

## **AGENDA ITEM 5**

**REVIEW AND VOTE ON APPROVAL OF THE MAY 2-3, 2024,  
BOARD COMMITTEES UPDATE.**



**\*\*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 (NBCOT) in Occupational Therapy, 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 for the practitioners that 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 would not be a quorum present at one location, that member must post their home address and allow the public to enter their home. For committees, 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 that provide virtual capabilities were very limited.

Ms. Geoffroy replied some Boards bring their 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 has 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 an occupational therapist that did not have Board approval for hand therapy should work with a practitioner who did have approval. Mr. Bookwalter suggested that Board staff make include that recommendation as well in response to inquiries regarding hand therapy approval.

Ms. Wietlisbach agreed with Mr. Bookwalter and added that practitioners could also be supervised by physical therapists or physicians to get Board approval for hand therapy.

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 was 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 for 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 the 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 of 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 needling without an acupuncture license are subject to legal penalties.

The Board’s attorney, Helen Geoffroy, announced that the Board tasked her with information on how to provide a solid foundation for determinations on scope of practice in general. Ms. Geoffroy’s recommendation to the Board is to start with a publicly accessible formalized scope of practice document that explicitly includes dry needling.

The Board’s next step would be to look to the statutes and review what the legislature has said, if anything, about dry needling or any other particular 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 pointed out information from a “dot gov” website” that could be useful for the Practice Committee to proclaim that there was a potential jurisdiction issue within California. Dry needling is defined as the use of needles without the transfer of an agent into the muscle to help with pain management and increase movement.

Next, 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 in protecting its jurisdiction, 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, Ms. Geoffroy recommended that the Board change the statute if they want 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 the 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 to have Ms. Neville attend a future meeting with the documents pertaining to dry needling that she referenced.

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.

Ms. Geoffroy suggested that Board staff create a template response or put language on the Board's website.

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.

- Beata Morcos moved to approve the proposed language to amend Business and Professions Code Section 2570.19(k), “this section shall remain in effect only until January 1, 2027, and as of that date is repealed” to replace 2027 with 2028.
- Sharon Pavlovich 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	Yes

The motion carried.

The Board's final discussion for that agenda item was concerning 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 Strategic Planning.

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.

## **AGENDA ITEM 6**

### **PRACTICE COMMITTEE UPDATE.**

Included are the following:

- Highlights from the August 2, 2024, Committee meeting
- Board Acceptance of March 1, 2024, Committee meeting minutes
- Board Acceptance of June 21, 2024, Committee meeting minutes
- 2018 Accreditation Council for Occupational Therapy Education (ACOTE) Standards, effective July 31, 2020
- Proposed amendments to Business and Professions Code Section 2570.3 and California Code of Regulations Sections 4152 and 4155

Meeting Materials Relied Upon:

- AOTA – The Role of Occupational Therapy in Comprehensive Integrative Pain Management
- AOTA - Occupational Therapy's Role with Chronic Conditions
- AJOT – Occupational Therapy Practice Guidelines for Adults with Chronic Conditions.
- 2018 ACOTE Standards
- 2023 ACOTE Standards, effective July 31, 2025
- Business and Professions Code Sections 2570.2, 2570.3
- California Code of Regulations Sections 4150 - 4155



**\*\*DRAFT\*\***

## **PRACTICE COMMITTEE MEETING HIGHLIGHTS**

**August 2, 2024**

### Committee Members Present

Christine Wietlisbach (Chair)  
Lynne Andonian  
Bob Candari  
Ernie Escovedo  
Elizabeth Gomes  
Heather Kitching  
Diane Laszlo  
Danielle Meglio  
Jeanette Nakamura  
Carlin Daley Reaume  
Chi-Kwan Shae  
Richard Bookwalter

### Board Staff Present

Heather Martin, Executive Officer  
Jody Quesada Novey, Manager  
Demetre' Montue, Analyst

### Committee Members Absent

Lynna Do  
Mary Kay Gallagher

### **Friday, August 2, 2024**

#### **3:00 pm – Committee Meeting**

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

The meeting was called to order at 3:06 pm, roll was called, and a quorum was established.

2. Chairperson opening remarks.

Chair Christine Wietlisbach thanked the committee members for their attendance.

3. Public Comment for Items Not on the Agenda.

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

4. Review and vote on approval of the June 21, 2024, committee meeting minutes.

Chair Wietlisbach requested the following edits to the June 21, 2024, Practice Committee meeting minutes:

- a. That "...the graduate must demonstrate that they can successfully use PAMs." on page 3 paragraph 6 be changed to "...the graduate must demonstrate that they can safely and effectively use PAMs."
  - b. That "...an argument to remove the AP PAMs requirement could safely include OT graduates that began programs in 2018." on page 3 paragraph 8 be changed to "...an argument to remove the AP PAMs requirement could safely include OT graduates that began programs under the 2018 ACOTE guidelines."
  - c. That paragraph 3 on page 4, be amended in its entirety to read "Ms. Daley-Reaume stated that ACOTE is the accrediting body that is in charge of academic standards thus they should not be the committee's focus."
  - d. That "...a graduate who began their program in 2018..." on page 4 paragraph 8 be changed to "...a graduate who began their program under the 2018 ACOTE guidelines..."
  - e. That "...the choice should include 2020 or 2025 standards." on page 5 paragraph 9 be changed to "...the choice should include 2018 or 2023 ACOTE standards."
  - f. That "...consideration for accepting the 2020 ACOTE standards for PAMs..." on page 5 bullet-point 1 be changed to "...consideration for accepting the 2018 ACOTE standards for PAMs..."
  - g. That the motion on page 5 be changed to "... 2018 ACOTE standards for PAMs and use those standards as a basis for reconsidering the advanced practice standards for PAMs.
  - h. That paragraph six on page 6 beginning "Mr. Bookwalter commented..." be amended in its entirety to read "Mr. Bookwalter commented that a patient that needs a physical agent modality as an adjunct or preparatory part of their treatment would suffer in that they would not receive the full benefit of what an OT can offer."
- Heather Kitching moved to approve the June 21, 2024, Practice Committee meeting minutes with Chair Wietlisbach's suggested edits and directed Board staff to make any non-substantive changes.
  - Diane Laszlo seconded the motion.

