Board staff bring the language that explains the definition of a public member be brought back to the Board so that the Board can review it and possibly use it as a source document to borrow from.

President Pavlovich agreed with Mr. Bookwalter and asked that in the interest of time that the Board revisit the topic of how many non-licensees should be allowed to participate on a committee and who is included under the non-licensee title as well as the language regarding public members be brought before the Board at the August meeting.

8. Update on status of Fieldwork Communications workgroup.

Executive Officer Heather Martin provided an update that Board member Lynna Do would chair the Fieldwork Communication Workgroup committee, Board member Denise Miller would serve on the committee and there were six members from the CAOTFC that accepted the Board's invitation to participate so far. Ms. Martin said that Board staff would send an informational email regarding the process of holding meetings and a 'Doodle poll' to solicit availability for the first meeting.

Public Comment

There was no public comment.

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

President Pavlovich stated that the Occupational Therapy Workforce Study provided helpful information and statistics. Ms. Pavlovich highlighted some of the data from the workforce study.

Ms. Pavlovich praised and thanked Ada Boone Hoerl of SCC for her great job of summarizing the data and sharing it with the Board and asked her to speak to her notes.

Public Comment

Ms. Boone Hoerl stated that she found it alarming that the data showed 900 practitioners were unemployed at the time of data collection and informed the Board that during that time graduates from the SCC program reported that the Medicare changes contributed to them being unable to find a full time job. Ms. Boone Hoerl wondered aloud how that data would look now that time has passed.

Ms. Boone Hoerl reported that it was not her intention to be critical of the magnificent and important Occupational Therapy Workforce Study that helped improve the landscape of data gathering but wanted to highlight topics for consideration, discussion, and awareness purposes.

Ms. Boone Hoerl reported that she found it challenging to write reports or proposals because so many reports never include the data source so that the outcomes can be verified.

President Pavlovich thanked Ms. Boone Hoerl for such a powerful review and commented that Loma Linda University's last OTA class graduated in 2008 and those Alumni were hoping for an OTA to OT Bridge program, but it never happened. Ms. Pavlovich stated that most of those Alumni that were surveyed reported that they have gone on to achieve degrees in other areas which shows that the profession is losing good practitioners in part because of the lack of available Bridge programs.

Board member Richard Bookwalter thanked Ms. Boone Hoerl for her analysis and commented that she raised wonderful research questions. Mr. Bookwalter admitted his curiosity in knowing whether licensees not currently working in the profession was elective or a result of job market limitations. He also raised the question as to where practitioners are living relative to the available jobs.

Ms. Boone Hoerl reported that at one-point AOTA was collecting data on a national level regarding Medicare changes and how they affected employment opportunities; she was unsure if that data was published yet. She stated that the Academic Leadership Council recently met to discuss and consider the development of Bridge programs, and finally there was a survey circulating amongst Program Directors assessing interest in the development of a Bridge program. Ms. Boone Hoerl stated that she would share any findings from the survey issued to Program Directors survey upon the Board's request. Ms. Boone Hoerl requested that the Board attempt to acquire any language or handout(s) that Utah may have regarding a Bridge program in their state.

Ms. Pavlovich thanked Ms. Boone Hoerl for her contributions and stated that the topics mentioned could be addressed at the committee level and then brought back to a future meeting.

10. **Review and discussion of the 2018 Standards issued by the Accreditation Council for Occupational Therapy Education (ACOTE), a comparison of the updates to the ACOTE Standards from 2011 to 2018, and update on potential upcoming ACOTE policy changes.**

President Sharon Pavlovich reviewed the meeting materials and asked the Board members to offer their input.

Board member Richard Bookwalter recounted that past issues between the Board and ACOTE involved advanced practices.

Ms. Pavlovich asked Board member Denise Miller to remind the Board of what she wanted addressed in relation to the ACOTE guidelines.

Ms. Miller stated it was a two-part request. The first part was fulfilled by bringing the most recent version of the ACOTE guidelines. The second part of her request was to invite a member of AOTA/ACOTE to a Board meeting so that they could answer Board member questions regarding what ACOTE is currently working on. Ms. Miller suggested inviting Pam Roberts since she is a California resident.

Public Comment

Ada Boone Hoerl stated that historically planning and making new standards effective takes quite a few years and advised the Board that the profession is just beginning to use the 2018 standards.

