



BOARD OF OCCUPATIONAL THERAPY
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**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
BOARD MEETING MINUTES
February 21, 2008**

Board Members Present

Mary Evert, President
Nancy Michel
Bobbi Jean Tanberg
Christine Wietlisbach

Board Members Absent

Patti Horsley

Staff Present

Heather Martin, Executive Officer
Norine Marks, Legal Counsel
Theresa Rister, Analyst

8:30 am

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

President Mary Evert called the meeting to order at 8:50 am. Secretary Bobbi Jean Tanberg called the roll. A quorum of the Board was present.

B. President's remarks regarding hearing.

President Evert explained that although the Reinstatement Hearing was scheduled as the next item on the agenda, since not all required participants had arrived, she was going to continue to move through the agenda items.

C. Approval of the August 14, 2007, Special Board meeting minutes.

This item was tabled to the next meeting.

D. Approval of the December 6, 2007, Board meeting minutes.

The Board reviewed the draft minutes of the December 6, 2007, Board meeting.

- ❖ Nancy Michel moved to approve the minutes of the December 6, 2007, meeting.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed unanimously.

E. Approval of the December 14, 2007, Board meeting minutes.

The Board reviewed the minutes of the December 14, 2007, Board meeting and made typographical corrections.

- ❖ Bobbi Jean Tanberg moved to approve the December 14, 2007, minutes as corrected.
- ❖ Nancy Michel seconded the motion.
- ❖ Motion passed unanimously.

F. President's report.

President Mary Evert gave an update on her meeting with Albert Balingit, Staff Counsel, Department of Consumer Affairs' Ethics Officer, to discuss the acceptance of gifts and other reporting requirements. Ms. Evert also gave a brief overview of how the Application Review Sub-Committee is reviewing applications.

G. Practice Committee report:

Christine Wietlisbach, reported that the Practice Committee approved the minutes of December 5, 2007, meeting and made recommendations at the February 20, 2008, meeting as follows:

1. The Committee discussed the Frequently Asked Questions (FAQs) regarding Child Study Teams and preparation of an Individualized Education Program and recommended awaiting the release of the revised Guidelines for Occupational Therapy and Physical Therapy in California Public Schools, due out this summer.
2. The Committee discussed the Frequently Asked Questions (FAQs) for fieldwork educators and/or coordinators and recommend they be posted on the Board's website.
3. The Committee discussed "non-client related tasks" as defined in Title 16, Division 39, Section 4180(d) of the California Code of Regulations and considered possibly recommending the Board amend the regulatory language. Instead they recommended amending Business and Professions Code section 2570.2 to strike the provision that prohibits occupational therapy assistants from supervising occupational therapy aides.
4. The Committee reviewed the *Application to Provide Advanced Practice Post-Professional Education*, the instructions, and the application review process and recommended that providers who submit courses that are incomplete or on the old application form be returned to the provider for correction.
5. The Committee discussed the merits of changing the Advanced Practice application review process and requiring licensees to apply to the Board prior to commencing the process and will discuss the issue at its next meeting.
6. The Committee failed to discuss requiring applicants to take a jurisprudence examination as a condition for licensure due to time constraints and will discuss this at its next meeting.

Ms. Evert requested item number four be considered separately from the remainder of the report.

- ❖ Christine Wietlisbach moved to accept the Practice Committee's recommendation to amend section 2570.2 to strike the language which prohibits the supervision of occupational therapy aides by occupational therapy assistants.
- ❖ Bobbi Jean Tanberg seconded the motion.

Board member discussion regarding the ultimate responsibility of the supervising occupational therapist includes the occupational therapy assistants and the occupational therapy aides.

- ❖ Motion passed unanimously.

- ❖ Christine Wietlisbach moved to accept items 1-3 and 5-6 of the Practice Committee's report.
- ❖ Nancy Michel seconded the motion.
- ❖ Motion passed unanimously.

OPEN SESSION – Petitioner and Administrative Hearing

Administrative Law Judge Christopher Ruiz presided over the Petition for Reinstatement of Revoked License hearing of Michelle Velasquez. A court reporter was present to capture the testimony.

CLOSED SESSION, upon conclusion of administrative hearing.

At 10:00 am, Board convened in closed session pursuant to Government Code section 11126(c)(3) in order to discuss and vote on the above petition for reinstatement.

OPEN SESSION

The Board reconvened in open session at 10:45 am.