Public Comment

There was no public comment.



**Committee Member Vote**

Christine Wietlisbach	Yes
Lynne Andonian	Yes
Richard Bookwalter	Yes
Bob Candari	Yes
Ernie Escovedo	Yes
Elizabeth Gomes	Yes
Heather Kitching	Yes
Diane Laszlo	Yes
Danielle Meglio	Yes
Jeanette Nakamura	Yes
Carlin Daley-Reaume	Yes
Chi-Kwan Shea	Yes

**The motion carried.**

5. Consideration and possible recommendation to the Board on amending California Code of Regulations (CCR), Title 16, Division 39, Article 9, Section 4152(a)(2), Physical Agent Modalities, to reduce the supervised training hour requirement and CCR Section 4155(a)(2) to update the Application for Advanced Practice Approval in Physical Agent Modalities, incorporated by reference.

Chair Wietlisbach reminded the committee that they had already discussed this agenda item in the previous meeting, but that the purpose of it being on today's agenda was to review the proposed language for the changes discussed.

Chair Wietlisbach asked the committee to review the proposed changes to CCR Section 4152.(a)(2).

- Carlin Daley-Reaume moved to recommend to the Board consideration for accepting the proposed changes to CCR Section 4142(a)(2).
- Ernie Escovedo seconded the motion.

**Public Comment**

There were no public comments.

**Committee Member Vote**

Christine Wietlisbach	Yes
Lynne Andonian	Yes
Richard Bookwalter	Yes
Bob Candari	Yes
Ernie Escovedo	Yes
Elizabeth Gomes	Yes
Heather Kitching	Yes
Diane Laszlo	Yes
Danielle Meglio	Yes
Jeanette Nakamura	Yes
Carlin Daley-Reaume	Yes
Chi-Kwan Shea	Yes

**The motion carried.**

6. Consideration and possible recommendation to the Board on amending Business and Professions Code Section 2570.3, to provide an exception to the education and training requirement to use Physical Agent Modalities, for licensees who graduated from their qualifying degree program on or after July 31, 2020.

Chair Wietlisbach asked that Board staff update the agenda item 6 coversheet to read:

Consideration and possible recommendation to the Board on amending Business and Professions Code Section 2570.3, to provide an exception to the education and training requirement to use Physical Agent Modalities, for students who began their qualifying degree program under the 2018 ACOTE Standards.

Discussion among the committee members ensued and they agreed to update the language of BPC Section 2570.3(g).

**Proposed language**

(g) An occupational therapist having graduated from their qualifying degree program on or after July 31, 2020, shall be deemed to have met the requirements of this section.

**Updates from Committee to proposed language.**

(g) An occupational therapist ~~having graduated from~~ started-ing their qualifying degree program on or after July 31, 2020, shall be deemed to have met the requirements of this section.

Additionally, the language pertaining to supervision hours in CCR Section 4152(a)(2) would be updated as follows:

4152(a)(2) Training: Completion of ~~240~~ 40 hours of supervised on-the-job training, clinical internship or affiliation, which may be paid or voluntary, pertaining to physical agent modalities.

7. Consideration and possible recommendation to the Board, following a review of the Accreditation Council for Occupational Therapy Education (ACOTE) Guidelines, to consider reducing or eliminating education and training requirements for students graduating after a certain (TBD) date, to provide hand therapy and swallowing assessment, evaluation, or intervention.

A robust conversation ensued surrounding the reduction or elimination of additional education and training requirements to provide hand therapy and swallowing assessment, evaluation, or intervention.

A committee member expressed their unease to say that all occupational therapy students are qualified to perform these advanced practices upon graduation.

A reminder was presented that the qualifier to provide services is only to show entry level competence at completion of their qualifying degree program and that physical therapy assistants are deemed safe to practice following completion of their qualifying degree program.

Further conversation took place regarding the removal of hand therapy as an advanced practice altogether because a new graduate should be able to provide entry level hand therapy and refer if needed.

8. Consideration and possible recommendation to the Board on whether the education and training requirements for licensees demonstrating competence in the advanced practice areas of hand therapy and swallowing assessment, evaluation, or intervention should be reduced.

The consensus of the committee was to compare the ACOTE standards from the beginning of licensure through current standards to show how the occupational therapy profession has progressed in reference to minimum standards. The resulting data would provide a clearer picture of whether or not entry level competence has been met for hand therapy and swallowing assessment, evaluation or intervention.

9. New suggested agenda items for a future meeting.

There were not any new items suggested.

### **Meeting adjournment.**

**The meeting adjourned at 5:05 pm**



## **PRACTICE COMMITTEE MEETING MINUTES**

**March 1, 2024**

### Committee Members Present

Christine Wietlisbach, OT, Board Member/Chair  
Lynne Andonian, OT  
Richard Bookwalter, OT, Board Member  
Bob Candari, OT  
Mary Kay Gallagher, OT  
Elizabeth Gomes, OT  
Heather Kitching, OT  
Diane Laszlo, OT Retired  
Jeannette Nakamura, OT  
Carlin Daley Reaume, OT  
Chi-Kwan Shea, OT  
Floyd Tran, OT

### Board Staff Present

Heather Martin, Executive Officer  
Jody Quesada Novey, Manager  
Rachael Hutchison, Analyst

### Committee Members Absent

Lynne Andonian, OT (joined late)  
Lynna Do, Board Member  
Ernie Escovedo, OT  
Danielle Meglio, OTA (technical difficulties)

## **Friday, March 1, 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 3:16 pm, roll was called, and a quorum was established.

