

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
BACKGROUND INFORMATION AND
OVERVIEW OF THE CURRENT REGULATORY PROGRAM

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 if 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 a 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's 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 adding Citation 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."

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.

An organizational chart showing the Board's committees is in Section 13, Attachment B and the current listing of the committee members of the Board's committees is in Section 13, Attachment B.1. The description of the committees roles and responsibilities is in Chapter 6 of the Board's Board Member Guidelines and Procedures Manual.

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 Board Member Guidelines and Procedures 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 A.

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. All committee meetings will be held 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.

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 E.

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 F. 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 900 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
4100 4101 4146 4148 4149 4149.1	Definitions, Delegations of certain functions, and Fitness for licensure, Unprofessional conduct, and Sexual contact (CPEI regulations)	Adopted September 2011	07/22/2011	09/05/2011	09/28/2012
4172	Standards of Practice for Telehealth	Modified text adopted January 2016	09/25/2015	11/09/2015	4/1/2017
4130	Fees	Adopted August 2016	03/25/2016	05/09/2016 07/22/2016 08/18/2016	7/1/2017
4161 4162 4163	Continuing Competence	Adopted August 2016	06/24/2016	08/08/2016	10/1/2017
4176	Notice to Consumer	Adopted October 2016	07/01/2016	08/15/2016	10/1/2017
4149.5	Criteria to consider when refusing to consider a petition	<i>Withdrawn</i>	08/26/2016	10/10/2016	n/a

Section(s)	Rulemaking File Subject	Status	Publication Date	Close of public comment period	Effective date of language
4101 4141 4146 4146.1 4146.2 4146.3 4146.5 4146.7 4146.8 4147 4147.7 4148 4148.5 4149 4149.1 4149.6 4149.7.	Delegation of Certain Functions, Assessment of Administrative Fines, Definitions, Substantial Relationship Criteria, Effective Dates of Decisions, Rehabilitation Criteria for Applicants, Rehabilitation Criteria for Licensees, Disciplinary Guidelines, Probation Monitoring Costs, Mental or Physical Examination of Fitness for Licensure, Other Actions Constituting Unprofessional Conduct, Revocation for Sexual Contact, Petitions for Modification of Penalty, and Petitions for Reinstatement.	<p><i>Pending.</i></p> <p><i>No yet noticed due to size of rulemaking file.</i></p> <p><i>(200+ pages)</i></p>			

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

The California Community Colleges Centers of Excellence for Labor Market Research, in collaboration with the Board, conducted a California Occupational Therapy Assistant Workforce Needs Assessment 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 provide insight into the demographic composition of OTAs in California, their education, licensure, job characteristics such as work tasks, scheduling, and compensation, and the future of the OTA profession, including retirement and potential policy changes.

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.

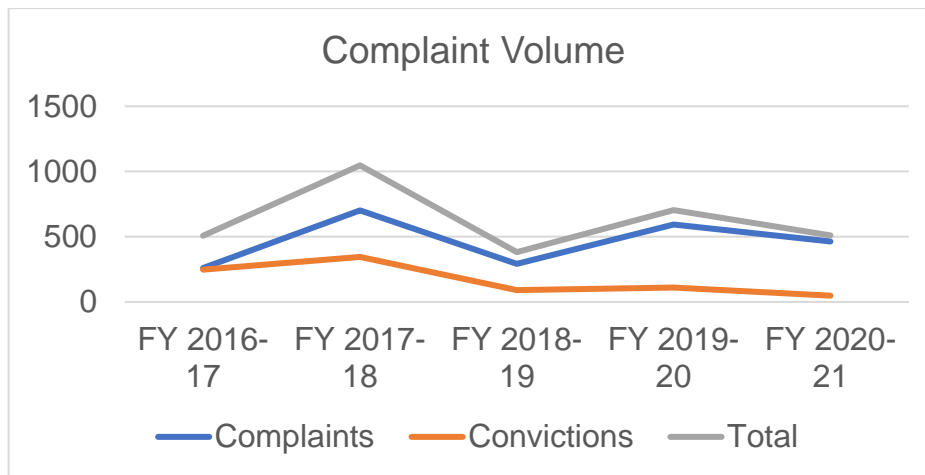
Section 2 Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the board as published on the DCA website.

