



## **BOARD MEETING MINUTES**

**August 22-23, 2024**

**Stanbridge University  
1450 Iowa Avenue, Therapy Lab 101  
Riverside, CA 92507**

### **Board Members Present**

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

### **Board Staff Present**

Heather Martin – Executive Officer  
Anthony Pane - Attorney  
Helen Geoffroy – Board Attorney  
Charlita Scipio - Office Technician  
Austin Porter - Analyst

### **Board Members Absent**

Hector Cabrera – *Absent* (tech difficulties)

### **Thursday, August 22, 2024**

#### **9:00 am - Board Meeting**

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

The meeting was called to order at 9:09 a.m. Board Secretary Lynna Do called roll and a quorum was established.

Board member Hector Cabrera experienced technical difficulties and was unable to participate in the meeting.

There continued to be a quorum of the Board.

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

Board President Richard Bookwalter thanked all in attendance and Stanbridge University for hosting the Board and expressed his appreciation for the use of their lab that housed a wide range of ‘tools of the trade’ used in occupational therapy (OT).

Mr. Bookwalter welcomed Department of Consumer Affairs (DCA) Attorney Anthony Pane and noted that Attorney Helen Geoffroy would join the meeting during the afternoon.

Mr. Bookwalter spoke of DCA Leadership trainings surrounding how boards/bureaus address questions about practice that are not covered in their Practice Acts, how trauma causes people to violate Practice Act provisions, and how Board Members can avoid triggering further trauma through the disciplinary process. He added a friendly reminder that 'Workplace Violence Prevention' training completion is due August 30, 2024.

Mr. Bookwalter announced that the National Board for Certification in Occupational Therapy (NBCOT) has an OT state regulatory leadership forum online from September 10-11, 2024, which is free to all OT licensing board members. He found the sessions to be very useful.

Lastly, he remarked that agenda item six would be moved to day two because there were updates to the proposed language within this item and the Board members needed time to review.

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

Denise Miller welcomed all to the Stanbridge University campus and stated that she teaches a course on Leadership, Health Policy and Management and it was very nice to be on the brand-new campus.

Secretary Lynna Do apologized for not being present in person but expressed her appreciation for being able to attend via Webex.

4. Public Comment for Items Not on the Agenda.

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

Myka Persson, Master of Science in Occupational Therapy Program Director at Stanbridge University, chose to introduce herself and said she would be attending the meeting in person later in the morning.

President Bookwalter thanked Ms. Boone Hoerl and Ms. Persson for participating.

5. Review and vote on approval of the May 2-3, 2024, Board meeting minutes.

Denise Miller asked that the request from herself and Lynna Do that requested Board staff research the number of violations that occurred in South Carolina to determine if the Board should consider making the NBCOT certification a requirement be added to the list of Future Agenda Items.

Updates to the May 2-3, 2024, minutes were as follows:

1. Review the transcript for Vice President Morcos' comment(s) regarding dry needling to add to the minutes.
2. Page 3, remove repetitive phrase.
3. Page 12, Agenda Item 18, second paragraph "may be subject to legal penalties."

4. Page 12, Agenda Item 18, third paragraph, Executive Officer (E.O.) Heather Martin to revisit with Attorney Helen Geoffroy.
5. Page 13, E.O. to revisit with Ms. Geoffroy regarding the transcription of her comments on that page.
6. Page 13, first paragraph, “in protecting its jurisdiction....” sounds editorial.
7. Page 13, second paragraph, “seeking to change the statute.”
8. Page 13, Public Comment, third paragraph “their scope of practice...”

E.O. Heather Martin asked that all additional requested edits be forwarded to her by email following the meeting and she would review suggestions made by Board members, discuss with the DCA Attorney, and ensure accuracy.

President Bookwalter asked to have the May 2-3, 2024, Board meeting minutes brought back to the November meeting.

### **Public Comment**

There was no public comment.