2. Chairperson opening remarks.

Chair Christine Wietlisbach thanked all the committee volunteers and members of the public for their attendance at the meeting. Chair Wietlisbach reported the removal of agenda item six because it was completed at a previous meeting and ten because the items delegated were previously prioritized.

3. Introductions by all Committee Members.

All committee members present chose to introduce themselves.

4. Public Comment for Items Not on the Agenda.

Samia Rafeedie and Bryant Edwards chose to introduce themselves.

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

5. Review and vote on approval of the December 8, 2023, committee meeting minutes.

Elizabeth Gomes asked that “retired” be removed from her name in the minutes as she is still practicing.

- Richard Bookwalter moved to approve the December 8, 2023, Practice Committee meeting minutes as written and directed Board staff to make non-substantive changes.
- Carlin Daley Reaume seconded the motion.

**Board Member Vote**

Christine Wietlisbach	Yes
Richard Bookwalter	Yes
Bob Candari	Yes
Mary Kay Gallagher	Abstain
Elizabeth Gomes	Yes
Heather Kitching	Abstain
Diane Laszlo	Yes
Jeannette Nakamura	Yes
Carlin Daley Reaume	Yes
Chi-Kwan Shea	Yes
Floyd Tran	Yes

The motion carried.

Board staff asked the committee to revisit a public comment handled at the October 13, 2023, committee meeting to decide if the response that staff was asked to deliver would differ since it was discovered that the commenter was not an occupational therapy practitioner but a physical therapist.

*Recap from October 13, 2023, Practice Committee Minutes.*

“The consensus of the committee was that the question was very generic in nature, and they agreed that guidelines cannot be provided for every workplace scenario. Their final recommendation was to remove the item from the purview of the Practice Committee and have staff advise the commenter that they should call upon their knowledge, skills, and abilities along with the protocol of their specific employer.”

Diane Laszlo stated that the fact that the commenter is a physical therapist rather than an occupational therapist did not change her opinion to respond with the same instruction for the commenter to review the laws of the OT profession and consult the administration of the site they work for.

Chair Wietlisbach and Mr. Bookwalter agreed that board staff should still include links to the OT Practice Act in the response.

Carlin Daley Reaume confirmed that her thoughts remained unchanged.

The consensus of the committee was unchanged.

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

6. Consideration and possible recommendation to the Board on whether suture removal is within the occupational therapy scope of practice.

***Removed from the agenda.***

7. Consideration and possible recommendation to the Board on whether advanced practice approval in hand therapy is required to treat carpal tunnel syndrome, repetitive motion injuries, or finger/hand pain, wrist pain or elbow pain that is not due to injury or surgery.

Chairperson Wietlisbach reminded the committee that the legal definition of hand therapy found in Occupational therapy Practice Act Section 2570.2 states it is the art and science of rehabilitation of the hand, wrist or forearm....

California Code of Regulation Section 4150 (f) further defines that rehabilitation refers to occupational therapy services performed as a result of surgery or injury to the hand, wrist, or forearm. Treating chronic or repetitive pain that did not result from an injury or surgery would not be hand therapy but general occupational therapy.

Ms. Daley Reaume questioned from an ergonomic background lens. Her question was reproductive in nature and centered around an injury caused from carrying an infant. Ms. Daley Reaume opined that she saw it as a neutral body mechanics issue and felt that general OTs could/should treat in this situation. Ms. Daley Reaume summed up her comment by saying that with her experience and training if she felt like the situation called for a more specialized treatment that she would refer.

Chair Wietlisbach commented that she felt Ms. Daley Reaume's example was not treating an injury but speaking to good body mechanics.

A robust discussion ensued about the fact that the word "injury" was used in the question from the public commenter along with the topics of ergonomics, repetitive strain injuries, treatment settings, access to care and where a practitioner should draw the line with generalized pain and symptoms and refer to a hand therapist is needed.

Ms. Wietlisbach stated that she believed repetitive strain injuries should be considered an injury.

Diane Laszlo questioned what the impetus of this public comment was.

Executive Officer Heather Martin confirmed that due to her personal conversations with the commenter and their colleagues she informed the committee that the question about treating carpal tunnel came from an employment lens and involved capacity issues. The commenter was hoping that a general occupational therapy practitioner could provide treatment for repetitive strain injuries.

The use of the word "injury" in the question became a point of contention.

The definition of hand therapy says if it involves surgery or injury of the hand, wrist or forearm it should be treated by a hands approved occupational therapist and if it's not then it may be treated by a general occupational therapy practitioner.

The consensus of the committee was to answer with the language of the law. This would entail a definition of hand therapy and if the needed treatment doesn't fall under that definition, then a general practitioner can treat.

There were no additional Board member remarks.

There were no additional public comments.

8. Consideration and possible recommendation to the Board following a review of the ACOTE Guidelines to consider reducing or eliminating advanced practice education and training requirements for students graduating after a certain (TBD) date.

***Due to time constraints, Chair Wietlisbach gave an overview of what would be discussed at the next meeting.***

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.

***Due to time constraints, Chair Wietlisbach gave an overview of what would be discussed at the next meeting.***

10. Committee discussion and prioritization of practice issues delegated by the Board to the Committee for evaluation and possible recommendation(s) to the Board.

***Removed from the agenda.***

11. New suggested agenda items for a future meeting.

Board staff to provide both sets of ACOTE standards for next meeting.  
There were no additional Board member remarks.  
There were no additional public comments.

12. Discussion on scheduling time(s) for future meetings.

The consensus of the committee was to have a Doodle poll sent out for June 17<sup>th</sup> and June 24<sup>th</sup> as possible committee meeting dates.

