

AGENDA ITEM 5

REVIEW AND VOTE ON APPROVAL OF THE MARCH 9-10, 2017, BOARD MEETING MINUTES.

The meeting minutes are attached for review.



BOARD MEETING MINUTES

**Thursday, March 9, 2017 and
Friday, March 10, 2017**

Board Member(s) Present

Denise Miller – President
Richard Bookwalter – Vice President
Sharon Pavlovich - Secretary
Teresa Davies
Jeff Ferro
Laura Hayth
Beata Morcos

Board Staff Present

Heather Martin, Executive Officer
Jeff Hanson, Enforcement Coordinator
Jody Quesada, Enforcement Analyst
Ileana Butu, Legal Counsel

Thursday, March 9, 2017

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

The meeting was called to order at 9:35 am, roll was called, and a quorum was established

2. President's Remarks – Informational only; no Board Action to be taken.

President Miller reported that in January the occupational therapy profession celebrated its 100th year and that the celebration was capped off with a float in the Rose Parade sponsored by the Occupational Therapy Association of California (OTAC). President Miller stated that she was honored to work on the float and that the feedback from parade spectators and participants, some of whom were occupational therapy patients, was a testament to the value of the profession.

Ms. Miller stated that in February she had the honor and privilege to participate in an American Occupational Therapy Association (AOTA) Ad Hoc Committee meeting. Discussions were held regarding occupational therapy education and fieldwork, and led by AOTA President Amy Lamb.

Ms. Miller stated that she attended the Spring Symposium along with Vice President Richard Bookwalter and they presented on among other things, licensure requirements and pending laws and regulations being considered by the California Board of Occupational Therapy (CBOT). Additionally, President Miller said she and Vice President Bookwalter attended a legislative reception with Assembly Member Todd Gloria.

3. Board Member Remarks – Informational only; no Board Action to be taken.

Vice President Richard Bookwalter stated that he and Ms. Miller attended met with representatives from the Department of Consumer Affairs (DCA) and Business, Consumer Services and Housing Agency in preparation for the upcoming Sunset Review hearing. Mr. Bookwalter added that he, President Miller and Executive Officer Heather Martin also met with a few legislators or their staff as well as the California Athletic Trainers' Association representatives and lobbyist.

Secretary Sharon Pavlovich stated that the Department of Occupational Therapy at Loma Linda University was recognized with a Community Service Award. Ms. Pavlovich commented that faculty is readying themselves to travel to the AOTA conference in Philadelphia where they will make a presentation.

The remaining Board members had no comment.

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

There was no public comment.

President Miller mentioned that it's optional, but asked the public attendees to introduce themselves at will.

Chuck Wilmarth, Director, Health Policy and State Affairs, AOTA.

Heather Kitching, President, OTAC

Sean Conway, Director, Credentialing Services, National Board for Certification in Occupational Therapy (NBCOT).

Pam Richardson, OT, Associate Dean, College of Applied Science & Arts at San Jose State University.

5. President's Report on Sunset Review Hearing and Process.

President Miller briefed the audience on the months of Sunset Report preparation, involving Board staff, a Board member led Ad Hoc committee and the Board itself which ultimately culminated in a joint hearing before the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee. Ms. Miller stated that the purpose of the Sunset Review was to show the Board's work, and identify and illustrate the importance of the occupational therapy practice, in order for the Board to continue its work.

6. Discussion and possible action on NBCOT Navigator[®] online continuing competency tools.

Sean Conway, Director, Credentialing Services, NBCOT, thanked the Board for the opportunity to dialogue about NBCOT's competency tools. Mr. Conway recalled his previous presentation at the December Board meeting and that NBCOT recently completed its first practice analysis study with regard to certification renewal.

Mr. Conway reported that 2,500 occupational therapists and occupational therapy assistants were involved and there was a 77% response rate contributing to its validity.

Mr. Conway stated NBCOT has been having conversations with Occupational Therapy Boards around the country to help inform and educate about the Navigator Tools, and the fact that they are optional and available to currently certified practitioners. The Navigator Tools are there to help meet individual needs.

Mr. Conway stated that NBCOT's initial question to the Board was whether the various Navigator Tools would be accepted toward the continuing competency requirement when a California practitioner's renews their license.