6. Practice Committee update.

*This item was discussed on August 23, 2024.*

Chair/Board Member Christine Wietlisbach announced that the Practice Committee met on June 21, 2024, and August 2, 2024.

Ms. Wietlisbach shared that the Practice Committee recommended that the Board consider reducing the required supervised training hours for licensed OTs seeking Advanced Practice approval for Physical Agent Modalities (PAMs) from 240 hours to 40 hours.

The Practice Committee agreed that if the number of training hours was reduced, the cost of obtaining additional courses and training for the licensees would decrease which would positively affect the consumer by increasing access. The committee opined that the 240 hours of required supervised on-the-job training was excessive considering that most PAMs treatments are approximately 8-15 minutes long, which equated to about 960 treatments to fulfill the 240-hour requirement. From a consumer safety lens, the practitioners would be more than competent before completing 960 treatments.

Mr. Bookwalter added that he had PAMs approval from the Board and that in his opinion, PAMs applications mostly consisted of applying hot and cold packs. A practitioner might use a hot pack to warm up a client/patient’s joint before an activity or an ice pack might be used for tendonitis. There are some contraindications to be familiar with along with knowing the appropriate amount of layering for the packs; however, Mr. Bookwalter agreed that it would not take 240 hours of supervised treatment to become competent.

Ms. Pavlovich asked what would prevent a licensee from only gaining supervised on-the-job training in the application of hot and cold packs and not the other modalities to gain Board approval for PAMs.

Ms. Wietlisbach acknowledged that practitioners might focus on specific modalities and not have training in all areas, however, she emphasized that it is the practitioners' responsibility to exercise good judgment and to perform only the modalities they have been trained to use.

Further, the Practice Committee recognized that other professions have varying requirements for training in PAMs and that occupational therapy should align with industry standards. For example, a physical therapy aide can use a hot or cold pack on a patient, but an OT with a doctorate cannot unless they have received Board approval.

Ms. Pavlovich expressed concern with the honor system aspect of the requirements; however, she agreed that the 240-hour requirement was excessive for PAMs approval and did not want the Board to over-regulate.

Ms. Miller thanked the committee for their recommendation regarding the requirements for Board approval of PAMs.

- Christine Wietlisbach moved to approve the proposed language for CCR Section 4152(a)(2) reducing the required supervised on the job training hours from completion of 240 hours of supervised on the job training, clinical internship, or affiliation, which may be paid or voluntary, pertaining to PAMs, to 40 hours.
- Beata Morcos seconded the motion.

#### **Public Comment**

There was no public comment.

#### **Board member vote**

Richard Bookwalter	Yes
Hector Cabrera	<b>Absent</b>
Lynna Do	<b>Absent</b>
Denise Miller	Yes
Beata Morcos	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes

The motion carried.

E.O. Heather Martin suggested that the Board also vote on updating the language in the Application for Advanced Practice Approval in PAMs to reflect the approved reduction of supervised hours required for Board approval.

- Richard Bookwalter moved to approve the proposed language for the Application for Advanced Practice Approval in PAMs to reflect the reduction of required supervised hours of on-the-job training, clinical internship, or affiliation, which may be paid or voluntary, pertaining to PAMs, from 240 to 40 hours.
- Christine Wietlisbach seconded the motion.

#### **Public Comment**

There was no public comment.

**Board member vote**

Richard Bookwalter	Yes
Hector Cabrera	<b>Absent</b>
Lynna Do	<b>Absent</b>
Denise Miller	Yes
Beata Morcos	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes

The motion carried.

Ms. Martin further explained that the Practice Committee had two recommendations:

1.) to reduce the number of required training hours from 240 to 40 hours for current licensees who wanted to seek Board approval in PAMs and 2.) to make a statutory amendment to eliminate the requirement for Board approval to use PAMs for those occupational therapy students who graduated on or after July 31, 2020.

Ms. Wietlisbach provided an overview of the evolution of the Accreditation Council for Occupational Therapy Education (ACOTE) standards concerning PAMs, spanning from 2008 to 2023. The Practice Committee agreed that the 2018 version of the ACOTE standards, which became effective in July 2020, was the strongest regarding PAMs. ACOTE's language in 2018 stated in part that the student must, "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."

