

AGENDA ITEM 6

REVIEW AND VOTE ON APPROVAL OF THE MAY 19-20, 2022, BOARD MEETING MINUTES.



***** DRAFT *****
BOARD MEETING MINUTES

May 19-20, 2022

Board Member(s) Present

Sharon Pavlovich –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
 Amanda Wang – Office Technician
 Joseph Chin – DCA Attorney

THURSDAY, MAY 19, 2022

9:15 am - Board Meeting

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

The meeting was called to order at 9:45 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 Sharon Pavlovich thanked Board staff and welcomed the Administrative Law Judge Thomas Heller that would be preside over the Petition for Reinstatement hearing, Deputy Attorney General Nancy Calero that would represent the Board during the hearing, and Department of Consumer Affairs (DCA) Television Specialist Mike Sanchez that would be live streaming the meeting.

President Pavlovich thanked the CSU Dominguez Hills Department of Occupational Therapy for hosting the first in-person California Board of Occupational Therapy (CBOT) Board Meeting since the height of the Covid-19 pandemic.

3. Introduction of new Board Member(s)

President Pavlovich announced that Speaker of the Assembly, Anthony Rendon, appointed Hector Cabrera to the Board and that he would attend the August 2022 Board meeting.

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

Heather Kitching, Coordinator of the Master of Science OT program at CSU Dominguez Hills chose to introduce herself.

5. Petitioner Hearing

9:15 am Linda Jaghlassian, Petition for Reinstatement

The hearing went on the record at 9:18 a.m.

The hearing went off the record at 10:32 a.m.

CLOSED SESSION

The Board convened in Closed Session at 10:37 a.m.

RECONVENE IN OPEN SESSION

The Board convened in Open Session at 11:56 a.m.

BREAK FOR LUNCH (Time Approximate)

The meeting was called to order at 12:58 p.m., Secretary Beata Morcos called roll and a quorum was established.

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

Board Secretary Beata Morcos thanked President Pavlovich and Executive Officer Heather Martin for their detailed and professional representation of the Board at the Sunset Hearing.

President Pavlovich informed the Board that four public comment emails were received in opposition to a fee increase along with one letter from the Occupational Therapy Association of California (OTAC) that included positions on legislation that will be discussed later at the meeting. Ms. Pavlovich clarified that the Board would be able to discuss the public comments during the related agenda item and if they were not related to an agenda item, the Board would have to vote on whether or not to add the topic to a future agenda.

- Richard Bookwalter moved to direct Board staff to respond to each of the public comment emails with gratitude for their input and to identify the outcome of the agenda item that the comment relates too.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Sharon Pavlovich: Yes

Beata Morcos: Yes

Richard Bookwalter: Yes

Lynna Do: Yes

Denise Miller: Yes

The motion carried.

7. Review and vote on approval of the November 4-5, 2021, Board meeting minutes.

- Lynna Do moved to approve the November 4-5, 2021, Board meeting minutes.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

8. Review and vote on approval of the December 1, 2021, Board meeting minutes.

- Lynna Do moved to approve the December 1, 2021, Board meeting minutes.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

9. Review and vote on approval of the February 15, 2022, Board meeting minutes.

- Richard Bookwalter moved to approve the February 15, 2022, Board meeting minutes.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

10. Report from Board President on the March 10, 2022, Sunset Hearing and responses to the Issues and Recommendations identified in the Background Paper prepared by Committee Staff.

President Pavlovich explained that the Senate Business and Professions Committee Chairman asked the Board to address current issues as well as prior issues from the 2016 Sunset Hearing. Ms. Pavlovich added that those answers are detailed in the Board's Sunset Response; included in the meeting materials.

Board Member Richard Bookwalter asked for clarification on the included language surrounding accepting the surrender of a licensee with mental or physical impairment which was a much narrower focus on who can surrender compared to language the Board approved to add to the Board's Disciplinary Guidelines.

Executive Officer Heather Martin explained that the included language was modeled after the Board of Registered Nursing's surrender language in their statutes. If the Board wanted to proceed with adding surrender language the Board would have to do a more work to persuade the Legislature to add surrender language to the Board's Practice Act.

11. Discussion and possible action on adding occupational therapy professional corporations to the Occupational Therapy Practice Act.

Executive Officer Heather Martin clarified that due to the Sunset Committee's recommendation this agenda item was an opportunity to add occupational therapy corporations language to the OT Practice Act.

The Board reviewed various Corporations language from several Boards' Practice Acts and discussed how to include language that covers all practitioners under Occupational Therapy.

When asked about the inclusion of occupational therapy assistants, Ms. Martin clarified that all of the Corporation language examples come from Boards that do have assistants licensed in their profession, but they do not mention the assistants in their respective professional corporations' language since assistants work under a supervising license holder.

Ms. Martin suggested that if the Board decided to implement Occupational Therapy Corporations language that included Occupational Therapist and Occupational Therapy Assistant and they were not going to list them separately that they could use Occupational Therapy Practitioner and that definition be added to the Practice Act.

Board Member Lynna Do asked for clarification on whether corporations that are currently in existence and do not have Occupational Therapy in their name would be required to change their corporation's name.

Ms. Martin said that she would seek legal clarification.

- Denise Miller moved to add Occupational Therapy Professional Corporation to the Occupational Therapy Practice Act and to model the language after the Physical Therapy Corporations language.
- Lynna Do seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

Agenda items 11 and 23(f) were revisited on day two and the discussion and subsequent motion are outlined below, in item 23 (f), and at the end of agenda item 24.

Board Member Richard Bookwalter stated that during the previous day's discussion regarding how to define occupational therapist or practitioner, the Board reviewed Business and Professions Code (BPC) Section 2570.2 and subsection (h) defined Occupational Therapist (OT) and subsection (i) defined Occupational Therapy Assistant (OTA). Mr. Bookwalter asked to add a new definition for Occupational Therapy Practitioner which is defined as an OT or OTA.

- Richard Bookwalter moved to add a new definition to BPC Section 2570.2 that would define Occupational Therapy Practitioner as an OT and an OTA and include the addition to BPC 2570.2 in the 'support' letter that will be submitted on behalf of the Board for Agenda item 23 (f) AB 2671.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried

12. Discuss and possible action on including occupational therapists in Labor Code section 2783, relating to contractor status.

DCA Attorney Joseph Chin explained the differences between applying the Dynamex and Borello standards to determine contractor status.

Board Member Lynna Do offered her knowledge on the requirements of Dynamex and Borello. Ms. Do's opinion was that Borello offered the path of least resistance.

The Board Members discussed the information provided by Ms. Do and decided that it would be best for OTs and OTAs to be exempted from Dynamex and governed by Borello.

