

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulation: Regulations pertaining to Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

Sections Affected: Title 16, Division 39, California Code of Regulation (CCR) Sections 4101, 4146.5, 4147, and 4147.5

Introduction:

The California Board of Occupational Therapy (Board) is the state governmental agency that licenses occupational therapy practitioners and regulates the practice of occupational therapy. The Board administers, coordinates, and enforces provisions of the Occupational Therapy Practice Act. The Board's highest priority in exercising its licensing, regulatory, and disciplinary functions is to protect and promote the health, safety and welfare of California consumers.

This proposed regulatory action seeks to add authority for the Board's executive officer to grant a motion to vacate a default decision, establish and create a policy to make default decisions and stipulated settlements become effective ten (10) days after service on a respondent, and amend and update the Board's Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Healing Arts Licensees.

Specific Purpose of each adoption, amendment or repeal:

AMENDMENT TO CCR SECTION 4101 – DELEGATION OF CERTAIN FUNCTIONS

This proposed regulatory would delegate the Board's power and discretion to the executive officer to grant motions to vacate default decisions on a showing of "good cause" thus allowing a respondent an administrative hearing, without having to forward the matter to the Board. This proposed regulatory action does not delegate the Board's power and discretion to the executive officer to deny a motion to vacate a default decision. In circumstances where the executive officer could not render a determination that "good cause" exists pursuant to Government Code Section 11520(c), the motion would be forwarded to the Board for consideration.

The Board is seeking these regulatory changes due to various newspaper articles throughout the State that have documented perceived inefficiencies in the way, manner, and timeliness that regulatory agencies resolve disciplinary matters, especially as they relate to consumer protection and public safety. Existing Board procedures require enforcement staff to prepare mail ballots or arrange and coordinate a meeting of the Board to consider these motions. This extends the processing time of these disciplinary matters and results in extra mailing and meetings costs.

The anticipated benefit of this proposed regulatory action is more efficient and expedient processing of motions to vacate default decisions and ultimately reduced resolution times for disciplinary matters. This proposed regulatory action is a proactive approach to resolve disciplinary matters in a timely manner and addresses public concerns regarding perceived inefficiencies in the manner, way, and timeliness that disciplinary matters are resolved. This proposed regulatory action will ultimately promote and enhance the Board's mission to protect public safety.

ADOPT CCR SECTION 4146.5 – EFFECTIVE DATES OF DECISIONS

This proposed regulatory action would establish that decisions stemming from default, or a stipulated settlement, would go into effect ten (10) days from the date of service on a respondent unless otherwise specified in the Disciplinary Order.

Default Decisions - Pursuant to Government Code (GC) Section 11520 the Board is authorized to act when a respondent fails to request a hearing to contest charges filed against them or who fails to appear for a scheduled hearing through default. The fundamental purpose of Default Decisions is to bring finality to disciplinary matters when a respondent does not request a hearing or fails appear for a scheduled hearing. Section 11520(c) provides a respondent may file a motion to vacate a decision to avoid implementation of the license revocation to schedule a hearing or to reschedule a hearing on a showing of "good cause." Pursuant to GC Section 1520(c), a respondent must submit a written motion requesting the Board vacate the decision within seven (7) days from the date respondent is served notice of the Board's decision to proceed with license revocation by default.

Pursuant to GC Section 11519(a), default decisions become effective 30 days from the date of service on a respondent unless the Board specifies a lesser period. This proposed regulatory action would establish that default decisions adopted by the Board would become effective ten days from the date of service of the decision since a respondent only has seven days to file a motion requesting the decision be vacated (or set aside). Thus, an effective date of 30 days from the date of service is not necessary; having the decision become effective ten days from the date of service provides more timely and efficient resolution of the disciplinary matter.

