

AGENDA ITEM 19

CONSIDERATION OF NEW BOARD POLICY

The proposed Policy is attached for review.



BOARD OF OCCUPATIONAL THERAPY
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 Tel: (916) 263-2294 Fax: (916) 263-2701
 E-mail: cbot@dca.ca.gov Web: www.bot.ca.gov

SUBJECT: Hearings in Contested Cases After Denial of Licensure Alleging the Unlicensed Practice of Occupational Therapy	POLICY # E – 10-02	DATE ADOPTED: TBD
DISTRIBUTION: All Staff Jan Lachman, DAG Office of Administrative Hearings	APPROVED BY: Board of Occupational Therapy	
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Policy Where an applicant for licensure has been denied a license based upon allegations the he or she has practiced occupational therapy without a license for a period of more than one year, and the denied individual requests, has a right to, and has not waived a hearing pursuant to Business & Professions Code section 485, the Board of Occupational Therapy (Board) will hear the contested case pursuant to sections 11512 and 11517(a) of the Government Code. The Board will attempt to schedule as many hearings as possible on the same day in the same location for greater efficiency.



Background The unlicensed practice by occupational therapy practitioners continues to be an issue requiring immediate attention. Requiring denied applicants to appear before the Board will help ensure a more consistent and efficient handling of hearings after an application for licensure has been denied.



Implementation TBD



Attachments Government Code sections 11512, 11517





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SUBJECT: Hearings in Appeals from Citations	POLICY # E – 09-01	DATE ADOPTED: March 19, 2009
DISTRIBUTION: All Staff Jan Lachman, DAG Office of Administrative Hearings	APPROVED BY: Board of Occupational Therapy	

Policy

Where a citation has been issued alleging a Class “C” or Class “D” violation pursuant to sections 4141(a)(3) or (a)(4) of Title 16 of the California Code of Regulations (regulations), and the individual cited requests, and has not waived and has a right to, an appeal pursuant to section 4142 of the regulations, the Board of Occupational Therapy (Board) will hear the contested case pursuant to section 11517(a) of the Government Code. The Board will attempt to schedule as many hearings as possible on the same day in the same location for greater efficiency.

Background

Citations for these classes of violations have not been always been handled consistently. This policy will help ensure a more consistent and efficient handling.

Implementation

Effective immediately.

Attachments

16 C.C.R. sections 4141, 4142
 Government Code section 11517

EXECUTIVE OFFICER'S REPORT

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
2010 Enforcement Improvement Plan**

The California Board of Occupational Therapy (Board), was recently established - Senate Bill (SB) 1046, [Stats 2000, ch 697]. The focus of the first few years have been spent establishing and bolstering key operations: issuing licenses to qualified individuals, denying the applications of unqualified individuals, and taking disciplinary action against practitioners who violate the laws and regulations relating to the practice of occupational therapy. As one of the state's newest health regulatory boards, much time has been spent educating the occupational therapists (OTs) and occupational therapy assistants (OTAs); consumer's contacting the Board with complaints did not occur during its initial years of operations. However, now that the Board is not so "new," the Board receives complaints from a variety of sources, including: consumers, employers, OTs and OTAs (reporting other practitioners), and other licensing boards and governmental agencies.

Thus, the number of complaints received by the Board has increased over the years, which has lead to an increase in the number of enforcement cases, as illustrated below:

HISTORICAL COMPLAINT DATA

	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10 Qtrs 1-3 *
Complaints Received	115	138	220	442	427	485	240
Complaints Closed	89	109	164	303	398	417	273
Complaints Pending	44	73	129	268	297	365	297
Referred to DOI	6	8	12	11	6	13	6
SOIs filed	5	4	1	2	4	4	6
Accusations filed	2	4	1	8	4	12	11
Disciplinary Action	6	13	3	7	11	16	15

* Qtrs 1 - 3 = July 1, 2009 - March 31, 2010

The Board's enforcement staffing levels have not kept pace with the annual increase in complaints. Thus, a backlog of complaints needing investigation and/or prosecution has developed. (See *Complaints Pending data*.) In order for the Board to pursue and implement many of the objectives outlined in the new Consumer Protection Enforcement Initiative (CPEI), and carry out its mandate, with consumer protection being its highest priority, it is necessary to shift priorities and resources.

For example, goals and objectives outlined in the Board's 2007 Strategic Plan that do not support or meet the highest standard for consumer protection must be modified or delayed, in order to provide sufficient resources to the CPEI and the Board's enforcement program. Bolstering the Board's enforcement program will allow us to address the existing backlog as well as strive to meet DCA's target cycle time of 12 -18 months for the completion of investigation and prosecution of cases.

May update: This will be addressed at the July Board meeting, or sooner if practicable.

Enforcement Backlog

We must first address the backlog by using the Complaint Prioritization Guidelines, adopted in December 2009, to identify the higher priority enforcement cases. This will help us focus our efforts on the higher level complaints and consumer's "patient care" complaints; higher priority will also be given to applicants with serious convictions and licensees with arrests and/or convictions for serious crimes.

This shift in prioritization will prompt a delay in lower enforcement priorities, reduce or eliminate the number of continuing competency audits completed, and reduce the issuance of citations and fines (for less serious violations).

We must also evaluate the strengths of existing staff and reassign duties accordingly. It is imperative those staff members with enforcement expertise begin working on the backlog of the most difficult complaints. If fiscally possible, we will also recruit additional temporary staff to assist us with the backlog and work toward meeting the new target cycle times.

