

### **DISCUSSION AND EVALUATION BOARD MEMBER PER DIEM POLICY AS SPECIFIED IN THE BOARD MEMBER GUIDELINES AND PROCEDURE MANUAL, THE PROCESS FOR REQUESTING PER DIEM AND REVIEW OF THE FORM TO CALCULATE TIME SPENT.**

The following are attached for review:

- Excerpt from October 2018 meeting minutes
- October 2018 meeting materials
- Excerpt from February 2019 meeting minutes
- Excerpt from Board Administrative Manual (w/track changes)
- Updated Board Member Attendance form
- Excerpt from BVNPT Board Member Manual
- BVNPT Board Member form
- Excerpt from PTB Board Member Manual
- Excerpt from Pharmacy Board Member Manual
- RCB Board Member form



## BOARD MEETING MINUTES

**Wednesday, October 24, 2018 and Thursday, October 25, 2018**

### Board Member(s) Present

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

### Board Staff Present

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

**Wednesday, October 24, 2018**

**10:00 am - Board Meeting**

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

The meeting was called to order at 10:10 a.m., roll was called, a quorum was established.

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

President Richard Bookwalter mentioned that on September 29<sup>th</sup> he was invited to attend the Psychiatric Occupational Therapy Action Coalition (POTAC) Steering committee meeting at Kaiser Santa Clara. Mr. Bookwalter reported that the meeting was very informative regarding mental health and it further interested him because it took place at Kaiser Santa Clara, Northern California Kaiser's only locked psychiatric unit. He also found out there would be a second locked psychiatric unit opening at the Kaiser in Union City. Mr. Bookwalter reported that San Jose State University's Occupational Therapy program celebrated their 75<sup>th</sup> anniversary. The program held a symposium where Shawn Phipps and Heather Kitching were two of the honored guests. Mr. Bookwalter stated that it was exciting to celebrate one of the original 3 Occupational Therapy (OT) programs in California along with other alumni.

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

Vice President Sharon Pavlovich reported that the Occupational Therapy Association of California (OTAC) conference was kicking off Thursday and would continue through the weekend with presentations by the Board of Occupational Therapy (BOT) as well as by Ms. Pavlovich and her fellow team mates from the OT department at Loma Linda University.

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

**Public Comment**

There was no public comment.

<b>VOTES</b>	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

**The motion passed.**

8. Review and vote on approval of the September 5, 2018, Special Teleconference Board meeting minutes.
  - Beata Morcos moved to accept the minutes.
  - Laura Hayth seconded the motion.

**Public Comment**

There was no public comment.

<b>VOTES</b>	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

**The motion passed.**

\*President Bookwalter informed the Board members that Agenda Item 11, Legislative Items for a Future Meeting would be held over to day 2 of the meeting to accommodate potential guests from the public.

9. Discussion and possible action on updated Board Administrative Manual.

Executive Officer Heather Martin reported that there had been many iterations of the Board Administrative manual from previous meetings but that any changes resulting from future meetings would be presented in track change format per the request of the Board members.

Discussion ensued regarding Board members earning per diem for meeting preparation, review of enforcement cases and other duties.

A few corrections and edits were also made to the ‘per diem’ section on pages 22-23. President Bookwalter requested that “in advance” be removed from page 23 and that language from page 3 of the Board of Psychology’s per diem language be included.

Denise Miller asked that an online, fillable pdf with an electronic signature capability be developed for the Board members to track their per diem activities.

- Denise Miller moved to accept the suggested wording offered from page 3 of the Board of Psychology’s Per Diem policy to be included in the BOT’s Administrative manual.
- Beata Morcos seconded the motion.

**Public Comment**

There was no public comment.

<b>VOTES</b>	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>

**The motion passed.**

- Denise Miller moved to strike the words “in advance” from page 23 of the BOT’s Administrative manual.
- Sharon Pavlovich seconded the motion.

**Public Comment**

There was no public comment.

<b>VOTES</b>	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>

**The motion passed.**

10. Report on legislation impacting the practice of occupational therapy or the Board:

Executive Officer Heather Martin reported that eight of the included bills had been approved and signed and the final two were dead. Ms. Martin stated that OTAC intended to be in attendance on day 2 of the Board meeting to discuss AB 2221.

