

# **AGENDA ITEM 5**

**REVIEW AND VOTE ON APPROVAL OF THE FEBRUARY 26-27,  
2026, BOARD MEETING MINUTES.**



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

## **BOARD MEETING MINUTES**

**February 26, 2026**

**Department of Consumer Affairs  
1st Floor Hearing Room (South #102)  
1625 North Market Blvd.,  
Sacramento, CA 95834**

### **Board Members Present**

Beata Morcos – Board President  
Christine Wietlisbach – Board Vice President  
Ada Boone Hoerl – Board Secretary  
Luis Arabit  
Matthew Greco  
Virginia Santos  
Erin Schwier

### **Board Staff Present**

Austin Porter – Executive Officer  
Karina Clark – Analyst  
Helen Geoffroy – Board Attorney

**Thursday, February 26, 2026**

### **Board Meeting**

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

The meeting was called to order at 9:31 a.m. Secretary Ada Boone Hoerl called roll and a quorum was established.

#### **2. President’s Remarks – Informational Only; no Board Action to be taken.**

Board President Beata Morcos thanked the Department of Consumer Affairs (DCA) staff for hosting the Board meeting and thanked the staff that assisted in making the Board meeting possible.

President Morcos instructed the Board members to state their motions clearly as the meeting minutes must accurately reflect the motion.

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

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

Board Secretary Ada Boone Hoerl reported that student access to NBCOT is improving and she thanked the Occupational Therapy Association of California (OTAC) for their support.

No other Board member comments.

**4. Public Comment for Items Not on the Agenda.**

Samia Rafeedie, OTR/L President of Occupational Therapy Association of California, (OTAC) thanked the Board and introduced herself.

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

**5. Review and vote on approval of December 5, 2025, Board meeting minutes.**

There were no comments from the Board members.

- Christine Wietlisbach moved to approve the December 5, 2025, minutes.
- Ada Boone Hoerl seconded the motion.

**Board Member Vote**

Beata Morcos	Yes
Christine Wietlisbach	Yes
Luis Arabit	Yes
Ada Boone Hoerl	Yes
Matthew Greco	Yes
Vicky Santos	Yes
Erin Schwier	Yes

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

The motion carried.

**6. Update from Administrative Committee.**

Executive Officer (EO) Austin Porter stated that the Administrative Committee had assumed the role of Ad Hoc Committee for the Sunset Report. He reported that the committee drafted their opening statement for the hearing and the hearing date was March 24, 2026.

Board member Matthew Greco requested the name of the committee and location of the hearing.

EO Porter stated that the hearing would be conducted by the Joint Legislative Sunset Review Committee, which includes the Assembly Committee on Business and Professions and the Senate Committee on Business Professions and Economic Development. The hearing location would be held at 1021 O Street, Room 1100 Sacramento, CA.

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

**7. Review and vote on acceptance of the April 5, 2025, Practice Committee.**

The Chair of the Practice Committee, Christine Wietlisbach, gave a brief overview of the key items discussed at the Practice Committee meeting on April 5, 2025. The committee met to discuss the required training and education hours for occupational therapists applying for advanced practice approval in hand therapy with input from Teresa Brininger, Director of Accreditation, ACOTE.

Ms. Brininger clarified for the committee that the current ACOTE standards do not include language to support that entry-level graduates are currently receiving education in surgical procedures of the upper extremity and their postoperative course. She recommended that the Board submit a request to ACOTE to include such a standards in the next version..

- Ada Boone Hoerl, moved to approve the April 5, 2025, Practice Committee minutes.
- Christine Wietlisbach seconded the motion.

**Board Member Vote**

Beata Morcos	Yes
Christine Wietlisbach	Yes
Luis Arabit	Yes
Ada Boone Hoerl	Yes
Matthew Greco	Yes
Vicky Santos	Yes
Erin Schwier	Yes

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

The motion carried.

**8. Discussion and possible action on Letter from the Occupational Therapy Association of California (OTAC) to the Accreditation Council on Occupational Therapy Education (ACOTE) regarding inclusion of “surgical procedures of the upper extremity and their post-operative course” as an education standard.**

Samia Rafeedie, OTAC President, thanked Vice President Christine Wietlisbach for clarifying which parts of the upper extremities were discussed during the Practice Committee meeting on April 5, 2025. Ms. Rafeedie asked if the Board would consider amending its letter to include those specific areas of the body.

Vice President Wietlisbach agreed and recommended that the Board revise its letter to specify that the upper extremity, as it pertains to advanced practice in CA, includes the hand, wrist, and forearm.

Board Secretary, Ada Boone Hoerl agreed to revising the letter to ensure full support of what the Board is seeking from ACOTE. Board members Luis Arabit and Vicky Santos concurred.

Board staff was directed to make the requested edits to the letter and bring them to the next meeting for approval to submit to ACOTE.

Ms. Rafeedie announced that would begin work on new accreditation standards in 2028, and that the letter should be submitted before then.

Erin Schwier stated that depending on ACOTE's interpretive guides, there may be a way to enhance the current standard before a full iteration of new standards goes into effect.

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

## **9. Presentation from the Office of Professional Examination Services on the Exam Validation Process.**

Amy Welch Gandy, MA, Chief of the Office of Professional Examination Services, (OPES) introduced herself to the Board.

Ms. Welch Gandy gave a presentation and overview of the services OPES provides and how the office would facilitate a contracted Occupational Analysis and National Exam Review for the Board. Key points included the following:

OPES would conduct a review of OTR and COTA professional exams to evaluate the acceptability of using the OTR and COTA for making professional licensure decisions in California. OPES would evaluate documentation and information about the California and national occupational analyses of the occupational therapist and occupational therapist assistant professions, examination development procedures, passing score procedures, test administration, statistical performance of examinations, and examination security methods.

Matthew Greco asked why OPES asks to review national passing rates and how the passing rate information is used. Ms. Welch Gandy explained that the passing rate information is used to obtain a general sense of whether the current test is too hard or too easy for applicants. The pass rates obtained from the National Exam are collected for the test population as a whole and for the subset of California test takers.

### **Public Comment**

Cesar Arada, OTR/L, San Jose State University introduced himself, he further stated NBCOT provides psychometric testing that is being discussed and wanted to provide this knowledge to the Board.

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

## **10. Regulatory Update.**

EO Austin Porter provided a recap on how the Board had received regulatory updates from staff in the past and advised that a new regulatory tracker would be used going forward, which provided a more comprehensive picture of the stages a regulatory package goes through. The new tracker was included in the materials for this agenda item.

Mr. Porter introduced the Board's Regulatory Council, Deepi Miller, and thanked her for her assistance in creating the tracker. Mr. Porter gave an overview of the status of all of the Board's pending regulatory proposals that were listed on the tracker.

Vice President Wietlisbach thanked Mr. Porter and Deepi Miller for helping with creating the tracker, which makes it easier to review.

Deepi Miller explained to the Board that approval and changes to regulatory language will still follow the required public comment period of 45 days, which initiates the one-year deadline to have the final changes to Office of Administrative Affairs (OAL) and 15-day comment period for additional changes.

There were no Board member remarks.

There were no public comments.

#### **11. Discussion and possible action to consider initiation of a rulemaking to amend Section 4101 of title 16 of the California Code of Regulations (CCR) (*Delegation of Certain Functions*).**

EO A. Porter stated that the last time the Board discussed Section 4101 of title 16 of the California Code of Regulations (CCR) was on November 15, 2024, in relation to Business and Professions Code (BPC) Section 820. BPC 820 authorizes the Board to order a mental or physical examination of any licensee whenever it appears they may be unable to practice safely. The Board delegates this authority to the Executive Officer under CCR Section 4101 to prevent Board members from having prior knowledge of any potential any future disciplinary. California Code of Regulations Section 4148 authorizes the "board" to order a physical or mental examination of an applicant. It was intended that this authority be similarly given to the Executive Officer. Mr. Porter advised that the word "board" could be considered ambiguous as to where that authority resides and is now requested that the Board update their motion to include the amended language to Section 4101 of Title 16 of the CCR, (Delegations of Functions), as presented.

