

## **AGENDA ITEM 19**

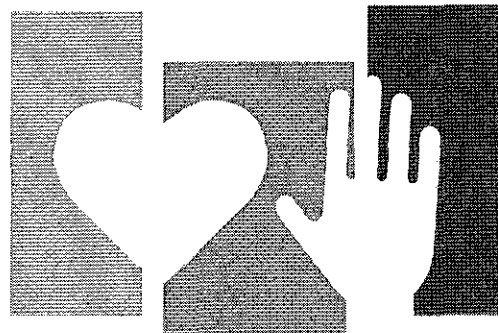
### **DISCUSSION AND CONSIDERATION OF NEW BOARD LOGO.**

Logos have been attached for your review.

# CBOT

California Board of  
Occupational Therapy





California Board of  
**OCCUPATIONAL  
THERAPY**







California Board of  
Occupational Therapy

CALIFORNIA BOARD OF  
OCCUPATIONAL  
THERAPY



California Board of  
OCCUPATIONAL  
THERAPY   

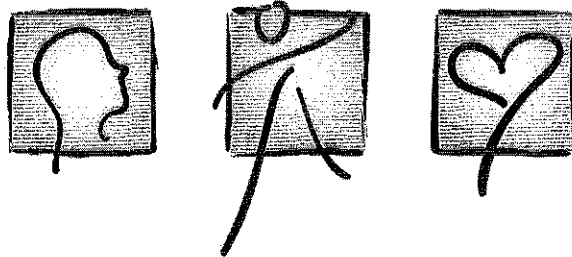
## **AGENDA ITEM 20**

### **DISCUSSION AND CONSIDERATION OF ADMINISTRATIVE COMMITTEE'S RECOMMENDATIONS ON PROPOSED EDITS TO THE BOARD'S ADMINISTRATIVE MANUAL.**

The Board's Administrative Manual is attached.

State of California  
Department of Consumer Affairs

*California*  
BOARD OF OCCUPATIONAL THERAPY



# ***BOARD MEMBER GUIDELINES AND PROCEDURES MANUAL***

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## **Preface**

This document is a summary of existing laws as well as internal Board policies and procedures. Effective February 21, 2008, the date of adoption of this document, all previous internal Board policies and procedures are rescinded.

Revised December 1, 2011

Revised September 16, 2013

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## Chapter 1. Introduction

### **Overview**

The California Board of Occupational Therapy (Board) was established on January 1, 2001 (Senate Bill 1046, Chapter 697, Statutes of 2000) to protect the health, safety, and welfare of California consumers by regulating the practice of occupational therapists and occupational therapy assistants. It is one of many boards, bureaus, commissions and committees under the umbrella of the Department of Consumer Affairs (DCA), which provides administrative oversight and support services. The Board is autonomous and sets its own policies, procedures and regulations.

This procedure manual is provided to Board Members as a ready reference of important laws, regulations, and Board policies, to guide the actions of Board Members and ensure Board effectiveness and efficiency.

### **Board Mission**

The Board's mission is to regulate occupational therapy by serving and protecting California's consumers and licensees.

### **Abbreviations**

#### Agencies

BCSHA	Business, Consumer Services, and Housing Agency
CBOT	California Board Occupational Therapy
CDA	California Department of Aging
CDCR	California Department of Corrections & Rehab
CDE	California Department of Education
CDPH	California Department of Public Health
DCA	Department of Consumer Affairs
DDS	Department of Developmental Services
DHCS	Department of Health Care Services
DMH	Department of Mental Health
DSS	Department of Social Services
DVA	Department of Veterans Affairs
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law
PTBC	Physical Therapy Board of California
SLAP& HAD	Speech-Language Pathology and Audiology & Hearing Aide Dispensers Board

#### Codes

BPC, B&P	Business and Professions Code
CCR	California Code of Regulations
CFR	Code of Federal Regulations
CEC	California Education Code
CGC	California Government Code
HSC	Health and Safety Code
WIC	Welfare and Institutions Code

**Abbreviations  
(Cont.)**

Organizations

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ACOTE	Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association
APTA	American Physical Therapy Association
AOTA	American Occupational Therapy Association
ASHA	American Speech-Language-Hearing Association
ASHT	American Society of Hand Therapists
CAMFT	California Association of Marriage & Family Therapists
CLEAR	Council on Licensure, Enforcement and Regulation
CPIIL	Center for Public Interest Law
CPTA	California Physical Therapy Association
FARB	Federation of Associations of Regulatory Boards
HTCC	Hand Therapy Certification Commission
NBCOT	National Board for Certification in Occupational Therapy
<u>NCART</u>	<u>National Coalition of Assistive Rehabilitation Technology</u>
<u>NRTCC</u>	<u>National Rehabilitation Technology Certification Commission</u>
OTAC	Occupational Therapy Association of California
<u>POTAC</u>	<u>Psychiatric Occupational Therapy Association of California</u>
RESNA	Rehabilitation Engineering Society of North America
WFOT	World Federation of Occupational Therapy