- a) Assembly Bill (AB) 1659 (Low), Healing arts boards: inactive licenses.

Mr. Bookwalter asked Board staff to add a discussion on reducing the inactive fee to a future meeting because the Board only raised the monetary amount to be in compliance with the law, which has now changed.

Ms. Martin stated that Board staff would draft language and provide different scenarios of a reduced inactive renewal fee and bring it to the next Board meeting.

- b) AB 2138 (Chiu and Low), Licensing boards: denial of application: criminal conviction.

Ms. Martin reported that this bill will affect the language used in regulation, forms, applications and any other disciplinary documents used by the Board and that these changes would need to be completed by the effective date of July 1, 2020. Ms. Martin

## **AGENDA ITEM 9**

### **DISCUSSION AND POSSIBLE ACTION ON UPDATED BOARD GUIDELINES AND PROCEDURES MANUAL.**

The following are attached for review:

- Guidelines and Procedures Manual
- Board Member Attendance Form
- Psychology policy on per diem

## **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 per diem or 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 § 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

**Per Diem  
(Cont.)**

the performance of official duties.”

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

***Per Diem  
(Cont.)***

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.





supported by receipts, and will be reimbursed for meal and supplemental expenses according to current reimbursement rates. Travel prior to approval by the Governor restricts the member's ability to represent the Board and is at the individual Board member's own risk and reimbursement may be denied.

## TRAVEL CLAIMS

### **SAM Section 700 et seq.**

All expenses are claimed using the CalATERS (California Automated Travel Expense Reimbursement System) Global system. Each Board member will work with a designated member of the administrative team to set up a CalATERS Global account and designate a specified member of the administrative team as an authorized "preparer."

The Board member shall provide travel-related receipts and other necessary documentation to said "preparer" within 60 days of travel and/or work. After the expense claim has been prepared by the designated "preparer," the Board member will receive an e-mail from the CalATERS Global system indicating that they have a pending claim for their review and submission. The Board member shall then review and submit the expense claim. Expenses for travel claims submitted after the end-of-fiscal-year deadline may not be reimbursed.

The Department's travel unit uses Internet websites to calculate standard mileage reimbursement. If travel includes side trips other than traveling directly from one point to another and returning, each stop must be itemized and an address included.

*See Appendix C.*

### Salary Per Diem

#### **Business and Professions Code Section 103**

Compensation, salary per diem, and reimbursement of travel and other related expenses for Board members is regulated by Business and Professions Code Section 103.

In relevant part, this section provides for the payment of salary per diem 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. 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."

*See Appendix D.*

**Travel Reimbursement and Payment of Salary Per Diem  
Board Policy B-95-01**

The following general guidelines must be adhered to in the payment of salary per diem or reimbursement for travel:

Attendance at events such as hearings, conferences, or meetings other than official Board or committee meetings are to be approved in advance by the Board President and the Executive Officer. Board members attending meetings or events to perform a substantial official service are paid per diem and reimbursed for travel-related expenses.

The term "day actually spent in the discharge of official duties" means such time as is expended from the commencement of a Board meeting or committee meeting to the conclusion of that meeting. If 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.

Unless it is an emergency, Board members must get prior approval from the Board President to leave a meeting early. Because the Board only meets a few times a year, Board members are expected to stay for the duration of the meeting and make their travel arrangements accordingly.

For Board-specified work, Board members are compensated for actual time spent performing work authorized by the Board President. That work includes, but is not limited to, authorized attendance at events, meetings, hearings, or conferences; examination item writing; examination grading; and enforcement case review. Preparation time for Board or committee meetings is compensated when eight hours are accrued.

Members must submit timesheet summary forms for actual work performed outside a Board meeting in order to be compensated.



## BOARD MEETING MINUTES

**Thursday, February 7, 2019 and Friday, February 8, 2019**

Board Member(s) Present Richard Bookwalter – President Sharon Pavlovich – Vice President Denise Miller Beata Morcos

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

**Thursday, February 7, 2019**

**9:30 am - Board Meeting**

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

The meeting was called to order at 9:45 a.m., roll was called, a quorum was established. Laura Hayth and Jeff Ferro were absent.

