

AGENDA ITEM 16

EXECUTIVE OFFICER REPORT.

Memorandum

Date: May 22, 2018

To: CBOT Members

From:  Heather Martin, Executive Officer

Subject: Executive Officer Report

a) Operational report.

Staffing update

Authorized positions: 15.2

BL 12-3 (999 Blanket) Positions: 0.8

Temp help/over-expenditure: 0.8

Current vacancies: 2.0

Recruitment for one position to begin in July/August.

Discussion regarding larger office space. (See attachment)

b) Budget report.

The new Financial Information System for California, aka FI\$Cal is a consolidated budgeting, accounting, procurement, and cash management system that we moved to effective July 1st. FI\$Cal has new reporting requirements, including requiring DCA to balance their books each month. The revenue/expenditure information for month 9 (through 3/31/2018) was recently made available.

To date, the Board has earned nearly \$1.54m, which is projected to reach \$2.03m by year end. (No attachment)

Expenditures to date are \$1.59m and projected to be \$2.26m by year end. (See attachment)

A Fund Condition statement using the above projections is attached for review.

c) Licensing and enforcement data and reports for January 1 – March 31, 2018 are attached.

- Application/Licensing data.
- Pending complaint/enforcement case info.
- Citation data.
- Current probationers.

d) Future agenda items.

- August meeting: Select 2019 Board meeting dates & strategic planning dates (Q1)
- Regulatory update on regulations approved to be noticed.
- Board member training records.
- Make appointments to Practice Committee.
- 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.
- Make appointments to Education and Outreach Committee.
- Issue of wound care within the scope of practice.
- Review new Board logos
- Board staff to research what other states are doing and report to Board on and differentiation/limitation on earning of PDUs in-person vs online/technological means.
- Review/update of Board Member Administrative Manual.
- Review/update of Board Member Disciplinary Resource Manual.
- Review/update of the Board's Disciplinary Guidelines (requires regulatory amendments).

e) Other informational items. (Attachments)

- Top 10 Rules: Bagley-Keene Open Meeting Act
- Top 10 Rules: Teleconference meetings

Communications Update.

Since June 2017, the social media numbers have increased as follows:

Facebook Likes increased from 1,819 to 1,882
Followers increased from 1,806 to 1,875

Twitter Followers increased from 314 to 465

Overview

The Ten Year Sequencing Plan provides a roadmap for the renovation or replacement of state office buildings in Sacramento and to address deficiencies in the State Capitol East Annex. This plan, taken together with the department's Portfolio Plan, provides a statewide, strategic, and long-term asset management strategy for DGS' portfolio of office buildings.

A key component of the sequencing plan is the integration of the results from the Facility Condition Assessments completed for the 2015 State Facility Long Range Planning Study (Planning Study). The Planning Study provided the Department of General Services (DGS) with an independent assessment of the DGS-managed office buildings and resulted in an analysis that identified the buildings with the highest need for repair or replacement.

DGS Facility Sequencing Principles

Market conditions, client needs, and fiscal circumstances change over time. Accordingly, this Sequencing Plan is subject to change so DGS may best maximize value to the State as opportunities arise.

Nevertheless, while DGS must be attuned to market conditions and client needs, the department cannot take a reactive approach to office building planning. Rather, DGS must lay out a plan for the future to provide overall direction for the state's office needs. To this end, DGS has developed long-range office facility sequencing principles that will help guide the state irrespective of changing market conditions and specific client preferences.

These ten principles align with three DGS goals – Operational Efficiency, Cost Effectiveness, and Sustainable Communities:

Operational Efficiency

- To generate operational and programmatic efficiencies, the state will aim to consolidate departmental space and co-locate departments within the same agencies and/or similar functions between departments.
- The state will use more standardized office configurations to minimize tenant improvement costs and allow for the greatest flexibility when filling space with state tenants.

Cost Effectiveness

- The state prefers to own buildings in areas with high lease costs in order to reduce space costs for state departments.
- The state shall first consider building on state property before pursuing construction on commercial sites.
- To avoid disruption and minimize costs, DGS will strive to minimize the number of moves a department must make.

- DGS will coordinate its facility sequencing strategy with its review of state leased space to generate more competitive lease rates in private sector facilities.
- DGS will continue to meet the programmatic needs of tenants in state buildings but will not complete significant building improvements in buildings it plans to completely renovate, demolish or sell within the next five years.

Sustainable Communities

- The state will design new construction and renovation projects with a goal towards achieving Zero-Net Energy by incorporating the latest proven materials, designs, technologies, and construction practices.
- The state prefers that new buildings be built in proximity to public transit.
- When feasible, the state will offer mixed use development in new office buildings to better meet our tenant and larger community needs.

These facility sequencing principles will guide the state as we begin to address the long term office building needs and determine which buildings will be retained, renovated, sold, or constructed over the next quarter century.

Initial Projects

The 2016-17 Governor's Budget included a proposal to address the need to improve the safety and capacity of the Capitol Annex building, as well as the most critical state office space deficiencies in Sacramento. With this proposal, employees in three of the five buildings identified in the Planning Study as having the greatest needs will be in new or renovated space within five years. Initial projects in 2016-17 include:

- Demolition of the vacant California Food and Agriculture Annex on O Street and a new building consisting of approximately 255,000 net square feet (NSF), to be occupied by the current tenants of the Bateson Building.
- A new building consisting of approximately 700,000 to 750,000 NSF, to be occupied by the current tenants of the Natural Resources Building and the Bonderson Building.
- A new Capitol Annex or renovation of the existing Capitol Annex to address the significant building systems and accessibility deficiencies.

