

AGENDA ITEM 26

EXECUTIVE OFFICER'S REPORT.

- a) Administrative Update, including information on the Board's budget, personnel, BreEZe, and 2025 meetings.
- b) Pending Regulatory Proposals.
- c) Enforcement Unit data.
- d) Licensing Unit data.
- e) Future Agenda Items.
- f) Data or information requested at prior Board meeting.

AGENDA ITEM 26.A

**ADMINISTRATIVE UPDATE, INCLUDING INFORMATION ON
THE BOARD'S BUDGET, PERSONNEL, BREEZE, AND 2025
MEETINGS**



Memorandum

Date: November 13, 2024

To: CBOT Members

From: Heather Martin, Executive Officer

Executive Officer's Report.

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

BUDGET UPDATE

Fiscal Month (FM) 13 revenue and expenditure reports.

Final revenue and expenditure information for fiscal year 2023-24, FM 13 is included.

- Total revenue earned: \$3,172,048
- Current expenditures plus encumbrances: \$2,918,056

Note: Annual revenue exceeding expenditures cannot be expected to continue. The primary difference is due to *unspent funds* due to vacancies (aka salary savings).

FM 3 revenue and expenditure reports.

Revenue and expenditure information for fiscal year 2023-24, FM 13 is included.

- Year to date revenue earned: \$1,130,943
- Year to date expenditures plus encumbrances: \$1,084,779

Fund condition statement.

The FCS statement is included in the materials. Due to revenue earned in FY 2023-24 being higher than projected, and salary savings, the updated fund condition statement show the Board's fund being fiscally solvent through FY 2026-27. The fee increases are still necessary to ensure the Board's future fiscal solvency.

PERSONNEL UPDATE.

The Board has not yet heard back on the vacancy elimination drill (losing one position and requesting an exemption for another position). We're pleased to announce that with the hiring of Karina Clark, Administrative analyst, all positions are filled.

BREEZE UPDATE.

BreEZe updates April 2024 - October 2024:

- Expedite of applications for Military Personnel in a SkillBridge Program (6/2024)
 - Enable 2.3% (pass on to end user) credit card service fee in BreEZe (9/2024)
- b) The report on pending regulatory proposals is included in the materials.
- c) Enforcement Unit data includes the following materials:
- Complaint/case data
 - Citations issued to OTs
 - Citations issued to OTAs
 - Pending cases at the AGO
 - Final Decisions
 - Probationer info
- d) Licensing Unit data is included.
- e) Future Agenda Items is included.
- f) Data or information requested at prior Board meeting includes the following:
- CalAIM info
 - Information from AOTA on dry needling
 - Strategic plan deliverables and schedule

UPCOMING MEETINGS:

<u>DATE</u>	<u>TYPE</u>	<u>LOCATION</u>
December 13, 2024	Board meeting EO Interviews	DCA, Sacramento, CA 95834
January 23-24, 2025	Board meeting Strategic Planning Session	DCA, Sacramento, CA 95834
March 6-7, 2025	Board meeting	Keck Graduate Institute Claremont, CA 91711
June 12-13, 2025	Board meeting	DCA, Sacramento, CA 95834
September 18-19, 2025	Board Meeting	Samuel Merritt University Oakland, CA 94609

CBOT Revenue Report

Fiscal Year: 2023-2024

FM 13

	July 2024	YTD
Delinquent Fees	\$3,330	\$48,165
Delinquent Renewal OT	\$2,700	\$35,775
Delinquent Renewal OTA	\$630	\$12,390
Other Regulatory Fees	\$4,217	\$56,113
Citation Fines	\$3,370	\$42,148
Duplicate License OT	\$375	\$9,650
Duplicate License OTA	\$100	\$2,000
FTB Cite Fine Collection	\$372	\$2,315
Other Regulatory License and Permits	\$29,023	\$465,586
Initial License OT	\$17,126	\$289,771
Initial License OTA	\$3,771	\$61,708
Limited Permit OT	\$500	\$6,800
Limited Permit OTA	\$200	\$1,900
Retired Status OT	\$300	\$2,700
Retired Status OTA	\$75	\$775
Application Fee OT	\$5,700	\$80,150
Application Fee OTA	\$1,400	\$21,850
Refunded Reimbursements	-\$49	-\$833
Suspended Revenue	\$0	\$1,949
Prior Year Revenue Adjustment	\$0	-\$1,184
Other Revenue	\$23,293	\$106,644
Misc Serv To Public General	\$2,170	\$30,940
Investment Income - Surplus Money Investments	\$20,754	\$74,989
Canceled Warrants Revenue	\$149	\$470
Escheat Unclaimed Property	\$219	\$219
Misc Revenue	\$0	\$1
Dishonored Check Fee	\$0	\$25
Renewal Fees	\$22,905	\$2,496,540
Renewal OT	\$17,415	\$2,023,270
Renewal OTA	\$4,200	\$397,680
Restore License To Active OT	\$0	\$2,700
Restore License To Active OTA	\$0	\$840
Inactive Renewal OT	\$1,080	\$57,680
Inactive Renewal OTA	\$210	\$14,370
TOTAL Revenue	\$82,768	\$3,173,048
Scheduled Reimbursements	\$2,940	\$33,810
Fingerprint Reports	\$2,940	\$33,810
Unscheduled Reimbursements	\$200	\$8,783
US Cost Recovery	\$200	\$8,783
TOTAL Reimbursements	\$3,140	\$42,593

CBOT Expenditure Report

Fiscal Year: 2023 - 2024

FM: 13

PERSONAL SERVICES					
	Budget	July 2024	YTD	Encumb	YTD + Encumb
5100 PERMANENT POSITIONS	\$1,200,000	\$80,805	\$991,557	\$0	\$991,557
Earnings - Permanent Civil Service Employee	\$1,118,000	\$71,332	\$882,629	\$0	\$882,629
Earnings - Exempt/Statutory Employee	\$82,000	\$9,473	\$108,928	\$0	\$108,928
5100 TEMPORARY POSITIONS	\$4,000	\$20,257	\$112,883	\$0	\$112,883
Temp Help	\$4,000	\$20,257	\$112,883	\$0	\$112,883
5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$20,000	\$1,600	\$13,899	\$0	\$13,899
Bd/Commission Mbrs (901, 920)	\$20,000	\$1,600	\$10,900	\$0	\$10,900
OT Earn Oth than to Temp Help	\$0	\$0	\$2,999	\$0	\$2,999
5150 STAFF BENEFITS	\$783,000	\$43,000	\$601,619	\$0	\$601,619
Dental Insurance	\$2,000	\$474	\$4,953	\$0	\$4,953
Disability Leave - Nonindustrial	\$2,000	\$0	\$0	\$0	\$0
Employee Assistance PGM Fee	\$0	\$48	\$288	\$0	\$288
Health Insurance	\$273,000	\$11,004	\$90,691	\$0	\$90,691
Life Insurance	\$0	\$15	\$225	\$0	\$225
Medicare Taxation	\$7,000	\$1,428	\$15,433	\$0	\$15,433
OASDI	\$84,000	\$4,850	\$61,053	\$0	\$61,053
Retirement - General	\$367,000	\$25,391	\$320,522	\$0	\$320,522
Unemployment Insurance	\$3,000	\$0	\$0	\$0	\$0
Vision Care	\$1,000	\$108	\$1,282	\$0	\$1,282
Workers' Compensation	\$28,000	\$0	\$59	\$0	\$59
SCIF Allocation Cost	\$0	-\$7,305	\$14,441	\$0	\$14,441
Other Post-Employment Benefits	\$16,000	\$2,323	\$30,520	\$0	\$30,520
Staff Benefits - Other	\$0	\$4,666	\$62,153	\$0	\$62,153
TOTAL PERSONAL SERVICES	\$2,007,000	\$145,661	\$1,719,958	\$0	\$1,719,958

CBOT Expenditure Report

Fiscal Year: 2023 - 2024

FM: 13

OPERATING EXPENSES & EQUIPMENT					
	Budget	July 2024	YTD	Encumb	YTD + Encumb
5301 GENERAL EXPENSE	\$59,000	\$9,069	\$36,455	\$336	\$36,792
Admin OH-Other State Agencies	\$0	\$53	\$160	\$0	\$160
Fingerprint Reports	\$22,000	\$5,243	\$24,705	\$0	\$24,705
Conferences	\$0	\$0	\$1,163	\$0	\$1,163
Freight and Drayage	\$0	\$0	\$2,747	\$332	\$3,079
Goods - Other	\$37,000	\$0	\$0	\$0	\$0
Office Supplies - Misc	\$0	\$3,759	\$7,512	\$4	\$7,516
Subscriptions	\$0	\$14	\$169	\$0	\$169
5302 PRINTING	\$19,000	\$2,456	\$11,784	\$11,140	\$22,924
Office Copiers - Maintenance	\$0	\$422	\$1,521	\$549	\$2,070
Printing - Other	\$19,000	\$2,034	\$10,263	\$10,591	\$20,854
5304 COMMUNICATIONS	\$14,000	\$285	\$2,930	\$0	\$2,930
Telephone Services	\$0	\$285	\$2,930	\$0	\$2,930
Communications - Other	\$14,000	\$0	\$0	\$0	\$0
5306 POSTAGE	\$18,000	\$2,209	\$6,620	\$0	\$6,620
DCA Postage Allo	\$0	\$2,209	\$6,620	\$0	\$6,620
Postage - Other	\$18,000	\$0	\$0	\$0	\$0
5308 INSURANCE	\$0	\$0	\$32	\$0	\$32
Insurance - Other	\$0	\$0	\$32	\$0	\$32

CBOT Expenditure Report

Fiscal Year: 2023 - 2024

FM: 13

	Budget	July 2024	YTD	Encumb	YTD + Encumb
53202-204 IN STATE TRAVEL	\$25,000	\$3,088	\$22,256	\$0	\$22,256
Travel-In State-Per Diem Lodgi	\$0	\$1,281	\$1,418	\$0	\$1,418
Travel-In State-Per Diem Meals	\$0	\$504	\$3,156	\$0	\$3,156
Travel-In State-Per Diem Other	\$0	\$60	\$617	\$0	\$617
Travel-In St-Trav Acqy Mgt Fee	\$0	\$49	\$168	\$0	\$168
Travel-In State-Commercial Air	\$0	\$0	\$12,999	\$0	\$12,999
Travel-In State - Rail & Bus	\$0	\$0	\$24	\$0	\$24
Lyft-Transportation Network Co	\$0	\$0	\$232	\$0	\$232
Uber-Transportation Network Co	\$0	\$100	\$279	\$0	\$279
Travel - In State -Private Car	\$0	\$389	\$1,768	\$0	\$1,768
Travel - In State - Rental Car	\$0	\$706	\$1,595	\$0	\$1,595
Travel - In State - Other	\$25,000	\$0	\$0	\$0	\$0
5322 TRAINING	\$9,000	\$0	\$5,850	\$0	\$5,850
Training - Tuition & Registration	\$9,000	\$0	\$5,850	\$0	\$5,850
5324 FACILITIES	\$147,000	\$12,459	\$145,813	\$0	\$145,813
Facilities Operations	\$18,000	\$0	\$0	\$0	\$0
Facilities Ops - Other (Svcs)	\$0	\$0	\$4,124	\$0	\$4,124
Facilities Planning -Gen Svcs	\$0	\$886	\$5,227	\$0	\$5,227
Rents and Leases	\$129,000	\$0	\$0	\$0	\$0
Rent -Bldgs&Grounds(Non State)	\$0	\$11,573	\$136,463	\$0	\$136,463
53402-53403 C/P SERVICES (INTERNAL)	\$243,000	\$33,923	\$214,995	\$0	\$214,995
Legal - Attorney General	\$197,000	\$30,495	\$192,358	\$0	\$192,358
Office of Adminis Hearings	\$46,000	\$3,428	\$22,637	\$0	\$22,637