Executive Officer Heather Martin indicated completion of the activities through NBCOT's Navigator conform with existing parameters set forth in California Code of Regulations sections 4160 and 4161 regarding continuing competence. Ms. Martin asked Mr. Conway if the 33 states that accept the Navigator Tools for continuing competence have adopted language in their statutes or regulations that specifically indicate acceptance. Mr. Conway said some states have adopted specific language but other states have not seen a need to be that specific. President Miller asked Mr. Conway if he was asking the Board to amend its regulations to specifically indicate that NBCOT is an approved provider or that the Navigator Tools count toward the continuing competence requirement in California. Mr. Conway responded it was not his intent to ask the Board to modify its regulations; he reported his underlying purpose was to ascertain if the Board found them acceptable and ensure that the Board and NBCOT are on the same page.

Discussion ensued amongst the Board members regarding acceptable continuing competence activities, whether legislative changes are needed and the audit process. Teresa Davies asked if there is a limit on the amount of on-line education that can be applied toward the continuing competence requirement. Mr. Davies was advised existing regulations do not differentiate between courses or activities completed on-line verses direct contact in a course, conference, or seminar.

Public Comment

Chuck Wilmarth stated that AOTA is not opposed to the Navigator, but feels that parameters should be called out and outlined in regulation for all providers and associations.

Pam Richardson stated NBCOT was careful and conservative in the data collection process regarding time awarded for Navigator courses.

Vice President Bookwalter asked the public audience if they felt that allowing the Navigator as a professional development activity should not be acceptable or valid. There was no response from the public.

Teresa Davies stated that the Board needs to evaluate the continuing competency issue as whole and not just as it pertains to NBCOT.

- ❖ Jeff Ferro moved to have Board staff research what other states are doing and provide a recommendation on if the CBOT should have a differentiation between the gaining of professional development units in person versus online/technological means.

❖ Teresa Davies seconded the motion.

Public Comment

There was no public comment.

Roll Call Vote

Richard Bookwalter	Aye
Jeff Ferro	Aye
Laura Hayth	Aye
Teresa Davies	Aye
Denise Miller	Aye
Beata Morcos	Aye
Sharon Pavlovich	Aye

Motion carried.

Sean Conway stated that NBCOT would support the development of a new section in the regulations around continuing competency initiatives and outlining parameters.

7. Discussion and possible action regarding availability of fieldwork sites, potential workforce shortage, and impact to applicants and consumers.

Executive Officer Heather Martin gave an overview of the included handouts; a letter from Genesis Rehab regarding charging for student fieldwork placement and new language from the Education Code regarding out-of-state private education institutions being registered with the Bureau of Private Postsecondary.

Ms. Martin stated that there has been no response from the Speech Board or the Physical Therapy Board.

President Miller stated that she had a phone conversation with a Genesis executive but informed the representative that she could not speak on behalf of the Board and encouraged Genesis to reach out to Executive Officer Heather Martin.

Public Comment

Ada Boone Hoerl, OTA, Sacramento City College Program Director, stated that she reviewed the Out of State Institution Registration and the California Education code, she is extremely concerned that St. Catherine's distance education program accredited in Minnesota does not qualify as a true distance education program because it has lab practices on the ground in California. Ms. Hoerl's largest concern is the exclusion of California's oversight of their program.

Legal Counsel Ileana Butu agreed to look in to the legalities of distance education.

Discussion ensued among the Board members regarding fieldwork site shortages and the level of licensing that St. Catherine's may have in California.

Vice President Bookwalter question the Board's role in assessing what distance education "is or isn't" since it is an ACOTE mandate. Mr. Bookwalter commented that the Board does not regulate education programs and does not want to overstep its boundaries.

Winifred Schultz-Krohn, OT, Chair of the Occupational Therapy Department at San Jose State requested the Board reach out to the appropriate California agency to find out if St. Catherine's is regionally accredited. Ms. Schultz-Krohn asked the Board to get a statement from Genesis as to whether they are going to implement their stipend for student placement as planned in September 2017. Ms. Schultz-Krohn stated that this implementation would remove those fieldwork sites from San Jose State's available fieldwork sites because they cannot charge the stipend for student placement to their students.