The Practice Committee felt the 2018 ACOTE standards effective in July 2020, were aligned with the language in the Board's law. The 2023 ACOTE standards will become effective in January 2025 and do not vary much from the 2018 language.

Ms. Pavlovich noted that ACOTE Standard B.4.17, on page 31, stated, "demonstrate knowledge and use" as requirements for advanced practice. When comparing those ACOTE standards to the OT and the OTA curriculums, the only word missing from the curriculums was "knowledge." Ms. Pavlovich questioned why OTAs couldn't apply for PAMs approval.

Ms. Wietlisbach replied that OTAs could practice PAMs under the supervision of any Board approved OT, thus the proposed language would not affect OTAs.

Ms. Pavlovich noted the disparity among the education programs regarding PAMs education and training. For example, one program may offer an entire quarter of PAMs education and training while another program might only dedicate three hours to the subject.

Mr. Bookwalter stated he was pleased with ACOTE's new language. Mr. Bookwalter added that currently, OT students must earn a master's or doctorate. Updating the language to keep up with the expansion of entry-level education programs was important.

- Richard Bookwalter moved that the Board approve amending the proposed language for B&P Section 2570.3(d) and (f), and 4155(a)(2) to include, “This provision only applies to OTs who began their qualifying degree program prior to July 31, 2020,” and directed Board staff to find an author to introduce legislation to enact those changes.
- Denise Miller seconded the motion.

**Public Comment**

There was no public comment.

**Board member vote**

Richard Bookwalter	Yes
Hector Cabrera	<b>Absent</b>
Lynna Do	<b>Absent</b>
Denise Miller	Yes
Beata Morcos	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes

The motion carried.

Ms. Wietlisbach added that the Practice Committee will look at the other areas of advanced practice at future meetings.

President Bookwalter noted that DCA held a leadership meeting yesterday, to discuss how some Boards were taking more of an advocacy role in expanding their scope of practice. DCA expressed that such advocacy was beyond the Board’s purview; Boards are responsible for interpreting, defining, and enforcing the statutes. Mr. Bookwalter pointed out that it is DCA’s position that removing hand therapy, or any other practice area, from advanced practice would require a change in the statute, and therefore would fall outside of the Board’s mandate and should be addressed by the associations.

- Denise Miller moved to accept the Practice Committee Meeting Minutes from June 21, 2024, and March 1, 2024.
- Beata Morcos seconded the motion.

**Public Comment**

There was no public comment.

**Board member vote**

Richard Bookwalter	Yes
Hector Cabrera	<b>Absent</b>
Lynna Do	<b>Absent</b>
Denise Miller	Yes
Beata Morcos	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes

The motion carried.

7. Ad hoc Committee on Non-Licensee Criteria to Serve on Board Committees update.

Chair of the Committee and Board Vice President Beata Morcos thanked Committee member and Board member Sharon Pavlovich and Committee members Ada Boone Hoerl and Carlin Daley Reaume for their participation on the Ad hoc committee. Although a document detailing the proposed changes was provided, Chair Morcos summarized the Committee's recommendations and the subsequent need to update the Board Member Guidelines and Procedures manual (board manual) regarding standing and Ad hoc committees as follows:

- Replace "Non-Licensees" with "Public Members".
- Standing and Ad hoc committee composition, with the exception of the Administrative Committee will be a minimum of four members, 75% of which shall be licensees and at least one of whom shall be a Board member, the remainder may be public members. (*e.g. Four, five and six person committees = one public member, a seven-person committee = two public members.*)
- Add a new chapter titled Committee Members to the board manual that defines Public Members and specifies criteria that must be met.
- Add submission of a curriculum vitae as a requirement for a committee candidate.