In addition to projects identified in the current year budget, a parking structure was included in the 2017 Budget Act. It includes:

- Demolition of an existing warehouse and build a new mixed-use parking structure consisting of approximately 800 parking stalls and retail on the first floor. The parking will include monthly state employee parking as well as hourly parking for public use.

This sequencing plan outlines the subsequent projects that will continue with this progress.

Four Stage Approach

DGS's facility sequencing plan proposes more than 4.3 million square feet in new construction or extensively renovated state buildings, which equals one-quarter of all state-owned space in the Sacramento region. There are four stages to this facility sequencing plan. These stages are:

1. High Priority Facilities - 2016-17 Governor's Budget proposal
2. Development of the North Sacramento site
3. Renovation of historic state buildings
4. Additional demolition or renovation of state buildings

The first three stages of the facility sequencing plan will be accomplished over the next 10 years and will address the needs of the state departments housed in nine of the eleven state office buildings in the poorest condition. The following lists the affected facilities and departments within each stage.

High Priority Facilities

The 2016-17 Governor's Budget included a proposal to construct a new facility for the Natural Resources Agency and its departments, which are currently housed in the Resources Building, which was identified as the state office building in the poorest condition. The budget also includes the construction of a new facility for the California Health and Human Services Agency at the site of the vacant California Food and Agriculture Annex Building. Finally, the budget included a proposal to address the safety and capacity issues within the Capitol Annex building.

1. **Demo, Construct, and Replace: O Street Building (255,000 NSF)**
Design-Build FY 16-17 through FY 20-21, Move-in: March 2021
 - Tenants relocating from the Bateson Building
 - ◆ Development Services
 - ◆ Health and Human Services Agency
 - ◆ State Hospitals
 - Tenants relocating from other DGS-controlled buildings
 - ◆ Development Services
2. **Construct: New Resources Building (700,000-750,000 NSF)**
Design-Build FY 16-17 through FY 21-22, Move-in: September of 2021
 - Tenants relocating from the California Natural Resources Agency (CNRA) Building the Bonderson Building and leased space, representing a partial consolidation of CNRA. Tenants include:
 - ◆ Water Resources
 - ◆ Parks and Recreation,
 - ◆ Fish and Wildlife
 - ◆ Forestry and Fire Protection
 - ◆ Conservation
 - ◆ Conservation Corps
 - ◆ Wildlife Conservation Board

3. **Construct or Renovate: Capitol Annex (367,000 GSF)**
Planning discussions with the Committee on Joint Rules.
4. **Demo, Construct, and Replace existing warehouse with a new mixed-use parking structure: 805 R Street (7-story, 800 parking stalls and retail on the first floor)**
Design-Build FY 17-18 through FY 19-20, Move-in: Winter 2019

In addition to high priority projects identified in the current budget, a parking structure for state employees was approved in the 2017 Budget Act.



Development of the North Sacramento Site

The Office of the State Printer (OSP) occupies 17 acres of state-owned land in North Sacramento, which is within two miles of the State Capitol. DGS is relocating OSP from this site to commercially leased space in mid-2018. DGS proposes to construct at minimum 1 million NSF of new state office space.

1. **Environmental Assessment/Study, Demolish:**
Environment Assessment FY 16-17. Design-Bid-Build Demolition FY 17-18 through FY 20-21, Ready for Development: January 2021
2. **Construct New Office Complex (1,000,000+ NSF)**
Design-Build FY 18-19 through FY 23-24, Move-in: March 2024

Tenants planned to occupy this site:

- **Business, Consumer Services and Housing (BCSH) Agency and its departments (751,500)**
 - ♦ Business Consumer Services & Housing Agency (4,000)
 - ♦ Housing and Community Development (114,500)
 - ♦ Business Oversight 1515 K Street (44,000)
 - ♦ Department of Consumer Affairs consolidation from various leased locations (545,000)
 - ♦ Board of Chiropractic Examiners (4,000)
 - ♦ Alcoholic Beverage Control consolidate 2 locations (40,000)
- **California Department of Tax and Fee Administration (394,000) and Board of Equalization (6,000) 450 N Street (400,000)**

Renovation of Historic State Buildings

As state departments vacate state buildings in poor condition, DGS will either completely renovate or demolish and construct new state facilities on these sites. DGS proposes that the tenants of these new state facilities will largely be those departments housed in other state buildings listed in poor condition or those departments in commercial space where the state may exercise the option to terminate their lease.

