



BOARD OF OCCUPATIONAL THERAPY

2205 Evergreen Street, suite 2050, Sacramento, CA 95811

Tel: (916) 263-2294 Fax: (916) 263-2701

E-mail: cbot@dca.ca.gov Web: www.bot.ca.gov

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
TELECONFERENCE BOARD MEETING MINUTES**

July 17, 2008

Board Members Present

Mary Evert, President
Nancy Michel
Bobbi Jean Tanberg
Patti Horsley
Christine Wietlisbach

Board Staff Present

Heather Martin, Executive Officer
Norine Marks, Legal Counsel
Jeff Hanson, Analyst

Board Members Absent

None.

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

President Mary Evert called the meeting to order at 10:05 a.m. establishing contact with all teleconference sites. Secretary Bobbi Jean Tanberg called the roll. A quorum of the Board was present.

B. The Board will convene in CLOSED SESSION pursuant to Government Code Section 11126(c)(3) to Deliberate on Disciplinary Decisions.

At 10:08 a.m. the Board convened in closed session pursuant to Government Code section 11126(c)(3) in order to discuss and vote on a proposed stipulation.

C. Return to Open Session.

At 10:17 a.m. the Board reconvened in open session.

D. President's remarks.

Ms. Evert thanked Board Member Bobbi Jean Tanberg for her work reviewing educational degree programs of applicants who had completed degree programs prior 1994 as well as foreign educated and trained applicants.

Ms. Evert reported she met with Carrie Lopez, the Director of the Department of Consumer Affairs, and Spencer Walker, Senior Advisor to the Director, on July 14, 2008, regarding the Professionals Achieving Consumer Trust Summit scheduled for November 2008. Ms. Evert reported that other general issues related to Board operations were also discussed.

Ms. Evert reported that as a delegate for the World Federation of Occupational Therapy she attended the Canadian Yukon Territory Occupational Therapy Conference to speak on disaster preparedness. Ms. Evert also indicated she recently had the opportunity of presenting information on regulatory processes in the United States to Japanese counterparts while on a personal trip Japan.

Ms. Evert asked Bobbi Jean Tanberg to report on an OTAC Region II Townhall Meeting that Ms. Tanberg attended in March. Ms. Tanberg reported she explained the roles and responsibilities of the Board with meeting participants. Ms. Tanberg relayed to Board members and staff interactions with meeting participants and provided suggestions to better serve stakeholders.

E. Approval of the February 21, 2008, Board meeting minutes.

The Board reviewed the minutes of the February 21, 2008, Board meeting and made typographical corrections.

- ❖ Bobbi Jean Tanberg moved to approve the February 21, 2008, minutes as corrected.
- ❖ Nancy Michel seconded the motion.

Roll call vote

Mary Evert:	Aye
Patti Horsley:	Aye
Nancy Michel:	Aye
Bobbi Jean Tanberg:	Aye
Christine Wietlisbach:	Aye

- ❖ Motion passed unanimously.

F. Approval of the March 25, 2008, Teleconference Board meeting minutes.

The Board reviewed the minutes of the March 25 2008, Board meeting and asked that the minutes reflect that motions included a roll call vote, as occurred, and correct misspelled Board member names.

- ❖ Patty Horsley moved to approve the March 25 2008, minutes as corrected.
- ❖ Bobbi Jean Tanberg seconded the motion.

Roll call vote

Mary Evert:	Aye
Patti Horsley:	Aye
Nancy Michel:	Aye
Bobbi Jean Tanberg:	Aye
Christine Wietlisbach:	Aye

- ❖ Motion passed unanimously.

G. Approval of the May 16, 2008, Teleconference Board meeting minutes.

The Board reviewed the minutes of the May 16, 2008, Board meeting and asked that the minutes reflect that motions included a roll call vote, as occurred, and correct misspelled Board member names.

- ❖ Christine Wietlisbach moved to approve the May 16, 2008, minutes as corrected.
- ❖ Bobbi Jean Tanberg seconded the motion.

Roll call vote

Mary Evert: Aye
Patti Horsley: Aye
Nancy Michel: Aye
Bobbi Jean Tanberg: Aye
Christine Wietlisbach: Aye

- ❖ Motion passed unanimously.

H. Proposal to amend regulatory language, Title 16, Division 39, California Code of Regulations Section 4100 – Definitions.

Board staff provided information to develop a criteria that would further define and clarify crimes or acts that would be considered as “substantially related” to the qualifications, functions, or duties of occupational therapists and occupational therapy assistants. Board members reviewed the substantial relationship criteria of six healthcare related Boards within the Department of Consumer Affairs. Staff identified language that was common to all Boards and provided examples of specific crimes and acts that had been cited as being substantially related with other healthcare related Boards.

After review and discussion, the Board directed staff to develop specific recommendations on crimes and acts that would be considered as being substantially related and bring the proposed criteria to the next meeting. Christine Wietlisbach offered to assist staff in developing the proposed criteria. Executive Officer, Heather Martin, asked Board members to contact her if they formed an opinion on specific crimes or acts that should not be included in the staff’s proposed criteria.

I. Proposal to amend regulatory language, Title 16, Division 39, California Code of Regulations Section 4130 – Fees.

- ❖ Bobbi Jean Tanberg moved to approve the language in concept and direct the Executive Officer to Notice the language and commence the regulatory process.
- ❖ Patti Horsley seconded the motion.