Titles

AG	Attorney General
ALJ	Administrative Law Judge
CHT	Certified Hand Therapist
COTA	Occupational Therapy Assistant Certified by NBCOT
DA	District Attorney
DAG	Deputy Attorney General
EO	Executive Officer
OT	Occupational Therapist
OTA	Occupational Therapy Assistant
OTR	Occupational Therapist Registered with NBCOT
SDAG	Supervising Deputy Attorney General

## Chapter 2. Board Responsibilities

### **Composition**

*(B&P section 2570.19)*

The Board is composed of seven members; ~~of which, by law, includes:~~

- Four licensed members, including three occupational therapists and one occupational therapy assistant
- Three public members

The Governor appoints the four licensed members and one of the public members. One public member is appointed by the Assembly Speaker, and one public member is appointed by the Senate Rules Committee. Board members may serve up to two consecutive four-year terms.

### **Officers**

*(Board Policy – February 21, 2008)*

*(Revised December 1, 2011)*

The Board shall elect from its members a President, Vice President, and a Secretary to hold office for one calendar year or until their successors are duly elected.

Elections shall take place at the last meeting of the Board held annually. New officers shall assume office January 1<sup>st</sup> of the next calendar year following the Officer elections. All officers may be elected on one motion or ballot as a slate of officers unless objected to by a Board member.

If any office of the Board becomes vacant, an election shall be held at the next scheduled Board meeting. Elected officers shall then serve the remainder of the term.

### **Meetings**

*(B&P section 2570.19)*

The Board will meet a minimum of three times a year and may meet more often as it determines necessary.

The Board will hold meetings in the cities of Sacramento, Los Angeles, and San Francisco and different geographic areas throughout the state as a convenience to the public and licensees.

### **Quorum**

*(Common Law)*

Four members of the Board constitute a quorum of the Board for the transaction of business. (A majority of the statutory number of members, BPC 2570.19, not a majority of the appointees.)

### **Notice of meetings**

*Government Code Section 11120 et seq*

Notice shall be given and also made available on the Internet at least 10 days in advance of the meetings and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witness expected to appear at the meeting. The written notice shall additionally include the address of the internet site where notices

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required by this article are made available.

## **Agenda Items**

*(Board Policy – February 21, 2008)*

Any Board member may submit items for a Board meeting agenda to the Board President or Executive Officer. Items shall be requested during a Board meeting or at least 21 days prior to the meeting.

At the President's discretion, agenda items may be taken out of order for convenience, to accommodate speakers, or to maintain a quorum, unless the agenda item is specified at a time certain.

The Board meeting agenda package will be sent to Board members 40 or more days prior to the meeting.

## **Record of Meetings**

*(Board Policy – Adopted date)*

*(Revised December 1, 2011)*

~~Re-ordering of information contained in this section~~

The minutes are a summary, not a transcript, of each Board meeting.

Draft meeting minutes will be included in meeting materials.

~~The minutes shall be prepared by Board staff and submitted for review by the Board President within 30 working days after the Board meeting and then distributed to members of the Board.~~

~~Board minutes shall be approved at the next scheduled Board meeting and serve as the official record of the meeting.~~

~~Once draft Board minutes are distributed to Board members, they will be included in any Board and Committee agenda package.~~

Approved minutes of the open session are available for distribution to the public and will be posted on the Board's website.

## **Tape Recording**

*(Board Policy – February 21, 2008;  
Gov. Code § 11124.1(b).)*

Public Board meetings will be tape-recorded. Tape recordings shall be retained until the minutes are adopted; the tape(s) shall then be destroyed. Closed session proceedings shall be taped at the discretion of the Board.

The meeting will be Web-cast, subject to availability of DCA staff and supportive technology available at site. The Web-cast will be posted on the board's website within three weeks of the meeting and kept for 10 years or more.

## **Meeting Rules**

*(Board Policy – February 21, 2008)*

Board meetings will be conducted under Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act or any other section of law.

This act governs meetings of the state regulatory boards

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and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

**Meeting Rules  
(cont.)**

If the agenda contains matters that are appropriate for closed sessions, the agenda must cite the particular statutory section and subdivision authorizing the closed session.

Informal discussions of board business among members outside of noticed meetings may be a violation of the Bagley-Keene Open Meeting Act if three or more members get involved in the discussion at any time.

**Public Comment**

*(Board Policy – add date here)*

Due to the need for the Board to maintain fairness and neutrality when performing their adjudicative function, the Board shall not receive any substantive information from a member of the public regarding any matter that is currently under or subject to investigation or involves a pending criminal or administrative action.

