

AGENDA ITEM 10

AD HOC COMMITTEE ON SUPERVISION STANDARDS UPDATE.

Included are the following:

- Highlights from the August 14, 2024, Committee meeting.
- Board Acceptance of the April 12, 2024, Committee Meeting minutes.
- Board Acceptance of the June 26, 2024, Committee Meeting minutes.

Meeting materials relied upon:

- Excerpts from past Board and Committee meeting minutes.
- Proposed Text for Sections 4180 and 4181.
- 2023 ACOTE Standards. (Effective 7/31/2025)
- AOTA list of states' supervision limitations.
- Laws and/or regulations regarding supervision requirements, limitations, exemptions, and practice considerations for supervision of students, limited permit holders, and OTAs for Florida, Illinois, and New York.
- California Board of Occupational Therapy Regulations, Title 16, Division 39, California Code of Regulations.



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AD HOC COMMITTEE ON SUPERVISION STANDARDS MEETING HIGHLIGHTS

August 14, 2024

Committee Members Present

Denise Miller, Chair/Board Member
Beata Morcos, Board Vice President
Sharon Pavlovich, Board Member
Cesar Arada
Candace Chatman
Joyce Fries
July Mclaughlin Gray
Domenique Hendershot-Embrey
Ada Boone Hoerl
Heather Kitching
Kersten Laughlin
Terry Peralta-Catipon
Liz Phelps
Penny Stack

Board Staff Present

Heather Martin, Executive Officer
Rachael Hutchison, Manager
Jeanine Orona, Analyst

Committee Members Absent

Samia Rafeedie
Erin Schwier

Wednesday, August 14, 2024

8:00 am – Committee Meeting

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

The meeting was called to order at 8:02 a.m., roll was called, and a quorum was established.

2. Committee Chair’s Opening Remarks.

Chair Denise Miller welcomed and thanked all in attendance. Ms. Miller summarized the committee’s discussion items at the April 12, 2024, meeting as follows:

- Some programs have students fulfilling their capstone experience during the pre-accreditation phase, therefore, using the phrase, “ACOTE-accredited and pre-accredited doctoral degree program” was recommended.

- ACOTE defines “pre-accreditation” as the point in time at which the education program submitted its self-study or was close to doing so.
- Concern was expressed regarding the language in Section 4181(e) and the use of the term “services.” Discuss resulted in the suggested language: “prior to when providing occupational therapy services, education, supervision, and practice,”
- The next steps for the committee included:
 - Reviewing literature and statistics to see if the proposed supervision ratios were justified;
 - Inviting an ACOTE representative to the next meeting;
 - Researching what other states do regarding “supervision limitations” and “ratios” for supervision, and review their practice acts; and
 - Discussing that lack of clarity of “at any one time” means.

Chair Miller summarized the committee’s discussion at the June 26, 2024, meeting as follows:

- ACOTE’s Director reported that the standards were written to be general and not prescriptive.
- It was noted that ACOTE standard C.1.7 refers to a supervision ratio of fieldwork educators to students.
- Moving “at any one time” to the beginning of the proposed language was suggested.
- Removing OTAs from the proposed supervision limitation language and creating a new section for them was suggested; and
- Defining “faculty led fieldwork” versus “faculty led site visits.”

3. Public Comment for Items Not on the Agenda.

There were no public comments for items not on the agenda and the public attendees chose not to introduce themselves.

4. Review and vote on approval of the April 12, 2024, committee meeting minutes.

The April 12, 2024, committee meeting minutes were approved as presented.

5. Review and vote on approval of the June 26, 2024, committee meeting minutes.

The June 26, 2024, committee meeting minutes were approved as presented

6. Consideration and possible recommendation to the Board on amending California Code of Regulations (CCR), Title 16, Division 39, Article 9, Section 4180, Definitions, and Section 4181, Supervision Parameters.

The committee discussed concerns that the distinction between entry-level capstone students versus post-professional students remained unclear and which types of

students should be included in the list of whom, “no more than a total of three” shall be supervised at any one time.

Concern was raised that variation exists among post-professional programs in terms of what the programs call their culminating experience. It was suggested that the committee add “doctoral capstone student” to 4180(c), the committee could clarify that the language intended for the entry-level doctoral capstone student.

The committee decided it would be beneficial to use consistent language throughout Section 4180(a),(b), and (c).

