



BOARD MEETING NOTICE & AGENDA

Wednesday, February 27, 2013

Department of Consumer Affairs
2005 Evergreen Street
Hearing Room – First Floor
Sacramento, CA 95815

For directions only: (916) 263-2294

9:00 am - Board Meeting

The public may provide comment on any issue before the Board at the time the matter is discussed.

1. Call to order, roll call, establishment of a quorum.
2. President's remarks. *(L. Grangaard)*
3. Board member updates/activities. *(All Board members)*
4. Election of Vice President. *(L. Grangaard)*
5. Approval of the October 11-12, 2012, Board meeting minutes. *(L. Grangaard)*
6. Approval of the October 26, 2012, Board meeting minutes. *(L. Grangaard)*
7. Disaster Preparedness/Response Committee Report and Board Action. *(K. Lovell)*
 - A. Acceptance of the September 20, 2012, meeting minutes.
 - B. Acceptance of the October 24, 2012, meeting minutes.
8. Discussion and consideration of restructuring the Board's standing Committees, including Disaster Preparedness/Disaster Response Committee, Education and Outreach Committee, Enforcement Committee, Legislative and Regulatory Affairs Committee, and Practice Committee, and discussion of Committee's responsibilities. *(L. Grangaard)*
9. Discussion and consideration of Sunset Report and Sunset review process. *(L. Grangaard)*
10. Review of statutory language and consideration of a legislative proposal to establish a fine for licensees who fail to comply with a request for the medical records of a patient. *(H. Martin)*
11. Discussion regarding Moscone-Knox Professional Corporation Act and the implication of occupational therapists owning corporations and licensees being employed by other professional corporations and the consideration of pursuing legislation to effect changes.

12. Recommended prioritization of previously approved legislative proposals for the upcoming legislative session. (*L. Grangaard*)
Legislative proposals include:
 - Amend BPC Section 2570.2, Definitions.
 - Amend BPC Section 2570.3, Licensing requirement.
 - Amend BPC Section 2570.16, Fees.
 - Add new BPC Section requiring mandatory reporting of employees who are terminated or suspended for cause, as specified, and consequences for failure to report.
 - Add new BPC Section establishing new language which would allow the Board to inspect records.
 - Add new BPC Section regarding limiting liability of occupational therapists providing services in an emergency, disaster, or state of war.
13. Review and consideration of legislative protocol when the Board is unable to meet to discuss pending legislation. (*L. Grangaard*)
14. Consideration and adoption of proposed regulatory language to amend Title 16, CCR Section 4170, Ethical Standards of Practice. (*L. Grangaard*)
15. Consideration and adoption of proposed regulatory language to add Title 16, CCR Section 4172, Standards of Practice for Telehealth. (*L. Grangaard*)
16. Discussion and consideration of amending Title 16, CCR Section 4110, Application, Section 4112, Review of Application, Section 4120, Renewal of License or Certificate – Forms, Section 4121, Renewal of Expired License or Certificate, Application, Fees; Effective Date of Renewal, Section 4123, Limited Permit, and Section 4127, Inactive License. (*H. Martin*)
17. Discussion and consideration of amending Title 16, CCR Section 4102, Filing of Addresses, Section 4114, Abandonment of Application, Section 4122, Inactive Status, Section 4141, Assessment of Administrative Fines, Section 4163, Exemption from Continuing Competency Requirements, and Section 4181, Supervision Parameters. (*H. Martin*)
18. Report on Pending Regulations: Title 16, Division 39, CCR Section 4128, Retired Status; CCR Section 4130, Fees; Section 4154, Post Professional Education and Training; and Sections 4184, Delegation of Tasks to Aides; and, 4187, Occupational Therapy Assistants Serving in Administrative Positions. (*H. Martin*)
19. Discussion and consideration of delegating authority to Executive Officer to promulgate technical, non-substantive regulatory amendments pursuant to Title 1, CCR Section 100, Publication of “Changes Without Regulatory Effect.” (*H. Martin*)
20. Review and consideration of request from the Hand Therapy Certification Commission to deem licensees who are Certified Hand Therapists as meeting California’s advanced practice requirements for hand therapy and the use of physical agent modalities. (*H. Martin*)
21. Enforcement data and reports for the period 10/1/2012 – 12/31/2012. (*J. Hanson*)

22. Executive Officer's report. (*H. Martin*)

- A. Budget information.
- B. Personnel update.
- C. Performance measurements.
- D. Bagley-Keene Open Meetings Act.
- E. Other informational items.

23. Review and discussion of revised Executive Officer Evaluation process.

24. Proposed Agenda Items for May 8-9 Meeting.

- Petition for Reinstatement
- Petition for Modification of Probation
- Petition for Early Termination of Probation
- Review and possible revisions to Board Administrative Manual
- Regulatory Hearings (if requested): Amendment to Disciplinary Guidelines and proposed regulatory language approved February 27th.

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

Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting.

[Government Code Sections 11125 and 1125.7(a)]

The Board may convene in CLOSED SESSION pursuant to Government Code Section 11126(c)(3) to deliberate on disciplinary matters.

Return to OPEN Session.

Adjournment.

Public comments will be taken on agenda items at the time the item is heard. Action may be taken on any item listed on the agenda. Agenda items may be taken out of order for convenience, to accommodate speakers or to maintain a quorum. For further information on this meeting and agenda, contact Tabatha Montoya at (916) 263-2294 or submit a written request to her at 2005 Evergreen Street, Suite 2050, Sacramento, California, 95815.

The meeting is accessible to the physically disabled. A person who needs disability related Accommodations or modifications in order to participate in the meeting shall make a request to Tabatha Montoya at (916) 263-2294 or by mailing a written request to 2005 Evergreen Street, Suite 2050, Sacramento, California, 95815. Providing at least five working days notice before the meeting will help ensure the availability of accommodations or modifications. This agenda as well as Board meeting minutes can be found at the Board's website at www.bot.ca.gov.