1. If during a Board meeting, a person attempts to provide the Board with substantive information regarding matters that are currently under or subject to investigation or involve a pending administrative criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information, and the person shall be instructed to refrain from making such comments.
2. If, during a board meeting, a person wishes to address the Board, concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative criminal action, the Board will address the matter as follows:
  - a. Where the allegation involves errors of procedure or protocol, the board may designate either its Executive Officer or a Board employee to review whether the proper procedure or protocol was followed and to report back to the board.
  - b. Where the allegation involves significant staff misconduct, the Board may designate one of its members to review the allegation and to report back to the Board.
3. At the direction of the Board President or Chair of the Committee, speakers may be limited in the amount of

time to present to give an adequate time to everyone who wants to speak. In the event there are numerous people wishing to address the Board on the same item, the Board President or Chair of the Committee can request the individuals to identify themselves, the organization they represent, if applicable, and whether they support or oppose the proposed action.

## **Communication**

*(Board Policy – February 21, 2008)*

The Board President, his/her designee or the Executive Officer shall serve as spokesperson to the media on Board actions or policies.

Any written or oral communications concerning Board matters of a sensitive nature shall be made only by the Board President, his/her designee or the Executive Officer. Staff shall provide Board members with updated Committee and Board member contact information as needed on a quarterly basis.

## **Communication with Interested Parties**

Board Members are required to disclose at Board Meetings all discussions and communications with interested parties regarding any item pending or likely to be pending before the Board. The Board meeting minutes shall reflect the items disclosed by the Board Member. All agendas will include, as a regular item, a disclosure agenda item where each member relays any relevant conversations with interested parties.

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## **Ex Parte Communications**

*Government Code section 1143.10 et seq*

The Government Code contains provisions prohibiting *ex parte* communications. An '*ex parte*' communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

*"While the proceeding is pending, there shall be not communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative or if an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."*

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom a disciplinary action being taken, will attempt to directly contact Board Members.

If the communication is written, the member should read only enough to determine the nature of the

communication. Once he or she realizes it is from a person against whom an action is pending, he or she should reseal the documents and send them to the Executive Officer, or forward the email.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person that he or she cannot speak to him or her about the matter. If the person insists on discussing the case, he or she should be told that the Board member will be required to recuse himself or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful *ex parte* communication, he or she should contact the Board's assigned attorney or Executive Officer.

Originals of all correspondence received shall be maintained in the Board's office files consistent with the record retention schedule. Only copies of such correspondence shall be given to the Executive Officer and/or Board members as required.

Board members shall evaluate the performance of the Executive Officer on an annual basis.

Each Board Member shall provide input to the Board President regarding the performance appraisal and salary administration of the Executive Officer.

The performance appraisal of the Executive Officer shall be presented in draft form to the Board (on the DCA appraisal form) by the Board President at the annual election meeting.

Upon initial appointment, Board Members will be given an overview of Board operations, policies, and procedures by the Executive Officer.

New and continuing Board members shall complete training in accordance with the law and DCA procedures. The Executive Officer shall ensure compliance by annually reviewing the training completed by Board members.

Required training topics include, at a minimum:

- Diversity
- Ethics
- Sexual Harassment Prevention
- Privacy Protection/Identity Theft, and

## **Correspondence**

*(Board Policy – February 21, 2008)*

## **Executive Officer Evaluation**

*(CGC section 11126(a))*

*(Board Policy – February 21, 2008;*

*B&P section 107)*

*(Revised December 1, 2011)*

## **Board Member Training**

*(Board Policy – February 21, 2008*

*BPC section 453*

*Government Code Section 11146*

*Government Code Section 12950.1*



- Board Member Orientation

Every newly appointed Board Member shall, within one year of assuming office and upon re-appointment, complete a training and orientation program offered by the Department of Consumer Affairs. This training is in addition to the Board orientation given by Board staff.

All Board Members are required to file an annual Form 700, Statement of Economic Interests. Members must also complete an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials.

The Government Code requires completion of this ethics orientation within the first six months of appointment and completion of a refresher course every two years thereafter.

For further information regarding filing requirements or to ask questions of the Fair Political Practices Commission (FPPC) staff, go to the FPPC's website at <http://www.fppc.ca.gov>, or call 866-275-3772.

Government Code Section 12950.1 requires supervisors, including Board Members, to complete two hours of sexual harassment prevention training every two years, and according to DCA policy.

## **Chapter 3. Board Members**

### **Board Administration**

Board members represent the State of California and although he/she is an individual member, members have an obligation to represent the Board as a body. Each member should carefully consider each responsibility and time commitment prior to agreeing to become a Board Member.

#### **Attending meetings**

Attend all meetings; be prepared for all meetings by reviewing and analyzing Board materials; actively participate in meeting discussions; serve on committees of the Board to provide expertise in matters related to the Board.

If a member is unable to attend, he or she is requested to promptly contact the Executive Officer, to address quorum issues.

#### **Consider Disciplinary Matters**

Review and analyze all materials pertaining to disciplinary matters and provide a fair, unbiased decision; ~~timely~~ respond ~~respond~~ timely to every request for a decision on any disciplinary matter; review and understand the Board's disciplinary guidelines; regularly review and amend the Board's disciplinary guidelines to align with the policies set by the Board.