The committee deliberated on using the terms “post-professional” or “entry-level” and assigning a ratio to entry-level students and defining “doctoral capstone student” and “post-doctoral capstone students” separately. However, a concern was mentioned regarding those students who did not fit into either category for a time.

Defining post-professional was suggested, but it was noted that there were many shades of “post-professional” in the education programs:

- Post professional doctoral capstone student could be defined as a person who has received an entry-level occupational therapy degree, and is pursuing licensure or is licensed, while enrolled in a post-professional occupational therapy doctoral program.

To more appropriately define Level II students, it was suggested to remove “with the goal of developing competent, entry-level practitioners” from the language. The committee also agreed to:

- Recommend “to introduce him or her to fieldwork experiences and develop an understanding of the needs of clients” to define a Level I student.
- Recommend “student participating in delivering occupational therapy services to clients to develop entry-level competence” to define a Level II student.
- Recommend “an occupational therapist student completing a doctoral capstone project and experience” to define a Doctoral Capstone Student.
- Recommend adding new language to define a Student as “an individual enrolled in an entry-level ACOTE-accredited degree program or an educational program with ACOTE pre-accreditation or candidacy status.”

The committee mentioned that ACOTE defined “mentorship” as “dedicated to the growth with greater experience...” and that the committee had not defined “doctoral mentorship.” It was determined that it had been determined by the Board that “mentorship” was too ambiguous of a term and a concession was made to only use “supervision” in the statute.

The committee deliberated on the definition of the supervision of a Doctoral Capstone Student.

The phrases, “nor more than” and “at one time” still need to be addressed by the committee.

The committee agreed to meet again in September.

7. Review of CCR Title 16, Division 39, to identify other sections possibly affected by proposed amendments to CCR Sections 4180 and 4181 and recommend proposed regulatory amendment(s) to the Board to ensure consistency.

This agenda item was tabled until the next meeting.

The meeting adjourned at 10:03 a.m.



AD HOC ON SUPERVISION STANDARDS MEETING MINUTES

April 12, 2024

Committee Members Present

Denise Miller, OT, Board Member/Chair
 Beata Morcos, Board Member
 Sharon Pavlovich, OTA, Board Member
 Ada Boone Hoerl, OTA
 Candace Chatman, OT
 Erin Schwier, OT
 Joyce Fries, OT
 Kersten Laughlin, OT
 Liz Phelps, OT
 Penny Stack, OT
 Samia Rafeedie, OT
 Terry Peralta-Catipon, OT

Board Staff Present

Heather Martin, Executive Officer
 Rachael Hutchison, Analyst
 Jeanine Orona, Analyst

Committee Members Absent

Cesar Arda, OT
 Domenique Hendershot-Embrey, OT
 Heather Kitching, OT
 Jessica Padilla, OTA
 Julie Mclaughlin Gray, OT
 Sheryl Ryan, OT

Friday, April 12, 2024

3:00 pm – Committee Meeting

The public may provide comment on any issue before the Board at the time the agenda item is discussed. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment.

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

The meeting was called to order at 3:03 p.m., roll was called, and a quorum was established.

2. Chairperson opening remarks.

Chair Denise Miller thanked all the committee volunteers and members of the public for their attendance at the meeting. Chair Miller remarked that moving forward the Ad Hoc on Supervision Standards Committee would be meeting on a regular basis to discuss matters relevant to supervision.

The purpose of the committee is to review supervision standards and to make recommendations to the Board for regulatory language. The Board relies on input from the professionals that are out there in the field working with students.

3. Introductions by all Committee Members.

All committee members present chose to introduce themselves.

4. Public Comment for Items Not on the Agenda.

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

5. Consideration and possible recommendation to the Board on amending California Code of Regulations (CCR), Title 16, Division 39, Article 9, Section 4180, Definitions.

Chair Miller acknowledged that the language for amending California Code of Regulations (CCR), Title 16, Division 39, Article 9, Section 4180, Definitions was previously approved by the Board, however, Ms. Miller opened up the discussion to the panelists.

A robust discussion ensued regarding the term “ACOTE-accredited.” It was pointed out that some programs have students fulfilling their capstone experience during the pre-accreditation phase, therefore, using the phrase, “ACOTE-accredited and pre-accredited doctoral degree program” was recommended.

Erin Schwier noted that “pre-accreditation” meant that your program had submitted the self-study or were about to do so. Then the self-study would be paper reviewed in anticipation of your onsite review, which would happen three months later. The onsite review timeline would depend on when that Board met. Typically, a recommendation regarding the accreditation would be made following the onsite review.

