

AGENDA ITEM 17

UPDATE AND TAKE ACTION, IF NECESSARY, ON PENDING RULEMAKING FILES, CALIFORNIA CODE OF REGULATIONS, TITLE 16, DIVISION 39

The report on pending regulations is attached.

REGULATIONS UPDATE REPORT

Pending Rulemaking files: In-Process

Rulemaking File Subject	Section(s)	Status	Close of public comment period	Date Pkg Sent to DCA	Date Pkg Rtn'd from DCA	Final Pkg Due to OAL	Actual Submit Date To OAL	Date language goes into/ went into effect
Standards of Practice for Telehealth	4172	Language published September 25, 2015. Modified text adopted at January 2016 meeting.	11/09/2015	05/16/2016	01/10/17	09/23/2016 (extension issued by DCA Director)	12/01/2016	04/01/2017
Fees	4130	Language published April 25, 2016. Modified text adopted August 2016.	05/09/2016	10/21/2016		03/24/2017		
Continuing Competence	4161 4162 4163	Language published June 24, 2016. Language adopted August 2016	08/08/2016	11/03/2016		06/23/2017		
Notice to Consumer	4176	Language published July 1, 2016. Second modified text adopted October 2016.	08/15/2016			06/30/2017		
Petition for Reinstatement or Modification of Penalty	4149.5	Language published August 26, 2016. Modified text adopted December 2016.	10/10/2016			08/25/2017		

REGULATIONS UPDATE REPORT

Pending Regulatory Amendments: Process Not Yet Started

Rulemaking File Subject	Section	Priority	Status	Comments
Probation Monitoring costs	4147.2	1	Board approved language for noticing.	
Filing of Addresses	4102	2	Board approved language for noticing.	
Accept PT license for Hands/PAMs approval	4151 4152	3	Board approved language for noticing.	
Language for OT to request to supervise more than 2 OTAs	tbd	tbd	Practice Committee to prepare language; draft language to be presented to the Board at Spring 2017 meeting.	Language would implement BPC 2570.3(j)(2).
Patient record retention requirements when a business is closed/sold/inherited or has a change of ownership; or if practitioner is no longer in private practice	tbd	tbd	Practice Committee to prepare language; draft language to be presented to the Board at Spring 2017 meeting.	Language provides specificity to language in BPC 2570.185.

AGENDA ITEM 18

CONSIDERATION AND POSSIBLE ACTION OF AMENDING CALIFORNIA CODE OF REGULATIONS, TITLE 16, DIVISION 39, SECTION 4162, COMPLETION AND REPORTING REQUIREMENTS (FOR CONTINUING COMPETENCY), AS IT RELATES TO LICENSEES NOT RESPONDING TIMELY TO CONTINUING COMPETENCE AUDITS AND A POTENTIAL COMPLIANCE MECHANISM.

Proposed amendments to section 4162 are attached for review.

4162. Completion and Reporting Requirements

(a) The occupational therapy practitioner shall record the following information for each activity on the renewal form:

- (1) the date each course or activity was completed;
- (2) the provider, course number, and course title, if applicable;
- (3) a description of the course; and
- (4) the total number of PDUs.

(b) Records showing participation in each professional development activity must be maintained by the occupational therapy practitioner for four (4) years following the renewal period.

(c) A maximum of six (6) PDUs in excess of the required 24 PDUs may be carried over to the next renewal period.

(d) Any occupational therapy practitioner who ~~is unable~~ fails to provide records documenting completion of the continuing competency requirements within 30 days of the Board's written request shall be issued a ~~is subject to~~ citation and/or administrative fine or shall be subject to disciplinary action.

(e) Any occupational therapy practitioner who fails to demonstrate completion of the professional development units required for license renewal shall be ordered to complete the number of hours needed to meet the 24 PDUs requirement.

(f) Any professional development units completed to satisfy a license renewal requirement cannot be used for a subsequent renewal.

~~(e)~~ (g) Any occupational therapy practitioner who supervises a Level I and/or Level II student shall document said supervision, immediately upon conclusion of the supervision period, using the Fieldwork Education PDU Attestation form (Form FEA New 6/2016) hereby incorporated by reference, and shall contain a statement under penalty of perjury regarding the truthfulness of the information contained therein.

Note: Authority cited: Sections 2570.10 and 2570.20, Business and Professions Code.
Reference: Section 2570.10, Business and Professions Code.

AGENDA ITEM 19

CONSIDERATION AND POSSIBLE ACTION ON ESTABLISHING A POLICY TO REQUIRE THAT LEGAL DOCUMENTS BE SENT TO AN APPLICANT'S OR LICENSEE'S EMAIL ADDRESS ON FILE WITH THE BOARD, IF ONE IS AVAILABLE, IN ADDITION TO REQUIRED LEGAL SERVICE, AS AN ADDITIONAL METHOD OF REACHING THE APPLICANT/LICENSEE.

The following are attached for review:

- Proposed text amending section 4102
- Definition of 'necessity' as it relates to amending regulations
- Proposed new policy requiring service of legal documents

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
Title 16, Division 39, California Code of Regulations

Proposed Text

Proposed amendments are shown underlined for new text and ~~strikeout~~ for deleted text.

Article 1. General Provisions

§ 4102. Filing of Addresses and Changes in Name

~~(a) Each person licensed or issued a limited permit by the board, shall report to the board every change of residence address within 30 days after the change, giving both the old and new addresses. In addition to the residence address, the person may provide the board with an alternate address of record. If an alternate address is the person's address of record, he or she may request, in writing, that the residence address not be disclosed to the public.~~

~~(b) Each person licensed or issued a limited permit by the board shall report to the board every change of name within 30 days after the change, giving both the old and new names.~~

~~(c) This section refers to every person who holds an active, inactive, unexpired, suspended license or limited permit.~~

(a) Address of Record. Every applicant and licensee shall provide a mailing address to the California Board of Occupational Therapy that will be designated as their address of record, which will be utilized for all official and formal communications from the Board, and which will be disclosed to the public. An applicant or a licensee need not provide a residence address as the address of record, but may use an alternative address, such as a business address or a P.O. Box, as their address of record. Every applicant and licensee shall report any change of the address of record to the Board no later than thirty (30) calendar days after the address change has occurred. The report of change of address of record shall be in writing and contain the old address, the new address, and the effective date of the change of address.

(b) Residence Address. Every applicant and licensee shall provide a residence address to the Board. Only if the applicant or licensee also provides an alternative address of record as described in subdivision (a) above shall the Board maintain the residence address as confidential. Every applicant and licensee shall report any change of their residential address on the Address Change Request form (Form ACR, Rev. 3/2017), hereby incorporated by reference, to the Board no later than thirty (30) calendar days after the address change has occurred. The report of change of residential address shall be in writing and contain the old address, the new address, and the effective date of the change of address.

(c) Name Change. Every applicant and licensee shall report to the Board in writing each and every change of name on the Name Change Request form (Form NCR, Rev. 3/2017), hereby incorporated by reference, no later than thirty (30) calendar days after each change has occurred, giving both the old and new names.

(d) E-mail Address. Every applicant and licensee shall file a current e-mail address with the Board and shall notify the Board in writing of any and all changes of the e-mail address no later than thirty (30) calendar days after the change has occurred, giving both the old e-mail address and the new e-mail address. E-mail addresses are confidential information and shall not be made available to the public. This subdivision does not require an applicant or licensee to obtain an e-mail address, it only requires that person report an existing e-mail address to the Board.

(e) Licensee. For purposes of this section, 'licensee' includes any holder of an active, inactive, delinquent, suspended or expired license, certification or other authorization issued by the Board to practice occupational therapy which is not canceled or revoked.

(f) This section shall not apply to any person whose license has been revoked, surrendered, or cancelled.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 136, 2570 (original), 2570.3, 2570.5, 2570.8, 2570.9, 2570.10, and 2570.11, Business and Professions Code and Government Code Section 11440.20.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
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 T: (916) 263-2294 F: (916) 263-2701
 E-mail: cbot@dca.ca.gov Web: www.bot.ca.gov



ADDRESS CHANGE REQUEST

Pursuant to Title 16, California Code of Regulations, Section 4102, a change of address shall be reported to the Board within thirty (30) days after the change. Please fill out the following information and send to the Board by MAIL, EMAIL, or FAX as listed above.

PLEASE PRINT: Name _____ OT/OTA # _____
(Please circle one)

OLD Residence Address _____

City, State _____ Zip Code _____

CHANGE Residence Address to _____
(Provided to the Public upon Request)

City, State _____ Zip Code _____

Contact Number (_____) _____ Email Address _____
(Optional) (Optional)

If you do not want your residence address available to the public you may provide an alternate address below. **NOTE: If an Alternate Address is provided all mail sent by the Board will be sent to this Alternate Address.**

Old Alternate Address of Record _____

City, State _____ Zip Code _____

Change Alternate Address to: _____
(Optional)

City, State _____ Zip Code _____

 SIGNATURE

 DATE

YOUR OLD ADDRESS OF RECORD MUST BE PROVIDED IN ORDER TO PROCESS YOUR REQUEST.

{Privacy Information on back of form}

NOTICE OF COLLECTION OF PERSONAL INFORMATION

The information requested herein is mandatory, unless otherwise indicated, and is maintained by the California Board of Occupational Therapy (Board), 2005 Evergreen Street, Suite 2250, Sacramento, CA 95815, Executive Officer, 916/263-2294, in accordance with Business & Professions Code section 2750 et seq. Disclosure of your individual taxpayer identification number or social security number is mandatory and collection is authorized by Section 30 of the Business & Professions Code. Failure to provide all or any part of the requested mandatory information will render your application incomplete and subject to the abandonment provisions set forth in CCR, Title 16, Division 39, Section 4114. Except for the individual taxpayer identification number or social security number, the information requested will be used to identify and evaluate applicants for licensure, issue and renew licenses, and enforce licensing standards set by statutes and regulations. Your individual taxpayer identification number or social security number will be used exclusively for tax enforcement purposes, compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or verification of licensure from a requesting state. It will not be deemed to be a public record and will not be disclosed to the public. If you fail to disclose your individual taxpayer identification number or social security number you will be reported to the Franchise Tax Board (FTB), which may assess a \$100 penalty against you. Upon request, the Board will provide the FTB with your name, address(es) of record, individual taxpayer identification number or social security number, type of license and status, and effective date and expiration date of your license. You have the right to review your personal information maintained by the agency unless the records are exempt from disclosure. Please note that certain information you provide may be disclosed under some circumstances, such as: in response to a Public Records Act (PRA) request (beginning with Government Code section 6250), to another government agency as required by state or federal law, or in response to a court or administrative order, subpoena, or search warrant.