CBOT Expenditure Report

Fiscal Year: 2023 - 2024

FM: 13

	Budget	July 2024	YTD	Encumb	YTD + Encumb
53404-53405 C/P SERVICES (EXTERNAL)	\$58,000	\$8,692	\$52,150	\$7,114	\$59,263
Administrative	\$0	\$7,861	\$47,961	\$7,039	\$55,000
Subject Matter Experts	\$0	\$75	\$1,838	\$0	\$1,838
Legal - Witness Fees	\$7,000	\$0	\$0	\$0	\$0
Evidence/Witness Fees	\$0	\$600	\$600	\$75	\$675
Consult & Prof Svcs Extern Oth	\$7,000	\$157	\$157	\$0	\$157
Court Reporter Servs	\$44,000	\$0	\$1,594	\$0	\$1,594
5342 DEPARTMENT PRORATA	\$752,000	(\$74,609)	\$649,611	\$0	\$649,611
Division of Investigation DOI	\$92,000	-\$10,594	\$74,626	\$0	\$74,626
Consumer Client Services Division CCSD	\$660,000	-\$64,015	\$574,985	\$0	\$574,985
5342 DEPARTMENTAL SERVICES	\$0	\$343	\$770	\$0	\$770
Departmental Services - Other	\$0	\$343	\$770	\$0	\$770
5344 CONSOLIDATED DATA CENTERS	\$14,000	\$12,976	\$25,154	\$0	\$25,154
Consolidated Data Centers	\$14,000	\$12,976	\$25,154	\$0	\$25,154
5346 INFORMATION TECHNOLOGY	\$4,000	\$0	\$0	\$185	\$185
IT Services - Software Maint	\$0	\$0	\$0	\$185	\$185
Information Technology - Other	\$4,000	\$0	\$0	\$0	\$0
5362-5368 EQUIPMENT	\$4,000	\$2,315	\$3,286	\$0	\$3,286
Computers & Computer Equipment	\$0	\$2,315	\$2,315	\$0	\$2,315
Office Equipment	\$4,000	\$0	\$0	\$0	\$0
Software	\$0	\$0	\$971	\$0	\$971
5390 OTHER ITEMS OF EXPENSE	\$0	\$60	\$60	\$0	\$60
Late Pymt Penalties - GC 927	\$0	\$60	\$60	\$0	\$60
54 SPECIAL ITEMS OF EXPENSE	\$0	\$1,223	\$1,559	\$0	\$1,559
Other Special Items of Expense	\$0	\$1,223	\$1,559	\$0	\$1,559
OPERATING EXPENSES & EQUIPMENT	\$1,366,000	\$14,491	\$1,179,324	\$18,775	\$1,198,098
OVERALL TOTAL EXPENDITURES	\$3,373,000	\$160,152	\$2,899,282	\$18,775	\$2,918,056

CBOT Revenue Report

Fiscal Year: 2024-2025

FM 3

	Sept 2024	YTD
Delinquent Fees	\$5,475	\$13,395
Delinquent Renewal OT	\$4,320	\$9,720
Delinquent Renewal OTA	\$1,155	\$3,675
Other Regulatory Fees	\$3,395	\$19,405
Citation Fines	\$2,390	\$16,475
Duplicate License OT	\$600	\$2,300
Duplicate License OTA	\$75	\$300
FTB Cite Fine Collection	\$330	\$330
Other Regulatory License and Permits	\$38,843	\$119,123
Initial License OT	\$25,248	\$77,773
Initial License OTA	\$4,755	\$12,899
Limited Permit OT	\$300	\$700
Limited Permit OTA	\$100	\$300
Retired Status OT	\$225	\$700
Retired Status OTA	\$100	\$150
Application Fee OT	\$6,800	\$21,950
Application Fee OTA	\$1,150	\$4,650
Refunded Reimbursements	\$0	-\$49
Suspended Revenue	\$0	\$50
Prior Year Revenue Adjustment	\$165	\$0
Other Revenue	\$2,783	\$8,769
Misc Serv To Public General	\$2,450	\$8,365
Canceled Warrants Revenue	\$308	\$379
Dishonored Check Fee	\$25	\$25
Renewal Fees	\$407,751	\$970,251
Renewal OT	\$336,321	\$803,271
Renewal OTA	\$58,500	\$137,250
Restore License To Active OT	\$0	\$270
Restore License To Active OTA	\$0	\$210
Inactive Renewal OT	\$11,880	\$26,730
Inactive Renewal OTA	\$1,050	\$2,520
TOTAL Revenue	\$458,247	\$1,130,943
Scheduled Reimbursements	\$2,744	\$9,163
Fingerprint Reports	\$2,744	\$9,163
Unscheduled Reimbursements	\$250	\$1,450
US Cost Recovery	\$250	\$1,450
TOTAL Reimbursements	\$2,994	\$10,613

CBOT Expenditure Report

Fiscal Year: 2024 - 2025

FM: 3

PERSONAL SERVICES					
	Budget	Sept 2024	YTD	Encumb	YTD + Encumb
5100 PERMANENT POSITIONS	\$1,204,000	\$91,201	\$267,502	\$0	\$267,502
Earnings - Permanent Civil Service Employee	\$1,122,000	\$81,746	\$239,423	\$0	\$239,423
Earnings - Exempt/Statutory Employee	\$82,000	\$9,455	\$28,079	\$0	\$28,079
5100 TEMPORARY POSITIONS	\$4,000	\$7,559	\$15,234	\$0	\$15,234
Temp Help	\$4,000	\$7,559	\$15,234	\$0	\$15,234
5105-5108 PER DIEM, OVERTIME, LUMP SUM	\$20,000	\$2,990	\$2,990	\$0	\$2,990
Bd/Commission Mbrs (901, 920)	\$20,000	\$2,300	\$2,300	\$0	\$2,300
OT Earn Oth than to Temp Help	\$0	\$690	\$690	\$0	\$690
5150 STAFF BENEFITS	\$792,000	\$60,681	\$157,294	\$0	\$157,294
Admin Fee - Health Benefits	\$0	\$0	\$2	\$0	\$2
Dental Insurance	\$2,000	\$487	\$1,461	\$0	\$1,461
Disability Leave - Nonindustrial	\$2,000	\$0	\$0	\$0	\$0
Employee Assistance PGM Fee	\$0	\$26	\$50	\$0	\$50
Health Insurance	\$283,000	\$10,990	\$32,981	\$0	\$32,981
Life Insurance	\$0	\$20	\$55	\$0	\$55
Medicare Taxation	\$7,000	\$1,410	\$3,942	\$0	\$3,942
OASDI	\$84,000	\$5,560	\$15,909	\$0	\$15,909
Retirement - General	\$367,000	\$23,812	\$70,000	\$0	\$70,000
Unemployment Insurance	\$3,000	\$0	\$0	\$0	\$0
Vision Care	\$1,000	\$116	\$347	\$0	\$347
Workers' Compensation	\$28,000	\$0	\$0	\$0	\$0
SCIF Allocation Cost	\$0	\$10,768	\$10,768	\$0	\$10,768
Other Post-Employment Benefits	\$15,000	\$2,657	\$7,814	\$0	\$7,814
Staff Benefits - Other	\$0	\$4,835	\$13,964	\$0	\$13,964
TOTAL PERSONAL SERVICES	\$2,020,000	\$162,431	\$443,021	\$0	\$443,021

CBOT Expenditure Report

Fiscal Year: 2024 - 2025

FM: 3

OPERATING EXPENSES & EQUIPMENT					
	Budget	Sept 2024	YTD	Encumb	YTD + Encumb
5301 GENERAL EXPENSE	\$59,000	\$4,394	\$6,667	\$1,632	\$8,299
Fingerprint Reports	\$22,000	\$2,499	\$4,704	\$0	\$4,704
Freight and Drayage	\$0	\$1,895	\$1,963	\$1,187	\$3,150
Goods - Other	\$37,000	\$0	\$0	\$0	\$0
Office Supplies - Misc	\$0	\$0	\$0	\$445	\$445
5302 PRINTING	\$19,000	\$255	\$255	\$11,062	\$11,317
Office Copiers - Maintenance	\$0	\$255	\$255	\$605	\$860
Printing - Other	\$19,000	\$0	\$0	\$10,457	\$10,457
5304 COMMUNICATIONS	\$14,000	\$650	\$680	\$0	\$680
Telephone Services	\$0	\$650	\$680	\$0	\$680
Communications - Other	\$14,000	\$0	\$0	\$0	\$0
5306 POSTAGE	\$18,000	\$0	\$0	\$0	\$0
Postage - Other	\$18,000	\$0	\$0	\$0	\$0
53202-204 IN STATE TRAVEL	\$25,000	\$636	\$636	\$0	\$636
Travel-In State-Per Diem Meals	\$0	\$401	\$401	\$0	\$401
Uber-Transportation Network Co	\$0	\$28	\$28	\$0	\$28
Travel - In State -Private Car	\$0	\$208	\$208	\$0	\$208
Travel - In State - Other	\$25,000	\$0	\$0	\$0	\$0
5322 TRAINING	\$9,000	\$0	\$0	\$0	\$0
Training - Tuition & Registration	\$9,000	\$0	\$0	\$0	\$0
5324 FACILITIES	\$147,000	\$11,573	\$34,718	\$104,637	\$139,356
Facilities Operations	\$18,000	\$0	\$0	\$0	\$0
Rents and Leases	\$129,000	\$0	\$0	\$0	\$0
Rent -Bldgs&Grounds(Non State)	\$0	\$11,573	\$34,718	\$104,637	\$139,356
53402-53403 C/P SERVICES (INTERNAL)	\$243,000	\$56,172	\$56,172	\$0	\$56,172
Legal - Attorney General	\$197,000	\$56,172	\$56,172	\$0	\$56,172
Office of Adminis Hearings	\$46,000	\$0	\$0	\$0	\$0

CBOT Expenditure Report

Fiscal Year: 2024 - 2025

FM: 3

	Budget	Sept 2024	YTD	Encumb	YTD + Encumb
53404-53405 C/P SERVICES (EXTERNAL)	(\$7,000)	\$9,224	\$10,805	\$47,245	\$58,050
Administrative	\$0	\$8,416	\$8,811	\$47,189	\$56,000
Subject Matter Experts	\$0	\$0	\$0	\$56	\$56
Legal - Witness Fees	\$7,000	\$0	\$0	\$0	\$0
Evidence/Witness Fees	\$0	\$19	\$19	\$0	\$19
Consult & Prof Svcs Extern Oth	-\$21,000	\$0	\$0	\$0	\$0
Court Reporter Servs	\$7,000	\$790	\$1,975	\$0	\$1,975
5342 DEPARTMENT PRORATA	\$796,000	\$182,000	\$364,000	\$0	\$364,000
Division of Investigation DOI	\$55,000	\$13,750	\$27,500	\$0	\$27,500
Consumer Client Services Division CCSD	\$741,000	\$168,250	\$336,500	\$0	\$336,500
5342 DEPARTMENTAL SERVICES	\$0	\$3	\$3	\$0	\$3
Departmental Services - Other	\$0	\$3	\$3	\$0	\$3
5344 CONSOLIDATED DATA CENTERS	\$14,000	\$0	\$0	\$0	\$0
Consolidated Data Centers	\$14,000	\$0	\$0	\$0	\$0
5346 INFORMATION TECHNOLOGY	\$4,000	\$1,242	\$3,245	\$0	\$3,245
IT Services - Subscription	\$0	\$572	\$1,144	\$0	\$1,144
IT Svcs-Oth(Security/Archival)	\$0	\$123	\$257	\$0	\$257
Internet Service	\$0	\$546	\$1,093	\$0	\$1,093
IT Supplies (Paper, Toner, etc	\$0	\$0	\$750	\$0	\$750
Information Technology - Other	\$4,000	\$0	\$0	\$0	\$0
5362-5368 EQUIPMENT	\$22,000	\$0	\$0	\$0	\$0
Office Equipment	\$22,000	\$0	\$0	\$0	\$0
5390 OTHER ITEMS OF EXPENSE	\$0	\$0	\$0	\$0	\$0
OPERATING EXPENSES & EQUIPMENT	\$1,363,000	\$266,149	\$477,181	\$164,577	\$641,758
OVERALL TOTAL EXPENDITURES	\$3,383,000	\$428,580	\$920,202	\$164,577	\$1,084,779