- Richard Bookwalter moved that the Board draft legislation to add OT and OTA to Labor Code 2783 (b) among the list of occupations governed by Borello.
- Lynna Do seconded the motion.

Public Comment

Heather Kitching stated that she was very much in support of OTs and OTAs being included in the exemption.

Board Member Votes

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

The motion carried.

13. Consideration and possible action on requiring an attestation to reading and understanding the Board's laws and regulations upon submission of an application for an initial license and upon renewal.

Board Member Richard Bookwalter drafted the language below to be "added" to section 4161 regarding the attestation to reading and understanding the Board's laws and regulations.

Ms. Martin suggested adding the language "and attesting to reading and understanding the Board's Laws and Regulations" within 4161(a) and address initial applicants in a different section.

- Richard Bookwalter moved to add language to section to 4161, Continuing Competency, that would require each licensee renewing under section 2570.10 of the Code to submit an attestation to reading and understanding the Board's laws and regulations.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

- Denise Miller moved to bring back for future discussion the Attestation language specific to licensees and applicants.
- Richard Bookwalter seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

Executive Officer Heather Martin confirmed that Board staff would bring to the next meeting proposed amendments to 4161 for renewing licensees and new language pertaining to applicants.

14. Consideration and possible action on requiring an ethics course as a requirement for renewal.

Board Member Richard Bookwalter commented that this topic is unfinished business from the Board's previous Sunset report.

The Board discussed the type of ethics course that should be required as well as how many hours should be required.

Board Member Denise Miller offered that she would be comfortable with two hours of Ethics for Healthcare Providers in addition to the 24 required professional development units (PDUs).

Board Member Lynna Do agreed with the Ms. Miller and added that an Ethics for Healthcare Providers would cover all healthcare providers and could broaden course availability.

Mr. Bookwalter agreed with Ms. Do, citing that a larger variety of ethics courses would be welcomed but he felt that the Board could keep the total at 24 PDUs and delineate within.

Public Comment and Board Discussion

Heather Kitching stated that it is very important to include an ethics PDU requirement for renewal.

President Pavlovich said that she felt that the ethics course should be specific to occupational therapy. Ms. Pavlovich stated that she was of the opinion that if ethics became a requirement that providers would introduce new ethics courses to fulfill the OT ethics requirement to gain the business of therapists.

Executive Officer Heather Martin suggested that the Board could add a new section specific to the ethics and cultural diversity requirement if the Board wanted to include that with a future effective date. She suggested the Board could use outreach to ensure ample notice of the requirement.

Ms. Do was in favor of a prescriptive breakdown of the required PDUs included in the regulations.

Public Comment

Ms. Kitching stated that she felt that the weight and importance of an ethics reinstatement requirement at renewal should be in addition to the current 24-hour PDU requirement. Ms. Kitching also highlighted that the hearing that took place earlier in the day was a classic example of the need for an ethics requirement. Ms. Kitching confirmed that she agreed with adding additional PDU requirements for licensure and renewal as long as there is very clear rationale provided.

Mr. Bookwalter conveyed his concern over regulation and the addition of new requirements for practitioners who have led ethical careers up to this point.

Board Secretary Beata Morcos agreed with Mr. Bookwalter about requiring additional hours of ethics to practitioners who have not had a problem with unethical behavior during their career, effectively imposing additional costs to all practitioners.

Ms. Kitching said that although she agreed that ethics requirements should be additional, she felt that if the Board wished to show compassion during a time of impending recession and a possible fee increase, the Board could leave the ethics requirement as part of the current PDU requirement and revisit making it an additional requirement when the economy improves.

- Richard Bookwalter moved to add a section to the California Code of Regulations Section 4161 Continuing Competency that states: “of the total number of required PDUs, a minimum of two units must be related to ethics in healthcare.”

No second to the motion.

Board member Richard Bookwalter withdrew his motion.

President Pavlovich said that she was inclined to include the ethics requirements as a part of the current requirement but cannot support a general ethics course. She feels it is a disservice to AOTA and graduates to not focus their ethics requirement on the occupational therapy profession that they will be working in.

Conversation ensued about breaking down the two required hours of ethics between general ethics and ethics for occupational therapy practitioners.

- Richard Bookwalter moved to add a section to the California Code of Section 4161 Continuing Competency that states: “for a license renewed on or after January 1, 2025, of the total number of professional development units required for each renewal period, a minimum of two hours must be related to ethics in healthcare.”
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

15. Consideration and possible action on requiring a course on cultural diversity as a requirement for renewal.

Board member Lynna Do felt it very important to understand different cultures and believed it important to understand that culture could affect communication and how an individual responds to therapy.

President Pavlovich thought it a great idea to include the cultural diversity requirement but wondered how licensees would find the courses.

Ms. Do said it was a very broad topic with a lot of courses available.

Board member Denise Miller offered that the included OTAC letter extends the requirement to include courses on cultural humility and working with diverse populations.

Executive Officer Heather Martin suggested including some of the language from the Accreditation Council for Occupational Therapy Education standards such as course

descriptors like culturally relevant practice, socio- cultural factors, working with diverse populations and or bias.

Ms. Martin further clarified that by giving licensees a list of acceptable course descriptions the licensee could choose a course that is interesting to the and applicable.

The Board members supported that suggestion.

- Richard Bookwalter moved to add a section to the California Code of Regulations Section 4161 Continuing Competency that states: “for a license renewed on or after January 1, 2025, one course per renewal period is required to pertain to culturally relevant practice, socio-cultural factors, working with diverse populations, and/or bias.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

- Lynna Do moved to direct staff to revisit agenda items 13, 14 and 15 from the previous day’s proceedings regarding CCR Section 4161 and to bring back the amendments to the Board for review at a future meeting.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

16. Report from the ad hoc budget committee on the Board’s fund condition and recommendations on fee increases and establishment of other miscellaneous fees to maintain fiscal solvency.

President Pavlovich thanked Board Members Denise Miller and Lynna Do for working on ad hoc Budget committee along with Executive Officer Heather Martin and Board staff.

Committee Member Lynna Do reported that there were several meetings where the committee reviewed and discussed varying scenarios of fee increase possibilities. Ms. Do said that they compared the fee structure of occupational therapy to other Boards/Bureaus and committee found that the cost of services was lower than other Boards/Bureaus.

Board Member Denise Miller stated that the Board is very sensitive to the fee increase that took place in 2021 and the current economic status of the world. She reminded that she was originally against the fee increase and did not understand the depth of it. She concluded that she is now in favor of the increase because she has a better understanding what it will take to keep the Board solvent so that the Board can help protect the California consumer. Ms. Miller cautioned that the licensed population should understand that the fees have been too low for too long and the committee took apart every expense that comes from the Board and she believed that what the committee put together is helpful for the Board's solvency and something that the licensees can endure without having to revisit it in the near future.