A lengthy discussion involving the ACOTE accreditation process resulted.

Ms. Stack suggested the language, “educational programs that are in the process of receiving their ACOTE accreditation”

Executive Officer Heather Martin stated that she would not recommend using “pre-accredited” before “accredited.”

Ms. Miller suggested, “while enrolled in an ACOTE accredited doctoral degree program, including pre-accreditation.”

Ms. Rafeedie suggested reaching out to ACOTE about the committee's recommended language.

Ms. Martin replied that she would reach out to Dr. Teresa Brininger, Director of Accreditation at ACOTE to attend a committee meeting.

Ms. Miller stated that the recommendation from the Supervision Standards Committee to the Board was to take out the ACOTE language in Section 4180(c).

Public Comment

Kristen Neville, American Occupational Therapy Association (AOTA) State Affairs Manager, agreed that inviting a representative from ACOTE to attend a future meeting would be a good idea.

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

6. Consideration and possible recommendation to the Board on amending California Code of Regulations (CCR), Title 16, Division 39, Article 9, Section 4181, Supervision Parameters.

Chair Miller acknowledged that the language for amending California Code of Regulations (CCR), Title 16, Division 39, Article 9, Section 4181, Supervision Parameters was already approved by the Board.

Ms. Miller summarized the letter from Dr. Shane Jorwin Gemoto, Academic Fieldwork Coordinator and Assistant Professor at Loma Linda University's Department of Occupational Therapy dated April 10, 2024, wherein concerns about the Board's proposed changes to fieldwork and the Doctor of Occupational Therapy (OTD) Capstone supervision were addressed.

Ms. Miller stated that when discussing the language of Section 4181, the committee had a very distinguished panel that resulted in a robust conversation to get to the proposed numbers.

Sharon Pavlovich expressed her concern regarding 4181(3)(f) and the use of the term, "services." Yes, the occupational therapy practitioner provides services, however, they also educate. Ms. Pavlovich felt that the word "services" was limiting. Ms. Pavlovich suggested using the language, "prior to when providing occupational therapy services, education, supervision, and practice."

Ms. Martin suggested language for 4181(f), "the supervising occupational therapist shall determine that the occupational therapy practitioner possesses a current license or permit when providing occupational therapy services, education, supervision, and practice" or "the supervising occupational therapist shall determine that an occupational therapist or occupational therapy assistant possesses a current license or permit prior to providing occupational therapy services, education, supervision, practice, or conducting research."

Ms. Rafeedie believed that the term “services” encompassed everything and the language should not have to spell each area out.

Ms. Miller agreed with Ms. Rafeedie.

Ms. Pavlovich added that her concern is that people do not equate education with occupational therapy services.

Elizabeth “Liz” Phelps suggested defining occupational services in the general provisions.

Ms. Hoerl believed that the language should say, “faculty led clinical fieldwork” because she taught virtual fieldwork classes which have zero patient safety concerns.

Ms. Rafeedie attended the November 2023 Board meeting at which the ratios were discussed, and the public had questions as to how the Board reached those ratios. She summarized the list of next steps that came from that meeting.

Ms. Hoerl said that her research revealed that California is the only state in the top five that has any kind of Supervision cap at all. In the other four states there was no reference to any kind of limitation.

Terri Peralta-Catipon noted that she had concerns about circumstances in which the doctoral capstone student who was supervising students was not from a doctoral occupational therapy program that was ACOTE accredited.

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 concluded that Ms. Rafeedie had provided the next steps for where the Supervision Standards Committee would go moving forward that 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; inviting the public to join meetings; inviting educators back to the committee to continue the discussion; discussing what “at any one time” means; and conducting a survey to ask other states were doing regarding supervision limitations and look at their practice acts.

Public Comment

Kristen Neville, American Occupational Therapy Association (AOTA) State Affairs Manager, stated that she had information about supervision requirements across the country from AOTA that she would share with the committee.

There were no additional committee member remarks.

There were no additional public comments.

7. Consideration and possible recommendation to the Board on other regulations effected by proposed amendments to California Code of Regulations (CCR), Title 16, Division 39, Article 9, Sections 4180 and 4181.

Ms. Miller summarized that the Supervision Standards Committee wanted to bring California Code of Regulations (CCR), Title 16, Division 39, Article 9, Sections 4180 and 4181 back to the Supervision Standards Committee for further discussion.

