

AGENDA ITEM 4

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

A letter from OTAC is attached for review.



June 25, 2021

Dear California Board of Occupational Therapy,

The Occupational Therapy Association of California (OTAC) is formally requesting that the California Board of Occupational Therapy consider and explore creating, as a condition of biennial licensure renewal, a requirement to complete a certain amount of educational hours related to cultural diversity, cultural humility and working with diverse populations. This would be a statewide effort to increase diversity, equity, and inclusion knowledge of occupational therapy practitioners in California in hopes of promoting justice, acceptance, and occupational participation.

This aligns with current continuing education requirements outlined in Section 4161(b) of the practice act, which reads:

"Topics and subject matter shall be pertinent to the practice of occupational therapy and course material must have a *relevance or direct application to a consumer of occupational therapy services*... [P]rofessional development activities acceptable to the board include ...coursework completed through any approved or accredited educational institution; or otherwise meets all of the following criteria: (1) The program or activity contributes directly to professional knowledge, skill, and ability; and (2) The program or activity must be objectively measurable in terms of the hours involved."

The current Accreditation Council for Occupational Therapy Education (ACOTE) standards include language within its Preamble noting that graduates shall have foundational knowledge and skills to work with diverse populations. Furthermore, Standards B.1.2, B.40, B.4.4, B.4.5, B.4.18, and B.50 include language related to culturally-relevant practice, sociocultural factors, and working with diverse populations. As the intent of the continued competency requirements for licensure renewal are to promote lifelong learning and knowledge and skill acquisition that aligns with contemporary needs, it is important to consider creating this requirement as an extension of ACOTE standards.

Other states and professions have enacted requirements for specific content in their licensure renewal process. For example:

- California Board of Physical Therapy requires two (2) hours of ethics, laws and regulation education, and four (4) hours of life support for health professionals training per renewal period;
- Oregon Board of Occupational Therapy requires a one-time, 7-hour course on pain management within the first two years of licensure;
- Florida Board of Occupational Therapy requires two (2) hours of Prevention of Medical Errors education, two (2) hours of Laws and Rules education, and one (1) hour of education on Human



California Board of Occupational Therapy

June 25, 2021

- Trafficking per renewal cycle; for first time renewals, there is a one (1) hour educational requirement on HIV/AIDS (in lieu of the Laws and Rules requirement); and
- The Medical Board of California has, as a requirement of continued competency, verbiage that states “all continuing medical education courses shall contain curriculum that includes cultural and linguistic competency in the practice of medicine.”

Thank you in advance for your consideration.

A handwritten signature in black ink, appearing to read 'Bryant Edwards', is written over a faint horizontal line.

Bryant Edwards, OTD, MA, OTR/L, BCP, MPH President,
Occupational Therapy Association of California

SUNSET REVIEW COMMITTEE'S REPORT AND RECOMMENDATION(S) TO THE BOARD REGARDING:

The following are attached for review:

- a) Highlights from the October 14, 2021, Committee meeting.
- b) September 1, 2021, Committee meeting minutes.
- c) Review of Draft of 2021 Sunset Report.



TELECONFERENCE SUNSET REVIEW COMMITTEE

MEETING HIGHLIGHTS

Wednesday, October 14, 2021

- Meeting was called to order at 3:00 pm and all committee members were present.
- The Committee reviewed and approved the September 1, 2021, Committee meeting minutes.
- The Committee reviewed drafts of several sections of the 2021 Sunset Report. Listed below by section, are the question numbers the Committee recommends the Board approve to include in the 2021 Sunset Report

Section 1

The background was reviewed, including a description of occupational therapy. Newly proposed language is shown on pages one and two in underlined text.

Questions 1, 2, 3 (excluding third bullet regarding regulatory amendments), 4 (with edits), and 5, were approved.

Section 2

Section 2 was reviewed. Due to several suggested edits, this information will be revised by staff and reviewed by the Committee at its next meeting.

Section 3

Questions 3, 4, 5, 6, 7, 8, and 10 were approved.

Section 5

Questions 37, 38 (with edits), 40, 43, 44, 45 (with edits), 46, 47, 50, 51, and 52 were approved. Each section and question referenced above is provided for the Board's review.

- The performance measures (PM) with information for fiscal years 2016-17 through 2020-2021 were reviewed. Several suggestions were provided to improve the display and presentation of the various data in the PM graphs.
The revised graphs for PMs are provided for the Board's review.



TELECONFERENCE SUNSET REVIEW COMMITTEE MEETING MINUTES

Wednesday, September 1, 2021

4:00 pm – Committee Meeting

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

California Board of Occupational Therapy (Board) President Sharon Pavlovich called the meeting to order at 4:10pm. Board staff called the roll and a quorum was established.

Committee Members Present

Board President – Sharon Pavlovich
 Board Secretary – Beata Morcos
 Board Member – Richard Bookwalter
 Board Member – Denise Miller

Committee Members Absent

N/A

Board Staff Present

Heather Martin – Executive Officer
 Jody Quesada Novey – Associate Analyst

2. Chairperson opening remarks.

Chairperson Sharon Pavlovich welcomed all that were present and expressed her appreciation for the Committee members. Ms. Pavlovich welcomed Board member Richard Bookwalter as a newly appointed participant and thanked him for his willingness to lend his expertise along with that of Board members Denise Miller and Beata Morcos all of whom participated on the prior Sunset Review Committee.

3. Public Comment Session for items not on the Agenda.

Lauren Lopez with the Occupational Therapy of California’s (OTAC) Advocacy and Government Affairs introduced herself.

OTAC Executive Director Karen Polastri and Lisa Test, OTD both chose to introduce themselves.

There was no further public comment.

4. Review of draft 2021 Sunset Report prepared to date and possible recommendation to Board to approve.

Executive Officer Heather Martin explained that she provided the report in its entirety so that everyone could get an idea not of just what was updated but what is expected by the Legislature. Ms. Martin added that the questions included were from the last Sunset Review because the Legislature had not yet sent the updated questions which could result in small changes to the report layout.

Ms. Martin reported that many of the tables have been completed with the required data and that Board staff is determining how to produce the performance measures information to comply with ADA requirements. Ms. Martin divulged that she was hoping that the Committee would agree to review the report on a page by page basis and make 'real time' changes.

Public Comment

Karen Polastri asked if the prior meeting minutes are available and if the report Ms. Martin is referencing is available for public consumption.

Ms. Martin explained that the last Sunset report was in 2016 and is available under Forms and Publications on the Board's website. The May Board meeting minutes were not yet available because the Board had not yet voted on them.

Board member Denise Miller asked if Ms. Martin would explain the dates and logistics.

Ms. Martin explained that the Senate Business and Professions Committee had not sent a letter that included updates nor the questions, but she could confirm that a bound, printed copy of the report is due to the Legislature by December 1st. Ms. Martin pointed out that in order to meet the due date she hoped that the Board would be able to approve and adopt the Sunset report at the November 4-5, 2021, Board meeting.

Ms. Miller asked for clarification of on page 4, item #2 in the materials as it pertains to being unable to hold a meeting due to quorum issues.

Ms. Martin replied that the last time a meeting had to be cancelled was back in 2008 or 2009.

Board Secretary Beata Morcos expressed her concern that the legislature could change the questions in the upcoming weeks and that would be a waste of time and unfair to Board staff.

Ms. Martin commented that history has proven that changes to the information or questions are usually minimal and that she felt the completed work would still be productive.

Board member Richard Bookwalter asked that the Committee to go back to page one, section one to review the definition of occupational therapy (OT) because definitions evolve over time. He also noted that since a new OT Practice Framework was introduced after the Board's 2016 Sunset Report, it might be a good idea to cross check.

The Board members concurred with Mr. Bookwalter.

Public Comment

A member of the public asked Mr. Bookwalter to clarify if he was referring to the definition of

faculty who are teaching.

Mr. Bookwalter clarified that he was only referring to the definition of occupational therapy and was requesting the definition that was provided in the 2016 be reviewed in as it may have been updated since the last report. The Committee wants to ensure that the Sunset Report has the most updated definition of OT.

Ms. Martin clarified that the information in the 2016 Sunset Report was a description of occupational therapy in lay persons terms. It is a description that the Sunset Report Committee and Board chose to use.

The Committee decided to take more time to think about the topic of the occupational therapy definition to be used in the Sunset Report and asked that Board staff provide the Practice Act and the Occupational Therapy Framework at the next meeting even though some of the Committee members will be doing their own comparisons prior to the next meeting.

Ms. Pavlovich asked that the OT Practice Framework document be forwarded to Ms. Martin since Board staff does not have membership access.

The next item in the Sunset Report was the Legislative bills, included on pages 5-9 that affected the Board. Ms. Martin stated that the bills and descriptions came from the Department of Consumer Affairs (DCA) thus she was certain that it was accurate. Ms. Martin stated that the table following the bills will be completed after DCA provides the data.

Ms. Martin addressed the reference on page 9, item 4, and the fact that she is still trying to get the finalized version of the workforce study completed by the California Community Colleges Chancellor's Office

Ms. Martin clarified that regarding page 9, item 5, that over the years the Board has been a member of different associations, including American Occupational Therapy Association, Occupational Therapy Association, the Council on Licensing, Enforcement and Regulation, but is not currently a member of any association.

Mr. Bookwalter commented that Sections 2, 3, and 4 which spanned pages 10-31 seemed like the Committee wouldn't have a lot of contribution besides review.

Public Comment

Karen Polastri commented that she was trying to navigate the Sunset Report.

The Committee summarized the Action items for Board staff as:

- Copy and pasting the Practice Act
- Providing the Practice Framework
- Replacing "he or she" with gender neutral language throughout the document.

Mr. Bookwalter stated that work completed on pages 24-27 regarding Board licensure processes looked current and acceptable thus far.

The Committee decided to move to Agenda Item 5 in the interest of time and to revisit the Sunset Report again next meeting.

5. Review of policy issues identified in 2016 Sunset Report that have not been addressed and possible recommendation(s) to Board regarding prioritization and response on the status of those previous issues in the Board's 2021 Sunset Report.

Executive Officer Heather Martin reported that the information provided was a copy/paste from 2012 and 2016 to be used as a reference. Board staff would delete the 2016 responses to 2012 issues and develop a current response to 2016 issues. Ms. Martin confirmed that the Board would be responsible for responding to each issue and any new issues that need to be addressed.

The Committee agreed to take in to account the 2016 submitted responses to address the issues because some of language continues to be a valid.

Issue #1 Webcasting meetings.

Ms. Martin reported that Webcasting is a matter of availability so choosing the upcoming years' meeting dates at the end of the year prior and requesting webcasting soon after is going to increase the Board's chances of getting on the webcasting calendar.

Committee member Denise Miller lost connection at 5:15 p.m. The Committee continues to have a quorum.

Issue #2 What is contributing to low customer satisfaction ratings?

Ms. Martin reported to the Committee that when Board staff reached out to the DCA Internet team to retrieve the Customer Service survey data it was discovered that the survey came off the Board's website in 2019. Board staff is going to have to check with Survey Monkey to find if it's possible to retrieve any information submitted from 2016 up to 2019.

Issue #3 Publishing Citations.

Ms. Martin reported that Board staff will be able to respond to this issue and say that it is no longer a concern because the public is able to access citation records when they use the "Verify a License" link.

Mr. Bookwalter asked if Board staff could add the timeframe in which a citation is attached to the licensing record.

Ms. Martin confirmed that posting took place the same day and that she would add that to the narrative she provided.

Issue #4 Continuous Query.

Ms. Martin stated that the update would include the fact that Board staff submitted a modification to BreEZe to include an NPDB query fee to accommodate this issue. Board

staff participated in the NPDB program for a few years which was time consuming and only received two reports of adverse actions from the databank. Ms. Martin recommended that the response to Issue 4 state that Board staff was responsive, but the Continuous Query proved to be useful or cost effective given the workload.

Issue #5 Should the Board require a jurisprudence and/or ethics course requirement for licensees?

Ms. Martin explained that this would have required a regulation package to enact and that unfortunately it fell off the radar.

The Committee agreed to take responsibility, apologize, and commit to addressing the issue in the future.

Issue #6 Why does the Board have such a high percentage of stipulated settlements?

Ms. Martin stated that she was comfortable responding similarly to the 2016 response because she believed that Stipulated Settlements are effective, quicker in the imposition of discipline and cost effective.

Issue #7 Budgetary Constraints.

Ms. Martin reminded the Committee that she saved funds over the course of three years to mitigate the cost of the office move and to not have to request a budget change proposal. The Board has limited and/or eliminated travel when directed by the Administration. In terms of recognizing the value of WebEx Board, staff saw the increase in access, greater attendance, and increased participation at meetings. Ms. Martin stated that the Board and Board staff have been good stewards of public funds and there are no budgetary constraints.

The Committee asked that if appropriate, Ms. Martin add the fact that Board staff saved and put away money to execute the office move.

Issue #8 License portability for military personnel and their spouses.