NAME CHANGE REQUEST

Please fill out the following information and **MAIL** to the above address. **One of the following items MUST accompany this form along with a copy of your Driver's License showing your new name, in order to process your request:**

Marriage Certificate Divorce Decree Court Order
 Other (Please explain): _____

I, _____, OT / OTA # _____ Please circle one certify under
the penalty of perjury that the foregoing is true and correct.

My former name was _____ Former Name on Record. I have changed my name

for all purposes to _____ New Name of Record and I did not change my name

for purposes of fraud.

SIGNATURE

DATE

***** PLEASE PROVIDE APPROPRIATE DOCUMENTATION *****

**NOTE: YOUR NAME CHANGE REQUEST WILL NOT BE PROCESSED
WITHOUT THIS FORM AND THE APPROPRIATE DOCUMENTATION.**

{Privacy Information on back of form}

NOTICE OF COLLECTION OF PERSONAL INFORMATION

The information requested herein is mandatory, unless otherwise indicated, and is maintained by the California Board of Occupational Therapy (Board), 2005 Evergreen Street, Suite 2250, Sacramento, CA 95815, Executive Officer, 916/263-2294, in accordance with Business & Professions Code section 2750 et seq. Disclosure of your individual taxpayer identification number or social security number is mandatory and collection is authorized by Section 30 of the Business & Professions Code. Failure to provide all or any part of the requested mandatory information will render your application incomplete and subject to the abandonment provisions set forth in CCR, Title 16, Division 39, Section 4114. Except for the individual taxpayer identification number or social security number, the information requested will be used to identify and evaluate applicants for licensure, issue and renew licenses, and enforce licensing standards set by statutes and regulations. Your individual taxpayer identification number or social security number will be used exclusively for tax enforcement purposes, compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or verification of licensure from a requesting state. It will not be deemed to be a public record and will not be disclosed to the public. If you fail to disclose your individual taxpayer identification number or social security number you will be reported to the Franchise Tax Board (FTB), which may assess a \$100 penalty against you. Upon request, the Board will provide the FTB with your name, address(es) of record, individual taxpayer identification number or social security number, type of license and status, and effective date and expiration date of your license. You have the right to review your personal information maintained by the agency unless the records are exempt from disclosure. Please note that certain information you provide may be disclosed under some circumstances, such as: in response to a Public Records Act (PRA) request (beginning with Government Code section 6250), to another government agency as required by state or federal law, or in response to a court or administrative order, subpoena, or search warrant.

Barclays Official California Code of Regulations <small>Currentness</small>
Title 1. General Provisions
Division 1. Office of Administrative Law
Chapter 1. Review of Proposed Regulations
Article 2. Criteria Applied in the Review of Proposed Regulations

1 CCR § 10

§ 10. "Necessity."

(a) In reviewing the rulemaking record for compliance with subsection (b), OAL shall not dispute the decision of a rulemaking agency to adopt a particular regulatory provision when the information provided as required by subsection (b) is also adequate to support one or more alternative conclusions.

~~(b) In order to meet the "necessity" standard of Government Code section 11349.1, the record of the rulemaking proceeding shall include:~~

~~(1) A statement of the specific purpose of each adoption, amendment, or repeal; and~~

~~(2) Information explaining why each provision of the adopted regulation is required to carry out the described purpose of the provision. Such information shall include, but is not limited to, facts, studies, or expert opinion. When the explanation is based upon policies, conclusions, speculation, or conjecture, the rulemaking record must include, in addition, supporting facts, studies, expert opinion, or other information. An "expert" within the meaning of this section is a person who possesses special skill or knowledge by reason of study or experience which is relevant to the regulation in question.~~

Note: Authority cited: Sections 11342.4 and 11349.1(c), Government Code. Reference: Sections 11340.1, 11346.2(b), 11349(a), 11349.1(a)(1) and (c), Government Code.

HISTORY

1. New section filed 1-2-86; effective upon filing pursuant to Government Code section 11346.2(d) (Register 86, No. 1).

2. Change without regulatory effect pursuant to section 100, title 1, California Code of Regulations adding quotation marks around "Necessity" in the section heading; substituting "as required by" for "for in" in the text; and substituting "11349.1(c)" for "11349.(b)" in both the "Authority cited" and the "Reference" portions of the NOTE filed 1-5-89; operative 1-5-89 (Register 89, No. 3).

3. Editorial correction of HISTORY No. 2 (Register 89, No. 12).

4. Change without regulatory effect amending sections filed 7-25-90 pursuant to section 100, title 1, California Code of Regulations; operative 7-25-90 (Register 90, No. 38).

5. Change without regulatory effect pursuant to Section 100, Title 1, California Code of Regulations, substituting "11346.2(b)" for 11346.7(a)" in the reference citation under "NOTE." Filed 1-3-95; operative upon filing (Register 95, No. 1).

6. Change without regulatory effect amending subsection (b)(1) filed 12-28-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 52).

This database is current through 12/30/16 Register 2016, No. 53

1 CCR § 10, 1 CA ADC § 10

End of Document

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SUBJECT: Email Addresses	POLICY # ADM – 2017 – 02	DATE ADOPTED: TBD
DISTRIBUTION: All Staff	APPROVED BY: Board of Occupational Therapy	

Background

Licenses and applicants often fail to provide the Board notice of an address change. Consequently, those individuals do not receive correspondence from the Board or notice of disciplinary action being taken by the Board against their license.

In an effort to provide applicants and licensees as much notice as possible regarding a variety of legal documents, including but not limited to, the denial of license, issuance of a citation, filing of an accusation or disciplinary decision rendered by the Board, the Board believes it would be beneficial to have a licensee's or applicant's email address, if one is available. The Board could send documents to the email address, as an additional method of reaching the licensee or applicant, in addition to the standard method of service required by law.

Proposed policy

All legal documents generated by the Board, including the Attorney General's office on behalf of the Board or Executive Officer, will be sent to an applicant's or licensee's email address on file with the Board, if one is available, in addition to required legal service, as an additional method of reaching the applicant/licensee.

This policy includes service of legal documents pertaining to disciplinary action or a citation or other legal documents the Board is required by law to serve on an applicant or licensee.

Benefit

Having email addresses of applicants and licensees will further benefit the Board's goal of reaching applicants or licensees with important legal matters and increasing outreach and communication efforts regarding changes in laws, regulations and other practice issues.

Reference

Government Code section 11440.20 requires service, or giving of a notice, to be delivered personally, via mail, by or other means to an individual's last known address, which is the address maintained with the Board. Section 11440.20 allows the Board to provide service by facsimile or by other electronic communication as provided by regulation unless a form of mail is specified.

The Board requires citations to be personally served or served via certified and regular mail per section 4140(c) of title 16 of the California Code of Regulations.

Implementation

Immediately

DRAFT

AGENDA ITEM 20

PRESENTATION OF LICENSING AND ENFORCEMENT DATA AND REPORTS FOR THE QUARTER ENDING DECEMBER 31, 2016.

Quarterly statistics are attached for review.

CA BOARD OF OCCUPATIONAL THERAPY

Applications Data: October 1, 2016 – December 31, 2016

Trans #	Transaction Type	October		November		December		Total Received 3Q	Total Approved 3Q	Avg Rec'd per Mo	Avg App'd per Mo
		Received	Approved	Received	Approved	Received	Approved				
1021	Initial License Apps	137	137	145	143	154	151	436	431	145	144
2020	Renewals	691	629	690	608	577	412	1958	1649	652	549
8005	Set Inactive to Active	4	4	2	2	4	4	10	10	3	3
8010	Name Changes	22	20	31	27	17	14	70	61	23	20
8020	Address Changes	182	180	192	186	163	155	537	521	179	174
8030	Verifications	43	41	42	41	32	32	117	114	39	38
8051	Set to Retired	2	2	2	2	3	3	7	7	2	2
8052	Set Retired to Active	0	0	0	0	0	0	0	0	0	0
5001	A/P – hands	3	3	3	3	2	2	8	8	3	3
5002	A/P – PAMs	14	11	5	5	14	14	33	30	11	10
5003	A/P - Swallowing	2	2	4	3	4	2	10	7	3	2
Monthly Trans Total		1100	1029	1116	1020	970	789	3186	2838	1060	945

BOT ENFORCEMENT STATISTICAL REPORT
October 1, 2016 – December 31, 2016

Total Complaints-Received:	75	DOI Investigations Initiated:	0
Conviction/Arrest Investigations:	33	DOI Investigation Reports Received:	2
<small>(included in total complaints above)</small>			
Complaints-Closed:	130	Formal DOI Investigations Pending:	1
Total Complaints-Pending:	369		
	<small>(Oldest: 10/09/13)</small>		

Applications Denied pursuant to Business and Professions Code 480/485: 0

Cases Pending with the Attorney General (AG): 7

<u>Transmitted</u>	<u>Complaint No</u>	<u>Type</u>	<u>Current Status</u>
11/16/15	AR2015-4	SOI	Lic denied 9/15/15; Hearing 10/06/16; Prop Dec Adopted; Denial of Lic eff 1/11/17
12/29/15	AR2015-90	SOI	Lic denied 9/23/15; Appeal rcvd 10/05/15; SOI filed 6/16/16; Hearing 2/01/17
02/23/16	1002145006	Accusation	Accusation filed 06/08/16; Hearing 10/19/16; Board to vote on PD 3/9-10/17
09/01/16	OT 2016-32	Accusation	Accusation filed 1/11/17; No NOD filed; DAG to prepare Default
09/09/16	1002147096	Accusation	Accusation filed on 10/19/16; NOD filed; Board to vote on Stip 3/9-10/17
11/29/16	1002143836	SOI	DAG to draft SOI
11/30/16	1002141242	Accusation	DAG to draft Accusation

Statement of Issues filed:	0	Accusations filed:	1
Petition to Revoke Probation filed:	0	Accusation & Petition to Revoke Probation filed:	0
ISO Issued:	0	PC23 Issued:	0