#### **Policy Decision Making**

Make educated policy decisions based upon both qualitative and quantitative data; obtain sufficient background information on issues upon which decisions are being made; seek information from Board staff regarding the functions/duties/requirements for the licensees being overseen; allow public participation and comment regarding matters prior to making decisions; ensure public protection is the highest priority in all decision making.

#### **Governance**

Monitor key and summary data from the Board's programs to evaluate whether business processes are efficient and effective; obtain training on issues pertaining to the Board (e.g. budget process, legislative process, enforcement process; licensing process, etc.); make recommendations regarding improvements to the Board's mandated functions.

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board Members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer. Board Members should not interfere with day-to-day operations, which are under the authority of the Executive Officer.

### **Business cards**

Business Cards will be provided to each Board Member with the Board's name, address, telephone and fax numbers, and website address.

### **Board Member Attendance at Board Meetings**

*(BPC section 106)*

Board members shall attend each meeting of the Board. If a member is unable to attend, he or she must contact the Executive Officer Board President and ask to be excused. ~~Board members shall also notice the Executive Officer in order to avoid any quorum issues. The Executive Officer shall notify the Board President of reported absences.~~ Board members shall attend the entire meeting and allow sufficient time to conduct all Board business at each meeting.

~~The Governor has the power to remove from office any member appointed by him or her for continued neglect of duties, which may include unexcused absence from meetings.~~

### **Public Attendance at Board Meetings**

*(BPC section 106)*

Meetings are subject to all provisions of the Bagley-Keene Open Meetings Act. This Act governs meetings of state regulatory boards and meetings of committees of those boards where the committee consists of more than two Members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

If the agenda contains matters that are appropriate for closed session, the agenda must cite the particular statutory section and subdivision authorizing the closed session.

### **General Rules of Conduct**

- Board members shall not speak to interested parties (such as vendors, lobbyists, legislators, or other governmental entities) on behalf of the Board or act for the Board without authorization from the Board.
- Board members shall commit time, actively participate in Board activities, and prepare for Board meetings, which includes reading Board packets and all required legal documents.
- Board members shall respect and recognize the

equal role and responsibilities of all Board members, whether public or licensees.

- Board members shall speak when recognized by the Board's President, or designee, in his or her absence.
- Board members shall act fairly and in a nonpartisan, impartial, and unbiased manner
- Board members shall maintain the confidentiality of confidential documents and information.
- Board members' actions shall uphold the board's primary mission – protection of the public.
- Board members shall not use their positions on the Board for political, familial, or financial gain.
- Board members shall treat all applicants and licensees in a fair and impartial manner.

### **Board Member Disciplinary Actions**

A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The President of the Board shall sit as chair of the hearing unless the censure involves the President's own actions, in which case the Vice President of the Board shall sit as President. In accordance with the Open Meeting Act, the censure hearing shall be conducted in open session.

### **Removal of Board Members**

*(BPC section 106)*

The Governor has the power to remove from office, at any time, any member of any Board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct, or ~~unexcused~~ repeated absence from meetings.

### **Resignation of Board Members**

*(Government Code section 1750)*

In the event that it becomes necessary for a Board Member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senates Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of the resignation letter shall also be sent to the Director of the Department of Consumer Affairs, the Board President, and the Executive Officer.

### **Conflict of Interest**

*(Government Code section 87100)*

No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board Member who has a financial interest shall disqualify himself or herself from making or

attempting to use his or her official position to influence the decision.

***Conflict of Interest  
(cont.)***

Any Board Member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or DCA legal counsel.

Board Members shall refrain from attempting to influence staff regarding applications for licensure or potential disciplinary matters.

***Strategic Planning***

The strategic plan will be reviewed annually the year prior to its expiration and be revised as needed.

Board members shall participate in the drafting and approval of a Strategic Plan; oversee the Strategic Plan on a quarterly basis to ensure activities are being implemented and performed; monitor any new tasks/projects to ensure they are in-line with the Strategic Plan.

## Chapter 4. Roles of Board Officers and Committee

### ~~Chairs~~

The duties of the Board's Officers include, but are not limited to:

#### **President**

The President shall:

- Chair and facilitate Board Meetings
- Serve as spokesperson for the Board – may attend legislative hearings and testify on behalf of the Board, may attend meetings with stakeholders and Legislators on behalf of the Board, may talk to the press on behalf of the Board, and sign letters on behalf of the Board
- Meet and communicates with the Executive Officer on a regular basis
- Communicate with other Board Members for Board business
- Author a president's message in every quarterly the Board's newsletter
- Approve Board Meeting agendas
- Chair the Administrative Committee, and
- Sign full board-approved disciplinary orders.

#### **Vice President**

The Vice President shall:

- Serve as the back-up for the duties above in the President's absence, and
- Is a member of the Administrative Committee.

#### **Secretary**

The Secretary shall call the roll.

