

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 July 29, 2013.

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 July 15, 2013.

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 2570.28, 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.

Policy Statement Overview

This proposed regulatory action clarifies and implements Assembly Bills AB1588 (Chapter 742, Statutes 2012) pertaining to temporary license renewal exemptions for California licensed occupational therapy practitioners that are on active duty in the military when their license expires and AB 1904 (Chapter 399, Statutes 2012) pertaining to expedited licensing for applicants who are married to, or in a legal union with, an active duty member of the military who is assigned to a duty station in California.

This proposed regulatory action will reduce the time period from 10 days to 5 days, for a Limited Permit holder to notify the Board who their employer and supervising occupational therapist are, or when there is a change in employer and/or supervisor. This proposed regulatory action will establish the Board shall not deny a limited permit to an applicant that has met all requirements for licensure in situations where the college or university is unable to issue an official transcript in a prompt or timely manner, due to no fault of the applicant. This

proposed regulatory action makes several minor technical edits by eliminating obsolete references to occupational therapy assistants being “certified,” deleting unnecessary language or acronyms, and adding the title and form number of the Board’s application for licensure to section 4110.

This proposed regulatory action also seeks to clarify and make specific the effective date of a license renewed delinquent and clarifies, updates, and makes technical amendments to the provisions for placing a license on inactive status, and for activating an inactive license.

Anticipated Benefits of Proposal

The proposed regulations implement, clarify, and establish rules pertaining to recent legislation (AB 1588 and AB 1904) to provide for a temporary license renewal waiver to occupational therapy practitioners that are on active duty with the military and provide expedited license application processing for any spouse that is married to, or in a legal union with, an active duty member of the military that is serving in California. This proposed regulation extends consideration and appropriate allowances to those serving on active duty in the military and their spouses in appreciation of their service to the country.

The proposed regulatory action reduces any barrier to issue a limited permit to an applicant due to the applicant’s qualifying degree program being unable to issue an official transcript to the Board (required for issuance of a license) in a timely manner. The proposed regulatory action enhances and promotes public safety by establishing a narrower time period for limited permit holders to notify the Board of their employer and supervisors and any subsequent changes.

The proposed regulatory action will reduce or eliminate illegal and unauthorized practice in situations where a licensee renews their license delinquent. It also provides clarity and specific direction to licensees to restore an inactive license to active status.

Consistency and Compatibility with Existing State Regulations

This regulatory proposal is consistent and compatible with existing state regulations.

Documents Incorporated by Reference: Initial Application for Licensure, Form ILA, Rev 8/2012

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

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 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.

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

The proposed regulatory action will benefit individuals who are serving on active duty in the Armed Forces by providing a temporary license renewal exemption and for expedited licensing of spouse of an individual that is serving on active duty in California. The proposed regulatory action will benefit applicants that have met the requirements for licensure by allowing the Board to issue a limited permit in situations when the applicant's college or university cannot issue an official transcript (a requirement to issue a license) in a timely manner to allow them to practice as limited permit holder until a license can be issued, thus eliminating a barrier to practice. The proposed regulatory action clarifies rules, processes, and procedures, relating to providing the Board notice of changes in supervision and employment of limited permit holders, the effective date of delinquent license renewals, and activating an inactive license to enhance and promote the Board's administration of its licensing, regulatory and disciplinary functions.

Cost Impact on Affected Private Persons:

The Board has determined that this regulatory proposal will not adversely impact affected private persons (licensed occupational therapy practitioners and applicants). The proposed regulations do not establish any additional costs to affected private persons and actually provides a cost savings to a licensee who is, or was, on active duty with the military by exempting them from paying any delinquent renewal fees as prescribed in the proposed regulation.

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 does not implement any new fees that would be imposed on occupational therapy practitioners or any employers. The proposed regulatory action is administrative in nature and is designed to implement or update processes and procedures to promote and enhance administration of the Board's licensing, regulatory, and disciplinary functions.

CONSIDERATION OF ALTERNATIVES

The CBOT must determine that no reasonable alternative considered 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 2050
Sacramento, CA 95815
(916) 263-2294 (Tel)
(916) 263-2701 (Fax)
cbot@dca.ca.gov

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 > Laws and Regulations > Proposed Regulations.