

AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy has proposed modifications to the proposed text of CCR Sections 4128 and 4130 in Division 39, Title 16. A copy of the modified text is enclosed.

Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before 5:00 PM on October 9, 2012, to the following:

Jeff Hanson
CA Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
Telephone: (916) 263-2294
Fax: (916) 263-2701
E-mail: cbot@dca.ca.gov

DATED: September 24, 2012



HEATHER MARTIN
Executive Officer
Board of Occupational Therapy

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED AMENDED REGULATORY LANGUAGE Title 16, Division 39, California Code of Regulations

Proposed amendments are shown by strikeout for deleted text and underline for new text. Modifications are shown by double strikeout for deleted text and double underline for new modified language.

1. The title of Article 3 is amended to read as follows:

Article 3. License, ~~Certificate, and~~ and Limited Permit, ~~Inactive Status~~

2. Article 3.5 is added to Division 39 to read as follows:

Article 3.5. Inactive and Retired Status

3. Section 4122, Inactive Status, is renumbered to Section 4127.

4. Section 4128 is added to Division 39, Article 3.5, to read as follows:

§ 4128. Retired Status

(a) On or after July 1, 2013, a holder of an occupational therapist or occupational therapy assistant license that is current and whose license is not suspended, revoked, or otherwise restricted by the board or subject to discipline, may apply for retired status, upon application and payment of the fee prescribed in section 2570.17 of the Code.

(b) The application shall be on a form prescribed by the Board titled "Application for Retired Status" (Form ARS, New 7/2012), and shall disclose under penalty of perjury whether the licensee has been disciplined by another public agency or been convicted or pled nolo contendere to any violation of any statute in the United States or foreign country.

(c) A license in retired status is not subject to renewal.

(d) The holder of a license in retired status shall not engage in any activity for which an active license is required. Failure to comply with this section is unprofessional conduct and grounds for citation or discipline.

(e) An occupational therapist holding a license in retired status shall be permitted to use the title "occupational therapist, retired" or "retired occupational therapist." An occupational therapy assistant holding a license in retired status shall be permitted to use the title "occupational therapy assistant, retired" or "retired occupational therapy assistant." The designation of retired shall not be abbreviated in any way. Failure to comply with this section is unprofessional conduct and grounds for citation or discipline.

(f) In order to restore his or her license to active status the holder of a license in retired status shall:

(1) Complete a form prescribed by the board titled "Application to Restore License to Active Status," (Form ARL, New 7/2012), and pay the biennial renewal fee in effect at the time the request for activation is received; and

(2) Satisfy continuing competency requirements as follows:

(A) Complete 24 PDUs, within two (2) years of the date the application for reactivation is received, if the license is in retired status for a period of five (5) years or less, or
(B) Meet one of the requirements set forth in section 2570.14 of the Code if the license is in retired status for a period of more than five (5) years. If qualifying under 2570.14(a), the holder of a license in retired status must complete 40 PDUs as specified in section 4161(g).

(h) A licensee may be granted a license in retired status on no more than two separate occasions.

Authority cited: Sections 2570.10, and 2570.11, Business and Professions Code; Reference: Sections 118, 2570.14, 2570.16 and 2570.17, Business and Professions Code.

5. Section 4130, Article 4, is amended to read as follows:

§ 4130. Fees

Fees are fixed by the board as follows:

(a) On or after July 1, 2014, the fee for processing an Initial Application for Licensure (Form IAL, Revised 8/2012) shall be fifty dollars (\$50).

~~(a)(b)~~ On or after July 1, 2014, the initial license or certificate fee shall be prorated pursuant to Section 4120(a)(1) and based on a biennial fee of (\$150) one hundred seventy dollars (\$170).

~~(b)(c)~~ The fee for a limited permit is seventy five dollars (\$75).

~~(c)~~ For a license that expires on or before December 31, 2006, the annual renewal fee for a license or certificate is \$150.

~~(d)~~ For a license that expires on or after January 1, 2007, the renewal fee shall be in accordance with the following schedule:

~~(1)~~ For a license that expires between January 1, 2007, and December 31, 2007, a licensee with an even birth year shall renew for one year and the renewal fee shall be seventy five dollars (\$75).

~~(2)~~ For a license that expires on or after January 1, 2007, and biennially thereafter, a licensee with an odd birth year shall renew for two years and the renewal fee shall be one hundred fifty dollars (\$150).

~~(d) (3)~~ For a license that expires on or after before January 1, 2008, 2014, and biennially thereafter, a licensee with an even birth year shall renew for two years and the biennial renewal fee shall be one hundred fifty dollars (\$150).

(e) For a license that expires on or after January July 1, 2014, the biennial renewal fee shall be one hundred seventy dollars (\$170).

~~(e)(f)~~ On or after July 1, 2014, the delinquency fee is one-half of the renewal fee.

~~(f)(g)~~ On or after July 1, 2014, the renewal fee for an inactive license or certificate is shall be \$25 fifty dollars (\$50).

(h) On or after July 1, 2013, the fee for an Application for Retired Status (Form ARS, New 7/2012), shall be twenty-five dollars (\$25).

~~(g)~~ (i) The fee for a duplicate license is \$15.

~~(h)~~ (j) The fees for fingerprint services are those charged by the California Department of Justice and the Federal Bureau of Investigation.

Note: Authority cited: Sections 122, 144, 163.5, and 2570.20, Business and Professions Code. Reference: Sections 144, 2570.5, 2570.9, 2570.10, 2570.11, and 2570.16, Business and Professions Code.