May Update: Use of prioritization and investigation of targeted cases has helped the Board close 58 complaints in the last three weeks; this is the period of April 28- May 20.

SB 1441 (Substance Abusing Licensees Standards) Implementation

In December 2009, Uniform Standards were established as required by SB 1441 (2008 statutes), to provide some consistency among Healing Arts Boards' and their methods for addressing substance using/abusing licensees. Once the proposed legislative language prepared by DCA is provided to the boards, the Board will move forward, in consult with its legal counsel, to determine if it needs additional legislative amendments and which regulatory amendments it will need. The Board hopes to have its regulatory proposal prepared by its July 2010 meeting.

May update: In March we advised the Board of the upcoming changes to the Disciplinary Guidelines in order to implement the Uniform Standards and the fact that the language would be noticed so that the hearing could be held at the July Board meeting. We are striving to meet this goal, however, due to limited resources, we are dependent upon another organization to help us meet this goal. Given the complexity of the regulatory package and the high number of amendments, we are uncertain if we will meet the June 1, 2010, deadline to file the package with OAL for noticing.

One of the most significant and changes made in the Uniform Standards, was to require each probationer, subject to drug testing, to be tested a minimum of 104 times per year for the first year, and 50 times a year, for each subsequent year (while on probation).

The Board does not need any additional authority to implement this standard. Thus, Board staff is working with the Office of the Attorney General (AGO) to incorporate the new testing standards when considering stipulated settlements. The Board also increased random testing for current probationers in December 2009, from once per month to twice per month, and will continue to increase the number of tests, as appropriate.

Also, until the Uniform Standards are incorporated into the Board's Disciplinary Guidelines, when considering stipulated settlements, staff will work with the AGO to incorporate the other Uniform Standards, e.g., requiring substance using/abusing licensees undergo a Clinical Diagnostic Evaluation, to the extent possible.

Non Sworn Investigator Class

The DCA, in concert with the Department of Personnel Administration, has recently put in place a process allowing boards to use the Non-Sworn Special Investigator series classifications. The Board is in the process of reclassing an existing vacancy to a Non-Sworn Special Investigator. This position has been requested on a limited term basis; we are cautiously optimistic that this position will be ready to fill by July 1, 2010. (The Board will continue the use of investigative services provided by the Division of Investigation, as appropriate.)

May update: The received position approval in April and the Board has begun the recruitment process.

Subpoena Authority

The Board recently completed the training process to receive subpoena authority from DCA. Once approval is provided by the Legal Office, we will receive subpoena authorization from DCA. Over the next several months, the Board will reevaluate high priority cases to determine if these cases may be expedited using this new authority.

Enforcement Program Training

Enforcement staff will complete the new Enforcement Academy provided by DCA. Managers are slated to attend in the Spring and other staff in the Fall.

National Database Search

The Board is currently recruiting additional enforcement staff; once hired, the Board will begin submitting reports of past and disciplinary actions to the Healthcare Integrity and Protection Data Bank (HIPDB). (Anticipated compliance of past actions is June 30, 2010.) In the future all, disciplinary actions will be reported on an on-going basis. The Board will explore the authority and resources needed to access the HIPDB to determine if disciplinary action has been taken by another state for new and existing licensees. The Board will need

to evaluate the cost to access both federal data banks, the HIPDB and the National Practitioner Data Bank (NPDB), which receives adverse action reports from hospitals and insurers, the benefits, and the authority and resources needed to include this as part of the application review process.

May update: During April and May, the Board has registered all current applicants and current probationers with the HIPDB and NPDB. The registration process verifies whether there have been any reports against the individual in the past and will provide subsequent notification of any reports for one calendar year from date of registration. The Board anticipates current probationers and all past licensees whom have been disciplined will be reported to the HIPDB and NPDB by June 30, 2010.

The Board has begun recruitment for Expert Witnesses to have a larger pool of licenses that can assist Board staff with case review. This includes sending information to those on the Interested Parties lists, providing information on the Board's website, and advertising the recruitment several times in 2009 in the monthly newsletter published by the Occupational Therapy Association of California.

May update: The Board continues to experience challenges in having licensees agree to serve as an Expert Witness (EW) and review pending complaints; the EW component is critical for the evaluation of complaints alleging negligent, incompetent or improper patient/client care. At the Board's March 2010 meeting, several suggestions were made to increase the awareness and understanding of the licensee's role when serving as an EW. These suggestions will be implemented during the summer 2010 (subject to timely budget passage).

Reevaluate Enforcement Program/Resources

The Board is currently in the process of recruiting additional enforcement staff. This includes recruitment of a manager, to assist with oversight of the Board's enforcement program; one additional analyst, to implement a new Complaint Intake/Analysis/Assignment ("triage") process, and two additional clerical staff. The additional resources will be used to implement the new "triage" process, address the enforcement backlog, report actions to the HIPDB, and meet new enforcement timeframe goals.

May update: The Board has hired two new staff and promoted another Enforcement staff member; the back-fill for the promoted member will begin June 1st. These staff additions are in addition to hiring the Special Investigator.

We will reevaluate the Board's Enforcement Program as a whole, to determine if there are any additional areas where processes can be streamlined or alternate paths established. With the assistance of DCA (SOLID) staff, we will also establish baseline performance standards and identify target goals for improvement.

At the same time we will implement many of the new standards, policies and tools listed in this "Improvement Plan." In the latter part of the year, Board staff will examine the Enforcement Program and perform a detailed work analysis to determine if the program is sufficiently staffed in order to meet the new goal of completing cases in less than 18

months. Also, this data will assist us in determining whether the limited term resources provided by the CPEI should be requested to remain on a permanent basis.