Stipulated Settlements - Stipulated Settlements and Disciplinary Orders are a result of negotiations between a respondent and their counsel, if applicable, the Office of the Attorney Generals (AGO), and coordinated with Board staff subsequent to respondent filing notice they wish to contest the charges filed against them in an administrative hearing. Often proposed settlement agreements are negotiated and agreed upon by the respondent a month or more in advance of the Board's opportunity to review and adopt or not-adopt the proposed settlement placing a respondent on probation, or acceptance by the executive officer of a settlement involving license surrender or revocation. Since the respondent has agreed to the terms and conditions of the settlement (and in doing so, voluntarily waives all other rights afforded in the Administrative Procedures Act) any element of surprise or need for time to formulate an appeal or request reconsideration is eliminated.

Existing Board procedures make stipulated settlements effective 30-days from the date the respondent is served notice the settlement has been adopted by the Board, unless the Board specifies a lesser period as authorized under Government Code Section 11519(a). This proposed regulatory action would make stipulated settlements effective ten (10) days after service to respondent that the settlement has been adopted by the Board or accepted by the executive officer.

The Board is seeking these regulatory changes to more timely and efficiently resolve disciplinary matters including removing from practice a licensee whose license is revoked or Board-monitoring of a licensee placed on probation. Settlements provide consumer protection in a cost-effective manner.

Moreover, these changes address the concerns of perceived inefficiencies of regulatory agencies documented in various newspaper articles throughout the State. This proposed action is designed to address these concerns by adopting methods and procedures that streamline and reduce disciplinary action processing times without infringing on or inhibiting a respondent's rights, while increasing the protection of California's consumers.

The anticipated benefit of this proposed regulatory action is more efficient and expeditious processing and handling of final disciplinary decisions stemming from default decisions and stipulated settlements. This proposed regulatory action is a proactive approach to addresses public concerns regarding perceived inefficiencies in the manner, way, and timeliness that disciplinary matters are resolved. This proposed regulatory action is consistent with and promotes the Board's mission to protect public safety.

AMEND SECTION 4147 – DISCIPLINARY GUIDELINES

Disciplinary Guidelines are designed to bring consistency to disciplinary decisions. They identify maximum and minimum penalties for various acts and offenses that constitute violations and establish and set forth probation terms that are appropriate to the act(s) or offense(s). Disciplinary Guidelines are used by administrative law judges, attorneys, occupational therapy practitioners, the Board, and others involved in the disciplinary process.

Text of 4147

This proposed regulatory action strikes all existing references relating to the “Uniform Standards Related to Substance Abuse” and moves it to a newly created Section numbered 4147.5. The proposed regulatory action amends existing text in the Section 4147 by adding “aggravating” factors to examples that are to be considered when or if there is a deviation in a Disciplinary Order. It also makes a minor technical edit by deleting the word “problems” and replaces it with “issues” as it relates to evidence within meaning of this Section. This amendment is necessary to establish and make clear that both “mitigating” and “aggravating” factors may be considered when deviating from recommended penalties.

Disciplinary Guidelines Document (Incorporated by Reference)

The Board's existing Disciplinary Guidelines document incorporates the Uniform Standards Related to Substance Abuse into a single document. This proposed regulatory action will strike all existing text related to the Uniform Standards Related to Substance Abuse from the Disciplinary Guidelines to make each a distinct, stand-alone document.

As a result several minor technical edits are required to the cover, revision date, Table of Contents, and page numbering due to the deletion of existing language and addition of new language.

Amendment to Introduction: The sentence "For the purposes of this document, the term "license" includes the occupational therapy assistant certificate" is being deleted since it is no longer necessary to draw this distinction. SB 821, Chapter 307, Statutes 2009, was passed establishing that occupational therapy assistants shall be referred to as being "licensed" as opposed to "certified".

