



****DRAFT****

BOARD MEETING MINUTES

May 2-3, 2024

**Department of Consumer Affairs
First Floor Hearing Room
1625 North Market Blvd., Sacramento, CA 95834**

Board Members Present

Richard Bookwalter – Board President
Beata Morcos – Board Vice President
Lynna Do – Board Secretary
Hector Cabrera
Denise Miller
Sharon Pavlovich
Christine Wietlisbach

Board Staff Present

Heather Martin – Executive Officer
Jody Quesada Novey - Manager
Helen Geoffroy – Board Attorney
Rachael Hutchison - Analyst
Austin Porter - Analyst

**Thursday, May 2, 2024
9:00 am - Board Meeting**

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

The meeting was called to order at 9:08 a.m. Vice President Beata Morcos called roll and a quorum was established.

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

Board President Richard Bookwalter thanked the Department of Consumer Affairs (DCA) for hosting the meeting. Mr. Bookwalter also thanked Board staff and Cesar Victoria, the Television Specialist, for their work.

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

Board Member Denise Miller greeted the audience and announced that she recently had the opportunity to present at California State University, Dominguez Hills. Ms. Miller spoke to students about the occupational therapy profession and how to avoid common violations pertaining to practice.

4. Public Comment for Items Not on the Agenda.

Jeff Hanson, the Board's Retired Annuitant Staff Services Manager I, chose to introduce himself.

Ada Boone Hoerl, OTA, Professor and Occupational Therapy Assistant (OTA) Program Coordinator at Sacramento City College (SCC), chose to introduce herself.

Torri, Doctoral Student at the University of the Pacific (UOP), chose to introduce herself.

Shaun Conway, Vice President, Regulatory Affairs at the National Board for Certification in Occupational Therapy (NBCOT), introduced himself.

5. Presentation by the National Board for Certification in Occupational Therapy (NBCOT). Topics include but are not limited to, the NBCOT Ambassador Program, the Occupational Therapy Licensure Compact, national licensure examinations; a question-and-answer session will follow.

Shaun Conway, Vice President, Regulatory Affairs at NBCOT, announced that NBCOT periodically reaches out to all Occupational Therapy Boards throughout the country to share information in effort to provide the most current and accurate information to help everyone make educated and informed decisions.

Francielle Pineda, Assistant Director, External and Regulatory Affairs at NBCOT, discussed the Licensure Compact, which is a joint initiative with AOTA, noting that significant progress had been made in recent months.

Ms. Pineda provided an extensive presentation regarding the examination for licensure that included information on how NBCOT chose the content for the exams. Ms. Pineda also talked about exam scoring, cheating, and NBCOT's copyright law.

Mr. Bookwalter thanked Mr. Conway and Ms. Pineda for their presentation.

A brief discussion regarding NBCOT's disciplinary process ensued. Board Secretary Lynna Do requested that Board staff acquire a list of practitioners that had their certification revoked by NBCOT.

Board Member Denise Miller asked whether practitioners would be required to have NBCOT certification in the future.

Mr. Conway replied that NBCOT is not a requirement, however, South Carolina was a state that did require their licensees to be certified by NBCOT to practice. Individuals must take the NBCOT Certification exam because all states have that requirement.

Ms. Miller and Ms. Do suggested that Board staff research the number of PDU violations that occurred in South Carolina to determine if the Board should consider making the NBCOT certification a requirement.

Public Comment

Ada Boone Hoerl, OTA, Professor and OTA Program Coordinator at SCC expressed her concern for the practitioners who were not registered with NBCOT, if it were to become a requirement for the Board.

Mr. Conway replied that there was not a grandfather clause in the new policy. The policy would be effective January 1, 2027, for new applicants.

There were no additional Board member remarks.
There were no additional public comments.