Ms. Pavlovich stated that the Board could reach out to Pam Roberts and hopefully a second person as well.

Ms. Miller said that she would forward a list of names in addition to Pam Roberts for Ms. Pavlovich and Executive Officer Heather Martin to consider inviting to an upcoming Board meeting.

President Pavlovich informed the Board that SB 731 from the Day 1 agenda would now be revisited followed by lunch.

Upon the Board's return from lunch, roll was called, and a quorum was established. All Board members were present except for Vice President Ferro.

11. Discussion and evaluation of policy for Board Member per diem, process for requesting per diem and review of the form to calculate time spent.

President Pavlovich reviewed the included attachments.

Executive Officer Heather Martin summarized that the reason for this agenda item was due to questions about process. Board staff reached out to six Boards, four of which did not respond, to gather data on whether their 'per diem' forms were approved by the Board President/Chair or the Executive Officer. The Speech Board reported that the per diem is approved at staff level by the Assistant Executive Officer and the Respiratory Care Board has staff process received per diem forms but there is no approval process in place.

Board member Richard Bookwalter asked if the other Boards and Bureaus have a chart that displays standard amounts of time that should be allotted per type of case reviewed. Mr. Bookwalter asked for clarification on whether per diem could be claimed for the review of Board meeting materials prior to a Board meeting when the Board member is already receiving per diem already for the meeting days.

Ms. Pavlovich clarified that the last sentence of Guideline 1 in the manual states that per diem did not include meeting preparation, including reading the materials.

Mr. Bookwalter stated that his question was with Guideline 3 but that Guideline 1 although in conflict with Guideline 3 is very prescriptive and clarifying.

Board member Denise Miller stated that it was her recollection that the Board was in agreement regarding the fact that per diem would only be granted for the day of the meeting because Board staff agreed that materials would be sent to the Board members timely and subsequently the timing of material receipt has been outstanding. Ms. Miller recalled that the reason Board staff was asked to reach out to the other Boards/Bureaus was to clarify if signing the per diem form was a function of the Executive Officer, Board staff or the Board President. Ms. Miller requested that a template be developed to reflect specific amounts of time a Board member could claim per case type.

Ms. Martin responded that a standardization of time spent had not been produced because of the challenges with disciplinary documents and cases under review varying in content, complexity, and size. Ms. Martin reported that Board staff did not have a recommendation.

Ms. Martin clarified that she believed Guideline 3 of the 'Per Diem' section was referring to committee meetings and not Board meetings.

She noted that this agenda item was raised specifically because of the 'approval' process of the form and added that if the Board wants to revisit that process and not have the Board President sign off on the forms then that should be decided today and Board staff can make the necessary changes to the Board Administrative Manual and bring it back to a future Board meeting for approval.

Secretary Morcos stated that it was her recollection that the Board did discuss approximate times for certain preparations in the past but since she did not receive paperwork regarding it, she did not submit a form to claim per diem for case review. Ms. Morcos stated that it was her belief that since all Board members are appointed volunteers that she would feel more comfortable if the Board President was removed from the form as the approver and replaced with the Executive Officer.

Mr. Bookwalter stated that since the Executive Officer is an employee of the Board, so Board staff should probably be the ones to approve the form.

Ms. Morcos went on to say that if there was a guideline of standard times for case types made then there would be no need for any type of special approval as everyone would be claiming the same amount of time.

Ms. Miller supported Secretary Morcos' comments and clarified that there was conversation at the Board meeting held at CSU Dominguez Hills, but nothing was submitted, and Board staff was not given direction to create standards.

Ms. Martin suggested that the Board discuss the Per Diem Task Log process and decide amongst themselves because Board staff will do as instructed.

President Pavlovich thanked the Board members for their input but asked for an additional pulse of the Board because she was hesitant to move this to the August agenda due to the amount of time and attention that need to complete the Sunset report.

Mr. Bookwalter stated that he was still concerned with the submission of the Board Member Attendance/Task log for per diem as that conflicted with the Board's Administrative Manual that states a Board member cannot be paid for reviewing Board meeting materials.

Ms. Martin agreed with Mr. Bookwalter and stated that the Board member manual could be updated if Board members wanted to change it to allow for claiming per diem for Board meeting preparation and materials review.

Attorney Helen Geoffroy commented that generally speaking all government funding approvals have an individual who does the review prior to a separate individual who signs the check.