1. Renovate: Bateson Building (215,000 NSF)

Design-Build FY 18-19 through FY 23-24, Move-in: April 2024

Tenants planned to occupy this site:

- California Natural Resources Agency departments not consolidating into the New Resources Building (relocating from leased space):
 - ◆ Water Resources
 - ◆ Parks and Recreation
 - ◆ CalFire
 - ◆ Fish and Wildlife
 - ◆ Conservation
 - ◆ Conservation Corps

2. Renovate: Unruh Building (114,000 NSF)

Design-Build FY 18-19 through FY 23-24, Move-in: January 2024

Tenants planned to occupy this site (STO Headquarters):

- STO from the Bonderson Building (swing space) (108,000)
- STO relocate from State Personnel Building (11,000)

3. Renovate: Resources Building (520,000 NSF)

Design-Build FY 19-20 through FY 24-25, Move-in: June 2024

Tenants planned to occupy this site:

- Employment and Development Department (EDD) (491,000)
 - ◆ EDD Headquarters Building (327,700)
 - ◆ Labor and Workforce Development Agency (7,300)
 - ◆ EDD Solar Building (120,000)
 - ◆ EDD Subterranean Building (36,000)
 - ◆ Vacant (29,000)

**4. Utilize the Bonderson Building as swing space for Unruh tenants (113,000 NSF)
Beginning FY 21-22 and vacating in FY 24-25:**

- Transportation Agency (8,000)
- State Treasurers Office (108,000)
- Government Operations Agency (5,000)
- Business Consumer Services & Housing Agency (4,000)

5. Renovate: Blue Anchor Building (17,000 NSF)

Design-Build FY 20-21 through FY 23-24, Move-in: January 2024

Administration hoteling and meeting space; accommodating staff that are located beyond the Capitol corridor.

Tenants planned to occupy this site:

- Tenants relocating to leased space (17,000)
 - ♦ Governor's Office (6,000)
 - ♦ Office of Planning and Research (11,000)

Demolition or Complete Renovation of State Buildings

With the complete renovation or construction of a new state facility on the site of the current Resources Building and the renovation of the Unruh and Bateson buildings, DGS will have four vacant buildings which it may either renovate or demolish and construct new facilities.

1. Renovate: 450 N Street Building (479,000 NSF)

Design-Build FY 21-22 through FY 26-27, Move-in: June 2026

Tenants planned to occupy this site:

- The Government Operations Agency and its departments with the exception of California Public Employees Retirement System, California State Teachers Retirement System, the California Department of Tax and Fee Administration and the Franchise Tax Board.
 - ♦ Government Operations Agency (5,000)
 - ♦ Dept. of General Services (DGS) 707 3rd Street, W.S. (319,000)
 - ♦ CalHR 1515 S Street (40,000)
 - ♦ SPB (29,000)
 - ♦ Office of Administrative Law 300 Capitol Mall (9,000)
 - ♦ Victims Compensation & Government Claims Board 400 R Street (66,000)
 - ♦ Dept. of Technology 1325 J Street (21,000)
 - ♦ DGS 2525 Natomas Park Dr (4,000)

2. Renovate: EDD Headquarters and Solar (455,000 NSF)

Design-Build FY 21-22 through FY 26-27, Move-in: September 2026

Tenants planned to occupy this site:

- CDCR 1515 K Street (33,000)
- CDCR 1515 S Street (305,000)
- California Energy Commission (124,000)

3. Use EDD Subterranean Building for construction staging and swing space (27,000 NSF)

Beginning January 2018 through FY 29-30

4. Renovate: Warren-Alquist State Energy Building (125,000)
Design-Build FY 24-25 through FY 29-30

Tenants planned to occupy this site:

- Dept. of Managed Health Care 980 9th St (86,000)
- Dept. of Managed Health Care - FTB (34,000)

Conclusion

Initial projects, as identified in the 2016-17 Governor's Budget have received funding through the new State Project Infrastructure Fund. The 2017-18 final budget includes authorization for bond financing for these projects. This significant investment will address the most critical state office space deficiencies in Sacramento. Future projects will be guided by the principles described in this plan.