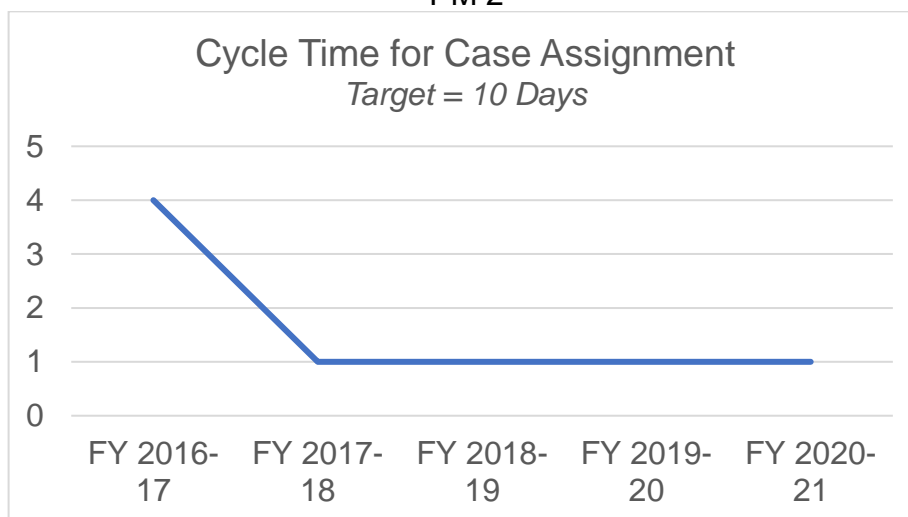
The annual enforcement performances for FY 2016-17 through 2020-21 are shown below.

The quarterly performance measures are provided in Section 13, as Attachment G.