Amendment to Section IV: A minor technical edit is being affected to the existing title "Disciplinary Guidelines Penalties For Violations-Minimum/Maximum" to "Penalties For Violations Minimum/Maximum. This section identifies maximum and minimum penalties for various violations and offenses. It also identifies standard and optional probation terms that should be considered in disciplinary orders placing a respondent on probation based on the violation(s) or offense(s) that were committed. In addition to existing language contained in this section the Board is proposing to add the following violations, minimum and maximum penalties, and recommended probation terms for the following:

2570.185 – Patient Records

Maximum: Revocation

Minimum: Stayed revocation and 1 year probation under the following conditions:
(a) Standard conditions #1-#14
(b) Option condition number 28

2570.36 – Required Reporting of Violations to the Board

Maximum: Revocation

Minimum Stayed revocation and 1 year probation
(a) Standard conditions #1-#14

123 – Conduct constituting subversion of licensing examination; penalties and damages

Maximum: Denial of application for licensure or revocation

Minimum: Stayed revocation and 3 years of probation under the following conditions:
(a) Standard conditions #1-#14

498 – Fraud, deceit or misrepresentation as grounds for action against license

Maximum: Revocation

Minimum: Stayed revocation and 3 years of probation under the following conditions:
(a) Standard conditions #1-#14

499 – Action against license based on licentiates actions regarding application of another

Maximum: Revocation

Minimum: Stayed revocation and 2 years on probation under the following conditions:
(a) Standard conditions #1-#14

581 – Purchase or fraudulent alteration of diplomas or other writings

Maximum: Revocation

Minimum: Stayed revocation and 3 years of probation under the following conditions:
(a) Standard conditions #1-#14

582 – Use of illegally obtained, altered, or counterfeit diploma, certificate, or transcript

Maximum: Revocation

Minimum: Stayed revocation and 3 years of probation under the following conditions:
(a) Standard conditions #1-#14

583 – False statements in documents or writings

Maximum: Revocation

Minimum: Stayed revocation and 2 years of probation under the following conditions:
(a) Standard conditions #1-#14

584 – Violation of examination

Maximum: Revocation

Minimum: Stayed revocation and 3 years of probation under the following conditions:
(a) Standard conditions #1-#14

17500 – False or misleading statements

Maximum: Revocation

Minimum: Stayed revocation and 2 years of probation under the following conditions:
(a) Standard conditions #1-#14

This proposed regulatory action also makes a minor technical change to the existing title pertaining to Section 810 from “Fraudulent Claims” to “Grounds for disciplinary action against health care professional”

Section V - Standard Conditions of Probation

These conditions are to be included in all cases relating to probation and are numbered #1-#14. The Board is proposing to amend the following existing terms and establishing a new condition (#12) prohibiting a probationer from instructing continuing competency or continuing education courses as further described below:

Amend Term #1-Obey All Laws

Existing language requires a respondent to obey all federal, state, and local laws and regulations governing the practice of occupational therapy in California. The Board is deleting the language that specifically references occupational therapy regulations because it is unnecessary. Compliance of all federal, state, and local laws would include any regulations. Existing language requires a respondent to notify the Board in writing, within 5-days, of any violation of the law. The Board is striking reference to any “violation” of law amending the language to clarify that such notifications shall occur with “arrests and convictions”. In addition, the Board is adding language to this condition that will establish and clarify that any failure to abide with a criminal court order or other regulatory agency order will constitute a violation of this condition.

Amend Term #2-Compliance with Probation and Quarterly Reporting

Existing language specifies that a respondent shall fully comply with the terms and conditions of probation and cooperate with representatives of the Board. The Board is proposing to clarify and enhance this term by adding language that within the meaning of this term a respondent is responsible for completing all requirements necessary to implement probation. Amendments to this term also will establish and clarify that any failure to respond to the Board within a specified time period or any failure to accept or pick up certified mail shall constitute a violation of this term.