The committee acknowledged and discussed the importance of the Practice committee members being practitioners rather than public members due to practice experience being required to address topics assigned to the committee. The consensus was that the appointment of the committee members is carried out by the Board President, and they can vet the appointment on a case-by-case basis so as not to miss out on an extremely qualified public member who may be qualified to contribute to a specific practice topic.

Discussion ensued regarding changing the minimum number of members required to participate on standing and Ad hoc committees. The ultimate decision was to leave the language pertaining to minimums as is.

- Christine Wietlisbach moved to adopt the proposed language of the Ad hoc Committee on Non-Licensee Criteria to Serve on Board Committees and direct Board staff to make non-substantive changes.
- Denise Miller seconded the motion.

**Public Comment**

There were no public comments.

**Board Member Vote**

Richard Bookwalter	Yes
Hector Cabrera	<b>Absent</b>
Lynna Do	Yes
Denise Miller	Yes
Beata Morcos	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes

The motion carried.

- Beata Morcos moved to accept the October 12, 2023, and August 5, 2024, meeting minutes of the Ad hoc Committee on Non-Licensee Criteria to Serve on Board Committees.
- Sharon Pavlovich seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Vote**

Richard Bookwalter	Yes
Hector Cabrera	<b>Absent</b>
Lynna Do	Yes
Denise Miller	Yes
Beata Morcos	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes

The motion carried.

Following return from the a.m. break, Board Secretary Lynna Do called roll and a quorum was re-established.

Board member Hector Cabrera continued to experience technical difficulties and was unable to participate in the meeting.

8. Ad Hoc Committee on Disaster Preparedness and Response Meeting update.

Committee Chair Richard Bookwalter reported that the committee did not meet again since approval of the related survey that would be sent to licensees and its accompanying web pages.

Mr. Bookwalter asked E.O. Heather Martin to provide an update on those topics.

Ms. Martin explained that the survey approved at the May Board meeting is a very short survey that would include questions surrounding practice area, whether or not the employer provides emergency response materials etc. Unfortunately, due to expenditure limitations, Board staff was not authorized to renew the Survey Monkey subscription that would formulate a survey. As of the August meeting, Board staff was again authorized to place purchase requests and would be doing so and sending out the survey and compiling the results into a report format for the November meeting. Additionally, Board staff would be working on the various updates to the Board website, DCA Emergency website and following up with the Emergency Medical Services Authority to request that OTs get added to their website and a duty statement added, if possible.

Board member Sharon Pavlovich offered that Board staff should investigate Qualtrics as an alternative to Survey Monkey because she believed it to be a free service.



### **Public Comment**

Myka Persson arrived in person and chose to re-introduce herself but had no public comment on the agenda item.

#### 9. Executive Officer Selection Committee update.

The two Board members that make up the E.O. Selection Committee are Vice President Beata Morcos and Christine Wietlisbach.

Christine Wietlisbach thanked DCA Human Resources Chief Olivia Trejo on behalf of her and Vice President Morcos for helping them in the Executive Officer selection process.

They met with Chief Trejo on August 13, 2024, to review the duty statement and the job announcement that will be published on September 2, 2024. After the announcement, applications will be reviewed by Ms. Morcos and Ms. Wietlisbach and first-round interviews will be held for qualified individuals. Final candidates will be interviewed in person before the whole Board on December 13, 2024.

Ms. Morcos added that the use of a prescribed scoring system is not a requirement and that she is excited to get started.

### **Public Comment**

There was no public comment.

#### 10. Ad hoc Committee on Supervision Standards update.

Chair Denise Miller reported that the Ad hoc Committee on Supervision Standards is a very large committee of great thinkers and thought partners from all different walks of practice and education. The committee met twice since the last Board meeting on June 26, 2024, and August 14, 2024, and the Director of ACOTE, Teresa Brininger, participated in the August meeting.

Chair Miller summarized that there was not an action item before the Board presently, but two additional meeting dates will be selected, and the committee-recommended proposed language will be brought back before the Board in December at the latest.