Laura Hayth commented that the Board needed to stay aware of the state of the state regarding the occupational therapy profession, the companies that are downsizing and what new things companies are implementing to survive.

Pam Richardson asked that the Board ensure that out of state instructors teaching in California hold a valid California license.

Chuck Wilmarth stated that the AOTA Ad Hoc committee's recommendations regarding occupational therapy education and fieldwork should be available by the Board's June meeting.

8. Consideration and possible action on possible legislation to license athletic trainers.

(This agenda item was addressed following item # 9)

Executive Officer, Heather Martin gave an overview of the athletic trainers, their efforts to become licensed, and referenced Board meeting materials provided for this agenda item.

Ms. Martin stated that during the past couple of years of reviewing legislation that would license athletic trainers, California went from being one of a few states that do not license athletic trainers to being the only state that does not license athletic trainers.

Ms. Martin introduced Mike Chisar, Governmental Affairs Chair of the California Athletic Trainers' Association (CATA) that was in attendance to answer any questions the Board had regarding the legislation to create the Athletic Trainer Licensing Committee within the CBOT.

President Denise Miller asked Mr. Chisar how CATA envisioned the composition of the Athletic Trainer Licensing Committee would look under the CBOT.

Mr. Chisar stated that CATA seeks to be a committee under CBOT and they were open to working collaboratively on a model for their committee.

President Miller asked what 'illness and injury' looked like under their scope of practice.

Mr. Chisar said that this would be setting specific because those that need treatment aren't always what the world sees as traditional athletes. Mr. Chisar said that athletic trainer's treat a wide range of physically active individuals such as military personnel, performing arts groups, police and firefighter personnel, etc...

Secretary Sharon Pavlovich asked what the fiscal implications were and how they would impact the CBOT.

Executive Officer Heather Martin stated that under DCA, committees have their own Executive Officer, staff, budget, regulations, etc.

Secretary Pavlovich stated that she saw this as a great opportunity to collaborate and assist the athletic trainers in establishing licensure.

Vice President Richard Bookwalter asked if the actions of a committee would reflect on CBOT.

Legal Counsel Ileana Butu stated that the committees' actions would reflect only on their committee. Ms. Butu pointed out that AB 1510 currently lacks administration details like staffing which could in fact burden CBOT if not amended.

Mr. Chisar responded to Ms. Butu's point stating that the lack of language pertaining to the administrative component of the Committee was an oversight. It is not CATA's intent to saddle the CBOT with any costs or have existing CBOT staff administer the Committee. Mr. Chisar indicated appropriate language would be added.

Legal Counsel Ileana Butu suggested the Board compose a list of things that are missing from the proposed language.

Public Comment

Heather Kitching stated that OTAC is supportive of licensure for the athletic trainers, however, OTAC leadership is concerned about the proposed language and will be asking for amendments to the language.

Ada Boone Hoerl commended the athletic trainers in seeking licensure, but had concerns regarding the breadth of the scope of practice language.

President Miller recommended forming an Ad Hoc committee that included OTAC participation, to establish a clear delineation on the scope of practice, disciplinary language and the administration of the committee.

Ms. Miller asked Ernie Escovedo if he wished to serve as a member of the committee. Mr. Escovedo accepted.

Board member Teresa Davies confirmed that the consensus reached by the Ad Hoc committee would be brought back to the Board for review and approval.

Heather Kitching, OTAC President submitted the names of two practitioners that she thought would be interested in serving as members of the Ad Hoc committee.

***President Miller stated that the list of Ad Hoc committee appointees would be outlined on day two of the Board meeting.

Day Two

The Ad hoc committee appointees are as follows:

- Teresa Davies, Chair
 - Sharon Pavlovich
 - Denise Miller
 - Ada Boone Hoerl
 - Kecia Coker
 - Remy Chu Jr.
 - Ernie Escovedo (appointed on day 1)
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- ❖ Laura Hayth moved to accept the establishment of the Ad Hoc committee that will work on the proposed language for athletic trainer licensure.
 - ❖ Beata Morcos seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Teresa Davies	Aye
Jeff Ferro	Aye
Laura Hayth	Aye
Beata Morcos	Aye

Motion Carried

9. Presentation by Heidi Lincer, Ph.D., Chief, Office of Professional Examination Services (OPES), DCA, on completing a practice analysis and occupational analysis, and the estimated schedule and cost(s).

