

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

FINAL STATEMENT OF REASONS

Hearing Date: Not Applicable (No request from the public was received)

Subject Matter of Proposed Regulations: Retired Status and Fees

Sections Affected: Title 16, Division 39, California Code of Regulations, Sections 4122, 4128 and 4130

Updated Information:

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows:

On September 24, 2012, the California Board of Occupational Therapy (Board) made available a modification to the initially proposed language. Initial language in 16 CCR Section 4130(e) proposed to establish January 1, 2014, as the effective date for increasing the Board's biennial renewal from \$150 to \$170 and "inactive" biennial renewal from \$25 to \$50. The modification changed the effective date from January 1, 2014, to July 1, 2014, in regard to implementation of the renewal fee increases. The intent of the modification was to allow time to coordinate repayment of a General Fund loan to the Board in June 2014. Terms associated with the legislation authorizing the loan specified it was the intent of the Legislature that repayment of the loan be made so as to ensure that the Board shall not be adversely affected by the loan through an increase in fees. This modification was designed to conform to the intent of the Legislature.

In effecting the modifications outlined in the above paragraph it was decided for clarity sake to also specify effective dates for establishment of the application processing and retired status fees. Thus, the effective date of July 1, 2014, was added to 16 CCR Section 4130(a) regarding the application fee to allow time and notice of the change. An effective date of July 1, 2013, was added to Section 4130.30(g) regarding establishment of a retired status to make it effective as soon as possible, to alleviate professional representation issues and provide financial relief to affected practitioners.

On April 4, 2013, the Board made available a second modification. However the text that was noticed was not correctly formatted to identify and differentiate the initially proposed language, modified language, and the second modified language. On April 22, 2013, the Board made available a second amended modification that was formatted to identify and differentiate the initial language and each of the subsequent modifications. Both the second modification and second amended modification deleted all references to the proposed increases in the initial licensing, biennial renewal fee, and inactive renewal fee. Therefore the Board's existing initial licensing, biennial renewal fee, and inactive renewal fee remain unchanged. The reason and rational necessitating this modification was that upon further review by budget authorities, it was determined the Board would have sufficient funding after repayment of the General Fund loan.

In preparing the final rulemaking file it was discovered that the Board's Initial Statement of Reasons did not provide a reason or explanation why existing language in Section 4130(d)(1)(2)

was being deleted. In 2007, the Board transitioned from an annual license renewal to a biennial license renewal. Therefore, existing reference to Section 4130(c) setting forth a fee for annual renewal of a license is obsolete and needs to be removed for clarity. Existing references to Sections 4130(d)(1) and (2), which were designed to split the licensing population into an odd or even year biennial renewal cycle, is no longer necessary. This language is obsolete since all existing licensees have been transitioned accordingly and renew their licenses consistent with Section 4120. Thus, for clarity and to eliminate unnecessary language, the Board amended and renumbered existing Section 4130(d)(3) to Section 4130(d) to establish that the biennial renewal fee is \$150.

The Board also affected four minor technical edits in the Order of Adoption. The first technical edit adds Section 2570.17, of the Business and Professions Code, in the authorities and reference citations relating to 16 CCR Section 4130. The second technical edit in Section 4130(a) corrects letters that were transposed in all text that was noticed regarding the form number for the Initial Application for Licensure. Text that was noticed incorrectly identified the form number as "IAL, Revised 8/2012." The Order of Adoption corrects the mistake, by identifying the form as "ILA, Revised 8/2012" to correspond with the application. The third technical edit is in Section 4128(f)(2)(A) adding the word "preceding." The section pertains to a continuing competence (continuing education) requirement to reactivate a license from retired status and is consistent with the Initial Statement or Reasons. This technical edit is also consistent with existing regulatory requirements for licensees renewing a license with active status and for licensees requesting to change their license from inactive status to active status. The fourth minor technical formatting edit pertains to Section 4128(g) in the Order of Adoption which states "A licensee may be granted a license in retired status on no more than two separate occasions." Initially proposed language and subsequent modifications incorrectly identified the subsection as (h).

Local Mandate: None

Business Impact/Finding of Necessity: The proposed regulation does not have a significant adverse economic impact on business. The proposed regulatory action impacts private persons, occupational therapy practitioners, who will be applying for licensure. A significant amount of staff resources and time are devoted to the review and qualification process for initial licensing and communicating application status with candidates for licensure. Currently, the Board is the only regulatory entity within the Department of Consumer Affairs that does not charge a fee for the application review process. The charging of an application processing fee is necessary as the Board is a self-funded agency and as such, must charge fees to support its operations. Thus, the fee helps offset some of staffing costs related to time spent on the fundamental and necessary task of reviewing applications. The proposed regulation establishes and implements a retired status which will represent a fee decrease to affected practitioners who wish to be able to identify themselves as a retired occupational therapist but who no longer practices.

Consideration of Alternatives: No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to the affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Summary of Public Comments Received During the 45-day Comment Period:

The Board did not receive any comments on the proposed regulatory action.

Summary of Public Comments Received During the 15-day Comment Period:

The Board did not receive any comments on the proposed regulatory action.

Summary of Public Comments Received During the Second 15-day Comment Period:

The Board did not receive any comments on the proposed regulatory action.

Summary of Public Comments Received During the Second Amended 15-day Comment Period:

The Board did not receive any comments on the proposed regulatory action.

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ADDENDUM TO FINAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Retired Status and Fees

Sections Affected: Title 16, Division 39, California Code of Regulations, Sections 4122, 4128 and 4130

Updated Information:

Three applications were included in the original rulemaking file:

- Application for Retired Status, Form ARS, New 7/2012
- Application to Restore License to Active Status, Form ARL, New 7/2012
- Initial Application for Licensure, Form ILA, Rev 8/2012

The Board replaced the *Application for Retired Status*, *Application to Restore License to Active Status*, and *Initial Application for Licensure*, with the attached updated versions of the applications; the updated applications reflect a new control agency name.

Under Government Code Section 8523, the Government Reorganization Plan changed the name of the State and Consumer Services Agency to the Business Consumer Services and Housing Agency effective July 1, 2013. The agency name was updated on each application and there were no other changes to the applications.