Amend Term #4-Notification of Address and Telephone Number Changes(s)

Existing language requires a respondent to notify the Board in writing, within five (5) days of any change in residence, work, and both residence and work telephone numbers. Amendment to the term will now require a respondent notify both the Board and his or her probation monitor of any of these changes. The amendment also clarifies that if a respondent uses a Post Office Box for mailing purposes, he or she must also provide his or her physical residence address.

Amend Term #5-Tolling for Out-of-State Practice, Residence or Extension of Probation for In-State Non-Practice

Existing language establishes that if a respondent is practicing or residing out-of-State, or is not practicing in California, his or her probation is tolled (suspended, the probation term does not run). Within the meaning of this term, it identifies several conditions that remain applicable and in effect even though probation is tolled (e.g. respondent is still required to submit quarterly reports, complete examination requirements, and complete education assignments). Amendments to this term seek to clarify and establish that the

address change requirement in term #4 and cost recovery requirement in term #11 would remain in effect in the event probation is tolled.

Amend Term #6-Notification to Employers(s)

Existing language establishes that a respondent must notify his or her employer and supervisor that his/her license has been placed on by providing them with a copy of the disciplinary order. Existing language establishes that the Board be furnished the name, address, and telephone number of the respondent's health related employer(s) and supervisor(s). Existing language establishes a respondent is responsible for having his or her employer submit quarterly work performance evaluations to the Board.

Amendments to this term clarify and establish that a respondent shall request and obtain the Board's written approval to deliver occupational therapy services in health related employment settings. Amendments also clarify and establish that email addresses and fax numbers shall also be provided for a respondent's employer(s) and supervisor(s) and that an authorization and consent form be signed by respondent to facilitate communication between the employer, supervisor, and the Board. Further amendments outline the Board's expectation for a supervisor to notify the Board immediately of any instance of suspected substance abuse on behalf of a respondent.

Amend term #7-Employment Requirements and Limitations

Existing language establishes that a respondent must work in his or her licensed capacity while on probation. Existing language identifies work settings that typically do not afford a great degree of supervision or no supervision and are prohibited except as approved in writing by the Board. Amendments to this term will establish that 40 hours of work per month will constitute practice. Amendment to this term adds language clarifying that placement agencies, third party employers, home health, and working as a traveler, would require a respondent to secure the Board's written approval to function in these capacities in advance of commencing employment. Amendment to this term also clarifies that in the event a cease practice order is issued or a respondent's license is temporarily suspended, the period of probation shall be extended for that period of time. Deletion of reference that a respondent must work no less than six (6) continuous months is not necessary, is confusing, and conflicts with language in term #5 that establishes a Respondent's probation is tolled for non-practice. Further reference that a respondent shall work in his or her licensed capacity is being struck because it is redundant since it is also established in term #5.

Amend term #8-Supervision Requirements

Existing language prohibits a respondent from functioning as a supervisor during the period of probation except as approved in writing by the Board. Modification to this term clarifies that such written approval must be provided in advance of any respondent functioning as a supervisor.

Amend term #9-Continuing Education Requirements

Existing language establishes that the Board shall assign continuing education that is relevant to the violation committed. Modification to this term will establish the deadline to complete the continuing education assignment shall be within six months of the effective date respondent was placed on probation.

Amend term #11-Cost Recover Requirements

Existing language establishes where cost recovery is ordered, the respondent shall make timely payment as directed. Modification to this term will allow a respondent to propose a payment plan of their own as long as full reimbursement is received six months prior to the end of the probation terms. Amendment to this term will also delete existing confusing language that is contained in Business and Professions Code Section 125.3, authorizing the Board to conditionally renew or reinstate a license due to financial hardship. Deletion of this language from the term does not mean a respondent will be prohibited from requesting an extension under Section 125.3 for financial hardship.

Establish (new) term #12-Instruction of Continuing Competency/Continuing Education Coursework

The Board is proposing to establish a new standard term of probation that would prohibit a respondent that has been placed on probation from instructing or teaching continuing education coursework or any courses used to satisfy advanced practice requirements.