OCCUPATIONAL THERAPY - 3017
BUDGET REPORT
FY 2017-18 EXPENDITURE PROJECTION
FISCAL MONTH 9

OBJECT DESCRIPTION	FY 2016-17		FY 2017-18				
	ACTUAL	PRIOR YEAR	ALLOTTED	CURRENT YEAR	PERCENT	PROJECTIONS	UNENCUMBERED
	EXPENDITURES	EXPENDITURES	BUDGET	EXPENDITURES			
(MONTH 13)	3/31/2017	2017-18	3/31/2018	SPENT	TO YEAR END	BALANCE	
PERSONNEL SERVICES							
Salary & Wages (Staff)	463,513	301,493	771,000	475,391	62%	640,855	130,145
Statutory Exempt (EO)	89,988	67,323	82,000	70,704	86%	94,272	(12,272)
Temp Help Reg (Seasonals)	32,673	26,010	4,000	8,660	217%	11,547	(7,547)
Board Member Per Diem	7,700	7,700	20,000	3,900	20%	5,200	14,800
Overtime	7,225	5,747		26,480	N/A	35,307	(35,307)
Staff Benefits	281,769	198,001	522,000	271,283	52%	361,711	160,289
TOTALS, PERSONNEL SVC	882,868	606,277	1,399,000	856,418	61%	1,148,891	250,109
OPERATING EXPENSE AND EQUIPMENT							
General Expense	19,207	8,978	33,000	28,595	87%	38,127	(5,127)
Fingerprint Reports	23,432	16,376	22,000			0	22,000
Minor Equipment	25,164	7,680	11,000	4,568	42%	6,091	4,909
Printing	15,607	12,228	10,000	17,064	171%	22,779	(12,779)
Additional Printing						900	(900)
Communication	2,007	1,557	16,000	1,931	12%	2,575	13,425
Postage	15,436	5,503	15,000	6,454	43%	8,605	6,395
USPS & PO Box Rental						9,760	(9,760)
Insurance	16	0					
Travel In State	35,403	18,306	17,000	21,558	127%	28,744	(11,744)
Travel, Out-of-State						1,000	
Training	1,241	1,770	6,000			0	6,000
Facilities Operations	81,031	79,888	45,000	61,354	136%	81,805	(36,805)
Architectural Revolving Fund	90,000	0				120,000	(120,000)
C & P Services - External	15,964	51,000	21,000	60	0%	80	20,920
DEPARTMENTAL SERVICES (Pro Rata):							
Office of Information Services	236,136	182,250	282,000	211,500	75%	282,000	0
Admin/Exec	189,264	136,503	215,000	161,250	75%	215,000	0
DOI- Special Operation (Internal)	4,600	3,753	5,000	3,750	75%	5,000	0
Communications Division	21,187	16,497	12,000	9,000	75%	12,000	0
Program, Policy & Review Division	1,308	1,503	12,000	9,000	75%	12,000	0
INTERAGENCY SERVICES:							
Consolidated Data Center	9	8	4,000	2	0%	3	3,997
DP Maintenance & Supply	16,574	2,548	4,000	1,290	32%	1,720	2,280
EXAM EXPENSES:							
C/P Svcs-External Subject Matter	6,029	4,685		61,655	N/A	82,207	(82,207)
ENFORCEMENT:							
Attorney General	70,840	47,966	137,000	93,045	68%	124,060	12,940
Office Admin. Hearings	17,618	11,865	1,000	6,455	646%	8,607	(7,607)
Court Reporters	1,104	604					
Evidence/Witness Fees	3,778	1,250					
DOI - Investigations	69,623	51,003	54,000	40,500	75%	54,000	0
TOTALS, OE&E	956,477	663,711	922,000	739,051	80%	1,117,061	(194,061)
TOTAL EXPENSE	1,839,345	1,269,988	2,321,000	1,595,469	141%	2,265,952	56,048
Sched. Reimb.							0
Sched. Reimb. - Fingerprints	(32,406)	(22,720)	(22,000)	(25,476)		(22,000)	0
Sched. Reimb. - External/Private	(3,056)	(940)		(1,880)			0
Unsched. Reimb. - Other	(7,439)	(3,750)		(5,932)			0
NET APPROPRIATION	1,796,446	1,242,578	2,299,000	1,562,181	68%	2,243,952	56,048
SURPLUS/(DEFICIT):							2.4%

3017 - Board of Occupational Therapy Analysis of Fund Condition

Prepared 5/22/18

2018-19 Governor's Budget with 2017-18 ARF (\$120,000)

	ACTUAL 2016-17	CY 2017-18	Governor's Budget BY 2018-19
BEGINNING BALANCE	\$ 3,002	\$ 2,588	\$ 2,268
Prior Year Adjustment	\$ 27	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,029	\$ 2,588	\$ 2,268
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 31	\$ 34	\$ 31
125700 Other regulatory licenses and permits	\$ 279	\$ 395	\$ 305
125800 Renewal fees	\$ 1,035	\$ 1,500	\$ 1,772
125900 Delinquent fees	\$ 21	\$ 31	\$ 33
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ 27	\$ 30	\$ 31
150300 Income from surplus money investments	\$ 22	\$ 22	\$ 20
150500 Interest income from interfund loans	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ -	\$ -	\$ -
164300 Penalty Assessments	\$ -	\$ 18	\$ 19
Totals, Revenues	\$ 1,416	\$ 2,031	\$ 2,212
Transfers from Other Funds			
Transfers to Other Funds			
Totals, Revenues and Transfers	\$ 1,416	\$ 2,031	\$ 2,212
Totals, Resources	\$ 4,445	\$ 4,619	\$ 4,480
EXPENDITURES			
Disbursements:			
8880 Financial Information System for California (State Operations)	\$ 1	\$ 4	\$ -
9892 Supplemental Pension Payments	\$ -	\$ -	\$ 23
9900 Statewide General Administrative Expenditures (Pro Rata)	\$ 60	\$ 81	\$ 197
1110 Program Expenditures (State Operations)	\$ 1,796	\$ 2,266	\$ 2,270
	\$ 1,857	\$ 2,351	\$ 2,490
FUND BALANCE			
Reserve for economic uncertainties	\$ 2,588	\$ 2,268	\$ 1,990
Months in Reserve	13.2	10.9	9.4