The next meeting(s) will focus on shoring up the supervision ratios, clarifying the language surrounding entry-level versus post-professional, and breaking down the varied categories of fieldwork students.

Board member Sharon Pavlovich thanked all the committee members for every idea, notion, and discussion they brought to the table. Ms. Pavlovich acknowledged that the conversations have been robust, eye-opening, and displayed growth patterns in the level of conversation. Lastly, she thanked Chair Miller for her leadership.

President Bookwalter also thanked Chair Miller.

Vice President Beata Morcos expressed her appreciation for the committee members and Chair Miller's dedication.

### **Public Comment**

Myka Persson stated that she was glad to hear about the committee's progress and, as an educator, looked forward to following the committee's work. Ms. Persson utilized the platform to encourage more participation by Fieldwork Coordinators from California Universities which would alleviate any confusion about whether the ratios have yet been finalized.

Chair Miller thanked Dr. Persson for her comments and summarized that consumer protection will be the driving force of where the supervision ratios end up and thanked the 15 committee members who work in academia for their commitment to the committee and the profession.

Ada Boone Hoerl thanked the committee members for their diligent work and contribution. She also thanked AOTA for the document they provided that summarized the national picture of supervision standards. The document displayed that a small percentage of states had pertinent language and then it was possible for committee members to review the diversity of that language.

DCA Attorney Helen Geoffroy joined the meeting and replaced Anthony Pane as the attending attorney.

- Denise Miller moved to accept the April 12, 2024, and June 6, 2024, meeting minutes of the Ad hoc Committee on Supervision Standards.
- Sharon Pavlovich seconded the motion.

### **Public Comment**

There was no public comment.

### **Board Member Vote**

Richard Bookwalter	Yes
Hector Cabrera	<b>Absent</b>
Lynna Do	Yes
Denise Miller	Yes
Beata Morcos	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes

The motion carried.

11. Consideration and possible action to initiate a rulemaking package to amend California Code of Regulations, Title 16, Division 39, Article 9, Section 4180, Definitions, and Section 4181, Supervision Parameters.

E.O. Heather Martin noted that due to the need for additional meetings as outlined in agenda item 10, agenda item 11 will be added to the November Board meeting agenda.

12. Discussion and possible action on seeking amendments to Business and Professions Code Sections 2570.18, 2570.19, and 2570.32.

E.O. Heather Martin reported that proposed amendments to Business and Professions Code 2570.18, 2570.19 and 2570.32 were brought to the May Board meeting and a subsequent motion and vote took place. However, because those proposed amendments brought to the May meeting were brought in regulatory amendment language format and not in the format that should have been used when seeking statutory amendments, the same language was brought back in the correct format.

Ms. Martin recommended that if the Board was still in agreement, she would need a new motion to direct staff to seek an author for a bill to amend the language as shown.

Ms. Martin reported that she reached out to the Senate Business and Professions (B&P) committee regarding the proposed change presented in B&P section 2570.19 that suggested extending the Board's Sunset Review from 2027 to 2028 because two Board members' grace year would expire December 31, 2024, Ms. Martin's December 31, 2024, retirement, the new E.O. would start with the Board in January 2025 and the upcoming Strategic Planning sessions that will also take place in January. Ms. Martin reported that those conversations concluded without support from Senate B&P which was an indicator that it would be near impossible to get someone to carry 2570.19 language. Thus, Ms. Martin was requesting a motion to pursue an author for 2570.18 and 2570.32 only. She reminded that section 2570.32 was not discussed at the May meeting due to time constraints.

Denise Miller commented that although section 2570.32 was not discussed at the May Board meeting, she felt that the Board had discussed it numerous times and felt like the Board could get to a decision regarding the proposed language.

- Richard Bookwalter moved to direct staff to seek an author to enact the proposed amendments of Business and Professions sections 2570.18 and 2570.32, as provided.
- Denise Miller seconded the motion.

President Bookwalter stated that even though the motion included section 2570.32, the Board could discuss that section before the roll call vote if they wished.

