

AGENDA ITEM 9

PRACTICE COMMITTEE REPORT.

The following are attached for review:

- Highlights from the July 17, 2012, meeting.
- Meeting minutes from the August 25, 2012, meeting.
- Meeting minutes from the November 4, 2011, meeting.
- Recommended changes to the Practice Committee's Roles and Responsibilities.
- Proposed amendment to Title 16, Division 39, California Code of Regulations, Section 4123, Limited Permit



July 17, 2012 Practice Committee Highlights

The teleconference Practice Committee meeting was called to order at 4:07pm.

The August 25, 2011, and November 4, 2011, Committee meeting minutes were approved.

The Committee reviewed and discussed the Committee's Roles and Responsibilities and agreed to recommend the Board delete the responsibilities of:

- Reviewing *Applications for Advanced Practice Post-Professional Education*, and
- Establishing a pool of Expert Reviewers to review advanced practice applications.

The Committee members reviewed staff proposed amendments to Title 16, Division 39, California Code of Regulations, Section 4123, Limited Permit. This amendment would allow students who have passed the exam and are eligible for a license (but not a LP) but is unable to satisfy the licensing requirement because they are unable to submit their transcripts because the transcripts are not yet available, due to no fault of the student. The Committee recommended the Board approve this amendment.

The Committee members reviewed staff proposed amendments to Title 16, Division 39, California Code of Regulations, Sections 4150 – 4155, relating to advanced practices.

The Board directed the Committee to re-evaluate "post professional education and training" as it relates to qualifying for advanced practice (AP) approval and determine what is considered 'beyond ACOTE standards.' The Committee delegated a sub-committee of two members to work with the Executive Officer to review the ACOTE standards and draft a recommendation for the Committee to consider at a future meeting.

The Committee agreed that, consistent with the recommendation to the Board regarding changes to the Committee's Roles and Responsibilities, that review of post-professional education courses submitted by providers would not occur at this time.

The Committee discussed the fact that review of courses submitted by licensees in response to a continuing competency audit is on the Committee's Roles and Responsibilities, so this would remain a standing agenda item so that staff could bring the items to the Committee as necessary.

The Committee discussed future agenda items and determined that consistent with statute, BPC 2570.3(j)(2), regulations need to be drafter to provide an mechanism for an OT to supervise more than two OTAs.

The meeting adjourned at 5:52pm.



TELECONFERENCE PRACTICE COMMITTEE MINUTES MEETING NOTICE & AGENDA

Committee Members Present

Linda Florey, Committee Chair
Richard Bookwalter, OT
Mary Kay Gallagher, OT
Didi Olson, OT
Sharon Pavlovich, OTA
Christine Wietlisbach, OT

Board Staff Present

Heather Martin, Executive Officer

Committee Members Absent

None

Thursday, August 25, 2011

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

Linda Florey called the meeting to order at 1:05. Heather Martin called the roll. A quorum of the Committee was established.

B. Approval of the February 17, 2011, Committee meeting minutes.

- ❖ Christine Wietlisbach moved to approve the February 17, 2011, meeting minutes.
- ❖ Didi Olson seconded the motion.

Roll Call Vote

Linda Florey	Aye
Richard Bookwalter	Aye
Mary Kay Gallagher	Aye
Didi Olson	Abstain
Sharon Pavlovich	Aye
Christine Wietlisbach	Aye

- ❖ The motion was adopted.

C. Approval of the April 7, 2011, Committee meeting minutes.

- ❖ Christine Wietlisbach moved to approve the April 7, 2011, meeting minutes.
- ❖ Richard Bookwalter seconded the motion.

Roll Call Vote

Linda Florey	Aye
Richard Bookwalter	Aye
Mary Kay Gallagher	Aye
Didi Olson	Aye
Sharon Pavlovich	Aye
Christine Wietlisbach	Aye

- ❖ The motion was adopted.

D. Review and discussion of Practice Committee’s Roles and Responsibilities and consideration of recommending changes to the Board.

The Committee reviewed the Roles and Responsibilities document, which had not been reviewed since 2006.