H. Consideration and adoption of draft Board Member Procedure Manual.

Members discussed the Board Member Guidelines and Procedures Manual as presented. Ms. Martin remarked that she would work with Legal Counsel to develop verbiage regarding Board member attendance at committee meetings and that she would bring the language back for consideration at a future meeting.

- ❖ Nancy Michel moved to adopt the manual as presented with the exception of the section regarding board member attendance at committee meetings.
- ❖ Bobbi Jean Tanberg seconded the motion.

Members further discussed Chapters Six (Travel Procedures) and Eight (Affiliation with other Organizations) relative to Board member attendance at conferences and whether members should earn per diem and be reimbursed for travel-related expenses.

- ❖ Christine Wietlisbach moved to approve the manual, excluding the section regarding board member attendance at committee meetings and with an amendment to Chapter Eight to insert "The Board shall ensure representation by attending annual conferences and other events as operationally practicable" in the AOTA section.
- ❖ Nancy Michel seconded the motion.
- ❖ Motion passed unanimously.

I. Adoption of proposed regulatory language to amend Title 16, Division 39, California Code of Regulations Section 4181 – Supervision Parameters.

Members discussed the proposed amendments and the comment provided by Susan Nickelson regarding the use of the term "medical record" which is not used in all settings.

- ❖ Bobbi Jean Tanberg moved to direct the Executive Officer to modify the text in section 4181(a)(1) to add the word "and" after "occupational therapy services" and amend section 4181(a)(2) to read "documentation of review of the client's medical record and/or treatment record and the occupational..." and send it out for a 15-day comment period.
- ❖ Christine Wietlisbach seconded the motion.
- ❖ Motion passed unanimously.

- ❖ Bobbi Jean Tanberg moved to delegate authority to the Executive Officer to adopt the language if no comments are received.
- ❖ Christine Wietlisbach seconded the motion.
- ❖ Motion passed unanimously.

J. Regulation update report:

1. **Title 16, Division 39, CCR Section 4123 – Limited Permits**
2. **Title 16, Division 39, CCR Section 4141 – Assessment of Administrative Fines**
3. **Title 16, Division 39, CCR Section 4154 – Post-Professional Education and Training and Section 4155 – Application for Approval in Advanced Practice Areas**
4. **Title 16, Division 39, CCR Section 4161 - Continuing Competency**
5. **Title 16, Division 39, CCR Section 4170 – Ethical Standards of Practice**

Members did not have any questions or comments on the status of pending regulations.

K. 2008 Legislation update:

1. Review and consideration of legislative proposals:

a. Amendment to Business & Professions Code Section 2570.6

Members reviewed the language with proposed amendments, the history of the occupational therapy education accreditation process, and a table illustrating how other California boards address the educational requirements, and how occupational therapy boards in other states handle the education requirements.

Ms. Wietlisbach noted that eight out of eleven other state boards reported that they accept the fact that the National Board for Certification in Occupational Therapy (NBCOT) allows an individual to take the examination as proof of meeting the educational requirements. Members further discussed the issue of qualifying educational requirements.

- ❖ Nancy Michel moved to have the Administrative Committee develop specific language to be brought to a teleconference Board meeting to be held on March 25th and to invite participants from NBCOT, the Accreditation Committee on Occupational Therapy Education, and the American Occupational Therapy Association.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed unanimously.

b. Establishing a Scholarship Program for Students of Occupational Therapy and Occupational Therapy Assistant Programs and a Student Loan Repayment Program for newly licensed Occupational Therapists and Occupational Therapy Assistants

- ❖ Nancy Michel moved to approve the language as presented and direct the Executive Officer to find an author for the language.
- ❖ Christine Wietlisbach seconded the motion.
- ❖ Motion passed unanimously.

2. Report on status of board-approved legislative proposals: Amendments to Business and Professions Code sections 683, 800, 2570.5, 2570.28, and 2570.185, and proposed new language to license OTAs, establish a retired status for occupational therapy practitioners, require employers of occupational therapy practitioners to report to the Board the suspension or termination for cause of any practitioners in their employ and defines that term, and require the Board perform a workforce study and report the findings to the Board.

- ❖ Nancy Michel moved to approve the amendment to the legislative proposal regarding Section 2570.28(c) as presented.
 - ❖ Christine Wietlisbach seconded the motion.
 - ❖ Motion passed unanimously.
3. **Report on pending legislative bills: Assembly Bills 64, 721, 806, 865, 1329, and 1444 and Senate Bills 352, 374, 618, 721, and 1048.**

Members did not have any questions or comments on the status of pending bills.