Board Counsel, Helen Geoffroy explained that the reason why the word "board" was chosen for Section 4148 of title 16 of the CCR was because it means staff, and since the Board does not have access to initial application information, the word board was the most logical in this context.

EO Porter asked Helen Geoffrey if the word board would have to be in both Sections 4101 and 4148 title 16 of the CCR. Ms. Geoffrey stated it would make sense to keep it in both sections as it would make it clear that the Executive Officer would have the responsibility to request the physical or mental examination.

- Ada Boone Hoerl moved to approve the proposed regulatory text for Sections 4101 and 4148 as presented, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 4148

and 4101 of Title 16, California Code of Regulations as noticed, with the authority to make any technical or nonsubstantive changes.

- Matthew Greco seconded the motion.

**Board Member Vote**

Beata Morcos	Yes
Christine Wietlisbach	Yes
Luis Arabit	Yes
Ada Boone Hoerl	Yes
Matthew Greco	Yes
Vicky Santos	Yes
Erin Schwier	Yes

**Public Comment**

Cesar Arada, OTR/L, San Jose State University, introduced himself and stated he felt that having a disclosure of mental health from applicants and licensees might be overreaching and felt it unnecessary, as there is already stigma in the OT field for anyone suffering from mental health conditions.

Vice President, Christine Wietlisbach responded to Mr. Arada by stating that there is no intent to preclude practitioners with mental health diagnosis from practicing, but rather to ensure that the mental health condition does not obstruct the ability to practice.

Attorney Helen Geoffrey stated that the reason for this agenda item was only to clarify the language on the regulation that “board” meant Executive Officer. Any discussion as to whether the Board should be considering mental health diagnoses as grounds to deny an applicant would need to be agendized for a future meeting, if the Board chooses.

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

The motion carried.

**12. Discussion and possible action to consider initiation of a rulemaking to add Sections 4110.1 (*Application Attestation*) and 4122 (*Renewal Attestation*) to title 16 of the California Code of Regulations (CCR).**

EO Porter advised that on August 18, 2022, the Board approved regulatory language to add Sections 4110.1 and 4122 to title 16 of the CCR. However, recent efforts by board staff to move language through the regulatory process have shown that a robust motion to initiate a rulemaking is often necessary to effect the desired change, and the motion from 2022 may not provide adequate support for the rulemaking. Furthermore, the Board had originally approved the language adding Section 4110.1 as a separate motion from the approval of 4122 and had approved the language adding Section 4122 alongside additional language that would amend Section 4161 (Continuing Competency). In order to have a more robust motion for the record, and because the Board has sought additional changes to Section 4161 since sections 4110.1 and 4122 were approved, it would be prudent to initiate separate rulemakings for each issue.

Mr. Porter went on to explain that, because the language was coming back before the Board at this meeting, he and Regulatory Counsel had taken the opportunity to make technical changes to the language. He also requested that the Board consider whether the changes required the

addition of new code sections as previously discussed or if the changes could be implemented in existing code sections 4110 and 4120 as the language presented at the current meeting showed.

The Board agreed that the text for proposed section 4110.1 should be added to the existing section 4110 as subsection (d) and that the text for proposed section 4122 should be added to section 4120(a)(2).

- Erin Schwier moved to approve the proposed regulatory text for Sections 4110(d) and 4120(a)(2) as presented, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 4110(d) and 4120(a)(2) of Title 16, California Code of Regulations as noticed, with the authority to make any technical or nonsubstantive changes.
- Luis Arabit seconded the motion.

**Board Member Vote**

Beata Morcos	Yes
Christine Wietlisbach	Yes
Luis Arabit	Yes
Ada Boone Hoerl	Yes
Matthew Greco	Yes
Vicky Santos	Absent
Erin Schwier	Yes

There were no additional Board member remarks.

There were no public comments.

The motion carried.

**13. Discussion and possible action to consider initiation of a rulemaking amend Section 4102 of title 16 of the California Code of Regulations (CCR) (*Change of Address and Change of Name*).**

EO Austin Porter stated that CCR Section 4102 was previously brought before the Board in August 2023. The Board had originally looked at this code section to clarify the difference between “Address of Record” and “Residence” address and the requirements to report changes in either type of address to the Board. The language also included the requirements for reporting name changes and providing the Board with an email address, when available.

Mr. Porter explained that the proposed language being presented today was the same as what was approved in 2023, and was being brought back today as a formality as part of board staff’s efforts to restructure their pending regulatory packages. However, the Board was of course free to discuss and modify the language as it sees fit.

Ada Boone Hoerl expressed concern about licensees addresses being available to the public.

EO Porter stated that a licensee’s address of record is public information according to a more general BPC section than the Board’s Practice Act, and that they are made public via DCA’s website. Board Attorney Helen Geoffrey clarified that the Address of Record can be your business address and that is what would be available through DCA’s website, the “Residence Address” is private and not disclosed to public set by court order.

- Luis Arabit, moved to approve the proposed regulatory text for Section 4102 as presented, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 4102 of Title 16, California Code of Regulations as noticed, with the authority to make any technical or nonsubstantive changes.
- Matthew Greco seconded the motion.

**Board Member Vote**

Beata Morcos	Yes
Christine Wietlisbach	Yes
Luis Arabit	Yes
Ada Boone Hoerl	Yes
Matthew Greco	Yes
Vicky Santos	Absent
Erin Schwier	Yes

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

The motion carried.

**14. Discussion and possible action to consider initiation of a rulemaking to amend Section 4162 of title 16 of the California Code of Regulations (CCR) (*Completion and Reporting Requirements*).**

EO Austin Porter stated that CCR Section 4162 Completion and Reporting Requirements were previously brought before the Board in August of 2023.

Mr. Porter presented to the Board new edits to Section 4162 that aimed to make it straightforward for the practitioner and finalize the language. In addition to the changes that were made to the language that were made since 2023 and included in the materials, further edits were recommended and shown on screen to the Board members and the public.

The additional edits were:

- In subsection (b), “for four years from the end of the following the renewal period or in the case of a license delinquently renewed, from the date the renewal was completed.”
- In subsection (d), “records to the Board documenting completion”

- In subsection (e), “In addition to any citation, administrative fine, and/or disciplinary action issued by the Board pursuant to subsection (d), the Board may issue an abatement order to ~~Any occupational therapy practitioner who fails to demonstrate completion of the PDUs continuing competency requirements required for license renewal shall be ordered to complete the number of hours units needed to meet the required for renewal requirement.”~~
  - In subsection (f), “Any professional development units PDUs completed to”
  - In subsection (g), “Any occupational therapy practitioner who is involved participates in a structured”
  - In subsection (h), “Any occupational therapy practitioner who does receives structured mentoring with from an individual skilled in a particular practice area of occupational therapy or does provides structured mentoring to a colleague to improve his/her their skills, shall document”
- Christine Wietlisbach, moved to approve the proposed regulatory text for Section 4162 as amended during the meeting, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 4162 of Title 16, California Code of Regulations as noticed, with the authority to make any technical or nonsubstantive changes.
  - Erin Schwier seconded the motion.

**Board Member Vote**

Beata Morcos	Yes
Christine Wietlisbach	Yes
Luis Arabit	Yes
Ada Boone Hoerl	Yes
Matthew Greco	Yes
Vicky Santos	Yes
Erin Schwier	Yes

There were no Board member remarks.

There were no public comments.

The motion carried.

