

AGENDA ITEM 6

AD HOC COMMITTEE DISCUSSION AND POSSIBLE RECOMMENDATION TO THE BOARD ON CRITERIA FOR NON-LICENSEES TO BE APPOINTED TO SERVE ON A BOARD COMMITTEE AS SPECIFIED IN THE BOARD MEMBER GUIDELINES AND PROCEDURES MANUAL.

The following attached for review:

- Excerpt from November 2-3, 2023, Board Meeting Minutes.
- Excerpt from February 9-10, 2023, Board Meeting Minutes.
- Excerpt from May 20-21, 2021, Teleconference Board Meeting Minutes.
- Chapter 6. Committees from the Board's Administrative Manual.
- Chapter 7. Committee Meeting Procedures from the Board's Administrative Manual.



Board Meeting Minutes

November 2-3, 2023

8. Ad hoc Committee report to the Board recommendation on criteria for non-licenses to serve on Board committees.

This agenda item was discussed on November 3, 2023.

President Miller introduced the agenda item, noting that it had been brought to her attention that not everything that took place in the Ad Hoc Committee meeting had been captured in the meeting highlights.

Vice President Beata Morcos, the Ad Hoc Committee Chair, stated that she did not realize that a full transcript from the meeting would not be in the materials. She wanted to make sure that it was on the record that a lot of the discussion was about the ratios of licensee to non-licensee participants on a committee, and believed it was important that the Board know where the recommendations came from.

President Miller identified the Ad Hoc Committee members: Committee Chair Beata Morcos, Board Member Sharon Pavlovich, Ada Boone Hoerl, and Carlin Daley Reaume and thanked them for their participation in that meeting.

Ms. Morcos noted that the first recommendation to the Board for a non-licensee to participate on a committee as a public member was to have three years of professional experience related to the purpose of the committee, no pending, current or prior disciplinary actions of any healthcare license issued by the state of California or other profession, and no pending criminal charges in any state.

The second recommendation to the Board was to allow an occupational therapist student and an occupational therapy assistant student to participate on a committee as a public member, as long as they had completed one calendar year of education in a California Occupational Therapy education program, have a letter of support from an occupational therapy program director or fieldwork educator, and no pending, current, or prior disciplinary actions of any healthcare license issued by the state of California or other profession, and no pending criminal charges in any state.

Ms. Morcos stated that she was uncomfortable with the suggested 25% ratio because if the committee had four members consisting of one student, one public member, one Board member, and one licensee, and the participating Board member was not a licensee, this would equate to only having the opinion of *one* licensee on the committee. {Emphasis added.}

Board member Wietlisbach agreed that 25% is low representation for licensees serving on a committee.

Ms. Morcos replied that committee member Ada Boone Hoerl's suggestion that the committee consist of 25% public members made sense but only when the committee consists of a larger number of volunteers. She also stated that she felt every committee should consist of at least two licensees.

Ms. Wietlisbach opined that public members and students shouldn't be limited but the committee and Board should focus on the percentages of licensees.

Ms. Pavlovich mentioned that a part of the Board's strategic plan was outreach and there are a lot of students that are interested in advocacy. The ad hoc committee discussed a student's participation on a committee after their first year in a program, which is when they would have more time to participate. She noted that she saw this as a great time to plant the seed for advocacy and leadership. Ms. Pavlovich suggested the committee look at percentages of licensees.

Ms. Morcos said that she had a different perspective prior to the ad hoc meeting in that she thought that students should attend meetings and participate during public comment, but they did not have to be a committee member. She found it contradictory that the Board requires licensees to have three years of experience but will allow students with no experience to serve on a committee.

Ms. Wietlisbach stated that she did not think it appropriate for a student to be on the Practice Committee due to their lack of experience. Ms. Morcos agreed.

Ms. Pavlovich said that she thinks there is value in a student's perspective, regardless of what year in school they are in.

Ms. Wietlisbach responded that the committee could get their perspective as public members.