Ms. Do stated that the months in reserve made her very uncomfortable and it became clear to her that if the Board continues on the path of so few months of funds in reserve that this Board will be no more.

Ms. Miller added that because the committee spread out fee increases over multiple categories like application fees, initial license fee, pocket card printing, license delinquency, license verifications etc., the committee did not have to raise the renewal fees as much as first expected.

Executive Officer Heather Martin further explained that for more than fifteen years the expenditures of the Board have been less than the revenue and still the revenue is insufficient and that is why the fund has declined. Raising varying fees will put the Board more in line with what other Board/Bureaus are charging and lessen the amount of the increase to the renewal fee. She reminded the Board Members that the Board is a special fund agency which is intended to be revenue neutral, and the Board can't get general fund loan money thus the comments about there being a state budget surplus do not apply to the Board.

President Pavlovich pointed out that the included projections with the new distributed fee increases per category reflect Board solvency through 2029-30. Ms. Pavlovich asked her colleagues to discuss how to inform the licensing population when the fee topic will be revisited in order to avoid shock and awe.

Board Member Richard Bookwalter asked if Board staff could do an FAQ to post online to fulfill the transparency aspect.

Ms. Miller asked that Board staff bring back the public comments and address them for transparency's sake. Ms. Miller also volunteered to craft responses to the public comments submitted.

17. Discussion on the ad hoc budget committee's recommendations and possible action on next steps to ensure future fiscal solvency.

Mr. Bookwalter thanked the committee for all the work and effort they put forth and recognized that the work would have taken the Board many hours to complete. He stated his concern for the budget being so close to the 'red' and he was ready to support the committee's recommendation.

- Richard Bookwalter moved to accept the ad hoc budget committee's recommendation on fee increases to the Board's fund condition.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

Conversation regarding the need for a Fee Study ensued.

Executive Officer Heather Martin clarified that each fee category is identified, and a detailed workload study would ensue based on the volume of the workload for each fee category as well as the cost to the board at different staffing levels to determine if each of the categories is supported by the current fee.

Mr. Bookwalter clarified that a Fee Study would be conducted by an outside organization that the Board will have to contract with to complete a report that was asked for in the Sunset report. Mr. Bookwalter said that the fee study would answer some of the Public Comment submitted regarding the fee increase and he is ready to support the need and related costs.

Ms. Miller suggested that due to the cost of the required fee study that the Board should continue bringing the topic back in order to be transparent and at the same time complying with what the Legislators have asked the Board to do.

President Pavlovich clarified that because the fee increase was approved by the Board, that further delay of the fee study approval would consequently increase the budget years that will need to be adjusted to accommodate the monetary shortfall.

Ms. Martin confirmed Ms. Pavlovich's statement.

- Richard Bookwalter moved to approve the Fee Study.
- Lynna Do seconded the motion.

Public Comment

Heather Kitching stated that she did not agree with any part of the conversation.

Board Member Votes

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

The motion carried.

18. Update on Occupational Therapy Licensure Compact.

Board Member Denise Miller stated that the Occupational Therapy compact had reached twenty states participating.

Executive Officer Heather Martin informed the Board that the Department of Consumer Affairs (DCA) holds 'Brown Bag' meetings on important topics and Dan Logsdon was invited to attend and speak on Compacts at an upcoming 'Brown Bag' meeting.

Ms. Miller asked Ms. Martin to ask DCA to come to the Board's next meeting if the upcoming 'Brown Bag' meeting produces important topics regarding California Compact participation that would be helpful to the Board.

Board Member Richard Bookwalter asked for a Physical Therapy and Registered Nursing Compact update at the next meeting.

RECESS FOR THE DAY

Board President Sharon Pavlovich thanked CSU Dominguez Hills, the Board Members, Board staff and DCA staff for their hard work and participation.

The meeting adjourned at 4:48 p.m.

FRIDAY, MAY 20, 2022

9:30 am - Board Meeting

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

The meeting was called to order at 9:34 a.m., Secretary Beata Morcos called roll and a quorum was established.

Board Member(s) Present

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

Board Staff Present

Heather Martin – Executive Officer
Jody Quesada – Associate Analyst
Amanda Wang – Office Technician
Joseph Chin – Attorney

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

President Sharon Pavlovich welcomed all in attendance and wished everybody a “Happy Friday.” Ms. Pavlovich thanked CSU Dominguez Hills Occupational Therapy program for their hospitality and willingness to host the first California Board of Occupational Therapy (CBOT) meeting since the pandemic began. Ms. Pavlovich also recognized the graduating classes of CSU Dominguez Hills.

Board Member Richard Bookwalter agreed and echoed President Pavlovich’s sentiments.

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

Board Member Denise Miller reported that she attended the American Occupational Therapy Association’s (AOTA) conference in San Antonio which was the first time it was held in-person in over two years. Ms. Miller wanted to recognize the outstanding keynote speaker and announced that there is a new AOTA President named Alyson Stover who conveyed that her focus for the three years will be intra-professional collaboration.

President Pavlovich reminded the group that all that attended the conference can continue to accrue PDUs through their virtual link through June 1st as a part of the attendance package.

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

There was no public comment

23. Discussion and consideration of talking a position on the following bills:

- a) Legislative report on pending bills.

Items (b) through (l) are summarized in Item (a) titled Legislative report on pending bills.

- b) Assembly bill **(AB) 225** (Gray, Gallagher), Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Board Member Richard Bookwalter reported that AB 225 was a two-year bill and the Board decided to **watch** AB 225.

- c) **AB 1604** (Holden), The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

Board Member Lynna Do recommended the Board support AB 1604 citing that the bill promotes diverse representation and she felt that each person is an expert in their own life and if you have a diverse population then you have a diverse lens through which to contribute to Board work.

Mr. Bookwalter asked Executive Officer Heather Martin if the reporting requirements listed in Section 11 will be burdensome for Board staff?

Ms. Martin stated that she felt cost implication would be minimal.

- Lynna Do moved to **support** AB 1604 and to direct Board staff to write a letter of support.
- Richard Bookwalter seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

- d) **AB 1662** (Gipson), Department of Consumer Affairs: boards: veterans: military spouses: licenses. Licensing boards: disqualification from licensure: criminal conviction.

President Sharon Pavlovich asked if AB 1662 would assist students with something in their background check by acting as a pre-determinate so the students would have the most information before deciding if they want to spend money on an education that they may not be approved to work in.