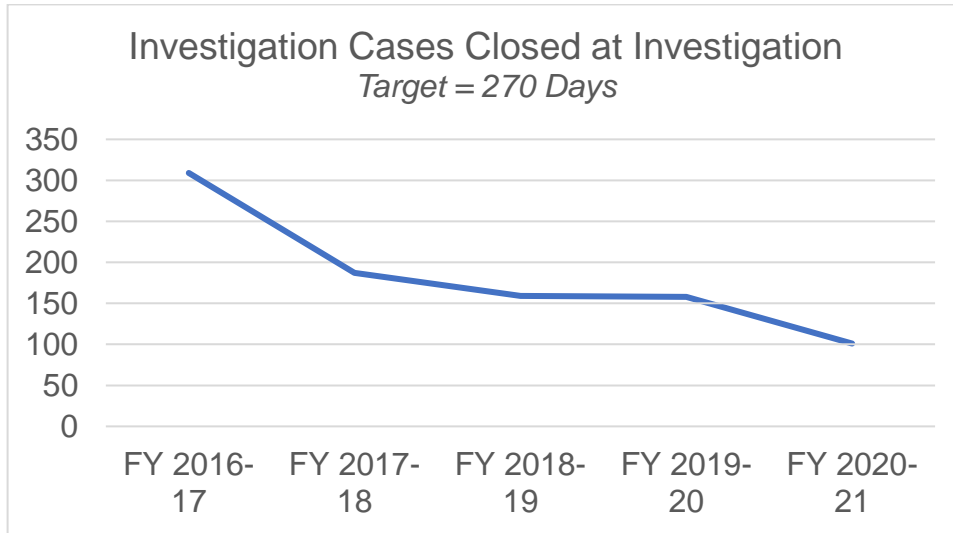
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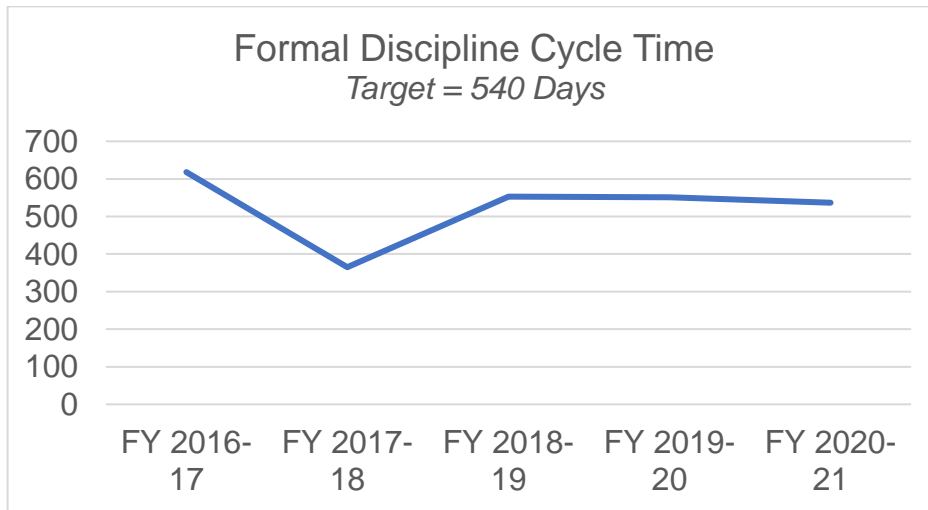
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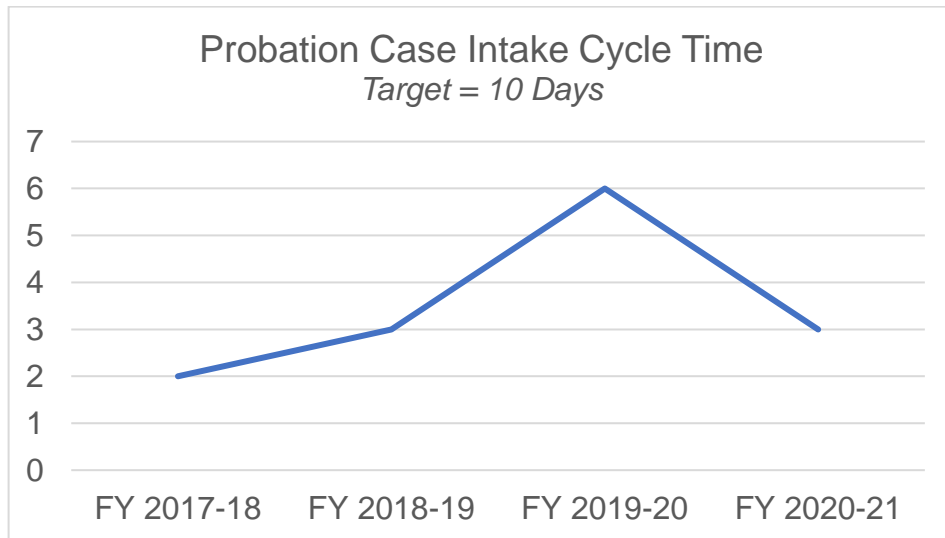


PM 3



PM 4





- 7. Provide results for each question in the board’s customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.**

The Survey Monkey subscription was not renewed which ‘broke’ the survey link on the Board’s website. According to DCA the link was removed sometime between February 29, 2020 and March 19, 2020.

Due the subscription expiration, the prior survey responses could not be retrieved.

**Section 3
Fiscal and Staff**

Fiscal Issues

- 8. Is the board’s fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.**

The Board’s fund is appropriated, subject to approval by the Legislature. Business and Profession Code Section 2570.22 states:

All fees collected by the board shall be paid into the State Treasury and shall be credited to the Occupational Therapy Fund which is hereby created. The money in the fund shall be available, upon appropriation by the Legislature, for expenditure by the board to defray its expenses and to otherwise administer this chapter.