Ms. Miller said she understood the importance of student participation but wondered if there was a different approach that the Board could take to involve students in the process. She stated that she was compelled by the argument that a student being allowed to participate on a committee would not be held to the same standard of years of experience than a licensee.

Ms. Pavlovich gave the example of people in Washington DC that are first year students in government and policy, being mentored into the process. Ms. Pavlovich remarked that a student's value should be noted and that the mentorship that could occur on this Board could be very powerful. She agreed that students will not have the knowledge of the rest of the Board, but she believes they would have something to contribute from a lens that we are not often listening to.

Ms. Miller reiterated that she firmly believed that students should not participate on the Practice committee. However, she could see students participating on the Legislative and Regulatory Affairs Committee or the Education and Outreach Committee.

Mr. Bookwalter stated that he thought participation on some of the committees would be good for the student, but for the actual business of the committee, expertise was needed. It would be a great development and mentoring experience for the student, but less great for the committees of this Board and the business they have been assigned. He also agreed with the suggestion to have students participate in a different way, especially the Practice Committee. He thought the Education and Outreach Committee could have a student, and that would be more relevant. As for participating on the Legislative and Regulatory Affairs Committee, he thought it would depend on the student.

President Denise Miller stated that this could be an opportunity to partner with the universities and come up with criteria where they would give their students some type of credit for participating like extra credit, volunteer hours or service hours. Ms. Miller requested that the ad hoc committee explore that.

Attorney Helen Geoffroy stated that she was unaware of the ability for someone to be on a committee, but not have the ability to vote. Typically, anybody who is on a committee would have the right to vote.

Ms. Pavlovich requested that Ms. Geoffroy research whether or not a student could participate on a committee without voting power.

Ms. Miller added that as Committee Chair, Vice President Morcos had heard from at least three Board members that they do not want the student participants to have voting power. President Miller asked if Ms. Morcos wanted to say more about her concerns, because the minutes did not reflect her dissention.

Ms. Pavlovich stated that she would not describe Ms. Morcos' position as dissention but as participation in a robust discussion.

Ms. Morcos replied that the committee talked about the topic in depth and the majority of the committee supported students participating on committees.

She opined that students could attend committee meetings, but due to their lack of experience, they should not be allowed to vote. Ms. Morcos closed with her preference being to not give a student or non-licensee voting power on a committee and for them to not exceed or have equal numbers of participation to that of a licensee.

Board Member Hector Cabrera was not in favor of excluding students from participating on a committee as a voting member. He pointed out that the Board members were once students, and they need to get the experience one way or the other.

President Miller summarized that the ad hoc committee would meet again to discuss the matter, including the comments from this meeting, to include a percentage of licensees that should participate on each committee. The committee should also discuss Attorney Geoffroy's findings pertaining to non-voting participation and whether it is specific to certain committees such as the practice committee and consider examples of the make-up of committees from other Boards or other states.

Ms. Morcos agreed that the committee would come back again with their recommendation.

Ms. Morcos announced the committee's next recommendation to the Board was that a practitioner whose license was retired for more than five years could be considered under public member criteria for committee participation.

The final recommendation to the Board from the committee was that the manual be updated to add that anyone who wanted to be considered for committee appointment must provide a curriculum vitae (CV).

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



BOARD MEETING MINUTES

February 9-10, 2023

Excerpt from meeting minutes

11. Consideration and possible action on revising committee member appointment criteria for non-licensees/public members to serve on Board Committees.

President Miller gave an overview of the excerpt from the May 20-21, 2021, Board Meeting minutes. The Board wanted to revisit the topic of how many non-licensees should be allowed to participate on the Board's Committees and make recommendations for Board Staff to update language.

Board Member Bookwalter recalled that the Board was in support of having non-licensees with specific expertise participate on Board committees, but at the same time there are limitations on a retiree's participation such as a retiree cannot participate if they had been retired for more than five years. It was decided that the Board needed to have more of a discussion about the parameters.

Secretary Do stated that she is in favor of non-licensed members participating on the Board's Committees as long as they have some healthcare knowledge or association with professions such as psychology or nursing and as long as there is only one non-licensed member per Committee. Ms. Do is in favor of handling retirees that same way. The Board could consider them as non-licensed public members instead of licensed members.