Executive Officer Heather Martin stated that this bill would be helpful to prospective students.

Ms. Pavlovich offered her support of this bill as it gives potential students a clearer picture prior to deciding to spend the large amount of money to gain their degree.

- Lynna Do moved to **watch** AB 1662 and direct Board staff provide data on resources and cost.
- Richard Bookwalter seconded the motion.

Public Comment

There was no public comment.

- e) **AB 1733** (Quirk), State bodies: open meetings.

Ms. Martin informed the Board that AB 1733 is an attempt to give the Board the flexibility to continue holding virtual meetings without disclosing the address of the Board Member as an alternative to the Governor’s Executive Order that has now expired. Ms. Martin stated that she was aware that the Board wanted the option to hold in-person meetings but also valued the ability to hold virtual meetings due to increased public participation.

- Richard Bookwalter moved to **support** AB 1733 and direct Board staff to write a letter of support.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

The Board Members added that they would like to have the following points of support added to the letter of support:

- Increased access for the public
- Reduced costs to the Board
- Increased access for rural practitioners and diverse population.
- Increased outreach
- Addresses the safety issue for Board Members that don’t have access to an ADA location.

- f) **AB 2671** (Assembly B&P Committee), Committee on Business and Professions: Occupational therapy.

- Denise Miller moved to **support** AB 2671 regarding the Sunset bill and direct Board staff to include language previously discussed on the legislation including corporations, fees etc. and to inform the committee that the Board will be addressing the language in late August.

- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

Agenda item 11 and 23 (f) were revisited on day two and the discussion and subsequent motion are outlined below, in item 11, and at the end of agenda item 24.

Board Member Richard Bookwalter stated that during the previous day's discussion regarding how to define occupational therapist or practitioner, the Board reviewed Business and Professions Code (BPC) Section 2570.2 and section (h) defined Occupational Therapist (OT) and section (i) defined Occupational Therapy Assistant (OTA). Mr. Bookwalter asked to add a new definition for Occupational Therapy Practitioner which is defined as an OT or OTA.

- Richard Bookwalter moved to add a new definition to BPC Section 2570.2 that defines Occupational Therapy Practitioner as an OT or OTA and include it in the 'support' letter that will be submitted on behalf of the Board for Agenda item 23 (f) AB 2671.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

- g) **AB 2790** (Wicks), Reporting of crimes: mandated reporters.

Ms. Miller felt that this bill watered down the Mandated Reporter responsibility and is a disservice to consumers.

President Pavlovich stated that the argument made is that the report can exacerbate the abuse when someone comes to the home to investigate and can result in a worse outcome. Ms. Pavlovich also shared a situation in which she did

make a report and when it came time to testify, the alleged victim testified that Ms. Pavlovich's report was false.

Board Member Richard Bookwalter said that he appreciated both points of view and would love to review research mentioned in the bill.

Ms. Miller agreed.

Ms. Pavlovich stated that the Board could review Dr. Heather Javaharian's extensive research on the subject. Dr. Javaharian is an Associate Professor and Program Director of the Master of Occupational Therapy Program at Loma Linda University.

The Board agreed to **watch** AB 2790 and asked that President Pavlovich and Board staff bring back any available research that they can acquire from the Authors' office or other available resources.

- h) **AB 2927** (Rodriguez), Job training.

This bill was not included for review. Bring to August meeting if pertinent.

Public Comment

There was no public comment.

- i) **AB 2939** (Rodriguez), Healing arts: professional reports.

This bill was not included for review. Bring to August meeting if pertinent.

Public Comment

There was no public comment.

- j) **AB 2948** (Cooper), Consumer protection: Department of Consumer Affairs: complaints.

Executive Officer Heather Martin reported that the Board has a system currently in place that requires Board staff to notify the consumer within 10 days of closed complaint, where this bill requires 60 days. Thus AB 2948 does not impact Board workload or funding.

The Board agreed to **watch** AB 2948.

Public Comment

There was no public comment.

- k) Senate Bill (SB)1031 (Ochoa Bogh), Healing arts boards: inactive license fees.

This bill was not included for review. Bring to August meeting if pertinent.

Public Comment

There was no public comment.

- l) **SB 1237** (Newman), Licenses: military service.

Board Member Richard Bookwalter stated that there are always new iterations of military related bills which are introduced to not only reflect the public's admiration and respect but to help alleviate some of the burden endured by military families. Mr. Bookwalter recommended a **watch** position.

The Board agreed.

Public Comment

There was no public comment.

- m) **SB 1310** (Leyva), Professions and vocations: consumer complaints.

Ms. Martin reported that the Board itself is not currently required to post complaint prioritization guidelines although it has them. She commented that SB 1310 is a bill that would have very little effect on the Board unless or until DCA asks the Boards/Bureaus to post on their own website.

The Board agreed to **watch** SB 1310 and asked Ms. Martin to bring back the Board's Complaint Prioritization Guidelines.

Public Comment

There was no public comment.

- n) **SB 1365** (Jones), Licensing boards: procedures.

Board discussion ensued regarding how this bill relates to the Board's current process for applicant disclosure.

The Board discovered that there was a hearing for SB 1365 the day prior and decided to **watch** the bill and asked Ms. Martin to reach out to the author to seek clarification and gather additional information.

Public Comment

There was no public comment.

24. Report on legislation signed by the Governor, including AB 451, AB 457, AB 1259, AB 1561, SB 226, SB 434, SB 507.

Executive Officer Heather Martin reported that there was no significant impact to the Board resulting from the passage of the above-mentioned chaptered bills.

Public Comment

There was no public comment.

Following a brief recess, President Pavlovich asked that the Board revisit discussion on agenda item 11 from day one and 23 (f) from day two.

Board Member Richard Bookwalter stated that during the previous day's discussion regarding how to define occupational therapist or practitioner, the Board reviewed Business and Professions Code (BPC) Section 2570.2 and section (h) defined Occupational Therapist (OT) and section (i) defined Occupational Therapy Assistant (OTA). Mr. Bookwalter asked to add a new definition for Occupational Therapy Practitioner which is defined as an OT or OTA.

- Richard Bookwalter moved to add a new definition to BPC Section 2570.2 that defines Occupational Therapy Practitioner as an OT and an OTA and include it in the 'support' letter that will be submitted on behalf of the Board for Agenda item 23 (f) AB 2671.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

25. Executive Officer's Report.
a) Operational report.

Executive Officer Heather Martin reviewed the included report highlighting that a new Enforcement manager would hopefully be in place by the end of July and that there were current recruitment packages to bring on an additional Retired Annuitant to assist with preparing recruitment packages.

