

## **AGENDA ITEM 7**

**REVIEW AND VOTE ON APPROVAL OF THE NOVEMBER 4-5, 2021,  
BOARD MEETING MINUTES.**



**\*\*\* DRAFT \*\*\***

## **TELECONFERENCE BOARD MEETING MINUTES**

**November 4-5, 2021**

Board Member(s) Present

Sharon Pavlovich –President  
 Jeff Ferro – Vice President  
 Beata Morcos – Secretary  
 Richard Bookwalter – Board Member  
 Lynna Do – Board Member  
 Denise Miller – Board Member

Board Staff Present

Heather Martin – Executive Officer  
 Jody Quesada – Associate Analyst  
 Jeanine Orona – Enforcement Analyst  
 Helen Geoffroy – Attorney III

**November 4, 2021**

**9:00 a.m. - Board Meeting**

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

The meeting was called to order at 9:07 a.m., Secretary Beata Morcos called roll and a quorum was established. Board member Lynna Do joined the meeting at 9:11 a.m.

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

Board President Sharon Pavlovich thanked everyone in attendance and acknowledged Board staff, Board Attorney Helen Geoffroy and Solid Moderator Sarah Irani for all the work that goes on behind the scenes to support the Board’s meeting.

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

Board Vice President Jeff Ferro stated that he recently submitted a letter to Speaker of the Assembly Anthony Rendon’s office regarding his reappointment but had not yet received an answer.

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

Kristen Neville, State Affairs Manager with the American Occupational Therapy Association (AOTA) introduced herself and thanked the Board for the opportunity to participate.

Bryant Edwards, President of the Occupational Therapy Association of California (OTAC), asked that when the Board considered revisions to Business and Professions Code 2570.4 and 2570.6, they consider OTAC’s suggested amendment to California Code of Regulations section 4161 as well.

- Denise Miller moved to add Mr. Edwards' letter to a future meeting agenda for discussion.
- Richard Bookwalter seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich: Yes  
 Jeff Ferro: Yes  
 Beata Morcos: Yes  
 Richard Bookwalter: Yes  
 Lynna Do: Yes  
 Denise Miller: Yes

The motion carried.

5. Review and vote on approval of the May 20-21, 2021, Board meeting minutes.

Richard Bookwalter asked that page 8, paragraph 1 be updated to add “the current language” to the second line following “Richard Bookwalter stated that if .....”.

Mr. Bookwalter asked that page 31, item 10, paragraph 2 be updated to add “and the distinction between education and training” to the end of the paragraph.

President Pavlovich ask that page 16, item s, paragraph three, line three be updated to replace the word “reform” with “informed”.

- Richard Bookwalter moved to adopt May 20-21, 2021, teleconference minutes as amended and to grant the Executive Officer permission to make non substantive changes.
- Lynna Do seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich: Yes  
 Jeff Ferro: Yes  
 Beata Morcos: Yes  
 Richard Bookwalter: Yes  
 Lynna Do: Yes  
 Denise Miller: Yes

The motion carried.

6. Review and vote on approval of the September 13, 2021, Board meeting minutes.

- Richard Bookwalter moved to adopt September 13, 2021, teleconference minutes and to grant the Executive Officer permission to make non substantive changes.
- Beata Morcos seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich: Yes  
Jeff Ferro: Yes  
Beata Morcos: Yes  
Richard Bookwalter: Yes  
Lynna Do: Yes  
Denise Miller: Yes

The motion carried.

7. Review and vote on approval of the October 21, 2021, Board meeting minutes.

- Lynna Do moved to adopt October 21, 2021, teleconference minutes and to grant the Executive Officer permission to make non substantive changes.
- Beata Morcos seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich: Yes  
Jeff Ferro: Yes  
Beata Morcos: Yes  
Richard Bookwalter: Yes  
Lynna Do: Yes  
Denise Miller: Yes

The motion carried.

8. Report and Update from Department of Consumer Affairs (DCA) – Carrie Holmes, Deputy Director of Board and Bureau Relations.

Carrie Holmes, Deputy Director of Board and Bureau Relations thanked the Board members and Board staff for their continued hard work and dedication during the pandemic.

Ms. Holmes reported that the DCA Telework policy was being worked on, that DCA employees are required to be vaccinated or test weekly and that Board members are also required to comply with testing protocol if visiting DCA locations.

Ms. Holmes stated that remote meetings are required until at least January of 2022 at which time the holding of in-person meetings will be readdressed.

Ms. Holmes addressed the 'per diem' best practices. DCA expectations included development and use of a clear and simple 'per diem' document signed by the Board member, the Board President and finally reviewed by Board staff.

Lastly, Ms. Holmes stated that 2021 is a mandatory Sexual Harassment training year and the training could be accessed by each Board member through the DCA Learning Management system (LMS).

President Pavlovich and Vice President Ferro thanked Ms. Holmes for her participation.

9. Sunset Review Committee's report and recommendation(s) to the Board regarding:
  - a) Acceptance of the October 14, 2021, Committee meeting.
  - b) Review of draft 2021 Sunset Report and possible recommendation to Board to approve.

The Board agreed to address Agenda item 9 at the next Board meeting.

10. Discussion and possible action on Sunset Review Committee report and recommendation(s).

The Board agreed to address Agenda item 10 at the next Board meeting.

11. Update on the Occupational Therapy Workforce Study conducted by the California Community Colleges Chancellor's Office.

President Pavlovich expressed her appreciation at being able to review the complete Workforce Study report and thanked all who worked so hard gathering and reporting this data.

Vice President Ferro said the report was great and expressed his gratitude.

Board member Denise Miller proposed that the Board discuss and decide what type of outreach the Board can provide to the OTA schools regarding this report.

