



TELECONFERENCE BOARD MEETING MINUTES

Thursday, March 7, 2019

Board Member(s) Present

Richard Bookwalter – President
Sharon Pavlovich – Vice President
Laura Hayth – Secretary
Denise Miller
Jeff Ferro

Board Staff Present

Heather Martin, Executive Officer
Jeff Hanson, Enforcement Manager
Jody Quesada, Analyst
Reza Pejuhesh, Legal Counsel

3:30 pm - Board Meeting

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

The meeting was called to order at 3:37 p.m., roll was called, a quorum was established. Beata Morcos was absent.

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

There were no remarks.

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

There were no remarks.

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

There were no public comments.

5. Consideration and possible action of approving proposed regulatory language to amend Title 16, CCR section 4110 (Application), section 4141 (Assessment of Administrative Fines), section 4146 (Definitions), section 4147 (Disciplinary Guidelines), section 4149 (Other Actions Constituting Unprofessional Conduct), and section 4149.1 (Revocation for Sexual Contact), and to add new sections 4146.7 (Rehabilitation Criteria for Applicants), section 4146.8 (Rehabilitation Criteria for Licensees) and 4149.7 (Petitions for Reinstatement)

Ms. Martin directed the attendees to an amendment added after the February Board meeting at the bottom of page two. Ms. Martin reported that since AB 2138 does not require applicants for licensure to disclose convictions, Legal Counsel Reza Pejuhesh

recommended striking “in the application process” and keeping it as “failure to disclose a conviction or convictions when required by law.”

President Bookwalter reiterated that the other changes were a result of the February meeting.

- Jeff Ferro moved to accept the publication as outlined and approve the new language.
- Laura Hayth seconded the motion.

Ms. Martin asked for the motion to include noticing. Jeff Ferro amended his motion.

- Jeff Ferro moved to approve the new language for noticing.
- Laura Hayth seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Laura Hayth	Denise Miller	Jeff Ferro
	Y	Y	Y	Y	Y

The motion passed.

Ms. Martin stated that the Disciplinary Guidelines (DGs) were incorporated by reference in the proposed regulatory amendments. Ms. Martin stated that a few things were left unresolved at the last meeting.

Ms. Martin reported that the document in the materials includes the changes asked for by the Board members at the February Board meeting but was also followed up with a review by Ms. Martin and Mr. Pejuhesh to ensure consistency between terms.

The Section titled Tolling for Ceased Practice was revised to remove language that could suggest that a Cease Practice order cannot exceed 2 years.

The Section titled Submit to Biological Fluid or Specimen Samples on page 2, 23a and 23b had an addition that reads: “If a biological fluid or specimen sample was determined to be, as applicable, too diluted or outside the cutoff range to be suitable for testing for banned substances, it shall be considered a violation of probation.”

Mr. Bookwalter asked for clarification regarding the term “as applicable” used in the section titled Submit to Biological Fluid or Specimen Samples in 23 a and 23 b.

Mr. Pejuhesh explained that “as applicable” is meant to capture that there is more than one method of testing and “as applicable” correlates the terms used to the intended sample type.

Ms. Martin explained that the addition of the language “Respondent’s failure to submit to testing as ordered within the time specified, shall be considered a violation of probation” in 23b was to make it consistent with 23a.

Ms. Martin brought attention to the proposed changes she and Mr. Pejuhesh made to the section titled Other Violations of Probation. She explained the suggested changes made the section watermarkclearer and added the reference to low creatinine in 23a and 23b.

- Jeff Ferro moved to approve the language for noticing.
- Laura Hayth seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Laura Hayth	Denise Miller	Jeff Ferro
	Y	Y	Y	Y	Y

The motion passed.

CONVENE CLOSED SESSION

The Board convened in Closed Session at 4:22 p.m.

RECONVENE IN OPEN SESSION

The Board convened in Open Session at 4:30 p.m.

Adjournment.

The Board adjourned 4:30 p.m.