Sharon Pavlovich asked that Board staff add an "e" to the end of "therefor" in the proposed language of B&P Section 2570.32(e).

The Board did not wish to discuss B&P Section 2570.32 any further.

### **Public Comment**

There was no public comment.

### **Board Member Vote**

Richard Bookwalter	Yes
Hector Cabrera	<b>Absent</b>
Lynna Do	Yes
Denise Miller	Yes
Beata Morcos	Yes
Sharon Pavlovich	Yes
Christine Wietlisbach	Yes

The motion carried.

Ms. Martin informed the Board that she would need rationale and justification for the proposed amendments of section 2570.32 regarding the new language on page four, about the petition for reinstatement or modification of a penalty.

DCA Attorney Helen Geoffroy recommended that the language be changed to the default language used in the Administrative Procedure Act (APA) because it allows for maximum flexibility for the Board and the Petitioner.

President Bookwalter confirmed with Ms. Geoffroy that using the default language from the APA would bring alignment with other Boards to its legal language and allow for flexibility so that a potential petitioner will have the option to present written or oral arguments. Mr. Bookwalter added that cost savings would also be realized.

Ms. Geoffroy agreed with President Bookwalter.

Ms. Martin thanked the Board and stated that President Bookwalter's rationale and justification would suffice.

## **2:00 pm - Hearing – Rondelle (Bake) McKee, Petition for Reinstatement**

President Richard Bookwalter called the meeting to order at 2:05 p.m.

Roll was called by Secretary Lynna Do. All Board members were present except for Hector Cabrera. A quorum was established.

### **CONVENE IN CLOSED SESSION**

The Board convened in Closed Session at 3:54 p.m.

### **RECONVENE IN OPEN SESSION**

The Board reconvened in open session at 5:19 p.m. and immediately adjourned.

### **MEETING ADJOURNMENT**

The meeting adjourned at 5:19 p.m.

**Board Members Present**

Richard Bookwalter – Board President  
Beata Morcos – Board Vice President  
Denise Miller  
Sharon Pavlovich  
Christine Wietlisbach

**Board Staff Present**

Heather Martin – Executive Officer  
Helen Geoffroy – Board Attorney  
Austin Porter – Analyst  
Lita Scipio – Office Technician

**Board Members Absent**

Lynna Do, Board Secretary  
Hector Cabrera

**Friday, August 23, 2024**

**9:00 am - Board Meeting**

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

The meeting was called to order at 9:10 a.m. Vice President Beata Morcos called roll and a quorum was established.

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

President Richard Bookwalter welcomed everyone in attendance and thanked Stanbridge University for hosting the Board meeting.

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

There were no Board Member remarks.

16. Public Comment for Items Not on the Agenda.

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

17. Report on pending legislation and consideration of taking a position, or updating a previous position taken on proposed legislation impacting the Board, including:

- a) Legislative Update report.

Items (b) through (i) were summarized in Item 17(a) titled Legislative Report.

- b) AB 1991 (Bonta), Licensee and registrant records.

The Board instructed Board staff to continue to **watch** AB 1991.

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

The Board **supported** AB 2269; however, the author has since canceled the bill.

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

The Board instructed Board staff to continue to **watch** AB 2442.

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

The Board **supported** AB 2725 on May 3, 2024. The bill moved to the Senate floor and Board staff sent a letter of support to them. The Senate passed AB 2725 with amendments and now the bill is on the Assembly floor to consider those amendments.

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

AB 2753 was held in submission, meaning there won't be any movement for the rest of the year. The Board instructed Board staff to continue to **watch** AB 2753.

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

The Board instructed Board staff to continue to **watch** AB 2862.

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

AB 3127 was held in submission, meaning there would not be any movement for the rest of the year. The Board instructed Board staff to continue to **watch** AB 3127.

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

SB 1067 was ordered to a Third Reading. The Board instructed staff to continue to **watch** SB 1067.

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

SB 1290 was ordered to a Third Reading. The Board instructed staff to continue to **watch** SB 1290.