Final Decisions: 4

<u>Effective</u>	<u>Name</u>	<u>Type</u>	<u>Complaint Received</u>
10/28/16	Oliver, Patricia	Three (3) year probation (stipulated settlement)	05/12/15
10/28/16	Vassaur, Tara	Revocation (default)	08/31/15
11/19/16	Cox, Charlotte	Revocation (default)	03/09/16 Sub Dis
12/07/16	Fanelli, Jay	Four (4) year probation (adopted PD)	06/24/13

Cease Practice Orders (BPC 315.2) Issued:	0	Cease Practice Orders Lifted:	0
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**OT Citations Issued
10/1/2016 - 12/31/2016**

#	VIOLATION							CIT. #	FINE (OT)	OT Fine Modified	GRAND TOTAL FINE/DUE (OT)	DATE ISSUED	Appeal Recd		PAYMENT			
	No Lic	FDC	EPC	CC	ULP	PDU	AD						FCR	ADMIN	Pymnt Date	Paid in Full	Payment Amount	Bal (O/E)
1					1			2014-592	\$325		\$325	10/07/16			11/02/16	1	\$325	\$0
1					1			2014-642	\$1,600	\$400	\$1,200	10/07/16	1		PMT PLAN		\$200	\$1,000
1						1		2015-164	\$250		\$250	10/07/16	1				\$0	\$250
1						1		2015-153	\$250		\$250	10/10/16			12/12/16	1	\$250	\$0
1						1		2015-6	\$100		\$100	12/05/16			01/11/17	1	\$100	\$0
1						1		2014-617	\$250		\$250	12/05/16			12/26/16		\$250	\$0
1						1		2015-5	\$250		\$0	12/05/16			WITHDRAWN		\$0	\$0
1						1		2015-148	\$500		\$500	12/05/16	1				\$0	\$500
1						1		2014-599	\$500		\$500	12/05/16			12/23/16	1	\$500	\$0
1						1		2015-30	\$500		\$500	12/05/16			01/05/17	1	\$500	\$0
1						1		2015-117	\$250		\$250	12/16/16			12/21/16	1	\$250	\$0
1						1		2015-32	\$250		\$250	12/16/16			12/23/16	1	\$250	\$0
TOTALS:																		
12	0	0	0	0	2	10	0		\$5,025	\$400	\$4,375		3	0		7	\$2,625	\$1,750

**OTA Citations Issued
10/1/2016 - 12/31/2016**

#	VIOLATION							CIT. #	FINE (OEA)	OTA Fine Modified	GRAND TOTAL FINE DUE (OTA)	DATE ISSUED	Appeal Rec'd		PAYMENT			
	No Lic	EDC	UPC	CC	ULP	PDU	AD						ICR	ADMIN	Pymnt Date	Pd in Full	Pymnt Amnt	Bal (OTA)
1						1		2014-620	\$250		\$250	10/07/16			12/20/16	1	\$250	\$0
1						1		2015-133	\$250		\$250	10/07/16					\$0	\$250
1						1		2015-72	\$250		\$0	10/10/16			WITHDRAWN			\$0
1						1		2014-741	\$250		\$250	12/05/16			01/26/17	1	\$250	\$0
1						1		2015-238	\$500		\$500	12/05/16	1				\$0	\$500
1						1		2015-34	\$250		\$250	12/16/16					\$0	\$250
1						1		2015-31	\$250		\$250	12/16/16	1				\$0	\$250
1						1		2015-33	\$100		\$100	12/16/16					\$0	\$100
1						1		2015-235	\$400		\$400	12/16/16			01/14/17	1	\$400	\$0
TOTALS																		
9	0	0	0	0	0	9	0		\$2,500	\$0	\$2,250		2	0		3	\$900	\$1,350

Practitioners Currently on Probation or Other Court Orders

NAME	LICENSE #	LENGTH OF PROBATION	EFFECTIVE DATE
Abrams, Cindy	OT 17009	3 years	12/23/16*
Allen, Cornell Jr.	OT 9187	n/a	07/10/13
Alvarado, Francisco	OT 4563	2 years	09/02/16
Brown, Charles Stanley	OT 5525	n/a	08/12/15
Darrow, Colleen	OT 11844	4 Years	06/26/14
DeMena, Alan	OTA 466	3 Years	06/27/14*
Fanelli, Jay	OT 4071	4 years	12/07/16*
Gaeta, Adriana	OTA 1404	3 years	06/18/15
Kelley, Anjuli	OT 11168	3 Years	01/16/14*
Knoefler, Kolee	OT 8115	3 Years	06/03/16
Lombardo, Patricia	OT 2792	3 Years	06/23/16*
Martinez, Sharon	OTA 3067	3 Years	01/13/15
Meyer, Lisa M	OT 14107	3 Years	02/13/14*
Necesito, Dennis B.	OT 7360	4 Years	08/30/13
Neff, Heather L.	OT 7629	3 Years	07/11/14
Ngo, Nicole U.	OT 14773	3 Years	10/27/14
Oliver, Patricia	OT 6986	3 Years	10/28/16*
Osberg, Nicholas	OT 13735	3 Years	09/02/16
Perez, Thomas J.	OTA 2470	5 years	01/09/13
Powell, Diana C.	OT 6367	3 years	06/03/16*
Schmidt, Rebecca	OT 8291	3 Years	11/27/09 *
Sweeney, Lynette	OT 10550	2 Years	09/27/13*

AGENDA ITEM 21

EXECUTIVE OFFICER'S REPORT.

The report is attached for review.

Date: March 1, 2017

To: CBOT Members

From: 
Heather Martin, Executive Officer

Subject: Executive Officer Report – Board Meeting March 9-10, 2017

Items covered:

a. Operational Report.

The Board is still in the process of recruiting to fill positions; three new analysts began in mid-January; another will begin March 13th. The remaining positions are anticipated to be filled by mid to late April.

One enforcement analyst position is also being redirected to Administration to provide board support, coordination and monitoring of strategic plan implementation, and coordination of communications, outreach, and website updates.

Following this report are the CALSTRS reports, showing budget/revenue information for the 2016/17 fiscal year. Following that is a fund condition through 12/31, where expenses were 'straight-lined' with the exceptions of a few known/anticipated expenditures, including desktops and monitors (3) at \$2,500, an additional copier at \$12k, an additional shredder at \$1200, new file cabinets at \$3400, a new license/card printer at \$5k and TIs at approximately \$75k. This increases expected anticipated expenditure by approximately \$99k and the expected surplus to reduce to 14%.

The Board continues to submit 'tickets' to make modifications to BreEZe on an as-needed basis; this includes both automation of letters, system enhancements, VO text improvements and/or corrections, etc. Two staff members recently attended a 5-day training course in order to learn how to optimize the data collected in BreEZe by utilizing a variety of complex reporting tools.

Update on backlog of advanced practice applications – Applications received through February 2nd have been processed. Less than 20 applications need to be reviewed and/or process and 25 applications are pending submission of additional information by the applicants. There are also 20 provider courses to be sent out for review.

b. PDU Audit statistics.

In the Sunset Report, the Board reported completing 2,074 audits in the last four years. Of those 2,074 audits, 217 licensees were referred to the Board's Enforcement Unit, for either not responding to the audit or for failing to demonstrate completion of the required 24 PDUs. Of the 217 cases opened by Enforcement, 151 licensees were issued a citation.

Fiscal Year	Audits Completed	Audits Failed	% Audits Failed
2012/13	479	50	10.4
2013/14	501	45	8.98
2014/15	746	83	11.13
2015/16	348	39	11.21
Totals	2,074	217	Average: 10.46

Audits are not completed for those licensees whose licenses are on inactive status or renewing their license for the first time; both of these categories of licensees aren't required to complete PDUs and therefore shouldn't be audited.

c. Future Agenda Items

The items shown below will be addressed at a future meeting:

1. Ad hoc committee's recommendation regarding occupational therapists performing the physically invasive components of a swallowing evaluation.
2. Practice Committee appointments.
3. Practice Committee's recommendation on records retention requirement for an occupational therapy business that closes or is sold or if the practitioner is no longer in private practice.
4. Review/update of Board Member Administrative Manual.
5. Review/update of Board Member Disciplinary Resource Manual.
6. Review/update of Board's Disciplinary Guidelines (requires regulatory amendments).

d. Other Informational Items – No Board discussion or action

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1475 OCCUPATIONAL THERAPY

	BUDGET	CURR. MONTH	YTD	ENCUMBRANCE	YTD + ENCUMBRANC	BALANCE
PERSONAL SERVICES						
SALARIES AND WAGES						
003 00 CIVIL SERVICE-PERM	737,000	29,985	179,549	0	179,549	557,451
033 04 TEMP HELP (907)	4,000	3,229	17,035	0	17,035	-13,035
063 00 STATUTORY-EXEMPT	82,000	7,554	44,664	0	44,664	37,336
063 01 BD/COMMSN (901,920)	20,000	2,300	4,400	0	4,400	15,600
083 00 OVERTIME	0	849	5,718	0	5,718	-5,718
SALARIES AND WAGES	843,000	43,917	251,366	0	251,366	591,634
STAFF BENEFITS						
103 00 OASDI	63,000	2,366	13,902	0	13,902	49,098
104 00 DENTAL INSURANCE	2,000	269	1,079	0	1,079	921
105 00 HEALTH/WELFARE INS	187,000	4,069	27,321	0	27,321	159,679
106 01 RETIREMENT	196,000	10,033	59,927	0	59,927	136,073
125 00 WORKERS' COMPENSAT	25,000	0	0	0	0	25,000
125 15 SCIF ALLOCATION CO	0	0	3,948	0	3,948	-3,948
132 00 NONINDUST DISABLT	2,000	0	0	0	0	2,000
133 00 UNEMPLOYMENT INSUR	3,000	0	0	0	0	3,000
134 00 OTHER-STAFF BENEFI	0	2,616	12,254	0	12,254	-12,254
135 00 LIFE INSURANCE	0	7	41	0	41	-41
136 00 VISION CARE	1,000	69	406	0	406	594
137 00 MEDICARE TAXATION	5,000	634	3,563	0	3,563	1,437
STAFF BENEFITS	484,000	20,063	122,442	0	122,442	361,558
PERSONAL SERVICES	1,327,000	63,981	373,808	0	373,808	953,192
OPERATING EXPENSES & EQUIPMENT						
FINGERPRINTS						
213 04 FINGERPRINT REPORT	22,000	1,960	9,849	0	9,849	12,151
FINGERPRINTS	22,000	1,960	9,849	0	9,849	12,151

