



TELECONFERENCE BOARD MEETING MINUTES

Wednesday, April 10, 2019

Board Member(s) Present

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

Board Staff Present

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

1:00 pm - Board Meeting

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

The meeting was called to order at 1:06 p.m., roll was called, a quorum was established.

President Bookwalter informed the members of the public to introduce themselves at will.

Ivan Altamura of Capitol Advocacy introduced himself as representing the Occupational Therapy Association of California (OTAC) and the American Occupational Therapy Association (AOTA).

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

Mr. Bookwalter stated that he and Denise Miller attended the AOTA conference in New Orleans and the State Regulatory Affairs workshop.

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

The Board Members had no remarks.

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

There were no public comments.

5. Discussion, and potential action and/or position on bills of interest to the Board, including the following bills:

President Bookwalter informed the Board that the highest priority bills were at the top of the list and that the Legislative/Regulatory Affairs committee had a meeting scheduled for Friday the 12th for any bill the Board decides they would like to refer to the committee for review and position recommendation.

- a. Assembly Bill (AB) 829 (Bloom), California State University: Doctor of Occupational Therapy Program

Laura Hayth stated that she was in favor of the bill because it was straight forward and necessary to the Board.

Vice President Sharon Pavlovich stated she supported AB 829. Ms. Pavlovich reported that AOTA's Representative Assembly determined that occupational therapists may enter the profession at the master's or doctorate level, while occupational therapy assistants may enter the profession at the associate or baccalaureate level and this was now the official policy of AOTA for entry into the occupational therapy profession.

President Richard Bookwalter stated his support of occupational therapists having access to the doctoral degree and consumers having access to public programs.

Jeff Ferro stated his support for the bill and reported that he was glad to see that the bill didn't require occupational therapists to hold a doctoral degree.

- Jeff Ferro moved to support AB 829.
- Laura Hayth seconded the motion.

Public Comment

Ivan Altamura stated that he also represents the CSU system and they would appreciate the support of the Board.

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

The motion passed.

- Richard Bookwalter moved to direct the Executive Officer to write a letter of support on behalf of the Board and have a Board member review the letter prior to mailing.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

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

The motion passed.

b. AB 1592 (Bonta), Athletic trainers.

Denise Miller stated that she was no longer in support and it seemed AB 1592 was not similar to the previous bill and that the scope of practice was expanded.

Heather Martin informed the Board that AB 1592 would be heard on April 23rd by the Assembly Business and Professions committee.

Vice President Sharon Pavlovich stated that she was in support of AB 1592. Ms. Pavlovich said she understood the verbiage used and doesn't feel that the Athletic Trainers are encroaching on the Occupational Therapy profession.

The remaining Board members came to a consensus that a letter of opposition should be submitted prior to April 23rd.

The main points of concern were:

- (1) The use of '*direct patient care*' in section 2697.2(c)(1)(A);
- (2) The use of '*clinical*' in '*evaluation and assessment*' in section 2697.12(a)(2);
- (3) The use of '*advanced post professional study*' as a form of qualifying education in section 2697.12(a)(2);
- (4) The use of '*immediate care*' in '*immediate care of an injury*' in section 2697.12(a)(3);
- (5) Including the '*the application of physical agent modalities*' in the scope of practice as set forth in section 2697.12(a)(4); and
- (6) The use of '*temporary*' and '*temporarily*' when referring to exemptions from licensure, as set forth in section 2697.15, when these terms are not defined.

Additionally, the Board asked that the letter ask for clarification on the definition of 'commercial products' as used in section 2697.12(a)(1) and (4); the use of 'durable medical equipment' as used in section 2697.12(a)(4); and the use of 'treatment plan' as used in section 2697.13(b).

- Denise Miller moved to oppose AB 1592 due to concerns previously outlined.
- Beata Morcos seconded the motion.