#### **~~Committee Chair~~**

~~The Committee Chairperson shall:~~

- ~~• Approve the Committee Meeting agendas~~
- ~~• Chair and facilitate all Committee Meetings, and~~
- ~~• Report to the Board all committee meeting outcomes.~~

#### **Supervision of Executive Officer**

*(Board Policy – February 21, 2008)*

*(Revised December 1, 2011)*

The "Board President" means the President or President's designee. The President is the immediate supervisor of the Executive Officer. Specific instructions for work on Board policy matters by the Executive Officer from board members shall be coordinated through the Board President.

The incoming Board President shall assume all duties ~~at the next meeting January 1<sup>st</sup> of the next calendar year following the Officer elections~~, including supervision of the Executive Officer.

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**Performance Appraisal  
of Executive Officer**

*(CGC section 11126(a); B&P section  
107)*

*(Board Policy – February 21, 2008)*

*(Revised December 1, 2011)*

The Board President may consult with DCA's Office of Human Resources (OHR) for assistance with the evaluation and to assist with obtaining salary approval from the Department of Human Resources.

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The Board President shall request from each Board Member input to the performance appraisal and consult with OHR regarding salary administration of the Executive Officer prior to his/her draft preparations.

The Board President may consult with the Office of Human Resources (OHR) for assistance with the evaluation and to assist with obtaining salary approval from the Department of Human Resources.

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The performance appraisal of the Executive Officer shall be discussed by the Board at the last meeting of the Board held annually.

Matters relating to the performance of the Executive Officer shall be discussed in closed session unless he or she requests that it be discussed in open session.

The performance evaluation shall be presented by the Board President to the Executive Officer within 30 days of the evaluation process.

## Chapter 5. Executive Officer

### **Appointment**

(B&P section 2570.21)

The Board appoints an Executive Officer who serves at the pleasure of the Board. He/She may be terminated at any time for any reason whatsoever, with or without good cause, and notwithstanding any representation to the contrary by any individual board member.

### **Role**

(16 CCR Section 4101)

(Board Policy – February 21, 2008)

The Executive Officer is the Board's chief administrative officer. He or she shall implement the policies developed by the Board.

### **Recruitment**

(Board Policy – February 21, 2008)

(Revised December 1, 2011)

The Board shall institute an open recruitment plan to obtain a pool of qualified Executive Officer candidates. It shall also utilize proven equal employment opportunity and personnel recruitment procedures. The Board shall also work with the Department of Consumer Affairs' OHR and Deputy Director for Board relations in its recruitment process.

### **Selection**

(Board Policy – February 21, 2008)

A qualified candidate for Executive Officer must demonstrate abilities that include the supervision of employees, conflict resolution and complaint mediation, public speaking and effective written and verbal communication skills. The candidate must have knowledge and expertise in the areas of administration, licensing, enforcement, legislation and budget.

(CGC section 11125)

The selection of a new Executive Officer shall be included as an item of business, which must be included in a written agenda and transacted at a public meeting.

### **Board Staff**

(Board Policy – February 21, 2008)

The Board delegates all authority and responsibility for management of the civil service staff to the Executive Officer, including the annual evaluation and appraisal process.

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, and conditions of employment are governed by a myriad of many civil service laws, and regulations, and often, by collective bargaining agreements. Because of this complexity, it is most appropriate that for the Board delegate all authority and responsibility for management of the civil services staff to the Executive Officer. Board members shall not intervene or become involved in specific day-to-day management or oversight of Board staff.





## Chapter 6. Committees

### Standing Committees

(Board Policy – February 21, 2008)

(Revised September 16, 2013)

The Board has four standing committees subject to the Open Meetings Act:

- Administrative Committee
- Education and Outreach Committee
- Legislative and Regulatory Affairs Committee
- Practice Committee

Internal organization of each committee is at its discretion, except as specified in this manual, and must be approved by the Board. ~~The Committee chairperson, the assigned Board member, Each Committee shall be chaired by a member of the Board. The Committee Chairperson~~ will oversee the meetings and work with the Executive Officer to develop agenda packet materials. Meetings must be consistent with the Bagley-Keene Open Meeting Act. The Board member will be responsible for providing the Committee report at the Board meeting.

Member terms will be two years, and members will serve a maximum of two full, consecutive terms. Meetings will be held two or three times per year or as needed to conduct business. ~~All Committees will be noticed and conducted as required by, and be consistent with the Bagley-Keene Open Meeting Act.~~ Non-Board Member committee members shall be entitled to reimbursement of travel expenses but shall not receive any compensation.

### Committee Chair

A Committee Chairperson shall:

- Approve the Committee Meeting agendas
- Chair and facilitate all Committee Meetings, and
- Report to the Board all committee meeting outcomes.

### Education and Outreach Committee

(Board Policy – February 21, 2008)

(Revised September 16, 2013)

The Education and Outreach Committee will consist of four members, at least one of whom will be a Board member.