May update: We have not yet made any progress in meeting this goal.

Board Meetings

The Board will increase its transparency by making all of its agenda materials available online, in addition to the agenda notice and minutes that are currently posted. Future agendas will also include a "Director's Report" to encourage DCA Executives to provide regular updates to the board members themselves, on the activities and direction of the DCA, and increase communication between the DCA and the Board.

May update: We added "Director's Report" to the March 2010 Board meeting agenda. We are in the process of making arrangements for DOI Chief, Jack Hagan to attend the July 2010 Board meeting; this will be in addition to the representative from the Executive Office attending to provide the "Director's Report" at the same meeting.

CLOSING REMARKS

In recent years, the State of California has undergone many challenges that will mark this as one of the most difficult economic times in history. However, there are many opportunities for all of the healing arts boards under the DCA umbrella, to make historical milestones in improving consumer protection.

The Board will move forward with increasing its consumer protection and remains committed to do the following:

- 1) Protect the public from the unauthorized and unqualified practice of occupational therapy and from unprofessional conduct by persons licensed to practice occupational therapy,
- 2) Ensure protection of the public is its highest priority in exercising its licensing, regulatory, and disciplinary functions, and
- 3) Implementing the new standards in SB 1441 and objectives in the CPEI, as well as evaluating and re-engineering its Enforcement Program, and expanding the resources available to its staff.

While these efforts will be challenging with existing resources, we welcome the opportunities that are before us, as well as the challenges that lie ahead, in order to achieve better consumer protection.



MEMORANDUM

DATE	July 12, 2010
TO	Healing Arts Boards -- Executive Officers
FROM	Paul Riches Deputy Director for Enforcement and Compliance
SUBJECT	Report Request -- Implementation of the Uniform Standards

Please submit a report to Shayne Wilson [Shayne.Wilson@dca.ca.gov] no later than close of business on Wednesday, July 14 detailing your board's implementation to date of the Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (Uniform Standards). This report is necessary to brief Director Stiger regarding implementation of the Uniform Standards by the end of this week. Because of the short notice of this request, I will accept this report in lieu of the monthly Enforcement Improvement Plan update.

The report should address each standard individually and address which elements of that standard have been implemented or the workplan to implement the standard by 1) statutory and regulation changes, or 2) administrative and/or board policy changes, for example:

Standard # 1 –

Administrative and Board Policy Changes Required

Statutory Changes and/or Regulation Changes Required

Please note that Standard # 16 requires the annual submission of specific information to the Department and each program should be prepared to submit that information for the 2010-11 Fiscal Year annual report.

If you have any questions feel free to contact me at 574-8214 or Shayne Wilson at 574-7522. Thank you in advance for your cooperation.

Standard # 1 – Regulatory Changes Required – Hearing Scheduled for July 28, 2010

Standard # 2 – Regulatory Changes Required – Hearing Scheduled for July 28, 2010

Standard # 3 – Regulatory Changes Required – Hearing Scheduled for July 28, 2010

Standard # 4 – Regulatory Changes Required – Hearing Scheduled for July 28, 2010

Standard # 5 – Possible Board Policy and/or Regulatory Changes Required – Hearing Scheduled for July 28, 2010

Standard # 6 – Possible Board Policy and/or Regulatory Changes Required – Hearing Scheduled for July 28, 2010

Standard # 7 – Regulatory Changes Required – Hearing Scheduled for July 28, 2010

Standard # 8 – Possible Board Policy and/or Regulatory Changes Required – Hearing Scheduled for July 28, 2010

Standard # 9 – Regulatory Changes Required – Hearing Scheduled for July 28, 2010

Standard # 10 – Regulatory Changes Required – Hearing Scheduled for July 28, 2010

Standard # 11 – Not applicable; CBOT doesn't have a Diversion Program.

Standard # 12 – Not applicable; CBOT doesn't have a Diversion Program.

Standard # 13 – This standard is a combination of Board Policy (specimen collector requirements already implemented; treatment provider requirements to be discussed at Board meeting on July 28th) and regulatory changes required (worksite monitor requirements); Hearing Scheduled for July 28, 2010.

Standard # 14 – Not applicable; CBOT doesn't have a Diversion Program.

Standard # 15 – Not applicable; CBOT doesn't have a Diversion Program.

Standard # 16 – Required information will be submitted to DCA as part of the 2010-11 Annual Report.



Board of Behavioral Sciences
<bbs_subscriberlist@dca.ca.gov>
ov>
Sent by: Board of Behavioral
Sciences actions list
<BBS-ACTIONS@listserv.dca.ca.gov>

To BBS-ACTIONS@listserv.dca.ca.gov
cc
bcc
Subject BBS - Enforcement Actions taken

05/10/2010 08:54 AM

Please respond to
Board of Behavioral Sciences
actions list
<BBS-ACTIONS@listserv.dca.ca.gov>

Listed below are enforcement actions that have been issued against licensees and registrants of the Board. For ease in querying, we have provided the name, license number, enforcement case number, and action taken. You can access these records through the "Online License/Registration Verification" page at: http://www.bbs.ca.gov/quick_links/weblookup.shtml.