Amend existing term #12 to #13-Violation of Probation

Existing language establishes that if a respondent violates any term or condition of probation the Board can seek to revoke probation. In the event an Accusation or Petition to Revoke Probation is filed probation shall be extended until the matter becomes final. Proposed modification to the term establishes and clarifies that in the event an Accusation or petition to Revoke Probation is filed thereby extending probation, respondent shall continue to abide by all terms and conditions associated with the order that placed them on probation.

Section VI-Optional Conditions of Probation

Existing current Optional Conditions of Probation are numbered #14-#31. Since the proposed new addition of standard term #12, optional terms are now re-numbered #15-#32 and remain in the same existing order.

Amend existing term #14 to #15-Examination by Physician

Existing language establishes that the Board may require a respondent to submit to a physical evaluation by a physician and surgeon within 60-days of the effective date of the decision. Existing language established the physician and surgeon shall submit his or her report regarding the respondent's fitness to practice to the Board within 90-days of the effective date of decision. Proposed modifications to this term reduce the timeframe for a respondent to submit to a physical evaluation from 60-days to 45-days and that the respondent's choice of physician and surgeon to perform the evaluation must be approved by the Board. Proposed modification to this term reduces the timeframe for the approved physician and surgeon to submit his or her report to the Board from 90-days to 60-days.

Amend existing term #15 to #16-Psychological Evaluation

Existing language establishes the Board may require a respondent to submit to a psychiatric/psychological evaluation within 60-days of the effective date of the decision.

Existing language establishes that the evaluator submit his or her report regarding respondent's fitness to practice to the Board within 90-days of the effective date of the decision. Proposed modifications to this term reduce the timeframe for respondent to submit to the evaluation from 60-days to 45-days and that the respondent's choice of evaluator to perform the evaluation must be approved by the Board. Proposed modification to this term reduces the timeframe for the approved evaluator to submit his or her report to the Board from 90-days to 60-days.

Amend existing term #16 to #17-Psychotherapy

Existing language establishes the Board may require a respondent participate in psychotherapy and provide the names of one or more proposed therapists within 60-days of the effective date of the decision. Existing language establishes the psychotherapist must submit his or her initial report to the board within 90-days of the effective date of the decision. Proposed modifications to this term reduce the timeframe for a respondent to secure therapist approval from 60-days to 45-days. Proposed modifications establish that the respondent shall commence with therapy within 10-days of receiving notice a therapist has been approved by the Board. Proposed modifications will reduce the timeframe for the approved psychotherapist to submit his or her initial report to the Board from 90-days to 60-days. Proposed modifications clarify that in the event the therapist finds the respondent is not fit to practice, or can only practice safely with restrictions he or she must notify the Board within 5 working days.

Amend existing term #19c to #20c-Group Support/Recovery Meetings

Existing language establishes the Board may require a respondent to attend support or recovery group meetings (e.g. Alcohol Anonymous, Narcotics Anonymous, other similar facilitated groups, etc.) to support his or her recovery efforts and submit verification of attendance with his or her quarterly written report. Proposed modification to the language will establish and clarify that the Board may request documentation verifying attendance in support/recovery groups at any time.

Amend existing term #20 to #21-Abstain from Controlled Substances

Existing language establishes the Board may require a respondent to abstain from the personal use or possession of controlled substances, barring legally prescribed medications for a bona fide illness or condition. Existing language requires a respondent who has been prescribed medications to have his or her prescribing health professional submit a report to the Board within 14-days verifying the prescription and other pertinent information. Proposed modification to the language adds "except" to the language qualifying that this term does not apply to lawfully prescribed medications for a bona fide illness or condition. Proposed modification to the language also clarifies that the respondent shall cause the prescribing health professional to submit a report to the Board regarding refills or upon any new order extending an existing prescription.