Ms. Martin stated that Board staff will be able to address and display compliance with any new requirements since the 2016 response and show compliance with the current Business and Professions Code sections. The last paragraph of Issue #8 on page 7 asks Board staff to identify the number of people that have asked for a renewal fee waiver. Ms. Martin stated that the numbers were 0-2 renewal fee waivers per year.

Issue #9 Defining Occupational Therapy.

Ms. Martin recalled that there was a bill that passed after the last Sunset report that amended the definition of Occupational Therapy and required licensure of faculty. Ms. Martin stated that Board staff will be able to use that as a Sunset report response unless the Committee and Board decide that they wish to make further amendments.

The Committee decided to put this issue on hold until a time that the definition of occupational therapy is agreed upon by the Committee and Board.

Issue #10 Are the minimum education requirements equal to the advanced practice requirements.

Ms. Martin stated that she believed the Board should revisit this topic after determining if ACOTE guidelines sufficiently addressed this topic for a partial or complete removal.

A discussion ensued about the inconsistencies between schools and the curriculum they offer and the results of the study that showed schools did not have faith that their students were prepared to deliver Advanced Practices after finishing their program.

The Committee agreed to develop a Practice Committee that includes practitioners with Advanced Practice approval as well as Educators who can weigh in on what curriculum should be offered and how many hours should be required.

The Committee directed Ms. Martin to reach out to Chuck Wilmarth for any changes to the ACOTE guidelines regarding content relating to advanced practice areas and any other information he thinks helpful.

Public Comment

OTAC President Bryant Edwards commented that taking another look at the changes that have been made to curriculum would be his recommendation. He wanted to ensure that the Board is not being overly constraining if the curriculum is meeting education guidelines.

Sharon Pavlovich reported to Mr. Bryant that the concern of the Board was born from the study that included what the schools were doing to prepare their students for Advanced Practice and the results showed glaring inconsistencies in the curriculum and amount of instruction required.

Mr. Edwards asked if the survey was available.

Ms. Martin reported that there were two surveys done by Donna Breger Stanton's group. Ms. Martin offered to email the surveys to Mr. Edwards.

Lisa Test commented that she was in favor of the Committee exploring an Ethics course requirement and that it has been her experience that the investigation of complaints is a process that takes too long and she is reticent to file additional complaints. Ms. Test was concerned with the timeliness of solving complaints and hopes it is addressed during the Sunset report.

Ms. Pavlovich assured Ms. Test that her concerns would be reviewed.

Mr. Bookwalter advocated against Ms. Test's reticence to file complaints to the Board because regardless of due process and how long it takes, it is every therapist's duty to report alleged wrongdoing. He encouraged Ms. Test to continue reporting her concerns to the Board since the Board only knows what is brought before it.

Ms. Martin asked that Ms. Test not allow disappointing complaint resolution timeframes to dissuade her from submitting complaints.

Ms. Martin reminded all in attendance that the OT Practice Act requires licensees to report violations to the Board and cooperate in any investigation. Ms. Martin further explained the complaint investigation timeline, use of an expert witness and additional steps involved when dealing with a patient care or fraud case.

Ms. Test thanked the Committee for the opportunity to participate and responded that she was familiar with the reporting process.

Discussion of the next meeting date and time ensued. Beata Morcos asked that the next meeting begin at 3:00 p.m. or 3:30 p.m.

Ms. Pavlovich agreed.

Ms. Pavlovich thanked everybody in attendance for their time.

The meeting adjourned at 5:58 p.m.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of XX TBD XX 2021

Section 1 – Background and Description of the Board and Regulated Profession

The occupational therapy profession was established in 1917 and is one of the oldest allied health professions in the United States. Chapter 697/00 (SB 1046)

Senate Bill 1046 (Murray, Chapter 697, Statutes of 2000) created the California Board of Occupational Therapy, effective January 1, 2001. The Board is responsible for the licensure and regulation of Occupational Therapists (OTs) and Occupational Therapy Assistants (OTAs) in California. The Board's mission is to regulate occupational therapy by serving and protecting California's consumers of occupational therapy services through effective regulation, licensure and enforcement.

California passed a title control /trademark law for occupational therapy in 1977, establishing Business and Professions Code (BPC), Section 2570, prohibiting individuals from using the professional titles recognized for Occupational Therapists (OT, OTR) and Occupational Therapy Assistants (OTA, COTA) without appropriate professional training/education. The law was updated in 1993 to further clarify the minimum education and examination requirements for practicing occupational therapists and occupational therapy assistants. The law had no registration process with the state or enforcement structure, nor did it prevent an unqualified individual from practicing occupational therapy as long as the individual did not refer to themselves as an occupational therapist or occupational therapy assistant.

Occupational therapy licensees provide important health and rehabilitation services to people of all ages who, because of illness, injury, or developmental or psychological impairment, need specialized interventions to regain, develop, or build the skills necessary for independent performance of everyday activities (known as 'occupations').

"Occupational therapy" means the therapeutic use of purposeful and meaningful goal-directed activities with individuals, groups, populations, or organizations, to support participation, performance, and function in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for habilitation, rehabilitation, and the promotion of health and wellness for clients with disability- and non-disability-related needs or to those who have, or are at risk of developing, health conditions that limit activity or cause participation restrictions. Occupational therapy services encompass occupational therapy assessment, treatment, education, and consultation, either in person or via telehealth.

Occupational therapy addresses the physical, cognitive, psychosocial, sensory-perception and other aspects of performance in a variety of contexts and environments to support

engagement in occupations that affect physical and mental health, well-being, and quality of life. Occupational therapy assessment identifies performance abilities and limitations that are necessary for self-maintenance, learning, work, and other similar meaningful activities. Occupational therapy treatment is focused on developing, improving, or restoring functional daily living skills, compensating for and preventing dysfunction, or minimizing disability.

Through engagement in everyday activities, occupational therapy promotes mental health by supporting occupational performance in people with, or at risk of experiencing, a range of physical and mental health disorders. Occupational therapy techniques that are used for treatment involve teaching activities of daily living, designing or fabricating orthotic devices, and applying or training in the use of assistive technology or orthotic and prosthetic devices. Occupational therapy consultation provides expert advice to enhance function and quality of life. Consultation or treatment may involve modification of tasks or environments to allow an individual or group to achieve maximum independence.

Common occupational therapy interventions include helping children with disabilities to participate fully in school and develop social skills, helping people recovering from injury to regain function through retraining and/or adaptations, and providing supports for older adults experiencing physical and cognitive changes.

Occupational therapy services may include comprehensive evaluations of the client's home, school, or work environments, recommendations for adaptive equipment and training in its use, training in how to modify a task or activity to facilitate participation, and guidance and education for family members and caregivers. Entry-level practice requires a master's degree for occupational therapists and an associate degree for occupational therapy assistants (who must be supervised by an OT).

Over the years, there have been amendments to the Board's laws and regulations that have enhanced the Board's ability to protect the consumer, such as development of the Board's Disciplinary Guidelines and Cite and Fine Authority. To further bolster the regulation of the profession, the Board established supervision requirements, advanced practice education and practice requirements, minimum standards for infection control, and continuing education/competency requirements.

Business and Professions Code (BPC) Section 2570.25 mandates that "protection of the public shall be the highest priority for the California Board of Occupational Therapy in exercising its licensing, regulatory, and disciplinary functions."

In order to accomplish its mission, the Board:

- Ensures only eligible and qualified individuals are issued a license
- Investigates complaints and criminal convictions; and
- Responds to emerging changes and trends in the profession through legislative or regulatory amendments.

The Board's statutes require individuals, with a few exceptions, engaging in the practice of occupational therapy to possess a license.

1. Describe the make-up and functions of each of the board's committees (cf., Section 13, Attachment tbd).

The Board has no committee(s) specified in statute. However, the Board established four standing committees which serve as an essential component to help the Board address specific policy and/or administrative issues. The issues could be referred by the Board to a committee to delve into a policy issue/concern, to address issues referred by the public or licensees to the Board, or on recommendation by Board staff.

The Board's *Administrative Manual* identifies the number of members on each committee, requires the committee chairperson be a board member, and provides the committees' purposes. The committees' roles and responsibilities are included in Section 13, Attachment *tbd*.

The committees, whose meetings are subject to the Open Meetings Act, include the following:

- 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 the Board's Administrative Manual, and must be approved by the Board. The Committee chairperson, the assigned Board member, will oversee the meetings and work with the Executive Officer to develop an agenda and the meeting materials. The Board member will be responsible for providing the Committee report at the Board meeting.

Committee member terms are two years with a maximum service of two full, consecutive terms. Meetings will be held two or three times per year or as needed to conduct business. Meetings will be subject to the requirements of the Bagley-Keene Open Meeting Act.

Non-Board Member committee members shall be entitled to reimbursement of travel expenses but shall not receive per diem or any compensation for their time.

(Committee member qualifications to be updated based on recent board action.)

Due to travel restrictions and the need to minimize all expenditures, including costs related to travel reimbursement, committee meetings have typically been conducted via teleconference and the committee's recommendations are brought to the Board at the next scheduled meeting.

The use of webex has replaced the use of conference calls at designated physical meeting locations, which has improved access and increase attendance by the public.

The information on meeting attendance of all Board Members since the last sunset is included in the Section 13, Attachment *tbd*.

Table 1b. Board Member Roster

Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Appointee Type - Public or Licensee
Bookwalter, Richard	3/05/2014	05/04/2021	12/31/2024	Governor	Licensee
Davies, Teresa	1/13/2016	01/18/2017	Resigned 5/22/2018	Senate Rules	Public
Do, Lynna	7/25/2020	05/19/2021	12/31/2024	Senate Rules	Public
Ferro, Jeffrey	1/13/2014	12/11/2017	12/31/2020	Assembly Speaker	Public
Hayth, Laura	5/05/2015		12/31/2018	Governor	Licensee
Miller, Denise	5/15/2013	01/22/2021	12/31/2023	Governor	Licensee
Morcos, Beata	05/19/2015	01/04/2019	12/31/2022	Governor	Public
Pavlovich, Sharon	08/16/2013	01/21/2021	12/31/2023	Governor	Licensee
Vacancy	Vacant effective January 1, 2019				Licensee

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

A lack of quorum has not occurred so there has been no adverse impact to Board operations related to appointments.

3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:

- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)

In April 2020, the Board moved to its current location at 1610 Arden Way, Suite 121, Sacramento, California 95815.

The Board developed and adopted a new 2020-2024 Strategic Plan, which is included in Section 13, Attachment *tbd*. As part of that process, an environmental scan and analysis of the environment in which the Board operates was conducted. The environmental scan sought stakeholder input on the Board's performance in the areas of Enforcement, Applicant Qualifications, Laws and Regulations, Outreach and Communication, and Organizational Effectiveness. This process included sending a survey to more than XXX stakeholders, including people on the Board's interested parties list, other state occupational therapy boards, the California and national associations that represent the profession, and program directors of all California occupational therapy education programs.

- All legislation affecting the Board since the last sunset review.

2016

AB 2859 (Low, Chapter 473, Statutes of 2016) – Professions and Vocations: Retired Category: Licenses

This bill provides statutory authority for all programs that do not currently have the statutory authority to establish a retired license within the Department to create, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of their profession or vocation. A retired license type must meet specified regulatory requirements, including: 1) a retired license shall be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons; 2) the holder of a retired license shall not engage in any activity for which a license is required, unless the program, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation; 3) the holder of a retired license shall not be required to renew that license; 4) the program shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license; and 5) in order for the holder of a retired license to restore his or her license to an active status, the holder of that license must meet the requirements set forth in Business and Professions Code section 464(b)(5).

This bill requires all programs to investigate, upon receipt of a complaint, the actions of any licensee, including those that have a retired, inactive, canceled, revoked, or suspended license.

SB 1348 (Cannella, Chapter 174, Statutes of 2016) – Licensure Applications: Military Experience

This bill requires programs within the Department that authorize veterans to apply military experience and training towards licensure requirements to post information on the program's website regarding the ability of veteran applicants to apply their military experience and training towards licensure requirements.

AB 2744 (Gordon, Chapter 360, Statutes of 2016) – Healing Arts: Referrals

This bill establishes that payment for advertising, where a licensee sells services through a third-party advertiser (e.g., Groupon), does not constitute a referral of patients when the third-party advertiser does not recommend, endorse, or otherwise select a licensee itself. Additionally, this bill entitles the purchaser of services to a full refund in the event the licensee

determines, after consultation with the purchaser, that the service is not appropriate, or if the purchaser elects not to receive the service for any reason and requests a refund. Finally, licensees are required to disclose in the advertisement that a consultation is required and that the purchaser will receive a refund if not eligible to receive the service.

2017

AB 208 (Eggman, Chapter 778, Statutes of 2017) – Deferred entry of judgment: pretrial diversion

This bill changes the existing deferred entry of judgment program for controlled substance cases involving nonviolent defendants into a pretrial drug diversion program. Under the revised pretrial drug diversion program, a defendant would plead not guilty and receive 12 to 18 months to complete a court approved rehabilitation program, after which the criminal charge(s) would be dismissed. This bill limits eligibility in the program to defendants who have not had any felony convictions within five preceding years. If a defendant does not meet the terms of the program, the court would terminate the program and reinstate the criminal proceedings.