Citations

Burke, Melanie Lee, LCS 17282 Case No. LC-2010-869, Citation Issued January 21, 2010
Cohen, Julie Diane, MFC 33711, Case No. MF-2010-227, Citation Issued January 28, 2010
Gampon, Josephine, LCS 6872, Case No. LC-2008-249, Citation Issued March 19, 2008
Johnson, Belden, MFC 12706, Case No. MF-2010-868, Citation Issued January 21, 2010
Magdalen, Aureya, MFC 22412, Case No. MF-2010-460, Citation Issued October 7, 2009

Accusations

Ameli-Bakhtiar, Jennifer, MFC 16143, Case No. MF-2007-877, Accusation filed February 18, 2010
Aguirre, Lilia Melissa, ASW 23709, Case No. AS-2009-576, Accusation filed March 10, 2010
Black, Dennis, LCS 21896, Case No. LC-2009-1335, Accusation filed March 22, 2010
Hernandez, Norma, ASW 22401, Case No. AS-2010-18, Accusation filed March 8, 2010
Mejia, Patricia Ann, MFC 23787, Case No. MF-2009-804, March 26, 2010
Kwan, Luwin, IMF 55017, Case No. IM-2008-323, Accusation filed March 26, 2010
Swank, Richard Jay, LEP 2962, Case No. EP-2009-998, Accusation filed December 30, 2009

Decisions

Bain, Nancy Jane, MFC 37571, Case No. MF-2009-996, License surrendered effective April 10, 2010.
Gant, Renita Yvette, ASW 19964, Case No. AS-2008-766, Registration revoked effective April 10, 2010.
Hunsinger, Jan Darleen, MFC 37385, Case No. MF-2007-1124, License is revoked, revocation stayed with two (2) yrs probation effective April 10, 2010.
Lumello, Joseph Carlo, IMF 63086, Case No. AP-2008-1252, Registration is revoked, revocation stayed with five (5) yrs probation effective April 10, 2010.
Romero, Jose Antonio, MFC 42113, Case No. D1-2005-159, License is revoked, revocation stayed with three (3) yrs probation effective April 10, 2010.
Samuels, Jeffrey Simmons, ASW 23559, Case No. AS-2008-1284, Registration

CA Board of Occupational Therapy

**FYs 2008/09 and 2009/10
Licensing Data**

Board or Bureau																							
Applications Received FY 08/09	69	82	60	74	52	49	66	63	56	54	56	70											
Applications Received FY 09/10	72	62	87	64	51	47	63	58	46	48	67	76											
Applications Approved FY 08/09	58	28	62	71	56	50	54	36	67	44	47	39											
Applications Approved FY 09/10	66	77	65	77	60	55	55	61	51	49	44	36											
Applications Closed FY 08/09	0	0	0	0	1	0	0	0	12	0	0	0											
Applications Closed FY 09/10	0	0	0	0	0	0	0	0	0	0	0	0											
Licenses/Registrations/Certifications Issued FY 08/09	54	54	75	82	78	58	58	49	59	65	43	55											
Licenses/Registrations/Certifications Issued FY 09/10	47	70	70	89	71	62	45	52	66	43	39	52											
Average Time to Application Approval FY 08/09 (incomplete app)	84	74	73	112	98	95	107	49	60	95	67	62											
Average Time to Application Approval in FY 09/10 (incomplete app)	115	92	100	96	79	119	80	113	105	137	139	157											
Average Time to Application Approval in FY 08/09 (complete app)	23	25	24	19	22	21	18	22	22	17	21	20											
Average Time to Application Approval in FY 09/10 (complete app)	27	26	27	26	22	22	16	21	18	22	24	26											

Applications Approved = Applications for Licensure/Registration or Exam Eligibility Approved

Applications Closed = Applications Abandoned because individual did not meet application requirements within designated timeframe

Average Time to Application Approval (complete app) = Average Time to Process Approved App (receipt to approval letter issue date) for an application that never had a deficiency

Average Time to Application Approval (incomplete app) = Average Time to Process Approved App (receipt to deficiency letter issue date) for an application that had a deficiency

Monthly Enforcement Report to DCA

Program Name: Board of Occupational Therapy

Complaint Intake

Complaints Received by the Program.
Measured from date received to assignment for investigation or closure without action.

Received	8	20	36	17	10	14				105
Closed without Assignment for Investigation	0	0	0	0	0	0				0
Assigned for Investigation	8	20	36	17	10	14				105
Average Days to Close or Assigned for Investigation	1	1	1	1	1	1				1
Pending	0	0	0	0	0	0				0

Received	6	9	10	5	10	10				50
Closed/Assigned for Investigation	6	9	10	5	10	10				50
Average Days to Close	1	1	1	1	1	1				1
Pending	0	0	0	0	0	0				0

Investigation

Complaints investigated by the program whether by desk investigation or by field investigation.
Measured by date the complaint is received to the date the complaint is closed or referred for enforcement action.
If a complaint is never referred for Field Investigation, it will be counted as 'Closed' under Desk Investigation.
If a complaint is referred for Field Investigation, it will be counted as 'Closed' under Non-Sworn or Sworn.

Initial Assignment for Desk Investigation	14	29	46	22	20	24				155
Closed	22	9	50	24	68	59				232
Average Days to Close*	217	273	108	387	359	345				287
Pending	264	284	278	276	227	191				191

Assignment for Non-Sworn Field Investigation	0	0	0	0	0	0				0
Closed	0	0	0	0	0	0				0
Average Days to Close*	0	0	0	0	0	0				0
Pending	0	0	0	0	0	0				0

Assignment for Sworn Field Investigation	0	0	2	0	2	1	5
Closed	2	4	4	5	6	0	21
Average Days to Close*	315	1241	754	876	994	0	907
Pending	24	20	18	13	9	11	11

Closed	24	13	54	29	74	59	253
Average Days to Close*	225	571	156	471	410	345	337
Pending	288	304	296	289	236	202	202

* - Average days excludes the days in which a record was closed and later reopened.

