

# **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:** Continuing Competence Requirements

**Sections Affected:** Title 16, Division 39, California Code of Regulations (CCR), Sections 4161, 4162, and 4163

### **Updated Information:**

The Initial Statement of Reasons is included in the file describing the reason, rationale, and necessity of this proposed action. There has not been any change to the initially proposed text or the underlying reasons the California Board of Occupational Therapy (Board) seeks this regulatory amendment.

Pursuant to 16 CCR Section 4162(b), records showing participation in each professional development activity must be maintained by the occupational therapy practitioner for four years following the renewal period. The Fieldwork Education PDU Attestation form (Form FEA New 6/2016) is proposed as a new form that documents a licensee's supervision of an occupational therapy student's fieldwork. Since fieldwork supervision is recognized as a professional development activity, a licensee must maintain the completed form for a period of four years following the renewal period in which the fieldwork supervision occurred.

**Local Mandate:** None

### **Business Impact/Finding of Necessity:**

The Board has determined this proposed action will not have a significant adverse economic impact on business in California including the ability of California businesses to compete with businesses in other states.

The proposed action is necessary to increase the amount of credit that an occupational therapy practitioner would earn for supervising Level II students and to establish credit for supervising a Level I student. This will encourage and incentivize licensees to provide fieldwork supervision to occupational therapy (OT) and occupational therapy assistant (OTA) students. The supervisor will certify all information contained on the form titled 'Fieldwork Education PDU Attestation' (FEA) is correct. The form will require co-signature of the supervisor's employer or Academic Fieldwork Coordinator (AFWC).

This proposed action is necessary to implement new rules limiting exemption of PDUs to two (2) consecutive renewal periods. In the event a licensee cannot complete continuing competency requirements following an exemption, the licensee may only renew the license in an inactive status. The proposed action is designed to eliminate situations where the

continuing competence requirement could be repeatedly circumvented or diminished in a way that would be inconsistent with the public's health, safety, and welfare.

### **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 and equally effective in implementing the statutory policy or other provision of law.

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

The Board received one public comment at the August 18-19, 2016 board meeting and two written comments pertaining to this proposed action.

Jayne Meyer, AFWC/Assistant Professor of the Clinical Occupational Therapy Mrs. T.H. Chan Division of Occupational Therapy Science & Occupational Therapy at the University of Southern California (USC) correspondence dated July 18, 2016 is overwhelmingly in agreement with the proposed changes. However, she requested the AFWC attestation to the fieldwork educator's claimed number of hours to be removed from the FEA form. She said that they cannot attest to the number of hours of supervision. They can only attest to the placement of their students at the site and who the supervisors are. On the form there is "perjury clause" for the fieldwork supervisor only so Ms. Mayfield recommended to add "to the best of our knowledge" clause to the signature area for AFWC. She also requested the new language "supervision of a student shall not be the primary responsibility of the licensee's employment" to be removed or replaced. She mentioned that the clinical instructors or clinical education coordinators supervise and educate students as a primary job responsibility in most of the teaching hospitals.

*Board Response: The Board appreciates the overwhelming support but rejected the suggestions. The FEA form provides latitude. The fieldwork coordinator can sign the form. The "perjury clause" applies to the licensee who is claiming the activity toward the PDU requirement and not to the Academic Fieldwork Coordinator so it is not necessary to add "to the best of my knowledge" clause because it is not the sole individual's responsibility to co-sign the FEA form. In case the fieldwork coordinator cannot confirm the hours supervised, the practitioner's employer can co-sign the form. The Board did not think it was necessary to change the new language because occupational therapy practitioners who are hired in hospitals engage in providing delivery of occupational therapy services to their clients and are not hired only to supervise students as their primary job responsibility.*

Diane Mayfield, Chair of The California OT Fieldwork (CAOTFW) Council correspondence dated August 8, 2016, is in agreement with the proposed changes. However, they strongly urged the Board to increase the maximum number of PDU credits for supervising Level II and/or Level I students per renewal period from 12 to 14 or 16 PDUs. She said increasing the number could encourage a practitioner to do even more by supervising Level I

students too. Ms. Meyer also supports the suggestions or changes proposed by the CAOTFW Council.

*Board Response: The Board appreciates the support and the suggestions. The Board has increased the number of PDUs for supervising Level II students and established credit for supervising Level I students but the credit for PDUs shall only be earned for the dates of supervision occurring during the renewal period. The maximum number of PDU credits is half of the total number of PDUs required for each renewal period. The practitioners are required to submit 24 PDUs per renewal period for an active status so for supervising Level I and/or Level II students the practitioner can claim a maximum number of 12 PDUs during that renewal period. Increasing the level of credit beyond what is proposed in this action would require an amendment. The Board rejects the comment because it wishes to maintain the requirement in 4161(d) that limits credit for activities described in 4161(c) to 12 PDUs, half of the overall requirement of 24 PDUs.*

Donna Breger Stanton, OT, Fieldwork Coordinator, Samuel Merritt University, during the Board Meeting on August 18-19 at Samuel Merritt University, Oakland, CA, voiced her support of increasing the amount of continuing competence credit that an OT can earn supervising Level II students as well as offering credits for supervising Level I students as a way to incentivize more licensees to supervise a students' fieldwork. Ms. Breger-Stanton stated that it is becoming increasingly difficult to find OTs willing to supervise students.

*Board Response: The Board accepted the comment and thanked Ms. Stanton for her support with the proposed changes.*

### **Incorporation by Reference:**

The Fieldwork Education PDU Attestation form (Form FEA New 6/2016) was incorporated by reference because it would be cumbersome, expensive, or otherwise impractical to publish the actual form in the CCR. The form was also posted on the Board's website with the proposed action and available upon request to the Board.