9. Describe the board's current reserve level, spending, and if a statutory reserve level exists.

Historically the Board's expenditures have been less than the annual budget, providing for funds to be reverted to the fund each year. This intentional 'underspending' was a conscious decision to ensure funds were reverted to the Board's fund. This was necessary given the fact that each year, the revenue collected has been less than the Board's expenditures.

Table 2. Fund Condition									
(list dollars in thousands)									
	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24
Beginning Balance	2,982	3,029	2,588	2,319	2,097	1,850	1,550	1,035	392
Revenues and Transfers	1,305	1,416	1,800	2,255	2,294	2,481	3,099	3,070	3,065
Total Resources	\$4,287	\$4,445	\$4,388	\$4,574	\$4,391	4,331	\$4,649	\$4,105	\$3,458
Budget Authority	1,437	2,337	2,299	2,348	2,497	3,008	3,317	3,417	3,519
Expenditures	1,283	1,796	2,185	2,151	2,314	2,599	3,317	3,417	3,519
Direct Draws to the Fund *	2	61	85	220	227	161	197	197	197
Loans to General Fund	-	-	-	-	-	-	-	-	-
Accrued Interest, Loans to General Fund	-	-	-	-	-	-	-	-	-
Loans Repaid From General Fund	-	-	-	-	-	-	-	-	-
Fund Balance	\$3,002	\$2,588	\$2,118	\$2,203	\$1,850	\$1,571	\$1,135	\$491	(\$258)
Months in Reserve	19.4	13.7	10.7	10.9	8.0	5.2	3.4	1.3	-1.0

* Direct Draws are Supplemental Pension and Statewide Pro-rata

10. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

Table 2 displays the fund condition, which indicates that a fee increase is necessary.

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

In 2003-04 a loan was made to the general fund in the amount of \$640,000. This amount was repaid in full in FY 2012/13. The Board was also paid \$89,000 in interest in FY 2012/13 as a result of this loan.

In 2009/10 a loan was made to the general fund in the amount of \$2,000,000. This amount was repaid in FY 2013/14 in full. The Board was paid \$82,000 in interest in FY 2013/14 as a result of this loan.

There have been no loans to the general fund since the loan provided in 2009-10.

12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area.

Expenditures for each program component (except for pro rata) are shown below.

Table 3. Expenditures by Program Component (list dollars in thousands)								
	FY 2017/18		FY 2018/19		FY 2019/20		FY 2020/21	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	548	296	588	308	624	338	625	319
Examination	-	-	-	-	-	-	-	-
Licensing	287	82	309	46	328	70	419	82
Administration *	311	59	327	33	339	50	313	41
DCA Pro Rata	-	539	-	539	-	565	-	821
TOTALS	\$1,146	\$976	\$1,224	\$926	\$1,291	\$1,023	\$1,357	\$1,263

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the Board has received from DCA?

Figure 1. BreEZe Expenditures (dollars listed in thousands)									
FY 2016-17		FY 2017-18		FY 2018-19		FY 2019-20		FY 2020-21	
Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
133,382	128,718	132,000	119,286	111,000	109,576	86,000	87,541	93,000	85,280

At this time the Board is considered in 'maintenance mode' with the BreEZe project and ongoing budget of \$85k in FY 2021-22 and \$63k in FY 2022-23 and on-going. However, these costs could fluctuate depending on actual needs of the Board to make modifications to meet licensee and Board needs for improvement.

14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

At the Board's (2001) inception the Annual Renewal fee for both OTs and OTAs was \$150 per year. Due to such a strong fund reserve, in 2007, the renewal fee was not changed, however, the annual renewal was changed to a biennial renewal based on birth month and birth year. Regardless of month or year of license issuance, initial licenses are pro-rated so that they expire in the licensee's birth month/birthyear. This ensured all licensees were put into an equitable two-year cycle and the Board collect revenue.)