6. Review and vote on approval of the February 8-9, 2024, Board meeting minutes.

- Lynna Do moved to accept the February 8-9, 2024, Board meeting minutes and directed staff to make non-substantive changes.
- Denise Miller seconded the motion.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

7. Open Meeting Act Requirements as of January 1, 2024.

The Board’s Attorney, Helen Geoffroy, announced that effective January 1, 2024, the legislature adopted new rules to permit virtual meetings that also met the requirements of the public’s ability to access their government representatives.

Under the new rules, the Board may meet in person with a quorum physically present and additional members beyond the quorum may meet virtually without noticing a location. If there is a situation either in person or virtually where there is less than a quorum, the location of the virtual members must be noticed and accessible. If a member failed to appear at a physical location as noticed, the meeting may be cancelled. If a Board Member requested to appear from their home and there wasn’t a quorum present at one physical location, that member must post their home address and provide an accessible location to host the public within their home. Alternately, Committee members could attend in any combination of in-person and virtual. Both Board and Committee members are required to be on camera at all times.

Board Secretary Do noted that the Board’s options to provide virtual capabilities were very limited.

Ms. Geoffroy replied some Boards bring their own equipment to meetings to make virtual attendance possible.

Public Comment

Ms. Boone Hoerl, expressed her appreciation of the Board's efforts towards making their meetings more accessible to the public.

There were no additional Board member remarks.

There were no additional public comments.

8. President Announcement of Committee Appointments.

Mr. Bookwalter announced that Kersten Laughlin agreed to serve on the Legislative and Regulatory Affairs Committee and Ada Boone Hoerl was appointed to the Ad Hoc on Supervision Standards Committee.

Candace Chatman and Penny Stack were appointed to serve on the Education and Outreach Committee.

Vice President Beata Morcos and Board Member Christine Wietlisbach were appointed to serve on the Search Committee for the new Executive Officer.

There were no additional Board member remarks.

There were no public comments.

9. Practice Committee update.

Chair/Board Member Christine Wietlisbach announced that the Board received an inquiry from the public asking if approval in hand therapy was required to treat carpal tunnel syndrome, repetitive motion injuries, or pain that was not due to an injury or surgery.

The Practice Committee met on March 1, 2024, and discussed the existing language in the Board's laws. The committee had a robust conversation about carpal tunnel syndrome which was not always developed as a result of an injury.

The Practice Committee's recommendation to the Board was to respond to the author that the Board does have language in their laws, however, the Board cannot provide an all-encompassing answer. Board staff should add that determining if hand therapy approval was necessary to treat patients with carpal tunnel syndrome depended on the etiology of the problem and that the author should refer to the Board's laws and regulations.

Mr. Bookwalter suggested that when a similar request is made, Board staff could provide licensees with a pathway for hand therapy approval by sharing that an occupational therapist in the process of achieving the education, training, and competency requirements established by the board for providing hand therapy may practice these techniques under the supervision of an occupational therapist who has already met the requirements.

Ms. Wietlisbach agreed with Mr. Bookwalter and added that practitioners could also be supervised by a physical therapist, physician or surgeon.

Board Member Sharon Pavlovich agreed with the committee’s recommendation to the Board.

The Board agreed to direct staff to repeat the existing law to the author and to provide them with the information necessary to seek Board approval for hand therapy.

There were no additional Board member remarks.
There were no public comments.

Ms. Wietlisbach noted that the next item to discuss was the Practice Committee Meeting Minutes from October 13, 2023.

- Denise Miller moved to accept the October 13, 2023, Practice Committee Meeting Minutes and directed staff to make non-substantive changes.
- Lynna Do seconded the motion.

There were no additional Board member remarks.
There were no public comments.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

10. Ad hoc Committee on Disaster Preparedness and Response update.

President/Chair Richard Bookwalter announced that the Disaster Preparedness and Response Committee had met twice since the February 2024 Board meeting.

The Committee members had a brainstorming session to generate and document ideas about how the Board could contribute to disaster preparedness and response.