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

8. Consideration of Board-approved legislative proposal amending Business and Professions Code Sections 2570.4 and 2570.6 and recommendation on proposed edits and rationale to support the proposed amendments.

Ms. Martin confirmed that the language for Business and Professions Code Sections 2570.4 and 2570.6 was previously approved by the Board. Ms. Martin hoped to get more information in the future regarding rationale from the Senate Business, Professions and Economic Development Committee.

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

9. Consideration and possible recommendation to the Board on whether the education and training requirements for licensees demonstrating competence in the advanced practice areas should be reduced.

This agenda item was tabled.

Meeting Adjournment

The meeting adjourned at 5:10 p.m.



AD HOC COMMITTEE ON SUPERVISION STANDARDS MEETING MINUTES June 26, 2024

Committee Members Present

Denise Miller, OT, Board
Member/Chair
Sharon Pavlovich, OTA, Board
Member
Cesar Arada, OT
Ada Boone Hoerl, OTA
Candace Chatman, OT
Joyce Fries, OT
Domenique Hendershot-Embrey, OT
Heather Kitching, OT
Kersten Laughlin, OT
Julie McLaughlin Gray, OT
Liz Phelps, OT
Erin Schwier, OT
Penny Stack, OT

Board Staff Present

Heather Martin, Executive Officer
Rachael Hutchison, Analyst
Jeanine Orona, Analyst

Committee Members Absent

Beata Morcos, Board Member
Jessica Padilla, OTA
Terry Peralta-Catipon, OT
Samia Rafeedie, OT
Sheryl Ryan, OT

Wednesday, June 26, 2024 8:00 am – Committee Meeting

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

The meeting was called to order at 8:15 a.m., roll was called, and a quorum was established.

2. Committee Chair's Opening Remarks.

Chair Denise Miller thanked all in attendance for their time and announced that there were guests in attendance and offered them the opportunity to introduce themselves if they wished.

Julie McLaughlin Gray, the Associate Chair for Curriculum and Faculty at the University of Southern California, introduced herself as she was not in attendance at the previous meeting.

Kristen Neville, State Affairs Manager with the American Occupational Therapy Association (AOTA) introduced herself.

Chair Miller announced that Teresa Brininger, PhD, MBA, OT, and Director of the Accreditation Council for Occupational Therapy Education (ACOTE), accepted the committee's invitation and was in attendance as a special guest.

Chair Miller reminded that ACOTE is the body that oversees occupational therapy education programs and the California Board of Occupational Therapy (Board) is the entity that regulates the occupational therapy profession in California and that is beholden to protect the consumer.

Chair Miller informed the committee that the focus of the meeting was to make a recommendation to the Board regarding regulatory language for supervision standards. This would be an opportunity to ask Dr. Brininger clarifying questions pertaining to ACOTE standards that may assist the expert practitioners of the committee to formulate recommendations to clarify the regulatory language.

Teresa Brininger introduced herself as the Director of Accreditation at AOTA.

3. Public Comment for Items Not on the Agenda.

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

4. Consideration and possible recommendation to the Board on amending California Code of Regulations (CCR), Title 16, Division 39, Article 9, Section 4180, Definitions, and Section 4181, Supervision Parameters.

Chair Miller noted that although there were previous robust discussions that resulted in recommendations being submitted to the Board, those recommendations ultimately produced the need for larger discussions and opportunities for additional expert practitioners to ask questions and receive clarification in an open forum.

Dr. Brininger reported that the ACOTE standards were written to be general and not prescriptive. The standard that applies to fieldwork is C.1.7 which refers to the ratio of fieldwork educators to students. The states that the program needs to ensure the ratio

enables proper supervision and consumer protection. Dr. Bringer stated it was up to the state of California if they wished to put more limitations on that standard.

Ms. Pavlovich reminded the committee that the consensus of the previous meeting included many ratio examples due to varied Level I fieldwork settings. The committee discussed numbers as high as 30 and as low as 10 or 15 but ended at supervision of no more than 20 Level I fieldwork students in a faculty-led fieldwork, which seemed reasonable for consumer safety.

Chair Miller thanked Ms. Pavlovich for her summary and added that the committee never intended to be prescriptive but in terms of aligning with ACOTE, she asked that the committee continue the discussion.