Ms. Martin also reported that DCA was conducting a department-wide Asset Management Process audit for all Boards/Bureaus and that the Board's audit was already underway, and the final report was anticipated in July or August of 2022.

The Board asked that Ms. Martin bring the final report produced from the audit when available.

- b) Fiscal Month 9 Revenue and Expenditure reports.

Ms. Martin reviewed the Revenue and Expenditure reports.

Regarding the public comments that asked what the Board could do to further cut expenditures even though Ms. Martin and Board staff revert between \$200 – 300,000 dollars per fiscal year on average, she asked for any suggestions from the Board on which line items could be further broken down or explained so that they may better address the public's needs.

President Pavlovich and Ms. Miller agreed that the public document was very easy for them to understand but maybe it is due to being more familiar with these documents.

Ms. Pavlovich suggested highlighting the headers of each section on the Expenditure report and adding a legend to the bottom explaining the columns (budget, current month, YTD, Encumbrance, and YTD+Encumbrance).

Board Member Lynna Do commented that the reports that Ms. Martin and Board staff produced are more detailed than most organizations' budget reports she had seen in her professional career.

Ms. Do suggested having two versions of the Expenditure documents to appeal to the public that are not familiar with budget documents. The first version would be exactly what was presented with the addition of highlights and a legend as suggest by President Pavlovich. The second version would be a 'simplified' version that only included the headers (i.e., permanent positions, temporary positions etc.) and would not include the details of what makes up each header but would include all the columns and the legend.

When questioned about court reporters services, Ms. Martin confirmed that the Board finally received a budget baseline adjustment to add funds to the Board's court reporter services and Office of Administrative Hearings line items which previously had a \$0 budget that resulted in Ms. Martin being required to underspend in other categories to cover the costs.

- c) Licensing data for 10/1/2021 - 12/31/2021 and 1/1/2022 – 3/31/2022.

Executive Officer Heather Martin reviewed the included Licensing data documents.

President Pavlovich asked if her observation of no uptick in the number of Limited Permit applications received was correct.

Ms. Martin confirmed and stated that she was so baffled that more students were not taking advantage of this offering.

Ms. Pavlovich stated that it looked like more outreach was in order.

President Pavlovich also noted that Advanced Practice applications totals had dipped.

- d) Enforcement data 10/1/2021 - 12/31/2021.
- e) Enforcement data 1/1/2022 – 3/31/2022.

Executive Officer Heather Martin reviewed the included Enforcement data documents.

Board Member Richard Bookwalter asked for clarification regarding the PDU Audit Violation citation and fine count be so much lower than other quarters. Mr. Bookwalter asked if the lower numbers were indicative of staff resources being redirected to the Sunset Report and other time sensitive projects.

Ms. Martin confirmed Mr. Bookwalter's statement but went on to confirm that in the month of April that the Enforcement staff issued almost as many citations as the previous two quarters combined.

Ms. Martin went on to explain how a simple failure to update an address of record can turn in to a revocation of licensure within 18 months.

f) Future Agenda Items.

Ms. Martin asked for the Board Members to prioritize the included list of future agenda items in addition to items added during the meeting.

The following are the items that the Board agreed on for August leaving any additions to the Board President's discretion.

1. Top five Expenditures
2. Report back on CSG meeting.
3. Public comment requesting the Board consider adding supervision of OTD capstone to PDU regulations.
4. Executive Officer report on CSG meeting.
5. Asset Management Process Audit report.
6. OT Professional Corp lang based on PT language.
7. Ask Attorney if current Corps have to change their names?
8. Complaint Prioritization Guidelines.
9. Discuss possible Expert Reviewer wage increase.
10. Discuss and/or establish board policy on the 'vote by mail' option being optimal in all aspects as it pertains to the discharge of Board duties.
11. Discuss the potential to cost share with OT programs for the 'employer' letter.

g) Reports due dates.

Ms. Martin reported on the included document that reflected most of the reports/assignments handed down by DCA and their corresponding due dates that demonstrated DCA expectations on top of day-to-day Board business.

President Pavlovich said that the document was very helpful and wished it could be hyperlinked on the Board website.

Board Member Denise Miller said that the document should be included in the Board Member onboarding process.

Board Member Richard Bookwalter asked that the title of the document be renamed for accuracy if the Board decided to add it on the website or bring it back when the Board discusses the Board Procedures manual. "DCA Deadlines for CBOT Staff" or "Reporting Deadlines – CBOT staff". The Board settled on "CBOT Staff Due Dates".

h) Other informational items (no Board action can be taken)

Ms. Martin reported that the outreach letter that was sent out to the licensing population imploring practitioners to accept fieldwork students cost the Board of \$14,000. She wanted the Board to be aware before they decided whether or not to proceed in sending a second mailing to employers.

Ms. Miller reported that she received a 'thank you' from a practitioner.

President Pavlovich received about 10 texts that initiated conversation.

Ms. Miller asked that Ms. Martin report approximately how many of the letters were returned to the Board. Ms. Miller also asked if the Board could reach out the OT programs and ask about cost sharing for the employer letter since the letters could potentially help them place their students.

Board Member Richard Bookwalter said the letter sent to the licensees was a wonderful letter and thanked everyone who worked on it.

Ms. Martin presented the excerpt that was added to the May minutes that reconciled the mistake made on the 'per diem' vote.

Ms. Martin presented a new task that would have to be submitted to DCA after Board staff completed the survey that captured and track the costs and attendance of various meeting formats.

Public Comment

There was no public comment.

26. Election of 2021 Officers

President Pavlovich stated that due to the Vice President vacancy, an election would need to be held to fill that office for the remainder of 2022.

- Denise Miller nominated Beata Morcos for 2022 CBOT Vice President.
- Lynna Do seconded the motion.

Beata Morcos said that she would be honored to accept the nomination; no other nominations were put forth.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

President Pavlovich reported that Ms. Morcos being elected Vice President made a vacancy for Board Secretary.

- Denise Miller nominated Lynna Do for 2022 CBOT Secretary.
- Lynna Do seconded the motion.

Lynna Do said that she would be honored to accept the nomination; no other nominations were put forth.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

Congratulatory comments ensued from all Board Members and Board staff.

President Pavlovich thanked CSU Dominguez Hills and congratulated the OT class that would graduate that same weekend. Ms. Pavlovich thanked DCA Attorney Joe Chin, DCA Television Specialist Mike Sanchez, Executive Officer Heather Martin and Board staff.

Adjournment.

The meeting adjourned at 12:27 p.m.