**CA Board of Occupational Therapy Fund
Analysis of Fund Condition
(Dollars in Thousands)**

Prepared 10.30.2024

2024 Budget Act With FM 03 Projections

	PY 2022-23	Actuals 2023-24	CY 2024-25	BY 2025-26	BY +1 2026-27	BY +2 2027-28	BY +3 2028-29
BEGINNING BALANCE	\$ 1,438	\$ 1,496	\$ 1,523	\$ 1,279	\$ 776	\$ 160	\$ -564
Prior Year Adjustment	\$ -	\$ 11	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,438	\$ 1,507	\$ 1,523	\$ 1,279	\$ 776	\$ 160	\$ -564
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS							
Revenues							
Delinquent fees	\$ 41	\$ 48	\$ 50	\$ 43	\$ 43	\$ 43	\$ 43
Renewal fees	\$ 2,415	\$ 2,497	\$ 2,693	\$ 2,562	\$ 2,562	\$ 2,562	\$ 2,562
Other regulatory fees	\$ 59	\$ 56	\$ 60	\$ 55	\$ 55	\$ 55	\$ 55
Other regulatory licenses and permits	\$ 460	\$ 466	\$ 471	\$ 478	\$ 478	\$ 478	\$ 478
Miscellaneous Services to the Public	\$ 30	\$ 31	\$ 31	\$ 29	\$ 29	\$ 29	\$ 29
Income from surplus money investments	\$ 43	\$ 75	\$ 54	\$ 11	\$ 2.00	\$ -	\$ -
Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 3,048	\$ 3,173	\$ 3,360	\$ 3,179	\$ 3,170	\$ 3,168	\$ 3,168
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 3,048	\$ 3,173	\$ 3,360	\$ 3,179	\$ 3,170	\$ 3,168	\$ 3,168
TOTAL RESOURCES	\$ 4,486	\$ 4,680	\$ 4,883	\$ 4,458	\$ 3,946	\$ 3,328	\$ 2,604

	PY 2022-23	Actuals 2023-24	CY 2024-25	BY 2025-26	BY +1 2026-27	BY +2 2027-28	BY +3 2028-29
EXPENDITURES							
Board Operations	\$ 2,708	\$ 2,875	\$ 3,335	\$ 3,462	\$ 3,566	\$ 3,673	\$ 3,783
Fee Study	\$ -	\$ -	\$ 35	\$ -	\$ -	\$ -	\$ -
Supplemental Pension Payments	\$ 42	\$ 42	\$ 22	\$ -	\$ -	\$ -	\$ -
Statewide Pro Rata	\$ 240	\$ 240	\$ 212	\$ 220	\$ 220	\$ 220	\$ 220
TOTALS, EXPENDITURES	\$ 2,990	\$ 3,157	\$ 3,604	\$ 3,682	\$ 3,786	\$ 3,893	\$ 4,003
FUND BALANCE							
Reserve for economic uncertainties	\$ 1,496	\$ 1,523	\$ 1,279	\$ 776	\$ 160	\$ -564	\$ -1,399
<i>Months in Reserve</i>	5.7	5.1	4.2	2.5	0.5	-1.7	-4.2

NOTES:

1. Assumes workload and revenue projections are realized in BY and ongoing.
2. Expenditure growth projected at 3% beginning BY.

**CA Board of Occupational Therapy Fund
Analysis of Fund Condition
(Dollars in Thousands)**

Prepared 10.30.2024

2024 Budget Act With FM 03 Projections

	PY 2022-23	Actuals 2023-24	CY 2024-25	BY 2025-26	BY +1 2026-27	BY +2 2027-28	BY +3 2028-29
BEGINNING BALANCE	\$ 1,438	\$ 1,496	\$ 1,523	\$ 1,279	\$ 776	\$ 160	\$ -564
Prior Year Adjustment	\$ -	\$ 11	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,438	\$ 1,507	\$ 1,523	\$ 1,279	\$ 776	\$ 160	\$ -564
 REVENUES, TRANSFERS AND OTHER ADJUSTMENTS							
Revenues							
Delinquent fees	\$ 41	\$ 48	\$ 50	\$ 43	\$ 43	\$ 43	\$ 43
Renewal fees	\$ 2,415	\$ 2,497	\$ 2,693	\$ 2,562	\$ 2,562	\$ 2,562	\$ 2,562
Other regulatory fees	\$ 59	\$ 56	\$ 60	\$ 55	\$ 55	\$ 55	\$ 55
Other regulatory licenses and permits	\$ 460	\$ 466	\$ 471	\$ 478	\$ 478	\$ 478	\$ 478
Miscellaneous Services to the Public	\$ 30	\$ 31	\$ 31	\$ 29	\$ 29	\$ 29	\$ 29
Income from surplus money investments	\$ 43	\$ 75	\$ 54	\$ 11	\$ 2.00	\$ -	\$ -
Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 3,048	\$ 3,173	\$ 3,360	\$ 3,179	\$ 3,170	\$ 3,168	\$ 3,168
 TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 3,048	\$ 3,173	\$ 3,360	\$ 3,179	\$ 3,170	\$ 3,168	\$ 3,168
 TOTAL RESOURCES	\$ 4,486	\$ 4,680	\$ 4,883	\$ 4,458	\$ 3,946	\$ 3,328	\$ 2,604

	PY	Actuals	CY	BY	BY +1	BY +2	BY +3
	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
EXPENDITURES							
Board Operations	\$ 2,708	\$ 2,875	\$ 3,335	\$ 3,462	\$ 3,566	\$ 3,673	\$ 3,783
Fee Study	\$ -	\$ -	\$ 35	\$ -	\$ -	\$ -	\$ -
Supplemental Pension Payments	\$ 42	\$ 42	\$ 22	\$ -	\$ -	\$ -	\$ -
Statewide Pro Rata	\$ 240	\$ 240	\$ 212	\$ 220	\$ 220	\$ 220	\$ 220
TOTALS, EXPENDITURES	\$ 2,990	\$ 3,157	\$ 3,604	\$ 3,682	\$ 3,786	\$ 3,893	\$ 4,003
FUND BALANCE							
Reserve for economic uncertainties	\$ 1,496	\$ 1,523	\$ 1,279	\$ 776	\$ 160	\$ -564	\$ -1,399
<i>Months in Reserve</i>	5.7	5.1	4.2	2.5	0.5	-1.7	-4.2

NOTES:

1. Assumes workload and revenue projections are realized in BY and ongoing.
2. Expenditure growth projected at 3% beginning BY.

Breeze Updates

April 2024 - October 2024

- **Expedite of applications for Military Personnel in a SkillBridge Program (6/2024)**
Beginning July 1, 2024, the board/bureau shall expedite the initial licensure process for an applicant who is an active-duty member of the US Armed Forces and enrolled in the US Department of Defense SkillBridge Program.

- **Enable 2.3% service fee in BreEZe (9/2024)**
For all transactions with a fee completed online via BreEZe, the applicant and licensee would be charged a 2.3% credit card service fee. This fee was previously paid by the Board for all online transactions.

AGENDA ITEM 26.B

PENDING REGULATORY PROPOSALS.

REGULATIONS UPDATE REPORT

Pending Rulemaking files: In-Process

Rulemaking File Section and Subject	Status	Date Submitted for approval		Date Returned to Board		Date Resubmitted for approval		Date Returned (if applicable)		Date Text to be Published by OAL
		Legal	Budget	Legal	Budget	Legal	Budget	Legal	Budget	
Amend Sections: 4102, Filing of Addresses, 4150, Definitions 4151, Hand Therapy, 4152, Physical Agent Modalities, 4153, Swallowing Assessment Evaluation, or Intervention, 4154, Education and Training, 4161, Continuing Competency, 4162, Completion and Reporting Requirements.	Text approved by Board 8/2023 & 11/2023	08/30/23	08/30/23	09/6/23	09/7/23	09/29/23	09/29/23	10/2/23	10/2/23	
						03/22/24	N/A	04/25/24	10/16/24	
						11/5/24	11/5/24	N/A	N/A	
Amend Sections: 4110, Applications, 4111, Place of Filing, 4112, Review of Application, 4114, Abandonment of Application.	Text approved by Board 8/2023	09/29/23	09/29/23	10/3/23	10/3/23	11/30/23	11/30/23	12/26/23	N/A	
						04/05/24	04/05/24	04/10/24	N/A	
						06/27/24	06/27/24	06/28/24	06/28/24	
						08/1/24	08/1/24	08/14/24	N/A	
						N/A	11/5/24	N/A	N/A	

REGULATIONS UPDATE REPORT

Pending Rulemaking files: In-Process

Rulemaking File Section and Subject	Status	Date Submitted for approval		Date Returned with edits		Date Resubmitted for approval		Date Returned with edits		Date Text to be Published by OAL
		Legal	Budget	Legal	Budget	Legal	Budget	Legal	Budget	
<p>Amend Sections: 4101, Delegation of Certain Functions, 4141, Assessment of Administrative Fines, 4146, Definitions, 4146.5, Effective Dates of Decisions, 4147, Disciplinary Guidelines, 4147.5, Uniform Standards Related to Substance Abuse, and 4149.1, Revocation for Sexual Contact.</p> <p>Add Sections: 4146.1, Substantial Relationship Criteria, 4146.7, Rehabilitation Criteria for Applicants, 4146.8, Rehabilitation Criteria for Licensees, 4147.7, Probation Monitoring Costs, 4149.6, Petitions for Modification of Penalty or Termination of Probation, 4149.7, Petitions for Reinstatement of License.</p>	Text approved by Board 8/2023	TBD	TBD							

REGULATIONS UPDATE REPORT

Pending Rulemaking files: Process Not Yet Started

Rulemaking File Subject	Section(s)	Priority	Status	Comments
Application/Renewal Attestation	4110.1 4122	TBD	Text approved by the Board members. Rulemaking file to be completed and submitted to DCA.	Text would implement BPC 2570.6 and 2570.10
Definitions Supervision Parameters	4180 4181	TBD	4180 approved by Board 8/2023; 4181 approved by Board 11/2022 <i>NEW PROPOSED TEXT TO BOARD 11/2024</i>	Text would implement BPC 2570.13
Physical Agent Modalities Application for Approval in Advanced Practice Areas	4152 4155	TBD	<i>PROPOSED TEXT TO BOARD 11/2024</i>	Text would implement BPC 2570.3
Text for OTs to request to supervise more than three OTAs	TBD		Practice Committee to review and provide recommendations to the Board.	Text would implement BPC 2570.3(j)(2).
Patient record retention requirements when a business is closed/sold/inherited or has a change of ownership; or if practitioner is no longer in private practice	TBD		Practice Committee to review and provide recommendations to the Board.	Text provides specificity to Text in BPC 2570.185.