Ada Boone Hoerl stated that following her review of the 2023 ACOTE Standards, C.1.11, Level 1 Fieldwork she felt that the definition of “faculty led” should be defined at the Board level because Level I students utilize virtual and simulated environments which means there is no risk to the consumer and the ratio could then be higher.

Candace Chatman thanked Ms. Boone Hoerl for her enlightening explanation. Asked if the topic of “at any one time” was discussed.

Ms. Pavlovich recalled that the choosing of the phrase “at any one time” seemed to cover all the options that would best protect the consumer.

Chair Miller agreed.

Penny Stack asked if Ms. Boone Hoerl could give her opinion on faculty led fieldwork versus a site visit or field trip.

Ms. Boone Hoerl stated that in her interpretation of ACOTE’s language a faculty led site visit is where the faculty are supervising the actions and the interventions of the students during a site visit as opposed to a faculty member assigning a Level I student to go to a site and have the onsite staff conduct supervision.

Ms. Stack and Chair Miller thanked Ms. Boone Hoerl immensely for her helpful insight and opinion.

Julie Mclaughlin-Gray stated her surprise that the number is the same for Level I and Level II. She opined that Level I should have a maximum of four and Level II, could remain three.

Ms. Pavlovich reminded that pertaining to the definition of numbers, the committee must also take in to account the workload of the supervisor. If the number of Level I students is increased, it ultimately adds to the workload of the supervising OT and the committee must be mindful due to the repercussions on that supervisor.

Liz Phelps stated that in her review of the proposed language in CCR Section (d)(6)(2),

she was under the impression that the reference of “no more than a total of three.....” was referring to a combination of three of any of the mentioned categories and additional specificity in that section would be needed.

Ms. Chatman proposed that a definition of “at any one time” be added to CCR Section 4180.

Ms. Boone Hoerl commented that as the language currently stands that an OT can supervise three trained licensed Occupational Therapy Assistants (OTAs). Ms. Boone Hoerl expressed her concern that including the supervision of trained and licensed OTAs with the supervision of students may negatively impact patient care performed by OTAs. This impact could be reflected in Ots choosing to supervise the maximum number of students instead of OTAs because it is cheaper to pay the students to offer services as a part of their training than supervising and paying an OTA.

Public Comment

Kristen Neville commented that she enjoyed the discussion and looked forward to having a written copy of Ms. Boone Hoerl’s opinion on “faculty led” because it was so well spoken

Ms. Neville commented that the language of the supervision topic can become very complicated pertaining to the appropriate ratio due to the different situations, experiences, and practice settings. Ms. Neville offered to share AOTA’s official document on supervision if the committee was interested.

Dr. Bringer clarified at Chair Miller’s request that ACOTE does not have a prescribed number and whatever the Board came up with, would be more restrictive than the ACOTE standard.

Chair Miller assured Ms. Bringer the supervision ratios that were put forth up to that point were based on the expert knowledge of the current panel of committee members.

Executive Officer Heather Martin stated that pertaining to the concerns about the clarity of “no more than three” it was a great idea to move “at any one time,” to the beginning of that proposed language. She noted that defining “faculty led fieldwork” versus “faculty led site visits” should be considered. Ms. Martin applauded Ms. Boone Hoerl’s request to remove OTAs from the proposed language and giving them their own section since they are licensed professionals.

Ms. Martin advised the committee that any proposed regulatory change would require Board staff to explain a detailed justification of all ratios.

Ms. Martin suggested removing the OTAs from the proposed language.

Chair Miller summarized Ms. Martin's comments as direction for the next committee meeting discussion.

- Discuss the definition of "at any one time"
- Discuss the usage of "total" versus "maximum"
- Discuss the definition of "no more than"
- Discuss faculty led fieldwork in relation to faculty led site visits. Ms. Boone Hoerl's explanation to be used.

Ms. McLaughlin-Gray supported the removal of OTAs from the proposed language because licensed professionals should not be lumped in with students.

Ms. Chatman agreed that OTAs need to be removed from the proposed language and would prefer that OTA had a section of their own.

Ms. Boone Hoerl agreed that OTAs should be removed from the proposed language. She asked that direction and clarification on whether it violates the proposed language if a supervising OT was supervising three OTAs and each of those OTAs was supervising three students would count as the supervising OT having 12 under their supervision.

Ms. Pavlovich asked if the use of the word "service" on page three of CCR Section 4181(f) should be further defined at the next meeting.

Chair Miller noted the ask.