~~The Committee chairperson, the assigned Board member, will oversee the meetings and work with the Executive Officer in developing agenda packet materials. Meetings must be consistent with the Bagley-Keene Open Meeting Act. The Board member will be responsible for providing the Committee report at the Board meeting.~~

The purpose of the Education and Outreach Committee is assigned to develop consumer and licensee outreach projects, including the Board's newsletter, website, e-government initiatives, and outside organization presentations. Committee members may be asked to represent the Board at meetings, conferences, health, career or job fairs, or at the invitation of outside organizations and programs.

### **Legislative/Regulatory Affairs Committee**

*(Board Policy – February 21, 2008)  
(Revised September 16, 2013)*

The Legislative/Regulatory Affairs Committee will consist of four members, at least one of whom will be a Board member.

The purpose of the Legislative/Regulatory Affairs Committee is assigned to provide information and/or make recommendations to the Board and Committees on matters relating to legislation and regulations, affecting the regulation of Occupational Therapists, Occupational Therapy Assistants, and other items in the public interest or affecting Board operations.

~~The Committee's goals and objectives are to:~~

- ~~• Monitor current legislation on behalf of the Board and make position recommendations to the Board at each Board meeting.~~
- ~~• Serve as a resource to other Board committees on legislative and regulatory matters.~~
- ~~• Serve as a resource for the Board to implement proposed revisions to the Act and Board regulations.~~

**Commented [MH6]:** Not needed; purpose identified above.

The classification system to be used by the Committee in recommending Board positions on proposed legislation is:

#### **Support:**

The Board supports the current version of the bill. This designation commits the Board to full involvement in the legislative process including sending letters to key people, conferring with key people prior to committee hearings and testifying at hearings by Board members, legislative committee members or senior staff.

#### **Support, if Amended:**

The Board generally supports the concept or intent of the bill. Technical flaws need to be corrected before the Board will fully support the bill. The Board identifies the

**Legislative/Regulatory  
Affairs Committee  
(Cont.)**

amendments or requirements that must be met in order for support to be obtained. If the requested amendments or requirements are accepted, the Board's position will change to support. This designation commits the Board to full involvement in the legislative process as noted above.

**Oppose:**

The Board is opposed to the current version of the bill. This designation commits the Board to involvement in the legislative process as noted above.

**Oppose Unless Amended:**

The Board is opposed to the bill but is willing to work with the author and sponsor of the bill to resolve the Board's concerns. The Board identifies the amendments or requirements that must be met to remove the Board's opposition. If the requested amendments or requirements are accepted, the Board will adopt a support position.

**Watch**

The Board has some interest in the bill because it potentially may affect the work of the Board. This designation requires careful tracking through the legislative process.

**Neutral**

The Board takes no official position.

**Practice Committee**

*(Board Policy – February 21, 2008)  
(Revised September 16, 2013)*

The Practice Committee will consist of no less than four members, one of whom is a Board member. The members will include a diverse representation for a variety of work settings.

The purpose of the Practice Committee is to review and provide recommended responses to the Board on various practice issues/questions submitted by licensees and consumers; provide guidance to staff on continuing competency audits; review and provide recommendations to the Board on practice-related proposed regulatory amendments; and review and provide recommendations to Board staff on revisions to various applications and forms used by the Board.

**Ad Hoc Committees**

*(Board Policy – February 21, 2008)  
(Revised September 16, 2013)*

The Board may establish ad hoc committees as needed for the Board and its standing Committees.

~~The Board has one Ad-Hoc committee meetings are~~  
subject to the Open Meetings Act.

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## **Enforcement Ad-Hoc Committee**

*(Board Policy February 21, 2008)  
(Revised September 16, 2013)*

### • Enforcement Ad-Hoc Committee

The Enforcement Committee will consist of four members, at least one of whom will be a Board member.

The purpose of the Enforcement Oversight Committee is to continually seek ways to improve the Board's enforcement activities, develop and review enforcement policies, review enforcement and discipline-related regulatory proposals, review enforcement and discipline-related forms, review and make recommendations

regarding the Board's disciplinary guidelines and to assist in identifying situations where enforcement procedures might be improved. Members will not review individual enforcement cases.

Members will not review individual enforcement cases.

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## **Chapter 7. Committee Meeting Procedures**

### **Advisory Capacity**

*(Board Policy – February 21, 2008)  
(Revised December 1, 2011)*

Committee recommendations and reports shall be submitted to the Board in a timely manner for consideration and possible action.

### **Agendas**

*(Board Policy – February 21, 2008)*

Agendas shall focus on the specific tasks assigned by the Board and include:

- Public comment
- Time for committee members to recommend new areas of study to be brought to the Board's attention for possible assignment.
- ~~Only those information items dealing with subjects assigned or delegated to the respective committee.~~

Committee chairs shall confer with the Board President prior to including any agenda item that is not clearly within that committee's assigned purview. ~~If more than two Board members will attend a~~ All Committee meeting ~~agendas,~~ the agenda shall contain the statement: "A quorum of the Board may be present at the committee meeting. Board members who are not members of the committee may observe but not participate or vote."

### **Appointments**

*(Board Policy – Adopted date)  
(Revised December 1, 2011)*

At the last meeting before the end of the fiscal year, standing committees shall make recommendations for possible members.