AB 508 (Santiago, Chapter 195, Statutes of 2017) – Health care practitioners: student loans

This bill repeals existing law authorizing healing arts programs under the Department to cite and fine licensees, deny renewal of an existing license or deny initial licenses to applicants for defaulting on certain healthcare related student loans.

AB 1706 (Committee on Business and Professions, Chapter 454, Statutes of 2017)

This bill extends the sunset date of the Board of Occupational Therapy to January 1, 2022 and makes various technical changes requested by the Board.

SB 547 (Hill, Chapter 429, Statutes of 2017)

This bill makes numerous noncontroversial, substantive changes to the Board of Accountancy, Board of Barbering and Cosmetology, Board of Chiropractic Examiners, Board of Registered Nursing, Cemetery and Funeral Bureau, Board of Occupational Therapy, Board of Pharmacy, Board of Podiatric Medicine, Board of Psychology, Bureau of Security and Investigative Services, Bureau of Real Estate Appraisers, Bureau of Automotive Repair, and Veterinary Medical Board. This bill specifies that the fee collected by the Board of Occupational Therapy for fingerprinting cannot exceed the amount charged by the agency providing the criminal history record check.

This bill also authorizes the Board of Occupational Therapy to collect a fee to query the National Practitioner Data Bank. The fee cannot exceed the amount charged per query.

SB 796 (Hill, Chapter 600, Statutes of 2017) – Uniform Standards: Naturopathic Doctors Act: Respiratory Care Practice Act

Among other provisions, this bill requires the Substance Abuse Coordination Committee housed within the Department to review the criteria currently used for uniform standard number four related to drug testing for substance-abusing licensees by January 1, 2019.

2018

AB 2221 (Bloom, Chapter 490, Statutes of 2018)

This bill makes technical and substantive changes to the Occupational Therapy Practice Act, including but not limited to: revising and updating definitions, including expanding the definition of “occupational therapy”; authorizing an aide to provide support services to an occupational therapy assistant; increasing the ratio of occupational therapists that may supervise occupational therapy assistants from two to three; and modifying title protection provisions relating to doctoral degrees and registrations.

AB 2138 (Chiu, Chapter 995, Statutes of 2018) – Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction

This bill restricts the discretion of programs within the Department in using prior criminal history as grounds for licensing determinations, and establishes new criteria relating to the denial, suspension, and revocation of licensure. Beginning July 1, 2020, this bill will repeal the current authority to deny a license on the basis of acts involving dishonesty, fraud, or deceit that did not result in a conviction. Other revisions include the adoption of a seven-year limitation on convictions eligible for licensure denial, subject to specified exemptions, and a ban on requiring applicants to self-disclose prior convictions unless the application is made for a listed license type. Finally, this bill requires Department programs, as specified, to track data relating to licensure denials, to publish that data on its website, and submit an annual report to the Legislature, among other provisions.

SB 695 (Lara, Chapter 838, Statutes of 2018) – Professions and vocations: applications and renewals: individual tax identification number

Among other provisions, this bill prohibits licensing programs, including those within the Department, from requiring license applicants to disclose their citizenship or immigration status.

SB 1480 (Hill, Chapter 571, Statutes of 2018) – Professions and Vocations

This bill reduces the required meetings per year from three to two for Department programs and makes a change to the Department’s Consumer Protection Enforcement Initiative (CPEI), to require the addition of “allegations of serious harm to a minor” to complaint prioritization guidelines.

AB 1659 (Low, Chapter 249, Statutes of 2018) – Healing arts boards: inactive licenses

This bill prohibits a licensee with an inactive license from representing that he or she has an active license. This bill also authorizes healing arts programs to establish lower renewal fees for inactive licenses. Finally, this bill reorganizes existing provisions of law without substantive change.

AB 2193 (Maienschein, Chapter 755, Statutes of 2018) Maternal mental health

This bill requires, by July 1, 2019, a licensed health care provider to ensure a mother is offered screening or is appropriately screened for maternal mental health conditions, with some exceptions. Additionally, this bill requires both a health plan and insurer to develop maternal mental health programs to address mental health and behavioral issues.

2019

AB 5 (Gonzalez, Chapter 296, Statutes of 2019) – Worker status: employees and independent contractors.

This bill places into statute the three-part legal test formulated in *Dynamex v. Superior Court* (2018) 4 Cal.5th 903 (‘Dynamex’) to determine whether a worker who performs services for a

hirer is an employee or an independent contractor in cases related to existing Work Orders enforced through the Department of Industrial Relations and the Employment Development Department. This bill changes the definition of 'employee' under the Labor Code to include the elements of the Dynamex standard and expands the application of Dynamex to all provisions of the Labor and Unemployment Insurance Codes unless otherwise specified. This bill contains numerous exemptions for professions and contract types that are instead governed by preexisting employment law standards, including more than a dozen professions licensed or overseen by boards/bureaus within the Department. Further, providers of 'professional services' are exempt if they meet further specified workplace and work type standards. A catch-all exemption is also included for third-party service contracts and for services rendered through a referral agency.

AB 1076 (Ting, Chapter 578, Statutes of 2019) – Criminal records: automatic relief.

This bill requires the Department of Justice, upon an annual Budget Act appropriation, to review its criminal justice databases on a monthly basis to identify persons who are eligible for automatic criminal record relief with respect to certain arrests and convictions occurring on or after January 1, 2021. The bill requires the Department of Justice to automatically grant relief to an eligible person without requiring the person to file a petition for relief. Such relief includes a notation in the person's criminal record that relief was granted, and the person is released from the penalties and disabilities resulting from the arrest or conviction.

SB 601 (Morrell, Chapter 854, Statutes of 2019) – State agencies: licenses: fee waiver.

This bill allows state licensing entities, including the Department's boards/bureaus, to reduce or waive licensing fees for people or businesses displaced or affected by a proclaimed or declared emergency in the previous year. Licensing fees include those for certificates, registration, or other documents required to engage in business, and applies to fees for renewal or replacement of a physical license for display.

SB 639 (Mitchell, Chapter 856, Statutes of 2019) Medical services: credit or loan.

This bill prohibits a healing arts licensee from charging treatment or costs to an open-ended credit or loan that is extended by a third party and that is arranged for, or established in, that licensee's office more than 30 days before the date on which the treatment is rendered or costs are incurred. The bill additionally prohibits a licensee from arranging for or establishing an open-ended credit or loan that contains a deferred interest provision, except as specified. The bill also revises the currently required patient notice for readability and to incorporate changes made by this bill.

2020

AB 2113 (Low, Chapter 186, Statutes of 2020) – Refugees, asylees, and special immigrant visa holders: professional licensing: initial licensure process.

This bill requires boards and bureaus within the Department to expedite the initial licensure process for an applicant who supplies satisfactory evidence that they are a refugee, have been granted asylum, or have a special immigrant visa, as specified. This bill also allows boards and bureaus to assist these applicants during the initial licensure process. This bill further specifies that persons applying for expedited licensure will still be required to meet all applicable statutory and regulatory licensure requirements. Lastly, this bill authorizes boards and bureaus to adopt regulations deemed necessary to administer these provisions.

SB 878 (Jones, Chapter 131, Statutes of 2020) – Department of Consumer Affairs: license: application: processing timeframes.

Beginning July 1, 2021, this bill requires each board and bureau within the Department that issues licenses to prominently display on their websites each quarter either the current average timeframe for processing initial and renewal license applications, or the combined current average timeframe for processing both initial and renewal license applications. This bill also requires each board and bureau to quarterly post on their websites either the current average processing timeframe for each license type administered by the program, or the combined current average timeframe for processing all license types administered by the program.

SB 1474 (Business, Professions and Economic Development Committee, Chapter 312, Statutes of 2020) – Business and professions.

Among various other provisions, this bill subjects licensees to discipline for including in a consumer service contract or proposed contract a provision that limits the consumer’s ability to file a complaint with the applicable board or bureau, or to participate in a board or bureau investigation of the licensee. This bill further specifies that any waiver of the bill’s ban on certain contract provisions is void and unenforceable.

AB 2520 (Chiu, Chapter 101, Statutes of 2020) – Access to medical records.

This bill requires specified health care providers to complete forms, without charging patients for the completion of these forms, when the forms are needed to determine eligibility for specified public benefit programs. It also expands eligibility for receiving a free copy of patient medical records.

- All regulation changes approved by the board the last sunset review. Include the status of each regulatory change approved by the board.

Section(s)	Rulemaking File Subject	Status	Publication Date	Close of public comment period	Effective date of language

4. Describe any major studies conducted by the board (cf. Section 13, Attachment tbd).

In collaboration with the Board, the California Community College Centers of Excellence conducted a California Occupational Therapy Assistant Workforce Survey in 2019. This is the only state-level survey specifically focused on the California Occupational Therapy Assistant (OTA) workforce. The survey generated information on the supply of OTAs in California, information that is critical for planning for well-prepared and well-educated OTAs in sufficient numbers to meet the healthcare needs of the state. More than 550 OTAs, representing 16% of all active licensees, completed the survey. Their responses provided insight into the demographic composition of OTAs, their education, licensure, job characteristics such as work tasks, scheduling, and compensation.

5. List the status of all national associations to which the board belongs.

The Board is a member of the Council on Licensure, Enforcement and Regulation (CLEAR) – CLEAR is an association of individuals, agencies and organizations that comprise the international community of professional and occupational regulation, providing a forum for improving the quality and understanding of regulation to enhance public protection.

- Does the board’s membership include voting privileges?

The Board’s CLEAR membership is part of a DCA’s organizational membership and comes with voting privileges represented by a single organization vote.

- List committees, workshops, working groups, task forces, etc., on which board participates.

The Board’s past President and the Board’s Executive Officer participated in the Council of State Governments’ National Center for Interstate Compacts *Occupational Therapy Compact Advisory Group* (Advisory Group). The Advisory Group, a national workgroup of Board Members, regulators, attorneys and academics, developed recommendations for an OT Licensure Compact (Compact) to facilitate the interstate practice of occupational therapists and occupational therapy assistants.

- How many meetings did board representative(s) attend? When and where

Two Board representatives, the Board’s past President and Executive Officer, attended the initial in-person meeting in October 2019, in Washington, DC followed by intermittent on-line meetings to review and discuss Compact language. Once the compact was drafted and shared with state licensing boards and associations, there were intermittent conference calls to provide updates on progress on state legislative efforts to implement the Compact.

- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

The Board uses the same national examinations used by all other state occupational therapy licensing boards and agencies. The vendor that administers and scores the examinations is the National Board for Certification in Occupational Therapy (NBCOT);

NBCOT also reports the scores to the candidates, state regulatory agencies, and prospective employers, if a candidate requests this service.

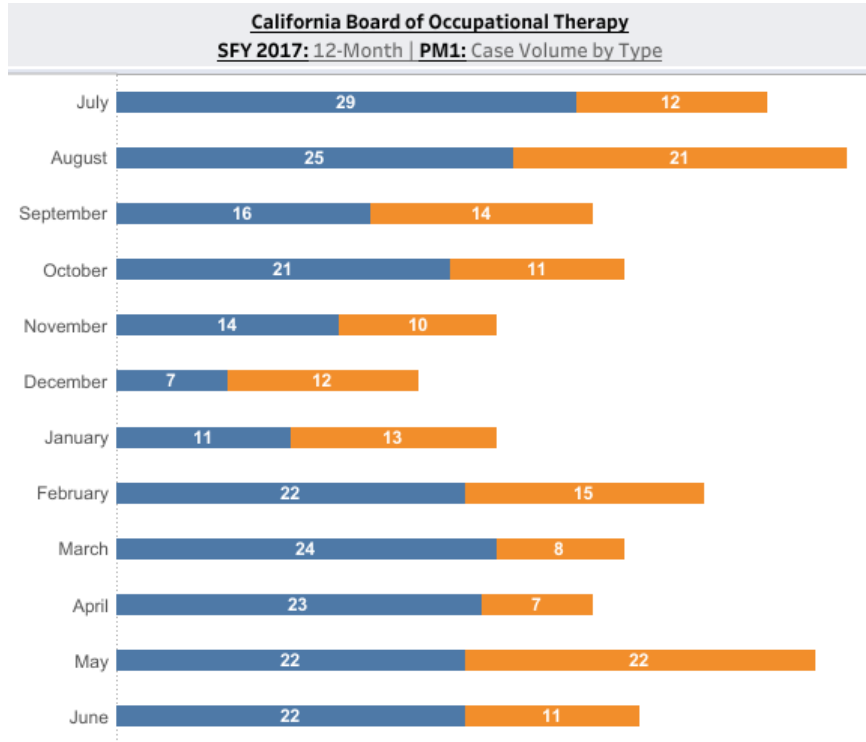
Business and Professions Code section 139, requires the Board to, among other things, evaluate the licensure examination to ensure minimum psychometric standards are met and compare a California occupational analysis of the profession to the national occupational analysis to assess the validity of the national examination content for California practice.