Chair Miller asked for an affirmative response from committee members that agreed OTAs should be removed from the proposed language. She announced that a consensus to do so had been received.

5. Review of CCR Title 16, Division 39, to identify other sections possibly effected by proposed amendments to CCR Sections 4180 and 4181 and recommend proposed regulatory amendment(s) to the Board to ensure consistency.

Chair Denise Miller asked that it be noted in the record that agenda item 5 was discussed during the discussion of agenda item 4.

6. New suggested agenda items for a future meeting.

Executive Officer Heather Martin reported that the quorum was lost and that she was thankful that no votes were pending. She advised Chair Miller that she would reach out to committee members regarding the necessity of a quorum.

Liz Phelps thought the loss of a quorum was due to many of the committee members thinking the meeting was only 90 minutes and not two hours.

Public Comment

There were no public comments.

Chair Miller thanked everyone for their time and wished all a Happy Fourth of July.

Meeting adjournment.

The meeting adjourned at 9:49 am.

AGENDA ITEM 12

DISCUSSION AND POSSIBLE ACTION ON SEEKING AMENDMENTS TO BUSINESS AND PROFESSIONS CODE SECTIONS 2570.18, 2570.19, AND 2570.32.

**Proposed amendments to Business and Professions Code
2570.18, 2570.19, and 2570.32**

BPC SECTION 2570.18

(a) A person shall not represent to the public by title, education, or background, or by description of services, methods, or procedures, or otherwise, that the person is authorized to practice occupational therapy in this state, unless authorized to practice occupational therapy under this chapter.

(b) Unless licensed to practice as an occupational therapist under this chapter, a person may not use the professional abbreviations “O.T.,” “O.T./L.,” or “O.T.D.,” “Occupational Therapist,” “Occupational Therapist Licensed,” “Occupational Therapist Doctorate,” or any other words, letters, or symbols with the intent to represent that the person practices or is authorized to practice occupational therapy.

(c) A licensee who has earned a doctoral degree in occupational therapy (OTD) or, after adoption of the regulations described in subdivision (e), a doctoral degree in a related area of practice or study may do the following:

(1) In a written communication, use the initials OTD, DrPH, PhD, or EdD, as applicable, following the licensee’s name.

(2) In a written communication, use the title “Doctor” or the abbreviation “Dr.” preceding the licensee’s name, if the licensee’s name is immediately followed by an unabbreviated specification of the applicable doctoral degree held by the licensee.

(3) In a spoken communication while engaged in the practice of occupational therapy, use the title “Doctor” preceding the licensee’s name, if the licensee specifies that **he or she is they are** an occupational therapy practitioner.

(d) A doctoral degree described in subdivision (c) shall be granted by an institution and program accredited by the Western Association of Schools and Colleges, the Accreditation Council on Occupational Therapy Education, or by an accrediting agency recognized by the National Commission on Accrediting or the United States Department of Education that the board determines is equivalent to the Western Association of Schools and Colleges.

(e) The board shall define, by regulation, the doctoral degrees that are in a related area of practice or study for purposes of subdivision (c).

(f) Unless licensed to assist in the practice of occupational therapy as an occupational therapy assistant under this chapter, a person may not use the professional abbreviations “O.T.A.,” “O.T.A/L.,” or “Occupational Therapy Assistant,” “Licensed Occupational Therapy Assistant,” or any other words, letters, or symbols, with the intent to represent that the person assists in, or is authorized to assist in, the practice of occupational therapy as an occupational therapy assistant.

(g) The unauthorized practice or representation as an occupational therapist or as an occupational therapy assistant constitutes an unfair business practice under Section 17200 and false and misleading advertising under Section 17500.

(h) An occupational therapist that is serving as an educator in an education program for occupational therapists in California must **be licensed maintain a current**

and active license. 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.

(i) An occupational therapy assistant that is serving as an educator in an education program for occupational therapy assistants in California must **be licensed maintain a current and active license.**

(Amended by Stats. 2018, Ch. 490, Sec. 7. (AB 2221) Effective January 1, 2019.)

BPC SECTION 2570.19

(a) There is hereby created a California Board of Occupational Therapy, hereafter referred to as the board. The board shall enforce and administer this chapter.

(b) The members of the board shall consist of the following:

(1) Three occupational therapists who shall have practiced occupational therapy for five years.

(2) One occupational therapy assistant who shall have assisted in the practice of occupational therapy for five years.