Amend existing term #22 to #23-Submit Biological Fluid or Specimen Samples

Existing language establishes the Board may impose drug and/or alcohol testing to verify that a respondent is abstaining from dangerous or controlled substances and/or alcohol, barring any medication that is legally prescribed. Within the meaning of this section the Board is proposing to have two versions (a) and (b) as further described below:

Proposed language for term #23a would be applied to a respondent that has been determined to meet the definition of a “substance abusing licensee” pursuant to newly proposed California Code of Regulations section 4148(b). Modifications proposed to existing language serves to establish and clarify that a respondent shall enroll in the Board’s drug-testing program within 2-days of the effective date of probation and otherwise comply with contracting requirements with the Board’s testing vendor . Modifications to existing language regarding the frequency of testing is being aligned with the Uniform Standards for Substance-Abusing Healing Arts Licensees (April 2011) or more specifically testing in the first year of probation shall be 52-104 times per year and for subsequent years 36-104 times per year. Modification to existing language will clarify and establish a respondent may request, in writing, a modification to the frequency of testing after the first year of probation.

Proposed language for term #23b would be applied to a respondent that committed a violation involving drugs and/or alcohol but who is not considered to be a “substance abusing licensee”. The primary difference between terms #23a and #23b, is the degree and frequency of drug/alcohol testing. This condition is necessary in the event that a licensee successfully rebuts the presumption that they are a substance abusing licensee in CCR Section 4147.7(b) but who opinion of an ALJ or the Board drug and/or alcohol testing is still necessary to preserve public protection, although at a lesser level.

Amend existing term #24 to #25-Worksite Monitor

Existing language allows for the possibility for the Board to establish and approve a work site monitor to monitor a respondent’s work performance. Amendment to this term will establish that a respondent will be required to complete a consent form to facilitate and allow free communication between the worksite monitor and the Board.

Recommended Language for Issuance and Placement of a License on Probation and Reinstatement of a License.

In order to assist administrative law judges with orders regarding these matters the Board is providing examples or template language that may be used specific to these situations.

The Board is seeking these changes to effectively implement, establish, and bring clarity and transparency to legislation (SB 1441, Chapter 548, Statutes 2008) mandating consistency and uniformity in the way health related regulatory agencies deal with substance abusing healing arts licensees.

The Board is seeking to amend to its Disciplinary Guidelines to incorporate several general codes and provisions that constitute violations which were not listed in the existing guidelines and identify appropriate minimum and maximum penalties for those violations or offenses; and if warranted identify appropriate probation terms and conditions. This will alleviate any necessity to applying codes that are generally applicable, as opposed to the specificity provided in the codes that are being added.

The Board is seeking to amend its existing terms and conditions of probation to expand, and bring clarity to the many facets and details surrounding the terms and conditions,

their meaning, foster communication, eliminate conflict, and otherwise clearly establish behavioral expectations of licensee's that are placed on probation. The proposed amendments aligns the frequency of drug and/or alcohol testing with that of current standards developed by the Department of Consumer Affairs' Substance Abuse Coordination Committee and otherwise tightens deadline dates for probationers to accomplish various tasks associated with their Disciplinary Order (e.g. completing continuing education, submitting to psychological or physical evaluations, etc.). In expanding and clarifying the requirements and expectations for probationers, the Board will be in a better position to be successful in administrative proceedings to seek further discipline against a licensee for violations of the terms and conditions.

The anticipated benefit of this proposed regulatory action is more effective, efficient, and consistent administration and handling of Disciplinary Decisions and monitoring of licenses that have been placed on probation. The proposed regulatory action ultimately provides increased protection to the public as it relates to practitioners that have been placed on probation and is otherwise consistent with the Board's mandate to administer and regulate standards related to the profession and protect public safety.

ADOPT CCR SECTION 4147.5 – UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE

All existing reference and language pertaining to the Uniform Standards for Substance Abuse is being struck from Section 4147 and moved to this newly proposed Section 4147.5.