Ms. Martin clarified that she did not sign physical checks, but she did authorize them which allows the check to generate.

Ms. Pavlovich said that it was her position that taking into consideration equity, distribution of funds and being responsible for government funds she would like to have some standardized times and structure added to the Board Member Attendance/Task log. She also said that takes into account checks and balances and Ms. Geoffroy's information regarding distribution of government funding.

Mr. Bookwalter suggested a drop-down box function with standardized functions and even times if the Board wanted.

Ms. Morcos said that she thought approximate times were agreed on in the past and she would remove start and end time because the total time is all that is needed. She expressed her confusion as to what needs to be accomplished that day.

Ms. Pavlovich clarified that the Board could table all other discussion and make a motion regarding changes to the approval process of the Board Member Attendance/Task log to provide Board members per diem

Ms. Miller stated that specific to the policy in the manual that she wanted to make a motion to replace 'Board President' with Executive Director, or who they designate.

It was clarified that Executive Director should have been Executive Officer, in reference to Ms. Martin's job title.

Ms. Miller further explained that when she was President of the Board that she did not approve travel like the manual stated and it did not line up with what a Board President does. Ms. Miller commented that it made more sense to have the Executive Officer provide approval. Ms. Miller's next point was regarding claims for reimbursement of travel related expenses which she did not approve during her time as President; she clarified that she only signed Disciplinary decisions and anything else that she was asked to do in the capacity of that role. Ms. Miller pointed out that she aligned with Secretary Morcos' position that all Board members were appointed volunteers and the Board President should not have oversight over any other Board member.

Board member Lynna Do said that she thought the Board needed more time to look into this issue because it seemed to be a lot of confusion and concerns and that she supported Ms. Miller's suggestion to have Board members volunteer to look in to this and work together and bring back something to a future meeting. She offered to make a motion saying as much. Ms. Do also reported that on previous boards in which she served the Board members would each submit their time spent for training and they would get compensated.

Ms. Miller asked Ms. Do that based on that day's discussion did she think that there was not enough information submitted to make a motion to at least change 'Board President' to 'Executive Director' throughout the Per Diem section.

Ms. Do said that there was sufficient discussion on at least that topic, and it made sense that it be changed because the Executive Director would always know who was in attendance.

Ms. Miller asked Ms. Do's opinion on who should approve the 'Per Diem' form.

Ms. Do agreed that she had enough information on that topic as well because the Executive Officer is a neutral party.

Ms. Pavlovich thanked Ms. Do and stated that the policy is in place for checks and balances and that Ms. Miller made a great point that she never approved travel. Ms. Pavlovich said that it seems that everyone wants to make a change but there are so many varying discussions that although she was hesitant to add this to the next agenda, she was willing to do so. Ms. Pavlovich's position was that she wouldn't vote in favor of the revision to the language because she's looking at the bigger picture in terms of workload responsibility, checks and balances and legal opinion.

- Denise Miller moved that regarding Chapter 8, Travel Policies and Per Diem, to replace 'Board President' to 'Executive Director or whoever they designate' in all areas on this section, including approving Board member per diem.
- Beata Morcos seconded the motion.

Mr. Bookwalter asked that the motion be modified because the correct title for Ms. Martin is Executive Officer.

Ms. Miller agreed to amend her motion. Ms. Morcos agreed to amend her second.

- Denise Miller moved that regarding Chapter 8, Travel Policies and Per Diem, to replace 'Board President' to 'Executive Officer or whoever they designate' in all areas on this section, including approving Board member per diem.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter:	No
Sharon Pavlovich:	No
Lynna Do:	Yes
Jeff Ferro:	Absent
Denise Miller:	Yes
Beata Morcos:	Yes

The motion carried.

12. Executive Officer's Report.

a. Operational and budget reports.

Executive Officer Heather Martin reported that there were 3.5 vacancies and the recruitment would not begin until completion of a desk audit/workload study and redirection of partial positions to augment existing reduced time-base positions that are filled full-time. The Board's Probation Monitor was retiring in early July and the request to fill the vacancy was currently being worked on.

b. Licensing and enforcement data.

Ms. Martin reviewed the included data reports on applications, pending complaints, citation data and the listing of current probationers.

