

Section 6 – Public Information Policies

52. How does the board use the internet to keep the public informed of board activities? Does the board post board-meeting materials online? When are they posted? How long do they remain on the board’s website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board uses its website to keep the public informed of Board activities. The Board posts Notices and Agendas for Board and Committee meetings on its site at least 10 days prior to the scheduled day of the meeting. The Board also posts meeting materials on its site but has experienced challenges in making the materials ADA compliant. The Board has every meeting agenda and/or minutes listed on its website since August 2001. The Board does not post draft meeting minutes on its website. The Board posts approved meeting minutes on its website as soon as practical after they have been approved by the Board.

In addition to the Board’s website the Board uses Email Listserv, and social media platforms Facebook, Twitter and Instagram to keep the public informed of Board activities.

53. Does the board webcast its meetings? What is the board’s plan to webcast future board and committee meetings? How long do webcast meetings remain available online?

Prior to the pandemic, meetings were webcast subject to the availability of DCA’s Public Affairs Unit. During the pandemic to present day, all meetings have utilized the WebEx platform. The Board will continue to use the WebEx platform until in person meetings are approved. The Board has maintained all recordings of meetings on its website and does not have immediate plans on developing a retention policy for these recordings.

54. Does the board establish an annual meeting calendar, and post it on the board’s web site?

The Board establishes an annual meeting calendar that is posted on the Board’s website and can be located by clicking on the Board Activity icon on Board’s homepage. Future and past Board meetings are listed by current year along with “Past Meetings” being listed by calendar year.

55. Is the board’s complaint disclosure policy consistent with DCA’s *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA’s *Web Site Posting of Accusations and Disciplinary Actions (May 21, 2010)*?

The Department’s *Complaint Prioritization Guidelines* was provided to the Board for consideration at their December 3, 2009, meeting. While the Board agreed with the majority of the priority levels assigned to the list of complaint categories, several of the complaint categories were elevated in priority level and two were lowered.

56. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The Board provides the licensee's name, license type, license number, license status, information relative to whether they have been approved to provide advanced practice services, expiration date of the license, and the city, county, state and zip code of their address of record. The Board also publishes whether the licensee has been the subject of disciplinary action and/or an administrative citation.

57. What methods are used by the board to provide consumer outreach and education?

The Board's consumer outreach is done through the Board's website and via social media (Facebook, Twitter, and Instagram). In addition, the Board has a monthly subscription list for Board Disciplinary Actions that is utilized by employers, insurance companies, and other interested parties.

Prior to the pandemic, Board staff has also attended outreach events held at universities and participated in job fairs and events as a guest speaker.

Section 7 – Online Practice Issues

58. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

The Board is not aware of the prevalence that online services are being provided. At this point in time, the Board has not received a complaint or report of unlicensed practice pertaining to online services.

The Board currently regulates occupational therapy services provided ‘online’ or via telecommunication, referred to as ‘telehealth’, under the authority provided in BPC section 2290.5. The Board adopted regulatory amendments to CCR section 4172, to define and clarify standards for providing occupational therapy services via telehealth on April 1, 2014. The primary purpose of the regulation was to establish and provide guidelines for therapists to consider when deciding whether telehealth is an appropriate mode of delivery for services. While telehealth promotes access and greater convenience to consumers the Board felt it was necessary to establish and clarify not all services or interventions might be appropriate or safe to provide via telehealth in the interest of public safety.

The Board adopted regulatory amendments to California Code of Regulations Section 4172(b) effective April 1, 2017, that were designed to amend and clarify that an occupational therapist does not need to obtain a patient’s/client’s consent for subsequent telehealth services once the patient/client initially consents to receive occupational therapy services via telehealth. The amendment was designed to eliminate confusion, misinterpretation and promote access and greater convenience for the consumer.

The Board adopted regulatory amendments to California Code of Regulations Section 4176 effective October 1, 2017, requiring licensees advise their patients/clients that their license is regulated by the Board and require licensees to display their first and last name; license type; and highest level of earned academic degree related to the provision of occupational therapy services (with minimal exceptions) on their name badge in at least 18-point font, in their office in at least 24-point font, and on any website directly controlled or administered by the occupational therapist or occupational therapy assistant or his or her office personnel.

Section 8 – Workforce Development and Job Creation

59. What actions has the board taken in terms of workforce development?

The Board has partnered with the Centers of Excellence for Labor Market Research and the Health Workforce Initiative to report on the licensed Occupational Therapy Assistant workforce with a focus on employment and educational opportunities.