Mr. Bookwalter recapped the Committee’s recommendations to the Board, which included:

- Consideration of requiring Professional Development Units (PDU) related to disaster preparedness, response, and recovery.
- Partnering with occupational therapy associations and other organizations to promote the Board’s interest related to disaster preparedness, response, and recovery for practitioners.
- Direct Board staff to get occupational therapy recognized by the Emergency Medical Services Authority (EMSA), the California Health Corps (CAHC), and the California Medical Assistance Team (CAL-MAT) programs and draft a duty statement, if necessary.

- Direct Board staff to draft information for inclusion on the DCA Disaster Help Center webpage.
- Review the National Emergency Medical Services Education Standards.
- Approve a survey aimed at evaluating the licensing population's awareness of disaster preparedness, response, and recovery.

Mr. Bookwalter explained that the second Disaster Preparedness and Response Committee meeting focused on creating a survey and language for the webpage.

The Board members discussed having an introductory statement or cover letter to accompany the survey.

Ms. Miller expressed concern that the proposed survey did not include a question that connected disaster preparedness and response to the consumer. She would like to hear from occupational therapists that were on the front lines during disasters and what they did to assist the consumers.

Board Secretary Lynna Do suggested that the Board add questions about occupational therapists who worked on the front lines to the survey in the beginning. Ms. Do recommended asking for names and contact information from the surveys especially from those that had worked on the front lines, the Board could then follow up with those practitioners at a later time to get additional information.

Ms. Miller agreed with Ms. Do's suggestion and added that the survey could ask if the practitioner had ever worked with a patient that had experienced a disaster.

Board Member Hector Cabrera recommended asking licensees if they felt there were bilingual services available for those who were not English speaking.

Ms. Do suggested using the language, "have you experienced any barriers to service in regard to disaster planning and mitigation for example, language, social, or financial barriers?"

Mr. Bookwalter summarized the edits for Board staff as follows:

- Update the opening paragraph of the survey to include an introductory statement.
- Add a comment field to question #1 where the licensee could provide contact information if they have worked with patients who went through a natural disaster.
- Add mental health to question #3.
- Add a comment field to question #7 that asks what kind of education was required.
- Add question #9 which will ask, "have you experienced any barriers to service in regard to disaster planning and mitigation for example, language, social, or financial barriers?"
- Add question #10 which will ask, "do you have anything you would like to add?"

Mr. Bookwalter steered the discussion to the proposed website page. He suggested that Board staff could create two pages, one for the consumer and one for the practitioner. He provided an overview of what information the committee recommended to include on the webpages.

The Board members agreed with the recommendations made by the Ad Hoc Committee on Disaster Preparedness and Response including accepting the February 8, 2024, meeting minutes.

- Denise Miller moved to accept the February 8, 2024, Ad Hoc Committee on Disaster Preparedness and Response Meeting Minutes and the April 10, 2024, Ad Hoc Committee on Disaster Preparedness and Response Meeting Minutes and directed staff to make non-substantive changes. Additionally, Ms. Miller moved to direct staff to make the recommended changes to the survey as presented and to further develop the consumer and practitioner webpages.
- Beata Morcos seconded the motion.

There were no additional Board member remarks.

There were no public comments.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

11. Ad hoc Committee on Supervision Standards update.

This agenda item was discussed on May 3, 2024.

Chair/Board Member Denise Miller announced that there is representation from all academic areas in the Supervision Standards Committee and encouraged the public to send letters with suggestions and solutions.

Ms. Miller stated that when California Code of Regulations (CCR) Section 4181 was discussed the committee had a very distinguished panel that resulted in a robust conversation to get to the proposed numbers.

Ms. Pavlovich agreed.

Ms. Miller noted that there were concerns about circumstances in which the doctoral capstone student who was supervising students was not from a doctoral occupational therapy program that was accredited by the Accreditation Council for Occupational Therapy Education (ACOTE).

It was pointed out that although a student requires mentorship to complete their post professional capstone, they do require supervision of their practice. However, a student

completing an entry-level doctoral capstone would need supervision similar to a student completing their fieldwork, a limited permit holder, or an occupational therapy assistant.