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1475 OCCUPATIONAL THERAPY

	BUDGET	CURR. MONTH	YTD	ENCUMBRANCE	YTD + ENCUMBRANC	BALANCE
GENERAL EXPENSE						
201 00 GENERAL EXPENSE	33,000	0	0	0	0	33,000
206 00 MISC OFFICE SUPPLI	0	0	1,478	98	1,576	-1,576
207 00 FREIGHT & DRAYAGE	0	103	1,093	770	1,863	-1,863
213 02 ADMIN OVERHEAD-OTH	0	0	2,023	11,516	13,539	-13,539
217 00 MTG/CONF/EXHIBIT/S	0	1,129	1,129	0	1,129	-1,129
223 00 LIBRARY PURCH/SUBS	0	0	5	0	5	-5
GENERAL EXPENSE	33,000	1,232	5,728	12,384	18,112	14,888
PRINTING						
241 00 PRINTING	10,000	0	0	0	0	10,000
242 00 PAMPHLT/LEAFLT/BRO	0	0	54	0	54	-54
242 03 COPY COSTS ALLO	0	0	660	0	660	-660
242 05 METRO PRINT/MAIL	0	997	4,647	0	4,647	-4,647
244 00 OFFICE COPIER EXP	0	0	293	1,087	1,380	-1,380
PRINTING	10,000	997	5,655	1,087	6,741	3,259
COMMUNICATIONS						
251 00 COMMUNICATIONS	16,000	0	0	0	0	16,000
257 01 TELEPHONE EXCHANGE	0	234	893	0	893	-893
COMMUNICATIONS	16,000	234	893	0	893	15,107
POSTAGE						
261 00 POSTAGE	15,000	0	0	0	0	15,000
262 00 STAMPS, STAMP ENVE	0	93	345	0	345	-345
263 05 DCA POSTAGE ALLO	0	464	3,101	0	3,101	-3,101
POSTAGE	15,000	557	3,446	0	3,446	11,554
TRAVEL: IN-STATE						
291 00 TRAVEL: IN-STATE	17,000	0	0	0	0	17,000
292 00 PER DIEM-I/S	0	265	5,308	0	5,308	-5,308

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294	00 COMMERCIAL AIR-I/S	0	1,024	4,686	0	4,686	-4,686
296	00 PRIVATE CAR-I/S	0	47	1,014	0	1,014	-1,014
297	00 RENTAL CAR-I/S	0	69	793	0	793	-793
301	01 LYFT-TRANSPORTATIO	0	6	6	0	6	-6
305	00 MGMT/TRANS FEE-I/S	0	59	140	0	140	-140
TRAVEL: IN-STATE		17,000	1,469	11,948	0	11,948	5,052
TRAINING							
331	00 TRAINING	6,000	0	0	0	0	6,000
TRAINING		6,000	0	0	0	0	6,000
FACILITIES OPERATIONS							
341	00 FACILITIES OPERATI	45,000	0	0	0	0	45,000
343	00 RENT-BLDG/GRND(NON	0	6,616	39,623	39,694	79,318	-79,318
FACILITIES OPERATIONS		45,000	6,616	39,623	39,694	79,318	-34,318
CONSULTANT & PROFESSIONAL SERVICES EXT							
402	00 CONSULT/PROF SERV-	51,000	0	0	0	0	51,000
404	05 C&P EXT ADMIN CR C	0	1,083	5,416	45,584	51,000	-51,000
CONSULTANT & PROFESSIONAL SERVICES EXTER		51,000	1,083	5,416	45,584	51,000	0
DEPARTMENTAL SERVICES							
424	03 OIS PRO RATA	242,000	20,167	121,002	0	121,002	120,998
427	00 INDIRECT DISTRB CO	184,000	15,000	90,000	0	90,000	94,000
427	30 DOI - ISU PRO RATA	5,000	417	2,502	0	2,502	2,498
427	34 COMMUNICATIONS PRO	22,000	1,833	10,998	0	10,998	11,002
427	35 PPRD PRO RATA	2,000	167	1,002	0	1,002	998
DEPARTMENTAL SERVICES		455,000	37,584	225,504	0	225,504	229,496
CONSOLIDATED DATA CENTER							
428	00 CONSOLIDATED DATA	4,000	1	7	0	7	3,993

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	BUDGET	CURR. MONTH	YTD	ENCUMBRANCE	YTD + ENCUMBRANC	BALANCE
CONSOLIDATED DATA CENTER	4,000	1	7	0	7	3,993
DATA PROCESSING						
431 00 INFORMATION TECHNO	4,000	0	0	0	0	4,000
446 00 HARDWARE-IT PURCH,	0	0	0	1,295	1,295	-1,295
449 00 ELECT WASTE RECYCL	0	0	0	3	3	-3
DATA PROCESSING	4,000	0	0	1,298	1,298	2,702
CENTRAL ADMINISTRATIVE SERVICES						
438 00 PRO RATA	60,000	0	0	0	0	60,000
CENTRAL ADMINISTRATIVE SERVICES	60,000	0	0	0	0	60,000
EXAMS						
404 03 C/P SVS - EXT SUB	0	206	1,181	1,666	2,847	-2,847
EXAMS	0	206	1,181	1,666	2,847	-2,847
MAJOR EQUIPMENT						
452 00 REPLACEMENT-EQPT	5,000	0	0	0	0	5,000
472 00 ADDITIONAL EQUIPME	48,000	0	0	0	0	48,000
MAJOR EQUIPMENT	53,000	0	0	0	0	53,000
ENFORCEMENT						
396 00 ATTORNEY GENL-INTE	137,000	3,748	32,595	0	32,595	104,405
397 00 OFC ADMIN HEARNG-I	1,000	0	0	0	0	1,000
414 31 EVIDENCE/WITNESS F	0	0	0	1,250	1,250	-1,250
418 97 COURT REPORTER SER	0	175	525	0	525	-525
427 31 DOI - INVESTIGATIO	63,000	5,250	31,500	0	31,500	31,500
ENFORCEMENT	201,000	9,173	64,620	1,250	65,870	135,130
MINOR EQUIPMENT						
226 00 MINOR EQUIPMENT	21,000	0	0	0	0	21,000
226 10 MIN EQPMT-GEN-ADD'	0	0	140	0	140	-140

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	BUDGET	CURR. MONTH	YTD	ENCUMBRANCE	YTD + ENCUMBRANC	BALANCE
226 15 MIN EQPMT-GEN-REPL	0	0	369	0	369	-369
MINOR EQUIPMENT	21,000	0	508	0	508	20,492
OPERATING EXPENSES & EQUIPMENT	1,013,000	61,112	374,379	102,963	477,342	535,658
TOTAL EXPENDITURE	2,340,000	125,093	748,187	102,963	851,150	1,488,850
OCCUPATIONAL THERAPY	2,340,000	125,093	748,187	102,963	851,150	1,488,850

CSTARQ24 1111 (DEST: A1 CAL2) PM,C,6,5,2,0,6212,
 FISCAL MONTH: 06 DECEMBER 6(INDEX) 5(PCA) 2(AGYSRC) 0(NOFUND) FUND(ALL) GL(6212)
 DEPT OF CONSUMER AFFAIRS
 RECEIPTS BY ORGANIZATION AND SOURCE
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 PROGRAM

PG EL CMP TSK PCA DESCRIPTION

REF	SOURCE	ASRC	DESCRIPTION	PLANNED RECEIPTS	ACTUAL CURRENT MONTH	RECEIPTS YEAR-TO-DATE	BALANCE
67 00 000 000	73017		REIMB - OCCUPATIONAL THERAPY FUND 3017				
001 991937	01		FINGERPRINT REPORTS	22,000.00	2,499.00	13,182.00	8,818.00
001 991937	02		SCHEDULED REIMBURSEMENT/EXTERNAL	0.00	235.00	470.00	470.00-
*TOTAL SOURCE 991937				22,000.00	2,734.00	13,652.00	8,348.00
001 995988	01		UNSCH-INVESTIGATIVE COST RECOVERY	0.00	175.00	2,525.00	2,525.00-
*TOTAL SOURCE 995988				0.00	175.00	2,525.00	2,525.00-
*TOTAL PROG 67				22,000.00	2,909.00	16,177.00	5,823.00
*TOTAL REFERENCE 001				22,000.00	2,909.00	16,177.00	5,823.00
67 00 000 000	83017		REVENUE - OCCUPATIONAL THERAPY PD 3017				
980 125600	CU		OTA DUP LIC FEE-\$15.00	0.00	360.00	1,470.00	1,470.00-
980 125600	CV		OTA DUP CERT FEES-\$15.00	0.00	90.00	330.00	330.00-
980 125600	FT		CITATION/FINE FTB COLLECTION	0.00	0.00	14.00	14.00-
980 125600	00		OTHER REGULATORY FEES	34,000.00	0.00	0.00	34,000.00
980 125600	18		CITATION & FINE FEE COLLECTED-VAR	0.00	2,450.00	5,950.00	5,950.00-
980 125600	90		OVER/SHORT FEES	0.00	1.00	2.00	2.00-
*TOTAL SOURCE 125600				34,000.00	2,901.00	7,766.00	26,234.00
980 125700	OC		OT INITIAL LIC FEE-\$VAR	0.00	11,356.00	69,655.00	69,655.00-
980 125700	OD		OTA INITIAL CERT FEE-\$VAR	0.00	4,150.00	21,580.00	21,580.00-
980 125700	OE		OT LIMITED PERMIT-\$75.00	0.00	225.00	1,800.00	1,800.00-
980 125700	OJ		OTA LIMITED PERMIT \$75.00	0.00	75.00	375.00	375.00-
980 125700	UE		OT RETIRED STATUS FEE-\$25	0.00	75.00	350.00	350.00-
980 125700	UG		OTA RETIRED STATUS FEE-\$25	0.00	0.00	50.00	50.00-
980 125700	UM		OT APPLICATION FEE-\$50	0.00	4,799.00	29,402.00	29,402.00-
980 125700	UN		OTA APPLICATION FEE-\$50	0.00	1,700.00	10,202.00	10,202.00-
980 125700	00		OTHER REGULATORY LICENSES AND PER	258,000.00	0.00	0.00	258,000.00
980 125700	90		OVER/SHORT FEES	0.00	0.00	1.00	1.00-