The ~~Board President~~ shall appoint the members to fill positions with expired terms of each standing committee and appoint members to ad hoc committees.

Commented [MH7]: The Board or the Board President shall appoint?

### **Attendance at Committee Meetings**

*(Board Policy – February 21, 2008)  
(Revised December 1, 2011)*

Board members who are not members of the committee may attend a committee meeting and observe but not participate or vote.

It is required that non-Committee Board members sit in the audience and not participate in the meeting discussion.

### **Dual Membership**

*(Board Policy – February 21, 2008)*

A non-Board member cannot serve concurrently on more than two standing advisory committees.

### **Meeting Rules**

*(Board Policy – February 21, 2008)*

Meetings will be conducted under Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act or any other section of law.

**Minimum Qualifications**  
(Board Policy – February 21, 2008)

The minimum qualifications for a licensed member of a standing advisory committee are:

- Five years of professional experience,
- ~~Current California licensure~~ as an occupational therapist or occupational therapy assistant, without restriction,
- No pending or prior disciplinary action.

Commented [MH8]: (1) Active licenses only can be appointed? Or anyone with an active, inactive or retired license can be appointed?  
(2) If inactive or retired licenses can be appointed, should the number of appointees be limited?

**Record of Meetings**  
(Board Policy – February 21, 2008)

The minutes are a summary, not a transcript of each committee meeting. The minutes shall be prepared by Board staff and ~~submitted for review by Committee members within 20 working days of the meeting.~~

~~The Committee's meeting minutes shall be approved at the next scheduled Committee meeting and shall serve as the official record of the meeting. The Committee's recommendations and meeting materials shall be presented at the next scheduled Board meeting.~~

Approved minutes of the committee meeting are available to the public, upon request, and shall be posted on the Board's website.

**Recruitment**  
(Board Policy – February 21, 2008)

The Board shall actively recruit interested persons to serve on appropriate committees, when vacancies exist.

**Reimbursement of Travel-related Expenses**  
(Board Policy – February 21, 2008)

Consistent with the State Guidelines, Committee members are entitled to be reimbursed for ~~all~~ travel-related expenses to attend Committee meetings.

**Residence Requirement**  
(Board Policy – February 21, 2008)

A member of a standing advisory committee must be a California resident.

**Staff Participation**  
(Board Policy – February 21, 2008)

Board staff provides advice, consultation and support to committees.

**Tape Recording**  
(Gov. Code section 11124.1;  
Board Policy – February 21, 2008)

Committee meetings are tape-recorded. Tape recordings shall be retained until the minutes are adopted; the tape(s) shall then be destroyed.

## **Chapter 8. Travel Policies, Procedures, and Per Diem**

### **Travel Approval**

*(Board Policy – February 21, 2008)*

*(Revised December 1, 2011)*

Board members shall have the Board President's approval for all travel except for regularly scheduled Board and Committee meetings to which the Board member is assigned.

Arrangements for Board member travel are made by Board members or the Board's staff.

Arrangements for Committee member travel are made by the Board's staff.

If a conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the conference is not an approved OST, there will be no reimbursement for travel-related expenses and the individual may not represent the Board.

### **Claims for Reimbursement of Travel-related expenses**

*(Board Policy – February 21, 2008)*

Board members shall have the Board President's approval for all travel except for regularly scheduled Board and Committee meetings to which the Board member is assigned, subject to DCA policy.

The California Department of Human Resources, the Department of Consumer Affairs, and the State Administrative Manual set for the rules governing reimbursement of travel expenses for Board members. All expenses shall be claimed on the appropriate travel expense claims forms. Board staff shall maintain these forms and complete them as needed. Board Members should submit their travel expense forms immediately after returning from a trip and no later than two weeks following the trip.

For the expenses to be reimbursed, Board Members shall follow the procedures contained in DCA Departmental Memoranda, which are periodically disseminated by the Executive Officer and are provided to Board Members.

### **Per Diem Salary**

*(B&P Section 103)*

*(Board Policy – February 21, 2008)*

*(Revised December 1, 2011)*

Business and Professions Code Section 103 regulates compensation in the form of per diem salary and reimbursement of travel and other related expenses for Board members. In relevant part, this section provides for the payment of per diem salary for Board members "for each day actually spent in the discharge of official duties," and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."



**Per Diem Salary  
(Cont.)**

Business and Professions Code Section 103 also states:

"Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment."

Accordingly, the following general guidelines shall be adhered to in the payment of per diem salary, or reimbursement for travel:

1. Board members shall be paid per diem salary for attendance at official Board and Committee meetings of which they are members. Board members cannot claim per diem salary for time spent traveling to and from a Board or Committee meeting. Per diem salary shall not be paid for preparation time for Board or Committee meetings, which would include such things as reading the meeting materials.