President Pavlovich expressed her agreement with the idea of a presentation or open forum discussion with the OTA schools.

Board member Richard Bookwalter thanked the Community Colleges Chancellor's Office and stated that he was struck by the demographics and debt incurred. Mr. Bookwalter said that there was a lot of data to use for Board making policies.

Executive Officer Heather Martin informed the Board members that Board staff could invite the Program Directors from California's OTA programs to townhall-style meeting so their feedback can be included at a future Board meeting.

- Denise Miller moved to coordinate a meeting with the OTA college Director's prior to the February Board meeting.
- Jeff Ferro seconded the motion.

**Public Comment**

Program Director for the Occupational Therapy Assistant at Sacramento City College (SCC) Ada Boone Hoerl stated that she was struck by the demographics and was anxious to see how the data matches the AOTA data. Ms. Boone Hoerl said that she would be happy to do research and share with the Board at a future meeting.

President Pavlovich thanked Ms. Boone Hoerl on behalf of the Board and stated that they Board would welcome her sharing her research. Ms. Pavlovich commended Ms. Boone Hoerl for always bringing such well researched insight to Board discussions and voiced the Board’s appreciation for her participation and hard work.

Executive Officer Heather Martin offered to schedule time with Ms. Boone Hoerl to deliver any additional information she may have.

**Board Member Votes**

- Sharon Pavlovich: Yes
- Jeff Ferro: Yes
- Beata Morcos: Yes
- Richard Bookwalter: Yes
- Lynna Do: Yes
- Denise Miller: Yes

The motion carried.

12. Update on Occupational Therapy Licensure Compact.

Executive Officer Heather Martin reported that there were no changes from what was reported at the September Board meeting. There are currently nine of the required ten states that have enacted the Compact and there are four additional states where legislation carried over to next year which increases the opportunity for the OT Compact to gain the ten states necessary to enact it.

Ms. Martin agreed to ask Dan Logsdon, Director of the National Center for Interstate Compacts to attend the Board’s February meeting to give a status update.

**Public Comment**

American Occupational Therapy Association (AOTA) State Affairs Manager Kristen Neville confirmed that there were plans to meet with other states in 2022 to ask new states to introduce a bill.

13. Update on bills signed by the Governor.

Executive Officer Heather Martin informed the Board that all the included bills were signed into law and confirmed that none of the bills required regulatory changes.

14. Discussion on the Board’s Fund Condition and possible increase of license renewal and other miscellaneous fees to maintain solvency.

Executive Officer Heather Martin shared that she reached out to OTAC and AOTA to review the materials and asked them to offer suggestions. Ms. Martin also informed the Board that there were not any new materials for this agenda item but wanted to make it available for the Board's review.

President Sharon Pavlovich reminded the Board that practitioners paid \$150 per year when licensure began and approximately 20 years later the Board has yet to hit that original threshold.

Board member Richard Bookwalter stated that during the previous increase, monetary scenarios were provided to the Board to show how the fund would be affected and that those scenarios were helpful. He also recalled that although the Board provided outreach events and town hall style meetings to solicit feedback, yet licensee participation was almost nonexistent. He pointed out that after the renewal fee increase went into effect, OTAC and AOTA came back to the Board expressing concern on behalf of their members, thus he thought it a great idea to get them involved early on.

Ms. Martin stated that the exact topic was addressed during her conversation with OTAC President Bryant Edwards and she asked that he bring the issue before the OTAC Board and consider sharing it at a leadership meeting. Ms. Martin requested an invite to any OTAC meeting to give an update and answer questions.

Ms. Martin explained that the Board paid \$40,000 last fiscal year in credit card fees for licensees who make payments online in the BreEZe system. She let the Board know that any decision to charge the credit card fee to the online user, rather than the Board continue to absorb it, would need to be made by February due to all the behind-the-scenes work required, such as contract changes and computer programming. The change could become effective as soon as July 2022.

Ms. Pavlovich stated that she did not think the Board should incur the credit card usage fee but should pass that on to the licensees.

Mr. Bookwalter supported the position of passing the credit card convenience fee on to the licensees.

The Board asked Ms. Martin to provide a graph of the Board's top five expenditures on a year-by-year basis.

Mr. Bookwalter mentioned that the report on the Office of Administrative Hearings and the Court Reporters was a clear and helpful layout.

Ms. Martin reminded the Board that every year the budget is underspent, yet the revenue is not enough to sustain the Board. She said that if she spent her entire allotted budget the Board would have been in the red years ago.

Secretary Beata Morcos thanked Ms. Martin for her explanation and stated that the increase is fair and justified if it means the Board can continue to operate efficiently.

Ms. Morcos said that just because Ms. Martin is smart and responsible with her spending does not mean the Board should risk Board operations or protecting the public by not raising the fees to keep the Board solvent.

Mr. Bookwalter agreed with Ms. Morcos' comments and spoke in favor of empowering Ms. Martin to pass on the credit card convenience fee to the licensees and to present at a future Board meeting potential fee increase amounts. He said he did not need to see graphs in order to have forward movement on the topic.

- Richard Bookwalter moved to have Executive Officer Heather Martin move forward in the process of passing the credit card convenience fees on to the licensees.
- Denise Miller seconded the motion.

### **Public Comment**

OTAC President Bryant Edwards thanked the Board for the discussion. Mr. Edwards asked that if the Board is underspending and not collecting enough money, are they budgeting for a loss. He also asked what the trends of the colleague boards are and how they are spending their money.

### **Board Member Votes**

Sharon Pavlovich: Yes  
Jeff Ferro: Yes  
Beata Morcos: Yes  
Richard Bookwalter: Yes  
Lynna Do: Yes  
Denise Miller: Yes

The motion carried.