Ms. Miller summarized what the next steps for Supervision Standards Committee would look like moving forward which included: looking at literature and statistics to see if the proposed ratios were justified; consulting with a representative from ACOTE and inviting them to a committee meeting; researching what the majority of the states were doing and how they look at the ratios; asking the educators to attend another committee meeting to continue the discussion; discussing how “at any one time” is defined; and conducting a survey to find out what other states are doing in regard to supervision limitations.

Public Comment

Ada Boone Hoerl, Ad Hoc Supervision Standards Committee member, expressed her gratitude to the Board for their diligence and support of this topic.

Dr. Penny Stack, Ad Hoc Supervision Standards Committee member, added that capstone coordinator academia was considered professional practice.

Vice President Beata Morcos expressed that she was looking forward to having an ACOTE representative attend a meeting.

There were no additional Board member remarks.

There were no additional public comments.

2:00 P.M.

Hearing – Bonnie Kennedy, Petition for Reinstatement COVENE CLOSED SESSION

The Board convened in Closed Session at 3:00 p.m.

OPEN SESSION

The Board convened in Open Session at 3:52 p.m.

ADJOURNMENT

The Board meeting adjourned at 3:52 p.m.

Friday, May 3, 2024

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

The meeting was called to order at 9:20 a.m., Secretary Lynna Do called roll and a quorum was established.

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

President Bookwalter welcomed everyone in attendance and noted that Executive Officer Heather Martin and Board Member Sharon Pavlovich were attending virtually.

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

Board Member Denise Miller announced that she attended the American Occupational Therapy Association's (AOTA) 2024 Annual Conference & Expo in Orlando, Florida. Ms. Miller was pleased with the quality of the presentations and the enthusiasm of the new practitioners.

There were no additional Board member remarks.
There were no public comments.

15. Public Comment for Items Not on the Agenda.

Ada Boone Hoerl, OTA, Professor and OTA Program Coordinator at SCC, chose to introduce herself.

Dr. Penny Stack, Assistant Professor Loma Linda University, chose to introduce herself.

There were no Board member remarks.
There were no additional public comments.

16. Updates from DCA.

Melissa Gear, Deputy Director Board and Bureau Relations at DCA, introduced herself. Ms. Gear thanked the Board and Board staff for their service as DCA commemorated Public Service Recognition Week. Ms. Gear then provided an extensive overview of upcoming DCA events.

President Bookwalter thanked Ms. Gear for the update.

There were no additional Board member remarks.
There were no public comments.

17. Presentation by DCA's Office of Human Resources on Executive Officer recruitment process and timeline; and announcement of interview date(s).

Olivia Trejo, Human Resources Chief at DCA Office of Human Resources, introduced herself.

Catherine Bachiller, Appointments and Recruitments Specialist at DCA, introduced herself. Ms. Bachiller provided an overview of the Executive Officer Recruitment process.

During the advertisement period, Ms. Bachiller, or a designee, will work with the Search Committee, composed of two Board members, to determine application screening, interview questions, and potential interview dates. She will provide the Search Committee with applications each Friday on a flow basis. The Search Committee will meet with candidates for an initial interview and selected candidates will have the opportunity to interview in front of the entire Board in Closed Session. The Board members will be required to select the final candidate.

- Richard Bookwalter moved to appoint Christine Wietlisbach and Beata Morcos to the Search Committee for the recruitment of the Executive Officer.
- Hector Cabrera seconded the motion.

There were no additional Board member remarks.
There were no public comments.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

Catherine Bachiller turned the Board's attention to the Duty Statement and Recruitment Announcement for the Executive Officer and asked the Board members if they had any comments.

Board Secretary Lynna Do noted that she would like the announcement to specify in the Functional Requirements on the Duty Statement that equipment would be state issued. Ms. Do felt the language as it stood was misleading. Ms. Trejo was amenable to the recommendation.