- ❖ Christine Wietlisbach moved to add a new #9 to the document, including "Assist staff with responding to practice-related questions."
- ❖ Sharon Pavlovich seconded the motion.

After further discussion, the Committee felt the item regarding assisting staff was covered in the current version of the Roles and Responsibilities document.

- ❖ Christine Wietlisbach rescinded the motion.

E. Discussion and consideration of revising Title 16, Division 39, California Code of Regulations, Section 4123, Limited Permit.

Heather Martin explained that staff proposed amending Section 4123, California Code of Regulations, relating to the issuance of limited permits to address an on-going problem. First, Business and Professions Code (BPC) Section 2570.5, the law authorizing the issuance of a limited permit, states that an applicant who meets the qualifications to be admitted to the examination required for licensure, and is "waiting to take the examination or awaiting the announcement of the results of the examination" may be granted a limited permit,

When an applicant applies for a limited permit but has already taken and passed the exam, Board staff advise the applicant of their eligibility for licensure. However, official transcripts evidencing completion of the requisite educational program is required for licensure; transcripts are not required in order for a limited permit to be issued.

Thus, an applicant who takes and passes the examination right away after graduation, may not be able to provide their transcripts (due to no fault of their own; the college or university may be experiencing delays in the issuance of the transcripts). Therefore, the applicant is disadvantaged because they are ineligible for license (can't produce transcripts) and ineligible for a limited permit (already taken/passed the examination).

After further discussion, the Committee tabled this item for a future meeting.

F. Discussion and consideration of adding Title 16, Division 39, California Code of Regulations, Section 4171, Notification to Consumers.

The Committee reviewed draft regulatory language presented, regarding a notice to consumers, which meets the statutory of BPC Sections 138, 680, and 680.5. The Committee discussed those exempt from the requirement to wear a name tag with specified font size, including the licensee's first and last name, license type and number, and the highest level of academic degree, include those in home health, schools, and several other health facility types, as specified.

- ❖ Christine Wietlisbach moved to recommend the Board approve the draft regulatory language as presented.
- ❖ Richard Bookwalter seconded the motion.

Roll Call Vote

Linda Florey	Aye
Richard Bookwalter	Aye
Mary Kay Gallagher	Aye
Didi Olson	Aye
Sharon Pavlovich	Aye
Christine Wietlisbach	Aye

- ❖ The motion was adopted.

G. Future agenda items.

No additional items were requested.

H. Public comment on items not on agenda.

No public comment provided.

I. Adjournment.

The meeting adjourned at 2:14 pm.



TELECONFERENCE PRACTICE MINUTES

Committee Members Present

Linda Florey, OT, Committee Chair
Richard Bookwalter, OT
Didi Olson, OT
Sharon Pavlovich, OTA
Christine Wietlisbach, OT

Board Staff Present

Heather Martin, Executive Officer

Committee Members Absent

Mary Kay Gallagher, OT

Friday, November 4, 2011

3:30 pm – Practice Committee Meeting

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

Linda Florey called the meeting to order at 3:35 am. Heather Martin called the roll. A quorum of the Committee was established.

B. Discussion and consideration of revising proposed new language establishing a Retired Status.

Heather Martin explained legislation went into effect in January 2010, establishing a retired status for licensees. However, given how broad the statutory language is, regulations are necessary to implement and make specific the authority to place a license on retired status, including language to put the license back on active status.

The Committee discussed the proposal and made several technical changes.

- ❖ Richard Bookwalter moved to recommend the Board add the newly proposed section 4123, to establish a retired status.
- ❖ Christine Wietlisbach seconded the motion.

Roll Call Vote

Richard Bookwalter	Aye
Linda Florey	Aye
Didi Olson	Aye
Sharon Pavlovich	Aye
Christine Wietlisbach	Aye

- ❖ The motion passed

The public had no comment.

C. Discussion and review of Title 16, Division 39, California Code of Regulations, Section 4180, Supervision Definitions, and newly proposed Section 4187, Supervision Plan for an Occupational Therapist.

The Committee discussed the proposed regulatory language amending CCR Sections 4180 and establishing Section 4187 as they relate to Title 22 regulations, regarding skilled nursing facilities (SNF).