The Uniform Standards Related to Substance Abuse set forth mandatory conditions that apply to substance abusing licensees. Adoption of Section 4147(a) will incorporate by reference the most up to date version of the Department of Consumer Affairs' Substance Abuse Coordination Committee's (SACC) Uniform Standards Regarding Substance Abusing Healing Arts Licensees (April 2011) into regulation.

Adoption of Section 4147(b) will establish that any licensee or applicant that has been found to have committed an act or offense involving drugs and/or alcohol shall be presumed to be a substance abusing licensee. However, language contained in this proposed regulatory action allows for a respondent to refute the presumption by providing evidence and testimony of his or her behalf. This proposed regulatory action establishes and clarifies that situations where a licensee or applicant was not successful refuting the presumption, the Uniform Standards Related to Substance Abusing Healing Arts Licensee shall apply as written and be used in the order placing the licensee or applicant on probation.

The Board is seeking these changes to incorporate the current and total embodiment of the SACC's Uniform Standards Regarding Substance Abusing Healing Arts Licensees (April 2011) into regulation. Existing language relating to the Uniform Standards was incorporated with the Board's existing Disciplinary Guidelines and was not a complete embodiment of the initial version of SACC's Uniform Standards. The Board's existing Uniform Standards were distilled down to incorporate issues and items that pertained directly to a licensee (probationer) and omitted items and issues that pertained to the

Board. This proposed regulatory action separates the Disciplinary Guidelines and Uniform Standards Related to Substance Abuse and makes all aspects of the Uniform Standards transparent in keeping with the spirit and intent of SB 1441, Chapter 548, Statutes 2008. Since there are varying opinions and arguments that can be made on what constitutes a “substance abusing licensee” this proposed regulatory action will establish a definition or parameters in Section 4147(b) to address the issue thereby establishing when the Uniform Standards for Substance Abusing Healing Arts Licensees (April 2011) applies.

The anticipated benefit of this proposed regulatory action is enhanced and improved administration, coordination, and enforcement of disciplinary matters where licensees have been found to have used or abused controlled substances and/or alcohol in an illegal or dangerous manner. This proposed regulation will protect the public by establishing consistent and uniform standards on how the Board deals with substance abusing licensees.

DOCUMENTS INCORPORATED BY REFERENCE:

- California Board of Occupational Therapy Disciplinary Guidelines (October 2013)
- Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (April 2011)

UNDERLYING DATA:

None

FISCAL IMPACT IN GENERAL:

This proposed regulatory action will not have a significant adverse economic impact on business.

This proposed regulatory action will not have an adverse economic impact on affected individuals (licensees who fall under the Board’s jurisdiction) who comply with the laws, regulations, and standards of occupational therapy practice.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

Background

This proposed regulatory action deals with the way the Board administers, coordinates, and enforces disciplinary matters and decisions against licensees and applicants and how it administers and enforces its probation program and handling of licensees with substance abuse issues.

Creation or Elimination of Jobs Within California

The Board has determined the proposed regulatory action will not create or eliminate a significant number of jobs within California. The Board is mandated to coordinate, regulate, and enforce standards relating to the profession of occupational therapy. The highest priority of the Board is public protection. Thus when appropriate the Board is compelled to initiate disciplinary action against practitioners who violate occupational therapy standards of practice and revokes the individual's privilege to practice for the sake of public safety.

Creation of New Business or Elimination of Existing Business Within California

The Board has determined the proposed regulatory action will not create new business or eliminate existing business within California.

Expansion of Business Within California

The Board has determined the proposed regulatory action will not expand business within California.

Benefits of Regulations

The proposed regulatory action will promote and protect the health, safety, and welfare of California consumers by establishing and implementing procedures that will increase the efficiency and handling of disciplinary decisions and enhance and bolster the Board's probation program and the way it deals with licensees with substance abuse issues.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES:

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is being proposed or would be less burdensome to affected private persons and business than the proposed regulations.