(This agenda item was addressed prior to agenda item 8)

Ms. Lincer stated that OPES works with the Boards and Bureaus under the DCA to assist them with their licensure examinations, in order to develop or validate a licensing examination that is fair, job-related, and legally defensible. Ms. Lincer stated that an Occupational Analysis (aka practice analysis) should be reviewed every 5-7 years to verify that it accurately describes current practice.

Executive Officer Heather Martin stated that the sample schedule she was given last year crossed over two fiscal years and could have wrapped up in October 2018. Ms. Martin stated the cost involved is a big concern as the Board does not currently have a budget line item for this; a budget change proposal (BCP) would be necessary in order to secure additional funding.

Ms. Lincer stated BCP funding is not usually a problem and after the first approval, it would become a regular line item in the budget to be addressed every 5-7 years as required.

Legal Counsel Ileana Butu clarified that the matter being discussed is a requirement of Business and Professions Code (BPC) Section 139.

Jeff Ferro asked if shortcomings are identified following the Occupational Analysis, who would be responsible for paying for the exam improvements.

Ms. Lincer stated that the Board is informed as to alternatives, if needed, and that usually the national examination vendor is willing to work with an individual state board to make the changes.

President Miller verified that it would cost approximately \$72,000 dollars for both the occupational analysis and the examination validation. Ms. Lincer confirmed.

Vice President Bookwalter asked Shawn Conway if other states have had a process like the one presented.

Mr. Conway said NBCOT has never had another state ask for this and because NBCOT is currently involved in their own practice study, NBCOT would be willing to build in a California-specific element to their practice analysis and they could forward the data to the Board.

Ms. Lincer stated that NBCOT's practice analysis this would not meet the requirements of BPC Section 139 because a California based occupational analysis needed to be done, using only California based subject matter experts.

Teresa Davies commented the Board's average annual budget over the past few years was \$1.3 million, and the practice analysis and examination costs would represent an approximate 5.5% increase; yet currently the licensing program and administration programs only represent 8% of the budget for each program.

Ms. Martin asked that the Board table this until June because this item was only noticed as a practice and occupational presentation.

10. Consideration and possible action on adding requirement of ethics course to professional development units completed as a condition of renewal.

Executive Officer Heather Martin reviewed the meeting materials that included what other California healthcare boards require regarding an ethics course requirement as a condition of renewal.

Ms. Martin asked that the Board to clarify whether they wanted to add an ethics course requirement to the continuing competency portion of the renewal or would they prefer to add an attestation as a condition of renewal to corroborate the practitioner has read and understands the Ethical Standards of Practice.

Discussion ensued amongst the Board members as to which option was more practical.

Public Comment

Lynette Beadles OT, Academic Fieldwork Coordinator / Assistant Professor at Sacramento City College, stated that she supported an ethics requirement as part of the continuing education but she feels that a high percentage of people will take an online ethics course and race right through it.

Laura Woo, OT, Lecturer and Clinical Instructor at California State University Dominguez Hills, asked if adding the attestation signifying that a practitioner read and understood the code of ethics would also include explicit language that the practitioner agreed to also adhere to code of ethics.

Laura Hayth agreed that inclusion of the wording "adhere to" may further drive home the importance of the statement and lead practitioners to read or reacquaint themselves with the Ethical Standards of Practice.

Jeff Ferro also agreed and added that for those practitioners completing an online renewal adding a link where they could review the Ethical Standards of Practice in the same box would be helpful.

The Board members liked Ms. Woo's addition of the word "adhere" to the attestation and agreed with Mr. Ferro's addition of a link for online users.

- ❖ Teresa Davies moved to not take action on adding an ethics course requirement but to add an attestation regarding the ethical standards of practice to the renewal form.
- ❖ Beata Morcos seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Teresa Davies	Aye
Jeff Ferro	Aye
Laura Hayth	Aye
Beata Morcos	Aye

Motion carried.

11. Discussion and possible action regarding the effect on the license expiration date and required number of professional development units when a licensee changes their license status from Inactive to Active.

Executive Officer reviewed the included letter from a licensee that requested the Board consider changing the expiration date of a licensee who changes their status from inactive to active.

Vice President Bookwalter stated that license expiration date and renewal requirements are laid out in regulation.