The meeting adjourned at 4:54 p.m.





## **PRACTICE COMMITTEE MEETING MINUTES**

**June 21, 2024**

### Committee Members Present

Christine Wietlisbach (Chair)

Lynne Andonian

Richard Bookwalter

Ernie Escovedo

Mary Kay Gallagher

Elizabeth Gomes

Heather Kitching

Diane Laszlo

Danielle Meglio

Jeannette Nakamura

Carlin Daley Reaume

### Board Staff Present

Heather Martin, Executive Officer

Jody Quesada Novey, Manager

Demetre' Montue - Analyst

### Committee Members Absent

Bob Candari

Lynna Do

Chi-Kwan Shea

**Friday, June 21, 2024**

**2:00 pm – Committee Meeting**

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

The meeting was called to order at 2:07 pm, roll was called, and a quorum was established.

2. Chairperson opening remarks.

Chair Christine Wietlisbach thanked the committee volunteers and members of the public for their attendance at the meeting.

3. Public Comment for Items Not on the Agenda.

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

4. Review and vote on approval of the March 1, 2024, committee meeting minutes.

Heather Kitching asked that her name be added to page one of the minutes under the 'Committee Members Present' heading.

- Heather Kitching moved to approve the March 1, 2024, Practice Committee meeting minutes with her suggested edit and directed Board staff to make any non-substantive changes.
- Diane Laszlo seconded the motion.

Public Comment

There was no public comment.

**Board Member Vote**

Christine Wietlisbach	Yes
Lynne Andonian	Yes
Richard Bookwalter	Yes
Ernie Escovedo	Yes
Mary Kay Gallagher	Yes
Elizabeth Gomes	Yes
Heather Kitching	Yes
Diane Laszlo	Yes
Danielle Meglio	Yes
Jeannette Nakamura	Yes
Carlin Daley Reaume	Yes

**The motion carried.**

5. Consideration and possible recommendation to the Board, following a review of the Accreditation Council for Occupational Therapy Education (ACOTE) Guidelines, to consider reducing or eliminating advanced practice (AP) education and training requirements for students graduating after a certain (TBD) date.

Chair Christine Wietlisbach shared that the committee would most likely only have time to work on agenda item five. She stated that she and Executive Officer Heather Martin put together an evolution of the ACOTE guidelines document to assist the committee members with a visual of how the ACOTE guidelines have evolved pertaining to Physical Agent Modalities (PAMs). The committee would use this document, current ACOTE guidelines effective in 2020 and guidelines which will become effective in 2025 as source documents.

Chair Wietlisbach and Diane Laszlo reminded all that Occupational Therapy (OT) licensing was effective January 1, 2001, but due to the Physical Therapy Associations' tremendous opposition, and belief that there weren't minimum national education standards in the areas of Dysphagia, use of PAMs and Hand Therapy, a caveat was put into place to satisfy these concerns and still grant licensure for occupational therapy practitioners. The caveat included required advanced training in the aforementioned areas in order to practice those skills following graduation and that this requirement would be outlined in the laws and regulations of the OT profession.

An overview of the ACOTE evolution document pertaining to PAMs was given by Ms. Martin and Chair Wietlisbach.

2008 – The minimum education requirement switched from a Bachelor’s to a Master’s degree. The language pertaining to PAMs stated in part, “Demonstrate safe and effective application of superficial thermal...”

This language was followed with the following clarification “The word Demonstrate does not require that a student actually performs the task to verify knowledge and understanding.”

2013 – The language pertaining to PAMs stated in part, “Demonstrate safe and effective application of superficial thermal...”

This language was followed with the following clarification “The word Demonstrate does not require that a student actually performs the task to verify knowledge and understanding.”

2018 - (effective July 2020) The language pertaining to PAMs stated in part, “Demonstrate knowledge and use of the safe and effective application of superficial thermal agents, deep thermal agents, electrotherapeutic agents, and mechanical devices as a preparatory measure to improve occupational performance. This must include indications, contraindications, and precautions.”

Chair Wietlisbach stated that in her opinion this version of the ACOTE standards is the strongest regarding PAMs. Not only must the graduate have knowledge of PAMs, but it is the first version that the graduate must demonstrate that they can safely and effectively use PAMs.

2023 – (effective July 2025), The language pertaining to PAMs stated in part, “Demonstrate use and knowledge of the safe and effective application of superficial thermal agents, deep thermal agents, electrotherapeutic agents, and mechanical devices as a preparatory measure to improve occupational performance. This must include indications, contraindications, and precautions.”

Chair Wietlisbach stated that this version remains a very strong standard and is almost identical to the 2018 standards. It is her opinion that an argument to remove the AP PAMs requirements could safely include OT graduates that began programs under the 2018 ACOTE guidelines.

Ms. Laszlo asked if legislation would be needed and questioned whether it would be better to wait and include Dysphagia and Hand Therapy in the committee’s recommendation.

Mr. Bookwalter agreed with Chair Wietlisbach regarding PAMs. He felt that the minimum national education standards have met the mark and he does not wish to overregulate.

Jeanette Nakamura asked what in the curriculum had changed regarding PAMs.

Ms. Wietlisbach stated that although she does not teach PAMs she is aware that clinical reasoning, safe use of machines and physiological response on the tissue(s)

being treated are taught. The students demonstrate use of the equipment and test. The students are getting entry level knowledge at the schools.

Carlin Daley-Reaume thanked Chair Wietlisbach and Executive Officer Heather Martin for the ACOTE evolution document. She believed the current ACOTE standards meet the required standards related to PAMs and she supports moving forward with a recommendation to the Board on this topic.

Ms. Daley-Reaume stated that ACOTE is the accrediting body that is in charge of academic standards thus they should not be the committee's focus.