The Board has not been involved in the development, scoring, analysis, and administration of the examination. However, California licensed occupational therapists routinely serve, as part of pool of more than 50 licensed professionals and faculty members from across the nation, as subject matter experts (SMEs). The SMEs are responsible for exam question development, review, validation and revision.

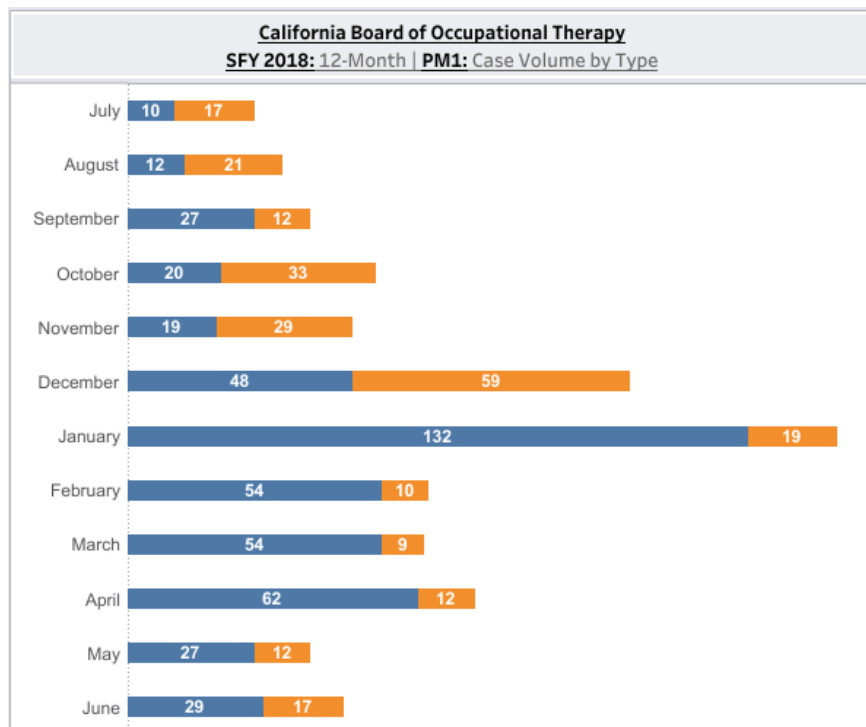
Quarterly Enforcement Performance Measures

Performance Measure 1

Complaints and Convictions Received is the total number of complaints and conviction/arrest notices received by the Board within the fiscal year specified.

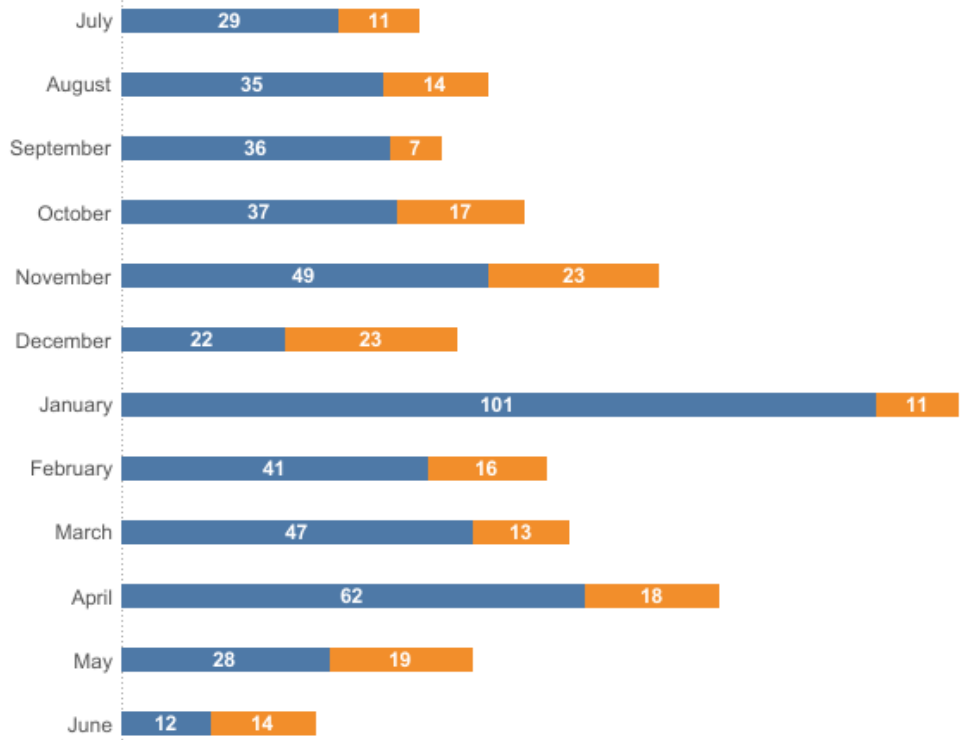


■ Complaints Volume ■ Conviction/Arrest Volume



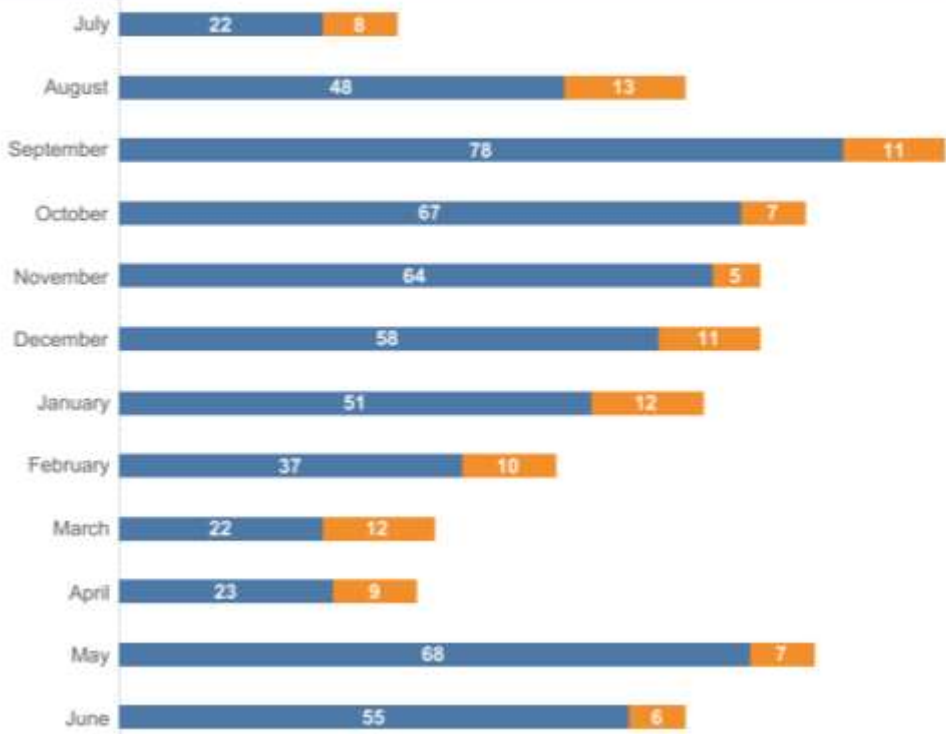
■ Complaints Volume ■ Conviction/Arrest Volume

California Board of Occupational Therapy
SFY 2019: 12-Month | PM1: Case Volume by Type

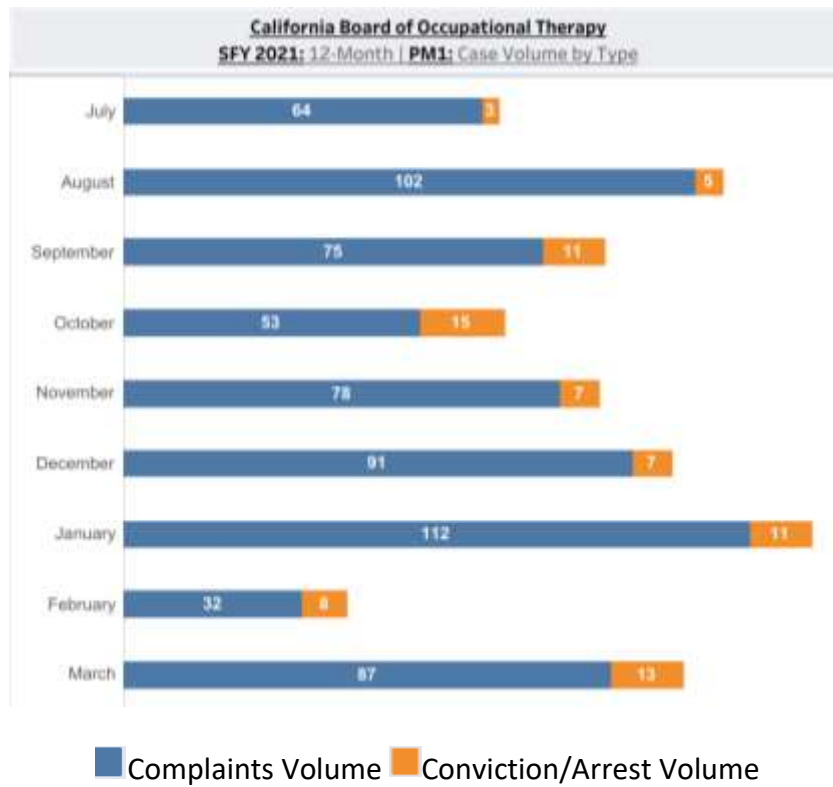


■ Complaints Volume ■ Conviction/Arrest Volume

California Board of Occupational Therapy
SFY 2020: 12-Month | PM1: Case Volume by Type