Enforcement Actions

This section DOES NOT include subsequent discipline on a license. Data from complaint records combined/consolidated into a single case will not appear in this section.

AG Cases Initiated	1	3	0	0	1	0	5
AG Cases Pending	17	20	19	15	15	14	14
SOIs Filed	0	1	1	0	1	0	3
Accusations Filed	1	1	2	1	1	0	6
Proposed/Default Decisions Adopted	0	0	0	0	1	0	1
Stipulations Adopted	1	0	1	2	0	1	5

* exception report will include closed case records within time frame with blank ASP category field

Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	1	0	1	2	1	1	6
Average Days to Complete*	369	0	170	837	1423	1137	796

Final Citations	9	1	5	1	7	2	25
Average Days to Complete*	210	1644	193	1541	739	251	469

* - The number of days from receipt of complaint to the effective date of the citation or the effective date of the disciplinary order.

ENFORCEMENT DATA AND REPORTS

CITATION STATISTICS
1/1/10 - 3/31/10

#	LICENSEE CLASS		VIOLATION				CIT. #	FINE (OT)	OT Fine Modified	GRAND TOTAL FINE DUE (OT)	FINE (OTA)	OTA Fine Modified	GRAND TOTAL FINE DUE (OTA)	DATE ISSUED	DUE DATES		APPEAL		PAYMENT			
	OTA	Lic	FDC	UPC	CC	ULP									PDU	AD	Req For Conf.	Fine	ICR	ADMIN	Pymnt Date	Pymnt Amt
1	1					1			\$1,000			\$1,000	01/04/10	02/03/10	02/03/10			01/11/10	\$1,000	\$0		
1	1						1	OT 2009-147	\$50			\$50	01/05/10	02/04/10	02/04/10			01/11/10	\$50	\$0		
1	1						1	OT 2008-295	\$50			\$50	01/05/10	02/04/10	02/04/10			01/28/10	\$50	\$0		
1	1						1	OT 2008-297	\$50			\$50	01/05/10	02/04/10	02/04/10			01/13/10	\$50	\$0		
1	1						1	OT 2008-298	\$50			\$50	01/05/10	02/04/10	02/04/10					\$50		
1	1						1	OT 2008-300	\$50			\$50	01/05/10	02/04/10	02/04/10			01/28/10	\$50	\$0		
1	1						1	OT 2008-301	\$50			\$50	01/05/10	02/04/10	02/04/10			01/25/10	\$50	\$0		
1	1						1	OT 2008-314	\$50			\$50	01/05/10	02/04/10	02/04/10					\$50		
1	1						1	OT 2008-280	\$50			\$50	01/05/10	02/04/10	02/04/10					\$50		
1	1						1	OT 2005-23	\$1,501	\$301		\$1,200	02/24/10	03/26/10	03/26/10			07/15/10	\$700	\$500		
1	1						1	OA 2008-350	\$450			\$450	03/23/10	04/22/10	04/22/10					\$500		\$500
1	1						1	OT 2009-92	\$450			\$450	03/23/10	04/22/10	04/22/10			04/13/10	\$450	\$0		
1	1						1	OT 2009-23	\$450			\$450	03/23/10	04/22/10	04/22/10			04/21/10	\$450	\$0		
1	1						1	OA 2009-164	\$250			\$250	03/23/10	04/22/10	04/22/10					\$50		\$50
1	1						1	OT 2009-76	\$250			\$250	03/29/10	04/28/10	04/28/10			04/14/10	\$250	\$0		
15	13	2	0	0	1	0	1	0	4	1	9	\$4,051	\$301	\$3,750	\$550	\$-	\$550	2	1	\$3,100	\$650	\$550

Applicant

FDC - Failure to Disclose Criminal Convictions
UPC - Unprofessional Conduct-Misrepresent credentials

Licenses

UPC - Unprofessional Conduct
CC - Criminal Convictions
ULP - Unlicensed Practice
PDU - Continuing Education
AD - Failure to Notify of Address Change

