

## TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 pm on September 15, 2015.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the CBOT. The request must be received in the Board office not later than 5:00 pm on August 31, 2015.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 2570.3 and 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2570.2 and 2570.3, the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

### INFORMATIVE DIGEST

#### Informative Digest

The Board is the regulatory entity that regulates the practice of occupational therapy in the State of California. Existing law, BPC section 2570.25, mandates protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions.

Current regulation section 4110 requires individuals seeking an occupational therapist or occupational therapy assistant license to submit an application entitled "Initial Application for Licensure," Form ILA, Rev. 8/2012 to the Board. The Board proposes to amend the application form to incorporate recent statutory mandates. See 'Policy Statement Overview' below. In addition, the Board is making editorial amendments to the form, including adding information to remind applicants to submit required fees, as well asking applicants' preferences for receiving application status information via e-mail.

#### Policy Statement Overview

This proposed action will amend the Board's application for licensure to implement legislative mandates. More specifically the Board's application titled "Initial Application for Licensure, Form ILA, Rev 8/2012" is being amended to incorporate two legislative mandates. Senate Bill (SB) 1159 (Lara, Chapter 752, Statutes of 2014) amended BPC section 30 to establish that as an alternative, an applicant for licensure can provide an individual tax identification number in lieu of social security number. Assembly Bill (AB) 1057 (Medina, Chapter 693, Statutes of 2013) added section 114.5 to the Business and Professions Code (BPC), requiring boards to inquire in

every application for licensure if the applicant is serving in, or has previously served in, the military.

### Benefit of Proposed Regulations

This regulatory action implements the provisions of AB 1057 and SB 1159. This regulatory action also proposes other minor amendments to the application that are designed to help applicants with providing the correct fees for the application, fingerprint cards, and otherwise confirm email as alternate method to communicate between the applicant and Board.

The proposed action also corrects an existing incorrect reference to the “National Board of Certification in Occupational Therapy to “National Board for Certification in Occupational Therapy” in section 4110(b).

### Consistency and Compatibility with Existing State Regulations

The Board has conducted a review of any related regulations and has determined that these regulations deal with the qualifications of occupational therapists and occupational therapy assistants. Therefore, this regulatory proposal is consistent and compatible with existing state regulations.

### INCORPORATION BY REFERENCE:

Initial Application for Licensure, Form ILA, Rev 8/2012 (existing application)

Initial Application for Licensure, Form ILA, Rev 7/2015 (proposed new application)

### **FISCAL IMPACT ESTIMATES**

#### Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

This proposed action will comply with Business and Professions Code Sections 30 and 114.5. The fiscal impact to the Board is negligible and is based on the fact that any existing supplies of the current application will need to be destroyed and replaced with the new application.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

### **RESULTS OF ECONOMIC IMPACT ANALYSIS**

Impact on Jobs/New Business:

The Board has determined that this regulatory proposal will not have an adverse impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Existing regulations require applicants to provide a social security number to the Board prior to the issuance of a license. This proposed action clarifies an applicant for licensure may provide an individual tax identification number in lieu of a social security number.

Benefits to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed regulatory action implements Business and Professions Code sections 30, 114.5, and 135.5. It has an indirect benefit to the health, safety, and welfare to California consumers but only as it pertains to administration of the Occupational Therapy Practice Act which is designed to protect California consumers. This proposed action does not contain any provisions that benefit worker safety or the State's environment.

Cost Impact on Affected Private Persons:

The proposed action does not increase costs for affected individuals (applicants) who seek licensure in the state of California.

Effect on Housing Costs: None

Effect on Small Business:

The Board has made an initial determination that the proposed regulatory action would have no statewide adverse economic impact on small business. The proposed regulatory action affects applicant applying for occupational therapist and occupational therapy assistant licenses in the State.

CONSIDERATION OF ALTERNATIVES

The CBOT must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice or would be more cost-effective to the private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations within the timeframes identified in this Notice, or at a hearing in the event that such a request is made by the public.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE:

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

**CONTACT PERSON:**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Jeff Hanson  
California Board of Occupational Therapy  
2005 Evergreen Street, Suite 2250  
Sacramento, CA 95815  
(916) 263-2294 (Tel) (916) 263-2701 (Fax)

The backup contact person is:

Heather Martin  
[Same contact information as above]

**Website Access: All materials regarding this proposal can be found on-line at [www.bot.ca.gov](http://www.bot.ca.gov) > Laws and Regulations > Proposed Regulations.**

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY  
Title 16, Division 39, California Code of Regulations**

**Proposed Text**

Proposed amendments are shown underlined for new text and ~~strikethrough~~ for deleted text.