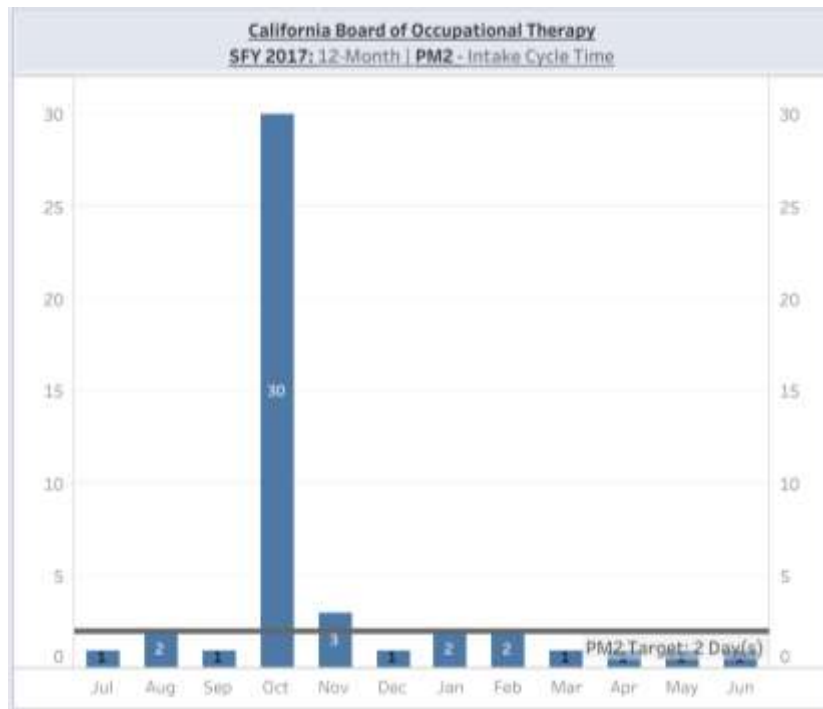


■ Complaints Volume ■ Conviction/Arrest Volume

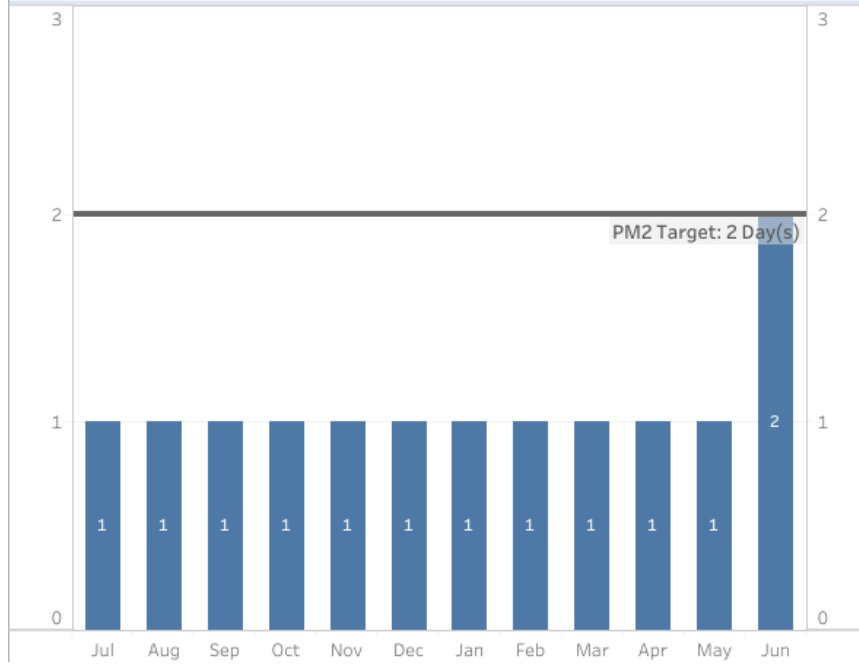


Performance Measure 2 – Cycle Time for Case Assignment

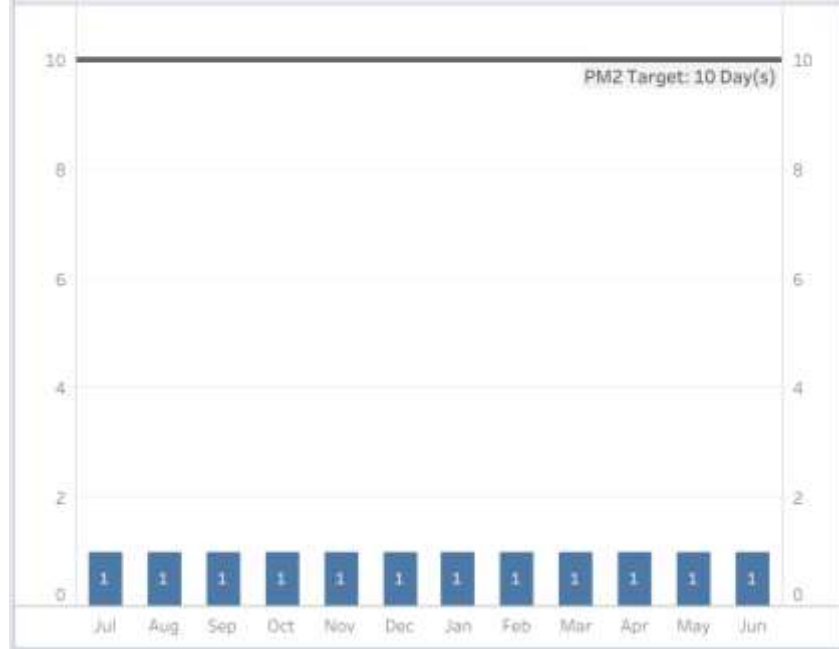
The Cycle Time for Case Assignment represents the average number of days from receipt of a complaint to the date the complaint was assigned for investigation or closed within the fiscal year specified.



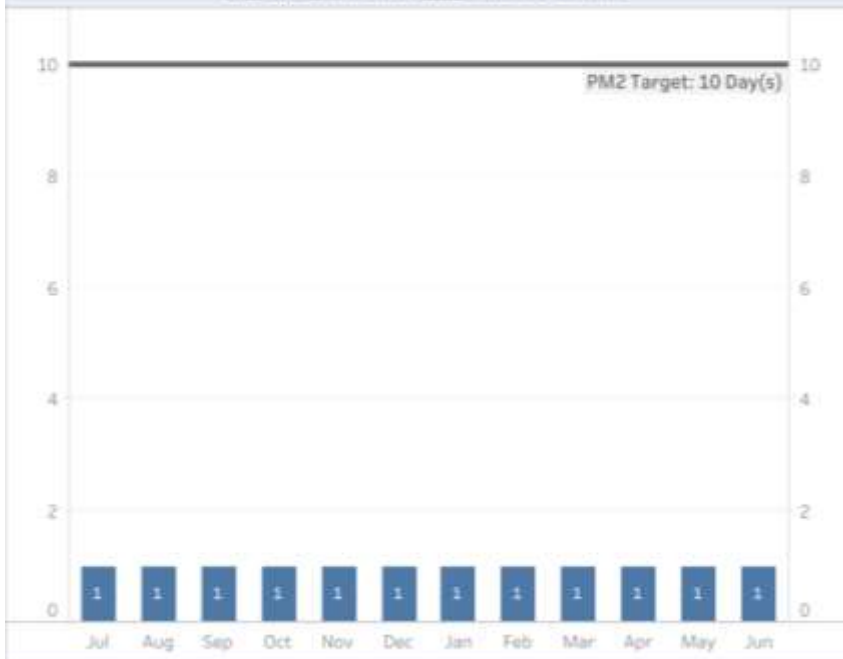
California Board of Occupational Therapy
SFY 2018: 12-Month | PM2 - Intake Cycle Time



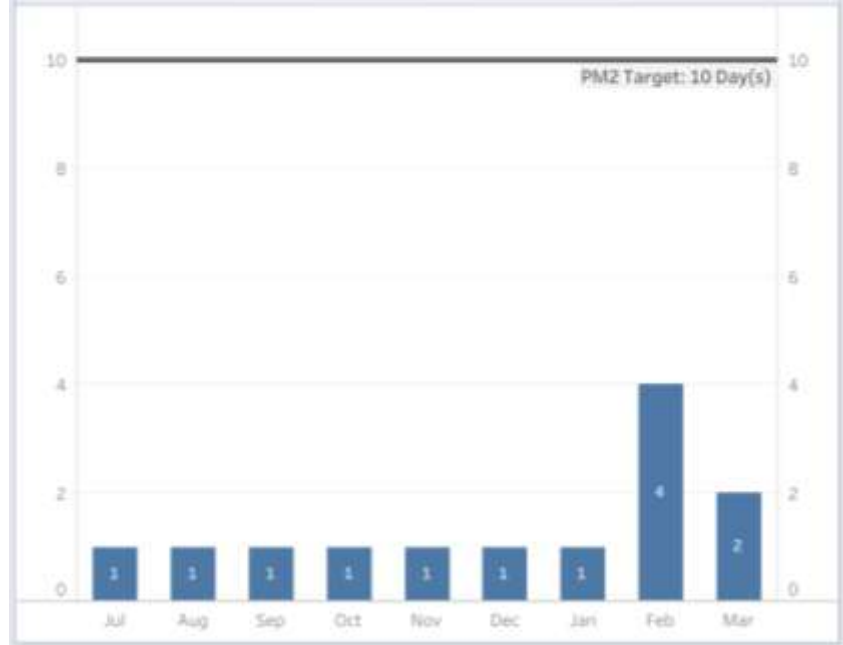
California Board of Occupational Therapy
SFY 2019: 12-Month | PM2 - Intake Cycle Time



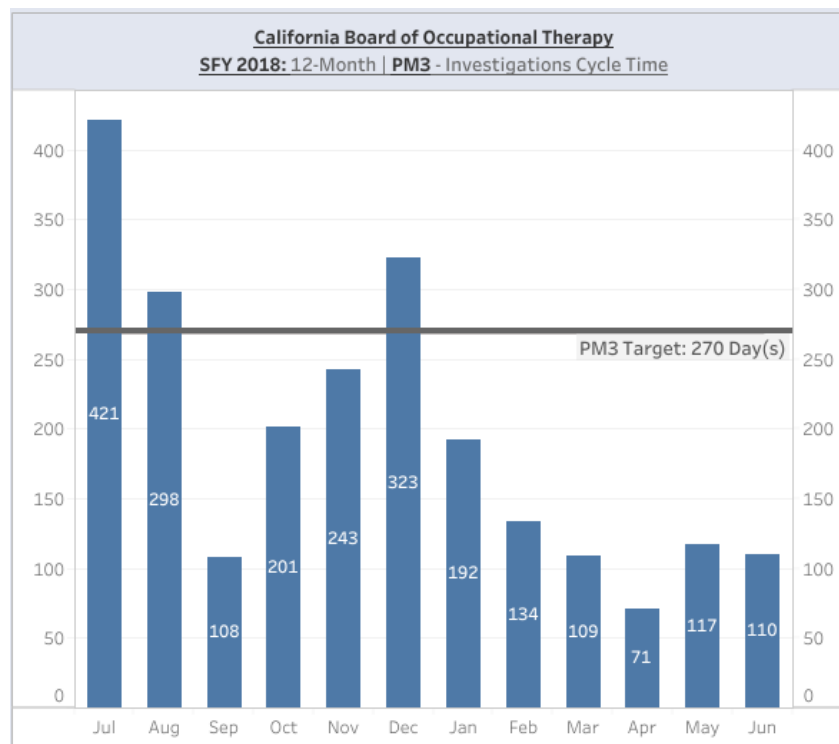
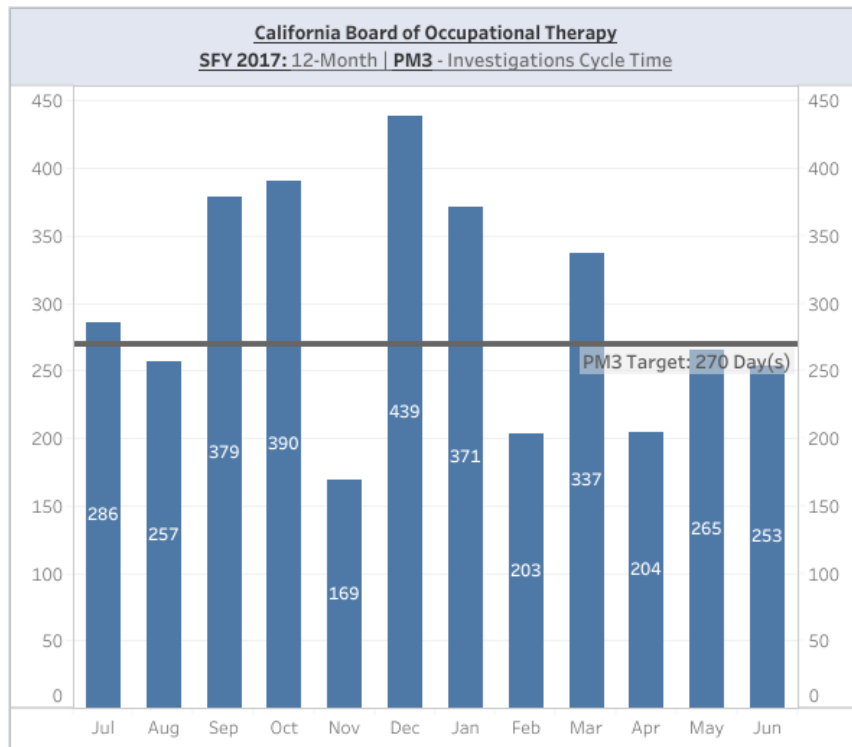
California Board of Occupational Therapy
SFY 2020: 12-Month | PM2 - Intake Cycle Time



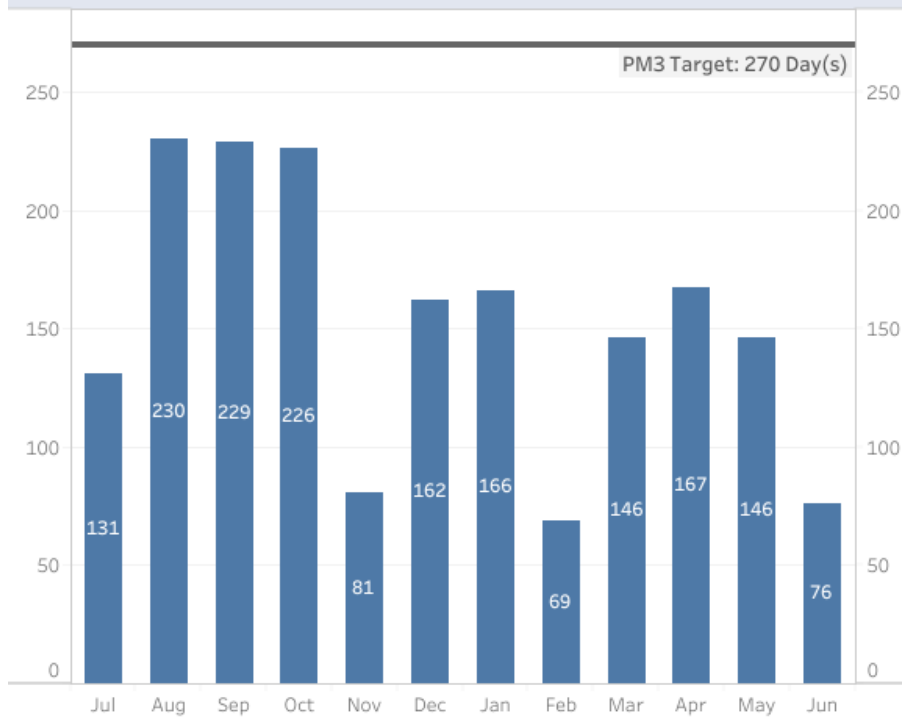
California Board of Occupational Therapy
SFY 2021: 12-Month | PM2 - Intake Cycle Time