Ernie Escovedo stated that he has been PAMs approved since it was first required. He teaches PAMs and very often to post graduate classes. Although he would like to see the AP requirements removed, he is not yet comfortable with the overall proficiency of the majority; it seems inconsistent in his opinion, and he is not comfortable when it comes to consumer safety.

Diane Laszlo said that she is on both sides of the fence, and it is her opinion that it is up to the student and the employer to ensure competency. She is in favor of accepting the ACOTE standards and moving forward with a recommendation to the Board.

Heather Kitching stated that she concurred with Ms. Daley-Reaume and Ms. Laszlo's opinions. The OT degree is a generalist degree and that requires the practitioner hold themselves accountable for working within the scope of practice.

Ms. Kitching said that it is her argument that multiple areas of OT present the same consumer safety risks but are successfully managed through the grassroots competency oversight and ACOTE's role.

Mr. Bookwalter agrees with the majority of the committee member comments. He agreed that a graduate who began their occupational therapy program under the 2018 ACOTE guidelines is going to have a higher level of knowledge and background in PAMs than a graduate from many years ago when the ACOTE standards were not explicit.

Lynne Andonian concurred with the previous committee members. She felt that the ACOTE standards did a really good job.

Chair Wietlisbach agreed that not only is there ACOTE standards to rely on but the NBCOT exam is based on those standards and there are PAMs questions included on the exam. She is of the opinion that the standards are now meeting that minimum level of knowledge for at least PAMs which is the only AP being discussed at the meeting.

Mr. Escovedo offered that in hearing Mr. Bookwalter's comment that the assumption is dependent upon the date of graduation, an entry level therapist would have AP skills coming out of school and this helped him to see the PAMs situation differently.

Ms. Martin commented that it is her belief that the committee must evaluate which version of the ACOTE guidelines justifies the OT program entry date (tbd) as the first

group of graduates that won't be required to provide proof of additional supervised training hours and education in order to provide PAMs.

Chair Wietlisbach summarized that the committee would choose the version of the ACOTE standards that is strong enough to satisfy that the minimum standards in PAMs has been met and it would be those graduates that entered a program underneath those ACOTE standards that would be exempt from additional supervised training hours and education.

Mr. Escovedo questioned what would happen to those who graduated prior to the tbd date.

Chair Wietlisbach clarified that proof of additional supervised training hours and education would still be required.

### Public Comment

Sharon Pavlovich commented that it was her opinion that although the 2018 (effective 7/2020) and 2023 (effective 7/2025) ACOTE standards are relatively the same regarding minimum standards pertaining to PAMs. She felt that choosing the 2025 start date to exempt additional supervised training hours and education for PAMs would be a better choice. Ms. Pavlovich commented that it is her experience in speaking with other educators that additions have been made and continue to be made to the PAMs programs and she believed that a 7/2025 date would be a solid suggestion pertaining to all OT programs being on board.

Chair Wietlisbach commented that what is hard evidence is what is in the ACOTE standards, so it was her opinion that the 2023 standards wouldn't bring any additional measure of safety to the consumer than the 2018 ACOTE standards.

Diane Laszlo agreed with Ms. Wietlisbach.

Executive Officer Heather Martin clarified that the 2018 ACOTE standards went into effect in 7/2020 and the 2023 ACOTE standards will go into effect in 7/2025.

Chair Wietlisbach clarified that the choice should include 2018 or 2023 ACOTE standards.

- Diane Laszlo moved to recommend to the Board consideration for accepting the 2018 ACOTE standards for PAMs and use those standards as a basis for reconsidering the advanced practice standards for PAMs.
- Richard Bookwalter seconded the motion.

### Public Comment

There were no public comments.

**Board Member Vote**

Christine Wietlisbach	Yes
Lynne Andonian	Yes
Richard Bookwalter	Yes
Ernie Escovedo	Yes
Mary Kay Gallagher	Yes
Elizabeth Gomes	Yes
Heather Kitching	Yes
Diane Laszlo	Yes
Danielle Meglio	Yes
Jeannette Nakamura	Yes
Carlin Daley Reaume	Yes

The motion carried.

6. 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.

Ernie Escovedo asked if the committee could revisit lowering the supervision hours needed for PAMs approval.

Chair Wietlisbach and Diane Laszlo agreed that it would be a huge benefit to lower the required training hours.

Richard Bookwalter stated that he felt a valid argument geared toward lowering the supervision hours would be that only practitioners that are affluent and can afford the additional education are going to get approved which reduces access to consumers.

Jeanette Nakamura agreed that the amount and cost limits the number of approved practitioners. She is a neurotherapist and there is a very small number of neuro OTs that are PAMs approved because it is not something they do every day and is difficult to obtain the 240 hours needed for approval so many choose not to pursue PAMs approval. It limits what care you can provide to the neuro population.

Mr. Bookwalter commented that a patient that needs a physical agent modality as an adjunctive or preparatory part of their treatment would suffer in that they would not receive the full benefit of what an OT can offer.

Ms. Martin commented that if you broke the required PAMs training into 15-minute treatments it would equal 960 treatment visits and that leads to the question of whether it should take 960 visits of anything to demonstrate entry level competence. Physical Therapy Assistants use PAMs following initial licensure.

Mr. Bookwalter added that currently a consumer can purchase a hot pack at the store, heat it in their microwave, place it on their neck and burn themselves because they have no

guidance. The more people you have that have information on how to do this safely, protects the consumer.

Chair Wietlisbach asked if anyone on the committee was opposed to reducing the supervision hours required for PAMs.

There was no opposition.

- Ernie Escovedo moved to recommend to the Board reducing the PAMs supervised clinical hours.
- Jeanette Nakamura seconded the motion.

#### Public Comment

There were no public comments.