**15. Discussion and possible action to consider initiation of a rulemaking to amend Sections 4180 (Definitions) and 4181 (Supervision Parameters) of title 16 of the CCR.**

This agenda item was postponed until the following day and is discussed after agenda item 21.

**PUBLIC HEARING**

A reinstatement petition hearing for Anahit Khudagulyan began at 1:33 pm. The hearing concluded at 4:23 pm.

**CONVENE IN CLOSED SESSION**

The Board entered closed session at 4:27 pm. To discuss disciplinary matters.

**RECONVENE IN OPEN SESSION**

The Board reconvened in open session at 5:35pm.  
No other items of business were discussed or transacted by the Board.

**RECESS**

The meeting went into recess at 5:36 pm. until the next day.

# **BOARD MEETING MINUTES**

**February 27, 2026**

**Department of Consumer Affairs  
1st Floor Hearing Room (South #102)  
1625 North Market Blvd.,  
Sacramento, CA 95834**

## **Board Members Present**

Beata Morcos – Board President  
Christine Wietlisbach – Board Vice President  
Ada Boone Hoerl – Secretary  
Luis Arabit  
Matthew Greco  
Virginia Santos  
Erin Schwier

## **Board Staff Present**

Austin Porter – Executive Officer  
Karina Clark – Analyst  
Helen Geoffroy – Board Attorney

**Friday, February 27, 2026**

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

The meeting was called to order at 9:33 a.m. Secretary Ada Boone Hoerl called roll and a quorum was established.

### **17. President's Remarks – Informational only; no Board action to be taken.**

Board President Beata Morcos thanked the Department of Consumer Affairs and SOLID staff for hosting the Board meeting and thanked all the Board staff that assisted in making the meeting possible.

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

### **18. Board Member Remarks – Informational only; no Board action to be taken.**

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

### **19. Public Comment for Items not on the Agenda.**

Tiana Hazard, Occupational Therapy Assistant student at Sacramento City College, introduced herself.

Emma Lopez, Occupational Therapy Assistant student at Sacramento City College introduced herself.

Michelle Peddit, Occupational Therapy Assistant student at Sacramento City College introduced

herself.

Adriana Samaniego, Occupational Therapy Assistant student at Sacramento City College introduced herself.

Celina Agular, Occupational Therapy Assistant student at Sacramento City College, introduced herself.

Samia Rafeedie, President of the Occupational Therapy Association of California, thanked the Board and introduced herself.

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

## **20. Presentation from the Office of Human Resources on Executive Officer Evaluation Process.**

Chatherine Bachiller, DCA Appointment and Recruitment Specialist, Office of Human Resources (OHR), introduced herself to the Board. She also introduced Stephanie Louie, Section Chief, Office of Human Resources. Ms. Bachiller gave an overview of the Executive Officer Annual Appraisal Process, to identify and understand the roles and responsibilities of the Board members.

- Annual appraisal helps establish clear expectations for the year ahead as well as the Executive Officer's accomplishments.
- The completed appraisal will become part of the EO's official personnel file and may be included in support of future salary adjustment requests.
- DCA recommends all Boards conduct the annual appraisal between October and December during a publicly noticed meeting.
- EO performance appraisal will be held in closed session and in accordance with Bagley Keene Open Meeting Act.
- Salary adjustment will be discussed after the evaluation and after consultation with OHR.
- EOs are considered exempt employees and are not entitled to merit-based salary increases. Any salary or level increase for an EO must be formally requested.
- Increase in salary must be effective no sooner than twelve months from the EO's last salary increase.
- To avoid unnecessary delays, salary increase requests should align with CalHR's established parameters. CalHR has the final approval authority.
- The Board President, at the Board meeting where the appraisal is conducted, will speak to the reasons a salary and/or level increase for EO is being pursued.
- The Board President, with assistance from EO and staff, is responsible for documenting the changes that justify the increase in a formal justification form submitted to OHR.

The Board asked whether EOs receive cost-of-living increases for EO. Ms. Bachiller advised the Board that salary increases for exempt employees require a formal request from the Board.

There were no Board member remarks.

There were no public comments.

**21. Presentation from Tammy Richmond MS, OTR/L, FAOTA, FATA, on artificial intelligence (AI) in healthcare.**

Ms. Tammy Richmond MS, OTR/L, FAOTA, FATA introduced herself and gave an overview of her presentation. Ms. Richmond was concerned about Assembly Bill AB 489, Health Care Professions: deceptive terms or letters: artificial intelligence, which passed in November 2025, and how it may alter the OT profession.

The content of Ms. Richmond’s presentation is available in the meeting materials

Christine Wietlisbach thanked Tammy Richmond for her presentation. She asked Ms. Richmond to give some examples of how AI would affect occupational therapy as a profession. Ms. Richmond elaborated on the current Agentic AI development at Kennedy, where a discussion ensued about sensory diets and the program creators only asked for direction from a dietician, which left occupational therapy profession out of the loop. Ms. Richmond stated that the Board should be paying attention to how much we may have to give up to some of these AI companies and how it may affect the profession.

Board President, Beata Morcos thanked Ms. Richmond for her presentation.

**Public Comment**

Wendy Nielson, OTR/L, Academic Fieldwork Coordinator, Sacramento City College, thanked the Board and Tammy Richmond for her presentation on AI. Ms. Nielson, volunteered to be part of the Ad-Hoc Committee on AI, when formed.

Jana King, SEIU United Healthcare Workers West, introduced herself to the Board, thanked the Board and Tammy Richmond for her presentation. She stated she represents about 20,000 allied healthcare workers throughout the State of California.

There were no additional Board member remarks.

There were no additional public comments.

**15. (Carried over from previous day) Discussion and possible action to consider initiation of a rulemaking to amend Section 4180 (*Definitions*) and 4181 (*Supervision Parameters*) of title 16 of the California Code of Regulations (CCR).**

President Morcos asked Ada Boone Hoerl, who had served on the committee that helped develop the proposed language, for clarification on the purpose for including the phrase “at any one time” on only certain subdivisions of subsections (d) and (g).

Secretary Hoerl clarified that the intention behind the language was to allow for supervision of individuals from the other categories while those in a specific category may not be actively engaged in client care.

Erin Schwier provided further clarification that level I students are not generally directly involved with patient care, as they are in primarily functioning in an observational capacity.

Vice President Wietlisbach pointed out that the language did specify level I students directly engaged in client related tasks.

Erin Schwier agreed that that language was still important to have, in the event that a level I student may engage in client care incidentally, and that close supervision should be exercised in those cases.

Deepi Miller asked the Board for clarification on whether subsection (d) and (g) were limiting licensees to supervising three total individuals or three total categories from their respective subdivision.

Discussion culminated in the Board's recommendation that the phrase "at any one time" be added directly to (d) and (g) so that it would apply to all categories of supervisees. It was also recommended that the language be modified to make it clear that the limit was three total individuals from any combination of the categories of supervisees.

### **Public Comment**

Samia Rafeedie, OTAC President asked about CCR Section 4181 (Supervision Parameters), subsection (g), not showing "rehabilitation aides" on the list of supervisees. This was part of the discussion with the Board in November of 2024. EO Porter agreed and thanked Ms. Rafeedie for reminding the Board. "Aides" would be added to the list.

Ms. Rafeedie, also asked if a motion had been made for the agreement to add a definition on direct supervision, as agreed in the November 2024 meeting to align with the definition used in the ACOTE Standards.

EO Porter asked the Board if adding the definition to CCR Section 4180, subsection (d) would be agreed upon, as direct supervision is referenced in that section.

Regulatory Council, Deepi Miller agreed the definition of direct supervision should be added to CCR Section 4180, sub-section (d) to include "direct insight supervision for faculty led work". Ms. Miller agreed to work with EO Porter on the language so it could be presented to the Board for a motion at a later meeting.