The Board asked Ms. Martin to draft a letter to the practitioner to let her know that the Board won't be amending regulations to change the license expiration date of someone changing their license from inactive status to active status.

12. Consideration and possible action of requiring completion of professional development units for first-time license renewals.

Executive Officer Heather Martin reviewed the included letter submitted by Ada Boone Hoerl, asking the Board to consider eliminating the PDU exemption for first time renewals.

Public Comment

Ada Boone Hoerl, OTA, Program Director at Sacramento City College's Occupational Therapy Assistant program, summarized her letter by stating that practitioners renewing their license for the first time have the least amount of experience, and therefore most in need of continuing education. Ms. Hoerl stated that in the interest of consumer safety, there should not be a continuing competence exemption for a practitioner's first renewal.

President Miller stated that the comments made sense to her and that she felt in the name of consumer safety the Board should act. The Board members agreed that something could be done to support consumer safety.

Discussion ensued among the Board members on how to alter section (e) of California Code of Regulation (CCR) section 4161.

- ❖ Richard Bookwalter moved to amend CCR section 4161 (e) to read: "this section shall not apply to the first license renewal occurring within one (1) year of issuance of the initial license." And to add a new section that reads: "a licensee applying for the first license renewal occurring more than one (1) year after the initial license was issued, shall complete twelve (12) PDUs.
- ❖ Laura Hayth seconded the motion.
- ❖ Richard Bookwalter moved to allow the Executive Officer and Board Legal Counsel to make technical, non-substantive changes.
- ❖ Laura Hayth seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Teresa Davies	Aye
Jeff Ferro	Aye
Laura Hayth	Aye
Beata Morcos	Aye

Motion carried.

CLOSED SESSION

- The Board will convene in Closed Session pursuant to Government Code Section 11126(c)(3) to deliberate and vote on disciplinary matters.

The Board entered in to closed session at 3:48 p.m.

RECONVENE IN OPEN SESSION

The Board meeting reconvened in to open session and immediately adjourned at 4:55 p.m.

Friday, March 10, 2017

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

The meeting was called to order at 9:33 am, roll was called, and a quorum was established.

President Denise Miller thanked San Jose State for their hospitality.

Vice President Richard Bookwalter stated that it was exciting to see the growth of the campus and the Occupational Therapy program, as he is a San Jose State University alumnus.

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

Winifred Schultz-Krohn, OT, Chair of the Occupational Therapy Department at San Jose State, welcomed all in attendance and stated that the meeting was being held in one of the classrooms that are dedicated to faculty clinics, where graduate level students provide services to patients from the community, free of charge.

President Miller referenced a letter submitted to the Board by a licensee asking that the Board institute policy to allow a licensee to petition for the removal a disciplinary action against their license record. President Miller reminded the Board a decision on the request could not be made today but a decision needed to be made as to whether the Board wished to discuss the matter at a future meeting. Secretary Pavlovich stated that the Board had considered a similar request at a previous Board meeting. The Board was advised there was a statute that required disciplinary taken against a licensee to be posted publicly on the license record. Ms. Pavlovich questioned whether the original decision of the Board to not act on this matter still stood. Vice President Bookwalter and Laura Hayth recalled this situation and agreed with Ms. Pavlovich. The Board instructed the Executive Officer to inform the licensee that they reconsidered her request; however, the requirement to post disciplinary actions on a license record is required by statute. The Board asked Ms. Martin to inform the licensee that she should reach out to her legislators if she wishes for the law(s) to change.

Heather Kitching offered two practitioner names for Board to consider for the Ad Hoc committee regarding Athletic Trainers licensure legislation.

15. Review and vote on approval of the December 8-9, 2016, Board meeting minutes.

- ❖ Richard Bookwalter moved to accept the minutes as presented.
- ❖ Laura Hayth seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Abstained
Teresa Davies	Aye
Jeff Ferro	Aye
Laura Hayth	Aye
Beata Morcos	Aye

Motion carried.

16. Consideration and possible action on the Board's Strategic Plan and (Implementation) Action Plan update.

Executive Officer Heather Martin reviewed the condensed version of the Board's Strategic Plan and asked if the Board had any suggestions on rearranging the prioritization.