Non-Licensed

UL P - Unlicensed Practice

**Citation payments received in this quarter for citations issued in a previous quarter are not reflected in this table.

***Appeals requested in this quarter. Conferences and hearings may have been/will be held within a different quarter

CITATION STATISTICS
4/1/10 - 6/30/10

LICENSURE CLASS	VIOLATION			CIT. #	FINE (OT)	OT Fine Modified	GRAND TOTAL FINE DUE (OT)	FINE (OTA)	OTA Fine Modified	GRAND TOTAL FINE DUE (OTA)	DATE ISSUED	DUE DATES		APPEAL		PAYMENT						
	FDC	UPC	CC									ULP	PDU	AD	Req For Conf.	Fine	ICR	ADMIN	Pymnt Date	Pymnt Amnt	Bal (OT)	Bal (OTA)
1					AL 2005-94	\$500	\$500			\$500	04/24/10	05/27/10	05/27/10			05/06/10	\$500	\$0	\$0			
1	1				AR 2009-81			\$500		\$500	05/05/10	05/23/10	05/23/10			05/17/10	\$500		\$0			
1	1				OT 2006-258	\$1,100	\$1,100			\$1,100	05/13/10	06/12/10	06/12/10					\$1,100				
1	1				OA 2006-259			\$1,000		\$1,000	05/13/10	06/12/10	06/12/10			06/07/10	\$1,000		\$0			
1	1				OT 2006-202	\$500	\$500			\$500	05/13/10	06/12/10	06/12/10			06/14/10	\$500		\$0			
1	1				OT 2006-291	\$250	\$250			\$250	05/13/10	06/12/10	06/12/10					\$250				
1	1				AL 2009-170	\$2,500	\$2,500			\$2,500	05/20/10	06/19/10	06/19/10					\$250				
1	1				AL 2009-240	\$250	\$250			\$250	05/28/10	06/27/10	06/27/10			06/14/10	\$2,500	\$0	\$0			
1	1				OT 2009-187	\$250	\$250			\$250	06/07/10	07/07/10	07/07/10			06/14/10	\$250	\$0	\$0			
1	1				AR 2008-336	\$250	\$250			\$250	06/10/10	07/12/10	07/12/10			06/21/10	\$250	\$0	\$0			
10	6	2	2	2	1	0	2	0	0	\$5,600	\$	\$	\$	1,500	\$	\$	5,500	\$	\$	1,600	\$	\$

Violation Key:

Applicant

- FDC - Failure to Disclose Criminal Convictions
- UPC - Unprofessional Conduct-Misrepresent credentials

Licenses

- UPC - Unprofessional Conduct
- CC - Criminal Convictions
- ULP - Unlicensed Practice
- PDU - Continuing Education
- AD - Failure to Notify of Address Change

Non-Licensed

- UL P - Unlicensed Practice

**Citation payments received in this quarter for citations issued in a previous quarter are not reflected in this table.

*** Appeals requested in this quarter. Conferences and hearings may have been/will be held within a different quarter

CA Board of Occupational Therapy

PROBATIONER ROSTER

Practitioners Placed on Probation

NAME	LICENSE #	EFFECTIVE DATE	LENGTH
Westlund, Kelorie	OT 3827	12/22/05	5 years
Fujikawa, Kris	OT 5673	05/13/07	5 years
Prasad, Alvin	OT 7530	12/03/07	5 years
Baird, Adrian	OT 2060	01/25/08	3 years
Martinez, Ernesto	OT 4089	03/14/08	3 years
Stackhouse, Wendy	OT 6049	05/30/09	3 years
Vrklian, Emily	OT 8489	07/24/09	4 years
Cook, Corrine	OTA 1348	07/24/09	3 years
Lucia, Rinea	OT 6433	08/20/09	3 years
Schmidt, Rebecca *	OT 8291	11/27/09	3 years
Schonbrod, Terri	OT 6305	12/29/09	3 years
Harris, Donald	OTA 1772	04/23/10	4 years
Hassani, Moigan	OTA 1532	04/23/10	3 years
Belasco, Jonathan	OTA 1063	06/16/10	3 years

Applicants Granted a Probationary License/Certificate

NAME	LICENSE #	EFFECTIVE DATE	LENGTH
Kim, Grace	OT 8982	09/15/06	5 years
Delmo, Lourdes	OT 9556	08/15/07	4 years
Billings, Cynthia	OT 2917	01/30/07	5 years
Bonogofsky, Greg	OT 10090	06/26/08	3 years
Crane, Jody	OT 10136	07/23/08	4 years
Pitts, Andre	OTA 1829	09/23/08	5 years
Ryan, Deborah	OTA 1853	12/05/08	3 years
Jayne, Benjamin	OT 10605	04/10/09	3 years
Adams, Monica S	OT 10760	08/11/09	3 years
Champlin, Susan	OT 10842	09/15/09	3 years
Rogers, Amy	OT 10926	10/29/09	3 years
Severin, Sandra *	OTA 1975	12/22/09	3 years
Smith, Lindsey	OT 11072	01/07/10	30 mos.
Kelly, Anjuli	OT 11186	03/22/10	3 years

* Tolled

BOT ENFORCEMENT STATISTICAL REPORT
January 1, 2010 – March 31, 2010

Total Complaints-Received: 89 **DOI Investigations Initiated:** 2

Complaints-Closed: 89 **DOI Investigation Reports Received:** 6

Total Complaints-Pending: 298 **Formal DOI Investigations Pending:** 5
 (oldest: 12/5/05) (oldest: 4/29/09)