AGENDA ITEM 26.C

ENFORCEMENT UNIT DATA.

CBOT CASES/COMPLAINTS DATA

July 1, 2024 – September 30, 2024

CATEGORY	QUANTITY
<i>Total Complaints Opened/Received:</i>	332
Conviction/Arrest Investigations:	45
Complaints Opened/Received:	287
Petition for Reinstatement Received	0
Applications Denied per BPC 480:	0
Complaints Closed	288
<i>Total Complaints/Cases Pending:</i>	450
DOI Investigations Initiated:	9
DOI Investigation Reports Received:	0
<i>DOI Investigations Pending:</i>	14
Cases Transmitted to AGO:	13
Statement of Issues Filed:	0
Accusations Filed:	1
BPC 820 Ordered:	0
PC 23 Issued:	0
ISO Issued:	0
Petition to Revoke Probation (PTR) Filed:	0
Accusation and PTR Filed:	1
Case(s) Withdrawn:	0
Case(s) Dismissed	0
<i>Total Cases Pending at Office of the Attorney General</i>	40
Cease Practice Order(s) Issued:	0
Cease Practice Order(s) Lifted:	0
Final Decisions Effective:	3

OT CITATIONS
July 1, 2024 - September 30, 2024

#	VIOLATION						FINE	FINE REDUCE	TOTAL FINE DUE	DATE ISSUED	ABATE	APPEAL RECEIVED				PAYMENT			
	FTC	UPC	ULP	PDU	ADC	OTHER						ICRC	ADMIN	DISMISSED	WITHDRAWN	Payment Date	Paid in Full	Payment Amount	Balance (OT)
1					1		\$85		\$85	07/08/24	1					07/19/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	0					07/30/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	0					08/06/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	1					08/23/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	1								\$85
1					1		\$85	\$85	\$0	07/09/24	1	1			1				\$0
1					1		\$85		\$85	07/09/24	1					08/04/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	0					08/28/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	0					07/25/24	1	\$85	\$0
1					1		\$85		\$85	07/12/24	0					08/20/24	1	\$85	\$0
1					1		\$85		\$85	07/12/24	1								\$85
1					1		\$85		\$85	07/12/24	1					07/20/24	1	\$85	\$0
1					1		\$85		\$85	07/15/24	0					08/24/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	1								\$85
1	1						\$600		\$600	07/02/24	1					10/11/24	1	\$600	\$0
1					1		\$85		\$85	07/19/24	0					08/30/24	1	\$85	\$0
1					1		\$85		\$85	07/22/24	0					08/19/24	1	\$85	\$0
1					1		\$85	\$85	\$0	07/22/24	1	1			1				\$0
1					1		\$85		\$85	07/22/24	0					08/21/24	1	\$85	\$0
1					1		\$85	\$85	\$0	07/22/24	1	1			1				\$0
1					1		\$85		\$85	07/22/24	0								\$85
1					1		\$85		\$85	07/22/24	0					07/26/24	1	\$85	\$0
1					1		\$85		\$85	07/23/24	1					09/07/24	1	\$85	\$0
1					1		\$85		\$85	07/23/24	1					08/01/24	1	\$85	\$0
1					1		\$85		\$85	06/18/24	1	1							\$85
1					1		\$85		\$85	07/25/24	1					09/15/24	1	\$85	\$0
1					1		\$85	\$85	\$0	06/28/24	1				1				\$0
1					1		\$85		\$85	07/24/24	0					08/10/24	1	\$85	\$0
1					1		\$85	\$35	\$50	07/24/24	1	1				10/09/24	1	\$50	\$0
1					1		\$85		\$85	06/19/24	0					07/16/24	1	\$85	\$0
1					1		\$85		\$85	06/27/24	0					07/19/24	1	\$85	\$0
1					1		\$85		\$85	07/24/24	0					07/26/24	1	\$85	\$0
1					1		\$85		\$85	07/24/24	0					08/16/24	1	\$85	\$0

#	VIOLATION						FINE	FINE REDUCE	TOTAL FINE DUE	DATE ISSUED	ABATE	APPEAL RECEIVED				PAYMENT			
	FTC	UPC	ULP	PDU	ADC	OTHER						ICRC	ADMIN	DISMISSED	WITHDRAWN	Payment Date	Paid in Full	Payment Amount	Balance (OT)
1					1		\$85		\$85	07/08/24	1					07/19/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	0					07/30/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	0					08/06/24	1	\$85	\$0
1					1		\$85		\$85	07/24/24	0								\$85
1					1		\$85		\$85	07/25/24	0					07/31/24	1	\$85	\$0
1					1		\$85		\$85	07/25/24	0					08/02/24	1	\$85	\$0
1					1		\$85		\$85	07/31/24	0					08/02/24	1	\$85	\$0
1			1				\$300		\$300	07/29/24	0					08/25/24	1	\$300	\$0
1			1				\$150		\$150	07/29/24	0					08/09/24	1	\$150	\$0
1					1		\$85		\$85	08/02/24	1								\$85
1					1		\$85	\$85.00	\$0	08/02/24	1	1							\$0
1					1		\$85		\$85	08/05/24	1								\$85
1					1		\$85		\$85	08/06/24	0								\$85
1					1		\$85		\$85	08/06/24	1								\$85
1					1		\$85		\$85	08/06/24	1				08/16/24	1	\$85	\$0	
1					1		\$85		\$85	08/06/24	1								\$85
1					1		\$85		\$85	08/06/24	1				10/01/24	1	\$85	\$0	
1					1		\$85		\$85	08/06/24	1								\$85
1					1		\$85		\$85	08/08/24	0				09/06/24	1	\$85	\$0	
1					1		\$85	\$85.00	\$0	08/09/24	1	1		1					\$0
1					1		\$85		\$85	08/09/24	1								\$0
1					1		\$85		\$85	08/09/24	1				10/24/24	1	\$85	\$0	
1					1		\$85		\$85	08/11/24	1				10/20/24	1	\$85	\$0	
1					1		\$85		\$85	08/12/24	1								\$0
1					1		\$85		\$85	08/12/24	1								\$85
1					1		\$85		\$85	08/12/24	1								\$85
1					1		\$85		\$85	08/13/24	1								\$85
1					1		\$85		\$85	08/13/24	0				10/16/24	1	\$85	\$0	
1					1		\$85		\$85	08/13/24	0				08/21/24	1	\$85	\$0	
1					1		\$85		\$85	08/13/24	0				09/05/24	1	\$85	\$0	
1					1		\$85		\$85	08/21/24	0				08/23/24	1	\$85	\$0	
1					1		\$85		\$85	08/21/24	1				08/30/24	1	\$85	\$0	
1					1		\$85		\$85	08/21/24	1								\$85
1					1		\$85		\$85	08/28/24	1								\$85
1					1		\$85		\$85	08/29/24	1								\$85
1					1		\$85		\$85	08/29/24	1	1							\$85

#	VIOLATION						FINE	FINE REDUCE	TOTAL FINE DUE	DATE ISSUED	ABATE	APPEAL RECEIVED				PAYMENT			
	FTC	UPC	ULP	PDU	ADC	OTHER						ICRC	ADMIN	DISMISSED	WITHDRAWN	Payment Date	Paid in Full	Payment Amount	Balance (OT)
1					1		\$85		\$85	07/08/24	1					07/19/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	0					07/30/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	0					08/06/24	1	\$85	\$0
1					1		\$85		\$85	08/29/24	1					09/03/24	1	\$85	\$0
1					1		\$85		\$85	08/30/24	1					10/09/24	1	\$85	\$0
1					1		\$85		\$85	08/05/24	0	1				10/06/24	1	\$85	\$0
1					1		\$85		\$85	09/04/24	1	1				09/30/24	1	\$85	\$0
1					1		\$85		\$85	09/04/24	1			1					
1					1		\$85		\$85	09/04/24	1								\$85
1					1		\$85		\$85	09/04/24	1								\$85
1					1		\$85		\$85	09/04/24	1								\$85
1					1		\$85		\$85	09/04/24	1								\$85
1					1		\$85		\$85	09/04/24	1								\$85
1					1		\$85		\$85	09/05/24	1								\$85
1					1		\$85		\$85	09/05/24	1								\$85
1					1		\$85		\$85	09/12/24	1								\$85
1					1		\$85		\$85	09/12/24	1				09/23/24	1	\$85	\$0	
1					1		\$85		\$85	09/13/24	1								\$85
1					1		\$85		\$85	08/05/24	0				08/28/24	1	\$85	\$0	
1					1		\$85		\$85	09/18/24	1								\$85
1					1		\$85		\$85	09/18/24	1								\$85
1					1		\$85		\$85	09/20/24	1								\$85
1					1		\$85		\$85	09/20/24	1				09/28/24	1	\$85	\$0	
1					1		\$85		\$85	09/19/24	1								\$85
1					1		\$85		\$85	09/19/24	1				09/25/24	1	\$85	\$0	
1					1		\$85		\$85	09/24/24	1								\$85
1					1		\$85		\$85	06/28/24	1	1		1					\$85
1					1		\$85		\$85	09/24/24	1								\$85
1					1		\$85		\$85	09/12/24	1				09/17/24	1	\$85	\$0	
1					1		\$85		\$85	09/24/24	1								\$85
1					1		\$85		\$85	09/27/24	1								\$85
1					1		\$85		\$85	09/27/24	0								\$85
1					1		\$85		\$85	09/27/24	1								\$85
1					1		\$85		\$85	09/26/24	1								\$85

#	VIOLATION						FINE	FINE REDUCE	TOTAL FINE DUE	DATE ISSUED	ABATE	APPEAL RECEIVED				PAYMENT			
	FTC	UPC	ULP	PDU	ADC	OTHER						ICRC	ADMIN	DISMISSED	WITHDRAWN	Payment Date	Paid in Full	Payment Amount	Balance (OT)
1					1		\$85		\$85	07/08/24	1					07/19/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	0					07/30/24	1	\$85	\$0
1					1		\$85		\$85	07/11/24	0					08/06/24	1	\$85	\$0
1					1		\$85		\$85	09/26/24	1								
1					1		\$85		\$85	09/26/24	1								
1					1		\$85		\$85	09/30/24	1								
1					1		\$85		\$85	09/30/24	1								
1					1		\$85		\$85	09/30/24	1								
1					1		\$150		\$150	09/30/24	1								
105	1	0	2	0	102	0	\$9,785	\$545	\$9,240		105	11	0	5	2		48	\$4,840	\$2,125

Violation Key:

FTC - Failure to Cooperate
UPC - Unprofessional Conduct
ULP - Unlicensed Practice

PDU - Continuing Education
ADC - Failure to Notify of Address Change
OTHER (Negligence, etc.)