Where it is necessary for a Board member to leave early from a meeting, the Board President shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

2. Board members shall be paid per diem salary for attendance at education and outreach events, or other events including but not limited to hearings, conferences or meetings other than official Board or Committee meetings that are approved in advance by the Board President and consistent with a "substantial service" as defined. The Executive Officer shall be notified of the event prior to the Board member's attendance. Board members will be compensated for actual time spent attending events other than official Board or Committee meetings, and preparation time for said events, based on submission of an approved attendance form. Per diem salary shall be paid upon evidencing six (6) hours of actual time spent. Hours may be accumulated over several events to meet this requirement.

3. Board-specified work and performance of state roles or additional assigned duties, Board members will be compensated for actual time spent performing work authorized in advance by the Board President based on submission of an approved attendance form. Per diem salary shall be paid upon evidencing six (6) hours of actual time spent. Hours may be accumulated for Board-specified assignments to meet this requirement

## **Chapter 9. Security Procedures**

### **Request for Records Access**

*(Board Policy – February 21, 2008)*

No Board member may access a licensee's or applicant's file without the Executive Officer's knowledge and approval of the conditions of access except as consistent with the Public Records Act, Information Practices Act, and other relevant sections of law. A notation of the Board member's access to the record shall be entered in the file. Records or copies of records shall not be removed from the Board's office.

The Executive Officer shall report to the Board at the next regularly scheduled Board meeting of the Board member's access to official board records.

### **Contact with Applicants, Licensees, Complainants, and Respondents**

*(Board Policy – February 21, 2008)*

Board members shall not intervene on behalf of a applicant, licensee, or complainant for any reason. They shall forward all contacts or inquiries to the Executive Officer or Board staff.

Board members shall not directly participate in complaint handling and resolution or investigations. If a Board member is contacted by a respondent or his/her attorney, he/she shall refer the individual to the Executive Officer or Board staff.

## **Chapter 10. Affiliation With The Department of Consumer Affairs (DCA)**

### **Overview of DCA**

*(B&P Code section 127)*

*(Board Policy – February 21, 2008)*

The Department of Consumer Affairs (DCA) is mandated to protect and serve California consumers while ensuring a competent and fair marketplace. DCA helps consumers learn how to protect themselves from unscrupulous and unqualified individuals. The Department also protects professionals from unfair competition by unlicensed practitioners.

The Department of Consumer Affairs includes 40 many regulatory entities (~~nine bureaus, one program, twenty-five boards, three committees, one commission, and one office~~). These entities which establish minimum qualifications and levels of competency for licensure. They also license, register, or certify practitioners, investigate complaints and discipline violators. The committees, commission and boards are semiautonomous bodies whose members are appointed by the Governor and the Legislature. DCA provides them administrative support. DCA's operations are funded exclusively by license fees.

Pursuant to B&P Code Section 127 the director may require reports from any board, commission, examining committee, or other similarly constituted agency within the department as deemed reasonably necessary on any phase of their Board operations.

## Chapter 11. Affiliation With Other Organizations

Commented [MH9]: Discuss 'shall maintain' and 'may maintain' memberships and/or working relationships

### **AOTA**

*(Board Policy – February 21, 2008)*

The Board shall maintain membership in the American Occupational Therapy Association (AOTA). The President, President's designee, and/or Executive Officer may represent the Board at AOTA's Annual Conference. If AOTA's Annual Conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the conference is not an approved OST, there will be no reimbursement for travel-related expenses.

### **CLEAR**

*(Board Policy – February 21, 2008)*

The Board may maintain a working relationship in the Council on Licensure, Enforcement and Regulation (CLEAR). If CLEAR's Annual Conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the conference is not an approved OST, there will be no reimbursement for travel-related expenses.

### **NBCOT**

*(Board Policy – February 21, 2008)*

The Board may maintain a working relationship in the National Board for Certification in Occupational Therapy (NBCOT). If NBCOT's Annual Conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the conference is not an approved OST, there will be no reimbursement for travel-related expenses.

### **OTAC**

*(Board Policy – February 21, 2008)*

The Board shall maintain membership in the Occupational Therapy Association of California (OTAC). The Board may ensure representation by attending OTAC's Annual Conference, Spring Symposium, and other events as operationally practicable.

## Chapter 12. Other Information

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### **Disciplinary Actions**

*(B&P section 127; Board Policy – February 21, 2008)*

All final decisions by the Board following formal disciplinary proceedings of alleged violations of the Act shall be published on the Board's website after the effective date of the decision.

~~Rev XX~~

## ***Conclusion***

This Board Member Administrative Procedure Manual serves as reference for important laws, regulations, Department of Consumer Affairs' policies and Board policies in order to guide the actions of the Board members and ensure Board effectiveness and efficiency.

## ***References***

The procedures in this manual are specific to the Board. Suggested references for additional important information are:

Board Member Orientation and Reference Manual,  
DCA

Business and Professions Code, sections 103, 106,  
106.5, 2570-2571, 17500

Title 16, California Code of Regulations, sections  
4100-4184

California Government Code, sections 1750, 11120  
et seq., 11146 et seq.

State Administrative Manual, section 700 et seq.