Board members agreed to look over the Sunset Review and match it up with the condensed version of the Strategic Plan to make sure the Board is on top of action items.

Public Comment

There was no public comment.

17. Update and take action, if necessary, on pending Rulemaking files, California Code of Regulations, Title 16, Division 39:

Executive Officer Heather Martin gave an overview of the information included in the standard regulations report. She reported that the telehealth language was approved and will take effect on April 1, 2017.

- Section 4130, Fees;
Ms. Martin reported that the package was submitted to the DCA in October and Board staff is awaiting its return. An extension may be needed.
- Sections 4161, 4162, and 4163, all relating to Continuing Competence;
Ms. Martin reported that this package was submitted to the DCA in November and is going through the review process.
- Section 4176, Notice to Consumer.
Ms. Martin reported that it would soon be submitted to the DCA to begin the review process.

The Board members had no questions.

Public Comment

There was no public comment.

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.

Executive Officer Heather Martin gave examples outlining Board staff's process regarding licensees that do not respond timely to audits. Ms. Martin stated that she worked with Board Legal Counsel Ileana Butu to suggest language to be added to CCR Section 4162, intended to be used as a mechanism to hold licensees accountable for not submitting continuing competency audit documentation timely.

- ❖ Richard Bookwalter moved to accept the proposed changes made to CCR Section 4162.
- ❖ Laura Hayth seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Teresa Davies	Aye
Jeff Ferro	Aye
Laura Hayth	Aye
Beata Morcos	Aye

Motion carried.

- ❖ Richard Bookwalter moved to allow the Executive Officer and Board Legal Counsel to make technical, non-substantive changes.
- ❖ Laura Hayth seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Teresa Davies	Aye
Jeff Ferro	Aye
Laura Hayth	Aye
Beata Morcos	Aye

Motion carried.

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.

Executive Officer Heather Martin gave an overview of a proposed policy to establish a procedure that Board staff also notify an applicant or licensee of the initiation of disciplinary action via email, in the event an applicant or licensee has provided the Board an email address.

The proposed policy would supplement the statutory requirement that the Board serve notice to an applicant or licensee via first class and certified mail. The purpose and intent of the proposed policy is to provide an applicant or licensee with as much notice as possible of a pending disciplinary matter since often applicants and licensees fail to notify the Board of an address change and then don't receive the information mailed to them. Executive Officer Martin also indicated implementation of the proposed policy would also support the Board's efforts to modify CCR section 4102 that seeks to implement a requirement that an applicant or licensee provide the Board their email address if they have one.

- ❖ Laura Hayth moved to adopt the policy.
- ❖ Sharon Pavlovich seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Teresa Davies	Aye
Jeff Ferro	Aye
Laura Hayth	Aye
Beata Morcos	Aye

Motion carried.

Public Comment

There was no public comment.

The Board revisited Agenda Item 8 to establish the Ad Hoc committee and vote on the action. (The totality of Agenda Item 8 discussion is listed under that item.)

20. Presentation of licensing and enforcement data and reports for the quarter ending December 31, 2016.

Executive Officer Heather Martin reviewed the included handouts of Application Data and Enforcement statistics.

Board members had no questions.

Public Comment

There was no public comment.

21. Executive Officer's Report.

a. **Operational Report.**

Ms. Martin reported that three new analysts began in January, another will begin March 13, 2017, and the remaining positions are to be filled by late April. Ms. Martin stated that Board staff continues to submit 'tickets' to make modifications to BreEZe system. Ms. Martin reported Advanced Practice applications received through February 2nd have been processed, leaving less than 20 applications to be reviewed.

b. PDU Audit statistics.

Ms. Martin reported that the Board completed 2,074 audits in the last four years. Of those, 217 of the audits were referred to the Enforcement Unit for action; of the 217 audits referred to Enforcement, 151 licensees were issued a citation.

c. Future Agenda Items

- Ad hoc committee's recommendation regarding occupational therapists performing the physically invasive components of a swallowing evaluation.
- Practice Committee appointments.
- 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.
- Review/update of Board Member Administrative Manual.
- Review/update of Board Member Disciplinary Resource Manual.
- Review/update of Board's Disciplinary Guidelines (requires regulatory amendments).

d. Other Informational Items – No Board discussion or action

22. Suggested agenda items for a future meeting.

Some suggested additions to the future agendas were:

- Ad Hoc committee meetings
- Distance Education definition
- License portability
- Practice Analysis

Adjournment.