Title 22, Sections 72415 and 72417, require, among other things, that an occupational therapy service unit within a SNF, shall establish policies and procedures ... in consultation with an occupational therapist, and the occupational therapy service until shall be *under the direction of an occupational therapist*. [Emphasis added.]

After further discussion, it was decided that rather than except SNFs from the proposed supervisory language as it relates to OTs and OTAs, the Committee felt that it was incumbent of the licensees to be familiar with any regulations governing their respective work area.

- ❖ Christine Wietlisbach moved to recommend the Board amend the language of proposed Section 4187 to read an OTA “shall only provide administrative services in a setting where permitted by law.”
- ❖ Richard Bookwalter seconded the motion.

No public comment was provided.

Roll Call Vote

Linda Florey	Aye
Richard Bookwalter	Aye
Didi Olson	Aye
Sharon Pavlovich	Aye
Christine Wietlisbach	Aye

- ❖ The motion passed

D. Discussion and review of Title 16, Division 39, California Code of Regulations, Section 4150, Advanced Practice Definitions, regarding "Post professional education and training."

The Committee reviewed CCR Section 4150(b), the Accreditation Committee for Occupational Therapy Education’s (ACOTE) educational standards in effect January 1, 2008, and a letter from USC, requesting clarification regarding education and training qualifying for advanced practice (AP) approval.

Section 4150 (b) defines post-professional education and training as “education and training obtained subsequent to the qualifying degree program or beyond current ACOTE standards for the qualifying degree program.” The Committee discussed the fact that they felt those courses taken within an academic program, and beyond ACOTE standards, as qualifying to meet the AP requirements.

The Committee also discussed the on-the-job training hours completed within a degree program, but beyond ACOTE standards, as counting toward AP training requirements as long as all other supervisory requirements were met.

Current ACOTE requirements include a minimum of 24 weeks full-time Level II fieldwork. In order to qualify for approval by the Board in an advanced practice area, an OT applying for approval in the area of hand therapy must complete 480 training hours; an OT applying for approval in the use of physical agent modalities must complete 240 training hours; and an OT applying for approval in the area of swallowing assessment, evaluation or intervention, must complete 240 training hours.

- ❖ Richard Bookwalter moved to recommend the Board re-evaluate the definition of “post-professional education and training” as it relates to advanced practice approval.
- ❖ Did Olson seconded the motion.

Ada Boone Hoerl, Program Director, Sacramento City College, noted that ACOTE guidelines are reviewed every six years.

Roll Call Vote

Linda Florey	Aye
Richard Bookwalter	Aye
Didi Olson	Aye
Sharon Pavlovich	Aye
Christine Wietlisbach	Aye

- ❖ The motion passed

E. Discussion regarding whether the Occupational Therapy Practice Act requires a physician’s referral for services.

The Committee reviewed Business and Professions Code (BPC) Section 2570.2 and discussed that the language says neither a “physician’s” referral nor a “medical diagnosis” is required. Ms. Wietlisbach pointed out that a ‘referral’ is not synonymous with a ‘prescription’ (for services).

Mr. Bookwalter stated that he believed that when the Occupational Therapy Association of California was originally pursuing legislation establishing licensure, that “physician’s” referral was intentionally left out of BPC 2570.2. He said that health care providers *other* than a physician may refer someone for occupational therapy services, e.g., a social worker may refer client for home modifications or an optometrist may refer a patient to OT from low vision issues.

Ms. Olson indicated that recent amendments to the OT Practice Act in New York omitted the word ‘referral’ altogether. After further discussion, the Committee noted that requiring a *physician* referral could be an obstacle to care in some cases.

- ❖ Christine Wietlisbach moved that the Committee make no recommendation to the Board with regard to requiring a physician's referral.
- ❖ Richard Bookwalter seconded the motion.

Roll Call Vote

Linda Florey	Aye
Richard Bookwalter	Aye
Didi Olson	Aye
Sharon Pavlovich	Aye
Christine Wietlisbach	Aye

- ❖ The motion passed

F. Selection of 2012 meeting dates.

The Committee selected February 9, 2012, at 3:30 as its next meeting date.