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

President Richard Bookwalter thanked CSU Dominguez Hills for their hospitality and generosity for hosting the meeting. He also and congratulated Board member Beata Morcos on her reappointment and the new addition to her family.

President Bookwalter reported that he participated in the quarterly teleconference meeting held by the Department of Consumer Affairs (DCA) for Board/Bureau Presidents and Vice Presidents. The meeting is led by Director Dean Grafilo, Deputy Director Chris Castrillo, Office of Board and Bureau Services and Deputy Director Dennis Cuevas-Romero, Division of Legislative Affairs. One of the main topics of the meeting was an Executive Officer salary study that DCA will release the findings of as soon as they are available.

President Bookwalter reported that he, Vice President Sharon Pavlovich and Executive Officer Heather Martin participated in the January 10<sup>th</sup> meeting hosted by DCA to discuss the new Governor's proposed budget. Included is a substantial increase in personnel for Boards and Bureaus, to be used to streamline the discipline process throughout DCA. Mr. Bookwalter expressed his hope that the California Board of Occupational Therapy will be positively impacted if the staff increase is approved by the legislature.

<b>VOTES</b>	Richard Bookwalter	Sharon Pavlovich	Denise Miller	Beata Morcos
	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>

**The motion passed.**

- Discussion and possible action on the updated Board Administrative Manual.

The Board members reviewed the version with track changes that was a result of the October Board meeting.

- Beata Morcos moved to accept the changes made to the Board Administrative Manual.
- Sharon Pavlovich seconded the motion.

President Bookwalter thanked Board staff for the provided a fillable pdf task log.

<b>VOTES</b>	Richard Bookwalter	Sharon Pavlovich	Denise Miller	Beata Morcos
	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>

**The motion passed.**

- Information from Legal Counsel on meeting requirements resulting from passage of AB 2958.

Legal Counsel Reza Pejuhesh reviewed a supplied chart that outlines the differences between Board meetings and Ad Hoc/Committee meetings.

President Bookwalter asked if legislative changes are needed. Mr. Pejuhesh stated that this was informational.

Ms. Miller thanked Mr. Pejuhesh because it showed that the Board was and has been in line with meeting requirements.

Ms. Martin advised that if there is a technological issue that prevents members of the public from calling in to the meeting, it would have to be cancelled.

Mr. Pejuhesh clarified that a primary physical location has to be identified and a quorum must be present at that primary location.

Ms. Miller asked Mr. Pejuhesh to research and clarify whether there can be more than one noticed primary location that the public can attend.

**Public Comment**

There was no public comment.

Board Administrative Manual brought to the February 2019 Board meeting with track changes made at the October 2018 Board meeting.

Yellow highlight = Represents track changes displaying removed language

Green highlight = Represents track changes displaying new language

## **Per Diem**

B&P § 103

Board Policy – February 21, 2008)

Revised December 1, 2011

Revised February 7, 2019

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.”

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 time spent preparing for Board or Committee meetings, including which would include such things as reading the meeting materials. and reviewing enforcement cases. Board members cannot claim per diem salary for time spent traveling to and from a Board or Committee meeting.

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”. 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 of 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. That work includes, but is not limited to, authorized attendance at events, meetings, hearing, or conferences, and enforcement case review. Members must submit timesheet summary forms for actual work performed outside a Board meeting in order to be compensated.
- 3.4. 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 3: Travel and Salary Per Diem

### 3.1: Travel Arrangements

#### ***Board Policy***

When travel is approved, Board Members should attempt to make their own travel arrangements, including air, rental car and lodging. All travel must be booked using the Department of General Services' Statewide Travel Program, CalTravel Store at [www.caltravelstore.com](http://www.caltravelstore.com). Each Board Member will work with a specified member of the administrative team to establish a travel booking profile.

### 3.2: Travel Approval

#### ***Board Policy***

Board members must have prior approval from the Board President for all reimbursed travel except for regularly scheduled Board and committee meetings to which the Board member is assigned. Whenever feasible, it is recommended that Board members avail themselves of communication technology, e.g., telephone, video or web conferencing. This saves time and resources for the Board and Board members. For example, when two-person committees hold a regular meeting, the meeting should be conducted via the available communication technology.

The Board President and the Executive Officer must use the Board's annual budget and Department's Travel Guidelines when considering travel requests.