OTA CITATIONS
July 1, 2024 - September 30, 2024

#	VIOLATION						FINE	FINE REDUCE	TOTAL FINE DUE	DATE ISSUED	ABATE	APPEAL RECEIVED				PAYMENT			
	FTC	UPC	ULP	PDU	ADC	OTHER						ICRC	ADMIN	DISMISSED	WITHDRAWN	Payment Date	Paid in Full	Payment Amount	Balance (OT)
1						1	\$85		\$85	07/09/24	1								
1						1	\$85		\$85	07/09/24	1	1							
1						1	\$85		\$85	07/11/24	0				08/23/24	1	\$85	\$0	
1						1	\$85		\$85	07/15/24	1								
1						1	\$85		\$85	07/19/24	1								
1						1	\$85		\$85	07/19/24	1				08/14/24	1	\$85	\$0	
1						1	\$85		\$85	07/19/24	1				08/19/24	1	\$85	\$0.00	
1						1	\$85		\$85	07/24/24	1								
1						1	\$85		\$85	07/24/24	1								
1						1	\$85		\$85	07/24/24	1								
1				1			\$250		\$250	07/29/24					08/02/24	1	\$250	\$0	
1						1	\$85		\$85	07/30/24	1								
1				1			\$600		\$600	08/01/24	1								
1						1	\$85		\$85	08/06/24	1								
1						1	\$85		\$85	08/08/24	0				08/12/24	1	\$85	\$0	
1						1	\$85		\$85	08/08/24	0				08/23/24	1	\$85	\$0	
1						1	\$85		\$85	08/30/24	1								
1						1	\$85		\$85	09/04/24	1								
1						1	\$85		\$85	06/28/24		1							
1						1	\$85		\$85	09/16/24	1				09/19/24	1	\$85	\$0	
1						1	\$85		\$85	09/19/24	0				10/10/24	1	\$85	\$0	
1						1	\$85		\$85	09/24/24	0				10/13/24	1	\$85	\$0	
1						1	\$85		\$85	09/30/24	1					1	\$85	\$0	
23	0	0	0	2	0	21	\$2,635	\$0	\$2,635		23	2	0	0	0		10	\$1,015	\$0

Violation Key:

FTC - Failure to Cooperate
UPC - Unprofessional Conduct
ULP - Unlicensed Practice

PDU - Continuing Education
ADC - Failure to Notify of Address Change
OTHER (Negligence, etc.)

CASES PENDING WITH THE OFFICE OF THE ATTORNEY GENERAL

Date Transmitted	Complaint Number	Case Type	Case Status
08/08/2023	2024-011	ACC	Updated Stipulated Settlement received from AG 10/31/2024.
08/14/2023	2023-502	ACC	Default Decision Investigatory Evidence Packet received from AG 09/05/2024.
09/20/2023	2021-150	PTR	Hearing scheduled 12/09/2024.
10/11/2023	2024-121	ACC	Settlement terms offered 10/10/2024; Case taken under submission by ALJ 10/28/2024.
12/05/2023	2024-271	ACC	Settlement terms offered 08/09/2024. Hearing scheduled 01/9/2025.
12/08/2023	2024-268	ACC	Updated Stipulated Decision received 10/15/2024.
12/15/2023	2024-304	ACC	Hearing scheduled 01/30/2025.
12/26/2023	2024-249	ACC	First Amended Accusation to AG 10/31/2024.
12/26/2023	2023-035	ACC	Scheduled for Closed Session 11/14/24.
12/29/2023	2023-367	ACC	Scheduled for Closed Session 11/14/24.
01/02/2024	2023-401	ACC	Hearing scheduled 02/13/2025.
01/02/2024	2024-246	ACC	Accusation to AG 10/31/2024.
01/02/2024	2023-369	ACC	Scheduled for Closed Session 11/14/24.
01/02/2024	2024-334	ACC	Scheduled for Closed Session 11/14/24.

Updated 11/01/2024

Date Transmitted	Complaint Number	Case Type	Case Status
03/01/2024	2024-525	ACC	Scheduled for Closed Session 11/14/24.
04/16/2024	2024-237	ACC	Stipulated Terms to AG 11/01/2024.
06/19/2024	2024-691	ACC	Assigned to AG 06/27/2024.
06/20/2024	2024-256	ACC	Accusation received 10/11/2024.
06/20/2024	2024-641	ACC	Edits to Accusation requested from AG 10/14/2024.
06/20/2024	2024-698	ACC	Edits to Accusation requested from AG 10/22/2024.
06/24/2024	2023-423	ACC	Accusation received from AG 10/03/2024.
06/28/2024	2024-701	ACC	Accusation received 09/11/2024.
07/02/2024	2023-271	ACC	Accusation to AG 09/24/2024.
07/09/2024	2022-088	ACC	Assigned to AG on 08/30/2024.
08/05/2024	2023-102	ACC	Accusation received from AG 09/09/2024.
08/06/2024	2023-504	ACC	Accusation to AG 11/01/2024.
08/06/2024	2025-096	M/P Exam	Petition for an Order Compelling Mental or Physical Exam to AG 11/01/24.
08/30/2024	2024-146	SOI	SOI served 11/01/2024.
09/12/2024	2025-235	ACC	Assigned to AG 09/27/2024.

Date Transmitted	Complaint Number	Case Type	Case Status
09/12/2024	2024-047	ACC	Accusation received from AG 09/24/2024.
09/12/2024	2022-287	ACC	Accusation to AG 11/01/2024.
09/19/2024	2023-342	ACC	Assigned to AG 09/26/2024.
09/19/2024	2023-662	ACC	Accusation received from AG 09/27/2024.

FINAL DECISIONS
July 1, 2024 – October 28, 2024

Effective	Name	Type	Violation
05/20/2024	Clark, Deonna	Revocation	Unprofessional Conduct – Failed to Abate Citation Unlicensed Practice
05/20/2024	Kent, Derek	Revocation	Unprofessional Conduct – Failed to Abate Citation Unlicensed Practice Criminal Conviction for Injuring a Spouse and/or Cohabitant
05/20/2024	Wagas,	Revocation	Unprofessional Conduct -- Billing
08/14/2024	Thielen, Amanda	Surrender	Criminal Conviction for Substance Use
09/13/2024	Hemraj, Raheema	Revocation	Unprofessional Conduct – Failed to Abate Citation Unlicensed Practice
09/13/2024	Layman, Jessica	Revocation	Unprofessional Conduct – Failed to Abate Unlicensed Practice
09/19/2024	Kokesh, Garritt	Revocation	Criminal Conviction for Injuring a Spouse and/or Cohabitant
09/20/2024	Wilkie, Alexis	Probation	Criminal Conviction for Substance Use
09/24/2024	Kennedy, Bonnie	Reinstatement	Unprofessional Conduct – Failed to Abate CE Audit
10/04/2024	Whigham, Corey	Probation	Unprofessional Conduct -- Billing

10/10/2024	Sabet, Sabrina	Probation	Fraudulent/Dishonest Acts
10/10/2024	Ross, Donmishette	Probation	Unprofessional Conduct – Failed to Abate Citation Unlicensed Practice and Address Change Violation
10/16/2024	Clendenen, Danielle	Probation	Reinstatement of License
10/28/2024	Frederico, Victoria	Probation	Criminal Conviction for Substance Use

LICENSEES CURRENTLY ON PROBATION

NAME	LICENSE #	LENGTH OF PROBATION	EFFECTIVE DATE	COMPLETION DATE
Bastianelli, Nachele	OT 11457	3 years	04/17/2022 *	
Caro, Tabitha	OTA 5002	3 years	11/27/2023*	
Clendenen, Danielle	OT 6616	4 years	10/16/2024	
Dowd, Joshua	OT 18574	3 years	03/27/2018 *	
Edwards, Anna	OTA 2453	3 years	04/26/2019 *	
Ferrer, Oscar	OT 3726	3 years	07/19/2023	
Frederico, Victoria	OT 15499	4 years	10/28/2024	
Gonzalez, Susana	OTA 1298	3 years	07/23/2021	07/22/2024
Harding III, Jack	OT 11707	3 years	06/03/2021*	07/19/2024
Heng, Sonny	OT 18476	3 years	11/03/2021 *	
Jaghlassian, Linda	OTA 3079	3 years	03/30/2023 *	
Johnson, Anthony	OT 16291	4 years	03/01/2024	
Johnson, Janyce	OT 6848	3 years	02/26/2024	
Jordan, Laura	OT 5826	3 years	08/29/2021 *	
McCoy-Guzman, Tracy	OTA 2109	3 years	03/17/2022	
Powell, Diana C.	OT 6367	3 years	06/03/2016 *	
Provost, Ericka	OT 16010	3 years	12/26/2021 *	
Ross, Donmishette	OT 11356	2 years	10/10/2024	
Ryskalczyk, Roxanne	OT 5654	3 years	08/29/2021*	
Sabet, Sabrina	OT 18366	2 years	10/10/2024	
Schmidt, Rebecca	OT 8291	3 years	11/27/2009 *	
Suggs, Monica	OTA 1101	2.5 years	03/30/2019 *	
Tolbert, Kristine	OT 4410	4 years	03/29/2019*	
Torossian, Brittany	OT 16579	3 years	09/28/2023	
Whigham, Corey	OT 12215	3 years	10/04/2024	
Wilkie, Alexis	OT 14749	3 years	09/20/2024	
Wilson, Candice	OTA 1436	3 years	07/16/2020 *	

* Probation "tolled" or extended beyond original expiration date.

Report updated 10/25/2024

AGENDA ITEM 26.D

LICENSING UNIT DATA.

Licensing Quarterly Report Fiscal Year 2023-24

Transaction Type	Q1		Q2		Q3		Q4		TOTALS	
	Received	Approved	Received	Approved	Received	Approved	Received	Approved	Received	Approved
OT License Apps	378	354	420	402	397	338	374	350	1569	1444
OT License Issued	358	356	385	377	345	342	339	336	1427	1411
OT LP Apps	54	34	23	27	12	13	16	13	105	87
OT LP Issued	27	26	20	20	11	11	11	10	69	67
OTA License Apps	136	108	101	118	103	82	86	86	426	394
OTA License Issued	107	107	114	112	77	77	89	88	387	384
OTA LP Apps	10	9	9	6	5	4	6	5	30	24
OTA LP Issued	8	8	5	5	4	4	3	2	20	19
A/P – Hand Therapy	13	18	20	20	19	16	6	26	58	80
A/P – PAMs	36	25	36	22	40	58	37	44	149	149
A/P - Swallowing	12	5	10	8	12	17	14	17	48	47
Duplicate Wall License	33	28	13	13	27	26	19	16	92	83
Pocket License Request	167	127	101	78	113	125	90	83	471	413
Name Changes	106	94	75	62	99	135	72	59	352	350
Address Changes	723	723	553	553	720	720	687	687	2683	2683
Verifications	267	234	204	142	243	209	225	167	939	752
Set to Retired	40	41	27	28	34	31	38	37	139	137
Retired to Active	2	2	7	7	4	4	1	1	14	14
Totals	2477	2299	2123	2000	2265	2212	2113	2027	8978	8538
Transaction Type	Q1		Q2		Q3		Q4		TOTALS	
	2033		1764		1954		1995		7746	
OTA Renewals	498		493		492		458		1941	
Totals	2531		2257		2446		2453		9687	

**CA Board of Occupational Therapy
Applications Data: July 1, 2024 – Sept 30, 2024**

Transaction Type	July		Aug		Sept		Total Received 1Q	Total Approved 1Q	Average Received per Month	Average Approved per Month
	Received	Approved	Received	Approved	Received	Approved	Received	Approved	Received	Approved
OT License Apps	150	141	130	121	138	122	418	384	139	128
OT License Issued	138	138	114	114	129	125	381	377	127	126
OT LP Apps	2	1	4	3	5	2	11	6	4	2
OT LP Issued	2	3	2	2	3	3	7	8	2	3
OTA License Apps	31	32	32	22	24	30	87	84	29	28
OTA License Issued	28	28	24	24	28	27	80	79	27	26
OTA LP Apps	1	2	1	0	0	1	2	3	1	1
OTA LP Issued	0	1	1	1	1	1	2	3	1	1
A/P – Hand Therapy	10	2	2	4	3	7	15	13	5	4
A/P – PAMs	10	20	10	17	12	23	32	60	11	20
A/P - Swallowing	3	1	0	2	3	7	6	10	2	3
Duplicate Wall	9	9	8	8	10	5	27	22	9	7
Pocket License	20	20	37	37	30	15	87	72	29	24
Set Inactive to Active	4	3	2	3	9	9	15	15	5	5
Name Changes	37	32	23	28	32	19	92	79	31	26
Address Changes	253	253	287	287	221	221	761	761	254	254
Verifications	94	91	81	83	71	66	246	240	82	80
Set to Retired	9	11	13	11	14	14	36	36	12	12
Set Retired to Active	2	2	0	0	0	0	2	2	1	1
Totals	803	790	771	767	733	697	2307	2254	769	751

Transaction Type	July	Aug	Sept	Total Approved 1Q	Average Approved per Month
OT Renewals	711	692	709	2112	704
OTA Renewals	164	166	164	494	165
Totals	875	858	873	2,606	869

AGENDA ITEM 26.E

FUTURE AGENDA ITEMS.