Ms. Trejo added that the Board could delegate additional changes to the recruitment documents to the Search Committee to collaborate with Human Resources to finalize the package.

Ms. Martin added that she would provide her recommendations to the Search Committee as well.

- Christine Wietlisbach moved to delegate the review and revision of the Executive Officer's Duty Statement to the Search Committee.
- Lynna Do seconded the motion.

There were no additional Board member remarks.

There were no public comments.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

Ms. Bachiller turned the Board's attention to the Recruitment Announcement and asked the Board members if they had any changes, deletions, or additions to the Desired Qualifications portion of the announcement.

Ms. Martin added that the Recruitment Announcement in the Board meeting materials reflects the changes that she had, and she will forward any additional changes she might have to the Search Committee.

- Denise Miller moved to delegate the review and revision of the Executive Officer's Duty Statement to the Search Committee.
- Lynna Do seconded the motion.

There were no additional Board member remarks.

There were no public comments.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

Ms. Bachiller moved on to the release of the Recruitment Announcement after the documents have been finalized. The projected release date would be September 1, 2024. The position would be advertised for thirty days. Preliminary interviews would be scheduled for late October or early November, or the Search Committee could work with Human Resources to determine a different release date.

- Lynna Do moved to delegate the determination of the release date of the recruitment Announcement to the Search Committee.
- Denise Miller seconded the motion.

There were no additional Board member remarks.

There were no public comments.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

18. Update to the Board on Method(s) to Determine Whether Treatment(s) Fall Within Scope of Practice (e.g., dry needling).

President Bookwalter provided background as to why dry needling was on the Board meeting agenda. In the past, Board staff has received inquiries about whether or not dry needling is within the scope of practice. Previously, the Board has delegated the topic to the Practice Committee and to the Board’s attorney to identify areas of law that might be relevant. In 2018, the Executive Officer of the Physical Therapy Board of California proclaimed that dry needling was not within their scope of practice.

Mr. Bookwalter referenced the Acupuncture Board laws regarding dry needling. Practitioners who use dry needles without an acupuncture license may be subject to legal penalties.

The Board’s attorney, Helen Geoffroy, announced that the Board had tasked her with providing legal guidance on forming a solid foundation for determinations on the scope of practice, in general. Ms. Geoffroy explained that a legally supported process for the Board would begin with establishing a publicly accessible formalized scope of practice document that explicitly included dry needling.

The Board’s next step would be to look the statutes and review what the legislature said, if anything, about dry needling or any other act or task. If the law is unclear or if there is some overlap, legal would recommend that the Board meet with overlapping jurisdiction to discuss or the Executive Officers to discuss, etc. Other options include receiving testimony or hold task forces to provide information regarding the scope of practice to present to the Practice Committee.

Ms. Geoffroy, explained that the legislature has defined acupuncture in the Acupuncture Scope of Practice, Business and Professions Code 4927, which defined acupuncture as the stimulation of point or points near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions including pain control or treatment of certain diseases or functions of the body. This definition of acupuncture closely mirrors the definition of dry needling.

The California Acupuncture Board provides that it is a misdemeanor punishable by a fine not less than \$100 and not more than \$2,500 or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who does not hold a current and valid license to practice acupuncture under this chapter or to advertise or otherwise represent that he or she is practicing or engaging in the practice of acupuncture.

A robust discussion regarding the difference between dry needling and acupuncture ensued. In conclusion, the Board could seek to change the statute if they wished to include dry needling in the Scope of Practice.

Public Comment

Ms. Boone Hoerl added that the definition provided by Ms. Geoffroy referred to acupuncture as the application of needles near or on the surface of the body is very different than using a needle deeper into the body for myofascial release. This language might be helpful to distinguish between acupuncture and dry needling should the Board wish to add dry needling to the Occupational Therapy Scope of Practice.

Kristen Neville, State Affairs Manager with AOTA, noted that some states have incorporated dry needling into their Practice Act others have gone down the regulatory path. Ms. Neville offered to provide the Board with the information she had gathered regarding dry needling.