The Board meeting adjourned at 10:53 a.m.

AGENDA ITEM 6

REVIEW AND VOTE ON APPROVAL OF THE APRIL 7, 2017 , SPECIAL BOARD MEETING MINUTES.

The meeting minutes are attached for review.



SPECIAL TELECONFERENCE BOARD MEETING MINUTES

Friday, April 7, 2017

Board Member(s) Present

Denise Miller, OT – President
Richard Bookwalter, OT - Vice President
Sharon Pavlovich, OTA – Secretary
Laura Hayth, OT
Teresa Davies
Jeff Ferro
Beata Morcos

Board Staff Present

Heather Martin, Executive Officer
Ileana Butu, Legal Counsel
Jeff Hanson, Program Analyst

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

At 11:06 a.m. President Denise Miller called the meeting to order. Contact was established at each teleconference site. Roll was called; and a quorum was established.

2. Finding of Necessity for Special Meeting (Gov. Code Section 11125.4)

- ❖ Sharon Pavlovich moved that the necessity for a special meeting is supported by the fact that providing the usual 10 day notice for a meeting of the Board would pose a hardship on the Board, in that the Board would be deprived of the ability to submit responses to the Sunset Review Committee timely since its next regularly scheduled meeting was not until June 1 and 2, 2017.
- ❖ Jeff Ferro seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Laura Hayth	Aye
Teresa Davies	Aye
Denise Miller	Aye
Beata Morcos	Aye

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

Heather Javaherian, Program Director, Loma Linda University Masters' Program, asked the Board if it was aware of a proposal that occurred at the American Occupational Therapy Association national conference changing fieldwork requirements to internships.

President Miller responded the Board is aware of the issue, that she served on the Ad Hoc Committee that discussed the future of fieldwork and the matter will be discussed at the June meeting.

4. Review and discussion of Proposed Responses to Sunset Issues Report and resulting proposed legislation necessary to respond to the legislative Background Paper for the California Board of Occupational Therapy; possible action.

Executive Officer Heather Martin referred Board Members to the meeting materials and explained that Board staff drafted responses to fifteen questions that the Joint Oversight Committee posed regarding the Board's Sunset Report.

President Miller indicated she had a question about Issue #3 and asked Ms. Martin if the Board was pursuing an attestation requirement that practitioners acknowledge that they have read the laws and regulations related to their practice. Ms. Martin responded "yes."

Laura Hayth identified a typographical error. Ms. Hayth indicated the rest of the report looked good. The Board members concurred.

Heather Martin asked Board members to look at Issue #14 and asked if they would like to identify several of the legislative proposals as being significant or a priority for the Board. Following discussion on the matter, President Miller indicated she would prefer all legislative proposals in the Board's Sunset report be equally considered by the Sunset Review Committee. Board members concurred.

- ❖ Jeff Ferro motioned for staff to make the identified edits (typographical error and include all legislative proposals in Issue #14) and submit the responses to the Joint Oversight Committee.
- ❖ Laura Hayth seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Laura Hayth	Aye
Teresa Davies	Aye
Denise Miller	Aye
Beata Morcos	Aye

5. Adjournment.

At 11:44 a.m. the meeting adjourned.

AGENDA ITEM 7

REVIEW AND VOTE ON APPROVAL OF THE APRIL 13, 2017 , SPECIAL BOARD MEETING MINUTES.

The meeting minutes are attached for review.



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

Thursday, April 13, 2017

Board Member(s) Present

Denise Miller, OT – President
Richard Bookwalter, OT - Vice President
Sharon Pavlovich, OTA – Secretary
Jeff Ferro
Beata Morcos

Board Staff Present

Heather Martin, Executive Officer
Jeff Hanson, Enforcement Coordinator
Jody Quesada, Enforcement Analyst
Ileana Butu, Legal Counsel

3:00 pm – Board Meeting

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

At 3:04 p.m. President Denise Miller called the meeting to order. Contact was established at each teleconference site. Roll was called; and a quorum was established.