Listing of Future Agenda Items

March 2025 meeting:

1. Review of vendor-prepared Fee Study and discussion on impact to legislative language approved by the Board 2/2024 to establish/increase fees.
2. Petition for Reinstatement Hearing (3/6)
3. Petition for Early Termination of Probation Hearing (3/6)

June 2025 meeting:

1. Discuss Sunset Review process, due dates, and questions.
2. Appoint ad hoc Sunset Review Committee.
3. Review of Board-approved legislative proposals.

Discussion Items to be prioritized:

1. Development of communication plan to educate licensees on upcoming fee increases and rationale, including messaging and development of Frequently Asked Questions.
2. Consideration of whether California should require a Juris Prudence exam prior to licensure (after an occupational analysis).
3. Review of the American Occupational Therapy Association's (AOTA) *Occupational Therapy Practice Framework* and consideration of whether to include any provisions in the Board's laws and/or regulations.
4. Review of AOTA's Scope of Practice and consideration of whether to include any provisions in the Board's laws and/or regulations.
5. Scheduling a townhall meeting with California OT and OTA programs to share the Occupational Therapy Assistant Workforce Needs Assessment and seek feedback.
6. Medi-Cal coverage as it relates to consumers' access to occupational therapy services. (CalAIM)
7. Potentially sharing costs with California occupational therapy education programs to notify large employers of the benefits of accepting Fieldwork students.

Standing items:

- Necessity of fee increase(s) and status update.
- *TBD, if any.*

AGENDA ITEM 26.F

DATA OR INFORMATION REQUESTED AT PRIOR BOARD MEETING.

Dry Needling Licensing Entity Actions

STATE	ACTION AND/OR LANGUAGE
	<p>States/territories with no language and/or reference to dry needling include the following: AL, AK, AZ, AR, DE, GU, HI, ID, IN, KS, KY, LA, ME, MA, MI, MN, MO, MT, NH, NJ, NY, OK, PA, PR, RI, SC, SD, UT, VT, WA, WV</p>
CA	<p>The OT Practice Act and regulations are silent on dry needling.</p> <p>However, Business and Professions Code (BPC) Section 4935(a)(1), states in part, that it is a violation “...for any person who does not hold a current and valid license to practice acupuncture under this chapter...”</p> <p>BPC Section 4927 defines <i>acupuncture</i> as “the stimulation of a certain point or points on or 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 for the treatment of certain diseases or dysfunctions of the body...”</p>
CO	<p>In May 2024, the OT Association of Colorado received the following statement from DORA regarding dry needling and posted it on oyd facebook page: "OT's in Colorado are not permitted by statute or rule to perform dry needling, a modality that presents unique risks and requires specific training. In contrast, both physical therapists and chiropractors have explicit authorizations in statute to puncture skin with needles, and both have rules specific to dry needling that require additional training and signed client consent forms to perform the modality. Remember that the Department of Regulatory Agencies is an executive branch agency and acts to enforce laws made by the Colorado General Assembly."</p>
CT	<p>CT Medical Assistance Program Provider Bulletin 2022-50 Effective for dates of service July 1, 2022, moving forward, DSS added CPT codes 20560 and 20561 to the Independent PT and OT fee schedule. Providers are eligible if the services are consistent with the Department of Public Health practitioner’s scope of practice requirements. If dry needling is not within the scope of practice, the service should not be billed to CMAP.</p>
DC	<p>During a Board meeting in September 2019, after discussion, the Board agreed that though not specified in the OT regulations, OTs who have advanced training or certification in dry needling would be allowed to practice it.</p>
FL	<p>On June 1, 2023, The OT Board responded to a Petition for Declaratory Statement, which cited the Board’s existing regulations on electrical stimulation devices, ultrasound devices, and neurofeedback device, and asking for “guidance as to whether she can perform/receive reimbursement for taking CE courses and becoming certified in the modality of dry needling.” The Board ruled that dry needling is “not a statutorily accepted prescription device” and would therefore “be outside the scope of Occupational Therapy.”</p>
GA	<p>POSITION STATEMENT ON DRY NEEDLING posted on Board website in April, 2024: https://sos.ga.gov/sites/default/files/2024-04/Dry%20Needling%20Position%20Statement.pdf</p> <p>The American Occupational Therapy Association (AOTA) notified each agency/board responsible for licensing occupational therapists (OTs) and occupational therapy assistants (OTA)s of their intent to propose an Adjunctive & Preparatory Techniques policy asserting</p>

STATE	ACTION AND/OR LANGUAGE
	<p>that dry needling is an adjunctive and preparatory technique. The policy further stipulates that adjunctive and preparatory techniques, to include but not limited to dry needling, can be utilized by OTs and OTAs who possess the advanced training or certification to do so and who operate in accordance with local and state policies, rules, and regulations.</p> <p>As a result of AOTA’s proposed policy, the increase in courses offering dry needling certification to OTs and OTAs, and the national conversation surrounding the practice of dry needling by licensed OTs and OTAs, the Georgia State Board of Occupational Therapy has noted a substantial increase in the number of inquiries involving the legalities of the practice of dry needling by Georgia licensed occupational therapists and occupational therapy assistants. In response, the Board requested counsel to conduct a review of the laws governing the practice of occupational therapy and other professions within the State of Georgia to determine if any statutory authority exists to allow the practice of dry needling by the persons licensed under the Georgia Occupational Therapy Practice Act.</p> <p>After careful consideration of the statutory review, it has been determined that dry needling is not statutorily authorized in the Occupational Therapy Practice Act and is therefore not within the scope of occupational therapy within the State of Georgia. A legislative change to the Occupational Therapy Practice Act would be necessary to permit the practice of dry needling by OTs and OTAs in this state. (Emphasis added.)</p> <p>The Georgia State Board of Occupational Therapy is not eligible to present a Bill to the Georgia General Assembly for consideration; however, the Board may consider amendments proposed by other persons as well as any public comments relative to the proposals and release a position statement if warranted. The Board will distribute a copy of this statement to AOTA and Georgia Occupational Therapy Association (GOTA) and post a copy on the Board website for the public to review. Members of the public who are interested in identifying whether a Bill has been proposed to the legislature to amend the Occupational Therapy Practice Act are encouraged to visit the Georgia General Assembly website at https://www.legis.ga.gov/search to conduct a search using the keywords feature.</p>
IL	<p>Statute: 225 ILCS 75/2. Definitions.</p> <p>(7) "Occupational therapy services" means services that may be provided to individuals, groups, and populations, when provided to treat an occupational therapy need, including the following:</p> <ul style="list-style-type: none"> (a) evaluating, developing, improving, sustaining, or restoring skills in activities of daily living, work, or productive activities, including instrumental activities of daily living and play and leisure activities; (b) evaluating, developing, remediating, or restoring, sensorimotor, cognitive, or psychosocial components of performance with considerations for cultural context and activity demands that affect performance; (c) designing, fabricating, applying, or training in, the use of assistive technology, adaptive devices, seating and positioning, or temporary, orthoses and training in the use of orthoses and prostheses; (d) adapting environments and processes, including, the application of ergonomic principles, to enhance performance and safety in daily life roles;

STATE	ACTION AND/OR LANGUAGE
	<p>(e) for the occupational therapist or occupational, therapy assistant possessing advanced training, skill, and competency as demonstrated through criteria that shall be determined by the Department, applying physical agent modalities, including dry needling, as an adjunct to or in preparation for engagement in occupations;</p> <p>(f) evaluating and providing intervention in, collaboration with the client, family, caregiver, or others;</p> <p>(g) educating the client, family, caregiver, or, others in carrying out appropriate nonskilled interventions;</p> <p>(h) consulting with groups, programs, organizations, or communities to provide population-based services;</p> <p>(i) assessing, recommending, and training in, techniques to enhance functional mobility, including wheelchair management;</p> <p>(j) driver rehabilitation and community, mobility;</p> <p>(k) management of feeding, eating, and, swallowing to enable or enhance performance of these tasks;</p> <p>(l) low vision rehabilitation;</p> <p>(m) lymphedema and wound care management;</p> <p>(n) pain management; and</p> <p>(o) care coordination, case management, and, transition services.</p> <p>Statute: 225 ILCS 75/3.7 Use of dry needling.</p> <p>(a) For the purpose of this Act, "dry needling", also known as intramuscular therapy, means an advanced needling, skill or technique limited to the treatment of myofascial pain, using a single use, single insertion, sterile filiform needle (without the use of heat, cold, or any other added modality or medication), that is inserted into the skin or underlying tissues to stimulate trigger points. Dry needling may apply theory based only upon Western medical concepts, requires an examination and diagnosis, and treats specific anatomic entities selected according to physical signs. "Dry needling" does not include the teaching or application of acupuncture described by the stimulation of auricular points, utilization of distal points or non-local points, needle retention, application of retained electric stimulation leads, or other acupuncture theory.</p> <p>(b) An occupational therapist or occupational therapy assistant licensed under this Act may only perform dry needling after completion of requirements, as determined by the Department by rule, that meet or exceed the following:</p> <ol style="list-style-type: none"> (1) 50 hours of instructional courses that include, but are not limited to, studies in the musculoskeletal and neuromuscular system, the anatomical basis of pain mechanisms, chronic pain, and referred pain, myofascial trigger point theory, and universal precautions; (2) completion of at least 30 hours of didactic course work specific to dry needling; (3) successful completion of at least 54 practicum hours in dry needling (4) completion of at least 200 supervised patient treatment sessions; and (5) successful completion of a competency examination. Dry needling shall only be performed by a licensed occupational therapist or licensed occupational therapy assistant upon referral.