### 3.3: Out of State Travel

#### ***State Administrative Manual section 700, et seq.***

All requests for out-of-state travel for persons representing the Board must be prepared by the Executive Officer and approved by the Board President. Out of state travel is ultimately controlled and approved by the Governor's Office. Once approved, Board members will be reimbursed for actual lodging expenses, supported by receipts, and will be reimbursed for meal and supplemental expenses according to current reimbursement rates. Should a Board Member elect to travel prior to approval by the Governor, their ability to represent the Board is decreased, and is at the individual Board member's own risk. Reimbursement may be denied.

Government Code Section 11139.8, subdivision (a)(5) prohibits a state agency, department, board, or commission from requiring any state employees, officers, or members to travel to a state that, after June 26, 2015, has enacted a law that (1) has the effect of voiding or repealing existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression; (2) authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression; or (3) creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression.

For the most up-to-date list of states under travel restriction, and for more information, please see the State Attorney General's website: <https://oag.ca.gov/ab1887>

### 3.4: Travel Claims

#### ***State Administrative Manual section 700 et seq.***

All expenses are claimed using the CalATERS (California Automated Travel Expense Reimbursement System) Global." Each Board Member will work with a designated member of the administrative team to set up a CalATERS Global account and designate a specified member of the administrative team as an authorized "preparer/submitter."

The Board Member shall provide travel-related receipts and other necessary documentation to the designated preparer/submitter within 30 days of travel and/or work. After the expense claim has been prepared by the designated preparer/submitter, the claim will be reviewed and approved by the designated approver and submitted to the travel unit for processing. Expenses for travel claims submitted after the end of the fiscal year deadline may not be reimbursed that fiscal year.

NOTE: Board Members must obtain and submit relevant travel receipts, even if the Board has paid the expense in advance.

The Department's travel unit uses CalATERS Global to calculate standard mileage reimbursement. If travel includes side trips other than traveling direct from one point to another and returning, each stop must be itemized, an address included, and a written statement detailing the business need.

The Deputy Director of Board and Bureau Services approves the Executive Officer's travel expense claims. The Executive Committee shall review all Board travel claims before final approval.

### 3.5: Salary Per Diem

#### ***Business and Professions Code sections 103 and 2855***

Compensation, salary per diem and reimbursement of travel and other related expenses for Board Members is regulated by Business and Professions Code section 103. In relevant part, this section provides for the payment of salary per diem 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." Also relevant is the provision that states: "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."

### 3.6: Travel Reimbursement and Payment of Salary Per Diem

#### ***Board Policy***

- A. Each Board Member shall receive a per diem of one hundred dollars (\$100.00) for attending board meetings, in-person committee meetings/mandatory trainings, and for every eight hours accumulated performing official duties. Official duties shall include review and completion of electronic ballots, meeting preparation, online mandatory training, and Board-related communications.
- B. To be reimbursed for time spent on Board business, the member must complete and submit the Board-approved Per Diem Expense Reporting Form.

- C. Board Members must account for the number of hours spent fulfilling the designated responsibilities, in increments of hours (e.g., two hours spent in Committee meeting).
- D. Reimbursements will be calculated in eight-hour increments. Hours not totaling eight can be carried over to the next month.
- E. Meetings or sessions, such as a Board meeting with a closed session following the open session, that exceed eight hours in a single calendar day will be counted as one day.
- F. A Board Member may not claim per diem for Board responsibilities on any day when that Board Member also received compensation from the State of California for his or her regular employment.
- G. Per Diem Expense Reports are processed differently than Travel Reimbursement Requests. While a Board Member may submit both types of requests under the same cover, the different forms must be completed, and the payments will be processed separately.

## Definitions

A. For purposes of determining eligibility for per diem under Business and Professions Code section 103, the term **“Day actually spent”** shall mean any of the following:

- Physical attendance in the meeting room for the commencement of the Board Meeting until its conclusion. The same shall apply to gatherings, events, and other meetings that are approved by the President.
  - Should a Board Member miss part of the meeting, she/he must have that absence excused by the President, or in the President’s absence, the Vice President, to claim per diem.
- A cumulative total of eight hours where the member performed any one or more of the following functions, in a reasonable amount of time:
  - Board work that is authorized and assigned by the Board President to be performed at the Board Member’s residence or business.
  - The review of materials and disciplinary matters (e.g. electronic ballots) as issued by Board staff to be performed at the Board Member’s residence or business.
  - The review of agenda materials prior to a meeting day.
  - Completion of online mandatory trainings.
- **“Day actually spent”** does not include compensation for time spent in route to/from the site of Board business.