60. Describe any assessment the board has conducted on the impact of licensing delays.

The Board has not conducted a formal assessment regarding any delays in licensing applicants. However, the Board is aware of and sensitive to this issue and strives to license all qualified individuals as soon as possible and there have not been any delays.

61. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The Board has coordinated and conducted overview sessions to graduating students at various California occupational therapy educational programs. The purpose and design of the overview session is to orient students with the processes and requirements for licensure and describe and inform students of the Board's role and responsibility of protecting the public. The Board has had staff attend the annual conference of the Occupational Therapy Association of California (OTAC) to answer questions from licensees and potential licensees. However, these activities have been limited due to the travel restrictions imposed per the Governor's Executive Order B-06-11 and the COVID-19 pandemic.

62. Describe any barriers to licensure and/or employment the board believes exist.

There are no statutory barriers or inefficiencies that hinder the processing of applications for licensure. The application process required in California is consistent across the United States, including completing educational programs accredited by ACOTE and passage of the examinations administered by NBCOT.

64. Provide any workforce development data collected by the board, such as:

a. Workforce shortages

The October 2021 Centers of Excellence Workforce Needs Assessment on Occupational Therapy Assistants in California reported that in 2019 there were 2,917 OTAs employed in the state of California. This is an increase of more than 1,000 OTAs in the last ten years. By the year 2024, California is forecasted to employ 3,643 OTAs, an increase of 726 workers. The greatest growth will be in the Los Angeles/Orange County region which is forecasted to have an 11.8% growth rate over the next 5 years but the fastest rate of growth is expected in the Central Valley/Mother Lode region with a 38.9% growth rate.

b. Successful training programs.

With implementation of the BreEze system in January 2016, the Board incorporated a workforce survey into the system. The survey is voluntary and available for applicants to complete upon initial licensure and licensees to complete at time of license renewal. The requested demographic information includes the following:

- Employment Status (e.g. not employed, whether they work full or part time in California, work full time outside California, retired, or other)
- Location (zip code) of the primary place where they practice and how many hours they work.
- Location (zip code) of any secondary place of practice and how many hours they work.
- Number of years worked.
- Self-employed and if so, how many hours they work.
- Asks if they have completed another degree beyond the qualifying degree.
- When they plan to retire.
- Area(s) of current practice (e.g. developmental disabilities, physical disabilities, mental disabilities, home health, skilled nursing, gerontology, wellness, education, etc.)
- Ethnic background and foreign languages spoken

65. What is the status of the board’s implementation of the Uniform Standards for Substance Abusing Licensees?

In its 2012 report, the Board reported that it was the first healthcare Board to implement the Uniform Standards. The Board’s Disciplinary Guidelines were amended to add the Uniform Standards and took effect July 26, 2011. Also, consistent with BPC 315.2, the Board issues Cease Practice Orders (CPOs) to licensees on probation for substance abuse issues who test positive for a banned substance.

66. What is the status of the board’s implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

The Board’s CPEI regulations were amended and went into effect September 28, 2012. Additionally, the Board established section CCR Section 4146.5, specifying effective dates for two types of Decisions. Effective October 1, 2014, a Default Decision and Order and Stipulated Settlement and Order shall become effective 10-days from the date of service of the decision on the parties. An effective date of the Decision 10 days after service ensures prompt consumer protection.

67. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

- a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board’s change requests?

The Board transitioned to BreEZe during the Department’s second release which was in January 2016. There are currently 3 change requests (Board Maintenance and Operations or BMOs) pending that will add enhancements to the system in future releases. There have been 3,351 BMOs that have affected the Board completed to date (since Release 2 launched in 2016).

- b. If the board is not utilizing BreEZe, what is the board’s plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board’s understanding of Release 3 boards? Is the board currently using a bridge or workaround system?
Not applicable.

Section 10 – Board Actions and Responses to COVID-19.

68. In response to COVID-19, has the board implemented teleworking policies for employees and staff?

In March 2020, the CBOT implemented teleworking policies for employees and staff and required staff to complete and sign the Department of Consumer Affairs's Telework arrangement. To support the COVID-19 efforts, the CBOT continues to have 70 percent or more of staff in a telework environment.

a. How have those measures affected board operations? If so, how?

