

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

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State of California
Department of Consumer Affairs
Arnold Schwarzenegger, Governor



**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
PRACTICE COMMITTEE MEETING MINUTES
November 30, 2006
Ontario, CA**

Committee Members Present

Pamela Roberts, Acting Chair
Luella Grangaard
Barbara Rodrigues
Deborah Bolding

Committee Members Absent

Mary Kay Gallagher
Janet Jabri
Roberta Murphy
Judy Palladino

Staff Present

Laura Freedman-Eidson, Legal Counsel
Heather Martin, Executive Officer
April Freeman, Association Analyst

A. Call to Order, Roll Call

Chairperson Pamela Roberts called the meeting to order at 8:43 a.m. and called the roll. A quorum was present.

B. Approval of the August 16, 2006, Committee meeting minutes

This item was tabled until the next meeting.

C. Report on assignments pending from August Committee meeting

Heather Martin stated that the three items that the Board has pending for future agenda items from the August meeting were:

- Revisions to the Application to Provide Advanced Practice Post-Professional Education.

Status: The Board is going to revise both the application and the instructions so that the providers submit more information concerning their courses. The application will provide a timeframe so that providers can ensure that they submit their application with enough time to be sent out for review. The Board is also going to establish a rotational process for Committee members to review the courses. There may be concerns regarding this issue due to knowledge of the specific advanced practice areas. The Board is also going to develop proposed regulatory language for an appeal process for advanced practice applicants.

Ms. Freedman suggested that the review of Applications for Post-Professional Education be brought to a Committee meeting for discussion. Members expressed concern that they did not meet often enough to approve applications in the timely manner. Ms. Martin suggested that teleconferences could be scheduled to accomplish this task. Further discussion center around how to improve the application and how to advise applicants (continuing education providers) what specific information is needed in order to approve their course. It was decided that controversial applications would go to the Committee for discussion and final approval.

D. Discussion and consideration of “reciprocity” for applicants license in another state whose Practice Act allows treatment considered by California as advanced practice

Ms. Martin explained that this issue was raised as a future agenda item at the last Committee meeting.

Ms. Bolding asked how the Board handles advanced practice applicants who indicate that they have been performing advanced practice treatments in another state. Ms. Freeman responded that they have to minimum the requirements set forth in the law just as any other applicant would. The concern is that any education earned by the applicant would not fall with the previous five years. Ms. Freeman indicated that she has not received many complaints from out-of-state applicants regarding the application process.

Ms. Bolding indicated that she has researched laws in other states concerning practice in the areas of hand therapy, modalities, and swallowing. She stated that many states allow practice in modalities, and Minnesota specifically allows feeding and swallowing in conjunction with occupational therapy. She believes that 240 hours of supervised on-the-job training is too stringent for swallowing. She questioned why the number of hours was so high.

Ms. Grangaard explained that to when the regulations were developed, a significant amount of testimony was received determining how many hours should be required, and how entry-level advanced practice should be determined. The response ranged from 900 hours to 35 hours. Because of the way the statue was written, there was no way around having a specific number of on-the-job training hours. The final number was based on testimony and research performed by the individuals on the Committee.

Ms. Freedman reminded the Committee that the Board’s highest priority is public protection. The Board set a standard of what is required regardless of what is required in another state.

Ms. Grangaard stated that this is an issue that the Board cannot go back and fix, it just needs to continue moving forward and deal with the environment. The advanced practice requirements are the product of the environment that the Board had to deal with during the fight for licensure.

Ms. Bolding questioned if advanced practice approval is still necessary for the consumer protection. The Committee discussed the possibility of reevaluating the number of on-the-job training hours required. Ms. Freeman reminded the Committee that a person coming from the other isn't banned from practicing in California before they become advanced practice approved. In fact, they are required to practice for a specific number of hours to meet the on-the-job training requirements. As long as they have an appropriate supervisor with a written supervision agreement, they can begin practicing immediately in California.

The Committee concluded that the Board does not grant reciprocity for practitioners coming from states that allow practice in advanced practice area, and to do so in the future would require statutory change. The Committee discussed the issue of ACOTE standards and the current effort to change the ACOTE standards to include areas of hand therapy, modalities and swallowing. This would allow the Board to amend the statute to remove the additional educational and training requirements.

Ms. Freedman recommended that Committee request that the Board consider this issue as a part of the Strategic Plan.

- ◆ Deborah Bolding moved to request that the Board consider the issue of the effect of ACOTE standards on advanced practice and the transition to the new standards.
- ◆ Barbara Rodrigues seconded the motion.
- ◆ The motion carried (3-1).

E. Discussion and consideration of requiring licensure/certification for all instructors at education institutions

Ms. Martin explained that the Committee requested this issue be included as a future agenda item.

Ms. Grangaard explained that there are some instructors in OT and OTA programs that are not licensed to practice in California. She clarified that they are not engaged in patient care, but that their role is as an educator.

Ms. Roberts expressed concern with individuals who are instructing students to go out and practice when they themselves are not licensed to practice.

Ms. Grangaard stated that it is inherent that it is practice; that an individual should be licensed. She questioned whether the Board needed to make a statement, or does the something need to be put in statute.

Ms. Bolding stated that they are educators; they are not practicing occupational therapy, they are practicing education. She pointed out that in many PT and OT programs there are individuals who are neuroanatomists, psychologists, statisticians, etc. who are teaching students. She questioned whether only licensed occupational therapists can teach OT students. Ms. Martin responded that as an instructor, they wouldn't have that job unless they brought knowledge of occupational therapy to the table.

Mary Evert, Board Member, stated there is a difference between faculty teaching courses such as occupational therapy theory, the history of occupational therapy, or the application of theory into activities, and faculty teaching subjects such as neuroanatomy, etc.

Ms. Freedman questioned if the Board's issue is whether there are practitioners practicing in schools in an unlicensed capacity. If so, she believes it is an enforcement issue. Ms. Freedman recommended that this issue not be discussed further at this meeting since there are complaints pending. She recommended that it be reframed for discussion at the next Committee meeting.

F. Review and discussion of education and outreach materials for applicants issued an initial license

Ms. Martin presented materials prepared for new licensees to inform them of requirements concerning licensure, renewal, etc. This information, in addition to a copy of the laws and regulations, will be mailed to all new licensees along with their wall certificate. The Committee liked the informational material.

Ms. Martin also shared several new forms that will be on the Board's web page soon.

G. Future agenda items

- Discussion of licensure/certification for all instructors at education institutions
- Report on pending assignments
- Fieldwork sites – ethic practice – reporting requirements

H. Future meeting dates

Ms. Grangaard stated that the Board will be setting meeting dates at their meeting today. Committee members requested that meetings be scheduled in conjunction with Board meetings.

I. Public comment session

No public comments.

J. Adjournment

The meeting was adjourned at 9:50 a.m.