Ultimately, the Board decided that the proposed language should be revised by the Executive Officer and Regulatory Counsel and be brought back to the next meeting.

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

## **22. Discussion on Assembly Bill (AB) 489, Bonta, Health care professions: deceptive terms or letters: artificial intelligence. Discussion may include how to adopt regulations to implement this bill and the benefits of establishing an ad hoc committee on artificial intelligence in healthcare professions.**

EO Austin Porter presented an overview of Assembly Bill (AB) 489 and asked the Board what responsibilities it would have for monitoring the use of AI in Occupational Therapy, in the context of a generative AI model implying to the public that it was qualified to provide OT services..

Board members agreed this topic should be addressed by the ad hoc Committee on AI in Healthcare.

There were no additional Board member remarks.

There were no public comments.

**23. Discussion and possible action regarding the Board’s standing on ad hoc committees and committee membership, including possible establishment of an ad hoc committee on artificial intelligence in healthcare professions and the appointment of committee members to any of the Board’s committees by the Board President.**

Board President Beata Morcos established the ad hoc Committee on Artificial Intelligence in Healthcare.

President Morcos appointed members to the Board’s committees as follows:

- **Ad-Hoc Committee on Artificial Intelligence in Healthcare Professions**
  - Erin Schwier, Chair
  - Luis Arabit, Co-Chair
  - Ada Boone Hoerl (*on – hold: legal to check on 3<sup>rd</sup> Board member allowance*)
  - Wendy Nielson, OTR/L, Sacramento City College
  - Tammy Richmond, MS, OTR/L, FAOTA, FTA
  
- **Committee Education and Outreach**
  - Ada Boone Hoerl, Chair (will take position after July 1, 2026)
  
- **Committee on Regulatory and Legislative Affairs**
  - Matthew Greco, Chair
  - Luis Arabit
  - Christine Wietlisbach
  - Samia Rafeedie, OTR/L
  
- **Practice Committee**
  - Christine Wietlisbach, Chair

There were no additional Board member remarks.

There were no public comments

**24. Legislative Update.**

EO Austin Porter presented the legislative update table to the Board with the Assembly and Senate Bills that have been amended, these bills were previously placed on “watch” by the Board and they are being presented to the Board with amended edits to seek the position the Board would like to take.

a) **Review, discussion and possible action regarding Board positions on the following bills:**

- **Assembly Bill (AB) 277, Alanis, Behavioral health centers, facilities, and programs: background checks.**

The Board chose to watch the bill.

- **Senate Bill (SB) 903, Padilla, Mental Health professionals: artificial intelligence.**

The Board chose to watch the bill and charge the ad hoc Committee on Artificial Intelligence in Healthcare with providing further recommendation to the Board.

b) **Discussion on chaptered legislation.**

- **SB 497, Wiener, legally protected healthcare activity.**

This item was informational only, to inform the Board the bill had passed.

There were no Board member remarks.

There were no public comments

**25. Executive Officer's Report.**

a. **Administrative Update including information on Board's budget, personnel, BreZE.**

Current year-to-date revenue for fiscal month six was \$1,936,000. Expenditure plus encumbrances is \$1,690,000.

The vacant position in Licensing and Administration was filled internally which opened an Analyst I position for which staff have begun recruitment efforts.

The most recent BreZE update: **Publish to applicant functionality:** This is a process enhancement that allows the applicant or licensee to view documents attached to their transactions.

b. **Licensing Unit data.**

Mr. Porter gave a verbal overview of the reports in the materials.

c. **Enforcement Unit data.**

Mr. Porter gave a verbal overview of the reports in the materials.

**26. Suggestions for future agenda items.**

There were no suggestions made.

**MEETING ADJOURNMENT.**

The meeting adjourned at 12:36 p.m.

# **AGENDA ITEM 6**

**DISCUSSION AND POSSIBLE ACTION ON LETTER FROM THE OCCUPATIONAL THERAPY ASSOCIATION OF CALIFORNIA (OTAC) TO THE ACCREDITATION COUNCIL ON OCCUPATIONAL THERAPY EDUCATION (ACOTE) REGARDING THE INCLUSION OF “SURGICAL PROCEDURES OF THE UPPER EXTREMITY AND THEIR POST OPERATIVE COURSE” AS AN EDUCATION STANDARD.**

INCLUDES THE FOLLOWING:

- 6.1 LETTER FROM OTAC TO ACOTE SENT JANUARY 8, 2026.
- 6.2 UPDATED DRAFT LETTER OF SUPPORT FROM CBOT TO ACOTE (MAY 11, 2026).



Thursday, January 8, 2026

Accreditation Council for Occupational Therapy Education (ACOTE®)  
American Occupational Therapy Association  
6116 Executive Boulevard, Suite 200  
North Bethesda, MD 20852

**RE: Aligning ACOTE Standards with contemporary occupational therapy practice demands and existing regulatory expectations particularly as it relates to **upper extremity surgical procedures and their postoperative course****

Dear Members of the Accreditation Council for Occupational Therapy Education,

On behalf of the Occupational Therapy Association of California (OTAC), we respectfully submit this request for consideration as ACOTE undertakes revisions to the ACOTE Standards for occupational therapy education in the United States. OTAC represents occupational therapy practitioners, educators, and students across California and is committed to advancing high-quality, consistent occupational therapy education and workforce preparedness.

OTAC requests that ACOTE consider adding **surgical procedures of the upper extremity and their postoperative course** as an explicit educational requirement within the **B standards** for entry-level occupational therapy education.

### **Rationale**

In California, occupational therapists must seek approval from the California Board of Occupational Therapy (CBOT) to practice in “advanced areas” such as hand therapy and are required to demonstrate competency in foundational content areas as outlined by CBOT. These include:

- Upper extremity anatomy and alterations due to pathology
- Histology as it relates to tissue healing
- Effects of immobilization and mobilization on connective tissue, muscle, sensory, and vascular systems
- Upper extremity kinesiology, including biomechanical principles, intrinsic and extrinsic muscle function, and internal and external forces
- Physiological effects of temperature and electrical currents on nerve and connective tissue
- **Surgical procedures of the upper extremity** and postoperative management



Notably, all of these content areas—**with the exception of surgical procedures of the upper extremity**—are already strongly represented within current ACOTE Standards and are commonly addressed in entry-level occupational therapy curricula nationwide.

Education related to upper extremity surgical procedures and postoperative care, however, is inconsistently taught across programs. This variability results in uneven preparation of graduates entering practice settings where occupational therapists routinely evaluate and treat clients following surgery, particularly in hand therapy and orthopedic practice.

### **Impact on Practice and Regulation**

The absence of a national educational standard addressing upper extremity surgical procedures necessitates additional state-level regulatory mechanisms, such as California’s Advanced Practice in Hand Therapy requirements, to ensure practitioner competency and public safety. If this content were included as a required component of entry-level education through ACOTE Standards, graduates would enter practice with a more consistent and comprehensive foundation.

Such a change would:

- Improve consistency in educational preparation across occupational therapy programs
- Enhance readiness for practice in hand therapy and related settings
- Support public protection through standardized foundational knowledge
- Reduce reliance on state-specific advanced practice restrictions, including the need for separate advanced practice designations in California

Importantly, this request does not seek to expand entry-level education beyond appropriate scope, but rather to align ACOTE Standards with contemporary occupational therapy practice demands and existing regulatory expectations.

In California, the current Advanced Practice in Hand Therapy regulatory structure also has practical implications for service delivery across care settings. For example, in inpatient hospital environments, occupational therapists without Advanced Practice authorization may be restricted from treating people with post-upper extremity surgical procedures, despite having the requisite foundational knowledge and skills. As a result, outpatient occupational therapists with Advanced Practice authorization are often required to enter the inpatient setting to provide care. When this is not feasible, referrals may be redirected to other rehabilitation disciplines. These scenarios create delays in care, limit efficient use of the occupational therapy workforce, and place operational burdens on managers and supervisors who must navigate coverage challenges to ensure continuity of services.