Board Member Wietlisbach asked why is it necessary for the California Acupuncture Board to proclaim that dry needling is in their Scope of Practice only, if it is already a misdemeanor to perform an intervention that you are not licensed to do?

Ms. Geoffroy responded that the legislature found the application of a needle is required to have a particular license, that language is in the Acupuncture Practice Act and in the language for Business and Professions Code for all Healing Arts. A practitioner must have one of those licenses to apply a needle to a human being.

Ms. Wietlisbach recommended that the topic of dry needling be removed from the Practice Committee agenda since any Board action would require change at the legislative level.

Ms. Miller agreed with Ms. Wietlisbach and added that she would like Ms. Neville to bring the information she gathered about dry needling to a future meeting for the Board to review. Ms. Miller noted that courses that teach occupational therapists to use dry needles are offered; hopefully, the associations will formulate legislation in California that will align with what the practitioners are being trained to do.

Secretary Do added that her research indicated that the associations were in support of the use of dry needles in the occupational therapists' scope of practice. The associations need to be the driving force for the legislation. The Board needs to know if enough occupational therapy practitioners were using dry needles to consider endorsing the lengthy legislative process of adding it to the scope of practice.

Vice President Beata Morcos agreed with Ms. Miller's and Ms. Do's comments. Ms. Morcos added that if occupational therapy practitioners received the advanced training

offered for dry needling, then the Board should support legislation to be brought forth to add it to the scope of practice.

President Bookwalter summarized the robust discussion. The Board will remove dry needling from the Practice Committee tasks. Mr. Bookwalter added that if a consumer asked Board staff if dry needling was within the scope of occupational therapy, staff would respond that the Board does not have clear statutory authority to practice dry needling and clear statutory authority would be required in California. Board staff could consider creating a template response for the inquires they receive or post language on the Board's website to provide information to both licensees and consumers regarding dry needling.

There were no additional Board member remarks.

There were no additional public comments.

19. Legislative and Regulatory Affairs Committee update and recommended positions on the following:

a) Bills introduced in 2024:

i. AB 1991 (Bonta), Licensee and registrant records.

The Board agreed to **watch** AB 1991.

ii. AB 2269 (Flora), Board membership qualifications: public members.

- Sharon Pavlovich moved to support AB 2269 and directed Board staff to write a letter of support to the author.
- Denise Miller seconded the motion.

There were no additional Board member remarks.

There were no additional public comments.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

iii. AB 2442 (Zbur), Healing Arts: expedited licensure process: gender-affirming health care and gender-affirming mental health care.

The Board agreed to **watch** AB 2442.

iv. AB 2725 (Rubio and Muratsuchi), Teacher credentialing: occupational and physical therapists.

- Christine Wietlisbach moved to support AB 2725 and directed staff to write a letter in support to the author.
- Sharon Pavlovich seconded the motion.

There were no additional Board member remarks.

There were no additional public comments.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

v. AB 2753 (Ortega), Rehabilitative and habilitative services: durable medical equipment and services.

The Board agreed to **watch** AB 2753.

vi. AB 2862 (Gipson), Licenses: African American applicants.

The Board agreed to **watch** AB 2862.

vii. AB 3127 (McKinnor), Reporting of crimes: mandated reporters.

The Board agreed to **watch** AB 3127.

viii. AB 3137 (Flora), Department of Consumer Affairs.

The Board agreed to **remove** AB 3137 from the list of bills to track.

ix. Senate Bill (SB) 1067 (Smallwood-Cuevas), Healing arts: expedited licensure process: medically underserved area or population.

The Board agreed to **watch** SB 1067.

x. SB 1290 (Roth), Health care coverage: essential health benefits.

The Board agreed to **watch** SB 1290.

xi. SB 1468 (Ochoa Bogh), Healing Arts boards: Information and Educational

The Board agreed to **remove** SB 1468 from the list of bills to track.

xii. Materials for Prescribers of Narcotics: Federal “Three Day Rule.”

b) Bills introduced in 2023:

i. AB 796 (Weber), Athletic trainers.