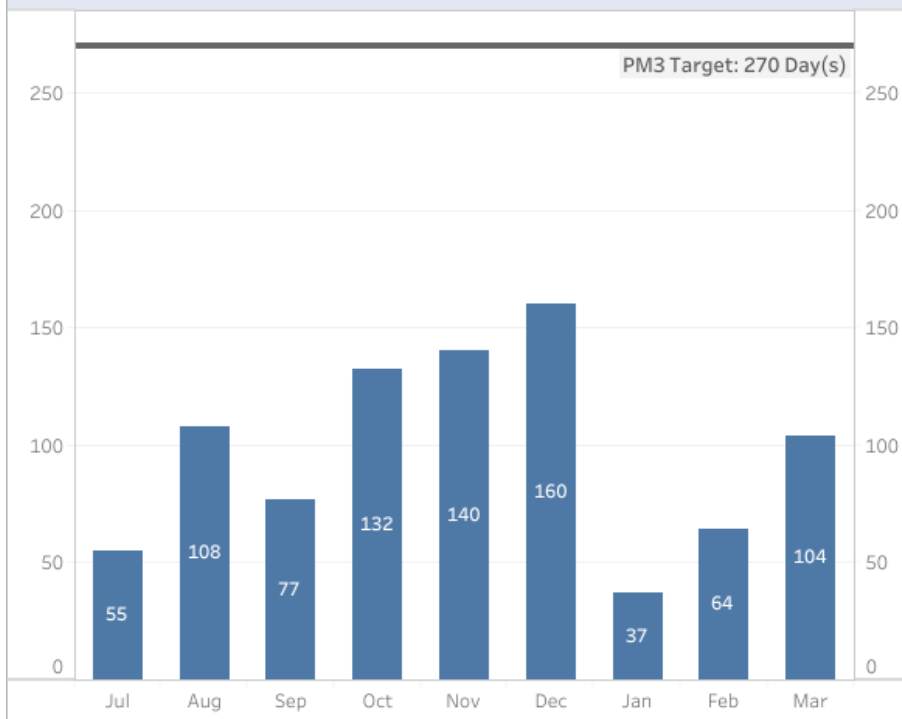
Performance Measure 3 – Investigation Cycle Time for Cases closed not sent to AGO
 Cases Closed at Investigation shows average cycle time for all cases closed within a fiscal year that were not referred to the Attorney General for formal disciplinary action.



California Board of Occupational Therapy
SFY 2020: 12-Month | PM3 - Investigations Cycle Time

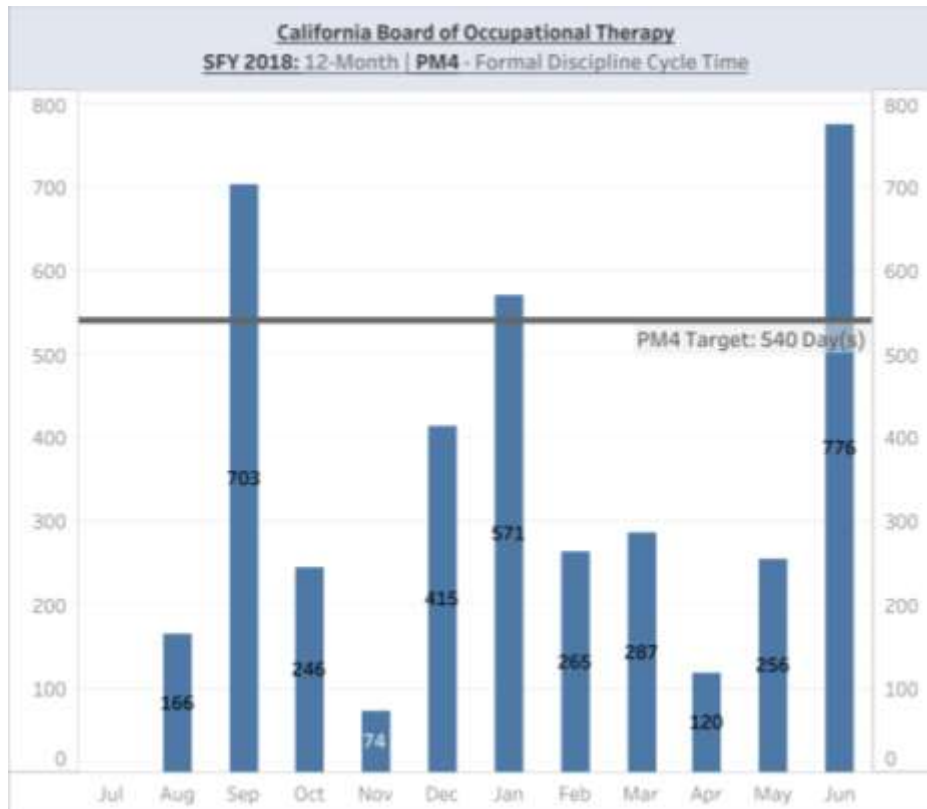
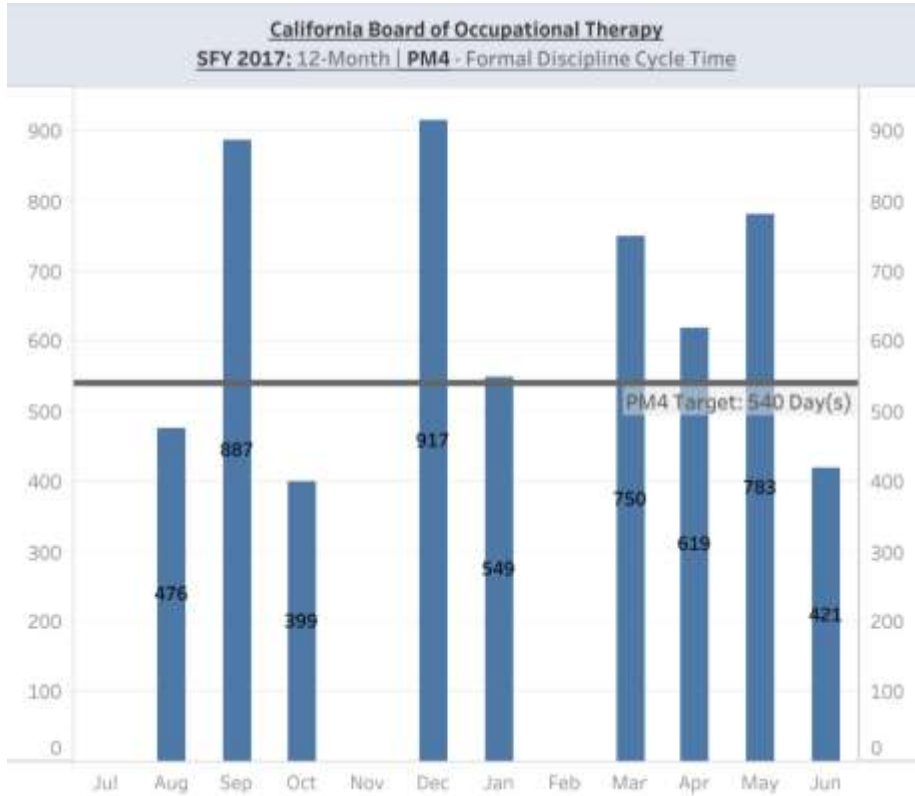


California Board of Occupational Therapy
SFY 2021: 12-Month | PM3 - Investigations Cycle Time

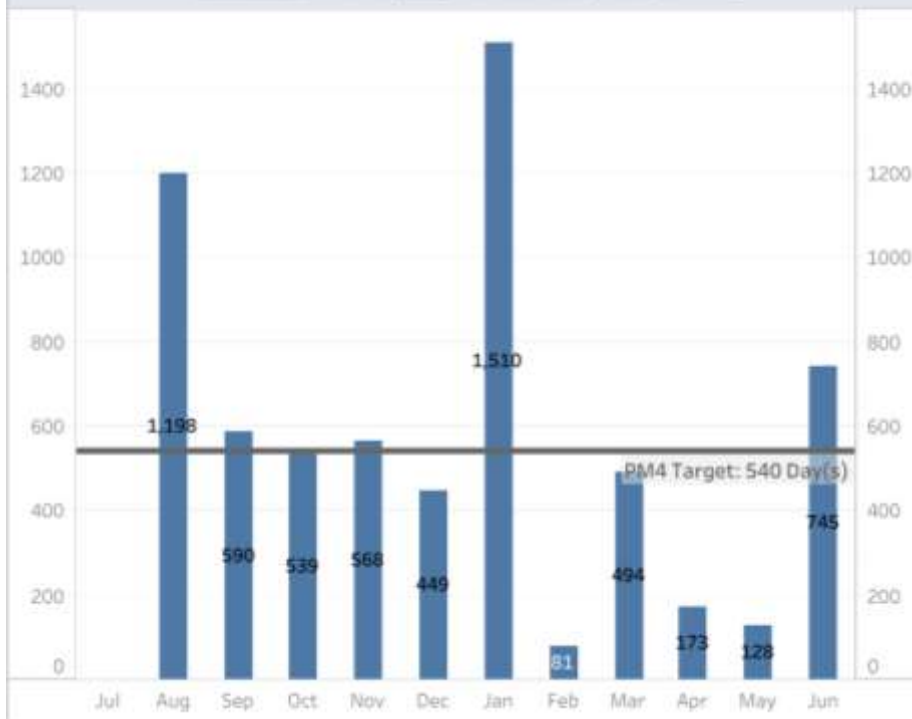


Performance Measure 4 – Cycle Time for Cases Referred to AGO

Formal Discipline Cycle Time describes average time of all cases closed within the specified period that were referred to the Attorney General for disciplinary action. This includes formal discipline, and closures without formal discipline (e.g. withdrawals, dismissals, etc.) within the fiscal year specified.

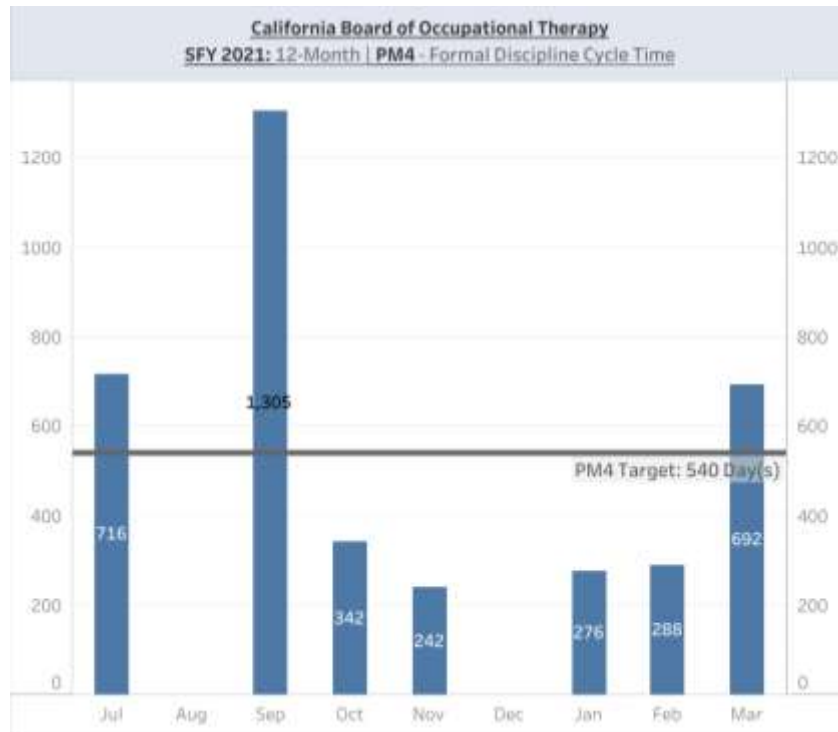


California Board of Occupational Therapy
SFY 2019: 12-Month | PM4 - Formal Discipline Cycle Time



California Board of Occupational Therapy
SFY 2020: 12-Month | PM4 - Formal Discipline Cycle Time





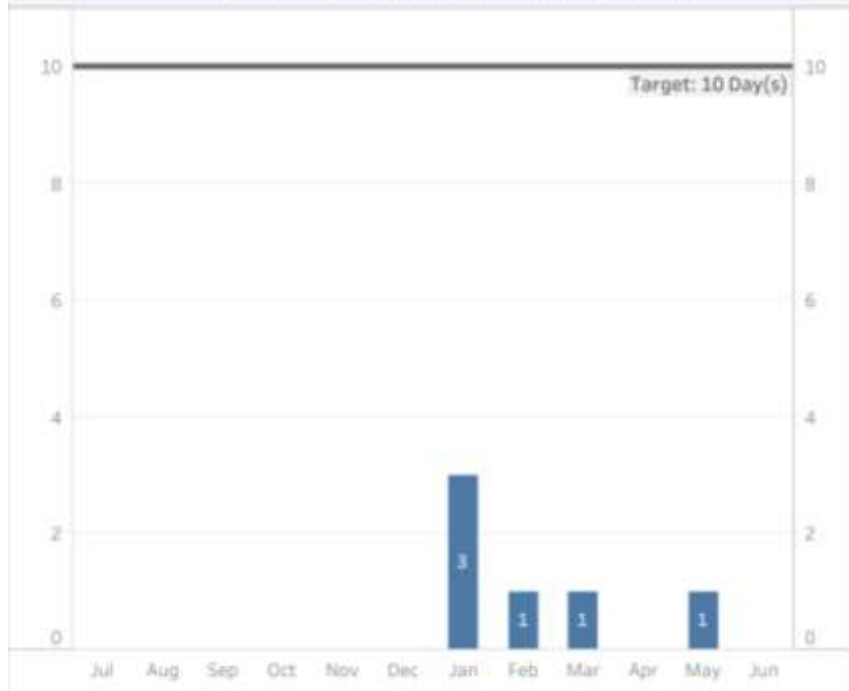
Performance Measure 7 – Cycle Time for Probation Monitor to Make First Contact

Probation Case Intake Cycle Time describes the average number of days from monitor assignment of a new probation case to the date the monitor makes first contact with the probationer.