Figure 2. History of Fee Changes					
Fee	Fees Prior to 7/1/2017	Fees Effective 7/1/2017	Fees Effective 1/1/2021	Statutory Limit	CCR
Biennial Renewal OT	220	220	270	\$150 per year	CCR 4130(e)
Biennial Renewal OTA	180	180	210	\$150 per year	CCR 4130(f)
OT Restore License to Active Status	220	220	270	270	CCR 4128(f)(1)
OTA Restore License to Active Status	180	180	210	210	CCR 4128(f)(1)
OT Inactive Renewal	270	270	270	270	CCR 4127(h)
OTA Inactive Renewal	210	210	210	210	CCR 4127(h)
Delinquent Renewal-OT	135	135	135	135	CCR 4130(g)
Delinquent Renewal-OTA	105	105	105	105	CCR 4130(g)
OT Duplicate License Fee	15	25	25	25	CCR 4130(j)
OTA Duplicate License Fee	15	25	25	25	CCR 4130(j)
FTB Cite & Fine Collection	various	various	various	various	CCR 4141(a)
OT Initial License-varies (pro-rated based on renewal fee)	various	various	various	various	CCR 4130(b)
OTA Initial License-varies (pro-rated based on renewal fee)	various	various	various	various	CCR 4130(c)

OT Limited Permit	75	100	100	100	CCR 4130(d)
OTA Limited Permit	75	100	100	100	CCR 4130(d)
OT Retired Status	25	25	25	25	CCR 4130(i)
OTA Retired Status	25	25	25	25	CCR 4130(i)
OT Application fee	50	50	50	50	CCR 4130(a)
OTA Application fee	50	50	50	50	CCR 4130(a)

Fee	Current Fee	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Biennial Renewal OT	270	1,224	1,395	1,440	1,762
Biennial Renewal OTA	210	231	263	281	336
OT Restore License to Active Status	270	-	-	1	1
OTA Restore License to Active Status	210	-	-	-	-
OT Inactive Renewal	270	29	49	44	46
OTA Inactive Renewal	210	5	10	7	10
Delinquent Renewal-OT	135	22	25	30	33
Delinquent Renewal-OTA	105	4	5	7	7
Citation & Fine	various	43	33	48	20
OT Duplicate License Fee	25	5	4	3	4
OTA Duplicate License Fee	25	1	1	1	1
FTB Cite & Fine Collection	various	-	1	2	-
OT Initial License-varies	various	219	206	201	225
OTA Initial License-varies	various	63	61	56	54
OT Limited Permit	100	4	4	3	6
OTA Limited Permit	100	1	1	1	1
OT Retired Status	25	3	4	3	3
OTA Retired Status	25	1	1	1	1
OT Application fee	50	72	72	65	69
OTA Application fee	50	26	27	23	19
Suspended Revenue	various	5	(1)	1	1

15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested	# Staff Approved	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1111-034 2020	2020-21	Facilities Funding Augmentation					\$94,000	\$94,000
1111-037 2020	2020-21	BreEZe System Maintenance and Credit Card Funding					\$125,000	\$125,000
1111-038 2020	2020-21	Licensing Staff Increase	2.5 Office Technician	2.5 Office Technician	\$193,000	\$154,000	\$89,000	\$74,000
1111-075 2018	2018-19	BreEZe System Maintenance					\$142,000	\$142,000
1111-029 2017	2017-18	BreEZe System and Credit Card Funding					\$128,000	\$128,000

The Board received 2.5 OT positions in FY 2020-21. However, due to the pandemic, the positions were approved on a phased-in approach. Funding for 1.5 positions were approved effective July 1, 2020, and ongoing; funding for the remaining 1.0 position was approved effective January 1, 2021, and ongoing.