#### **Board Member Vote**

Christine Wietlisbach	Yes
Lynne Andonian	Yes
Richard Bookwalter	Yes
Ernie Escovedo	Yes
Mary Kay Gallagher	Yes
Elizabeth Gomes	Yes
Heather Kitching	Yes
Diane Laszlo	Yes
Danielle Meglio	Yes
Jeannette Nakamura	Yes
Carlin Daley Reaume	Yes

The motion carried.

Chair Wietlisbach asked if any committee member(s) had input on how many PAMs supervision hours would ensure continued public safety and should be recommended to the Board for consideration.

- Ernie Escovedo moved to recommend to the Board reducing the required PAMs supervised clinical hours from 240 hours to 40 hours.
- Diane Laszlo seconded the motion.

#### Public Comment

There were no public comments.

**Board Member Vote**

Christine Wietlisbach	Yes
Lynne Andonian	Yes
Richard Bookwalter	Yes
Ernie Escovedo	Yes
Mary Kay Gallagher	Yes
Elizabeth Gomes	Yes
Heather Kitching	Yes
Diane Laszlo	Yes
Danielle Meglio	Yes
Jeannette Nakamura	Yes
Carlin Daley Reaume	Yes

The motion carried.

7. New suggested agenda items for a future meeting.

There were no new suggested agenda items for a future meeting.

**Meeting adjournment.**

**The meeting was adjourned at 3:55 pm**



## **AGENDA ITEM 7**

### **AD HOC COMMITTEE ON NON-LICENSEE CRITERIA TO SERVE ON BOARD COMMITTEES REPORT.**

Included are the following:

- Highlights from the August 5, 2024, Committee meeting.
- Board Acceptance of the October 12, 2023, Committee meeting minutes.
- Chapters 6 and 7 from the Board Member Guidelines and Procedures Manual.
- Proposed amendments to the Board Member Guidelines and Procedures Manual regarding Board standing and ad hoc committees.

Meeting materials relied upon included excerpts from past Board meeting.



**\*Draft\***

## **AD HOC COMMITTEE ON NON-LICENSEE CRITERIA TO SERVE ON COMMITTEES MEETING HIGHLIGHTS**

**August 5, 2024**

### **Committee Members Present**

Beata Morcos, Board Member, Chair  
Sharon Pavlovich, OTA, Board Member  
Ada Boone Hoerl, OTA  
Carlin Daley Reaume, OT

### **Board Staff Present**

Heather Martin, Executive Officer  
Rachael Hutchison, Manager  
Austin Porter, Analyst

### **Committee Members Absent**

Hector Cabrera, Board Member

**Monday, August 5, 2024**

### **11:30 am – Committee Meeting**

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

The meeting was called to order at 11:37 a.m., roll was called, and a quorum was established.

2. Chairperson opening remarks.

Chair/Board Vice President Beata Morcos welcomed the committee members and asked if the committee members wished to introduce themselves.

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. Review and vote on approval of the October 12, 2023, committee meeting minutes.

- Ada Boone Hoerl moved to accept the October 12, 2023, Committee Meeting Minutes and directed Board staff to make non-substantive changes, as specified.
- Carlin Daley Reaume seconded the motion.

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

**Committee Member Vote**

Sharon Pavlovich	Yes
Hector Cabrera	<b>Absent</b>
Ada Boone Hoerl	Yes
Beata Morcos	Yes

The motion carried.

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.

Chair Morcos summarized the recommendations that the committee had previously provided to the Board. Ms. Morcos reported that the Board members were concerned about the committee's recommendation regarding the ratio of non-licensees to licensees and the potential of a committee consisting of four members, only one of which is a licensee.

Ms. Hoerl suggested that the Board require 75% of a committee be composed of licensees.

Ms. Reaume agreed that 75% was comfortable for her as well.

Executive Officer Heather Martin suggested the committee start with recommendations for the makeup of the standing committees. She noted that the Administrative Committee was composed of the Executive Officer, the Board President, and the Board Vice President and the committee could make recommendations for the other standing committees.

Ms. Hoerl stated that the make-up of the Standing Legislative and Regulatory Affairs Committee was a minimum of four required members. If one member was a non-licensed Board Member, the committee could potentially be composed of three non-licensees based on the committee's previous recommendation of a minimum of 25% licensees. Ms. Hoerl added that she was not comfortable with that scenario.

Ms. Pavlovich added that her concern was that only four of the Board Members were licensees, which would stretch the licensed Board Member's time thin.

Ms. Hoerl responded that if committee applicants were required to submit a curriculum vitae (CV), then the Board would be able to determine who would be valuable for the committees.

The committee agreed to recommend adding the CV requirement to Chapter 7 of the Board's Manual, under Minimum Qualifications, as follows.

*“Any individual who wants to be considered for appointment to a standing or ad hoc committee must provide a CV or resume for the Board’s review.”*

Chair Morcos asked the committee how they would recommend that the committees be composed of a minimum of 75% licensed occupational therapists or occupational therapy assistants in the manual? She also questioned whether the committee should recommend language that is more specific regarding a student and a retiree? Ms. Hoerl noted that if the committee defined non-licensee, then it would be less confusing to the applicants.

Ms. Reaume agreed with Ms. Hoerl and added that if the committee defined non-licensees in a new section that detailed who qualified for that category it would be straight forward. She added, that because the Board has discretion the committee’s proposed language would provide the needed structure for committee makeup yet have an element of flexibility.

The committee discussed possible language for the composition of the committees to include:

*“...will consist of a minimum of four members, at least one of whom shall be a Board member, one of whom shall be a licensee. No more than one member of the committee shall be a student and no more than one member of the committee shall be a Public Member.”*

After further discussion, the committee agreed to recommend the composition of committees as be as follows:

*“...will consist of a minimum of four members, 75% of which shall be licensees and at least one of whom shall be a Board member. The remainder of the committee may be Public Members.”*

Ms. Martin suggested that there be a new “Committee Member” section that includes the minimum qualifications for committee members, specifies the groups of people included as “non-licensees” and then refer to them collectively as Public Members.