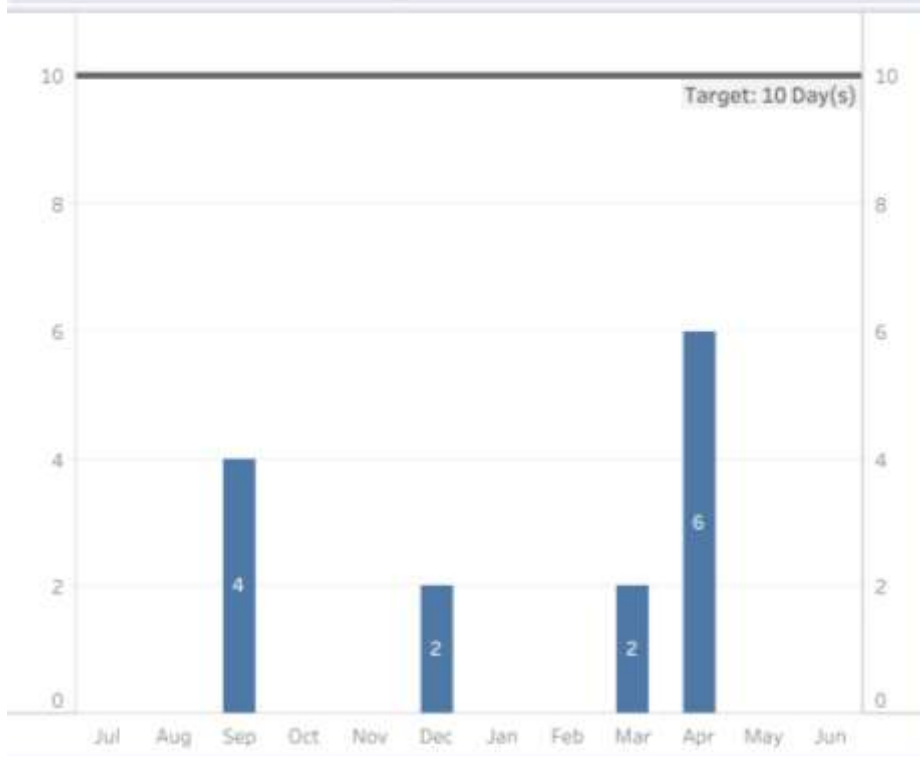
FY 2017 no data/graph

PM 7	<i>Target 10</i>
Fiscal Year	Cycle Time
FY 2016-17	-
FY 2017-18	2
FY 2018-19	3
FY 2019-20	6
FY 2020-21	3

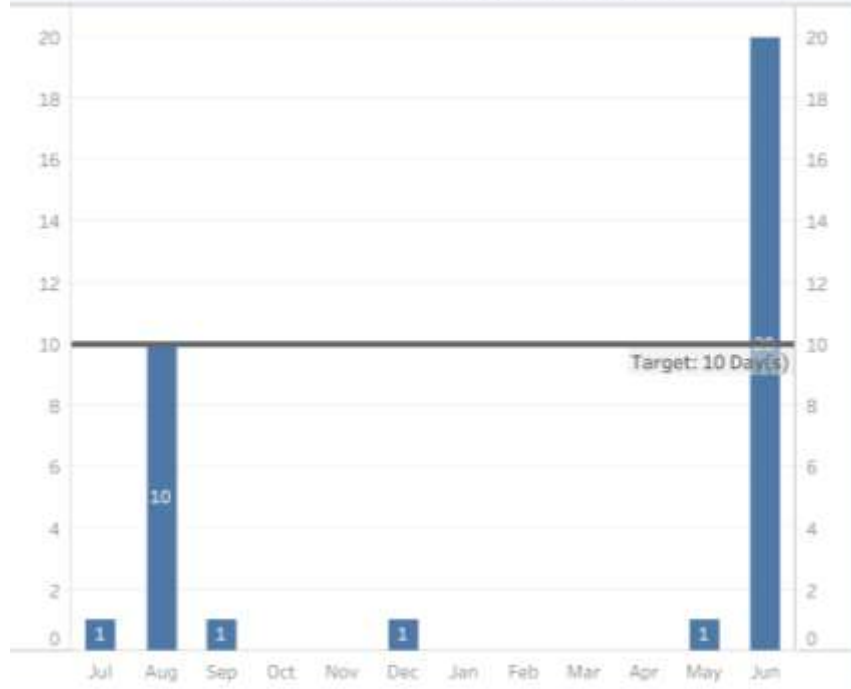
California Board of Occupational Therapy
SFY 2018: 12-Month | PM7: Probation Intake Cycle Time



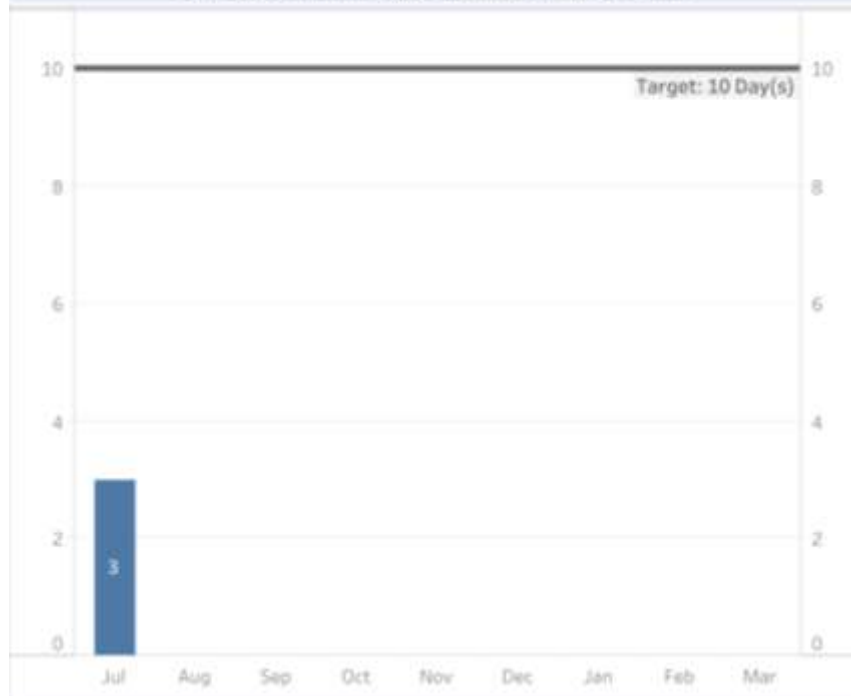
California Board of Occupational Therapy
SFY 2019: 12-Month | PM7: Probation Intake Cycle Time



California Board of Occupational Therapy
SFY 2020: 12-Month | PM7: Probation Intake Cycle Time

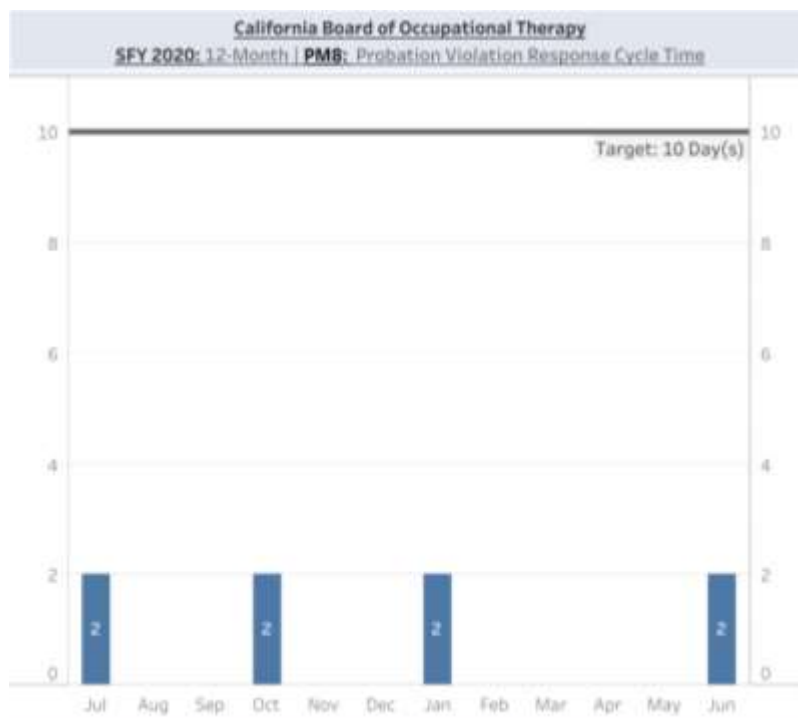
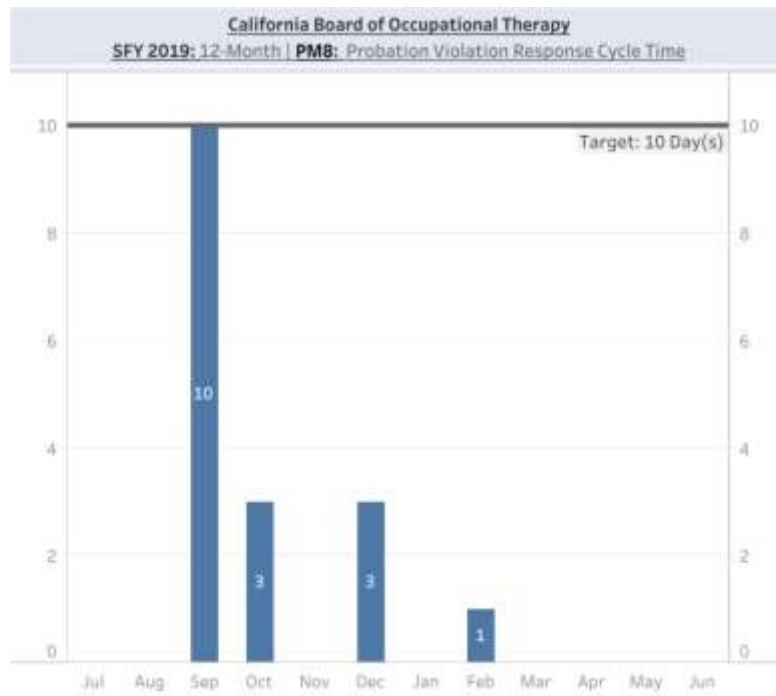


California Board of Occupational Therapy
SFY 2021: 12-Month | PM7: Probation Intake Cycle Time



Performance Measure 8

Probation Violation Cases Cycle Time describes the average number of days from the date a violation of probation is reported to the date the probation monitor initiates action.



FY 2017 no data/graph
FY 2018 no data/graph
FY 2021 no data/graph

PM 8

Target 10

Fiscal Year	Cycle Time
FY 2016-17	-
FY 2017-18	-
FY 2018-19	5
FY 2019-20	2
FY 2020-21	-

OTD COMMITTEE'S REPORT AND RECOMMENDATION(S) TO THE BOARD REGARDING:

The following are attached for review:

- a) Highlights from the October 6, 2021, Committee meeting.
- b) August 16, 2021, Committee meeting minutes.



OTD COMMITTEE MEETING HIGHLIGHTS

Wednesday, October 6, 2021

- The meeting was called to order and a quorum of the committee was established.
- The August 16, 2021, Committee meeting minutes were approved.
- The Committee reviewed Business and Professions Code Section 2570.4, and recommends the Board approve the following:

(c) Any person completing a supervised entry level doctorate capstone experience or fulfilling the supervised fieldwork experience requirements of subdivision (e) (d) of Section 2570.6, if the experience constitutes a part of the experience necessary to meet the requirement of that provision.

- The Committee reviewed Business and Professions Code Section 2570.6, and recommends the Board approve the edits to subsection (d) and the addition of a new subsection (e), as shown below, and acknowledges re-lettering of subsequent subsections would be required.