- Richard Bookwalter moved to have Executive Officer Heather Martin present varied fee increase scenarios at a future board meeting.
- Jeff Ferro seconded the motion.

### **Board Discussion**

Secretary Morcos stated that she had enough information already for her to move forward with a proposed increase and did not want to delay the process.

President Pavlovich also stated that she had enough information and data to make her decision.

### **Board Member Votes**

Sharon Pavlovich: No  
Jeff Ferro: Yes  
Beata Morcos: No  
Richard Bookwalter: Yes  
Lynna Do: Yes  
Denise Miller: Yes



The motion carried.

15. Discussion on the Fieldwork Communications Workgroup recommended letters to be sent out regarding supervising students completing Level II fieldwork.

Board member and Fieldwork Communications Workgroup (FCW) Chair Lynna Do presented that there were no updates from FCW but asked her fellow Board members for input so that the letters could be sent out to address the fieldwork placement problem.

The Board members offered suggestions regarding the letters that included getting to the point sooner and clarifying the 'who' in specific paragraphs. The Board agreed the second letter was more concise and could be used as a model to get the first letter to a better place.

The Board decided that since the Workgroup was no longer meeting the Board could delegate Chair Lynna Do to receive the Board member recommendations and work with staff to redraft the letters to present to the Board at a future meeting.

- Lynna Do moved to appoint the Chair of the committee to receive recommendations to the letters from Board members and work with Board staff to formulate satisfactory letters to send out.
- Denise Miller seconded the motion.

#### **Public Comment**

There was no public comment.

#### **Board Member Votes**

Sharon Pavlovich:	Yes
Jeff Ferro:	Yes
Beata Morcos:	Yes
Richard Bookwalter:	Yes
Lynna Do:	Yes
Denise Miller:	Yes

The motion carried.

16. Discussion on the Fieldwork Communications Workgroup recommended amendments to Business and Professions Code Sections 2570.4 and 2570.6.

Executive Officer Heather Martin stated that the handouts included OTD committee recommended edits as well as AOTA public comment that was submitted in writing for consideration.

Following a discussion of the AOTA suggestions on whether to add "or mentored" to 2570.4 (c) and to 2570.6 (e) along with "doctoral" to 2570.6 (e) the Board decided that adding "or mentored" would make it difficult for the Board to regulate that law. The Board's Attorney Helen Geoffroy agreed that it would be easier to regulate "supervised" as opposed to "mentored". The Board thanked AOTA for their input and agreed that the use of "doctoral" in BPC 2570.6 (e) in place of "doctorate" was a great suggestion.

- Richard Bookwalter moved that the Board adopt the language recommended by the OTD committee and replace “doctorate” with “doctoral” throughout.
- Denise Miller seconded the motion.

**Public Comment**

Member of the public Lindsay asked if the Board did not take AOTA’s suggestion and use “mentored” would that affect the current Capstone students.

President Pavlovich thanked Lindsay for being in attendance and explained that as long as her Capstone is supervised, everything will be fine. Mr. Bookwalter added that gaining her license after graduation from her master’s level program would make it a non-issue.

**Board Member Votes**

Sharon Pavlovich:	Yes
Jeff Ferro:	Yes
Beata Morcos:	Yes
Richard Bookwalter:	Yes
Lynna Do:	Yes
Denise Miller:	Yes

The motion carried.

17. Discussion and evaluation of criteria listed for appointment of committee members as specified in the Board Member Guidelines and Procedure Manual.

The Board decided to address this topic at a future meeting.

18. 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.

Executive Officer Heather Martin apologized to the Board for mistakenly stating that the vote on the ‘per diem’ agenda item did not pass due to quorum issues which led to this item being placed on this agenda for discussion and action.

President Pavlovich offered her appreciation for Deputy Director Carrie Holmes’ report on ‘per diem’ best practices that could be used to guide the Board when addressing this agenda item.

Board Secretary Beata Morcos expressed her concern that the agenda item was already addressed and voted on at the May 2021 meeting and she felt that the Board passed a fair and neutral motion that should stand.

Board Attorney Helen Geoffroy said that she would prefer a new motion since the Board now has additional information.

Following further discussion by the Board members, Ms. Martin suggested that the Board

make a new motion on who should approve the per diem, decide if they want to make the approval process a two-prong process by including the Executive Officer, add the per diem form in the Board Member Guidelines and Procedures manual and remove the start/end time from the per diem form.

- Richard Bookwalter moved to remove the start/end time from the per diem form.
- Beata Morcos seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich:	Yes
Jeff Ferro:	Yes
Beata Morcos:	Yes
Richard Bookwalter:	Yes
Lynna Do:	Yes
Denise Miller:	Yes

The motion carried.

The Board agreed that they liked the layout of the Respiratory Care Board's travel/per diem form.

Ms. Martin stated that Board staff could shorten the travel section and add additional lines for per diem entries.

- Richard Bookwalter moved to stop using the current per diem form and re-purpose Respiratory Care Board's form for CBOT use.
- Lynna Do seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich:	Yes
Jeff Ferro:	Yes
Beata Morcos:	Yes
Richard Bookwalter:	Yes
Lynna Do:	Yes
Denise Miller:	Yes

The motion carried.

- Richard Bookwalter moved to restore the per diem language to the green highlighted language that represented changes made by the Board at the February 7, 2019, Board meeting and to add the re-purposed Respiratory Care Board per diem form to the Board Member Guidelines and Procedure manual.

- Lynna Do seconded the motion.