Based on prior Board action regarding moving retired licensees from the “non-board member licensees” section and to consider them as Public Members,” after further discussion, the committee agreed Public Members could include the following:

- Retired licensees
- OT/OTA students
- Health care licensees
- Other professionals with relevant experience

The committee went through the different types of Public Members, and discussed the criteria that each must meet in order be considered for appointment to a committee.

- Beata Morcos moved to recommend to the Board to amend the *Board Member Guidelines and Procedures Manual* to modify the composition of committees, add a new chapter for Committee Members that defines Public Members and specifies criteria that must be met by each group, and require submission of a CV in order to be considered for appointment to a committee.
- Ada Boone Hoerl seconded the motion.

There were no additional committee member remarks.

There were no public comments.

**Committee Member Vote**

Sharon Pavlovich	Yes
Hector Cabrera	<i>Absent</i>
Ada Boone Hoerl	Yes
Carlin Daley Reaume	Yes
Beata Morcos	Yes

After viewing most of the changes proposed in real time, the committee delegated the drafting of the final language to be included in the Board’s Manual to Executive Officer Heather Martin.

7. Discussion on need for a future meeting.

The committee decided that another meeting was not necessary.

8. New suggested agenda items for a future meeting.

There were no suggested agenda items for a future meeting.

**Meeting adjournment.**

The meeting adjourned at 1:43 p.m.



## AD HOC COMMITTEE ON NON-LICENSEE CRITERIA TO SERVE ON BOARD COMMITTEES MEETING MINUTES

### Committee Members Present

Beata Morcos, Board Vice President/Chair  
Sharon Pavlovich, Board Member  
Ada Boone Hoerl  
Carlin Daley Reaume

### Board Staff Present

Heather Martin, Executive Officer  
Rebecca Harris, Manager  
Jody Quesada Novey, Manager  
Demetre' Montue, Analyst

### Committee Members Absent

Hector Cabrera, Board Member

**Thursday, October 12, 2023**

**12:00 p.m. Committee Meeting**

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

The meeting was called to order 12:01 p.m., Rebecca Harris called roll, and a quorum was established.

#### **2. Committee Chair's Opening Remarks.**

Board Vice President and Committee Chair Beata Morcos welcomed and thanked those that were in attendance.

#### **3. Introduction of Committee members.**

The committee members chose to introduce themselves.

#### **4. Executive Officer to provide overview of Bagley Keene Open Meetings Act and meeting requirements.**

Executive Officer Heather Martin reminded the committee members that the Bagley Keene Open Meetings Act permits the Board to offer WebEx meetings which allow participation in teleconference meetings without the requirement to publish the location address. If the committee meets again after January 1, 2024, this could change.

Further, Ms. Martin reminded the committee members to avoid having discussions related to the committee's charge outside of the committee meeting. If committee members receive inquiries regarding the discussion, they were asked to extend an offer to the individual inquiring to join the next meeting or to communicate their questions directly to Executive Officer Heather Martin.

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

## 5. Public Comment for Items Not on the Agenda.

There were no public comments.

## 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.

Executive Officer Heather Martin announced that for purposes of the committee's discussion, retirees were to be considered as non-licensees. In the context of the meeting "retired" would not refer to an individual's employment status but rather the status of their license.

Board Vice President/Committee Chair Beata Morcos suggested that the committee recommend to the Board a ratio of the number of non-licensees that could participate on a committee.

Ms. Hoerl responded that if the committee recommended a percentage to the Board, then the number of non-licensees would be a maximum of one to two members for most of the committees.

A robust discussion regarding the ratio and percentage of the maximum number of Public Members that should be allowed to serve on a committee.

- Sharon Pavlovich moved that the Ad Hoc Committee on Non-Licensee Criteria to Serve on Committees recommend to the Board that the language in the Board's Administrative Manual be updated with the following language for all standing committees:
  - **The Legislative/Regulatory Affairs Committee** will consist of a minimum of four members, at least one of whom shall be a Board member, one of whom shall be a licensee. No more than one member of the committee shall be a student and no more than one member of the committee shall be a Public Member.
  - **The Education and Outreach Committee** will consist of a minimum of four members, at least one of whom shall be a Board member, one of whom shall be a licensee. No more than one member of the committee shall be a student and no more than one member of the committee shall be a Public Member.
  - **The Practice Committee** will consist of no less than four members, at least one of whom shall be a Board member, one of whom shall be a licensee. No more than one member of the committee shall be a student and no more than one member of the committee shall be a Public Member. The members will include a diverse representation for a variety of work settings.
- Carlin Daley Reaume seconded the motion.

**Public Comments**

Denise Tugade, representing United Health Care Workers, shared that the union was appreciative of all of the work the committee has done to encourage public participation.

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

**Committee Member Votes**

Beata Morcos	Yes
Sharon Pavlovich	Yes
Ada Boone Hoerl	Yes
Carlin Daley Reaume	Yes
Hector Cabrera	<b>Absent</b>

The motion carried.

For Public Member participation, Ms. Hoerl recommended that the individual had completed minimum of three to five years of professional experience relevant to the committee’s charge as opposed to limiting the requirement to experience in healthcare.

The committee agreed that other minimum qualifications for Public Member applicants should include that they do not have any current, active, or pending disciplinary actions against any professional license they hold.

Ms. Pavlovich was agreeable to recommending that Public Members have a minimum of three years of professional experience.