Vice President Morcos stated that she is a public member serving on the Board and the different committees are created to clarify specifications for the profession and that is why she feels it is important to have licensees on the Board's Committees.

Board Member Bookwalter agreed with Vice President Morcos.

Board Member Pavlovich felt that it is relevant to have people that are current licensees and that in terms of retirees she was open but thought that participating within three years of retirement would be best because the profession progresses so quickly.

President Miller wanted to be clear that agenda item #10 was about licensees being on committees, but there were comments about the retirement status language that was just voted on. The retirement status that is being discussed is under agenda item #11.

Board Member Bookwalter stated that he feels the Board can leave the retiree issue alone if they address the concern about having someone with current skills and knowledge.

Secretary Do was opposed to Vice President Morcos' position. Ms. Do commented that it would be contradictory to have public members on the Board but not allowed to serve on the Board's Committees.

Board Member Pavlovich stated that there is value in putting public members on committees and pointed out that has been difficult to fill the Board's Committees with licensees.

Public Comments:

Carlin Daley Reaume stated that as an occupational therapy professional, she is agreeable to including public members who have specific knowledge related to a subject.

Ada Boone Hoerl stated that as a person who has served on a variety of committees, she supports the inclusion of subject matter experts and the public member perspective.

There were no additional public comments.

- Secretary Do moved that the Board approve establishing criteria for non-license and public members to serve on Board Committees.
- Board Member Cabrera seconded the motion.

Board Member Votes

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

The motion carried.

President Miller stated that the next step would be for the Board needs to establish language for guidelines specific to committee members who are public members. A synopsis of what she heard was that the Board has support from the public members and public comments to go forward, which is in line with the vote.

President Miller went into detail as to what should be included on the application. Ms. Miller also questioned how the Board would know if the member had any disciplinary action against them, as the Board cannot run a background check.

Executive Officer Heather Martin clarified that some license types could be verified to determine whether it was subject to discipline.

A robust discussion regarding the vetting process ensued and President Miller stated that the topic is something she wanted to come back to.

President Miller initiated a new conversation asking the Board, how inclined they were to see a public member join a practice committee?

Ms. Martin advised that Board Member Guidelines and Procedures Manual establishes a minimum of four members for all of the Board's Committees, including one Board Member, except for the Practice Committee, which specifies a minimum of seven members.

President Miller stated she would consider one or two public members reasonable.

Secretary Do Board Member Cabrera both agreed with two public members.

Secretary Do asked the Board if they should consider allowing students of a healthcare profession to serve as public members.

Board Members Cabrera and Pavlovich both express support of students serving as public members.

Vice President Morcos stated that students can always attend meetings, but the Board is looking for somebody who will help the Committee with expertise and not just be there for the experience.

A lengthy discussion regarding criminal backgrounds ensued.

Ms. Martin explained that there is not an application to be on a Committee, and if the Board made one, then there would be an issue regarding establishing regulations. Currently, prospective committee members only provide their resume for consideration. She suggested the Board could consider an ad hoc committee to review the issue.

President Miller summarized the focus of an ad hoc committee would be to address:

- Student participation on a committee.
- Non-licensees and their disciplinary background.
- Retiree requirements.

There were no additional Board Member comments.

Public Comment:

Ada Boone Hoerl asked the Board to consider using the word "experience."

There were no additional public comments.

Board Members Cabrera, Pavlovich, and Morcos and licensees Carlin Daley Reaume and Ada Boone Hoerl also volunteered for the ad hoc committee.

- Secretary Do moved that the Board appoint an ad hoc Committee to discuss committee member appointment criteria for non-licensed public members and make a recommendation to the Board. The ad hoc Committee would be chaired by Vice President Morcos, and Board Members Cabrera and Pavlovich would serve along with the two licensees who volunteered.
- Board Member Bookwalter seconded the motion.

There were no additional public comments.