Ms. Martin shared through WebEx a newly updated version of the per diem policy that she was working on during the current discussion which included deletion of all language in yellow highlight, the addition of highlighted green language and the addition of “and Executive Officer or designee” following “by the Board President” when referring to approval throughout the per diem section.

Mr. Bookwalter withdrew his motion. Board member Do was unable to withdraw her second due to technical difficulties.

Board Attorney Helen Geoffroy assured the Board that they could move forward although Ms. Do was unable to withdraw her second.

- Jeff Ferro moved to include in the Board Member Guidelines and Procedure manual language under the per diem section the following language “At the first Board meeting following the close of the fiscal year that Board staff will report all per diem reimbursement and travel expenses claimed by each Board member.”
- Richard Bookwalter seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich:	Yes
Jeff Ferro:	Yes
Beata Morcos:	Yes
Richard Bookwalter:	Yes
Lynna Do:	Absent
Denise Miller:	Yes

The motion carried.

As of 4:09 p.m. Lynna do was no longer present at the meeting.

- Richard Bookwalter moved to approve Executive Officer Heather Martin’s ‘per diem’ language suggestion and allow her to make technical non substantive changes.
- Denise Miller seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich:	Yes
Jeff Ferro:	Yes
Beata Morcos:	Yes
Richard Bookwalter:	Yes

Lynna Do: Absent  
Denise Miller: Yes

The motion carried.

Discussion ensued about whether or not a footnote regarding the per diem vote from May 2021 needed to be added to the May minutes.

Board Attorney Helen Geoffroy explained that the footnote would include that the motion did pass, and it would be clarifying for the public that wished to review the May minutes.

- Richard Bookwalter moved to add a footnote to the May 2021 meeting minutes below the motion that would include language that would clarify that the motion did carry.
- Denise Miller seconded the motion.

#### **Public Comment**

There was no public comment.

#### **Board Member Votes**

Sharon Pavlovich: Yes  
Jeff Ferro: Yes  
Beata Morcos: Yes  
Richard Bookwalter: Yes  
Lynna Do: Absent  
Denise Miller: Yes

The motion carried.

Due to the time of day the Board agreed to carry the final four items including Closed Session to November 5, 2021, with a start time of 10:00 a.m.

Adjournment

The meeting adjourned at 4:21 p.m.

# TELECONFERENCE BOARD MEETING MINUTES

**November 4-5, 2021**

Board Member(s) Present

Sharon Pavlovich – President  
Jeff Ferro – Vice President  
Beata Morcos – Secretary  
Richard Bookwalter – Board Member  
Lynna Do – Board Member  
Denise Miller – Board Member

Board Staff Present

Heather Martin – Executive Officer  
Jody Quesada – Associate Analyst  
Jeanine Orona – Enforcement Analyst  
Helen Geoffroy – Attorney III

**November 5, 2021**

**10:00 am - Board Meeting**

The meeting was called to order at 10:00 a.m., Secretary Beata Morcos called roll, all board members were present, and a quorum was established.

Board President Sharon Pavlovich thanked everyone in attendance, wished everyone a Happy Diwali and expressed her appreciation for everyone's support in moving the Board forward.

Ciara Cox introduced herself as a Professor at Samuel Merritt University. Ms. Cox also introduced her colleague Kate Hayner and acknowledged that her Advanced Leadership class that was in attendance.

President Pavlovich stated that she was happy and excited to have the professors and the students in attendance because advocacy is important.

19. Executive Officer's Report.

Executive Officer Heather Martin reviewed her included written report as well as all included handouts. Some of the highlights were as follows:

a. Operational and budget reports.

The CBOT had 3.5 employees depart the group during the months of July through November and was approved to hire 2 Retired Annuitants and a Probation monitor. The Probation monitor and 1 of the Retired Annuitants are slated to start their employment mid to late November.

Jeff Hanson, the Board's Enforcement Unit manager planned to retire effective February 1, 2022, after nearly 33 years of dedicated service to the State of California.

Several more recruitment packages are being prepared to fill vacancies.

b. Licensing and enforcement data.

Ms. Martin explained to the students from Samuel Merritt that the provided budget report numbers reflected amounts in the millions, how the numbers of applications received differs from the number of approved applications due to the fact that some applicants have outstanding required documents which affects the date that they are approved and most importantly the Limited Permit process which is widely unused even though it is a way for a newly graduated student to work while they wait for their transcripts to be ready or sit for the national exam.

Following the review of the citation and fine report and the cases referred to the Deputy Attorney General, President Pavlovich noted that professional development unit (PDU) violations are common and offered that the way to avoid that violation is to retain PDU certificates for up to four years in case they are audited by the Board.

Ms. Martin elaborated on the random audit process by informing the students that 10-15% of licensees renewing in a given month are selected for an audit to determine if they met the 24 PDU requirement. Board staff will send two inquiries by mail to alert the licensee that they were chosen for an audit and to submit their certificates to satisfy the audit. Those who do not respond or cannot produce certificates from the renewal period in question will receive a citation and fine or further disciplinary action up to and including revocation of their license if they choose to not cooperate.

Board member Denise Miller added that every violation makes more work for staff and leads to the incurrence of investigative costs which in turn contribute to the need for fee increases.

**Public Comment**

Ciara Cox thanked the Board for taking the time to acknowledge the Samuel Merritt OT students and educate them on items considered by the Board.

President Pavlovich thanked Ms. Cox, Ms. Hayner and the students for attending. Ms. Pavlovich reminded the students that they are the future of occupational therapy and to never underestimate their contribution.

c. Future Agenda Items

- Review updated Board Administrative Manual to reflect revised committee member appointment criteria for licensees.