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 FISCAL MONTH: 06 DECEMBER 6(INDEX) 5(PCAS) 2(AGYSRC) 0(NOFUND) FUND(ALL) GL(6212)
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PROGRAM				PLANNED	ACTUAL RECEIPTS		BALANCE
PG	EL	CMP	TSK PCA DESCRIPTION	RECEIPTS	CURRENT MONTH	YEAR-TO-DATE	
980	125700	91	SUSPENDED REVENUE	0.00	1,240.00	5,476.00	5,476.00-
980	125700	92	PRIOR YEAR REVENUE ADJUSTMENT	0.00	0.00	722.00-	722.00
*TOTAL SOURCE 125700				258,000.00	23,620.00	138,169.00	119,831.00
980	125800	BP	OT INACTIVE RENEWAL LIC FEE-\$25.0	0.00	900.00	6,925.00	6,925.00-
980	125800	BQ	OTA INACTIVE RENEWAL CERT FEE-\$25	0.00	250.00	1,275.00	1,275.00-
980	125800	C1	AUTOMATED REVENUE REFUND CLAIM	0.00	0.00	15.00	15.00-
980	125800	00	RENEWAL FEES	1,015,000.00	0.00	0.00	1,015,000.00
980	125800	2W	BIENNIAL RENEWAL-OT \$150	0.00	68,125.00	513,000.00	513,000.00-
980	125800	2X	BIENNIAL RENEWAL-OTA \$150	0.00	14,725.00	101,625.00	101,625.00-
980	125800	90	OVER/SHORT FEES	0.00	150.00	450.00	450.00-
*TOTAL SOURCE 125800				1,015,000.00	84,150.00	623,290.00	391,710.00
980	125900	TM	DELINQ BIENNIAL-OT-\$75	0.00	975.00	8,325.00	8,325.00-
980	125900	TN	DELINQ BIENNIAL-OTA \$75	0.00	300.00	1,650.00	1,650.00-
980	125900	00	DELINQUENT FEES	17,000.00	0.00	0.00	17,000.00
*TOTAL SOURCE 125900				17,000.00	1,275.00	9,975.00	7,025.00
980	142500	00	MISCELLANEOUS SERVICES TO THE PUB	23,000.00	0.00	0.00	23,000.00
980	142500	90	MISC. SER TO PUBLIC - GENERAL	0.00	1,470.00	11,760.00	11,760.00-
*TOTAL SOURCE 142500				23,000.00	1,470.00	11,760.00	11,240.00
980	150300	00	INCOME FROM SURPLUS MONEY INVESTM	8,000.00	0.00	5,121.52	2,878.48
*TOTAL SOURCE 150300				8,000.00	0.00	5,121.52	2,878.48
980	161000	00	ESCHEAT OF UNCLAIMED CHECKS,WARRA	1,000.00	0.00	0.00	1,000.00

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 PROGRAM
 PG EL CMP TSK PCA DESCRIPTION

REF	SOURCE	ASRC	DESCRIPTION	PLANNED RECEIPTS	ACTUAL RECEIPTS CURRENT MONTH	RECEIPTS YEAR-TO-DATE	BALANCE
980	161000	02	REVENUE CANCELLED WARRANTS	0.00	0.00	267.00	267.00-
*TOTAL SOURCE 161000				1,000.00	0.00	267.00	733.00
980	161400	91	DISHONORED CHECK FEE-VAR	0.00	0.00	25.00	25.00-
*TOTAL SOURCE 161400				0.00	0.00	25.00	25.00-
980	164300	00	PENALTY ASSESSMENTS	15,000.00	0.00	0.00	15,000.00
*TOTAL SOURCE 164300				15,000.00	0.00	0.00	15,000.00
*TOTAL PROG 67				1,371,000.00	113,416.00	796,373.52	574,626.48
*TOTAL REFERENCE 980				1,371,000.00	113,416.00	796,373.52	574,626.48
*TOTAL INDEX 1475				1,393,000.00	116,325.00	812,550.52	580,449.48
*TOTAL SEC 11				1,393,000.00	116,325.00	812,550.52	580,449.48

**OCCUPATIONAL THERAPY - 3017
BUDGET REPORT
FY 2016-17 EXPENDITURE PROJECTION
FISCAL MONTH 6**

OBJECT DESCRIPTION	FY 2016-16		FY 2016-17				
	ACTUAL EXPENDITURES	PRIOR YEAR EXPENDITURES	BUDGET STONE	CURRENT YEAR EXPENDITURES	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
	(MONTH 13)	12/31/2016	2016-16	12/31/2016			
PERSONNEL SERVICES							
Salary & Wages (Staff)	279,382	134,959	737,000	179,549	24%	500,753	236,247
Statutory Exempt (EO)	87,341	44,004	82,000	44,664	54%	89,988	(7,988)
Temp Help Reg (Seasonals)	15,021	6,368	4,000	17,035		25,306	(21,306)
Temp Help (Exam Proctors)							0
Board Member Per Diem	1,500	1,500	20,000	4,400	22%	6,000	14,000
Committee Members (DEC)							0
Overtime	4,343	1,851		5,718		7,500	(7,500)
Staff Benefits	199,950	95,669	495,000	122,442	25%	255,906	239,094
TOTALS, PERSONNEL SVC	587,537	284,351	1,338,000	373,808	28%	885,453	452,547
OPERATING EXPENSE AND EQUIPMENT							
General Expense	10,075	6,128	33,000	18,112	55%	29,778	3,222
Fingerprint Reports	20,923	7,938	22,000	9,849	45%	25,960	(3,960)
Minor Equipment	13,108		21,000	508	2%	21,000	0
Printing	9,523	1,593	10,000	6,741	67%	15,000	(5,000)
Communication	2,185	870	16,000	893	6%	2,253	13,747
Postage	13,587	8,409	15,000	3,446	23%	12,000	3,000
Insurance		0	0	0	0%	0	0
Travel In State	27,824	9,932	17,000	11,948	70%	33,472	(16,472)
Travel, Out-of-State		0					0
Training	1,000	0	6,000	0	0%	1,000	5,000
Facilities Operations	80,830	86,548	45,000	79,318	176%	85,000	(40,000)
Utilities							
C & P Services - Interdept.							
C & P Services - External	17,271	26,000	51,000	51,000	100%	51,000	0
DEPARTMENTAL SERVICES:							
Departmental Pro Rata	212,841	106,500	243,000	121,002	50%	243,000	0
Admin/Exec	93,901	46,000	186,000	90,000	48%	186,000	0
Interagency Services							
IA w/ OER			0			27,948	(27,948)
DOI-ProRata Internal	2,948	1,500	5,000	2,502	50%	5,000	0
Communications Division	6,000	1,000	22,000	10,998	50%	22,000	0
PPRD Pro Rata	0	2,000	2,000	1,002	0%	2,000	0
INTERAGENCY SERVICES:							
Consolidated Data Center	118	77	4,000	7		500	3,500
DP Maintenance & Supply	4,038		4,000	1,298	32%	4,000	0
Central Admin Svc-ProRata	65,704	32,852					
EXAM EXPENSES:							
Exam Supplies							
Exam Freight							
Exam Site Rental							
C/P Svcs-External Expert Administrative							
C/P Svcs-External Expert Examiners							
C/P Svcs-External Subject Matter	8,392	7,967	0	2,847		5,000	(5,000)
ENFORCEMENT:							
Attorney General	69,050	21,975	137,000	34,215	25%	70,430	66,570
Office Admin. Hearings	20,974	6,040	1,000	11,636	1164%	23,772	(22,772)
Court Reporters	1,090	175	0	525		1,520	(1,620)
Evidence/Witness Fees	5,806	3,106	0	1,250		2,337	(2,337)
DOI - Investigations	40,321	20,500	68,000	31,500	46%	68,000	0
Major Equipment			53,000			53,000	0
Special Items of Expense							
Other (Vehicle Operations)							
TOTALS, OE&E	727,520	397,110	961,000	490,597	51%	991,069	(30,069)
TOTAL EXPENSE	1,315,057	681,461	2,299,000	864,405	79%	1,876,522	422,478
Sched. Reimb.							
Sched. Reimb. - Fingerprints	(23,258)	(9,114)	(22,000)	(13,182)	60%	(22,000)	0
Sched. Reimb. - External/Private	(5,875)	(3,055)		(470)			0
Unsched. Reimb. - Other	(2,899)			(2,525)			0
NET APPROPRIATION	1,283,025	669,292	2,277,000	848,228	37%	1,854,522	422,478
SURPLUS/(DEFICIT):							18.6%

PROPOSED FEE INCREASE FAQ's

1. Q. When do the fee increases take effect?
A. Immediately following the approval of the proposed language.
2. Q. Who does this fee increase affect?
A. All applicants and licensees.
3. Q. Will the initial application fee increase?
A. No. It will remain fifty dollars (\$50).
4. Q. Will the limited permit fee increase?
A. Yes. It will increase to one hundred dollars (\$100).
5. Q. Will the fee for retired status increase?
A. No. It will remain twenty-five dollars (\$25).
6. Q. Will the fee for a duplicate license increase?
A. Yes. The fee will increase to twenty-five dollars (\$25).
7. Q. Will the biennial renewal fee increase for OTs?
A. Yes. Once approved, the biennial renewal fee for OTs will increase to two hundred twenty dollars (\$220).
In addition, effective January 1, 2021, the fee will increase to two hundred seventy dollars (\$270).
8. Q. Will the biennial renewal fee increase for OTAs?
A. Yes. Once approved, the biennial renewal fee for OTAs will increase to one hundred eighty dollars (\$180).
In addition, effective January 1, 2021, the fee will increase to two hundred ten dollars (\$210).
9. Q. Will the delinquent fee increase?
A. Yes. The delinquent fee will increase to one hundred dollars (\$100) for OTs and OTAs.
10. Q. Will the inactive fee increase?
A. Yes. The inactive fee will now be equivalent to the biennial renewal fee for OTs and OTAs with an active license.