### **Public Comment**

There was no public comment.

## 18. Executive Officer's Report.

- a) Administrative Summary, including budget, personnel, and technology updates.

E.O. Heather Martin provided a summary of the Memorandum dated August 18, 2024, from DCA regarding the reduction to state budgets with limited exceptions.

Next, Ms. Martin summarized the revenue and expenditure reports. The revenue earned through June 30, 2024, was \$3.1 million. The revenue exceeded the projected expenditures by more than \$150,000.00, partly due to salary savings.

Ms. Martin reminded the Board members that in 2020 the Board determined a fee increase was necessary to stay solvent. Since the revenue has exceeded the expenditures in the past few years, the fee increases to the licensees kept getting pushed out. However, once the Board staff vacancies are filled, those salary savings won't exist and the fee increase will need to become effective.

The "vacancy sweep" didn't just include vacancies, but the Department of Finance (DOF) also identified a specific dollar amount in salary savings the Board must achieve. DCA proposed a reduction to the number of positions and salary savings identified by DOF and provided instructions to Board staff to comply with and respond to DCA by the August 16th deadline. Board staff identified a position to be eliminated, requested the exclusion of the positions filled after June 30th and requested the exclusion of one other vacancy. However, the proposed reduction was not approved and the position we identified failed to meet the salary savings specified by DOF. Board staff's next response similarly identified the position to be eliminated and requested the exclusion of the other vacancy to meet the salary savings identified.

In November, the Board staff should have more information about the budget reduction. Also, a fee study contract will be upcoming. The fee study contract would include a fee audit and evaluation report. That report should be available in early to mid-February. The proposed fees might need to be re-evaluated based on the study results. They might also identify other services the Board provides that need a fee.

The Board pays \$45,000 to \$53,000 yearly in credit card processing fees. Next year, Board staff will begin adding a 2% processing fee charged for online transactions to shift that cost.

b) Pending Regulatory Proposals.

The Regulations Update report was included for review.

c) Enforcement Unit data.

The Case/Complaint, Citation, Pending Attorney General cases, Final Decisions and Probation reports were included for review.

d) Licensing Unit data.

The standard Applications Processed report during the period of April 1 – June 30, 2024 was included for review.

e) Future Agenda Items.

The listing of Future Agenda Items was included for review. Ms. Martin noted that she would include an update regarding dry needling in her next report after she gets the documents from Kristen Neville as discussed earlier. Ms. Martin will reach out to NBCOT and AOTA for information regarding the positions of other states on the use of dry needles and whether it is in statute or regulation and report that information in her November report as well.

Other items prioritized for the November Board meeting included the proposed amendments to B&P 2570.19 that addressed the frequency and geographical locations of the Board meetings.

f) Data or information requested at prior Board meeting.

There was nothing to report for this agenda item.

**Public Comment**

There was no public comment.

19. Selection of 2025 Board meeting dates.

President Bookwalter noted that the Board members should have January 23-24, 2025, marked on their calendars for the Strategic Planning Session in Sacramento.

A robust discussion regarding the 2025 Board meeting dates ensued.

Board staff will ask the University of Southern California, Keck School of Medicine, if they would host the March 6-7 or 13-14, 2025 Board meeting. The second Board meeting of the calendar year will be in Sacramento on May 8-9 or June 12-13, 2025, in a DCA hearing room. Board staff will find hosts for the September 11-12 or 18-19 meeting in the Bay Area and for the December 11-12, 2025, meeting in either Los Angeles, San Diego, or Inland Empire.

**Public Comment**

Ada Boone Hoerl, OTA, Professor and OTA Program Coordinator at Sacramento City College (SCC), asked if Webex would be available for all meetings.

Ms. Martin replied that Webex availability is based on the meeting location.

20. New suggested agenda items for a future meeting.

*This topic was discussed in Agenda Item 18(e).*

**MEETING ADJOURNMENT**

The meeting adjourned at 11:24 a.m.