Ms. Martin added the following items to the future agenda items list:

- Invite Dan Logsdon from the Council of State Governments to give a status update on the OT compact and/or to inform the Board when the 10-state threshold is met.
- Public comment requesting earning PDUs for a Capstone.
- Schedule a meeting with the California OT and OTA programs to go over the Occupational Therapy Assistant Workforce Needs Assessment.
- Considering legislation from other states' Practice Act to compare to CBOT's practice act.

Ms. Martin asked that the Board discuss and prioritize the remaining agenda items for the February and May Board meeting agendas.

President Pavlovich asked the Board members to give input on the most important items that should be handled first with the understanding that the list is fluid.

Mr. Bookwalter asked to eliminate bullet five (below) because it was already discussed.

- Evaluate per diem policy set forth in the Board Administrative Manual and the attendance form used to document time spent on Board activities.

Mr. Bookwalter prioritized the following items that he felt needed the most urgent attention:

- Public comment regarding OTAC pushing credentialing all school-based OTs and PTs as a priority if the legislation moves forward.
- OTAC request for the Board to consider adding Cultural Diversity courses as a PDU requirement for renewal.
- Public comment suggesting the Board consider adding an Ethics course as a PDU requirement for renewal.
- Review of ACOTE Guidelines and consider reducing advanced practice education and training requirements for students graduating after a certain date (date TBD).
- Review of education and training requirements for licensees demonstrating competence in advanced practice areas and consideration of reducing education/training hours needed.
- Discussion on the public comment asking for Board position on whether Advanced Practice approval in Hand Therapy is required for non-complicated, non-surgical carpal tunnel syndrome.

Board Attorney asked if the Board was still requesting an analysis on SB 731.

Board Secretary Beata Morcos asked to keep SB 731 on the agenda because it's a two-year bill.

- Board member Denise Miller asked to eliminate bullet six because it was already discussed.
- Identify committee member appointment criteria for non-licensee/public member to serve on Board committees.

Ms. Miller informed the Board that her top priorities are:

- Discussion on the public comment alleging OTAC is pushing to credential all school-based OTs and PTs.



- OTAC request for the Board to consider adding Cultural Diversity courses as a PDU requirement for renewal.
- Public comment suggesting the Board consider adding an Ethics course as a PDU requirement for renewal.

Ms. Miller asked that when the agenda is a bit leaner that she would like to add discussion regarding initiatives and campaigns that are related to the occupational therapy profession such as "Choose Wisely".

Ms. Miller asked that Board staff respond to the public commenter on the credentialing of school-based OTs and PTs to let them know that their comment would be addressed during the legislative session.

Ms. Miller asked if there was a start date for the Practice committee and when the Board can have in person meetings.

President Pavlovich stated that Deputy Director Holmes stated January 22<sup>nd</sup> was the date that in-person meetings can be considered but that it was still fluid.

Ms. Martin asked that the Board members encourage their colleagues to submit an email that includes their resume or curriculum vitae. Ms. Martin stated that there are currently only three practitioners appointed to the committee and only one of those has an advanced practice approval. Typically, there are seven members of this committee in order to ensure a breadth of practice areas such as urban, rural, nonprofit, for profit etc.

Richard Bookwalter stated that he had two Advanced Practice approvals and would be happy to volunteer for the Practice Committee.

Mr. Bookwalter also suggested that if the Legislative Regulatory Affairs committee continues to meet that it could be beneficial for the President to consider appointing another practitioner to the committee.

President Pavlovich asked that Board staff forward an updated copy of the Board Member Guidelines and Procedures manual so that they can forward the updated committee minimum qualifications to their colleagues.

### **Public Comment**

There was no public comment.

- d. Other informational items (no Board action can be taken)

Ms. Martin reported that Board staff that have not shown proof of COVID vaccination are subject to weekly testing.

Ms. Martin reported that AB 927 passed, which extends the operation of the statewide baccalaureate degree pilot program indefinitely and that Santa Ana College was one of

16 community colleges approved to participate in the pilot program. Santa Ana College established a baccalaureate degree and developed a new B.S. in Occupational Studies.

The Board spoke in favor of attempting a hybrid WebEx for the February Board meeting if possible.

**Public Comment**

There was no public comment.

20. Suggested agenda items for a future meeting.

This agenda item was addressed during agenda item 19.

21. Election of 2021 Officers.

- Richard Bookwalter nominated Sharon Pavlovich for 2022 Board President, Jeff Ferro for 2022 Board Vice President and Beata Morcos for 2022 Board Secretary.
- Lynna Do seconded the motion.

Ms. Pavlovich, Mr. Ferro, and Ms. Morcos accepted the nomination.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich:	Yes
Jeff Ferro:	Yes
Beata Morcos:	Yes
Richard Bookwalter:	Yes
Lynna Do:	Yes
Denise Miller:	Yes

The motion carried.

President Pavlovich thanked Executive Officer Heather Martin, Board staff, Attorney Helen Geoffroy, the DCA Solid team and the public for their hard work and contributions. Ms. Pavlovich said that she was looking forward to 2022.

**CONVENE CLOSED SESSION**

There were no items to discuss in Closed Session.

**Adjournment.**

The meeting adjourned at 11:54 p.m.

## **AGENDA ITEM 8**

**REVIEW AND VOTE ON APPROVAL OF THE DECEMBER 1, 2021,  
BOARD MEETING MINUTES.**



**\*\*\*DRAFT\*\*\***

## **TELECONFERENCE BOARD MEETING MINUTES**

**December 1, 2021**

Board Member(s) Present

Sharon Pavlovich –President  
 Jeff Ferro – Vice President  
 Beata Morcos – Secretary  
 Richard Bookwalter – Board Member  
 Lynna Do – Board Member  
 Denise Miller – Board Member

Board Staff Present

Heather Martin – Executive Officer  
 Jody Quesada – Associate Analyst  
 Jeanine Orona – Enforcement Analyst  
 Helen Geoffroy – Attorney III

**3:00 pm - Board Meeting**

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

The meeting was called to order at 3:00 p.m., Board Secretary Beata Morcos called roll and a quorum was established. Board member Jeff Ferro joined the meeting at 3:50 p.m.