1 **PHYSICAL THERAPY LICENSURE COMPACT**

2 **SECTION 1. PURPOSE**

3 The purpose of this Compact is to facilitate interstate practice of physical therapy with the goal
4 of improving public access to physical therapy services. The practice of physical therapy occurs in
5 the state where the patient/client is located at the time of the patient/client encounter. The Compact
6 preserves the regulatory authority of states to protect public health and safety through the current
7 system of state licensure.

8 This Compact is designed to achieve the following objectives:

- 9 1. Increase public access to physical therapy services by providing for the mutual
10 recognition of other member state licenses;
- 11 2. Enhance the states' ability to protect the public's health and safety;
- 12 3. Encourage the cooperation of member states in regulating multi-state physical
13 therapy practice;
- 14 4. Support spouses of relocating military members;
- 15 5. Enhance the exchange of licensure, investigative, and disciplinary information
16 between member states; and
- 17 6. Allow a remote state to hold a provider of services with a compact privilege in that
18 state accountable to that state's practice standards.

19 **SECTION 2. DEFINITIONS**

20 As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- 21 1. **"Active duty military"** means full-time duty status in the active uniformed service of
22 the United States, including members of the National Guard and Reserve on active
23 duty orders pursuant to 10 U.S.C. Section 1209 and 1211.

- 24 2. **“Adverse action”** means disciplinary action taken by a physical therapy licensing
25 board based upon misconduct, unacceptable performance, or a combination of both.
- 26 3. **“Alternative program”** means a non-disciplinary monitoring or practice remediation
27 process approved by a physical therapy licensing board. This includes, but is not
28 limited to, substance abuse issues.
- 29 4. **“Compact privilege”** means the authorization granted by a remote state to allow a
30 licensee from another member state to practice as a physical therapist or work as a
31 physical therapist assistant in the remote state under its laws and rules. The practice
32 of physical therapy occurs in the member state where the patient/client is located at the
33 time of the patient/client encounter.
- 34 5. **“Continuing competence”** means a requirement, as a condition of license renewal,
35 to provide evidence of participation in, and/or completion of, educational and
36 professional activities relevant to practice or area of work.
- 37 6. **“Data system”** means a repository of information about licensees, including
38 examination, licensure, investigative, compact privilege, and adverse action.
- 39 7. **“Encumbered license”** means a license that a physical therapy licensing board has
40 limited in any way.
- 41 8. **“Executive Board”** means a group of directors elected or appointed to act on behalf
42 of, and within the powers granted to them by, the Commission.
- 43 9. **“Home state”** means the member state that is the licensee’s primary state of
44 residence.
- 45 10. **“Investigative information”** means information, records, and documents received or
46 generated by a physical therapy licensing board pursuant to an investigation.

- 47 11. **“Jurisprudence requirement”** means the assessment of an individual’s knowledge
48 of the laws and rules governing the practice of physical therapy in a state.
- 49 12. **“Licensee”** means an individual who currently holds an authorization from the state
50 to practice as a physical therapist or to work as a physical therapist assistant.
- 51 13. **“Member state”** means a state that has enacted the Compact.
- 52 14. **“Party state”** means any member state in which a licensee holds a current license or
53 compact privilege or is applying for a license or compact privilege.
- 54 15. **“Physical therapist”** means an individual who is licensed by a state to practice
55 physical therapy.
- 56 16. **“Physical therapist assistant”** means an individual who is licensed/certified by a
57 state and who assists the physical therapist in selected components of physical
58 therapy.
- 59 17. **“Physical therapy,” “physical therapy practice,” and “the practice of physical
60 therapy”** mean the care and services provided by or under the direction and
61 supervision of a licensed physical therapist.
- 62 18. **“Physical Therapy Compact Commission” or “Commission”** means the national
63 administrative body whose membership consists of all states that have enacted the
64 Compact.
- 65 19. **“Physical therapy licensing board” or “licensing board”** means the agency of a
66 state that is responsible for the licensing and regulation of physical therapists and
67 physical therapist assistants.
- 68 20. **“Remote state”** means a member state other than the home state, where a licensee is
69 exercising or seeking to exercise the compact privilege.

70 21. **“Rule”** means a regulation, principle, or directive promulgated by the Commission
71 that has the force of law.

72 22. **“State”** means any state, commonwealth, district, or territory of the United States of
73 America that regulates the practice of physical therapy.

74 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

75 A. To participate in the Compact, a state must:

- 76 1. Participate fully in the Commission’s data system, including using the
77 Commission’s unique identifier as defined in rules;
- 78 2. Have a mechanism in place for receiving and investigating complaints
79 about licensees;
- 80 3. Notify the Commission, in compliance with the terms of the Compact and
81 rules, of any adverse action or the availability of investigative information
82 regarding a licensee;
- 83 4. Fully implement a criminal background check requirement, within a time
84 frame established by rule, by receiving the results of the Federal Bureau of
85 Investigation record search on criminal background checks and use the
86 results in making licensure decisions in accordance with Section 3.B.;
- 87 5. Comply with the rules of the Commission;
- 88 6. Utilize a recognized national examination as a requirement for licensure
89 pursuant to the rules of the Commission; and
- 90 7. Have continuing competence requirements as a condition for license
91 renewal.

92 B. Upon adoption of this statute, the member state shall have the authority to obtain
93 biometric-based information from each physical therapy licensure applicant and submit this
94 information to the Federal Bureau of Investigation for a criminal background check in accordance
95 with 28 U.S.C. §534 and 42 U.S.C. §14616.

96 C. A member state shall grant the compact privilege to a licensee holding a valid
97 unencumbered license in another member state in accordance with the terms of the Compact and
98 rules.

99 D. Member states may charge a fee for granting a compact privilege.

100

101 SECTION 4. COMPACT PRIVILEGE

102 A. To exercise the compact privilege under the terms and provisions of the Compact,
103 the licensee shall:

- 104 1. Hold a license in the home state;
- 105 2. Have no encumbrance on any state license;
- 106 3. Be eligible for a compact privilege in any member state in accordance
107 with Sections 4D, G and H;
- 108 4. Have not had any adverse action against any license or compact privilege
109 within the previous 2 years;
- 110 5. Notify the Commission that the licensee is seeking the compact privilege
111 within a remote state(s);
- 112 6. Pay any applicable fees, including any state fee, for the compact
113 privilege;
- 114 7. Meet any jurisprudence requirements established by the remote state(s) in
115 which the licensee is seeking a compact privilege; and

116 8. Report to the Commission adverse action taken by any non-member state
117 within 30 days from the date the adverse action is taken.

118 B. The compact privilege is valid until the expiration date of the home license. The
119 licensee must comply with the requirements of Section 4A to maintain the compact privilege in
120 the remote state.

121 C. A licensee providing physical therapy in a remote state under the compact
122 privilege shall function within the laws and regulations of the remote state.

123 D. A licensee providing physical therapy in a remote state is subject to that state's
124 regulatory authority. A remote state may, in accordance with due process and that state's laws,
125 remove a licensee's compact privilege in the remote state for a specific period of time, impose
126 fines, and/or take any other necessary actions to protect the health and safety of its citizens. The
127 licensee is not eligible for a compact privilege in any state until the specific time for removal has
128 passed and all fines are paid.

129 E. If a home state license is encumbered, the licensee shall lose the compact
130 privilege in any remote state until the following occur:

131 1. The home state license is no longer encumbered; and

132 2. Two years have elapsed from the date of the adverse action.

133 F. Once an encumbered license in the home state is restored to good standing, the
134 licensee must meet the requirements of Section 4A to obtain a compact privilege in any remote
135 state.

136 G. If a licensee's compact privilege in any remote state is removed, the individual
137 shall lose the compact privilege in any remote state until the following occur:

- 138 1. The specific period of time for which the compact privilege was removed
139 has ended;
- 140 2. All fines have been paid; and
- 141 3. Two years have elapsed from the date of the adverse action.

142 H. Once the requirements of Section 4G have been met, the license must meet the
143 requirements in Section 4A to obtain a compact privilege in a remote state.

144 SECTION 5. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

145 A licensee who is active duty military or is the spouse of an individual who is active duty
146 military may designate one of the following as the home state:

- 147 A. Home of record;
- 148 B. Permanent Change of Station (PCS); or
- 149 C. State of current residence if it is different than the PCS state or home of record.

150 SECTION 6. ADVERSE ACTIONS

151 A. A home state shall have exclusive power to impose adverse action against a
152 license issued by the home state.

153 B. A home state may take adverse action based on the investigative information of a

154 C. Nothing in this Compact shall override a member state's decision that
155 participation in an alternative program may be used in lieu of adverse action and that such
156 participation shall remain non-public if required by the member state's laws. Member states
157 must require licensees who enter any alternative programs in lieu of discipline to agree not to
158 practice in any other member state during the term of the alternative program without prior
159 authorization from such other member state.

160 D. Any member state may investigate actual or alleged violations of the statutes and
161 rules authorizing the practice of physical therapy in any other member state in which a physical
162 therapist or physical therapist assistant holds a license or compact privilege.

163 E. A remote state shall have the authority to:

164 1. Take adverse actions as set forth in Section 4D against a licensee's compact
165 privilege in the state;

166 2. Issue subpoenas for both hearings and investigations that require the
167 attendance and testimony of witnesses, and the production of evidence.

168 Subpoenas issued by a physical therapy licensing board in a party state for
169 the attendance and testimony of witnesses, and/or the production of evidence
170 from another party state, shall be enforced in the latter state by any court of
171 competent jurisdiction, according to the practice and procedure of that court
172 applicable to subpoenas issued in proceedings pending before it. The issuing
173 authority shall pay any witness fees, travel expenses, mileage, and other fees
174 required by the service statutes of the state where the witnesses and/or
175 evidence are located; and

176 3. If otherwise permitted by state law, recover from the licensee the costs of
177 investigations and disposition of cases resulting from any adverse action
178 taken against that licensee.

179 F. Joint Investigations

180 1. In addition to the authority granted to a member state by its respective
181 physical therapy practice act or other applicable state law, a member state

182 may participate with other member states in joint investigations of
183 licensees.
184 2. Member states shall share any investigative, litigation, or compliance
185 materials in furtherance of any joint or individual investigation initiated
186 under the Compact.