CA Board of Occupational Therapy

Applications Data: Jan 1, 2018 – Mar 31, 2018

Trans #	Transaction Type	January		February		March		Total Rec'd 3Q	Total App'd 3Q	Avg Rec'd per Month	Avg App'd per Month
		Received	Approved	Received	Approved	Received	Approved	Received	Approved	Received	Approved
1020-7101	Initial OT License Apps	158	92	141	137	115	157	414	386	138	129
1020-7102	OT-Limited Permit Apps	9	10	7	7	0	2	16	19	5	6
1020-7103	Initial OTA License Apps	45	53	67	35	55	33	167	121	56	40
1020-7104	OTA-Limited Permit Apps	1	0	4	1	0	2	5	3	2	1
1021-7101	OT License Issued	64	64	107	107	131	129	302	300	101	100
1021-7102	OT Limited Permit Issued	7	7	6	6	2	2	15	15	5	5
1021-7103	OTA License Issued	42	42	29	29	22	22	93	93	31	31
1021-7104	OTA Limited Permit Issued	0	0	0	0	2	2	2	2	1	1
5001	A/P – Hand Therapy	5	7	5	5	2	5	12	17	4	6
5002	A/P – PAMs	7	1	8	23	9	11	24	35	8	12
5003	A/P - Swallowing	2	1	4	6	4	7	10	14	3	5
8005	Set Inactive to Active	5	5	4	5	7	8	16	18	5	6
8010	Name Changes	47	46	27	21	32	29	106	96	35	32
8020	Address Changes	266	263	217	214	259	254	742	731	247	244
8030	Verifications	76	58	72	64	111	85	259	207	86	69
8051	Set to Retired	14	13	10	13	13	10	37	36	12	12
8052	Set Retired to Active	0	0	0	0	0	0	0	0	0	0
Totals		748	662	708	673	764	758	2,220	2,093	740	698

Trans #	Licenses Renewed	January	February	March	Total Renewed	Average Renewed per Month
2020-7101	OT Renewals	528	442	527	1497	499
2020-7103	OTA Renewals	130	83	115	328	109
Totals		658	525	642	1825	608

BOT ENFORCEMENT STATISTICAL REPORT

January 1, 2018 – March 31, 2018

Complaints Received:	240	DOI Investigations Initiated:	2
Conviction/Arrest Investigations:	38	DOI Investigation Reports Received:	4
Total Complaints:	278	Formal DOI Investigations Pending:	10
Complaints-Closed:	117	(oldest 9/23/14)	
Apps Denied per BPC 480/485:	1		
Total Complaints-Pending:	354 (oldest 9/23/14)		
Cases Pending with the Attorney General (AG): 33			

<u>Transmitted</u>	<u>Complaint No</u>	<u>Case Type</u>	<u>Current Status</u>
11/29/16	1002143836	SOI	SOI filed 8/29/17, hearing scheduled 5/24/2018
02/24/17	17-000253	ACC	Accusation rec'd; DAG/staff to draft revisions
03/17/17	1002163988	ACC	Accusation filed 10/05/2017; NOD recd; hearing TBS
06/08/17	17-000336	ACC	Settlement adopted by Board, probation (3 years) 5/14/2018
07/26/17	16-000002	ACC	AGO to draft revised Accusation
07/27/17	17-000282	ACC	Accusation filed 2/14/2018; NOD recd; hearing TBS
07/28/17	17-000191	ACC	AGO to draft Accusation
08/01/17	17-000372	SOI	AGO to draft Statement of Issues
08/11/17	17-000345	ACC	Accusation filed 12/15/2017; NOD recd; hearing TBS
08/28/17	18-000056	ACC	Accusation recd; returned to AG for edits
10/23/17	1002141242	Writ/ACC	Decision set aside 10/23/2017; hearing 08/07/2018
11/01/17	UL2014-318	ACC	AGO to draft Accusation
11/06/17	18-000143	PTR	AGO to draft Petition to Revoke Probation
11/13/17	1002147096	PTR	PTR filed 3/07/2018; Stipulated Surrender eff 4/13/2018
12/08/17	OT2014-557	CIT	AGO to schedule formal hearing for citation
12/27/17	16-000073	Writ/ACC	Decision to Set Aside 12/27/2017; hearing scheduled 6/27/2018
01/08/18	18-000208	ACC	Accusation filed 2/27/2018; Accusation Withdrawn 5/17/2018
01/17/18	18-000211	ACC	Accusation filed 2/14/2018; Stipulated Surrender eff 4/06/2018
01/17/18	18-000295	ACC	Accusation filed 3/22/2018; Accusation Withdrawn 4/10/2018
01/17/18	18-000202	ACC	AGO to draft Accusation
01/30/18	18-000282	ACC	AGO to draft Accusation
01/30/18	18-000212	ACC	AGO to draft Accusation
01/30/18	18-000337	ACC	AGO to draft Accusation
02/02/18	1002028526	PET	Petition for Early Termination of Probation; Hearing 5/31/2018
02/16/18	17-000173	ACC	AGO to draft Accusation
02/20/18	18-000025	ACC	AGO to draft Accusation
02/21/18	16-000115	ACC	AGO to draft Accusation
02/22/18	1002044288	PET	Petition for Early Termination of Probation; Hearing 5/31/2018
03/06/18	1002155456	ACC	AGO to draft Accusation
03/09/18	18-000261	ACC	Accusation filed 5/08/2018
03/09/18	17-000388	CIT	AGO to schedule formal hearing for citation
03/14/18	18-000106	PET	Petition for Reinstatement; Hearing 5/31/2018
03/27/18	18-000096	ACC	AGO to draft Accusation

Statement of Issues filed: 1
Accusations filed: 5
Cases Withdrawn 1
ISO Issued: 0
PC23 Issued: 0
Petition to Revoke Probation filed: 0
Accusation & Petition to Revoke Probation filed: 0
Cease Practice Orders (BPC 315.2) Issued: 0
Cease Practice Orders Lifted: 0

