



CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

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

Tuesday, June 24, 2014

Board Member(s) Present

Richard Bookwalter
Jeff Ferro
Linda Florey
Kathay Lovell
Denise Miller
Sharon Pavlovich

Board Staff Present

Heather Martin, Executive Officer
Kyle Muteff, Legal Counsel
Jeff Hanson, Program Analyst
Jody Quesada, Office Technician

9:00 am - Board Meeting

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

The meeting was called to order at 9:17 am, Linda Florey and Nancy Michel were absent, a quorum established.

2. President's remarks.

Board President, Denise Miller introduced the Honorable David L. Benjamin as the Administrative Law Judge to preside over the hearings. Judge David L. Benjamin opened the record at 9:22 am.

Administrative Hearings

NOVEGROD, S. - Petition for Modification of Probation Terms
STACKHOUSE, W. - Petition for Reinstatement

CLOSED SESSION, upon conclusion of each administrative hearing

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss the above petitions.

RESUME OPEN SESSION

The Board resumed open session at 2:34 pm, roll was called, Nancy Michel was absent, a quorum was maintained.

3. Board member updates/activities.

Sharon Pavlovich reported that she returned from the Harvard Macy Institute where she was a presenter and is looking forward to upcoming professional conferences.

Linda Florey reported that longtime supporter of occupational therapy and Founder of North Coast Medical, Frank Biehl passed away May 17, 2014.

Denise Miller reported that she attended a college reunion at St. Catharine University.

4. Approval of the amended November 7, 2013, Board meeting minutes.

- ❖ Kathay Lovell moved to approve the amended minutes
- ❖ Linda Florey seconded the motion.

No Public Comment

Roll Call Vote

Richard Bookwalter	Abstain
Jeff Ferro	Abstain
Linda Florey	Aye
Kathay Lovell	Aye
Denise Miller	Aye
Sharon Pavlovich	Aye

The motion was adopted.

5. Approval of the February 6, 2014, Board meeting minutes.

- ❖ Kathay Lovell moved to approve the minutes with the correction of adding her to the list of 'Board Members Present'
- ❖ Linda Florey seconded the motion.

No Public Comment

Roll Call Vote

Richard Bookwalter	Abstain
Jeff Ferro	Abstain
Linda Florey	Aye
Kathay Lovell	Aye
Denise Miller	Aye
Sharon Pavlovich	Aye

The motion was adopted.

6. Approval of the May 15, 2014, Board meeting minutes.

- ❖ Linda Florey moved to approve the minutes.
- ❖ Richard Bookwalter seconded the motion.

No Public Comment

Roll Call Vote

Richard Bookwalter Aye
Jeff Ferro Aye
Linda Florey Aye
Kathay Lovell Aye
Denise Miller Aye
Sharon Pavlovich Aye

The motion was adopted.

7. Report on Pending Regulations: Title 16, Division 39, CCR Section 4101, Delegation of Certain Functions, Section 4146.5, Effective Dates of Decisions, Section 4147, Disciplinary Guidelines, and Section 4147.5. Uniform Standards Related to Substance Abuse; Section 4110, Application, 4112, Review of Application, 4120, Renewal of License or Certificate, 4121, Renewal of Expired License, 4123, Limited Permit, and 4127, Inactive License (prev. Section 4122); Section 4151, Hand Therapy, and Section 4152, Physical Agent Modalities; Section 4161, Continuing Competency; and 4170, Ethical Standards of Practice.

Heather Martin reviewed the pending rulemaking files report handout. Ms. Martin also reviewed the pending regulatory amendments that are upcoming but not yet started.

8. Discussion and possible action regarding proposed legislation, including:
- a) Assembly Bill (AB)186, Professions and vacations: military spouses: temporary licenses.
 - ❖ Jeff Ferro moved to support the bill if amended to include the addition of Business and Professions Code 2570.4 (d)(1) and the implementation date was to become January 1, 2017. HM review wording please
 - ❖ Linda Florey seconded the motion.

No Public Comment

Roll Call Vote

Richard Bookwalter Aye
Jeff Ferro Aye
Linda Florey Aye
Kathay Lovell Aye
Denise Miller Aye
Sharon Pavlovich Aye

The motion was adopted.

- b) AB 809 (Logue), Telehealth.
- ❖ Linda Florey moved to support the bill as presented.
- ❖ Sharon Pavlovich seconded the motion.

No Public Comment

Roll Call Vote

Richard Bookwalter Aye
Jeff Ferro Aye
Linda Florey Aye
Kathay Lovell Aye
Denise Miller Nay
Sharon Pavlovich Aye

The motion was adopted.

c) AB 1758 (Patterson), Healing arts: initial license fees: proration.

- ❖ Richard Bookwalter moved to oppose the bill unless amended to remove the reference to Business and Professions Code 2570.16.
- ❖ Linda Florey seconded the motion.

