

BOARD OF OCCUPATIONAL THERAPY

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**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
BOARD MEETING MINUTES
July 26, 2007
Sacramento, California**

Board Members Present

Luella Grangaard, President
Christine Wietlisbach
Mary Evert
Nancy Michel
Bobbi Jean Tanberg
Patti Horsley

Staff Present

Heather Martin, Executive Officer
Norine Marks, Legal Counsel
April Freeman, Associate Analyst
Jeff Hanson, Staff Analyst

1. Call to Order, Roll Call, Establishment of a Quorum

President Luella Grangaard called the meeting to order at 8:16 a.m. Secretary Mary Evert called the roll. A quorum of the Board was present.

2. President's Remarks

Ms. Grangaard welcomed the Board's new public member, Patti Horsley, who was appointed by the Assembly.

Ms. Grangaard stated that the Board has done a lot of work since it was established and that should be kept in mind during the discussion of the Strategic Plan. She reminded everyone that at the Board's very first meeting, there were no regulations in place and now that all of the regulations have been taken care of, the Board can focus on structural issues.

3. Approval of the May 24, 2007, Board meeting minutes

The Board reviewed the draft minutes of the May 24, 2007 meeting. Christine Wietlisbach stated that her name was misspelled.

- ❖ Mary Evert moved to approve the minutes of the May 24, 2007 Board meeting as amended.
- ❖ Christine Wietlisbach seconded the motion.
- ❖ Motion passed unanimously.

4. Discussion, consideration, and development of 2007 Strategic Plan

Ms. Grangaard stated that she, Mary Evert and Heather Martin have worked diligently on the Board's 2007 Strategic Plan.

The Board reviewed the Mission Statement, Core Values, and Strategic Goals. No changes were made. Mary Evert clarified that the order of the Strategic Goals reflects their priority. The Board reviewed the Strategic Objectives for each goal and made additions or corrections to language as needed.

Ms. Martin will update the draft Strategic Plan and provide to members via email. She requested that they review the plan and contact her with any change so the plan is ready for a vote at the next meeting.

5. Regulatory Hearing – Consideration of proposed language to amend Title 16, Division 39, California Code of Regulations, Section 4154 – Post Professional Education and Training, and Section 4155 – Advanced Practice Certification

Ms. Grangaard called the public hearing to order at 10:30 a.m. The public hearing was for the purpose of receiving public comments in the matter of the proposed regulatory changes to Title 16, Division 39, California Code of Regulations, Section 4154 and 4155 concerning advanced practice.

The following individuals made public comments:

Linda Johnson – oppose
Maria Therese Lee – oppose
Linda DeMeo – oppose
Deborah Bolding – support
Jill Christian – oppose
Kim Morgan – oppose
Gigi Smith – oppose

The public hearing was closed at 11:10 a.m.

11. Review and adoption of proposed regulatory language to amend Title 16, Division 39, California Code of Regulations, Section 4154 – Post Professional Education and Training, and Section 4155 – Advanced Practice Certification

- ❖ Mary Evert moved to approve the proposed language to amend Title 16, Division 39, California Code of Regulations, Section 4154 – Post Professional Education and Training, and Section 4155 – Advanced Practice Certification
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion failed for lack of votes. (Horley-Abstain, Evert-Aye, Michel-Abstain, Wietlisbach-Abstain, Tanberg-Aye)

- ❖ Mary Evert moved to amend the motion to remove the controversial language concerning the term “certification” and leave the remaining amendments as written.
- ❖ Christine Wietlisbach seconded the motion.
- ❖ Mary Evert withdrew her motion at the agreement of Christine Wietlisbach.

Ms. Evert stated that she believes the word “certification” still causes problems. Ms. Martin stated she wants this issue resolved and wants the language to correctly reflect the Board’s intention. She suggested scheduling outreach sessions to further research an agreeable solution.

- ❖ Nancy Michel moved to reconsider the failed motion.

- ❖ Patti Horsley seconded the motion.
- ❖ Motion passed. (Wietlisbach-Abstain)

- ❖ Nancy Michel moved to discuss this issue at the next Board meeting.
- ❖ Patti Horsley seconded the motion.
- ❖ Discussion: Bobbi Jean Tanberg requested that the Board develop an action plan so that this issue will not be postponed again.
- ❖ Motion passed. (Wietlisbach-Abstain)

6. Practice Committee Report

Deborah Bolding, Chairperson, presented the Practice Committee Report.

- ❖ Mary Evert moved to accept the report from the Practice Committee.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed.

7. Review of staff recommendations regarding Board Committees' organization and structure

Ms. Martin requested that the Board review the recommended structure for Board committees. She also provided information on committees used by four other Boards.

Ms. Evert suggested that the "Executive Committee" be called the "Administrative Committee."

Deborah Bolding, Chairperson of the Practice Committee, suggested that the Board consider term limits for committee members.

- ❖ Mary Evert moved to approve the recommended Committees with the change from "Executive" to "Administrative" Committee.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed.

8. Executive Officer's Report

- a. Budget. Ms. Martin reviewed the revenue, expenditures and fund condition with the Board. She stated that the Board spent \$20,000 printing the laws and regulations. She stated that the \$25,000 budget augmentation for the move (FY 2006/07) was transferred into an Architectural Reserve Fund (AFR) along with an additional \$20,000 surplus. The reversion for FY 2006-07 was approximately \$36,000, of 4% of the budget.
- b. Internal Audit. Ms. Martin stated that the 6 month review was done in May 2007. The Board is still substantially out of compliance. The one year follow-up is scheduled for October.
- c. Office Relocation. Ms. Martin stated that as of now, the move is still scheduled for November 2007. The move will take 3 days during which time the Board will be non-operational.
- d. Personnel Updates. Ms. Martin stated that two new support staff were hired in June. Tabatha Tabor will handle cashiering and Ranjila Sandhu will handle licensing.
- e. Outreach efforts. Ms. Martin stated that she provided outreach at five locations including Sacramento City College, UCLA Medical Center, and three hospitals in San Diego.