Final Decisions: 12

<u>Effective</u>	<u>Name</u>	<u>Type</u>	<u>Complaint Received/Opened</u>
01/02/2018	De Mena, Alan	Surrender	09/01/2017
01/05/2018	Allen, Cornell	Revocation	02/02/2017
01/05/2018	Meyer, Lisa	Revocation	08/08/2017
01/22/2018	Rucrieta, Dominick	Surrender	02/27/2017
01/29/2018	Minnis, Krista	Probation (3 years)	08/14/2015
01/29/2018	Clapham, Seanti	Probation (3 years)	01/08/2017
02/11/2018	Johnson, Kristine	Reinstatement Denied	07/28/2017
02/11/2018	Cox, Susan	Reinstatement Denied	04/13/2017
02/12/2018	Leisure, Georgia	Probation (3 years)	03/13/2017
02/23/2018	Lombardo, Patricia	Revocation	08/15/2017
03/27/2018	Colangelo, Joy	Surrender	12/27/2017
03/28/2018	Dowd, Joshua	Probation (3 years)	06/07/2017

**OT Citations Issued
1/1/2018 - 3/31/2018**

#	VIOLATION								DATE ISSUED	FINE (OT)	OT Fine Modified	GRAND TOTAL FINE/DUR (OT)	Appeal Code	PAYMENT				
	No Lic	FDC	FTC	UPC	CC	ULP	PDU	AD						TOR	ADMIN	Paymt Date	Pa in Full	Paymt Amnt
1						1			01/05/18	\$1,000		\$1,000			01/08/18	1	\$1,000	\$0
1							1		01/09/18	\$450		\$450			01/02/18	1	\$450	\$0
1							1		01/26/18	\$100		\$100			01/30/18	1	\$100	\$0
1							1		01/25/18	\$250		\$250			02/05/18	1	\$250	\$0
1							1		01/26/18	\$550	\$500	\$50	1		04/09/18	1	\$50	\$0
1						1			01/26/18	\$400		\$400			02/14/18	1	\$400	\$0
1						1			01/29/18	\$800		\$800			02/02/18	1	\$800	\$0
1						1			02/27/18	\$100		\$100			03/29/18	1	\$100	\$0
1							1		02/27/18	\$650	\$650	\$0	1	DISMISSED				\$0
1			1						03/28/18	\$600		\$600						\$600
TOTALS																		
10	0	0		0	0	4	5	0		\$4,900	\$1,150	\$3,750	2	0		8	\$3,150	\$600

**OTA Citations Issued
1/1/2018 - 3/31/2018**

#	VIOLATION								DATE ISSUED	FINE (OTA)	OTA Fine Modified	GRAND TOTAL FINE DUE (OTA)	Appeal		PAYMENT			
	No Lic	FDC	FTC	UPC	CC	ULP	PDU	AD					TICR	ADMIN	Pymnt Date	Ed in Full	Pymnt Amnt	Bal (OTA)
1							1		01/26/18	\$600	\$600	\$0			WITHDRAWN			\$0
1							1		01/29/18	\$350		\$350			02/26/18	1	\$350	\$0
1							1		02/27/18	\$600		\$600			03/21/18	1	\$600	\$0
1							1		03/28/18	\$600		\$600			04/26/18	1	\$600	\$0
TOTALS																		
4	0	0		0	0	0	4	0		\$2,150	\$600	\$1,550	0	0		3	\$1,550	\$0

Practitioners Currently on Probation or Other Court Orders

NAME	LICENSE #	LENGTH OF PROBATION	EFFECTIVE DATE
Abrams, Cindy	OT 17009	3 years	12/23/16**
Alvarado, Francisco	OT 4563	2 years	09/02/16
Cirigliano, Michelle	OT 12033	3 Years	05/14/18
Clapham, Seanti J	OT 16846	3 Years	01/26/18
Darrow, Colleen	OT 11844	4 Years	06/26/14**
Dowd, Joshua	OT 18574	3 Years	03/27/18*
Gaeta, Adriana	OTA 1404	3 years	06/18/15**
Hidalgo, Julio	OTA 3981	3 years	06/21/17**
Kelley, Anjuli	OT 11168	3 Years	01/16/14*
Knoefler, Kolee	OT 8115	3 Years	06/03/16
Lyman, Georgia	OT 17238	2 Years	02/12/18
Minnis, Krista J	OT 1542	3 Years	01/26/18
Nichols, Zendra	OTA 2221	3 Years	05/28/17*
Oliver, Patricia	OT 6986	3 Years	10/28/16*
Osberg, Nicholas	OT 13735	3 Years	09/02/16**
Perez, Thomas J.	OTA 2470	5 years	01/09/13**
Powell, Diana C.	OT 6367	3 years	06/03/16*
Schmidt, Rebecca	OT 8291	3 Years	11/27/09 *

* Probation currently "tolled"

** Probation previously tolled; extended beyond original expiration date.

BAGLEY-KEENE OPEN MEETING ACT

TOP TEN RULES

[NOTE: GC § = Government Code Section; AG = Opinions of the California Attorney General]