AGENDA ITEM 7

**REVIEW AND VOTE ON APPROVAL OF THE JULY 27, 2022
TELECONFERENCE BOARD MEETING MINUTES.**



***** DRAFT *****

TELECONFERENCE SPECIAL BOARD MEETING MINUTES

July 27, 2022

A Special Meeting is being held pursuant to the provisions of Government Code section 11125.4(a)(2).

Board Member(s) Present

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

Board Staff Present

Heather Martin – Executive Officer
 Jeanine Orona – Analyst
 Demetre’ Montue – Analyst
 Helen Geoffroy – Attorney

3:00 pm - Board Meeting

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

The meeting was called to order at 3:06 p.m., Secretary Lynna Do called roll and a quorum was established.

2. Finding of necessity for Special Meeting.

Board President Sharon Pavlovich stated that the meeting was noticed as a special meeting pursuant to Government Code section 11125.4 and specifically, the special meeting was to discuss pending legislation which is permitted by subdivision (a)(2).

Ms. Pavlovich reported that Assembly Bill 2671, authored by the Assembly Committee on Business and Professions, was set for hearing on August 1, 2022, and the Board next meeting would be held on August 18 and 19, 2022, which is after the deadline for bills to pass out of fiscal committees. For the Board to discuss amendments to the bill and the effects of the bill on the practice of occupational therapy, a meeting needed to be called prior to August 1, 2022. Ms. Pavlovich stated that steps to schedule a meeting of the Board were taken as soon as it was known that the Committee Hearing was being held before the next Board meeting.

Ms. Pavlovich concluded that in order to proceed with the special meeting and discuss Assembly Bill 2671, the Board must first find that the 10-day notice required for a

standard meeting would impose a substantial hardship on the state body or that immediate action is required to protect the public interest.

- Richard Bookwalter moved that the necessity for a special meeting is supported by the fact that providing the usual 10-day notice for a meeting of the Board would pose a hardship on the Board, in that the Board would be deprived of the ability to submit a position letter on Assembly Bill 2671 prior to the bill being heard in Senate Appropriations Committee on August 1st.
- Lynna Do seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

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

Board President Sharon Pavlovich thanked and welcome all in attendance.

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

There were no Board member remarks.

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

There were no public comments for items not on the agenda.

6. Discussion, and potential action and/or position related to Assembly Bill 2671 (Assembly Committee on Business and Professions) Occupational therapy.

President Pavlovich welcomed Department Consumer Affairs'(DCA) Attorney Helen Geoffroy and informed the Board and guests that Ms. Geoffroy wished to provide information pertaining to the memo she prepared.

Ms. Geoffroy stated that she coordinated with Board staff and analyzed AB 2671 and its impact on the Board in its entirety and was able to address the Board's question from the May 2022 Board meeting regarding the impact of requiring an occupational therapy (OT) designator to an OT corporation's name. Pertaining to Ms. Geoffroy's analysis of AB 2671 she provided the Board members an Attorney/Client privileged memo that contained legal advice and options and stated that unless the Board voted to make the memo public record the Board members should refrain from quoting or referencing the memo during their discussion.

Ms. Geoffroy verbally addressed the Board's question on whether or not an occupational therapy corporation name (referred to as an OT designator) would be required for OT corporations. Attorney Geoffroy stated that the working draft of AB 2671 does not contain language requiring an OT designator and Corporations Code 13409 would apply. Corporations Code 13409 states that a professional corporation shall be named however the regulatory agency requires; the regulatory agency is the Board. Ms. Geoffroy further clarified that the Practice Act was silent on this topic and the act would remain silent after AB 2671 was chaptered as drafted.

If the Board's proposed language that was suggested at the May 2022 Board meeting is included prior to AB 2671 being chaptered, that would result in licensee's who wished to be a professional corporation to be required to incorporate the OT designator into their corporation's name.

Ms. Geoffroy informed the Board that the current version of AB 2671 contains only what is needed for a licensee to become a professional corporation and the Board can now choose to require it, revise it, or omit their recommendations to the language proposed at the May 2022 Board meeting.

President Pavlovich asked the Board members whether they were prepared to bring forth a motion to waive the Attorney/Client privilege on the AB2671 analysis memo prepared by Attorney Geoffroy or if they felt they had enough information in order to move forward without directly referencing the memo during their discussion.

A discussion ensued by the Board members regarding their thoughts and position on the memo and the majority of the Board decided that the memo should remain as Attorney/Client privilege because an organic discussion could be had regarding next steps for AB2671.

Ms. Geoffroy informed the Board that no motion nor subsequent vote was needed since the memo is Attorney/Client privileged and a vote was only necessary to waive that privilege.

Board member Denise Miller stated that in the interest of transparency that she wanted to clarify that her reason for agreeing with her fellow Board members was that she believed in Attorney/Client privilege and the process of a Regulatory board. Ms. Miller assured the public that there was nothing significant in the memo that needed to be shared with the public.

Public Comment

There was no public comment.

Executive Officer Heather Martin reviewed the included documents consisted of the Legislature's amended language for AB 2671 from June 13, 2022, at the top of the document followed by the Board's May 2022 proposed language based on PT corps language.

Ms. Martin clarified that the Board had not yet seen the June 13, 2022, amendments at the top of the page because they were made after the Board's May 2022 meeting at which they supported the bill with proposed amendments.

President Pavlovich asked for discussion.

Board member Richard Bookwalter voiced his support for replacing the 'Definition' section of the Board's proposed amendments made at the May 2022 meeting with the Legislature's new 2572 language from June 13, 2022, and approving the rest of the sections below that. Mr. Bookwalter further explained that after replacing the "Definition" paragraph with the new 2572 language, there should be an added sentence that starts with "Occupational Therapy Practitioners" and a subsequent definition outlining that a Practitioner is an Occupational Therapist (OT) and an Occupational Therapy Assistant (OTA). The addition will be added to the fourth line following the sentence ending with the word "services".

Ms. Miller asked for clarification on timelines and whether any changes agreed upon at the meeting would even be considered for AB 2671 by the legislature.

Executive Officer Heather Martin explained that any changes proposed by the Board would be drafted immediately by Board staff to be submitted to the AB 2671 Authors' office, and Senate Appropriations Committee prior to the bill being heard.

Board Secretary Lynna Do and Vice President Beata Morcos spoke in favor of Mr. Bookwalter's proposed change.

Ms. Miller and Board President Pavlovich sought clarification from Attorney Helen Geoffroy that if the legislature approved the language in its current version, that the Board would still have the opportunity to be even more prescriptive about OT corporations in the Board's regulations.

Ms. Geoffroy agreed.

Ms. Miller then asked Mr. Bookwalter if he could elaborate as to why the Board's proposed changes should be added in statute rather than addressed in regulation.