Record of Arrests and Prosecutions [RAP] Received: 5

Subsequent Arrest Reports Received: 14

Applications Denied pursuant to Business and Professions Code 480/485: 1

Cases Pending with the Attorney General (AG): 22

<u>Transmitted</u>	<u>Complaint No</u>	<u>Type</u>	<u>Current Status</u>
10/29/08	OT2005-221	Accusation	Accusation filed 4/9/09, Proposed Decision Adopted, Revocation Eff 5/20/10
12/18/08	OA2008-77	Accusation	Accusation filed 6/12/2009, Stipulation Adopted, Probation Eff 4/23/10
12/29/08	OA2006-360	Accusation	Accusations filed 9/24/09, Stipulation Adopted, Probation Eff 4/23/10
01/20/09	OA2008-27	Accusation	Accusation filed 10/19/09, NOD recd, hearing scheduled 5/17/10
02/19/09	OT2007-90	Accusation	Accusation filed 8/25/09, NOD recd, hearing scheduled 8/6/10
03/03/09	OT2006-363	Accusation	Accusation filed 8/12/09, NOD recd, hearing scheduled 5/13/10
04/29/09	OT2008-129	Accusation	Accusation filed 12/11/09, Default Vacated, hearing TBS Jan 2011
05/05/09	AL2008-126	SOI	Statement of Issues filed 3/9/10, NOD recd, hearing scheduled 8/31/10
07/23/09	OT2007-255	Accusation	DAG to draft Accusation
08/17/09	OT2005-179	Accusation	Accusation filed 11/13/09, NOD recd, hearing scheduled 8/18/10
09/22/09	OT2008-374	Accusation	Accusation filed 3/23/10, NOD recd, hearing scheduled 10/7/10
11/18/09	D12007-203	Pet to Rev Prob	Petition to Revoke Probation filed 2/3/10, Stip to Surrender Adopted eff 4/22/10
11/18/09	OA2008-107	Accusation	Accusation filed 3/5/10, NOD recd, hearing scheduled 8/9/10
11/18/09	OT2008-425	Accusation	Accusation filed 1/26/10, NOD recd, hearing scheduled 8/10/10
11/23/09	OT2009-15	Accusation	Accusation filed 2/19/10, NOD recd
12/14/09	OT2008-462	Accusation	DAG to draft Accusation, PC23 issued 3/4/10
01/20/10	OT2008-87	Accusation	DAG to draft Accusation
02/03/10	D12007-381	Pet to Rev Prob	Petition to Revoke Probation filed 4/22/10, Stip to Surrender eff 7/26/10
02/09/10	AL2009-85	SOI	DAG to draft Statement of Issues
02/16/10	OA2007-172	Accusation	DAG to draft Accusation
02/24/10	OT2007-43	Pet to Compel	DAG to draft Petition to Compel Psychological Examination
03/25/10	D12008-13	Pet to Rev Prob	DAG to draft Petition to Revoke Probation

Statement of Issues filed: 2 **Accusations filed:** 4

Final Decisions:

2

January 7, 2010
March 22, 2010

Linsey Smith
Anjuli Kelley

Probation, 30 months
Granted license with Probation, 3 years

BOT ENFORCEMENT STATISICAL REPORT
April 1, 2010 – June 30, 2010

Total Complaints-Received: 66 **DOI Investigations Initiated:** 5

Complaints-Closed: 162 **DOI Investigation Reports Received:** 4

Total Complaints-Pending: 202 **Formal DOI Investigations Pending:** 6
 (oldest: 4/4/06) (oldest: 11/16/09)

Record of Arrests and Prosecutions [RAP] Received: 4
Subsequent Arrest Reports Received: 16

Applications Denied pursuant to Business and Professions Code 480/485: 1

Cases Pending with the Attorney General (AG): 17

<u>Transmitted</u>	<u>Complaint No</u>	<u>Type</u>	<u>Current Status</u>
01/20/09	OA2008-27	Accusation	Accusation filed 10/19/09, NOD recd, Stipulation to be considered at Board mtg
02/19/09	OT2007-90	Accusation	Accusation filed 8/25/09, NOD recd, hearing scheduled 8/6/10
04/29/09	OT2008-129	Accusation	Default Decision Vacated 4/1/10; remand to hearing
05/05/09	AL2008-126	SOI	Statement of Issues filed 3/9/10, NOD recd, hearing scheduled 8/31/10
08/17/09	OT2005-179	Accusation	Accusation filed 11/13/09, NOD recd, hearing scheduled 8/18/10
09/22/09	OT2008-374	Accusation	Accusation filed 3/23/10, NOD recd, hearing scheduled 10/7/10
11/18/09	OA2008-107	Accusation	Accusation filed 3/5/10, NOD recd, hearing scheduled 8/9/10
11/18/09	OT2008-425	Accusation	Accusation filed 1/26/10, NOD recd, hearing scheduled 8/10/10
11/23/09	OT2009-15	Accusation	Accusation filed 2/19/10, NOD recd, Stipulation under consideration
12/14/09	OT2008-462	Accusation	DAG to draft Accusation, PC23 issued 3/4/10
01/20/10	OT2008-87	Accusation	Accusation filed 5/14/10, NOD recd, hearing to be scheduled
02/03/10	D12007-381	Pet to Rev Prob	Petition to Revoke Probation filed 4/22/10, Stipulation under consideration
02/09/10	AL2009-85	SOI	Statement of Issues filed 5/24/10, hearing to be scheduled
02/24/10	OT2007-43	Accusation	DAG to draft Accusation, respondent failed to comply with Petition to Compel
03/25/10	D12008-13	Pet to Rev Prob	Petition to Revoke Probation filed 5/24/10, NOD recd, hrg scheduled 8/27/10
04/26/10	D12009-84	Pet to Rev Prob	Petition to Revoke Probation returned to DAG for service
05/17/10	OA2008-350	Citation	Received appeal for hearing, hearing to be scheduled

Statement of Issues filed: 1

Accusations filed: 2

Final Decisions:

5

April 22, 2010	Wendy Stackhouse	Voluntary Surrender
April 23, 2010	Donald Harris	Probation, 4 years
April 23, 2010	Mojgan Hassani	Probation, 3 years
May 20, 2010	Susan Cox	Revocation
June 16, 2010	Jonathan Belasco	Probation, 3 years

STRATEGIC PLANNING SESSION

The 2007 Strategic Plan is attached for review.