Roll call vote

Mary Evert: Aye
Patti Horsley: Aye
Nancy Michel: Aye
Bobbi Jean Tanberg: Aye
Christine Wietlisbach: Aye

- ❖ Motion passed unanimously.

J. Proposal to amend regulatory language, Title 16, Division 39, California Code of Regulations Section 4150 – Definitions; 4153 – Swallowing Assessment, Evaluation, or Intervention; and 4155 - Application for Approval in Advanced Practice Areas.

The Board reviewed the language as presented and discussion ensued. A question regarding the relevance of requiring an applicant to submit learning statements surfaced. As a result, the Board decided to pursue a regulatory change to portfolio requirements by striking the learning statement requirement.

- ❖ Christine Wietlisbach moved to approve the language as presented, strike section 4155(b)(5), and duplicate verbiage in Section 4154(a)(4)(A) and (b) and add to Section 4155(b)(3).
- ❖ Nancy Michel seconded the motion.

Roll call vote

Mary Evert: Aye
Patti Horsley: Aye
Nancy Michel: Aye
Bobbi Jean Tanberg: Aye
Christine Wietlisbach: Aye

- ❖ Motion passed unanimously.

- ❖ Bobbi Jean Tanberg moved to direct the Executive Officer to work with Christine Wietlisbach to ensure the language is correct, then Notice the language and set for hearing.
- ❖ Nancy Michel seconded the motion.

Roll call vote

Mary Evert: Aye
Patti Horsley: Aye
Nancy Michel: Aye
Bobbi Jean Tanberg: Aye
Christine Wietlisbach: Aye

- ❖ Motion passed unanimously.

K. Proposal to add regulatory language for Infection Control Practices to Title 16, Division 39, California Code of Regulations

The Board reviewed the language as presented and discussion ensued. Norine Marks, Board's Legal Counsel, expressed concerned with some non substantive language meeting clarity standards with the Office of Administrative Law.

- ❖ Patti Horsley moved to approve the language in concept, direct the Executive Officer and Legal Counsel to work with the author of the language (Christine Wietlisbach), then Notice the language and set for hearing.
- ❖ Nancy Michel seconded the motion.

Roll call vote

Mary Evert: Aye
Patti Horsley: Aye
Nancy Michel: Aye
Bobbi Jean Tanberg: Aye

Christine Wietlisbach: Aye

❖ Motion passed unanimously.

L. Regulation Update:

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**

Ms. Martin indicated that the report presented contained only pending regulatory packages and did not include information about regulatory language approved by the Board but not yet filed with the Office of Administrative Law. Ms. Martin asked whether the Board would like the report to also include approved packages. The members agreed and did not have any questions or comments on the status of pending regulations.

M. 2008 Legislation Update:

1. **Status of 2008 legislative proposals: Assembly Bill (AB) 1329 and Senate Bill (SB) 1779**

Ms. Martin reported that after many changes, AB 1329 was being held over and placed in suspense.

Ms. Martin reported that SB 1779 likely would become law January 1, 2009. This is the Department's omnibus bill which contained needed legislative changes to Business and Professions Code Sections 2570.6 and 2570.7 regarding education and examination requirements. The bill also contains language requiring occupational therapy practitioner to report to the Board any known violations of the practice act. The bill also adds occupational therapy practice to Section 800, which requires liability insurance claims over the amount of \$3,000 to be reported to the Board.

2. **Legislative bills identified as having potential impact and other bills of interest:
Assembly Bills 64, 249, 721, 806, 807, 822, 1025, 1135, and 1444 and Senate Bills 352, 374, 519, 618, 721, and 1048, 1454.**

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

N. Executive Officer's report:

1. **Personnel updates**

Ms. Martin reported the Board hired a limited term office technician (Scott Forrington) in March to enhance the Board's outreach efforts. Interviews for the open Analyst position previously held by April Freeman had been conducted, however the position remains open. Recruitment and advertising for the Analyst position would resume.

2. **Outreach efforts**

No information to report.

3. Other informational items

No information to report.

O. Enforcement data and reports

1. Citation and fine statistics: 1/1/08 – 3/31/08 and 4/1/08 – 6/30/08
2. Probationer update: 1/1/08 – 3/31/08 and 4/1/08 – 6/30/08
3. Disciplinary case status: 1/1/08 – 3/31/08 and 4/1/08 – 6/30/08

Members did not have any questions or comments regarding enforcement data and reports.

P. Consideration of the following practice questions:

1. When is the post-op period complete? When is an OT (*without advanced practice approval in hands*) able to provide therapy working on simple functional activities such as bilateral hand skills, ADL with two hands (i.e., shoe tying, dressing)?
2. Can applicants for advanced practice approval in hand therapy receive Post-Professional course credit for courses treating the shoulder?

Due to time constraints regarding the availability of a teleconference room, Board members did not object with Christine Wietlisbach, the Executive Officer, and Mary Evert developing responses to these items.

Q. Future agenda items

Ms. Martin suggested that the Board discuss issues surrounding documenting patient/client records and how new electronic record keeping may impact practitioners.

Bobbi Jean Tanberg requested a status report on where things stood with identifying and recruiting individuals to participate in various committees that the Board intended to develop.

Mary Evert suggested that the Board develop strategies to keep abreast of areas of practice involving mental health, school based practice, and other areas.

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

There was no public comment.

S. Adjournment.

The meeting adjourned at 12:00 noon.