## Request

OTAC respectfully requests that ACOTE consider the inclusion of **upper extremity surgical procedures and their postoperative course** as an additional educational requirement within the B standards in the next iteration of the ACOTE Standards for entry-level occupational therapy education.

We appreciate ACOTE's leadership in advancing high-quality occupational therapy education and welcome the opportunity to provide further information or engage in continued dialogue as part of the standards review process.

A handwritten signature in black ink that reads "Samia H. Rafeedie". The signature is written in a cursive, flowing style.

Samia H. Rafeedie, OTD, OTR/L, BCPR, CBIS, FAOTA  
President, Occupational Therapy Association of California



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

Date TBD

Accreditation Council for Occupational Therapy Education (ACOTE®)  
American Occupational Therapy Association  
6116 Executive Boulevard, Suite 200  
North Bethesda, MD 20852

RE: Support for Inclusion of Surgical Procedures of the Upper Extremity and Their Postoperative Course in the ACOTE Standards

Dear Members of the Accreditation Council for Occupational Therapy Education,

The California Board of Occupational Therapy (CBOT) writes to express our strong support for the request submitted by the Occupational Therapy Association of California (OTAC) regarding the inclusion of upper extremity surgical procedures and their postoperative course as an explicit educational requirement within the B standards for entry-level occupational therapy education.

As the regulatory body for occupational therapy practice in California, CBOT is committed to ensuring public protection through competent and consistent practitioner preparation. Currently, California requires occupational therapists to obtain advanced practice approval before providing hand therapy services, which includes demonstrating completion of education and training in six foundational content areas, per California's Occupational Therapy Practice Act (section 2570.3). These content areas are:

- Anatomy of the upper extremity and how it is altered by pathology.
- Histology as it relates to tissue healing and the effects of immobilization and mobilization on connective tissue.
- Muscle, sensory, vascular, and connective tissue physiology.
- Kinesiology of the upper extremity, such as biomechanical principles of pulleys, intrinsic and extrinsic muscle function, internal forces of muscles, and the effects of external forces.
- The effects of temperature and electrical currents on nerve and connective tissue.
- **Surgical procedures of the upper extremity and their postoperative course.**

*When applied to the requirements for advanced practice approval for hand therapy in California, the upper extremity is taken to mean the hand, wrist, and forearm. Education that addresses this content area would cover surgery and injury to those parts of the body and would prepare an entry-level practitioner to provide care following such surgery.*



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

While most of these areas are well represented in existing ACOTE Standards, education related to surgical procedures and postoperative care remains inconsistent across programs.

This gap in standardized education has practical implications for both patient care and workforce utilization. In many clinical settings, occupational therapists without Advanced Practice authorization may be restricted from treating individuals following upper extremity surgery, even when they possess the necessary foundational knowledge. These limitations can lead to delays in care, increased operational burdens, and inefficiencies in service delivery.

Including this content in ACOTE Standards would:

- Promote consistency in educational preparation across all entry-level programs nationwide.
- Enhance readiness for practice in hand therapy and orthopedic settings.
- Support public safety through standardized foundational knowledge.
- Reduce reliance on state-specific advanced practice mechanisms, streamlining regulatory processes.

CBOT believes this change aligns with contemporary practice demands and supports the profession's ability to deliver timely, high-quality care. We commend ACOTE for its leadership in advancing occupational therapy education and encourage consideration of this important addition during the upcoming standards review.

Thank you for your attention to this matter. We welcome the opportunity to provide further input or collaboration as needed.

Sincerely,

Beata Morcos  
Board President  
California Board of Occupational Therapy

# **AGENDA ITEM 7**

**DISCUSSION AND POSSIBLE ACTION ON THE REQUIREMENTS TO BE AN ADVANCED PRACTICE REVIEWER OR A PRACTICE REVIEWER FOR THE BOARD.**



# MEMORANDUM

<b>DATE</b>	May 12, 2026
<b>TO</b>	Members of the Board of Occupational Therapy
<b>FROM</b>	Austin Porter, Executive Officer Board of Occupational Therapy
<b>SUBJECT</b>	<b>Agenda Item 7: Discussion and possible action on the requirements to be an Advanced Practice Reviewer or a Practice Reviewer for the Board.</b>

## Background

The Board utilizes contracts with Advanced Practice Reviewers and Practice Reviewers to facilitate its advanced practice approval process and its enforcement processes, respectively.

Advanced Practice Reviewers are qualified occupational therapists contracted by the Board to review post-professional coursework towards approval in advanced practices. If a course provider requests pre-approval for a course, board staff will accept an application from the provider and request an evaluation of the course from a contracted reviewer. Similarly, if an application for advanced practice approval includes coursework that has not previously been approved, that coursework is then sent for review. The current requirements to be an Advanced Practice Reviewer are as follows:

- A current and active California OT license without restrictions.
- No prior or current charges or discipline against any health care related license in California or in any other place of licensure.
- No criminal convictions, including any that were expunged or dismissed.
- At least five of the past seven years practicing in an advanced practice area.

Practice Reviewers (also referred to as Expert Witnesses/Consultants) are qualified occupational therapists and occupational therapy assistants contracted by the Board to review case materials, prepare written opinions, and possibly testify at administrative hearings. These contracts are utilized when the nature of alleged violations requires a knowledge of the occupational therapy profession beyond that of board staff. These cases typically require that the Practice Reviewer determine

whether a respondent deviated from normal standards of practice or acted with negligence. The current requirements to be a Practice Reviewer are as follows:

- A current and active California OT or OTA license without restrictions.
- No prior or current charges or discipline against any health care related license in California or in any other place of licensure.
- No criminal convictions, including any that were expunged or dismissed.
- Ten or more years of experience with seven years of recent experience in the area of expertise for which the reviewer would be rendering a professional opinion.

While the requirements for each dictate that the reviewer shall possess an active, unrestricted CA license, it is not clear whether they must currently reside in or practice in CA. Furthermore, in the case of Practice Reviewers, it is not clear what is meant by "Ten years of experience with seven years of recent experience..."

### **Action Requested**

Staff requests that the Board determine whether Practice Reviewers and/or Advanced Practice reviewers should be required to reside and practice in California during their contracts. Staff also requests that the Board clarify the experience requirement for Practice Reviewers.

### **Materials Included**

- Communication with two prospective Practice Reviewers (redacted).
- CBOT website's Practice and Advanced Practice Reviewer recruitment page.
- Advanced Practice Reviewer application.
- Practice Reviewer application.
- Excerpts from the State Contracting Manual regarding "Consultant Services Contracts" and "Expert Witness Contracts."

**From:**  
**To:**  
**Subject:** Re: Board of Occupational Therapy - Practice Reviewer Contract  
**Date:** Monday, April 27, 2026 2:17:45 PM  
**Attachments:** [image001.png](#)

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Hi Austin,  
Sure, I will be happy to make a statement. Could you send me a prompt, or link when it comes out?

I'm happy to be part of this again. What a privilege!

On Mon, Apr 27, 2026 at 11:26 AM  
wrote:

Hi

Thank you for your prompt response and your interest.

State contracting law does not require that you live and/or practice in CA. Procedures and criteria established by the Board for recruiting practice reviewers are also silent on this (only that you must have an active, unrestricted license). The Board typically has a small number of reviewers on contract, so I don't think this has come up before.

I'd like to put this on the agenda for the Board's upcoming meeting, May 21-22, 2026. That way, the Board can make an informed and definitive decision before we proceed with your contract.

The discussion will be about the requirements in general, and your contract will not be discussed specifically. However, I encourage you to make public comment at the meeting via WebEx if you'd like to share an opinion with the Board before they decide.