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

Board President Sharon Pavlovich thanked everyone in attendance for being present at the meeting and reported that the included iteration of the Sunset Review report would be the last version the Board would review before it went to print. Ms. Pavlovich expressed her gratitude to Executive Officer Heather Martin and Board staff for all their hard work.

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

Board member Richard Bookwalter informed the Board that Board Manager Jeff Hanson’s retirement was postponed until the end of January 2022.

President Pavlovich informed the Board that they would revisit the 2022 Board meeting dates at the January Board meeting.

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

**Public Comment**

There was no public comment.

5. Sunset Review Committee's report and recommendation(s) to the Board regarding:
- a) Acceptance of the October 14, 2021, Committee meeting.
    - Richard Bookwalter moved to accept the October 14, 2021, Sunset Review Committee minutes and highlights.
    - Denise Miller seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich:	Yes
Jeff Ferro:	Absent
Beata Morcos:	Yes
Richard Bookwalter:	Yes
Lynna Do:	Yes
Denise Miller:	Yes

The motion carried.

- b) Review of draft 2021 Sunset Report and possible recommendation to Board to approve.

**Section 1**

Board member Lynna Do thanked Board staff for their presentation of the Sunset Review report.

*Page 3, Paragraph 1, Line 3.*

Richard Bookwalter asked that a space be placed after B.1.

**Public Comment**

There was no public comment.

**Section 2**

There were no requests from the Board members.

**Public Comment**

There was no public comment.

**Section 3**

*Page 26, last paragraph, line 2*

Mr. Bookwalter asked that the apostrophe be removed from "licensee's".

**Public Comment**

There was no public comment.

Mr. Bookwalter asked that the entire report be reviewed for hanging indents

President Pavlovich informed the Board that the inclusion of the Question 23 page which was unnumbered but directly followed page 36 was all brand-new material which needed Board approval.

The Board members unanimously agreed that they would accept the addition of Question 23 without any suggested changes.

#### **Section 4**

*Page 43, paragraph 2, line 1*

Mr. Bookwalter asked that the 's' from "contributes" be removed.

#### **Public Comment**

There was no public comment.

#### **Section 5, Section 6, Section 7, Section 8, Section 9**

There were no requests from the Board members.

#### **Public Comment**

There was no public comment.

#### **Section 10**

*Page 67, paragraph 3, line 1*

Mr. Bookwalter asked that the comma following "meetings" be checked to see if needed.

#### **Public Comment**

There was no public comment.

#### **Section 11**

*Page 71, Issue #3 in bold type, line 2*

Mr. Bookwalter asked that "attestation" be checked and possibly replaced with "attest".

*Page 73, paragraph 2*

Mr. Bookwalter asked that the acronym for the National Practitioner Data Bank be made the same throughout.

#### **Public Comment**

There was no public comment.

## **Section 12**

President Pavlovich asked if the Board wished to place the OTD committee recommended edits to Business and Professions Code (B&P) Section 2570.4 and 2570.6 to Section 12 which is for New Issues.

Executive Officer Heather Martin clarified that at the November Board meeting the Board stated they wanted to move forward with the changes outlined but it was never asked that she add the corresponding legislative language to the Sunset Review report. Ms. Martin brought it back so that she could get feedback and possible approval to add it to the Sunset report under 'New Issues' so the new language could get into a bill.

Without any opposition from the Board members, President Pavlovich asked that Board staff include the amendments proposed in B&P code 2570.4 and 2570.6 to the Section 12 of the Sunset Review report.

*Page 77, bottom of page*

Board member Richard Bookwalter asked that "(Emphasis added.)" be removed.

### **Public Comment**

There was no public comment.

## **Section 13**

*Page 124, Board Member Meeting Attendance*

Board member Lynna Do asked that Board staff update her attendance chart to title her work group and remove the blue fill added to "Attendance".

Board member Richard Bookwalter asked that "Meeting Board" be rearranged under Teresa Davies' section, that we title his and Board member Jeff Ferro's committee participation.

### **Public Comment**

There was no public comment.

## 6. Discussion and possible action on Sunset Review Committee report and recommendation(s).

- Richard Bookwalter moved to accept the Sunset Review report with changes and edits made during the meeting including the additional language and suggested language of sections 4 and 12 which staff has been directed to add.
- Lynna Do seconded the motion.

### **Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich: Yes  
Jeff Ferro: Yes  
Beata Morcos: Yes  
Richard Bookwalter: Yes  
Lynna Do: Yes  
Denise Miller: Yes

The motion carried.

**CONVENE CLOSED SESSION**

The Board convened in Closed Session to discuss disciplinary matters at 4:22 p.m.

The Board convened in Closed Session to discuss the performance of the Executive Officer beginning at 4:45 p.m.

**RECONVENE IN OPEN SESSION**

The Board reconvened in Open Session at 5:38 p.m.

**Adjournment.**

The meeting adjourned at 5:38 p.m.



**REVIEW AND VOTE ON APPROVAL OF THE FEBRUARY  
15, 2022, BOARD MEETING MINUTES.**



**\*\*\* DRAFT \*\*\***

## **TELECONFERENCE BOARD MEETING MINUTES**

**February 15, 2022**

Board Member(s) Present

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

Board Staff Present

Heather Martin – Executive Officer  
 Jody Quesada – Associate Analyst  
 Jeanine Orona – Enforcement Analyst  
 Helen Geoffroy – Attorney III

**3:00 pm - Board Meeting**

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

The meeting was called to order at 3:04 p.m., Secretary Beata Morcos called roll and a quorum was established.

