

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**

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State of California  
Department of Consumer Affairs  
Gray Davis, Governor



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CALIFORNIA BOARD OF OCCUPATIONAL THERAPY  
TELECONFERENCE BOARD MEETING MINUTES

August 19, 2003

Sacramento, California

Los Angeles, California

Rancho Mirage, California

**Agenda**

**A. Call to Order, Roll Call, Establishment of a Quorum**

Gretchen Kjose, executive officer, called the teleconference meeting to order at 9:03 a.m. and called the roll.

Board Members Present

Luella Grangaard, President (Rancho Mirage location)

Christine Wietlisbach, Vice President (Rancho Mirage location)

Cynthia Burt (Los Angeles location)

Margaret Cunningham (Los Angeles location)

Roberta Murphy (Sacramento location)

Hugh Smith (Sacramento location)

Board Member Absent with Unexcused Absence

Suzanne Sampson

Staff Present

Gretchen Kjose, Executive Officer

Norine Marks, Legal Counsel

Janet Yagi, Associate Governmental Program Analyst

**B. Introductions**

In addition to recognizing the Board members present, Ms. Kjose introduced herself, Norine Marks, legal counsel and Janet Yagi, Board staff. Two members of the public attended the meeting at the Los Angeles teleconference site, Christina Clark, OTR, and Kimberly Novack, a speech pathologist.

**C. Review and Approval of Modified Text Regarding Proposed Regulations to Adopt Title 16, Division 39, California Code of Regulations, 4181 – Supervision Parameters**

Ms. Kjose explained that at its meeting on September 21, 2002, the Board voted to adopt proposed regulations on supervision requirements. She advised that, during the public comment period, several comments were received that added clarity and consistency to the proposed regulations and modified text was prepared as a result. She stated that the Board voted to adopt the modified text at its July 14, 2003, meeting. She noted that during the comment period on the modified text, it was discovered that the proposed regulation on supervision parameters, which would have allowed occupational therapy assistants

to supervise occupational therapy assistant limited permit holders, was in conflict with the Occupational Therapy Practice Act (Act), section 2570.5 which requires both occupational therapy (OT) and occupational therapy assistant (OTA) limited permit holders to be supervised by an OT.

Ms. Kjose said that the Board could not adopt regulations that conflict with the law and advised that staff had prepared modified text, deleting the conflicting provision. She noted that, if the Board adopts the proposed change at today's meeting, the modified text would be available for public comment for 15 days. At the end of the comment period, if there were no further changes to be made, staff would prepare the Final Statement of Reasons, addressing all comments and the reasons for accepting or rejecting them, and submit the rulemaking file to the Office of Administrative Law (OAL). She reported that, once submitted, OAL would have 30 working days to approve or reject the regulations. If approved, they would be filed with the Secretary of State and would take effect 30 days thereafter.

Roberta Murphy asked that the Board consider proposing an amendment to the law during the next legislative session that would allow OTAs to supervise OTA limited permit holders. Ms. Kjose said this issue would be placed on the Board's November 14, 2003 Board meeting agenda.

- ◆ **Cynthia Burt moved to approve the proposed amendment, that it be made available for the required 15-day comment period, and that the Board delegate to the executive officer authority to adopt the regulations at the end of the comment period provided no comments were received that would require further change.**
- ◆ **Hugh Smith seconded the motion.**
- ◆ **The motion carried unanimously.**

#### **D. Public Comment Session**

Kimberly Novack commented that she attended today's board meeting as a representative of the hospital she works for. She mentioned that she had attended the previous Board meeting during which a discussion was held on who could supervise OTs seeking certification in dysphagia, and she was following up on that topic. Ms. Kjose explained that the proposed advanced practice regulations had been modified to include speech language pathologists and audiologists as appropriate supervisors of OTs seeking certification in dysphagia. Ms. Novack then asked whether the supervisor would be required to be in the room with the OT at all times while the OT was gaining the required training. Ms. Kjose advised that the regulations called for supervision consistent with other supervision requirements in effect at the time the supervision takes place and said that the proposed regulations would not require direct line of sight supervision at all times.

#### **E. Adjournment**

The meeting adjourned at 9:15 a.m.