Staff Work and Attendance

The CBOT's staff struggled with not having access to needed paper files, office machines, supplies and face to face access to their co-workers when scheduled for telework which contributed to a work slowdown. Additionally, some of the CBOT staff experienced physical and emotional health related occurrences as a result of the non-ergonomic home working conditions and the pandemic itself respectively that contributed to increased absences amongst staff.

Board Meetings

Board and Committee meetings, moved to a virtual platform, via WebEx, Zoom, Teams, etc. Although, the virtual platform allows for greater public participation, the CBOT experiences technical issues on occasion (connectivity, clarity of speakers, WebEx failure) which has resulted in Board members dropping out of a meeting and being unable to return. Although the Board member(s) were unable to return the Board has not suffered a Board meeting cancellation due to quorum deficiencies.

69. In response to COVID-19, has the board utilized any existing state of emergency statutes?

b. If so, which ones, and why?

The CBOT has not utilized any existing state of emergency statutes.

70. Pursuant to the Governor's Executive Orders N-40-20 and N-75-20, has the board worked on any waiver requests with the Department?

Order Waiving License Renewal Requirements

The CBOT utilized the Governor's Executive Order N-39-20 that addresses waiving any statutory or regulatory renewal requirement that individuals renewing a license pursuant to Division 2 of the Code take and pass an examination in order to renew a license and any requirement that an individual renewing a license complete or demonstrate compliance with, any continuing education requirements in order to renew a license.

Order Waiving License Reactivation or Restoration Requirements

The CBOT utilized the Governor's Executive Order N-39-20 that addresses waiving the requirements to reactivate or restore a license to active status. This waiver applies only to an individual's license that: (1) is in a retired, inactive, or canceled status, and (2) has been in such status no longer than five years.

Order Extending Occupational Therapy Applicant Eligibility

The CBOT utilized the Governor's Executive Order N-39-20 that addresses applicants that were notified of their licensure eligibility on and after December 1, 2020, that the time within which such individuals must submit their initial license fee increased from 60 days to 120 days.

Order Extending Eligibility Period and Expiration Dates for Limited Permits

The CBOT utilized the Governor's Executive Order N-39-20 that addresses individuals who complete the education and fieldwork requirements for certification as an OT or OTA between March 31, 2020, and June 1, 2020, that it extends the time that such individuals must apply to take the licensing examination from 4 months to 6 months. Additionally, it addresses individuals issued limited permits between March 31, 2020, and June 1, 2020, that those limited permits would be valid for 6 months from the date of issuance instead of 3 months.

Order Extending Expiration Dates for Limited Permits

The CBOT utilized the Governor's Executive Order N-39-20 that addresses individuals issued limited permits between December 1, 2020, and March 31, 2021, that those limited permits would be valid for 6 months from the date of issuance instead of 3 months.

c. Of the above requests, how many were approved?

Three of the above requests pertained solely to the CBOT and they were both approved.

d. How many are pending?

There are not any CBOT requests pending.

e. How many were denied?

There were not any CBOT requests denied.

f. What was the reason for the outcome of each request?

The 3 CBOT requests were approved because they eased the burden of occupational therapy applicants and made their transition into the workforce easier during a time when health care professionals were needed on the front lines of a healthcare crisis.

In response to COVID-19, has the board taken any other steps or implemented any other policies regarding licensees or consumers?

Due to COVID-19, the CBOT implemented the following:

- Virtual Board Meetings and Committee meetings.
- Probation orientation and quarterly meetings held by telephone.
- Continued updates to the CBOT website, as appropriate, to inform stakeholders of updates related to COVID-19 and impacting the field of occupational therapy.
- Closure and re-opening of the public counter as instructed by the Department of Consumer Affairs.
- Implementation of required sanitization of the high traffic in office 3 times per day.
- Implementation of required face masks, social distancing while in office and recommended regular hand washing.
- Providing surgical grade face coverings at every office entrance and N-95 masks available upon request, disinfectant wipes placed strategically throughout the office and disposable gloves available upon request.
- CBOT staff participation in online training courses.
- The implementation and encouraged use of the Teams application to promote and enhance employee communication.

71. Has the board recognized any necessary statutory revisions, updates or changes to address COVID-19 or any future State of Emergency Declarations?

The CBOT has not recognized any necessary statutory revisions, updates or changes to address COVID-19 or any future State of Emergency Declarations.