(3) Three public members who shall not be licentiates of the board, of any other board under this division, or of any board referred to in Section 1000 or 3600.

(c) The Governor shall appoint the three occupational therapists and one occupational therapy assistant to be members of the board. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint a public member. Not more than one member of the board shall be appointed from the full-time faculty of any university, college, or other educational institution.

(d) All members shall be residents of California at the time of their appointment. The occupational therapist and occupational therapy assistant members shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five years preceding their appointments.

(e) The public members may not be or have ever been occupational therapists or occupational therapy assistants or in training to become occupational therapists or occupational therapy assistants. The public members may not be related to, or have a household member who is, an occupational therapist or an occupational therapy assistant, and may not have had, within two years of the appointment, a substantial financial interest in a person regulated by the board.

(f) The Governor shall appoint two board members for a term of one year, two board members for a term of two years, and one board member for a term of three years. Appointments made thereafter shall be for four-year terms, but no person shall be appointed to serve more than two consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed by this section. Vacancies shall be filled by appointment for the unexpired term. The board shall annually elect one of its members as president.

(g) The board shall meet and hold at least one regular meeting annually in the Cities

of Sacramento, Los Angeles, and San Francisco. The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place designated by the board.

(h) Notice of each meeting of the board shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(i) Members of the board shall receive no compensation for their services, but shall be entitled to reasonable travel and other expenses incurred in the execution of their powers and duties in accordance with Section 103.

(j) The appointing power shall have the power to remove any member of the board from office for neglect of any duty imposed by state law, for incompetency, or for unprofessional or dishonorable conduct.

(k) This section shall remain in effect only until January 1, **2027** **2028**, and as of that date is repealed.

(Amended by Stats. 2022, Ch. 290, Sec. 3. (AB 2671) Effective January 1, 2023. Repealed as of January 1, 2027, by its own provisions.)

BPC SECTION 2570.32

(a) A holder of a license that has been revoked, suspended, or placed on probation, may petition the board for reinstatement or modification of a penalty, including reduction or termination of probation, after a period not less than the applicable following minimum period has elapsed from either the effective date of the decision ordering that disciplinary action, or, if the order of the board or any portion of it was stayed, from the date the disciplinary action was actually implemented in its entirety. The minimum periods that shall elapse prior to a petition are as follows:

(1) For a license that was revoked for any reason other than mental or physical illness, at least three years.

(2) For early termination of probation scheduled for three or more years, at least two years.

(3) For modification of a penalty, reinstatement of a license revoked for mental or physical illness, or termination of probation scheduled for less than three years, at least one year.

(4) The board may, in its discretion, specify in its disciplinary order a lesser period of time, provided that the period shall not be less than one year.

(b) The petition submitted shall contain any information required by the board, which may include a **form, a fee, and a** current set of fingerprints accompanied by the fingerprinting fee. **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.**

~~(c) The board shall give notice to the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and an opportunity to present oral documentary evidence~~

~~and argument to the board. The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.~~

~~(d) The board itself shall hear the petition and the administrative law judge shall prepare a written decision setting forth the reasons supporting the decision.~~

~~(e) The board may grant or deny the petition, or may impose any terms and conditions that it reasonably deems appropriate as a condition of reinstatement or reduction of penalty. 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.~~

~~(f) (d)~~ The board may refuse to consider a petition while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole or subject to an order of registration pursuant to Section 290 of the Penal Code.

~~(g) (e)~~ No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(Added by Stats. 2002, Ch. 1079, Sec. 11. Effective September 29, 2002.)

Proposed amendment to 2570.32(b), to establish a petition fee, is:

- **Consistent with Board policy in fairly applying fees to all licensees,**
- **Modeled after Board-approved fee increase language regarding establishing a probation monitoring fee, and**
- **Modeled after BPC section 1006.5.**

(t) Fee to petition for reinstatement of a revoked license: four thousand one hundred eighty-five dollars (\$4,185).

(u) Fee to petition for early termination of probation: three thousand one hundred ninety-five dollars (\$3,195).

(v) Fee to petition for reduction of penalty: three thousand one hundred ninety-five dollars (\$3,195).

(Amended by Stats. 2022, Ch. 623, Sec. 4. (SB 1434) Effective January 1, 2023.)

Proposed amendment to 2570.32(c), based on Government Code section 11522:

A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. 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. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.

(Amended by Stats. 1985, Ch. 587, Sec. 4.)