Board Member Votes

Richard Bookwalter: Yes
Hector Cabrera: Yes
Sharon Pavlovich: Yes
Beata Morcos: Yes
Lynna Do: Yes
Denise Miller: Yes
The motion carried.



TELECONFERENCE BOARD MEETING MINUTES

May 20-21, 2021

Excerpt from meeting minutes

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

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

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

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

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

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

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

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

Public Comment

There was no public comment.

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

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

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

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

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

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

Board member Lynna Do had no comment

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

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

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

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

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

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

non-licensees could be on a committee, should there be a limit as to how many can participate on each committee?

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

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

Public Comment

Ada Boone Hoerl, stated that as an educator she supported lowering the minimum years of practice experience required because it promotes continuum of engagement. Ms. Boone Hoerl pointed to a new graduate being able to become a fieldwork educator after one year and then depending on if the Board decides two or three years of required professional experience for committee members, the new graduate would be eligible to participate on Board committees; she suggested these two options would afford them the opportunity to build a professional development pathway.

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

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

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

Mr. Bookwalter agreed.

Public Comment

There was no public comment.

Board Member Votes

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

The motion carried.

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

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

Chapter 6. Committees

Standing Committees

Board Policy – February 21, 2008

Revised September 16, 2013

The Board has four standing committees subject to the Open Meetings Act:

- Administrative Committee
- Education and Outreach Committee
- Legislative and Regulatory Affairs Committee
- Practice Committee

Internal organization of each committee is at its discretion, except as specified in this manual, and must be approved by the Board. Each Committee shall be chaired by a member of the Board. The Committee Chairperson will oversee the meetings and work with the Executive Officer to develop agenda packet materials. Meetings must be consistent with the Bagley-Keene Open Meeting Act. The Board member will be responsible for providing the Committee report at the Board meeting.

Member terms will be two years, and members will serve a maximum of two full, consecutive terms. Meetings will be held two or three times per year or as needed to conduct business. All Committee meetings will be noticed and conducted as required by the Bagley-Keene Open Meeting Act. Non-Board Member committee members shall be entitled to reimbursement of travel expenses but shall not receive any compensation.

Committee Chair

A Committee Chairperson shall:

- Approve the Committee Meeting agendas
- Chair and facilitate all Committee Meetings, and
- Report to the Board all committee meeting outcomes.

Education and Outreach Committee

Board Policy – February 21, 2008

Revised September 16, 2013

The Education and Outreach Committee will consist of four members, at least one of whom will be a Board member.

The purpose of the Education and Outreach Committee is to develop consumer and licensee outreach projects, including the Board's newsletter, website, e-government initiatives, and outside organization presentations. Committee members may be asked to represent the Board at meetings, conferences, health, career, or job fairs, or at the invitation of outside organizations and programs.

Legislative/Regulatory Affairs Committee

Board Policy – February 21, 2008

Revised September 16, 2013

The Legislative/Regulatory Affairs Committee will consist of four members, at least one of whom will be a Board member.

The purpose of the Legislative/Regulatory Affairs Committee is to provide information and/or make recommendations to the Board and Committees on matters relating to legislation and regulations.

The classification system to be used by the Committee on recommendations to the Board on proposed legislation is:

Support:

The Board supports the current version of the bill. This designation commits the Board to full involvement in the legislative process including sending letters to key people, conferring with key people prior to committee hearings and testifying at hearings by Board members, legislative committee members or senior staff.

Support, if Amended:

The Board generally supports the concept or intent of the bill. Technical flaws need to be corrected before the Board will fully support the bill. The Board identifies the amendments or requirements that must be met in order for support to be obtained. If the requested amendments or requirements are accepted, the Board's position will change to support. This designation commits the Board to full involvement in the legislative process as noted above.

Oppose:

The Board is opposed to the current version of the bill. This designation commits the Board to involvement in the legislative process as noted above.

Oppose Unless Amended:

The Board is opposed to the bill but is willing to work with the author and sponsor of the bill to resolve the Board's concerns. The Board identifies the amendments or requirements that must be met to remove the Board's opposition. If the requested amendments or requirements are accepted, the Board will adopt a support position.