B. “Reasonable Amount of Time” shall mean the amount of time it reasonably takes a person to perform a task. The President may use other members’ hours or her/his own time to perform the same or similarly related task to determine “reasonable amount of time.”

## C. Per Diem Claim

- Board Members may only claim per diem using the Board-approved form provided. This form will be available in a PDF-fillable format, or a downloadable form. A copy is included in Appendix B of this manual.

- A separate form must be completed, signed and approved by the Board President for every month in which a Board Member submits a claim. For example, a Board Member must submit separate claim forms for the months of April, May, and June of a given year, and they may submit more than one month's claims at a time, provided that claims in a fiscal year are submitted by July 15<sup>th</sup> to be paid in the fiscal year of those claims.
- These claims may be subject to verification and audit. By signing a claim, a Board Member attests that all of the information submitted is complete and accurate.

#### D. Per Diem Reimbursement Approval

The Board President will approve all claim forms and the cumulative hours in accordance with this policy. Staff may not reimburse claims submitted using any other form or document for per diem, nor may they pay a claim that has not been approved by the President or, in the absence of the President, the Vice President.

#### Authority

A. Business and Professions Code, section 3715 provides:

*"Each member of the board shall receive a per diem and expenses as provided in Section 103."*

B. Business and Professions Code, section 103 provides (emphasis added):

*"Each member of a board, ...shall receive the moneys specified in this section when authorized by the respective provisions. Each such member shall receive a per diem of one hundred dollars (\$100) for each **day actually spent** in the discharge of official duties and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money. 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."*

**BVNPT BOARD MEMBER EXPENSE REPORT**

Month: \_\_\_\_\_ Year: \_\_\_\_\_

BOARD MEMBER: \_\_\_\_\_

BOARD MEETING DATES (if applicable): \_\_\_\_\_

Committee Meetings	Date	# of Hours*	Total Hours
Executive			
Education/Practice			
Enforcement			
Legislation/Regulations			
Licensing/Evaluation			
<b>Total</b>			

\*Actual time spent in Committee meeting(s).

Ballot/Reconsideration Review Date of Packet	Date(s) of Work	Number of Cases Reviewed	# of Hours**
<b>Total</b>			

\*\*Actual time spent on Mail Ballot Review/Voting.

**Other Duties:**

Activity	Date	# of Hours***
<b>Total</b>		

\*\*\*Actual time spent on activity.

**Total # of hours:** \_\_\_\_\_

I certify that on the above dates, I was engaged in performing the above duties and that no part of the claim has been paid and that services herein rendered were in accordance with the laws, rules, and regulations of the agency of the State for which compensation is claimed.

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Board President Signature: \_\_\_\_\_ Date Approved: \_\_\_\_\_

### Salary Per Diem

(BPC §§ 103, 2606 and Board Policy)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board members is regulated by BPC section 103, which states:

Each such member shall receive a per diem of one hundred dollars (\$100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money. 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.

In relevant part, this section provides for the payment of salary per diem 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.”

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

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members, except for attendance at an official Board, committee, or task force unless a substantial official service is performed by the Board member. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board, committee, or task force meetings, in which a substantial official service is performed, shall be approved in advance by the Board president. The executive officer shall be notified of the event and approval shall be obtained from the Board president prior to a Board member’s attendance.

### Salary Per Diem

(BPC §§ 103, 2606 and Board Policy)

2. The term “day actually spent in the discharge of official duties” shall mean such time as is expended from the commencement of a Board, committee, or panel meeting to the conclusion of that meeting. When it is necessary for a Board member to leave a meeting early, 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.

For Board-specified work, Board members will be compensated for work authorized by the Board president. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences. It includes preparation time for Board, committee, or task force meetings.

It is the Board’s intent that a member shall receive a per diem for the day for any work performed within the 24-hour period.