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

Board President Sharon Pavlovich welcomed everyone in attendance and acknowledged the Lunar New Year – Year of the Tiger and Black History Month. President Pavlovich stated that she received an Occupational Therapy Association of California (OTAC) email that offered an educational course called ‘Occupational Therapy and Black Women’s Hair’ and that 1.5 PDU’s could be earned for participation. She applauded OTAC and expressed her excitement at this offering because she had recently learned from some of her African American students that they finally felt comfortable wearing their hair in its natural state due to the passing of the Crown Act. President Pavlovich also noted that the American Occupational Therapy Association’s (AOTA) 2022 Annual Conference & Expo would take place March 31 – April 3 in San Antonio and virtual.

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

There were no Board Member remarks.

**4. Public Comment Session for items not on the Agenda.**

President Pavlovich summarized the written public comment that requested the Board address the need for a rate increase to the compensation rate for Practice Reviewers which is currently \$75 an hour.

- Denise Miller moved that the Board add this topic to a future Board meeting.
- Beata Morcos seconded the motion.

### **Public Comment**

There was no public comment.

### **Board Member Votes**

Sharon Pavlovich:	Yes
Beata Morcos:	Yes
Richard Bookwalter:	Yes
Lynna Do:	Yes
Denise Miller:	Yes

The motion carried.

American Occupational Therapy Association (AOTA) State Affairs Manager Kristen Neville introduced herself via the WebEx ‘chat’ and thanked the Board for the opportunity to participate.

Gigi Smith also introduced herself via the WebEx ‘chat’ feature.

President Pavlovich asked that the public comment be left open for convenience

## **5. Discussion on the Board’s Fund Condition and possible increase of license renewal fees and other miscellaneous fees to maintain fiscal solvency.**

Executive Officer Heather Martin gave an overview of the provided handouts that included a fund condition statement, revenue and expenditure reports, information on fees charged by other health care boards. Several scenarios with various fee increases were discussed as possibilities to ensure the Board’s long-term fiscal solvency.

Board member Denise Miller asked clarifying questions throughout regarding the layout of each document so that the public could gain a better understanding of the very detailed documents.

Ms. Martin summarized the document that showed the Board’s budget and expenditures year to date. Ms. Martin stated that this document showed a point in time projection that the Board was slated to save again but wanted to reiterate that this document should be viewed as only a planning tool and should be considered very fluid.

Ms. Martin reviewed the PY Actuals with (FM) 5 projections in detail including an adjustment that was returned to the Board because the Board did not use all the funds that were saved over several fiscal years to fund the office move.

Ms. Martin explained that the Board should be self-funding and aim for being revenue - neutral, meaning the annual revenue and expenditures being close. Ms. Martin explained that when expenditures exceed the revenue collected, the Board must use its funds in reserve which is depicted by the downward trend in months of operating reserves. Ms. Martin went on to say that because the annual revenue earned less than the Board’s expenditures, despite a demonstrated reversion of \$99,000 - \$340,000 per year, there is still a concern for

long-term fiscal solvency. Board staff worked with the Department of Consumer Affairs (DCA) Budget office to provide scenarios of increased renewal fees which would also impact the delinquent renewal fees and prorated initial license fees.

Ms. Miller thanked Ms. Martin for the provided examples of potential fee increase scenarios. Ms. Miller sought clarification as to what “other regulatory fees” was in reference to.

Ms. Martin reported that it included initial license fees, limited permit fees, retired license fees and application fees.

Ms. Miller commented that she felt that due to the seriousness of having to raise fees at all, she was of the opinion to consider increases to fees that directly impact the practitioners that are not doing what is expected of them.

Executive Officer Heather Martin thanked the DCA Budget Office for provided scenarios.

Ms. Martin addressed the provided options of charging for the printing of a pocket cards and increasing the cost of license verifications, fingerprint card submission, the application fee and the retired license fee.

President Pavlovich asked if Ms. Martin thought it possible for the Board to create an adhoc Budget Review committee to work with staff and explore these options to bring back a recommendation to the Board. Ms. Martin agreed.

Board member Lynna Do agreed that establishing an adhoc committee to explore all the varying options would be helpful and felt it important to include a practitioner and a non-practitioner.

Secretary Beata Morcos stated that it was her belief that there are certain times a fee increase has to happen and that she has been shown enough data to support the need for that increase but if the Board would like to establish a sub-committee, she would support that direction.

Board member Richard Bookwalter stated that he was in favor of establishing an hoc committee to bring recommendations back to the full Board.

- Lynna Do moved to establish an adhoc Budget Review committee to explore fee increase scenarios.
- Denise Miller seconded the motion.

### **Public Comment**

AOTA) State Affairs Manager Kristen Neville asked that the fee scenarios be emailed to her. Board staff emailed the documents to Ms. Neville.

### **Board Member Votes**

Sharon Pavlovich:	Yes
Beata Morcos:	Yes
Richard Bookwalter:	Yes
Lynna Do:	Yes
Denise Miller:	Yes

The motion carried.

Ms. Miller and Ms. Do volunteered to be on the adhoc committee and to work with Heather Martin and Board staff,

**6. Consideration and possible action of approving proposed regulatory language to amend Title 16, California Code of Regulations (CCR) Section 4147, Disciplinary Guidelines.**

The Board reviewed the proposed amendments and agreed they were self-explanatory and straight forward.