No Public Comment

Roll Call Vote

Richard Bookwalter Aye
Jeff Ferro Aye
Linda Florey Aye
Kathay Lovell Aye
Denise Miller Aye
Sharon Pavlovich Aye

The motion was adopted.

d) AB 1890 (Chau), Athletic Trainers.

The Board members decided to continue watching the progression of this bill.

e) AB 2058 (Wilk), Open Meetings.

Executive Officer, Heather Martin explained to the Board members that this bill would not affect the Board because the Board already notices any meetings with more than two members present.

f) AB 2102 (Ting), Licensees: data collection.

- ❖ Denise Miller moved to support the bill if amended to include the California Board of Occupational Therapy.
- ❖ Richard Bookwalter seconded the motion.

No Public Comment

Roll Call Vote

Richard Bookwalter Aye
Jeff Ferro Aye
Linda Florey Aye
Kathay Lovell Aye
Denise Miller Aye
Sharon Pavlovich Aye

The motion was adopted.

g) AB 2165 (Patterson), Professions and vocations: licenses.

- ❖ Denise Miller moved to support the bill if amended, to strike “within 45 days” from section 101.8 (a), to add “within 45 days” at the end of the statement in section 101.8 (a)(1) and to add “within 15 days” to the end of the statement in section 101.8 (a)(2).
- ❖ Linda Florey seconded the motion.

No Public Comment

Roll Call Vote

Richard Bookwalter Aye
Jeff Ferro Aye
Linda Florey Aye
Kathay Lovell Aye
Denise Miller Aye
Sharon Pavlovich Aye

The motion was adopted.

h) AB 2396 (Bonta), Convictions: expungement: licenses.

The Board members decided to continue watching the progression of this bill.

i) AB 2484 (Gordon), Healing arts: telehealth.

- ❖ Jeff Ferro moved to support the bill if amended to include the language from AB 809, Section 1, 2290.5 (c).
- ❖ Sharon Pavlovich seconded the motion.

No Public Comment

Roll Call Vote

Richard Bookwalter Aye
Jeff Ferro Aye
Linda Florey Aye
Kathay Lovell Aye
Denise Miller Aye
Sharon Pavlovich Aye

The motion was adopted.

j) Senate Bill (SB) 1215 (Hernandez), Healing arts licensees: referrals.

The Board members decided to continue watching the progression of this bill.

k) SB 1256 (Mitchell), Medical services: credit.

- ❖ Jeff Ferro moved to support the bill as presented.
- ❖ Denise Miller seconded the motion.

No Public Comment

Roll Call Vote

Richard Bookwalter	Aye
Jeff Ferro	Aye
Linda Florey	Aye
Kathay Lovell	No
Denise Miller	Aye
Sharon Pavlovich	Aye

The motion was adopted.

l) SB 1445 (Evans), Developmental Services: Regional Centers...Telehealth.

- ❖ Kathay Lovell moved to outline guidelines and parameters in the regional center setting.
- ❖ Kathay Lovell withdrew her motion.

President, Denise Miller proposed forming a committee to discuss and review this bill.

9. Discussion and consideration of the process and procedures of Board staff when issuing administrative citations.

Denise Miller proposed that this topic be moved to the August board meeting.

10. Enforcement data and reports for the period January 1 – March 31, 2014.

Board staff member, Jeff Hanson reviewed the included enforcement data handouts.

11. Executive Officer's Report.

a) Operational Report

Executive Officer, Heather Martin reported a surge in initial applications received and attributed this to recent graduations.

b) Budget Update

Ms. Martin reported that the Board requested and had been approved for an \$81k deficiency request. The Board also requested augmentation of the licensing, enforcement staff, postage, rent, attorney general, administrative hearing and court reporter budgets in addition to establishing a budget for expert witness fees.

Ms. Martin stated that the “retired status’ application is available on-line and the \$50 application fee will be charged to every applicant as of July 1, 2014.

c) BreEZe Update

Ms. Martin reported that the amount of time Board staff has and is expected to dedicate to BreEZe has been and continues to be a resource drain. Ms. Martin stated that she is optimistic that the final outcome will be successful due to the amount of time and thought put in this project.

d) Other Informational Items

Ms. Martin reviewed the provided handouts outlining the Performance Measures for the third quarter.

12. Discussion Regarding Proposed Agenda Items for August 21, 2014, meeting.

- Discussion and consideration of records retention requirement if a business is closed or sold or if the practitioner is no longer in private practice.
- Consideration and modification or adoption of proposed regulatory language to amend Title 16, CCR Section 4170, Ethical Standards of Practice.
- Discussion and consideration of the provision of services via telehealth to the clients of regional centers.
- Discussion of practice standards for occupational therapists delivering services via telehealth in regional centers and whether a committee should be formed in regards to this topic and what direction said committee should take.

13. Public Comment session for items not on the agenda.

No Public Comment

The Board convened in CLOSED SESSION at 5:34 pm, pursuant to Government Code Section 11126(c)(3) to deliberate on disciplinary matters.

14. Adjournment.

The Board meeting adjourned at 5:50 pm.