The agenda will be posted on the Board's website no later than May 10, and this item will most likely be scheduled for the first day of the meeting.

**Austin Porter**

Executive Officer



DEPARTMENT OF CONSUMER AFFAIRS  
**BOARD OF OCCUPATIONAL THERAPY**

1610 Arden Way, Suite 121

Sacramento, CA 95815

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**From:**

**Sent:** Monday, April 27, 2026 10:52 AM

**To:**

**Subject:** Re: Board of Occupational Therapy - Practice Reviewer Contract

Hello.

I'm happy to continue working with the board.

I kept my CA license.

I moved to Tennessee in June.

Can I continue to serve in this position?

On Mon, Apr 27, 2026, 1:38 PM

wrote:

Hi

I hope this email finds you well. I'm reaching out regarding your contracted position as an expert reviewer for CBOT disciplinary cases.

Your contract with the Board expired on . The Board greatly appreciates the expertise in diverse practice areas offered by our reviewers, and would like to renew your contract, if you are still interested.

Please let me know if you'd like to renew your contract with the Board, and a member of staff will reach out with the necessary paperwork and information.

Thank you!

**Austin Porter**

Executive Officer



[1610 Arden Way, Suite 121](#)

[Sacramento, CA 95815](#)

**From:**  
**To:**  
**Cc:**  
**Subject:** Re: Board of Occupational Therapy - Practice Reviewer Contract  
**Date:** Monday, April 27, 2026 1:08:44 PM  
**Attachments:** [image001.png](#)

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Thanks so much.

On Mon, Apr 27, 2026 at 12:33 PM

wrote:

Hi

Thank you for your prompt response and your interest.

The requirements adopted by the Board state that practice reviewers must have at least 10 years of experience in their practice area with 7 years of recent experience. It's unclear what is meant by "recent".

Clarification on some of the requirements for practice reviewers is scheduled for Board discussion at our upcoming meeting, May 21-22, 2026. I'll make sure this gets addressed in their discussion and then we can proceed with renewing your contract, depending on the consensus.

**Austin Porter**

Executive Officer



DEPARTMENT OF CONSUMER AFFAIRS

**BOARD OF OCCUPATIONAL THERAPY**

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[1610 Arden Way, Suite 121](#)

[Sacramento, CA 95815](#)

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**From:**

**Sent:** Monday, April 27, 2026 11:34 AM

**To:**

**Subject:** Re: Board of Occupational Therapy - Practice Reviewer Contract

Hello

I changed practice area and now work in pelvic floor therapy.

Could I still review for school based with my 12 years of experience if I'm no longer in that practice area?

On Mon, Apr 27, 2026 at 10:35 AM  
wrote:

Hi

I hope this email finds you well. I'm reaching out regarding your contracted position as an expert reviewer for CBOT disciplinary cases.

Your contract with the Board expired on . The Board greatly appreciates the expertise in diverse practice areas offered by our reviewers, and would like to renew your contract, if you are still interested.

Please let me know if you'd like to renew your contract with the Board, and a member of staff will reach out with the necessary paperwork and information.

Thank you!

**Austin Porter**

Executive Officer



DEPARTMENT OF CONSUMER AFFAIRS

**BOARD OF OCCUPATIONAL THERAPY**

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[1610 Arden Way, Suite 121](#)

[Sacramento, CA 95815](#)



# Recruiting Practice Reviewers & Advanced Practice Reviewers

## Practice Reviewers

The Board is currently recruiting qualified occupational therapists and occupational therapy assistants to review case materials, prepare written opinions, and possibly testify at administrative hearings as a Practice Reviewer. Practice Reviewers are paid \$75 per hour for case review and preparation of the expert opinion report and \$120 per hour plus expenses if called to testify at an administrative hearing. If you wish to provide this service to your community, please verify that you have:

- Ten or more years of experience with seven years of recent experience in the area of expertise for which they are reviewing cases or rendering a professional opinion.

[Watch this video to learn more!](#)

## Advanced Practice Reviewers

The Board is currently recruiting qualified occupational therapists review applicants for advanced practice approval and applications for advanced practice post-professional education. Advanced Practice Reviewers are paid \$75 per hour for their services. If you wish to provide this service to your community, please verify that you have:

- At least five, of the past seven years, practicing in an advanced practice area.

## Both Practice Reviewers and Advanced Practice Reviewers must have:

- A current and active California OT license without restrictions.
- No prior or current charges or discipline against any health care related license in California or in any other place of licensure.
- No criminal convictions, including any that were expunged or dismissed.

If you meet the requirements and are interested in providing this service to your community, complete the [Practice Reviewer application](#) or [Advanced Practice Reviewer application](#) and follow the instructions carefully. Once completed, send the application and your Curriculum Vitae (resume) to:

**California Board of Occupational Therapy**  
**1610 Arden Way, Suite 121**  
**Sacramento, CA 95815**

If you have additional questions, please [send a message to the Board](#).

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## APPLICATION TO BE A PRACTICE REVIEWER

Thank you for your interest in serving the Board of Occupational Therapy as a practice reviewer. Expert witnesses are licensed occupational therapists and occupational therapy assistants with the professional and educational background to review complaints, develop opinions, prepare written reports and/or testify at administrative hearings. Practice reviewers are an important part of the Board's Enforcement Program, and their effectiveness is vital for fulfilling our legislative mandate to protect California consumers of occupational therapy services from unprofessional, incompetent and otherwise dangerous practitioners.

If you wish to provide this service to your community and be considered by the Board as a practice reviewer, please complete all sections of the application and submit to the above address. Please attach your resume or Curriculum Vitae.

### **A practice reviewer must hold a current and active license without restrictions.**

It is imperative that practice reviewers have at least ten (10) years experience with seven (7) years of recent experience in the area of expertise for which they will be reviewing cases and rendering a professional opinion. Please select (✓) the applicable area(s) for which you are most knowledgeable, keeping in mind that you will need to defend your position in court should you be called to testify. ***California Civil Code Section 43.8 provides immunity for those practitioners who render an opinion against an occupational therapist or an occupational therapy assistant for the Board.***

- |  |  |                                      |
|--|--|--------------------------------------|
| <input type="checkbox"/> Private Practice          | <input type="checkbox"/> Physical Disabilities | <input type="checkbox"/> Technology  |
| <input type="checkbox"/> School-Based Practice     | <input type="checkbox"/> Behavioral Health     | <input type="checkbox"/> Education   |
| <input type="checkbox"/> Pediatrics                | <input type="checkbox"/> Gerontology           | <input type="checkbox"/> Research    |
| <input type="checkbox"/> Work Program              | <input type="checkbox"/> Home Health           | <input type="checkbox"/> Wellness    |
| <input type="checkbox"/> Administrative Management | <input type="checkbox"/> Hand Therapy          | <input type="checkbox"/> Other _____ |

Indicate all advanced practice area(s) which you have been approved by the Board and the date of approval:

- Hand Therapy - Date of Approval: \_\_\_\_\_
- Physical Agent Modalities - Date of Approval: \_\_\_\_\_
- Swallowing Assessment, Evaluation, or Intervention - Date of Approval: \_\_\_\_\_

**Section I: Personal Data (Please Complete All Boxes)**

Last Name		First Name		Middle Name
Residence Address (Street No., Apt No.)		City	State	Zip Code
Home Telephone No. (     )	Business Telephone No. (     )	FAX No. (     )	E-Mail Address	

**Section II: Professional Data (Please Complete All Boxes. Attach additional pages if necessary.)**

License No.	Original Issue Date	Expiration Date	Type <input type="checkbox"/> OT <input type="checkbox"/> OTA
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1. Do you possess a *current* certification from the National Board for Certification in Occupational Therapy, Inc. (NBCOT), or membership with the American Occupational Therapy Association (AOTA), Occupational Therapy Association of California (OTAC), or other state association?