The Board members did not have any questions or comments.

c. Other informational items (no Board action can be taken)

Ms. Martin reported that the Workforce and Economic Development Division (WEDD) within the California Community Colleges Chancellor's Office, began a new monthly webinar series, including two that highlighted apprenticeships, Board staff began running licensing and enforcement reports and documenting Board Member attendance in anticipation of the upcoming Sunset Review. Lastly, Ms. Martin reported that upcoming retirements are imminent and the risk to the Board's ability to provide services effectively in the future is high. To be proactive, Board staff recently started documenting the Board's first succession plan, including identifying key staff, and will soon begin developing a knowledge transfer plan.

d. Future agenda Items.

Ms. Martin stated that the items on her list as Future Agenda items were as follows:

- Practice Committee's consideration of the following:
 - Suture removal;
 - Review of ACOTE Guidelines and consider reducing advanced practice education and training requirements for students graduating after a certain date (date TBD).
 - Review of education and training requirements for licensees demonstrating competence in advanced practice areas and consideration of reducing education/training hours needed.
 - Recommendation on records retention requirement for an occupational therapy business that closes or is sold or if the practitioner is no longer in private practice.
- OTD ad hoc committee members to consider the internship/clinical experience completed as part of a Doctor of Occupational Therapy (OTD) and the OT Practice Act requirements; discussion regarding multiple examination attempts by new graduates.
- Make appointments to other committees, as appropriate.
- Review/update of Board Member Disciplinary Resource Manual (once DGs are updated).

Public Comment

There was no public comment.

13. Suggested agenda items for a future meeting.

Denise Miller asked that the outstanding issue regarding what was discussed before the 'per diem' form be added to Future Agenda Items.

President Pavlovich clarified that Ms. Miller meant to add discussion of the 'per diem' form to a future agenda.

Ms. Miller said yes and asked that Ms. Do formulate what should be added because she had a few comments.

Ms. Do asked that travel authorization be discussed at a future meeting.

Ms. Miller reminded Ms. Do that there was already a motion so any discussion would be regarding the 'per diem' form only.

Ms. Do replied that she was under the impression that Ms. Miller's motion did not pass so she thought the form and the language would need to be brought back for discussion.

Ms. Do further explained there were a lot of issues that came up and need further clarification, including how much time gets assigned to each function and which Board functions can be approved aside from Board meetings.

Ms. Miller agreed that what functions constitute earning per diem should be flushed out and what functions should be assigned but that there was a vote that clarified that the Board President would no longer be an approver but the E.O. or her designee would.

Attorney Helen Geoffroy stated that she was informed that a motion cannot have a simple majority in order to pass but it needs to be a majority of the Board, which means it needs 4 votes to pass. Ms. Geoffroy stated that the previous motion did not pass, and the Agenda item would need to be put forward to the next meeting or the meeting after. Ms. Geoffroy apologized for not being aware that 3 votes was not enough.

Ms. Do stated was under the impression that the motion did not pass and that is why she asked to bring everything back. Ms. Do thanked Ms. Geoffroy for the clarification and said she wished to see everything again along with guidance.

Ms. Pavlovich requested that Agenda Item 11 be brought back to another meeting in its entirety. Ms. Miller asked President Pavlovich to ensure that the entire Board be present in order to engage in a dialogue when this item is discussed because it is imperative that the whole Board be present. She also requested that, as part of the vote process, for someone to identify whether a motion has carried after a vote.

President Pavlovich agreed with Ms. Miller's comments and apologized for any inconvenience incurred as she took on her new role as President.

The Board discussed what should be added to a future Agenda and the suggestions were as follows:

- Agenda Item 11
- Discussion on PDUs and how they pertain to the number of Enforcement cases.
- The public comment regarding school-based credential and the Board's position on the previous legislative bill.
- The public comment regarding advanced practice approval in hand therapy to treat carpal tunnel official position.
- Provide definitive research regarding voting on motions.

Public Comment

There was no public comment.

President Pavlovich thanked everyone that was present and participated on behalf of the Board of Occupational Therapy. She informed the public that the Board would be convening in Closed Session and would only resume Open Session to adjourn the meeting.

CONVENE CLOSED SESSION

The Board convened in Closed Session at 2:41 p.m.

Deliberation and voting on disciplinary matters concluded at 4:17 p.m.

RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 4:18 p.m.

Adjournment.

The meeting adjourned at 4:18 p.m.