- Sharon Pavlovich moved to recommend to the Board the minimum qualifications for a non-licensure to participate as a Public Member on a committee to be:
  - Three years of professional experience.
  - No pending, current, or prior disciplinary action of any license or certification issued by the State of California or another profession.
  - No pending criminal charges in any state.
- Carlin Daley Reaume seconded the motion.

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

**Committee Member Votes**

Beata Morcos	Yes
Sharon Pavlovich	Yes
Ada Boone Hoerl	Yes
Carlin Daley Reaume	Yes
Hector Cabrera	<b>Absent</b>



The motion carried.

Ms. Hoerl suggested that for students who wish to participate on committees one of the minimum requirements would be to have completed three semesters of an occupational therapy or occupational therapy assistant education program.

Ms. Pavlovich also agreed with Ms. Hoerl's recommendation.

Ms. Reaume suggested the language "one-year full-time equivalent in an occupational therapy or occupational therapy assistant education program.

Ms. Pavlovich agreed with Ms. Reaume's suggestion and added that the committee's recommendation to the Board should also be to require a faculty signature to verify that one calendar year of education had been completed.

- Ada Boone Hoerl moved to recommend to the Board that the Board's Administrative Manual be updated with the language for the minimum qualifications for an occupational therapist or an occupational therapy assistant student to participate on a committee to be:
  - Have completed one calendar year in a California occupational therapy education program.
  - Have a letter of support from the occupational therapy education program director or fieldwork educator.
  - No pending, current, or prior disciplinary action of any license or certification issued by the State of California or another profession.
  - No pending criminal charges in any state.
- Sharon Pavlovich seconded the motion.

There were no additional committee member remarks.

There were no additional public comments.

**Committee Member Votes**

Beata Morcos	Yes
Sharon Pavlovich	Yes
Ada Boone Hoerl	Yes
Carlin Daley Reaume	Yes
Hector Cabrera	<b>Absent</b>

The motion carried.

In regard to retirees, Ms. Hoerl expressed concern that committees might lose valuable insight from licensees if the requirement for them to participate was no more than three years post-retirement.

Ms. Morcos agreed that five years post-retirement would be a better length of time. She suggested that retirees who wished to participate more than five years post-retirement applied as Public Members.

- Ada Boone Hoerl moved to recommend to the Board that the Board's Administrative Manual be updated to reflect that an occupational therapist or an occupational therapy assistant whose license was placed on retired status for more than five years would be considered under the Public Member criteria for participation as a committee member.
- Carlin Daley Reaume seconded the motion.

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

**Committee Member Votes**

Beata Morcos	Yes
Sharon Pavlovich	Yes
Ada Boone Hoerl	Yes
Carlin Daley Reaume	Yes
Hector Cabrera	<b>Absent</b>

The motion carried.

Ms. Hoerl recommended that the Public Members be required to submit a curriculum vitae (CV) for the Board to review when applying to participate on a committee.

Ms. Reaume agreed with Ms. Hoerl.

A robust discussion ensued and ultimately, the committee agreed that all applicants to participate on a committee should submit a CV for the Board to review.

- Carlin Daley Reaume moved that the committee recommend to the Board to update the Board's Administrative Manual language to include, "Any individuals who want to be considered as a prospective committee member must provide a CV for the Board's review."
- Sharon Pavlovich seconded the motion.

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

**Committee Member Votes**

Beata Morcos	Yes
Sharon Pavlovich	Yes
Ada Boone Hoerl	Yes
Carlin Daley Reaume	Yes
Hector Cabrera	<b>Absent</b>

The motion carried.

**7. Discussion on need for a future meeting**

The committee agreed that no future meetings were needed at that time.

**8. New suggested agenda items for a future meeting.**

There were no suggestions for a future meeting.

**ADJOURNMENT**

The committee meeting was adjourned at 2:08 p.m.

# **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.



# 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 a minimum of four members, 75% of which shall be licensees and at least one of whom shall be a Board member. The remainder of the committee may be Public Members.**

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 a minimum of four members, 75% of which shall be licensees and at least one of whom shall be a Board member. The remainder of the committee may be Public Members.**

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

### 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 a minimum of four members, 75% of which shall be licensees and at least one of whom shall be a Board member. The remainder of the committee may be Public Members.**

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 – February 21, 2008*

*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~~ licensees and public members, which includes retired licensees, students, health care licensees, or other professionals with experience relevant to the committee's purpose, 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~~ Moved to new section**

~~*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.~~
- ~~• 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 § 111255 (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.

# **Chapter 8. Committee Members**

## ***Minimum Qualifications***

Board Policy – February 21, 2008

Revised May 21, 2021

MQS MOVED FROM COMMITTEE MEETING PROCEDURES

**Any individual who wants to be considered for appointment to a standing or ad hoc committee must provide a CV or resume for the Board's review and meet the criteria specified.**

## **Licensee criteria to serve on a committee**

TEXT BELOW WAS MOVED FROM COMMITTEE MEETING PROCEDURES

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

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

## **Public member criteria to serve on a committee**

**Public members may include retired licensees, students, health care licensees, or other professionals with experience relevant to the committee's purpose, and meet the minimum qualifications specified.**

- **An occupational therapist or occupational therapy assistant whose license was placed on retired status within three years of holding an active license and no pending criminal charges.**
- **An occupational therapist student or an occupational therapy assistant student who has:**
  - **Completed one calendar year in a California occupational therapy education program.**
  - **Have a letter of support from the occupational therapy education program director or fieldwork educator.**
  - **No pending, current, or prior disciplinary action of any license or certification issued by the State of California or any other profession.**
  - **No pending criminal charges in any state.**

- **Health care licensees must hold a current, active, and unrestricted license, and have:**
  - **Three years of professional experience.**
  - **No pending, current, or prior disciplinary action of any license or certification.**
  - **No pending criminal charges.**
  
- **Other non-licensed professionals with three years of professional experience relevant to the committee and no pending criminal charges.**