## Info from Pharmacy Board

*(B&P Code Section 103)*

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for board members is regulated by Business and Professions Code Section 103.

In relevant part, this section provides for the payment of salary per diem 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."

*(Board Policy)*

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

- No salary per diem or reimbursement for travel-related expenses shall be paid to board members, except for attendance at official board or assigned committee meetings. Attendance at gatherings, events, hearings, conferences or meetings other than official board or assigned committee meetings in which a substantial official service is performed shall be approved in advance by the board president.
- The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a board or committee meeting until that meeting is adjourned. If a member is absent for a portion of a meeting, hours are then reimbursed for time actually spent. Travel time is not included in this component.
- For board-specified work, board members will be compensated for actual time spent performing work authorized by the board president. This may also include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences; and exam item writing. Work also includes preparation time for board or committee meetings and reading mail ballots for disciplinary actions.
- Reimbursable work does not include miscellaneous reading and information gathering, committee work not related to a meeting, preparation time for a presentation and participation at meetings not related to official participation of the board.

Board members may submit their hours for which they seek reimbursement to the EO's secretary on the Board Member Attendance Report. By board policy, board members will be reimbursed for their hours spent at board and committee meetings without submitting a Board Member Attendance Report. However, for reimbursement for all other board-sanctioned activities (including reading mail ballots for disciplinary actions) or performing board business, the hours must be submitted on the Board Member Attendance Report.

At each quarterly meeting of the board, there shall be a report of all per diem reimbursement and travel expenses claimed by each member of the board for the fiscal year.

Business and Professions Code section 103 and a Board Member Attendance Report are provided in Appendix D.

For boards within the Department of Consumer Affairs, per diem is outlined in BPC Section 103:

*Each such member shall receive a per diem of one hundred dollars (\$100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.*

**BOARD MEMBER EXPENSE REPORT**

Respiratory Care Board of California

3750 Rosin Court, Suite 100

Sacramento, CA 95834

(916) 999-2190 /F:263-7311

MONTH: \_\_\_\_\_ YEAR: \_\_\_\_\_

● **TRAVEL EXPENSES** ●

Car License #: \_\_\_\_\_

DATE (Each Line = a Day)	TIME DEPARTED	TIME RETURNED	DESTINATION/PURPOSE	MEAL EXPENSES			LODGING EXPENSES	PRIVATE CAR MILEAGE	PARKING EXPENSES
				Breakfast \$7.00	Lunch \$11.00	Dinner \$23.00			

● **PER DIEM** ●

DATE	DESCRIPTION OF SERVICE/WORK	TIME/HOURS	DATE	DESCRIPTION OF SERVICE/WORK	TIME/HOURS

I certify that on the above dates, I was engaged in performing the above duties and that no part of the claim has been paid and that services herein rendered were in accordance with the laws, rules, and regulations of the agency of the State for which compensation is claimed.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Board Member Expense Report

Respiratory Care Board of California  
3750 Rosin Court, Suite 100  
Sacramento CA 95834  
(916) 999-2190

- Airline Expense(s):** Ticket stubs/receipt or the itinerary must be submitted with this expense report. The Department of Consumers Affairs will not process Travel Expense Claims without at least one of these items. Reimbursement will be delayed until staff is able to obtain copies of this information.
- Meal Expense(s):** Maximum reimbursement amounts are listed. Receipts are not required.
- Lodging Expense(s):** An original receipt is required for reimbursement. If a receipt is lost and a duplicate cannot be obtained, the maximum reimbursement amount, without prior approval, will be \$90 per night, plus tax.
- Private Car Mileage:** For state business conducted requiring the use of your personal vehicle, \$.545 per mile will be reimbursed. (please note that reimbursement will not be given when a rental car was obtained for travel.)
- Parking Expense(s):** Receipts are required for parking expenses exceeding \$10.00. If the parking receipt is lost and the total exceeds \$10.00, only \$10.00 will be reimbursed.
- Rental Car, Taxi, Shuttle:** All receipts are required for reimbursement. Please note that the General Services Charge Card should always be used (this eliminates any out-of pocket expenses to you). If the vendor does not accept the General Services Charge Card, you will be required to incur this expense and reimbursement will be given on a Travel Expense Claim form, just as long as the original receipts are submitted