9. Discussion and consideration of requiring applicants take a jurisprudence examination as a condition for licensure

Ms. Martin explained that this issue was raised by the Practice Committee. However, since the Practice Committee cannot independently raise and discuss an issue, she is requesting that the Board delegate this issue to the Practice Committee.

- ❖ Luella Grangaard moved to direct staff to research the feasibility of a jurisprudence examination.
- ❖ Mary Evert seconded the motion.
- ❖ Motion passed.

10. Regulation Update

- a. Title 16, Division 39, CCR Section 4141 – Assessment of Administrative Fines**
- b. Title 16, Division 39, CCR Section 4152.1 – Topical Medications**
- c. Title 16, Division 39, CCR Section 4123 – Limited Permits**
- d. Title 16, Division 39, CCR Section 4114 – Abandonment of Application**

Ms. Martin provided information outlining the status of pending proposed regulations. The Board appreciated receiving the information and requested that it be provided at all future meetings.

11. Review and adoption of proposed regulatory language to amend Title 16, Division 39, California Code of Regulations, Section 4154 – Post Professional Education and Training, and Section 4155 – Advanced Practice Certification

See Item E.

12. Adoption of proposed regulatory language to amend Title 16, Division 39, California Code of Regulations, Section 4161 – Continuing Competency

Ms. Martin stated that non-substantive grammatical changes were made to the language at the recommendation of legal counsel.

The Board reviewed the comment submitted by the American Occupational Therapy Association suggesting that the language “who have not been actively engaged in the practice of occupational therapy within the past five years” be inserted into subsection (c).”

- ❖ Mary Evert moved to approve the proposed regulatory amendments to Title 16, Division 39, California Code of Regulations, Section 4161 – Continuing Competency with the insertion of the language “who have not been actively engaged in the practice of occupational therapy within the past five years” be inserted into subsection (c).”
- ❖ Christine Wietlisbach seconded the motion.
- ❖ Motion passed.

Norine Marks suggested an alternative, to adopt the proposed language with amendments, notice the language for 15 days and delegate authority to the Executive Officer to make any technical, non-substantive changes. The makers of the motion amended the motion as such and the motion was adopted.

13. Review and approval of proposed regulatory language to amend Title 16, Division 39, California Code of Regulations, Section 4181 – Supervision Parameters

This issue was tabled to the next Board meeting so that the Practice Committee and staff have an opportunity to development and review the proposed language.

14. Review and consideration of draft Joint Practice Statements between the Physical Therapy Board and the Board of Occupational Therapy regarding a PT's Responsibility when Supervising an OT Obtaining an Advanced Practice Certification and Clarification of a Physical Therapist's & Occupational Therapist's Scope of Practices within the State of California

- ❖ Mary Evert moved to accept the draft statements.
- ❖ Christine Wietlisbach seconded the motion.
- ❖ Discussion: The Board discussed who can develop an OT treatment plan that includes advanced practice treatments.
- ❖ Mary Evert moved to amend the motion to modify the first sentence of *Alternative 2: OT Treatment Plan* to read, "The OT may perform advanced practice procedures under the supervision of a PT pursuant to a treatment plan approved by an OT who is lawfully authorized to establish the treatment plan for that advanced practice area."

Debbie Mitchell of the Physical Therapy Board advised members that she didn't think the PT Board would approve the language as stated above, with the phrase "approved by an OT." The PT Board wants the language to reflect that the treatment plan is developed by the OT who is advanced practice certified. Ms. Mitchell recommended that the word "approved" be replaced by "developed."

- ❖ Mary Evert moved to reconsider the motion to modify the first sentence of *Alternative 2: OT Treatment Plan*.
- ❖ Christine Wietlisbach seconded the motion.
- ❖ Motion passed.

- ❖ Mary Evert moved to strike the word "approved" in the first sentence of *Alternative 2: OT Treatment Plan* and insert the word "developed."
- ❖ Christine Wietlisbach seconded the motion.
- ❖ Motion passed.

15. 2007 legislation update

Ms. Martin advised the Board that there is still no author for the language change OTAs from certified to licensed.

- ❖ Mary Evert moved to oppose AB 1025.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed.

- ❖ Mary Evert moved to oppose AB 64.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed.

- ❖ Nancy Michel moved to support SB 1048.
- ❖ Christine Wietlisbach seconded the motion.
- ❖ Motion passed.

16. Enforcement data and reports

Ms. Martin provided the Board with statistics concerning citations, probationers, and enforcement actions for the first two quarters of the calendar year.

17. Future agenda items

1. Strategic Plan

Ms. Martin explained that the September 18, 2007 meeting will need to be rescheduled due to staff conflicts. After discussion, the September meeting was rescheduled for October 11, 2007 in Ontario, and the November meeting was rescheduled for December 4, 2007. The location for the December meeting will be determined at a future time.

18. Public Comment Session

No public comment.

19. CLOSED SESSION - The Board convened in closed session pursuant to Government Code section 11126(c)(3) to deliberate on disciplinary decisions.

20. OPEN SESSION - The Board returned to open session at 3:25 p.m.

21. Adjournment

The meeting adjourned at 3:25 p.m.