President Bookwalter announced that Nick Harvey, Governmental Affairs Committee Chair for the California Athletic Trainers Association (CATA), was in attendance to join the Board’s discussion regarding AB 796.

Mr. Harvey introduced himself and noted that David Gonzalez, lobbyist with Gonzalez Government Consulting, was also in attendance.

Mr. Gonzalez introduced himself and added that he felt that CATA was still a good fit with the Board. They will be meeting in front of the Senate Business, Professions and Economic Development Committee in the next month or two and attended the Board meeting to answer any questions the Board might have.

Mr. Harvey stated that establishing licensure in California is a very difficult process and CATA needs guidance from an established Board.

Mr. Gonzalez added that the athletic trainers would have their own Executive Officer and Board. California is the only remaining jurisdiction without a registration for licensure and regulation of the athletic trainers.

A robust discussion ensued wherein the Board members shared their concerns with Mr. Harvey and Mr. Gonzalez who ensured that the Board would be protected and not take on any burdens and that the new language would incorporate the Board’s previous recommendations.

Mr. Gonzalez thanked the Board for inviting them to speak on AB 796.

Public Comment

“GK” commented that he was not in support of the athletic trainers coming underneath the Board. In his opinion there would be a conflict of interest. GK understood that occupational therapists cannot do dry needling, however, athletic trainers can. Also, GK asked why the athletic trainers did not try to join under the California State Athletic Commission?

Mr. Gonzales responded that the athletic trainers are open to being under this Board or any regulatory authority including the California State Athletic Commission.

There were no additional Board members remarks.

There were no additional public comments.

ii. AB 1028 (McKinnor), Reporting of crimes: mandated reporters.

The Board agreed to **remove** AB 1028 from the list of bills to track.

There were no additional Board members remarks.

There were no additional public comments.

20. Discussion and possible action on amending Business and Professions Code Sections 2570.18, 2570.19, and 2570.32.

President Bookwalter asked the Board members to refer to their meeting materials and invited Ms. Martin to introduce the agenda item.

Executive Heather Martin summarized the proposed amendments for amending Business and Professions Code Section 2570.18, which included changing a gender reference to “they” and new language regarding educators.

Ms. Pavlovich expressed her appreciation for Ms. Martin’s work on the proposed language.

Public Comment

Ada Boone Hoerl, OTA, Professor and OTA Program Coordinator at SCC, noted that some occupational therapy assistants do serve as educators in education programs if they have higher education.

Ms. Martin thanked Ms. Hoerl for her comment. She agreed and recommended that the second sentence in subsection (h), “the licensure requirement also applies to an occupational therapist that is serving as an educator in an education program for occupational therapy assistants in California” should also appear in subsection (i) and replace “occupation therapist” with “occupational therapy assistant.”

The Board members agreed with the recommendations.

- Christine Wietlisbach moved to approve the proposed language to amend Business and Professions Code Sections 2570.18 which references a licensee’s gender and educators as presented and directed staff to submit the text and other required documents to the Director of DCA and the Business, Consumer Services, and Housing Agency for review, take all steps necessary to initiate the rulemaking process, and set the matter for hearing, if requested.
- Hector Cabrera seconded the motion.

There were no additional Board members remarks.

There were no additional public comments.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	Yes

The motion carried.

The Board's next discussion was concerning Business and Professions Code 2570.19.

Ms. Martin suggested for Business and Professions Code 2570.19(k), "this section shall remain in effect only until January 1, 2027," that the Board change the year to 2028 because the Board had previously discussed pushing out the Sunset Review Report.

In reference to BPC Code 2570.19(g), "the board shall meet and hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles, and San Francisco," Ms. Martin recommended that the Board either propose new language today or the Board can discuss this at the August Board Meeting and pursue a legislative proposal in January of 2025.