Mr. Bookwalter stated that he has always preferred prescriptive language be addressed in regulation, however, the corporations language was addressed by other boards in statute and since the opportunity to add corporations language was brought forth by the Sunset Committee and bill, it seemed to be in line with the status quo. Mr. Bookwalter reminded the Board that any regulation changes would take two or more years to enact which would prolong the Board having guidance to reference and address corporation questions/issues from licensees. Mr. Bookwalter also stated that he wished to hear the opinion of the public.

Executive Officer Heather Martin requested that due to the impact on Board staff, Board funds and the licensees, that the Board consider asking to be included in the exemption from Section 13041 of the Corporations Code. This would alleviate the Board from having to issue certificates of registration in order for licensees to render professional services through their occupational therapy corporation.

President Pavlovich voiced her support of the request as it was more cost-effective to not have to issue certificates of registration.

- Richard Bookwalter moved that Board staff write a letter of support on behalf of the Board to recommend that the legislature amend the second provision of Section 13401.5 to exempt the Board from issuing certificates of registration to occupational therapy corporations.
- Denise Miller seconded the motion.

Public Comment

Carlin Daley Reaume, Advocacy and Government Chair for the Occupational Therapy Association of California (OTAC) thanked the Board for the discussion. Ms. Daley Reaume expressed OTAC’s support of AB 2671 and their hope that the bill moves through as efficiently and effectively as possible.

Ms. Daley Reaume also stated that as a private practitioner and sole proprietor business owner she wanted to acknowledge that the inclusion of corporation language as amended would help to remove barriers for her personally and professionally if she ever decided to incorporate.

President Pavlovich acknowledged and thanked Ms. Daley Reaume.

Mr. Bookwalter asked Ms. Daley Reaume her opinion on whether the OT designator should be required.

Ms. Daley Reaume expressed that she would like there to be some flexibility for the practitioner to decide and she would be ok to set that language aside for now.

Lindsay Gullahorn, OTAC voiced her support of AB 2671 as it relates to the Board and expressed her appreciation of the Legislature for the inclusion of occupational therapy corporations in the professional corporations language.

President Pavlovich thanked Ms. Gullahorn for her input and attendance.

Mr. Bookwalter agreed to amend his previous motion and Ms. Miller agreed to remove her second to the previous motion.

- Richard Bookwalter moved that the Board support the proposed changes to the second provision of section 13401 of the Corporations code to include the Board in the exemption of issuing certificates of registration for occupational therapy corporations.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

Attorney Helen Geoffroy stated that no matter what amendments the Board chose to make to Business and Professions code section 2572 that it is her legal recommendation that amendments to sections 13401 and 13401.5 of the Corporations Code be included.

- Richard Bookwalter moved that the Board support the language added to AB 2671 when amended on June 13th and request that the legislature also support adding the five sections of the Board’s proposed language titled: ‘Unprofessional Conduct – Licensee, Unprofessional Conduct – Corporation, Directors and Officers, Income, and the Regulations’ and empower the Executive Officer to write a letter indicating as much.
- Beata Morcos seconded the motion.

Mr. Bookwalter confirmed that he did not include the ‘Corporation Name’ section in his motion and he used the Legislature’s added language from June 13th because it is similar to the Board’s proposal but ultimately asks for less changes to AB 2671.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

Attorney Helen Geoffroy asked that the Board return to discussion regarding Corporation names and the Board move to discuss the topic at another time or omit the topic altogether.

- Lynna Do moved to table the discussion regarding ‘Corporation Name’ to a future meeting.
- Richard Bookwalter seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

President Pavlovich acknowledged the letter of support submitted by OTAC President Bryant Edwards.

Mr. Bookwalter appreciated the letter and the support it offered pertaining to AB 2671.

President Pavlovich agreed.

The Board revisited Agenda Item 5 which was 'Public Comment for items not on the agenda.'

Public Comment

There was no public comment.

Adjournment.

President Pavlovich thanked all in attendance and adjourned the meeting at 4:37 p.m.

AGENDA ITEM 8

Consideration and possible action of approving proposed regulatory language to amend Title 16, California Code of Regulations Section 4161, Continuing Competence.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
Title 16, Division 39, California Code of Regulations

Proposed amendments to Title 16, Division 39, California Code of Regulations, are shown by ~~strikeout~~ for deleted text and underlined for new text.

Proposed new language

Section 4122. Renewal Attestation.

As a condition of renewal, each licensee renewing a license under Section 2570.10 of the Code shall, at the time of renewal, attest under penalty of perjury that they “have read and agree to be held to the standards contained in The Occupational Therapy Practice Act and the regulations specified in Title 16, Division 39 of the California Code of Regulations.”

Section 4161. Continuing Competency.

- (a) Each licensee renewing a license under Section 2570.10 of the Code shall submit evidence of meeting continuing competency requirements by having completed 24 professional development units (PDUs) during the preceding renewal period, or in the case of a license delinquently renewed, within the two years immediately preceding the renewal, acquired through participation in professional development activities.
- (1) One hour of participation in a professional development activity qualifies for one PDU;
 - (2) One academic credit equals 10 PDUs;
 - (3) One Continuing Education Unit (CEU) equals 10 PDUs.

Proposed new language

(b) For a license renewed on or after January 1, 2025, of the 24 PDUs required for each renewal period, licensees must complete:

- (1) A minimum of two (2) units must be related to ethics in healthcare, and
- (2) One course shall pertain to culturally relevant practice, socio-cultural factors, working with diverse populations and/or bias.

~~(b)~~ (c) Topics and subject matter shall be pertinent to the practice of occupational therapy and course material must have a relevance or direct application to a consumer of occupational therapy services. Except as provided in subdivision (c), professional development activities acceptable to the board include programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Occupational Therapy Association of California; ~~post-professional~~ coursework completed through any approved or accredited educational institution, or otherwise meets all of the following criteria:

- (1) The program or activity contributes directly to professional knowledge, skill, and ability; and
 - (2) The program or activity must be objectively measurable in terms of the hours involved.
- ~~(e)~~ (d) PDUs may also be obtained through any or a combination of the following:

- (1) Involvement in structured special interest or study groups with a minimum of three participants. Three hours of participation equals one PDU, with a maximum of six PDUs credited per renewal period.
- (2) Structured mentoring with an individual skilled in a particular area. For each 20 hours of being mentored, the practitioner will earn three PDUs, with a maximum of six PDUs credited per renewal period.
- (3) Structured mentoring of a colleague to improve his/her skills. Twenty hours of mentoring equals three PDUs, with a maximum of six PDUs credited per renewal period.
- (4) Supervising the fieldwork of Level I and Level II occupational therapist and occupational therapy assistant students shall be credited as follows:
 - (A) Supervising the fieldwork of a Level I student. For each student supervised the practitioner will receive one PDU.
 - (B) Supervising the fieldwork of a Level II student. For each 40 hours of supervision the practitioner will receive one PDU.
 - (C) A maximum of 12 PDUs of credit for supervising Level II and/or Level I students shall be allowed per renewal period.
 - (D) The supervision shall not be the primary responsibility of the licensee's employment.
 - (E) Credit for PDUs shall only be earned for the dates of supervision occurring during the renewal period.
 - (F) Fieldwork supervision hours of a single student may be divided between licensees. Total weekly hours claimed by more than one licensee sharing supervision of a single student shall not exceed 40 hours per week.
- (5) Publication of an article in a non-peer reviewed publication. Each article equals five PDUs, with a maximum of 10 PDUs credited per renewal period.
- (6) Publication of an article in a peer-reviewed professional publication. Each article equals 10 PDUs, with a maximum of 10 PDUs credited per renewal period.
- (7) Publication of chapter(s) in occupational therapy or related professional textbook. Each chapter equals 10 PDUs, with a maximum of 10 PDUs credited per renewal period.
- (8) Making professional presentations at workshops, seminars and conferences. For each hour presenting, the practitioner will earn two PDUs, with a maximum of six PDUs credited per renewal period.
- (9) Attending a meeting of the California Board of Occupational Therapy. Each meeting attended equals two PDUs, with a maximum of six PDUs credited per renewal period.
- (10) Attending board outreach activities. Each presentation attended equals two PDUs, with a maximum of four PDUs credited per renewal period.
- ~~(d)~~ (e) Partial credit will not be given for the professional development activities listed in subsection (c) and a maximum of 12 PDUs may be credited for the activities listed in subsection (c).
- ~~(e)~~ (f) This section shall not apply to the first license renewal following issuance of the initial license occurring within one year of issuance of the initial license.
- (g) A licensee applying for the first license renewal occurring more than one year after the initial license was issued shall complete 12 PDUs.
- ~~(f)~~ (h) Of the total number of PDUs required for each renewal period, a minimum of one half of the units must be directly related to the delivery of occupational therapy services, which may include: models, theories, or frameworks that relate to client/patient care in preventing or minimizing impairment, enabling function within the person/environment or community context. Other activities may include, but are not limited to, occupation-based theory assessment/interview techniques, intervention strategies, and community/environment as related to one's practice.

~~(g)~~(i) Applicants who have not been actively engaged in the practice of occupational therapy within the past five years completing continuing competency pursuant to section 2570.14(a) of the Code to qualify for licensure shall submit evidence of meeting the continuing competency requirements by having completed, during the two-year period immediately preceding the date the application was received, 40 PDUs that meet the requirements of subsection (b). The 40 PDUs shall include:

- (1) 37 PDUs directly related to the delivery of occupational therapy services, which may include the scope of practice for occupational therapy practitioners or the occupational therapy practice framework;
- (2) Three PDUs related to ethical standards of practice in occupational therapy.

AGENDA ITEM 9

Consideration and possible action on adding supervision of individuals completing a doctoral capstone as a method for earning professional development units.

§ 4161. Continuing Competency

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PDU's may also be obtained through any or a combination of the following:

- (1) Involvement in structured special interest or study groups with a minimum of three participants. Three hours of participation equals one PDU, with a maximum of six PDUs credited per renewal period.
- (2) Structured mentoring with an individual skilled in a particular area. For each 20 hours of being mentored, the practitioner will earn three PDUs, with a maximum of six PDUs credited per renewal period.
- (3) Structured mentoring of a colleague to improve his/her skills. Twenty hours of mentoring equals three PDUs, with a maximum of six PDUs credited per renewal period.
- (4) Supervising the fieldwork of Level I and Level II occupational therapist and occupational therapy assistant students shall be credited as follows:
 - (A) Supervising the fieldwork of a Level I student. For each student supervised the practitioner will receive one PDU.
 - (B) Supervising the fieldwork of a Level II student. For each 40 hours of supervision the practitioner will receive one PDU.

Supervising an entry-level doctoral capstone experience for a post-graduate student. For each XXXX, XX hours of supervision the practitioner will receive XX PDU.

Supervising a post-professional doctoral capstone experience of a licensed occupational therapist. For each XXXX, the supervising practitioner will earn XX PDU.

(C) A maximum of 12 PDUs of credit for supervising Level II and/or Level I students shall be allowed per renewal period.

(D) The supervision shall not be the primary responsibility of the licensee's employment.
(E) Credit for PDUs shall only be earned for the dates of supervision occurring during the renewal period.

(F) Fieldwork supervision hours of a single student may be divided between licensees. Total weekly hours claimed by more than one licensee sharing supervision of a single student shall not exceed 40 hours per week.

(5) Publication of an article in a non-peer reviewed publication. Each article equals five PDUs, with a maximum of 10 PDUs credited per renewal period.

(6) Publication of an article in a peer-reviewed professional publication. Each article equals 10 PDUs, with a maximum of 10 PDUs credited per renewal period.

AGENDA ITEM 10

Consideration and possible action on requiring an attestation to reading and understanding the Board's laws and regulations upon submission of an application for an initial license.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
Title 16, Division 39, California Code of Regulations

Proposed amendments to Title 16, Division 39, California Code of Regulations, are shown by ~~strikeout~~ for deleted text and underlined for new text.

Section 4110. Application for Licensure

(a) An application for a license or limited permit shall be submitted on the form entitled (a) An application for a license or limited permit shall be submitted on the form entitled Initial Application for Licensure, Form ILA, (Rev. 9/2020), hereby incorporated by reference, or by providing the same information via on-line submission, if available, and shall contain the information required by sections 30, 144, 851, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, and 2570.16 of the Code and Family Code section 17520, accompanied by the appropriate fees.

(b) For an applicant applying for licensure pursuant to section 2570.15 of the Code, “substantially equal” means that the applicant has successfully completed the academic requirements of an educational program, including the educational program and supervised fieldwork requirements, for an occupational therapist or an occupational therapy assistant that are approved by the Board and approved by the foreign credentialing review process of the National Board for Certification in Occupational Therapy (NBCOT), the American Occupational Therapy Certification Board, or the American Occupational Therapy Association.

Proposed new language

Section 4110.1. Applicant Attestation.

After notification that the application for licensure is complete and accepted for filing and prior to issuance of the license, the applicant shall submit an initial license fee and an attestation under penalty of perjury that they “have read and agree to be held to the standards contained in The Occupational Therapy Practice Act and the regulations specified in Title 16, Division 39 of the California Code of Regulations.”