Yes    NBCOT: Certification No. \_\_\_\_\_ as of \_\_\_\_\_ (date).  
                   AOTA: Membership No. \_\_\_\_\_ as of \_\_\_\_\_ (date).  
                   OTAC: Membership No. \_\_\_\_\_ as of \_\_\_\_\_ (date).  
                   Other: \_\_\_\_\_ Membership No. \_\_\_\_\_ as of \_\_\_\_\_ (date).  
                   Other: \_\_\_\_\_ Membership No. \_\_\_\_\_ as of \_\_\_\_\_ (date).

No

2. Do you currently hold any other licenses or specialty certifications, including occupational therapy or any other health related field, in California or in any other state?

Yes    If yes, please provide a list and details below.       No

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Has any health related professional licensing or disciplinary body in any state, territory or foreign jurisdiction, or any branch of the military, denied, limited, placed on probation, restricted, suspended, cancelled or revoked any professional license, certificate, or registration granted to you, or imposed a fine, reprimand, or taken any other action against you?

Yes    If yes, please provide details below.       No

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Have you ever been convicted of a crime?

Yes    If yes, please provide details below.     No

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5. Have you been actively engaged in the practice of occupational therapy (defined as at least 80 hours a month in occupational therapy, including direct client care, clinical activity, supervision, administration or teaching) in the past five years?

Yes     No

*Please attach a copy of your resume or Curriculum Vitae to this application.*

6. Please describe your related practice activities within the past five years.

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7. Have you ever ceased practice for one year or more?

Yes    If yes, please provide details below.     No

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8. Please describe any mentoring or supervisory positions you have been involved within the past five years.

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12. Why do you feel you are qualified to be an expert witness?

\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
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**Section III: Affidavit**

**I declare, under penalty of perjury of the laws of the State of California, that all of the information contained herein, and evidence or other credentials submitted herewith are true and correct.**

**Further, I certify that I have read and understand the disclaimer listed below.**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Disclaimer: Licensees are prohibited from making any claim or any advertisement in which they represent themselves as being affiliated in any way with the California Board of Occupational Therapy. Licensees shall not represent themselves as being an expert, a Board “expert,” hold themselves out as holding any credential, or use any designation based on their participation in the Practice Reviewer Program. By signing the affidavit in Section III, you indicate that you understand the prohibitions concerning Board affiliation and advertising. Failure to comply may result in disciplinary action.

Information Collection and Access: The Board’s Executive Officer is the person responsible for information maintenance. Business and Professions Code section 2570.18 gives the Board authority to maintain information. All information is mandatory. Failure to provide any mandatory information will result in the application being rejected as incomplete. Authorized personnel will use the information provided to determine your eligibility for participation in the Practice Reviewer Program. Each individual has the right to review his or her file maintained by the agency subject to the provisions of the California Public Records Act.



## APPLICATION TO BE AN ADVANCED PRACTICE REVIEWER

Thank you for your interest in serving the Board of Occupational Therapy as an advanced practice reviewer. Advanced practice reviewers are licensed occupational therapists with the professional and educational background to review applications for advanced practice approval and applications for advanced practice post-professional education. Advanced practice reviewers are an important part of the Board's Licensing Program and their effectiveness is vital for fulfilling our legislative mandate to protect California consumers of occupational therapy services from unprofessional, incompetent and otherwise dangerous practitioners.

If you wish to provide this service to your community and be considered by the Board as an advanced practice reviewer, please complete all sections of the application and submit to the above address. Please attach your resume or Curriculum Vitae.

**An advanced practice reviewer must hold a current and active license without restrictions.**

It is imperative that advanced practice reviewers have been practicing in an advanced practice area for at least five (5) of the past seven (7) years.

Indicate all advanced practice area(s) which you have been approved by the Board and the date of approval:

- Hand Therapy - Date of Approval: \_\_\_\_\_
- Physical Agent Modalities - Date of Approval: \_\_\_\_\_
- Swallowing Assessment, Evaluation and Intervention - Date of Approval: \_\_\_\_\_

### Section I: Personal Data (Please Complete All Boxes)

Last Name		First Name		Middle Name
Residence Address (Street No., Apt No.)		City	State	Zip Code
Home Telephone No. ( )	Business Telephone No. ( )	FAX No. ( )	E-Mail Address	

### Section II: Professional Data (Please Complete All Boxes. Attach additional pages if necessary.)

License No.	Original Issue Date	Expiration Date	
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1. Do you possess a *current* certification from the National Board for Certification in Occupational Therapy, Inc. (NBCOT), or membership with the American Occupational Therapy Association (AOTA), Occupational Therapy Association of California (OTAC), or other state association?

Yes NBCOT: Certification No. \_\_\_\_\_ as of \_\_\_\_\_ (date).  
 AOTA: Membership No. \_\_\_\_\_ as of \_\_\_\_\_ (date).  
 OTAC: Membership No. \_\_\_\_\_ as of \_\_\_\_\_ (date).  
 Other: \_\_\_\_\_ Membership No. \_\_\_\_\_ as of \_\_\_\_\_ (date).  
 Other: \_\_\_\_\_ Membership No. \_\_\_\_\_ as of \_\_\_\_\_ (date).

No

2. Do you currently hold any other licenses or specialty certifications, including occupational therapy or any other health related field, in California or in any other state?

Yes If yes, please provide a list and details below.  No

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3. Has any health related professional licensing or disciplinary body in any state, territory or foreign jurisdiction, or any branch of the military, denied, limited, placed on probation, restricted, suspended, cancelled or revoked any professional license, certificate, or registration granted to you, or imposed a fine, reprimand, or taken any other action against you?

Yes If yes, please provide details below.  No

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4. Have you ever been convicted of a crime?

Yes If yes, please provide details below.  No

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5. Have you been actively engaged in the practice of occupational therapy (defined as at least 80 hours a month in occupational therapy, including direct client care, clinical activity, supervision, administration or teaching) in the past five years?

Yes  No

*Please attach a copy of your resume or Curriculum Vitae to this application.*

6. Please describe your related practice activities within the past five years.

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7. Have you ever ceased practice for one year or more?

Yes If yes, please provide details below.  No

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8. Please describe any mentoring or supervisory positions you have been involved with in the past five years.

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9. Please describe any teaching or public speaking experience within the last five years. Please relate this experience to the specific area of expertise.

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10. Have you ever been involved in an accreditation process?

Yes If yes, please provide details below.  No

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11. Why do you feel you are qualified to be a reviewer of advanced practice applications?

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**Section III: Affidavit**

**I declare, under penalty of perjury of the laws of the State of California, that all of the information contained herein and evidence or other credentials submitted herewith are true and correct.**

**Further, I certify that I have read and understand the disclaimer listed below.**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Disclaimer: Licensees are prohibited from making any claim or any advertisement in which they represent themselves as being affiliated in any way with the California Board of Occupational Therapy. Licensees shall not represent themselves as being an expert, a Board “expert,” hold themselves out as holding any credential, or use any designation based on their participation in the Advanced Practice Reviewer Program. By signing the affidavit in Section III, you indicate that you understand the prohibitions concerning Board affiliation and advertising. Failure to comply may result in disciplinary action.

Information Collection and Access: The Board’s Executive Officer is the person responsible for information maintenance. Business and Professions Code section 2570.18 gives the Board authority to maintain information. All information is mandatory. Failure to provide any mandatory information will result in the application being rejected as incomplete. Authorized personnel will use the information provided to determine your eligibility for participation in the Advanced Practice Reviewer Program. Each individual has the right to review his or her file maintained by the agency subject to the provisions of the California Public Records Act.