STATE	ACTION AND/OR LANGUAGE
	<p>Regulation: Illinois Administrative Code Title 68, Chapter VII, Subchapter b, Section 1315.162. Modalities in Occupational Therapy Occupational therapy services include the use of physical agent modalities for occupational therapists and occupational therapy assistants who have the training, skill and competency to apply these modalities.</p> <p>a) Physical agent modalities:</p> <ol style="list-style-type: none"> 1) refer to those modalities that produce a response in soft tissue through the use of light, water, temperature, sound, or electricity; 2) are characterized as adjunctive methods used in conjunction with or in immediate preparation for: patient involvement in purposeful activity; the use of ergonomic principles; the adaptation of environments and processes to enhance functional performance; or the promotion of health and wellness; and 3) include but are not limited to the following: <ol style="list-style-type: none"> A) modalities using electricity. These would cover pain control, edema reduction, and muscle reeducation. Examples include, but are not limited to, biofeedback, neuromuscular electrical stimulation/functional electrical stimulation (NMES/FES), transcutaneous electrical nerve stimulation (TENS), high volt pulsed stimulation (HVPS), interferential, and iontophoresis; B) thermal modalities, including superficial and deep heat and cryotherapy. Examples include, but are not limited to, hot and cold packs, ice massage, fluidotherapy, warm whirlpool, cool whirlpool, ultrasound, phonophoresis, paraffin and contrast baths, and lasers; C) modalities using mechanical forces including touch, pressure, traction, stretch, stroke, petrissage, friction, vibration, oscillating and/or translating in different vectors/planes. Examples include, but are not limited to, soft tissue mobilization such as manual lymph drainage, elastic taping application, joint mobilization and tool assisted fascial remodeling such as assisted soft tissue mobilization (ASYM), dynamic cupping or pneumatic compression; D) dry needling/Intramuscular Manual Therapy. <p>d) The training required for the use of dry needling/intramuscular manual therapy under Section 3.7 of the Act must include:</p> <ol style="list-style-type: none"> 1) Successful completion of 50 hours of college-level instruction from an accredited program... in the following areas: <ol style="list-style-type: none"> A) the musculoskeletal and neuromuscular system; B) the anatomical basis of pain mechanisms, chronic pain and referred pain; C) myofascial trigger point theory; and D) universal precautions. 2) Completion of at least 30 hours of didactic course work specific to intramuscular manual therapy. This requirement can be fulfilled... by didactic pre-study required for the intramuscular manual therapy practicum course. This may include, but is not limited to, distance learning such as web-based courses or webinars, required textbook assignments and pre-course work. 3) Practicum Hours. <ol style="list-style-type: none"> A) Successful completion of at least 54 practicum hours in intramuscular manual therapy offered through an approved CE sponsor as defined in Section 1315.145. Each instructional course shall specify what anatomical regions are included in the instruction and

STATE	ACTION AND/OR LANGUAGE
	<p>describe whether the course offers introductory or advanced instruction in intramuscular manual therapy. Each instruction course shall include the following areas:</p> <ul style="list-style-type: none"> i) intramuscular manual therapy technique; ii) intramuscular manual therapy indications and contraindications; iii) documentation of intramuscular manual therapy; iv) management of adverse effects; v) practical psychomotor competency; and vi) the Occupational Safety and Health Administrations Bloodborne Pathogens standard. <p>B) Classes qualifying for completion of the mandated 54 hours of intramuscular manual therapy shall be in one or more modules, with the initial module being no fewer than 27 hours. The 54 practicum hours must be completed within 24 months after the start of study.</p> <p>4) Completion of at least 200 patient treatment sessions.</p> <p>A) Occupational therapists must complete the treatment sessions under general supervision by a medical professional who has previously fulfilled the necessary dry needling/intramuscular manual therapy credentials.</p> <p>B) Occupational therapy assistants must complete the treatment sessions under direct line of sight supervision by a licensed occupational therapist who has previously met the requirements for dry needling/intramuscular manual therapy credentials.</p> <p>5) Successful completion of a competency examination approved by the Division. The Division will accept competency examinations administered as part of the intramuscular manual therapy practicum course work.</p> <p>6) Each licensee is responsible for maintaining records of the completion of the requirements of this subsection (a) and shall be prepared to produce those records upon request by the Division.</p> <p>7) Intramuscular manual therapy may be performed by a licensed occupational therapist and only be delegated to a licensed occupational therapy assistant that has met the requirements of this subsection (d) and is supervised by a licensed occupational therapist who has met the requirements of this subsection (d) and maintains direct line of sight observation and supervision of the occupational therapy assistant at all times while the treatment is rendered.</p> <p>8) An occupational therapist or occupational therapy assistant shall not advertise, describe to patients or the public, or otherwise represent that dry needling/intramuscular manual therapy is acupuncture, nor shall he or she represent that he or she practices acupuncture unless separately licensed under the Acupuncture Practice Act [225 ILCS 2].</p> <p>e) Nothing in this Section shall be construed as preventing or restricting the practices, services or activities of any person licensed in this State by any other law or occupation for which the person is licensed.</p>
IA	The OT Board formed a subcommittee in 2021 to research and provide a recommendation to the entire Board at a future meeting.

STATE	ACTION AND/OR LANGUAGE
MD	<p>Proposed regulations (published January 2024):</p> <p>.01 Scope. This chapter establishes standards for the provision of dry needling as an intervention performed by occupational therapists who are certified hand therapists (CHTs).</p> <p>.02 Definitions. A. In this chapter, the following terms have the meanings indicated. B. Terms Defined. (1) "Board" means the Maryland Board of Occupational Therapy Practice. (2) "Dry needling" means a physical agent modality as defined in COMAR 10.46.06.03, also known as intramuscular manual therapy, that: (a) Involves the insertion of one or more solid needles, a mechanical device, into the muscle and related tissues to effect change in muscle and related tissues of the hand, wrist, elbow, and shoulder; (b) Requires ongoing evaluation, assessment, and re-evaluation of the impairments; (c) Is only utilized in parts of the body with neuromuscular or musculoskeletal links to the impairments; and (d) Is not performed for: (i) The purposes of acupuncture and East Asian medicine as defined in Health Occupations Article, §1A-101, Annotated Code of Maryland; or (ii) Any purpose outside the scope of occupational therapy.</p> <p>.03 Minimum Education and Training Necessary to Perform Dry Needling. A. In order to perform dry needling, an occupational therapist shall be a certified hand therapist in good standing, in addition to having completed at least 52 total hours of further instruction, which includes: (1) A total of at least 27 hours of instruction in the following dry-needling-specific course content areas: (a) Theory and application of dry needling to the hand, wrist, elbow, and shoulder; (b) Dry needling technique to the hand, wrist, elbow, and shoulder; (c) Dry needling indications and contraindications; (d) Infection control, the Occupational Safety and Health Administration's Bloodborne Pathogen Protocol, and safe handling of needles; (e) Emergency preparedness and response procedures related to complications associated with dry needling; and (f) Appropriate documentation of dry needling; and (2) At least 25 hours of practical, hands-on instruction in the application and technique of dry needling, under the supervision of a licensed health care practitioner competent in dry needling procedures who has: (a) Completed the requisite course work under §A(1) of this regulation; and (b) Practiced dry needling for at least 5 years.</p>

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	<p>B. The instruction required under §A(1) of this regulation shall be provided by a continuing education course approved by the Board.</p> <p>C. All instruction required under this regulation shall include an assessment of competency.</p> <p>D. The instruction required under §A(1) of this regulation shall be offered:</p> <ol style="list-style-type: none"> (1) In person at a face-to-face session; or (2) In real time through electronic means that allow for simultaneous interaction between the instructor and the participants. <p>E. An occupational therapist may not fulfill any portion of the practical, hands-on instruction required under §A(2) of this regulation with online or distance learning.</p> <p>F. An occupational therapist shall have practiced occupational therapy for at least 2 years, in addition to having been certified as a hand therapist, before performing dry needling in the State.</p> <p>G. Registration.</p> <ol style="list-style-type: none"> (1) An occupational therapist shall be registered with the Board as having the appropriate education and training required by this regulation to be approved to practice dry needling. (2) In order to be registered to practice dry needling, an occupational therapist shall submit a completed application on a form supplied by the Board with proof of the hand therapist certification. (3) In order to continue to practice dry needling, an approved occupational therapist shall submit proof of their certified hand therapy recertification. <p>H. An occupational therapist who practices dry needling without the education and training required by this regulation shall be subject to discipline pursuant to COMAR 10.46.07.</p> <p>.04 Standards of Practice in Performing Dry Needling.</p> <p>A. An occupational therapist shall:</p> <ol style="list-style-type: none"> (1) Fully explain dry needling to the patient in advance of treatment; and (2) Obtain written informed consent specific to dry needling that shall be included in the patient's medical record. <p>B. An occupational therapist shall perform dry needling to the hand, wrist, elbow, and shoulder in a manner consistent with standards set forth in the Maryland Occupational Safety and Health Act, Labor and Employment Article, Title 5, Annotated Code of Maryland.</p> <p>C. An occupational therapist shall document the provision of dry needling services in accordance with the documentation requirements set forth under COMAR 10.46.01.03.</p> <p>D. An occupational therapist who practices dry needling in a manner inconsistent with the standards of practice enumerated in this regulation shall be subject to discipline pursuant to COMAR 10.46.07.</p> <p>E. Dry needling is not within the scope of practice of limited occupational therapy and shall only be performed by a licensed occupational therapist with a hand therapy certification.</p>
MS	<p>Rule 8.2.3 Definitions.</p> <p>The following terms shall have the meaning set forth below, unless the context otherwise requires:</p>

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	<p>16. Dry needling shall mean a physical agent modality that aims to restore and/or optimize the neuro-muscular-skeletal systems. Dry needling involves the use and insertion of solid filiform needles for the treatment of musculoskeletal pain and soft tissue dysfunction by increased blood flow, decreased banding, decreased spontaneous electrical activity, biomechanical and central nervous system changes.</p> <p>Rule 8.2.4 Requirements to perform dry needling.</p> <p>As with all other physical agent modalities in occupational therapy, dry needling is to be utilized in the therapeutic process in order to ultimately achieve improved function and therefore not to be applied as a stand-alone treatment. Dry needling does not include the stimulation of auricular or distal points. Dry needling is not part of an occupational therapist’s academic or clinical preparation for entry-level practice; therefore, this rule establishes the minimum standards required for an occupational therapist to be deemed competent to perform dry needling.</p> <ol style="list-style-type: none"> 1. Dry needling shall be performed only by an occupational therapist who is competent by education and training to perform dry needling as specified in this regulation. Online/virtual/remote study and/or self-study for dry needling instruction shall not be considered appropriate training. 2. An occupational therapist must meet the following requirements in order to be deemed competent to perform dry needling: <ol style="list-style-type: none"> a. A minimum of 3 years clinical experience as a licensed occupational therapist b. Documented successful completion of dry needling course(s) of study approved by the Department that includes: <ol style="list-style-type: none"> (i) A minimum of 50 hours face-to-face instruction; an online study is not allowed. Advanced dry needling (i.e., craniofacial, spine, abdominal, etc..) will require more advanced training than the minimum requirements. It is the responsibility of each occupational therapist to acquire specialty certification through additional training beyond the minimum requirements. (ii) Each course shall specify which anatomical regions/structures are included in the certification and whether the instruction was introductory or advanced concepts in dry needling (iii) Every course instructor must be a licensed healthcare provider and have a minimum of two years of experience performing dry needling (iv) A practical examination and a written examination with a passing score (v) Anatomical review for safety and effectiveness (vi) Indications and contraindications for dry needling (vii) Management of adverse effects (vii) Evidence-based instructions on the theory of dry needling (ix) Sterile needle procedures which shall include the standards of the U.S. centers for disease control or the U.S. occupational safety and health administration