Neutral:

The Board takes no official position

**Legislative/Regulatory
Affairs Committee
(Cont.)**

Watch:

The Board has some interest in the bill because it potentially may affect the work of the Board. This designation requires careful tracking through the legislative process.

Practice Committee

*Board Policy – February 21, 2008
Revised September 16, 2013*

The Practice Committee will consist of no less than four members, at least one of whom is a Board member. The members will include a diverse representation for a variety of work settings.

The purpose of the Practice Committee is to review and provide recommended responses to the Board on various practice issues/questions submitted by licensees and consumers; provide guidance to staff on continuing competency audits; review and provide recommendations to the Board on practice-related proposed regulatory amendments; and review and provide recommendations to Board staff on revisions to various applications and forms used by the Board.

Ad Hoc Committees

*Board Policy – February 21, 2008
Revised September 16, 2013*

The Board may establish ad hoc committees as needed for the Board and its standing Committees. Ad-Hoc committee meetings are subject to the Open Meeting Act.

Chapter 7. Committee Meeting Procedures

Advisory Capacity

*Board Policy – February 21, 2008
Revised December 1, 2011*

Committee recommendations and reports shall be submitted to the Board in a timely manner for consideration and possible action.

Agendas

Board Policy – February 21, 2008

Agendas shall focus on the specific tasks assigned by the Board and include:

- Public comment
- Time for committee members to recommend new areas of study to be brought to the Board's attention for possible assignment.

Committee chairs shall confer with the Board President prior to including any agenda item that is not clearly within that committee's assigned purview. All Committee meeting agendas shall contain the statement: "A quorum of the Board may be present at the committee meeting. Board members who are not members of the committee may observe, but not participate or vote."

Appointments

*Board Policy – Adopted date
Revised December 1, 2011*

At the last meeting before the end of the fiscal year, standing committees shall make recommendations for possible members.

The Board President shall appoint the members to fill vacancies on each standing committee and appoint members to ad hoc committees.

Attendance at Committee Meetings

*Board Policy – February 21, 2008
Revised December 1, 2011*

Board members who are not members of the committee may attend a committee meeting and observe, but not participate or vote.

It is required that non-Committee Board members sit in the audience and not participate in the meeting discussion.

Dual Membership

Board Policy – February 21, 2008

A non-Board member cannot serve concurrently on more than two committees.

Meeting Rules

Board Policy – February 21, 2008

Meetings will be conducted under Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act or any other section of law.

Minimum Qualifications

*Board Policy – February 21, 2008
Revised May 21, 2021*

The minimum qualifications for a non-Board member licensee to participate on a committee are:

- Three years of professional experience.

Minimum Qualifications (Cont.)

- An occupational therapist or occupational therapy assistant whose license was placed on retired status within five years of holding an active license.
- An occupational therapist or occupational therapy assistant holding a current, active and unrestricted license.
- No pending, current or prior disciplinary action

Record of Meetings

*Board Policy – February 21, 2008
Gov. Code § 11125.5 (d)*

The minutes are a summary, not a transcript of each committee meeting. The minutes shall be prepared by Board staff and shall serve as the official record of the meeting. The Committee's recommendations and meeting materials shall be presented at the next scheduled Board meeting.

Approved minutes of the committee meeting are available to the public and shall be posted on the Board's website.

Recruitment

Board Policy – February 21, 2008

The Board shall actively recruit interested persons to serve on appropriate committees when vacancies exist.

Reimbursement of Travel-related Expenses

Board Policy – February 21, 2008

Consistent with the State Guidelines, Committee members are entitled to be reimbursed for travel-related expenses to attend Committee meetings.

Residence Requirement

Board Policy – February 21, 2008

A member of a standing advisory committee must be a California resident.

Staff Participation

Board Policy – February 21, 2008

Board staff provides advice, consultation and support to committees.

Recording

Gov. Code § 11124.1

Board Policy – February 21, 2008

Committee meetings will be recorded and/or webcast subject to supporting technology and barring technical difficulty. Recordings shall be retained until the minutes are adopted; the tape(s) shall then be destroyed.