Revised (4/25)

# Excerpts from the State Contracting Manual

## **3.02 CONSULTANT SERVICES CONTRACTS** (Rev 04/26)

- A. A consultant services contract is a services contract of an advisory nature that provides a recommended course of action or personal expertise. (PCC § 10335.5.)
  - 1. The contract calls for a product of the mind rather than the rendition of mechanical or physical skills.

2. The product may include anything from answers to specific questions to the design of a system or plan.
  3. Consulting services may include workshops, seminars, retreats, and conferences for which paid expertise is retained by contract, grant, or other payment for services.
- B. Expert witness contracts and legal services contracts are types of consulting services. (PCC § 10335.5.) These two types are exempt from competitive bidding. (See SCM I, section 5.80.)
- C. Consultant services contracts do not include:
1. Contracts between State agencies and the Federal government. (PCC § 10335.5.)
  2. Contracts with local agencies, as defined in Revenue and Taxation Code § 2211, to subvene Federal funds for which no matching State funds are required.
  3. Contracts for architectural and engineering services. (GC § 4525.)
- D. Agencies shall only use private consultants when the quality of work is at least equal to that of agency resources. (PCC § 10371.) But such contracts must still also comply with GC section 19130.

### 3.02.1 CONTRACT REQUIREMENTS

- A. Consultant services contracts have certain requirements that do not apply to other contracts. (PCC § 10371.)
1. Consultant services contracts of \$5,000 or more shall contain detailed performance criteria and a schedule for performance.
  2. The contractor must provide a detailed analysis of the costs of performance of the contract.
  3. Consultant services contracts of \$5,000 or more shall have attached as part of the contract, a completed resume for each contract participant who will exercise a major administrative role or major policy or consultant role, as identified by the contractor.
- B. A consultant contract should contain:
1. A clear description of the work to be done or the problem to be solved. (If a problem cannot be clearly delineated, the agency must consider whether the problem is sufficiently understood or is not deserving of a consultant's attention.) The contract must specifically identify in realistic terms what the consultant is to accomplish, including any desired approach to the problem; practical, policy, technological, and legal limitations; specific questions to be answered; the manner in which the work is to be done; a description of the

items to be delivered and measurable results they are required to achieve; the format and number of copies to be made of the completed reports; and the extent and nature of the assistance and cooperation that will be available to the consultant from the State.

2. Time schedules, including dates for commencement of performance and submission of progress reports, if any, and date of completion.
3. Manner of progress payments, whether and to what extent they will be allowed, and, if appropriate, known or estimated budgetary limitations on the contract price.
4. The dispute resolution clause should outline the steps to be taken by each party in the event a dispute arises. (PCC § 10381.)
5. Final meeting requirements between the contractor and agency management, when the contractor is to present his or her findings, conclusions, and recommendations, when applicable.
6. Final report requirements that require the consultant to submit a comprehensive final report, when applicable.

### 3.02.2 REVIEW OF TECHNICAL QUALIFICATIONS

The following criteria should be covered in the evaluation of technical qualifications presented in response to an RFP or IFB:

- A. Does the proposing firm understand the agency's problem? Oral presentations may be arranged, if necessary.
- B. Is the approach to the problem reasonable and feasible?
- C. Does the firm have the organization, resources, and experience to perform the assignment? Has the firm had experience in similar problem areas?
- D. Has the firm submitted sufficient information to establish that the personnel it has committed to the assignment have the appropriate professional qualifications, experience, education, and skill to successfully complete the assignment?

### 3.02.3 REVIEW OF PRIOR PERFORMANCE EVALUATIONS

- A. Before awarding a consulting services contract of \$5,000 or more, an agency must request a copy of any negative evaluations from DGS/OLS. (PCC § 10371.)
- B. DGS/OLS shall send a copy of any evaluation report and response to the contracting manager or contracting officer, or highest-ranking contracting official of a State agency on receipt of a written, telephonic, or other form of request stating the reason for the request. On receipt of a consultant services contract submitted for DGS/OLS approval, DGS/OLS shall notify the awarding agency within ten working days if a negative evaluation is on file for the contractor. (PCC § 10370.) To avoid possible delays in approvals of contracts submitted to

DGS/OLS, the awarding agency should document the review of the negative evaluations in the space provided on form STD 215.

### 3.02.4 CONTRACTOR EVALUATIONS (PCC §§ 10367 and 10369(f))

Each contractor providing consultant services of \$5,000 or more shall be advised in writing on the standard contract that the performance will be evaluated.

- A. One Contract/Contractor Evaluation, form STD 4, must be prepared within 60 days of the completion of the contract.
- B. The agency shall document the performance of the contractor in doing the work or in delivering the services for which the contract was awarded.
- C. The evaluations shall remain on file by the agency for a period of 36 months. If the contractor did not satisfactorily perform the work or service specified in the contract, the agency conducting the evaluation shall place one copy of the unsatisfactory evaluation form in a separate agency contract file and send one copy of the form to DGS/OLS within five (5) working days of completion of the evaluation.
- D. Upon filing an unsatisfactory evaluation with DGS/OLS, the State agency shall notify and send a copy of the evaluation to the contractor within 15 days. The contractor shall have 30 days to submit a written response to the evaluation to the agency in the department under the contract and to send it to the awarding agency and the department. The contractor's response shall be filed with the evaluation in the agency's separate contract file and in DGS/OLS's files.
- E. The evaluations and contractor responses on file with the agencies and DGS/OLS are not public records. They should be maintained in a separate file. (PCC § 10370.)

### 3.02.5 PARTICIPATION OF AGENCY PERSONNEL

- A. Agencies receive the greatest benefits from consultants when the project is a joint undertaking and agency personnel are active participants. Their participation provides the employees with training opportunities and knowledge of what the consultant has done, why it was done, and how the agency can benefit by it. The work often represents knowledge that may not be derived simply through the analysis of the consultant's formal report. Agency personnel working with the consultant provide project continuity at the operating level in subsequent months. Teamwork between the consultant and agency employees can also foster

support for the project and enhance its chances for success.

- B. Each contract should identify a person (or position) in the agency who will be the project coordinator. This person will have the overall responsibility to evaluate and follow up on the work of the consultant. Other staff time should be allotted for the project according to the nature and complexity of each engagement.
- C. The contract shall provide a progress schedule and milestones, such as a series of progress reports or meetings on a regular basis to allow the agency to determine whether the consultant is on the right track and whether the project is on schedule, to provide communication of interim findings, and to afford opportunities for resolving disputes so that remedies can be developed quickly (PCC § 10381(c)).

3.02.6 FOLLOW-ON CONTRACTS PROHIBITED (PCC §10365.5)  
(Rev. 04/22)

- A. A person, firm, or subsidiary awarded a consulting services contract is prohibited from submitting a bid or being awarded a contract for the services or goods suggested in that consulting services contract except:
  - 1. Exception: A person, firm, or subsidiary may be awarded a subcontract of no more than 10% of the total monetary value of the consulting services contract.
  - 2. This prohibition applies to non-IT and IT contracts. (See PCC § 10430(b).)

### **3.08 EXPERT WITNESS CONTRACTS** **(Rev 04/22)**

- A. When a consultant is retained as an expert witness for litigation purposes, the rate paid should be consistent with the complexity and difficulty of the testimony to be given, the going rate for similarly qualified consultants, and the qualifications and reputation of the particular consultant. The contract should detail exactly what the consultant is to do, e.g., provide reports, submit to depositions, testify in court, or make other appearances.
- B. Contracts solely for the purpose of obtaining expert witnesses for litigation are exempt from advertising and bidding requirements (PCC § 10335.5).
- C. Use of litigation experts pursuant to PCC § 10335.5(c)(3) must be supported by a written justification, which demonstrates that litigation is “likely” rather than theoretical. Other non-litigation services or services that are not considered expert witness services (see Evidence Code section 801, et seq.) do not qualify for the advertising and bidding exemption of PCC 10335.5.