Mr. Bookwalter added that those cities do not offer affordable accommodations for meeting locations.

Ms. Wietlisbach replied that the Board could also utilize Webex for meetings.

Ms. Miller suggested changing "cities" to "counties."

Secretary Do suggested specifying southern and northern California instead of specific cities.

Ms. Martin suggested removing the word "annually." Adding Webex in the language might be difficult because there must be a quorum present at one location, otherwise, Board members would be required to provide the address at which they were attending virtually to the public.

The Board's attorney, Helen Geoffroy, added that other Practice Acts have used the language, "meetings shall be held in northern and southern California." Further, there is an ability to have a quorum in one location and then an open meeting location at an opposite location.

Mr. Bookwalter and Ms. Miller liked Ms. Geoffroy's recommended language.

- Richard Bookwalter moved to approve the proposed language to amend Business and Professions Code Section 2570.19 (g) which references specific meeting locations to be updated to, "the board shall meet at least three times a year, meeting at least once each calendar year in northern California and once each calendar year in southern California" and directed staff to submit the text and other required documents to the Director of DCA and the Business, Consumer Services, and Housing Agency for review, take all steps necessary to initiate the rulemaking process, and set the matter for hearing, if requested.
- Christine Wietlisbach seconded the motion.

There were no additional Board members remarks.

There were no public comments.

Board Member Vote

Richard Bookwalter	Yes
Hector Cabrera	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes
Lynna Do	Yes
Beata Morcos	Yes
Denise Miller	No

The motion carried.

The Board’s final discussion for that agenda item pertained to Business and Professions Code 2570.32.

Ms. Martin shared her recommendation to change 2570.32(b) to add the requirements of a completed form and a fee. In addition, she recommended adding, “the fee to petition for reinstatement and reduction or termination of probation, shall be established in regulation, and shall not exceed the cost to the board.”

Next, Ms. Martin suggested that the Board remove the current language in 2570.32(c) and replace it with, “the board shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be given an opportunity to present either oral or written argument before the board. The board itself shall decide the petition, and the decision shall include the reasons therefor, and may impose any terms and conditions that the board reasonably deems appropriate.” Section 2570.32(f) would need to be changed to “(d)” and 2570.32(g) would need to be changed to “(e).”

Ms. Geoffroy added that the Board’s Practice Act was adopted with a strict method in order to hear petitions before the Board. She noted that the Board’s requirements were stricter than those in the Administrative Procedure Act Section 11522, “..... The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement.”

Ms. Wietlisbach asked Ms. Geoffroy if she knew if any other Boards required petitioners to appear in person?

Ms. Geoffroy replied that there were several Boards that language similar to the Board’s language with that requirement. The proposed language would allow for in person and virtual appearances. The Board would decide the method of the appearance.

President Bookwalter determined that further discussion regarding 2570.32 should be tabled for a future meeting because time was limited.

- 21. Update on communication plan, Frequently Asked Questions, and social media and website messaging, regarding future increases to fees charged by the Board.**

This agenda item was tabled for the August 2024 Board Meeting.

22. Executive Officer's Report.

The Board members accepted the Executive Officer's Report as presented and agreed to submit any questions or comments they had to Ms. Martin.

23. Update on facilitator availability for 2025 Strategic Planning session and selection of meeting date(s).

Ms. Martin noted that in past years, the Board has always had a two-day Strategic Planning session. The meeting dates would be selected at the August 2024 Board Meeting; however, Ms. Martin wanted the Board members to know that she was looking at January 9-10, 23-24, or 30-31.

Ms. Martin added that the goal is to have the new Executive Officer start at the beginning of January as she believed that there was value in having the new Executive Officer be part of the Board's Strategic Planning session.

The Board consensus was to start with dates at the end of January and go backwards until they agreed on a date.

There were no additional Board members remarks.
There were no public comments.

24. New suggested agenda items for a future meeting.

There were no items suggested for a future meeting.

ADJOURNMENT

The Board meeting adjourned at 3:52 p.m.