The motion was rescinded and then amended as follows:

- Denise Miller moved to oppose AB 1592 for reasons previously identified and delegate the Executive Officer to write a letter of opposition on behalf of the Board and have a Board member review the letter prior to mailing.
- Beata Morcos seconded the motion.

Public Comment

Ivan Altamura reported OTAC’s and AOTA’s opposition of the bill and asked that the Board consider a more in-depth review that may uncover additional concerns. Mr. Altamura stated that the author intends to work with opposition stakeholders.

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

The motion passed.

c. Senate Bill (SB) 53, (Wilk), Open Meetings

Legal Counsel Reza Pejuhesh stated that SB 53 modifies the Bagley-Keene Open Meeting Act for advisory bodies. Mr. Pejuhesh summarized that the current language does not require an advisory body of 2 members to provide a 10-day notice of the meeting, however, SB 53 does require the 10-day notice for a 2-member advisory body meeting.

President Bookwalter questioned whether SB 53 included meetings between himself and the Executive Officer.

Mr. Pejuhesh clarified that it would not apply to a meeting between the President of the Board and the Executive Officer but that it would apply to a meeting of the Administrative committee that included the President, Vice President and Executive Officer.

Jeff Ferro stated his opposition because he felt that SB 53 makes an already difficult process even more difficult.

Denise Miller stated her opposition due to over regulation.

Richard Bookwalter stated his opposition.

- Beata Morcos moved to oppose SB 53.
- Jeff Ferro seconded the motion.

Public Comment

Ivan Altamura suggested that letters of opposition include practical examples of how the bill would be over burdensome and how it would impact the Board.

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

The motion passed.

d. AB 648, (Nazarian), Wellness programs.

President Bookwalter referred to the destruction of records as the only thing he could find that related to the Board of Occupational Therapy.

Vice President Sharon Pavlovich stated that she found the bill very interesting because it showed terminology is moving toward occupational therapy and wellness.

- Sharon Pavlovich moved to watch AB 648.
- Laura Hayth seconded the motion.

Public Comment

There was no public comment.

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

The motion passed.

e. AB 888, (Low),-Opioid prescriptions: information: nonpharmacological treatments for pain.

Laura Hayth stated that she supported the bill because she liked the requirement that a prescriber had to offer a referral for a provider of nonpharmacological treatment for pain.

- Beata Morcos moved to support AB 888.
- Laura Hayth seconded the motion.

Public Comment

There was no public comment.

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

The motion passed.

- Laura Hayth moved to authorize the Executive Officer to write a letter for any bill the Board takes a position on.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

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

The motion passed.

President Bookwalter asked for a pulse of the Board regarding time and review of the remaining bills.

Mr. Ferro suggested sending the remaining bills (f – o) on the agenda to the Legislative Regulatory Affairs Committee to review and make recommendations on positions to the Board.

The Board members agreed.

- f. AB 890, (Wood), Nurse practitioners.
- g. AB 1271, (Diep), Licensing examinations: report.
- h. AB 1382, (Aguiar-Curry), Master Plan for an Aging California.
- i. AB 1494 (Aguiar-Curry) Medi-Cal: telehealth state of emergency
- j. AB 1529, (Low), Telephone medical advice services.
- k. AB 1540, (Holden), Music therapy.
- l. SB 163, (Portantino), Healthcare coverage: pervasive developmental disorder or autism.
- m. SB 425, (Hill), Health care practitioners: licensee’s file: probationary physician’s and surgeon’s certificate: unprofessional conduct.
- n. SB 653 (Chang) Telehealth
- o. SB 697, (Caballero), Physician assistants: scope of practice.

- 6. Legislative Items for Future Meeting. The Board may discuss other items of legislation in sufficient detail to determine whether such items should be on a future Board meeting agenda.

There were no additional legislative items added for a future meeting.

CONVENE CLOSED SESSION

The Board convened in Closed Session at 2:33 p.m.

RECONVENE IN OPEN SESSION

The Board convened in Open Session at 3:08 p.m.

Adjournment.

The Board adjourned 3:08 p.m.