(d) That the applicant has successfully completed a period of supervised fieldwork experience, approved by the board, and arranged by a recognized ACOTE-accredited educational institution where ~~he or she~~ the applicant has met the academic requirements of subdivision (b), ~~or (c) or arranged by a nationally recognized professional association~~. The fieldwork requirements for applicants applying for licensure as an occupational therapist or ~~certification~~ as an occupational therapy assistant shall be consistent with the requirements of the ACOTE accreditation standards, or AOTA's predecessor organization, or AOTA's Career Mobility Program, that were in effect when the applicant completed ~~his or her~~ their educational program.

(e) That the applicant has successfully completed a supervised entry-level doctorate capstone experience and all experiences approved by the board and arranged by an ACOTE-accredited educational institution where the applicant has met the academic requirements of subdivision (d) The capstone requirement for applicants applying for licensure as an occupational therapist shall be consistent with the ACOTE accreditation standards in effect when the applicant completed the entry-level occupational therapy doctorate program.

- The committee members requested the Board review the topic of supervision of students. Specifically, *what is an appropriate number of occupational therapy students that could be supervised by an occupational therapist who is concurrently supervising occupational therapy assistants?*



TELECONFERENCE SUNSET REVIEW COMMITTEE MEETING MINUTES

Wednesday, September 1, 2021

4:00 pm – Committee Meeting

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

California Board of Occupational Therapy (Board) President Sharon Pavlovich called the meeting to order at 4:10pm. Board staff called the roll and a quorum was established.

Committee Members Present

Board President – Sharon Pavlovich
 Board Secretary – Beata Morcos
 Board Member – Richard Bookwalter
 Board Member – Denise Miller

Committee Members Absent

N/A

Board Staff Present

Heather Martin – Executive Officer
 Jody Quesada Novey – Associate Analyst

2. Chairperson opening remarks.

Chairperson Sharon Pavlovich welcomed all that were present and expressed her appreciation for the Committee members. Ms. Pavlovich welcomed Board member Richard Bookwalter as a newly appointed participant and thanked him for his willingness to lend his expertise along with that of Board members Denise Miller and Beata Morcos all of whom participated on the prior Sunset Review Committee.

3. Public Comment Session for items not on the Agenda.

Lauren Lopez with the Occupational Therapy of California’s (OTAC) Advocacy and Government Affairs introduced herself.

OTAC Executive Director Karen Polastri and Lisa Test, OTD both chose to introduce themselves.

There was no further public comment.

4. Review of draft 2021 Sunset Report prepared to date and possible recommendation to Board to approve.

Executive Officer Heather Martin explained that she provided the report in its entirety so that everyone could get an idea not of just what was updated but what is expected by the Legislature. Ms. Martin added that the questions included were from the last Sunset Review because the Legislature had not yet sent the updated questions which could result in small changes to the report layout.

Ms. Martin reported that many of the tables have been completed with the required data and that Board staff is determining how to produce the performance measures information to comply with ADA requirements. Ms. Martin divulged that she was hoping that the Committee would agree to review the report on a page by page basis and make 'real time' changes.

Public Comment

Karen Polastri asked if the prior meeting minutes are available and if the report Ms. Martin is referencing is available for public consumption.

Ms. Martin explained that the last Sunset report was in 2016 and is available under Forms and Publications on the Board's website. The May Board meeting minutes were not yet available because the Board had not yet voted on them.

Board member Denise Miller asked if Ms. Martin would explain the dates and logistics.

Ms. Martin explained that the Senate Business and Professions Committee had not sent a letter that included updates nor the questions, but she could confirm that a bound, printed copy of the report is due to the Legislature by December 1st. Ms. Martin pointed out that in order to meet the due date she hoped that the Board would be able to approve and adopt the Sunset report at the November 4-5, 2021, Board meeting.

Ms. Miller asked for clarification of on page 4, item #2 in the materials as it pertains to being unable to hold a meeting due to quorum issues.

Ms. Martin replied that the last time a meeting had to be cancelled was back in 2008 or 2009.

Board Secretary Beata Morcos expressed her concern that the legislature could change the questions in the upcoming weeks and that would be a waste of time and unfair to Board staff.

Ms. Martin commented that history has proven that changes to the information or questions are usually minimal and that she felt the completed work would still be productive.

Board member Richard Bookwalter asked that the Committee to go back to page one, section one to review the definition of occupational therapy (OT) because definitions evolve over time. He also noted that since a new OT Practice Framework was introduced after the Board's 2016 Sunset Report, it might be a good idea to cross check.

The Board members concurred with Mr. Bookwalter.

Public Comment

A member of the public asked Mr. Bookwalter to clarify if he was referring to the definition of faculty who are teaching.

Mr. Bookwalter clarified that he was only referring to the definition of occupational therapy and was requesting the definition that was provided in the 2016 be reviewed in as it may have been updated since the last report. The Committee wants to ensure that the Sunset Report has the most updated definition of OT.

Ms. Martin clarified that the information in the 2016 Sunset Report was a description of occupational therapy in lay persons terms. It is a description that the Sunset Report Committee and Board chose to use.

The Committee decided to take more time to think about the topic of the occupational therapy definition to be used in the Sunset Report and asked that Board staff provide the Practice Act and the Occupational Therapy Framework at the next meeting even though some of the Committee members will be doing their own comparisons prior to the next meeting.

Ms. Pavlovich asked that the OT Practice Framework document be forwarded to Ms. Martin since Board staff does not have membership access.

The next item in the Sunset Report was the Legislative bills, included on pages 5-9 that affected the Board. Ms. Martin stated that the bills and descriptions came from the Department of Consumer Affairs (DCA) thus she was certain that it was accurate. Ms. Martin stated that the table following the bills will be completed after DCA provides the data.

Ms. Martin addressed the reference on page 9, item 4, and the fact that she is still trying to get the finalized version of the workforce study completed by the California Community Colleges Chancellor's Office

Ms. Martin clarified that regarding page 9, item 5, that over the years the Board has been a member of different associations, including American Occupational Therapy Association, Occupational Therapy Association, the Council on Licensing, Enforcement and Regulation, but is not currently a member of any association.

Mr. Bookwalter commented that Sections 2, 3, and 4 which spanned pages 10-31 seemed like the Committee wouldn't have a lot of contribution besides review.

Public Comment

Karen Polastri commented that she was trying to navigate the Sunset Report.

The Committee summarized the Action items for Board staff as:

- Copy and pasting the Practice Act
- Providing the Practice Framework
- Replacing "he or she" with gender neutral language throughout the document.

Mr. Bookwalter stated that work completed on pages 24-27 regarding Board licensure processes looked current and acceptable thus far.

The Committee decided to move to Agenda Item 5 in the interest of time and to revisit the Sunset Report again next meeting.

5. Review of policy issues identified in 2016 Sunset Report that have not been addressed and possible recommendation(s) to Board regarding prioritization and response on the status of those previous issues in the Board's 2021 Sunset Report.

Executive Officer Heather Martin reported that the information provided was a copy/paste from 2012 and 2016 to be used as a reference. Board staff would delete the 2016 responses to 2012 issues and develop a current response to 2016 issues. Ms. Martin confirmed that the Board would be responsible for responding to each issue and any new issues that need to be addressed.

The Committee agreed to take in to account the 2016 submitted responses to address the issues because some of language continues to be a valid.

Issue #1 Webcasting meetings.

Ms. Martin reported that Webcasting is a matter of availability so choosing the upcoming years' meeting dates at the end of the year prior and requesting webcasting soon after is going to increase the Board's chances of getting on the webcasting calendar.

Committee member Denise Miller lost connection at 5:15 p.m. The Committee continues to have a quorum.

Issue #2 What is contributing to low customer satisfaction ratings?

Ms. Martin reported to the Committee that when Board staff reached out to the DCA Internet team to retrieve the Customer Service survey data it was discovered that the survey came off the Board's website in 2019. Board staff is going to have to check with Survey Monkey to find if it's possible to retrieve any information submitted from 2016 up to 2019.

Issue #3 Publishing Citations.

Ms. Martin reported that Board staff will be able to respond to this issue and say that it is no longer a concern because the public is able to access citation records when they use the "Verify a License" link.

Mr. Bookwalter asked if Board staff could add the timeframe in which a citation is attached to the licensing record.

Ms. Martin confirmed that posting took place the same day and that she would add that to the narrative she provided.

Issue #4 Continuous Query.

Ms. Martin stated that the update would include the fact that Board staff submitted a modification to BreEZe to include an NPDB query fee to accommodate this issue. Board

staff participated in the NPDB program for a few years which was time consuming and only received two reports of adverse actions from the databank. Ms. Martin recommended that the response to Issue 4 state that Board staff was responsive, but the Continuous Query proved to be useful or cost effective given the workload.

Issue #5 Should the Board require a jurisprudence and/or ethics course requirement for licensees?

Ms. Martin explained that this would have required a regulation package to enact and that unfortunately it fell off the radar.

The Committee agreed to take responsibility, apologize, and commit to addressing the issue in the future.

Issue #6 Why does the Board have such a high percentage of stipulated settlements?

Ms. Martin stated that she was comfortable responding similarly to the 2016 response because she believed that Stipulated Settlements are effective, quicker in the imposition of discipline and cost effective.

Issue #7 Budgetary Constraints.

Ms. Martin reminded the Committee that she saved funds over the course of three years to mitigate the cost of the office move and to not have to request a budget change proposal. The Board has limited and/or eliminated travel when directed by the Administration. In terms of recognizing the value of WebEx Board, staff saw the increase in access, greater attendance, and increased participation at meetings. Ms. Martin stated that the Board and Board staff have been good stewards of public funds and there are no budgetary constraints.

The Committee asked that if appropriate, Ms. Martin add the fact that Board staff saved and put away money to execute the office move.

Issue #8 License portability for military personnel and their spouses.

Ms. Martin stated that Board staff will be able to address and display compliance with any new requirements since the 2016 response and show compliance with the current Business and Professions Code sections. The last paragraph of Issue #8 on page 7 asks Board staff to identify the number of people that have asked for a renewal fee waiver. Ms. Martin stated that the numbers were 0-2 renewal fee waivers per year.

Issue #9 Defining Occupational Therapy.

Ms. Martin recalled that there was a bill that passed after the last Sunset report that amended the definition of Occupational Therapy and required licensure of faculty. Ms. Martin stated that Board staff will be able to use that as a Sunset report response unless the Committee and Board decide that they wish to make further amendments.

The Committee decided to put this issue on hold until a time that the definition of occupational therapy is agreed upon by the Committee and Board.

Issue #10 Are the minimum education requirements equal to the advanced practice requirements.

Ms. Martin stated that she believed the Board should revisit this topic after determining if ACOTE guidelines sufficiently addressed this topic for a partial or complete removal.

A discussion ensued about the inconsistencies between schools and the curriculum they offer and the results of the study that showed schools did not have faith that their students were prepared to deliver Advanced Practices after finishing their program.

The Committee agreed to develop a Practice Committee that includes practitioners with Advanced Practice approval as well as Educators who can weigh in on what curriculum should be offered and how many hours should be required.

The Committee directed Ms. Martin to reach out to Chuck Wilmarth for any changes to the ACOTE guidelines regarding content relating to advanced practice areas and any other information he thinks helpful.

Public Comment

OTAC President Bryant Edwards commented that taking another look at the changes that have been made to curriculum would be his recommendation. He wanted to ensure that the Board is not being overly constraining if the curriculum is meeting education guidelines.

Sharon Pavlovich reported to Mr. Bryant that the concern of the Board was born from the study that included what the schools were doing to prepare their students for Advanced Practice and the results showed glaring inconsistencies in the curriculum and amount of instruction required.

Mr. Edwards asked if the survey was available.

Ms. Martin reported that there were two surveys done by Donna Breger Stanton's group. Ms. Martin offered to email the surveys to Mr. Edwards.

Lisa Test commented that she was in favor of the Committee exploring an Ethics course requirement and that it has been her experience that the investigation of complaints is a process that takes too long and she is reticent to file additional complaints. Ms. Test was concerned with the timeliness of solving complaints and hopes it is addressed during the Sunset report.

Ms. Pavlovich assured Ms. Test that her concerns would be reviewed.

Mr. Bookwalter advocated against Ms. Test's reticence to file complaints to the Board because regardless of due process and how long it takes, it is every therapist's duty to report alleged wrongdoing. He encouraged Ms. Test to continue reporting her concerns to the Board since the Board only knows what is brought before it.

Ms. Martin asked that Ms. Test not allow disappointing complaint resolution timeframes to dissuade her from submitting complaints.

Ms. Martin reminded all in attendance that the OT Practice Act requires licensees to report violations to the Board and cooperate in any investigation. Ms. Martin further explained the complaint investigation timeline, use of an expert witness and additional steps involved when dealing with a patient care or fraud case.

Ms. Test thanked the Committee for the opportunity to participate and responded that she was familiar with the reporting process.

Discussion of the next meeting date and time ensued. Beata Morcos asked that the next meeting begin at 3:00 p.m. or 3:30 p.m.

Ms. Pavlovich agreed.

Ms. Pavlovich thanked everybody in attendance for their time.

The meeting adjourned at 5:58 p.m.