- Richard Bookwalter moved to accept the proposed language of CCR Section 4147.
- Beata Morcos seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich:	Yes
Beata Morcos:	Yes
Richard Bookwalter:	Yes
Lynna Do:	Yes
Denise Miller:	Yes

The motion carried.

*The Board agreed to move the discussion of proposed amendments to General Considerations in Disciplinary Guidelines to follow the discussion and vote on the amendments to the Probation Terms.*

The Board discussed the document that outlined the amendments to the Probation Terms.

Board member Richard Bookwalter commented that outlined changes are clearer than the previous language and the reference to specific forms is a good idea.

- Beata Morcos moved to accept the proposed amendments to the Probation Terms in the Disciplinary Guidelines.
- Richard Bookwalter seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich: Yes  
Beata Morcos: Yes  
Richard Bookwalter: Yes  
Lynna Do: Yes  
Denise Miller: Yes

The motion carried.

President Pavlovich asked if the motion regarding proposed amendments to Probation Terms in the Disciplinary Guidelines could be amended to reflect 3 separate motions and votes, 1 for each section.

**#8 Employment Approval and Notification to Employer(s).**

*The motion was amended as follows:*

- Beata Morcos moved to accept the proposed amendments to Term 8 of the Disciplinary Guidelines and nothing else.
- Richard Bookwalter seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich: Yes  
Beata Morcos: Yes  
Richard Bookwalter: Yes  
Lynna Do: Abstain  
Denise Miller: Yes

The motion carried.

**#10 Continuing Education/Continuing Competence Requirements.**

- Lynna Do moved to accept the proposed amendments to Term 10 of the Disciplinary Guidelines.
- Beata Morcos seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich: Yes  
Beata Morcos: Yes  
Richard Bookwalter: Yes  
Lynna Do: Yes  
Denise Miller: Yes

The motion carried.

## **#12 Cost Recovery Requirements**

- Richard Bookwalter moved to accept the proposed language in Section 12 of the Probationary Terms in the Disciplinary Guidelines.
- Lynna Do seconded the motion.

### **Public Comment**

There was no public comment.

### **Board Member Votes**

Sharon Pavlovich: Yes  
Beata Morcos: Yes  
Richard Bookwalter: Yes  
Lynna Do: Yes  
Denise Miller: Yes

The motion carried.

Executive Officer reviewed the proposed amendments regarding the Zuckerman factors.

Board member Denise Miller asked DCA Attorney Helen Geoffroy whether the adoption of the proposed amendments would go in to the Board's regulatory language Disciplinary Guidelines.

Ms. Geoffroy stated that she believed it should go in to the Disciplinary Guidelines that are going into the regulatory language.

Ms. Miller asked how common it was that something like the Zuckerman Factors are added to regulatory language.

Ms. Geoffroy stated that the Zuckerman Factors have been around since 2002 and they more clearly set out the factors that the Administrative Law Judge should review.

Ms. Miller stated that the term "colorable challenged" within the Factors is a bit more subjective than she would like and raised the question of that language opening the Board up to challenges. Ms. Miller acknowledged that it is a law and as long as the Board's Attorney can defend the Board lawfully in such challenges that she could move on. She explained that her "no" vote would not be because she does not agree with the use of the Zuckerman factors but because she is leery of getting so specific when the Zuckerman Factors language could be changed which would result in the Board having to update its Disciplinary Guidelines. Ms. Miller asked if it was required to spell out the Zuckerman Factors.

Ms. Geoffroy stated it was not required but helpful.

Ms. Miller thanked Ms. Geoffroy.

Ms. Martin stated it was a requirement for the ALJ to consider the Zuckerman Factors but it would be helpful to add this language because it removes the subjectivity.

Mr. Bookwalter spoke in favor of adding the specifics of the Zuckerman Factors to the Board's Disciplinary Guidelines because the Board can easily reference it for case review.

Ms. Geoffroy reported that one of the reasons that the language was added was because the Zuckerman Factors were recently not included in a Decision. She recommending placing them in the regulatory language as the extra push to make sure they are used.

- Richard Bookwalter moved to accept the changes to the Disciplinary Guidelines.
- Beata Morcos seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich:	Yes
Beata Morcos:	Yes
Richard Bookwalter:	Yes
Lynna Do:	Not Present
Denise Miller:	No

The motion carried.

**7. Consideration and possible action of approving proposed regulatory language to amend Title 16, CCR Section 4147.5, Uniform Standards Related to Substance Abuse.**

Ms. Martin informed the Board that the change to the regulatory language was to update the date of the document incorporated by reference.

- Richard Bookwalter moved to adopt the proposed language of CCR Section 4147.5, Uniform Standards Related to Substance Abuse.
- Beata Morcos seconded the motion.

**Public Comment**

There was no public comment.

**Board Member Votes**

Sharon Pavlovich:	Yes
Beata Morcos:	Yes
Richard Bookwalter:	Yes
Lynna Do:	Yes
Denise Miller:	Yes

The motion carried.

**8. Discuss rescheduling February 24-25, 2022, Board meeting.**

Following a robust discussion regarding rescheduling the February 24-25, 2022, Board meeting, the Board decided to have Board staff send a ‘Doodle’ poll for April 8<sup>th</sup> or 11<sup>th</sup> and the Board decided to choose either May 19<sup>th</sup> or 20<sup>th</sup> since both May dates had already been scheduled.



**CONVENE CLOSED SESSION**

The Board convened in Closed Session at 5:45 p.m.

**RECONVENE IN OPEN SESSION**

The Board reconvened in Open Session at 5:57 p.m.

**ADJOURNMENT**

The Board meeting adjourned at 5:58 p.m.