1. All meetings are public. (GC §11123.)
2. Meetings must be noticed 10 calendar days in advance--including posting on the Internet. (GC §11125(a).)
3. Agenda required--must include a description of specific items to be discussed (GC §§ 11125 & 11125.1). *No item may be added to the agenda after it has been noticed unless it meets criteria for an emergency. (GC §11125(b).)
4. Meeting is "gathering" of a majority of the board or a majority of a committee of 3 or more persons where board business will be discussed. Includes telephone & e-mail communications. (GC §11122.5; Stockton Newspapers Inc. v. Members of the Redevelopment Agency of the City of Stockton (1985) 171 Cal.App.3d 95.)
5. Law applies to committees, subcommittees, and task forces that consist of 3 or more persons (includes all persons whether or not they are board members). (GC §11121)
6. Public comment must be allowed on agenda items before or during discussion of the items and before a vote, unless: (GC §11125.7.)
 - a. The public was provided an opportunity to comment at a previous committee meeting of the board. If the item has been substantially changed, another opportunity for comment must be provided.
 - b. The subject matter is appropriate for closed session.
7. Closed sessions (GC §11126.) At least one staff member must be present to record topics discussed and decisions made. (GC §11126.1).

Closed session allowed:

- a. Discuss and vote on disciplinary matters under the Administrative Procedure Act (APA). (GC §11126, subd. (c)(3).)
- b. Prepare, approve or grade examinations. (GC §11126, subd. (c)(1).)
- c. Pending litigation. (GC §11126, subd. (e)(1).)

BAGLEY-KEENE OPEN MEETING ACT

TOP TEN RULES

- d. Appointment, employment, or dismissal of executive officer (EO) unless EO requests such action to be held in public. (GC §11126, subd. (a),(b).)

No closed session allowed for:

- a. Election of board officers. (68 AG 65.)
 - b. Discussion of controversial regulations or issues.
8. No secret ballots or votes except mail votes on APA enforcement matters. (68 AG 65; GC §11526.)
 9. No proxy votes. (68 AG 65.)
 10. Meetings by teleconferencing (GC §11123.)
 - a. Suitable audio or video must be audible to those present at designated location(s). (GC §11123, subd. (b)(1)(B).)
 - b. Notice and agenda required. (GC §11123, subd. (b)(1)(A).)
 - c. Every location open to the public and at least one member of board physically present at the specified location. All members must attend at a public location. (GC §11123, subds. (b)(1) (C), and (F).)
 - d. Rollcall vote required. (GC §11123, subd. (b)(1)(D).)
 - e. Emergency meeting closed sessions not allowed. (GC §11123, subd. (b)(1)(E).)

Reference: January 14, 2013 "Public Meetings" Memorandum & Attached Guide to the Bagley-Keene Open Meeting Act January 2012

Top Ten Rules for a Teleconference Meeting

1. The location must be accessible to the public (both a place all members of the public are welcome, as well as an ADA-accessible one). You can't participate in a car in the parking lot, multi-story building without an elevator, or a gated community without public access. No, a license plate number is not an address.
2. There must be suitable audio (a speakerphone) available at the location for the entire duration of the meeting. If the meeting includes a closed session, the location must be accessible before and after the closed session to allow for meeting adjournment, or any other open session items.
3. If a member leaves the noticed location before the end of the meeting, someone must be available at that location until adjournment to facilitate any public comments.
4. Busy public locations (e.g., coffee shop) are not appropriate unless arrangements are made for a distraction-free public area. (Background noise at the location can both prevent the public or member from effectively participating and makes it difficult to hear from other locations.) Such locations never appropriate for a closed session.
5. A member may not call in to the conference number from a location not noticed on the meeting agenda, even if a call-in number was provided on the agenda for members of the public. You can, however, go to a published location where another member will be (unless you had noticed a different location on the agenda for your participation).
6. If you provide an address to a building that is large or has more than one room (e.g., hotel), you will need to arrange that the location directs the public where to go for the board meeting (e.g., post a sign, or make sure building staff can otherwise direct public where to go).
7. You may be precluded from participating in the meeting if above are not followed or, worst case, the meeting may be cancelled.
8. During roll call, each location should be announced and each member should identify his or her location. If a noticed location is not responding, wait for response or cancel the meeting.
9. During public comment (motions or other items), ask for public comment at each location in turn.
10. All votes must be by roll call.

AGENDA ITEM 17

DISCUSSION AND APPROVAL OF PROPOSED EDITS TO THE BOARD'S ADMINISTRATIVE MANUAL.

The Board's Administrative Manual is attached for review.

State of California
Department of Consumer Affairs

**NEW LOGO
TO BE PLACED
HERE**

***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

Revised June 1, 2018

Table of Contents

Chapter 1 - Introduction

Overview	1
Board Mission	1
Abbreviations	1

Chapter 2 – Board Responsibilities

Composition	3
Officers	3
Meetings	3
Quorum	3
Notice of Meetings	3
Agenda Items	4
Record of Meetings	4
Recording	4
Meeting Rules	4
Public Comment	5
Communication	5
Communication with Interested Parties	6
Ex Parte Communications	6
Correspondence	7
Executive Officer Evaluation	7
Board Member Training	7

Chapter 3 – Board Members

Board Administration	9
Business Cards	10
Board Member Attendance at Board Meetings	10
Public Attendance at Board Meetings	10
General Rules of Conduct	10
Board Member Disciplinary Actions	11
Removal of Board Members	11
Resignation of Board Members	11
Conflict of Interest	11
Strategic Planning	12