187 **SECTION 7. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT**
188 **COMMISSION.**

189 A. The Compact member states hereby create and establish a joint public agency
190 known as the Physical Therapy Compact Commission:

- 191 1. The Commission is an instrumentality of the Compact states.
- 192 2. Venue is proper and judicial proceedings by or against the Commission
193 shall be brought solely and exclusively in a court of competent jurisdiction
194 where the principal office of the Commission is located. The Commission
195 may waive venue and jurisdictional defenses to the extent it adopts or
196 consents to participate in alternative dispute resolution proceedings.
- 197 3. Nothing in this Compact shall be construed to be a waiver of sovereign
198 immunity.

199 B. Membership, Voting, and Meetings

- 200 1. Each member state shall have and be limited to one (1) delegate selected
201 by that member state's licensing board.
- 202 2. The delegate shall be a current member of the licensing board, who is a
203 physical therapist, physical therapist assistant, public member, or the
204 board administrator.

- 205 3. Any delegate may be removed or suspended from office as provided by
206 the law of the state from which the delegate is appointed.
- 207 4. The member state board shall fill any vacancy occurring in the
208 Commission.
- 209 5. Each delegate shall be entitled to one (1) vote with regard to the
210 promulgation of rules and creation of bylaws and shall otherwise have an
211 opportunity to participate in the business and affairs of the Commission.
- 212 6. A delegate shall vote in person or by such other means as provided in the
213 bylaws. The bylaws may provide for delegates' participation in meetings
214 by telephone or other means of communication.
- 215 7. The Commission shall meet at least once during each calendar year.
216 Additional meetings shall be held as set forth in the bylaws.

217 C. The Commission shall have the following powers and duties:

- 218 1. Establish the fiscal year of the Commission;
- 219 2. Establish bylaws;
- 220 3. Maintain its financial records in accordance with the bylaws;
- 221 4. Meet and take such actions as are consistent with the provisions of this
222 Compact and the bylaws;
- 223 5. Promulgate uniform rules to facilitate and coordinate implementation and
224 administration of this Compact. The rules shall have the force and effect
225 of law and shall be binding in all member states;
- 226 6. Bring and prosecute legal proceedings or actions in the name of the
227 Commission, provided that the standing of any state physical therapy

- 228 licensing board to sue or be sued under applicable law shall not be
229 affected;
- 230 7. Purchase and maintain insurance and bonds;
- 231 8. Borrow, accept, or contract for services of personnel, including, but not
232 limited to, employees of a member state;
- 233 9. Hire employees, elect or appoint officers, fix compensation, define duties,
234 grant such individuals appropriate authority to carry out the purposes of
235 the Compact, and to establish the Commission's personnel policies and
236 programs relating to conflicts of interest, qualifications of personnel, and
237 other related personnel matters;
- 238 10. Accept any and all appropriate donations and grants of money, equipment,
239 supplies, materials and services, and to receive, utilize and dispose of the
240 same; provided that at all times the Commission shall avoid any
241 appearance of impropriety and/or conflict of interest;
- 242 11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to
243 own, hold, improve or use, any property, real, personal or mixed; provided
244 that at all times the Commission shall avoid any appearance of
245 impropriety;
- 246 12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
247 dispose of any property real, personal, or mixed;
- 248 13. Establish a budget and make expenditures;
- 249 14. Borrow money;

- 250 15. Appoint committees, including standing committees comprising of
251 members, state regulators, state legislators or their representatives, and
252 consumer representatives, and such other interested persons as may be
253 designated in this Compact and the bylaws;
- 254 16. Provide and receive information from, and cooperate with, law
255 enforcement agencies;
- 256 17. Establish and elect an Executive Board; and
- 257 18. Perform such other functions as may be necessary or appropriate to
258 achieve the purposes of this Compact consistent with the state regulation
259 of physical therapy licensure and practice.

260 D. The Executive Board

261 The Executive Board shall have the power to act on behalf of the Commission according to the
262 terms of this Compact

- 263 1. The Executive Board shall be comprised of nine members:
- 264 a. Seven voting members who are elected by the Commission from the
265 current membership of the Commission;
- 266 b. One ex-officio, nonvoting member from the recognized national physical
267 therapy professional association; and
- 268 c. One ex-officio, nonvoting member from the recognized membership
269 organization of the physical therapy licensing boards.
- 270 2. The ex-officio members will be selected by their respective organizations.
- 271 3. The Commission may remove any member of the Executive Board as
272 provided in bylaws.

273

4. The Executive Board shall meet at least annually.

274

5. The Executive Board shall have the following duties and responsibilities:

275

a. Recommend to the entire Commission changes to the rules or bylaws,

276

changes to this Compact legislation, fees paid by Compact member states

277

such as annual dues, and any commission Compact fee charged to

278

licensees for the compact privilege;

279

b. Ensure Compact administration services are appropriately provided,

280

contractual or otherwise;

281

c. Prepare and recommend the budget;

282

d. Maintain financial records on behalf of the Commission;

283

e. Monitor Compact compliance of member states and provide compliance

284

reports to the Commission;

285

f. Establish additional committees as necessary; and

286

g. Other duties as provided in rules or bylaws.

287

E. Meetings of the Commission

288

1. All meetings shall be open to the public, and public notice of meetings

289

shall be given in the same manner as required under the rulemaking

290

provisions in Section 9.

291

2. The Commission or the Executive Board or other committees of the

292

Commission may convene in a closed, non-public meeting if the

293

Commission or Executive Board or other committees of the Commission

294

must discuss:

- 295 a. Non-compliance of a member state with its obligations under the
296 Compact;
- 297 b. The employment, compensation, discipline or other matters, practices or
298 procedures related to specific employees or other matters related to the
299 Commission's internal personnel practices and procedures;
- 300 c. Current, threatened, or reasonably anticipated litigation;
- 301 d. Negotiation of contracts for the purchase, lease, or sale of goods,
302 services, or real estate;
- 303 e. Accusing any person of a crime or formally censuring any person;
- 304 f. Disclosure of trade secrets or commercial or financial information that is
305 privileged or confidential;
- 306 g. Disclosure of information of a personal nature where disclosure would
307 constitute a clearly unwarranted invasion of personal privacy;
- 308 h. Disclosure of investigative records compiled for law enforcement
309 purposes;
- 310 i. Disclosure of information related to any investigative reports prepared by
311 or on behalf of or for use of the Commission or other committee charged
312 with responsibility of investigation or determination of compliance issues
313 pursuant to the Compact; or
- 314 j. Matters specifically exempted from disclosure by federal or member state
315 statute.

316 3. If a meeting, or portion of a meeting, is closed pursuant to this provision,
317 the Commission's legal counsel or designee shall certify that the meeting
318 may be closed and shall reference each relevant exempting provision.

319 4. The Commission shall keep minutes that fully and clearly describe all
320 matters discussed in a meeting and shall provide a full and accurate
321 summary of actions taken, and the reasons therefore, including a
322 description of the views expressed. All documents considered in
323 connection with an action shall be identified in such minutes. All minutes
324 and documents of a closed meeting shall remain under seal, subject to
325 release by a majority vote of the Commission or order of a court of
326 competent jurisdiction.

327 F. Financing of the Commission

328 1. The Commission shall pay, or provide for the payment of, the reasonable
329 expenses of its establishment, organization, and ongoing activities.

330 2. The Commission may accept any and all appropriate revenue sources,
331 donations, and grants of money, equipment, supplies, materials, and
332 services.

333 3. The Commission may levy on and collect an annual assessment from each
334 member state or impose fees on other parties to cover the cost of the
335 operations and activities of the Commission and its staff, which must be in
336 a total amount sufficient to cover its annual budget as approved each year
337 for which revenue is not provided by other sources. The aggregate annual
338 assessment amount shall be allocated based upon a formula to be

339 determined by the Commission, which shall promulgate a rule binding
340 upon all member states.

341 4. The Commission shall not incur obligations of any kind prior to securing
342 the funds adequate to meet the same; nor shall the Commission pledge the
343 credit of any of the member states, except by and with the authority of the
344 member state.

345 5. The Commission shall keep accurate accounts of all receipts and
346 disbursements. The receipts and disbursements of the Commission shall be
347 subject to the audit and accounting procedures established under its
348 bylaws. However, all receipts and disbursements of funds handled by the
349 Commission shall be audited yearly by a certified or licensed public
350 accountant, and the report of the audit shall be included in and become
351 part of the annual report of the Commission.

352 G. Qualified Immunity, Defense, and Indemnification

353 1. The members, officers, executive director, employees and representatives
354 of the Commission shall be immune from suit and liability, either
355 personally or in their official capacity, for any claim for damage to or loss
356 of property or personal injury or other civil liability caused by or arising
357 out of any actual or alleged act, error or omission that occurred, or that the
358 person against whom the claim is made had a reasonable basis for
359 believing occurred within the scope of Commission employment, duties or
360 responsibilities; provided that nothing in this paragraph shall be construed
361 to protect any such person from suit and/or liability for any damage, loss,

362 injury, or liability caused by the intentional or willful or wanton
363 misconduct of that person.

364 2. The Commission shall defend any member, officer, executive director,
365 employee or representative of the Commission in any civil action seeking
366 to impose liability arising out of any actual or alleged act, error, or
367 omission that occurred within the scope of Commission employment,
368 duties, or responsibilities, or that the person against whom the claim is
369 made had a reasonable basis for believing occurred within the scope of
370 Commission employment, duties, or responsibilities; provided that nothing
371 herein shall be construed to prohibit that person from retaining his or her
372 own counsel; and provided further, that the actual or alleged act, error, or
373 omission did not result from that person's intentional or willful or wanton
374 misconduct.

375 3. The Commission shall indemnify and hold harmless any member, officer,
376 executive director, employee, or representative of the Commission for the
377 amount of any settlement or judgment obtained against that person arising
378 out of any actual or alleged act, error or omission that occurred within the
379 scope of Commission employment, duties, or responsibilities, or that such
380 person had a reasonable basis for believing occurred within the scope of
381 Commission employment, duties, or responsibilities, provided that the
382 actual or alleged act, error, or omission did not result from the intentional
383 or willful or wanton misconduct of that person.

384

385 **SECTION 8. DATA SYSTEM**

386 A. The Commission shall provide for the development, maintenance, and utilization
387 of a coordinated database and reporting system containing licensure, adverse action, and
388 investigative information on all licensed individuals in member states.