L. Consideration of educational requirements for Occupational Therapists and Occupational Therapy Assistants trained outside the United States (Business and Professions Code Section 2570.15) and possible regulatory language.

Ms. Martin referenced Business and Professions Code Section 2570.15 and presented draft regulatory language to further define and clarify the application process for foreign trained therapists. Ms. Evert remarked that not all occupational therapy programs approved by the World Federation of Occupational Therapists have moved to an entry-level Master's program; some colleges and universities still grant occupational therapy degrees at the baccalaureate level. After further discussion, it was agreed to not move forward with the regulatory language for foreign trained therapists until a decision was made about changing the educational requirements set forth in Section 2570.6.

Ms. Martin referenced a sample letter that is sent to occupational therapists trained outside the United States requesting additional information regarding their occupational therapy program and a chart provided to assist them with demonstrating they meet the educational requirements. Members agreed that it would be helpful to add the chart and some background information to the website.

M. Executive Officer's report:

1. Office Relocation update

Ms. Martin reported the office was scheduled to move March 21, 2008. The total cost out of this year's budget for new furniture, telephones, a shared computer server, and the actual moving costs, would be \$26,000. This is in addition to the funds set aside in the last two years.

2. Internal Audit update

Ms. Martin reported the Internal Audit report was anticipated on being released in December 2007 or January 2008. However, due to recruitment issues in the Internal Audit Office, the report had not been released as planned; the future release date was unknown.

3. Website update

Ms. Martin reported that the revised website had been released. The "new" website complied with new statewide standards and requirements and contained new content that had previously been put on hold.

4. Personnel updates

Ms. Martin reported that February 1st was the last day worked for one staff member who left the Board to work for another licensing board and the licensing technician went out on maternity leave. Ms. Martin reported that a new enforcement staff person was hired and she anticipated hiring a limited-term staff person to assist her with outreach and education efforts.

5. Outreach efforts

Ms. Martin reported that in the first six weeks of the year, she had attended three outreach events and was scheduled to attend five more over the next three months.

6. Other informational items

Ms. Martin remarked that she was attending monthly Executive Officer meetings, quarterly DCA Leadership meetings, and had recently joined the Department of Consumer Affairs' Policy Review Committee, which meets monthly.

Ms. Martin indicated that she recently met with DCA budget staff to discuss the Board's year-to-date revenue and expenditures, the Board's fund condition and discuss possible upcoming budget change proposals. Ms. Martin also indicated that the out-of-state travel requests were due in early April.

N. Enforcement data and reports (10/1/07 – 12/31/07)

Ms. Martin provided the Board with statistics concerning citations, probationers, and enforcement actions for the first two quarters of the calendar year.

O. Discussion of feasibility of establishing an Early Determination policy and procedure for applicants convicted of a crime(s).

Ms. Martin discussed the fact that while NBCOT, an examination vendor, may be able to provide applicants their Early Determination policy for examination purposes, that the variation in the types and nature of possible criminal convictions would make it more difficult for the Board to do the same for licensure purposes.

P. Consideration of Committee member recommendations and assignments.

Board members provided recommendations for committee assignments.

- ❖ Nancy Michel moved to delegate the authority to the President to make Committee appointments.
- ❖ Christine Wietlisbach seconded the motion.
- ❖ Motion passed unanimously.

Q. Future agenda items

Ms. Martin referenced two items that she would like delegated to the Practice Committee.

- ❖ Nancy Michel moved to delegate the authority to the President to make Committee appointments.
- ❖ Christine Wietlisbach seconded the motion.
- ❖ Motion passed unanimously.

R. Public comment session for items not on the agenda.

Gigi Smith of the Occupational Therapy Association of California offered to send out an email blast to their membership soliciting interest in the Board's new committees.

S. CLOSED SESSION pursuant to Government Code Section 11126(a)(1) for the evaluation of the Executive Officer.

At 2:50 pm the Board convened in closed session to discuss the December 2007 evaluation of the Executive Officer and consider an increase in compensation.

T. CLOSED SESSION pursuant to Government Code Section 11126(c)(3) to deliberate on disciplinary Decisions.

The Board convened in closed session to discuss two disciplinary decisions.

U. Return to open session.

The meeting reconvened in open session at 3:25 p.m.

V. Adjournment.

The meeting adjourned at 3:25 p.m.