2. Finding of Necessity for Special Meeting. (Gov. Code, § 11125.4(c).)

- ❖ Richard Bookwalter moved that the necessity for a special meeting is supported by the fact that providing the usual 10 day notice of a Board meeting would have posed a hardship on the Board, in that the Board would be deprived of the ability to discuss, deliberate, and take a position on Assembly Bill 1510, legislation that could substantially impact consumer protection and enforcement, before the legislature completes its review and action. The Board's next regularly scheduled meeting is not until June 1 and 2, 2017.
- ❖ Beata Morcos seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Denise Miller	Aye
Beata Morcos	Aye

Motion carried.

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

Public Comment

There was no public comment.

4. Review, discussion, and potential action and/or position related to Assembly Bill 1510 (Dababneh) relating to athletic trainers.

Executive Officer Heather Martin reported that due to time constraints the Ad Hoc committee did not have a quorum for the third and final Ad Hoc meeting thus the committee was unable to submit a formal recommendation to the Board regarding Assembly Bill (AB) 1510. AB 1510 proposes to establish the Athletic Trainer Licensing Committee within the California Board of Occupational Therapy (CBOT).

President Denise Miller gave an overview of the meeting handouts which included copies of AB 1510, Athletic Trainers Educational Competencies, 'highlights' from two CBOT Ad Hoc meetings that were held, a memo from the Board's Legal Counsel Ileana Butu, identifying issues for the Board to consider, and other materials pertinent to concerns regarding the scope of practice, licensure requirements, disciplinary language, clarification about staffing, and other matters pertaining to the administration and coordination of the Athletic Trainer Licensing Committee.

A discussion ensued amongst the Board following a careful review of AB 1510, including proposed changes to the language that would address consumer-protection concerns, cite specific authorities for the Committee to promulgate regulations, impose discipline, hire an Executive Officer and staff. The Board also made recommendations regarding adding language to make the Bill's language to make it consistent with other boards and committees under the umbrella of the Department of Consumer Affairs.

The Board thought the existing language regarding the scope of practice for an Athletic Trainer is overly broad. Specific concern was also raised regarding the 'silence' in the scope of practice about the use of physical agent modalities and the storage and administration and/or dispensation of medications. Consumer protection requires clarification on whether these activities fall within the athletic trainer scope of practice. After further discussion, the Board proposed changes outlined as follows:

- Pertaining to the scope, using a more appropriate reference to athletics, such as 'risk management and injury or illness prevention *in the course of performing athletics, in the practice for athletic events, or in the event of an athletic injury.*'
 - Pertaining to the scope, changing the language from 'rehabilitation and reconditioning from an injury or an illness sustained or exacerbated while participating in physical activity.' to read 'rehabilitation and reconditioning from an injury or an illness sustained or exacerbated during athletic activity or in the event of an athletic injury, or something similar.'
- ❖ Richard Bookwalter moved to accept the proposed legislative changes outlined in AB1510 with the addition of the changes outlined by the Board.
 - ❖ Sharon Pavlovich seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Denise Miller	Aye
Beata Morcos	Aye

Motion carried.

Public Comment

There was no public comment.

Executive Officer Heather Martin stated that she needed clarification on whether the Board wanted to submit a letter of support if amended or oppose unless amended.

- ❖ Richard Bookwalter moved to oppose unless amended.
- ❖ Beata Morcos seconded the motion.

Roll Call Vote

Denise Miller	No
Richard Bookwalter	Aye
Sharon Pavlovich	No
Denise Miller	No
Beata Morcos	No

Motion did not carry.

Discussion ensued regarding the difference between 'support if amended' or 'oppose unless amended'.

- ❖ Jeff Ferro moved to support AB 1510, if amended
- ❖ Sharon Pavlovich seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	No
Sharon Pavlovich	Aye
Denise Miller	Aye
Beata Morcos	Aye

Motion carried.

The Board members directed Executive Officer Heather Martin to draft a letter of 'Support If Amended' to Assembly Member Matt Dababneh on behalf of the Board.

Mike Chisar, Governmental Affairs Chair, California Athletic Trainers' Association stated that he understood the concerns posed by the Board. He also thanked the Board for their time, thoughtfulness and thoroughness in reviewing the bill and their willingness to work with the athletic trainers.

5. Adjournment.

The meeting was adjourned at 6:14 p.m.