Amend Title 16, Division 39, Article 2, California Code of Regulations to read as follows:

**§ 4110. Application.**

(a) An application for a license or limited permit shall be submitted on the form entitled Initial Application for Licensure, Form ILA, ~~Rev. 8/2012~~ Rev. 7/2015), hereby incorporated by reference, or by providing the same information via on-line submission, if available, and shall contain the information required by sections 30, 144, 851, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, and 2570.16 of the Code and Family Code section 17520, accompanied by the appropriate fees.

(b) For an applicant applying for licensure pursuant to section 2570.15 of the Code, “substantially equal” means that the applicant has successfully completed the academic requirements of an educational program, including the educational program and supervised fieldwork requirements, for an occupational therapist or an occupational therapy assistant that are approved by the board and approved by the foreign credentialing review process of the National Board of for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 30, 114.5, 144, 850, 851, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, 2570.15 and 2570.16, Business and Professions Code; and Section 17520, Family Code

# CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

## INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Applications

Section Affected: Title 16, Division 39, California Code of Regulations (CCR), Section 4110

### Introduction

The California Board of Occupational Therapy (Board) is the state agency that regulates the practice of occupational therapy. 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. The Board administers, coordinates, and enforces provisions of the laws and regulations pertaining to occupational therapy.

### Purpose

Existing statutes authorize the Board to administer, coordinate, and enforce the Occupational Therapy Practice Act and adopt regulations relating to professional licensing. This proposed action is designed to amend the Board's application for licensure to conform with legislative requirements.

This proposed action is intended to implement Senate Bill (SB) 1159 (Lara, Chapter 752, Statutes of 2014) which would allow an individual applying for licensure to provide a federal employer identification number in lieu of a social security number as a condition of licensure. It also is intended to implement Assembly Bill (AB) 1057 (Medina, Chapter 693, Statutes of 2013, which establishes that commencing on January 1, 2015, licensing Boards shall inquire if every applicant for licensure is serving in, or has previously served in, the military.

### Factual Basis/Rationale

#### **Amend Section 4110**

This proposed action will amend existing language in section 4110 by striking the reference to "Rev. 8/2012" and replacing it with Rev. 7/2015 as it pertains to the Board's Initial Application for Licensure, Form ILA.

Specific changes to the application itself are described as follows:

Existing text in box "J" of the Board's application require an applicant to provide their Social Security Number (SSN) in the box. In order to implement the requirement set forth in SB 1159 the Board is proposing to add language in box "J" of the application that specifically states the applicant can provide either a SSN or an Individual Tax Identification Number.

In order to implement the requirement set forth in AB 1057 the Board is proposing to add boxes "O" and "P" to the application. Box "O" will ask applicants to provide a yes or no response to the question "Are you currently serving in the U.S. Military?" Box "P" will ask applicants to provide a yes or no response to the question "Have you ever served in the U.S. Military?"

Since the Board is amending its application to align it with the aforementioned legislation it also is taking the opportunity to add language on page four, after the Section VIII: Affidavit, that is designed to help, assist, and remind applicant's to provide correct fees with the application and to facilitate or confirm email communication between the applicant and Board during the application review and approval process. Specifically the Board seeks to add the following questions after the Affidavit on page four:

- Did you include the \$50 application fee?
- Did you include the \$49 fingerprint fee with the fingerprint cards?
- Do you want the approval/deficiency letter sent to the email address provided on page one?

In addition, this proposed action makes a minor correction in section 4110(b). The existing reference to the National Board of Certification in Occupational Therapy is being corrected to the National Board for Certification in Occupational Therapy.

#### INCORPORATION BY REFERENCE:

Initial Application for Licensure, Form ILA, Rev. 8/2012 (existing application)

Initial Application for Licensure, Form ILA, Rev 7/2015 (new proposed application)

#### BUSINESS IMPACT:

This regulation will not have an adverse economic impact on business.

#### ECONOMIC IMPACT ANALYSIS

##### Background

The purpose of the proposed regulatory action is to amend the Board's application for licensure to conform to legislative mandates.

##### Creation or Elimination of Jobs Within California

The Board has determined the proposed regulatory action will not create or eliminate jobs. The proposed action is administrative in nature and merely amends the Board's existing application for licensure to conform with recent legislative mandates.

##### 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. The proposed action is administrative in nature and merely amends the Board's existing application for licensure to conform to recent legislative mandates.

##### Expansion of Business Within California

The Board has determined the proposed regulatory action will not expand business within California. The proposed action is administrative in nature and merely amends the Board's existing application for licensure to conform to recent legislative mandates.

## Benefits of Regulations

This proposed regulatory change serves to:

- Update and make the Board's application for licensure conform to legislative mandates.
- Provides and identifies an acceptable alternative for possessing a social security number as a precursor to licensure.
- Identifies applicants that are currently serving or ever served in the military.

This proposed action does not contain any benefit toward worker safety or the state's environment.

### 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 proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

#### Alternative:

The Board considered doing nothing and leaving the provisions as they are written. This alternative was rejected because legislation was passed and licensing Boards were directed to affect these amendments to their applications.