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	<p>c. An occupational therapist performing dry needling in his/her practice must have written informed consent for each patient that is maintained in the patient's chart/medical record. The patient must sign and receive a copy of an informed consent form created by the therapist. The consent form must, at a minimum, clearly state the following information:</p> <ul style="list-style-type: none"> (i) Risks and benefits of dry needling (ii) The occupational therapist's level of education and training in dry needling (iii) The occupational therapist will not dry needle any auricular or points distal to the identified treatment area. <p>3. Each licensed occupational therapist performing dry needling must have a written physician's order for dry needling or receive verbal authorization from the patient's physician approving dry needling that is documented in the patient's chart/medical record.</p> <p>4. When dry needling is performed, the occupational therapist must document in the patient's daily/encounter/procedure note. The note shall indicate how the patient tolerated the intervention as well as the outcome of the intervention, including any adverse reactions/events that occurred if any.</p> <p>5. Dry needling shall not be delegated and must be performed only by a qualified, licensed occupational therapist who has met the minimum standards in this section.</p> <p>6. Dry needling is not to be performed by an occupational therapy assistant under any circumstances including certification training or supervision.</p> <p>7. After completion of the Department approved dry needling course, the occupational therapist will submit proof of certification. This will include confirmation of passing scores on written and practical exams. The Department must review and approve documents prior to beginning use of dry needling. This also includes any advanced courses that may follow.</p> <p>8. Failure of an occupational therapist who is performing dry needling to provide written documentation that confirms he/she has met the requirements of this section shall be evidence that the occupational therapist is not competent and not permitted to perform dry needling. An occupational therapist performing dry needling in violation of this section shall be subject to disciplinary action as specified in Rule 8.8.1(1), (2), (6), (20), and (21).</p>
NE	<p>2016 Attorney General Opinion regarding whether dry needling is within the scope of practice of PTs, OTs, and athletic trainers. Its conclusion was that dry needling was not in the scope of practice for OTs.</p>
NV	<p>Advisory Notice posted on the occupational therapy licensing board website:</p> <p style="text-align: center;">ADVISORY NOTICE Occupational Therapy Scope of Practice Dry Needling</p> <p>The provision of Dry Needling IS NOT authorized as being within the Scope of Practice of Occupational Therapy in Nevada. The Nevada Legislative Counsel Bureau, in response to an inquiry by Senator Parks, regarding whether dry needling was within the scope of practice of physical therapy, issued an opinion regarding dry needling in the State of Nevada. Pertinent sections of that opinion reads in part: "After thoroughly examining all the relevant statutory provisions in NRS Title 54, and after interpreting those statutory provisions in a manner that best promotes the protective public policy of NRS Title 54 and best carries out the intent of the Legislature to safeguard the public from potential societal harms, we believe that the practice of dry needling is a healing art</p>

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	<p>encompassed within the scope of practice of: (1) physicians practicing medicine under NRS Chapter 630; (2) osteopathic physicians practicing osteopathic medicine under NRS Chapter 633; (3) homeopathic physicians practicing neural therapy under NRS Chapter 630A; and (4) doctors of Oriental medicine practicing acupuncture under NRS Chapter 634A.”</p> <p>“In order for licensed physical therapists to practice dry needling in Nevada, it is the opinion of this office that the Legislature would need to change Nevada's existing laws by enacting clear statutory authority allowing licensed physical therapists to practice dry needling in Nevada.”</p> <p>At the 2019 Legislative Session, the Nevada Legislature passed SB 186 which created clear statutory authority for Physical Therapists and Athletic Trainers to perform dry needling with the appropriate training as established through regulation.</p> <p>Occupational Therapists are NOT authorized to perform dry needling until such time as statutory authority is granted by the Nevada Legislature. (As of) August 10, 2019</p>
NM	<p>Board discussed dry needling in late 2019 and early 2020. The Board decided not to draft dry needling regulations because there wasn't enough documentation of its effectiveness at the time. However, the Board notes that the law and rules do not prohibit its use.</p>
NC	<p>OT Board FAQ posted on its website regarding dry needling: Question: What is the Board's position on dry needling? Answer: At its July 22, 2019, Board meeting, the Board agreed that dry needling is not within the scope of practice of occupational therapy, at this time.</p>
ND	<p>Statement on OT Board website: The Board does not regulate or require certification for OT's performing specific modalities, including dry needling. It is the responsibility of the OT to be proficient in the specific modality he/she is practicing. Should a complaint or lawsuit arise involving an OT's application of a specific modality, the OT would be responsible for proving his/her proficiency and appropriateness of application of the modality.</p>
OH	<p>Licensing board determined in 2012 that “There is nothing in the Ohio Occupational Therapy Practice Act that prohibits an occupational therapist from completing dry needling (intramuscular manual therapy) as part of the occupational therapy treatment/intervention plan, provided that the occupational therapist has received training, and demonstrated and documented competence in this activity.”</p>
OR	<p>Webpage on Oregon OT Licensing Board website: Can OT's practice Dry Needling in Oregon? No</p> <p>In May, 2023, the AOTA Representative Assembly adopted a new policy, E.18: Interventions to Support Occupations. Regarding dry needling, the document states the following: “AOTA asserts that interventions to support occupations including but not limited to physical agent modalities (PAMs), dry needling, and other techniques may be used in preparation for, or concurrently with occupations and activities or interventions that ultimately enhance a client's engagement in occupation.” (Emphasis added.)</p> <p>In Oregon, licensed acupuncturists are the only professionals that can legally practice dry needling. The Oregon Medical Board and its Acupuncture Advisory Committee regulate the practice of acupuncture in Oregon. They concluded that "dry needling" is</p>

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	<p>acupuncture and can only be performed by a licensed acupuncturist. Their rules state that no person may practice acupuncture without a license.</p> <p>847-070-0007 Practice of Acupuncture</p> <p>(1) No person may practice acupuncture without first obtaining a license to practice medicine and surgery or a license to practice acupuncture from the Oregon Medical Board.</p> <p><i>Other professions have challenged the rule but have not been successful:</i></p> <p>In 2017, the Oregon Board of Physical Therapy paid for a very costly review by the Dept. of Justice General Counsel Division. However, the opinion was dry needling is not within the scope of a PT. In 2011, the Board of Chiropractic Examiners adopted a rule authorizing chiropractors to practice dry needling which led to the decision of the Oregon Appeals Court Commissioner to stay the dry needling rule. In 2013, the Oregon Court of Appeals concluded that dry needling is not within the chiropractic scope of practice, and the rule was rescinded.</p>
TN	<p>Statute: Tennessee Code Annotated §63-13-103 Chapter Definitions.</p> <p>As used in this chapter, unless the context otherwise requires:</p> <p>(6) “Dry needling” means a skilled intervention that uses a thin filiform needle to penetrate the skin and stimulate underlying neural, muscular, and connective tissues for the management of neuromusculoskeletal conditions, pain, and movement impairments;</p> <p>(10)(B) Occupational therapy services are provided for the purpose of promoting health and wellness to those clients who have, or are at risk of developing, illness, injury, disease, disorder, impairment, disability, activity limitation or participation restriction and may include:</p> <ul style="list-style-type: none"> (i) Training in the use of prosthetic devices; (ii) Assessment, design, development, fabrication, adaptation, application, fitting and training in the use of assistive technology and adaptive and selective orthotic devices; (iii) Application of physical agent modalities with proper training and certification; (iv) Assessment and application of ergonomic principles; (v) Adaptation or modification of environments, at home, work, school or community, and use of a range of therapeutic procedures, such as wound care management, techniques to enhance sensory, perceptual and cognitive processing and manual therapy techniques, to enhance performance skills, occupational performance or the promotion of health and wellness; and (vi) Practice of dry needling of the upper limb, with proper training and certification; <p>(D) “Occupational therapy practice” includes specialized services provided by occupational therapists or occupational therapy assistants who are certified or trained in areas of specialization that include, but are not limited to, hand therapy, neurodevelopmental treatment, dry needling of the upper limb, sensory integration, pediatrics, geriatrics and neuro-rehabilitation, through programs approved by AOTA or other nationally recognized organizations;</p>

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	<p>Regulation: Tennessee Rules and Regulations Rule 1150-02-.21 DRY NEEDLING TO THE UPPER LIMB</p> <p>(1) In order to perform dry needling to the upper limb, an occupational therapist must obtain all of the educational instruction described in paragraphs (2)(a) and (2)(b) herein. All such educational instruction must be obtained in person and may not be obtained online or through video conferencing.</p> <p>(2) Mandatory Training - Before performing dry needling to the upper limb, a practitioner must complete educational requirements in each of the following areas:</p> <p>(a) Fifty (50) hours of instruction, to include instruction in each of the four (4) areas listed herein, which are generally satisfied during the normal course of study in occupational therapy school or continuing education from a Board-approved continuing education provider:</p> <ol style="list-style-type: none"> 1. Musculoskeletal and Neuromuscular systems; 2. Anatomical basis of pain mechanisms, chronic pain, and referred pain; 3. Trigger Points; and 4. Universal Precautions. <p>(b) Twenty-four (24) hours of dry needling instruction that includes specific instruction of the upper limb defined as hand, wrist, elbow, and shoulder girdle.</p> <ol style="list-style-type: none"> 1. The twenty-four (24) hours must include instruction in each of the following six (6) areas: <ol style="list-style-type: none"> (i) Dry needling technique; (ii) Dry needling indications and contraindications; (iii) Documentation of dry needling; (iv) Management of adverse effects; (v) Practical psychomotor competency; and (vi) Occupational Safety and Health Administration's Bloodborne Pathogens Protocol. 2. Each instructional course shall specify what anatomical regions are included in the instruction and describe whether the course offers introductory or advanced instruction in dry needling. 3. Each course must be pre-approved or approved by the Board or its consultant, or the Board may delegate the approval process to recognized health-related organizations or accredited occupational therapy educational institutions. <p>(c) A newly licensed occupation therapist shall not practice dry needling to the upper limb for at least one (1) year from the date of initial licensure unless the practitioner can demonstrate compliance with paragraph (2) through his or her pre-licensure educational coursework.</p> <p>(3) Any occupational therapist who obtained the requisite twenty-four (24) hours of instruction as described in paragraph (2)(b) in another state or country must provide the same documentation to the Board, as described in paragraph (2)(b), that is required of a</p>

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	<p>course provider. The Board or its consultant must approve the occupational therapist's dry needling coursework before the therapist can practice dry needling in this state.</p> <p>(4) Dry needling to the upper limb may only be performed by a licensed occupational therapist and may not be delegated to an occupational therapy assistant or support personnel.</p> <p>(5) An occupational therapist practicing dry needling to the upper limb must supply written documentation, upon request by the Board, that substantiates appropriate training as required by this rule.</p> <p>(6) All occupational therapy patients receiving dry needling to the upper limb shall be provided with information from the patient's occupational therapist that includes a definition and description of the practice of dry needling and a description of the risks, benefits, and potential side effects of dry needling.</p>
TX	<p>Statement from the OT board: "The occupational therapy practitioners must know how to perform and demonstrate proficiency in, as noted, any modalities, techniques, or procedures performed; however, please note that the Texas Board does not specify certifications they must hold for specific modalities, etc.</p> <p>The occupational therapy practitioners are responsible for all of the modalities, techniques, or procedures that are used and the use of such must comply with the OT Act and Rules."</p>
VA	<p>At the June 13, 2023 meeting of the OT Advisory Committee, it was reaffirmed that dry needling does not appear to be within the OT scope of practice and that a legislative change would be needed to allow OTs to perform dry needling.</p>
WI	<p>According to the state OT association, the OT Board's position is that if an OT wanted to provide dry needling or any other treatment, the OT would need to have documented evidence of proper training, skills, and abilities to use the treatment in their practice setting.</p>
WY	<p>Rule: Occupational Therapy Board Chapter 3, Section 6. Dry Needling</p> <p>(a) Licensed occupational therapists may use dry needling techniques on patients. Occupational therapists must be able to demonstrate that they have received dry needling training that meets the Board's requirements.</p> <p>(i) Dry needling training under this section must include a minimum of twenty-four (24) hours of live, face-to-face post professional instruction in dry needling.</p> <p>(ii) Dry needling training under this section must include, but is not limited to, anatomy, training in indications for dry needling, contraindications for dry needling, potential risks, proper hygiene, proper use and disposal of needles, and appropriate selection of clients.</p> <p>(iii) Occupational therapists who practice dry needling must retain written records of receiving dry needling training and present these records to the Board upon request.</p> <p>(b) Occupational therapy assistants or other support personnel may not perform dry needling techniques.</p>