G. Future agenda items.

The only future agenda were those discussed by the Committee today, relating to OT and OTA supervision requirements and advanced practice educational and training requirements.

H. Public comment on items not on agenda.

No public comment was provided.

I. Adjournment.

The meeting adjourned at 5:10 pm.

California Board of Occupational Therapy
PRACTICE COMMITTEE

Roles & Responsibilities

1. Review and provide recommendations to Board staff on *Applications for Advanced Practice Post-Professional Education* received from course providers;
2. Review and provide recommendations to Board staff on initial applications for licenses/certificates received from individuals who have not been engaged in the practice occupational therapy for five years;
3. Review and provide recommended responses to the Board on various practice issues/questions submitted by licensees and consumers;
4. Provide guidance on continuing competency audits, including reviewing and providing recommendations on audit responses, if necessary;
5. Review and provide recommendations to Board staff on applicants for the Expert Reviewer Program;
6. Review and provide recommendations to Board staff on revisions to various applications and forms used by the Board;
7. Review and provide recommendations to the Board on practice related proposed regulatory amendments.
8. Establish resource pool of Expert Reviewers to review and provide recommendations to Board staff on *Applications for Advanced Practice Approval* in hand therapy, physical agent modalities, and swallowing assessment, evaluation, or intervention.

California Board of Occupational Therapy
PRACTICE COMMITTEE

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7. Review and provide recommendations to the Board on practice related proposed regulatory amendments.
8. ~~Establish resource pool of Expert Reviewers to review and provide recommendations to Board staff on *Applications for Advanced Practice Approval* in hand therapy, physical agent modalities, and swallowing assessment, evaluation, or intervention.~~

BPC Section 2570.5.

(a) A limited permit may be granted to any person who has completed the education and experience requirements of this chapter.

(b) A person who meets the qualifications to be admitted to the examination for licensure under this chapter and is waiting to take the examination or awaiting the announcement of the results of the examination, according to the application requirements for a limited permit, may practice as an occupational therapist or as an occupational therapy assistant under the direction and appropriate supervision of an occupational therapist duly licensed under this chapter. If that person fails to pass the examination during the initial eligibility period, all privileges under this section shall automatically cease upon due notice to the applicant of that failure and may not be renewed.

(c) A limited permit shall be subject to other requirements set forth in rules adopted by the board.

CCR Section 4123. Limited Permit.

(a) To qualify for a limited permit, a person must have applied to the National Board for Certification in Occupational Therapy (NBCOT) to take the licensing examination within four (4) months of completing the education and fieldwork requirements for licensure or certification and request NBCOT provide their examination score report be forwarded to the Board.

(1) Upon receipt from NBCOT, the applicant must forward to the Board a copy of the Authorization to Test (ATT) letter.

(2) The applicant must provide documentation or other evidence to the Board, to prove that the applicant requested their examination score be sent from NBCOT to the Board, before a limited permit may be issued.

(3) A limited permit shall only be valid for three (3) months from the date of issuance by the Board, upon receipt of a failing result, or two (2) weeks following the expiration of the applicants' eligibility to test period, whichever occurs first.

(4) The limited permit holder must immediately notify the Board of the results of the examination.

(5) The limited permit holder must provide to the Board the name, address and telephone number of his or her employer and the name and license number of his or her supervising occupational therapist (OT). Any change of employer or supervising OT must be provided to the Board, in writing, within 10 days of the change.

(b) A limited permit shall not be denied to an applicant that has completed the fingerprint, education and examination requirements yet is unable to provide transcripts due to the college or university's inability to make the transcripts available in a timely manner. A limited permit issued pursuant to this section shall only be valid for three (3) months from the date of issuance by the Board.

~~(b)~~ (c) The limited permit will be cancelled, and the fee forfeited, upon notification to the Board or the limited permit holder by the test administrator that the holder failed to pass the first examination.

Note: Authority cited: Sections 2570.5 and 2570.20, Business and Professions Code. Reference: Sections 2570.5, 2570.6, 2570.7, 2570.9, 2570.16 and 2570.26, Business and Professions Code; and Sections 4100, 4102, 4110, 4111, 4112, 4114, 4120 and 4130, California Code of Regulations.