Chapter 4 – Roles of Board Officers and Committee Chairs

President	13
Vice President	13
Secretary	13
Supervision of Executive Officer	13
Performance Appraisal of Executive Officer	13

Chapter 5 – Executive Officer

Appointment	15
-------------	----

Role	15
Recruitment	15
Selection	15
Board Staff	15

Chapter 6 – Committees

Standing Committees	16
Committee Chair	16
Education and Outreach Committee	16
Legislative/Regulatory Affairs Committee	17
Practice Committee	18
Ad Hoc Committees	18

Chapter 7 – Committee Meeting Procedures

Advisory Capacity	19
Agenda	19
Appointments	19
Attendance at Committee Meetings	19
Dual Membership	19
Meeting Rules	19
Minimum Qualifications	20
Record of Meetings	20
Recruitment	20
Reimbursement of Travel-related Expenses	20
Residence Requirement	20
Staff Participation	20
Recording	20

Chapter 8 – Travel Policies, Procedures, and Per Diem

Travel Approval	21
Claims for Reimbursement of Travel-Related Expenses	21
Per Diem Salary	21

Chapter 9 – Security Procedures

Request for Records Access	24
Contact with Applicants, Licensees, Complainants, and Respondents	24

Chapter 10 – Affiliation with DCA

Overview of DCA	25
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Chapter 11 – Affiliation with Other Organizations

American Occupational Therapy Association (AOTA)	26
Council on Licensure, Enforcement and Regulation (CLEAR)	26
National Board for Certification in Occupational Therapy (NBCOT)	26
Occupational Therapy Association of California (OTAC)	26

Chapter 12 – Other Information

Disciplinary Actions	27
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Conclusion

References	28
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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
OHR	Office of Human Resources
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

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
CPIL	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
NCART	National Coalition of Assistive Rehabilitation Technology
NRTCC	National Rehabilitation Technology Certification Commission
OTAC	Occupational Therapy Association of California
POTAC	Psychiatric Occupational Therapy Association of California
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:

- 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 1st 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. The Board will meet a minimum of three times a year and may meet more often as it determines necessary.

Meetings

(B&P section 2570.19)

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 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 prior to the meeting.

Record of Meetings

(Board Policy – Adopted date)

(Revised December 1, 2011)

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 shall and serve as the official record of the meeting.

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

Recording

(Board Policy – February 21, 2008;

Gov. Code § 11124.1(b).)

Public Board meetings will be recorded subject to supportive technology being available at site and barring technical difficulty. Recordings shall be retained until the minutes are adopted; the recordings shall then be destroyed.

The meeting will be Web-cast, subject to availability of DCA staff and supportive technology available at site and barring technical difficulty. 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 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 sessions, the agenda must cite the statutory section and subdivision authorizing the closed session.

Meeting Rules (cont.)

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.

Communication with Interested Parties

Board Members are required to disclose at Board Meetings all discussions and communications with interested parties regarding any item pending before the Board. The Board meeting minutes shall reflect the items disclosed by the Board Member.

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 no 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.

Correspondence

(Board Policy – February 21, 2008)

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 and consistent with DCA policy.

Executive Officer Evaluation

(CGC section 11126(a))

(Board Policy – February 21, 2008;

B&P section 107)

(Revised March 9, 2015)

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 prepared by the Board (on the DCA appraisal form) and presented by the Board President at the annual election meeting, consistent with DCA policy

Board Member Training

(Board Policy – February 21, 2008

BPC section 453

Government Code Section 11146

Government Code Section 12950.1

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
- 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; 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 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.

Public Attendance at Board Meetings

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.

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

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

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 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.

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.

Performance Appraisal of Executive Officer

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

(Board Policy – February 21, 2008)

(Revised December 1, 2011)

The incoming Board President shall assume all duties January 1st of the next calendar year following the Officer elections, including supervision of the Executive Officer unless the actual vote indicates otherwise.

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.

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 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 many civil service laws, regulations, collective bargaining agreements. Because of this complexity, it is appropriate 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. 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 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.

A Committee Chairperson shall:

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

Committee Chair

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 purpose of the Education and Outreach Committee is 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)*

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

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 to provide information and/or make recommendations to the Board and Committees on matters relating to legislation and regulations.

The classification system to be used by the Committee on recommendations to the Board 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 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. Ad-Hoc committee meetings are subject to the Open Meeting Act.

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.

Committee chairs shall confer with the Board President prior to including any agenda item that is not clearly within that committee's assigned purview. All Committee meeting agendas 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 vacancies on each standing committee and appoint members to ad hoc committees.

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 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 licensee to participate on a committee are:

- Five years of professional experience,
- An occupational therapist or occupational therapy assistant holding a current, active and unrestricted license.
- No pending or prior disciplinary action.

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 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 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 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.

Recording

(Gov. Code section 11124.1;

Board Policy – February 21, 2008)

Committee meetings will be recorded and/or webcast subject to supporting technology and barring technical difficulty. 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

(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
(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 many regulatory 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

AOTA

(Board Policy – February 21, 2008)

The Board shall maintain a working relationship with 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 shall maintain a working relationship with 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 shall maintain a working relationship with 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 a working relationship with the Occupational Therapy Association of California (OTAC). The Board may ensure representation by attending OTAC Annual Conference, Spring Symposium, and other events as operationally practicable.

Chapter 12. Other Information

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.

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.