389 B. Notwithstanding any other provision of state law to the contrary, a member state
390 shall submit a uniform data set to the data system on all individuals to whom this Compact is
391 applicable as required by the rules of the Commission, including:

- 392 1. Identifying information;
- 393 2. Licensure data;
- 394 3. Adverse actions against a license or compact privilege;
- 395 4. Non-confidential information related to alternative program participation;
- 396 5. Any denial of application for licensure, and the reason(s) for such denial;
- 397 and
- 398 6. Other information that may facilitate the administration of this Compact,
399 as determined by the rules of the Commission.

400 C. Investigative information pertaining to a licensee in any member state will only be
401 available to other party states.

402 D. The Commission shall promptly notify all member states of any adverse action
403 taken against a licensee or an individual applying for a license. Adverse action information
404 pertaining to a licensee in any member state will be available to any other member state.

405 E. Member states contributing information to the data system may designate
406 information that may not be shared with the public without the express permission of the
407 contributing state.

408 F. Any information submitted to the data system that is subsequently required to be
409 expunged by the laws of the member state contributing the information shall be removed from
410 the data system.

411 **SECTION 9. RULEMAKING**

412 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set
413 forth in this Section and the rules adopted thereunder. Rules and amendments shall become
414 binding as of the date specified in each rule or amendment.

415 B. If a majority of the legislatures of the member states rejects a rule, by enactment
416 of a statute or resolution in the same manner used to adopt the Compact within 4 years of the
417 date of adoption of the rule, then such rule shall have no further force and effect in any member
418 state.

419 C. Rules or amendments to the rules shall be adopted at a regular or special meeting
420 of the Commission.

421 D. Prior to promulgation and adoption of a final rule or rules by the Commission,
422 and at least thirty (30) days in advance of the meeting at which the rule will be considered and
423 voted upon, the Commission shall file a Notice of Proposed Rulemaking:

- 424 1. On the website of the Commission or other publicly accessible platform;
425 and
426 2. On the website of each member state physical therapy licensing board or
427 other publicly accessible platform or the publication in which each state
428 would otherwise publish proposed rules.

429 E. The Notice of Proposed Rulemaking shall include:

- 430 1. The proposed time, date, and location of the meeting in which the rule will
431 be considered and voted upon;
- 432 2. The text of the proposed rule or amendment and the reason for the
433 proposed rule;
- 434 3. A request for comments on the proposed rule from any interested person;
435 and
- 436 4. The manner in which interested persons may submit notice to the
437 Commission of their intention to attend the public hearing and any written
438 comments.

439 F. Prior to adoption of a proposed rule, the Commission shall allow persons to
440 submit written data, facts, opinions, and arguments, which shall be made available to the public.

441 G. The Commission shall grant an opportunity for a public hearing before it adopts a
442 rule or amendment if a hearing is requested by:

- 443 1. At least twenty-five (25) persons;
- 444 2. A state or federal governmental subdivision or agency; or
- 445 3. An association having at least twenty-five (25) members.

446 H. If a hearing is held on the proposed rule or amendment, the Commission shall
447 publish the place, time, and date of the scheduled public hearing. If the hearing is held via
448 electronic means, the Commission shall publish the mechanism for access to the electronic
449 hearing.

- 450 1. All persons wishing to be heard at the hearing shall notify the executive
451 director of the Commission or other designated member in writing of their

452 desire to appear and testify at the hearing not less than five (5) business
453 days before the scheduled date of the hearing.

454 2. Hearings shall be conducted in a manner providing each person who
455 wishes to comment a fair and reasonable opportunity to comment orally or
456 in writing.

457 3. All hearings will be recorded. A copy of the recording will be made
458 available on request.

459 4. Nothing in this section shall be construed as requiring a separate hearing
460 on each rule. Rules may be grouped for the convenience of the
461 Commission at hearings required by this section.

462 I. Following the scheduled hearing date, or by the close of business on the
463 scheduled hearing date if the hearing was not held, the Commission shall consider all written and
464 oral comments received.

465 J. If no written notice of intent to attend the public hearing by interested parties is
466 received, the Commission may proceed with promulgation of the proposed rule without a public
467 hearing.

468 K. The Commission shall, by majority vote of all members, take final action on the
469 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
470 record and the full text of the rule.

471 L. Upon determination that an emergency exists, the Commission may consider and
472 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that
473 the usual rulemaking procedures provided in the Compact and in this section shall be
474 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90)

475 days after the effective date of the rule. For the purposes of this provision, an emergency rule is
476 one that must be adopted immediately in order to:

- 477 1. Meet an imminent threat to public health, safety, or welfare;
- 478 2. Prevent a loss of Commission or member state funds;
- 479 3. Meet a deadline for the promulgation of an administrative rule that is
480 established by federal law or rule; or
- 481 4. Protect public health and safety.

482 M. The Commission or an authorized committee of the Commission may direct
483 revisions to a previously adopted rule or amendment for purposes of correcting typographical
484 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
485 revisions shall be posted on the website of the Commission. The revision shall be subject to
486 challenge by any person for a period of thirty (30) days after posting. The revision may be
487 challenged only on grounds that the revision results in a material change to a rule. A challenge
488 shall be made in writing, and delivered to the chair of the Commission prior to the end of the
489 notice period. If no challenge is made, the revision will take effect without further action. If the
490 revision is challenged, the revision may not take effect without the approval of the Commission.

491 **SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

492 A. Oversight

- 493 1. The executive, legislative, and judicial branches of state government in
494 each member state shall enforce this Compact and take all actions
495 necessary and appropriate to effectuate the Compact's purposes and intent.
496 The provisions of this Compact and the rules promulgated hereunder shall
497 have standing as statutory law.

498 2. All courts shall take judicial notice of the Compact and the rules in any
499 judicial or administrative proceeding in a member state pertaining to the
500 subject matter of this Compact which may affect the powers,
501 responsibilities or actions of the Commission.

502 3. The Commission shall be entitled to receive service of process in any such
503 proceeding, and shall have standing to intervene in such a proceeding for
504 all purposes. Failure to provide service of process to the Commission shall
505 render a judgment or order void as to the Commission, this Compact, or
506 promulgated rules.

507 B. Default, Technical Assistance, and Termination

508 1. If the Commission determines that a member state has defaulted in the
509 performance of its obligations or responsibilities under this Compact or
510 the promulgated rules, the Commission shall:

- 511 a. Provide written notice to the defaulting state and other member states of
512 the nature of the default, the proposed means of curing the default and/or
513 any other action to be taken by the Commission; and
- 514 b. Provide remedial training and specific technical assistance regarding the
515 default.

516 2. If a state in default fails to cure the default, the defaulting state may be
517 terminated from the Compact upon an affirmative vote of a majority of the
518 member states, and all rights, privileges and benefits conferred by this
519 Compact may be terminated on the effective date of termination. A cure of

520 the default does not relieve the offending state of obligations or liabilities
521 incurred during the period of default.

522 3. Termination of membership in the Compact shall be imposed only after all
523 other means of securing compliance have been exhausted. Notice of intent
524 to suspend or terminate shall be given by the Commission to the governor,
525 the majority and minority leaders of the defaulting state's legislature, and
526 each of the member states.

527 4. A state that has been terminated is responsible for all assessments,
528 obligations, and liabilities incurred through the effective date of
529 termination, including obligations that extend beyond the effective date of
530 termination.

531 5. The Commission shall not bear any costs related to a state that is found to
532 be in default or that has been terminated from the Compact, unless agreed
533 upon in writing between the Commission and the defaulting state.

534 6. The defaulting state may appeal the action of the Commission by
535 petitioning the U.S. District Court for the District of Columbia or the
536 federal district where the Commission has its principal offices. The
537 prevailing member shall be awarded all costs of such litigation, including
538 reasonable attorney's fees.

539 C. Dispute Resolution

540 1. Upon request by a member state, the Commission shall attempt to resolve
541 disputes related to the Compact that arise among member states and
542 between member and non-member states.

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2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

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D. Enforcement

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1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

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2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district

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where the Commission has its principal offices against a member state in

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default to enforce compliance with the provisions of the Compact and its

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promulgated rules and bylaws. The relief sought may include both

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injunctive relief and damages. In the event judicial enforcement is

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necessary, the prevailing member shall be awarded all costs of such

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litigation, including reasonable attorney's fees.

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3. The remedies herein shall not be the exclusive remedies of the

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Commission. The Commission may pursue any other remedies available

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under federal or state law.

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SECTION 11. DATE OF IMPLEMENTATION OF THE INTERSTATE

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COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED

561

RULES, WITHDRAWAL, AND AMENDMENT

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- A. The Compact shall come into effect on the date on which the Compact statute is

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enacted into law in the tenth member state. The provisions, which become effective at that time,

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shall be limited to the powers granted to the Commission relating to assembly and the

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promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers

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necessary to the implementation and administration of the Compact.

567 B. Any state that joins the Compact subsequent to the Commission's initial adoption
568 of the rules shall be subject to the rules as they exist on the date on which the Compact becomes
569 law in that state. Any rule that has been previously adopted by the Commission shall have the
570 full force and effect of law on the day the Compact becomes law in that state.

571 C. Any member state may withdraw from this Compact by enacting a statute
572 repealing the same.

573 1. A member state's withdrawal shall not take effect until six (6) months
574 after enactment of the repealing statute.

575 2. Withdrawal shall not affect the continuing requirement of the withdrawing
576 state's physical therapy licensing board to comply with the investigative
577 and adverse action reporting requirements of this act prior to the effective
578 date of withdrawal.

579 D. Nothing contained in this Compact shall be construed to invalidate or prevent any
580 physical therapy licensure agreement or other cooperative arrangement between a member state
581 and a non-member state that does not conflict with the provisions of this Compact.

582 E. This Compact may be amended by the member states. No amendment to this
583 Compact shall become effective and binding upon any member state until it is enacted into the
584 laws of all member states.

585 SECTION 12. CONSTRUCTION AND SEVERABILITY

586 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
587 provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of
588 this Compact is declared to be contrary to the constitution of any party state or of the United
589 States or the applicability thereof to any government, agency, person or circumstance is held

590 invalid, the validity of the remainder of this Compact and the applicability thereof to any
591 government, agency, person or circumstance shall not be affected thereby. If this Compact shall
592 be held contrary to the constitution of any party state, the Compact shall remain in full force and
593 effect as to the remaining party states and in full force and effect as to the party state affected as
594 to all severable matters.

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