2007 Strategic Plan



California
BOARD OF OCCUPATIONAL THERAPY

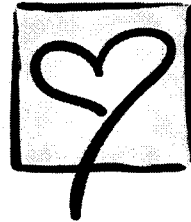
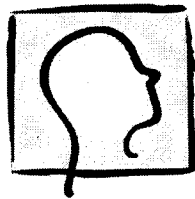


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CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

STRATEGIC PLAN 2007

INTRODUCTION

The California Board of Occupational Therapy (Board), established on January 1, 2001 (Senate Bill 1046, Chapter 697, Statutes of 2000), protects the health, safety, and welfare of California consumers by regulating the practice of occupational therapists and occupational therapy assistants. Board members meet four – six times annually to set policy, develop legislation and regulations that identify education, experience and examination requirements for licensure or certification, and establish and enforce professional standards of practice.

As of September 1, 2007, 9,588 occupational therapists and 1,688 occupational therapy assistants have been licensed or certified in California.

VISION

The California Board of Occupational Therapy is recognized as the model organization for all occupational therapy state regulatory boards, ensuring consumer protection and quality occupational therapy services.

MISSION

The mission of California Board of Occupational Therapy is to regulate the practice of occupational therapy.

CORE VALUES

The California Board of Occupational Therapy will strive for the highest possible quality throughout all of its programs making it an outstanding regulatory organization by:

- A. Providing excellent customer service to consumers, practitioners, employers and other stakeholders;
- B. Upholding ethical standards of practice and applying the law fairly and consistently;
- C. Supporting and recognizing the diverse practice settings and roles of occupational therapy practitioners;
- D. Providing opportunities for active participation to all stakeholders; and
- E. Ensuring a high level of effectiveness and efficiency by Board members and staff.

STRATEGIC GOALS

The following strategic goals were identified:

- Goal 1: Provide an effective means for resolving consumer complaints by enforcing the laws and regulations governing occupational therapy.
- Goal 2: Inform the public and other entities about the profession and practice standards.
- Goal 3: Ensure adequate consumer access to occupational therapy services.
- Goal 4: Monitor evolving trends and modify statutes and regulations to ensure consistency with current and future practice trends and standards.
- Goal 5: Communicate with, educate and inform licensees of current statutes, regulatory changes, and practice trends and standards.
- Goal 6: Ensure that those seeking licensure meet minimum standards of competency through education, fieldwork, and examination.
- Goal 7: Streamline Board operations to ensure efficiency and effectiveness.

STRATEGIC OBJECTIVES

Goal 1: Enforce the laws and regulations governing occupational therapy and provide an effective means for resolving consumer complaints.

OBJECTIVE	LEAD RESPONSIBILITY	TARGET DATE
1.1 Review the continuing competency requirements to determine relevance and need for altered enforcement procedures.		
1.1.A Audit of continuing competency submissions		
1.1.B Provide quarterly report of trends and recommendations to the Board.		
1.2 Review the Advanced Practice regulations to determine relevance and need for altered enforcement procedures.		
1.3 Review the regulations regarding the supervision parameters to ensure congruency with established best practices.		
1.4 Review the laws and regulations for licensing requirements to ensure consistency with practice competencies defined by ACOTE, NBCOT, and others.		
1.5 Establish expert witness/expert reviewer program to review enforcement cases and Advanced Practice applications		
1.6 Develop and maintain complaint process to ensure effectiveness and timeliness of response and resolution.		
1.6.A Acknowledge complaints in writing within 10 days of receipt.		
1.6.B Advise complainants in writing of complaint status and closure in a timely manner.		
1.6.C Annually evaluate the ease and use of complaint process.		
1.7 Ensure the enforcement program is adequately staffed to perform its duties in a timely manner.		
1.8 Ensure the enforcement program is sufficiently funded to ensure consumer protection with prompt actions.		

Goal 2: Inform the public and other entities about the profession and practice standards.

OBJECTIVE	LEAD RESPONSIBILITY	TARGET DATE
2.1 Increase education and outreach efforts to consumers regarding laws and regulations affecting occupational therapy		
2.1.A Develop and make available consumer-related informational brochures (i.e. 'What is OT?' and 'The Complaint Process.')		
2.1.B Participate in at least four community programs and public events annually to educate the public about occupational therapy.		
2.2 Enhance professional relationships with various associates as they relate to practice and regulatory issues, including: American Occupational Therapy Association (AOTA); Occupational Therapy Association of California (OTAC); National Board for Certification in Occupational Therapy (NBCOT); and Accreditation Council for Occupational Therapy Education (ACOTE)		
2.3 Actively collaborate with other health care professionals (i.e. physical therapists, speech-language pathologists and audiologists, nurses, physicians, social workers and other mental-health practitioners, etc.) to ensure that those professions and the public are informed about OT and that the occupational therapy regulations and enforcement procedures are applicable, adequate and relevant.		
2.4 Actively collaborate with the Department of Public Health, Department of Health Care Services, the Department of Mental Health, the Department of Veteran's Affairs, the Department of Correction and Rehabilitation, and other governmental entities, to ensure they are adequately informed about OT and that their respective laws and regulations are updated appropriately.		
2.5 Hold public Board and Committee meetings that are accessible and informative.		
2.6 Maintain an informative and educational website that benefits all stakeholders.	Board staff	

Goal 3: Ensure adequate consumer access to occupational therapy services.

OBJECTIVE	LEAD RESPONSIBILITY	TARGET DATE
3.1 Identify and analyze workforce trends and report back to Board.		
3.2 Ensure compliance with current regulations.		
3.3 Evaluate current laws and regulations to ensure consistency and identify and reduce barriers to occupational therapy roles in disaster preparedness and response		
3.4 Review access to education programs and training and determine how to reduce barriers to participation.		
3.5 Identify other requirements, regulations, and work conditions that negatively impact OT practice, education or research.		

Goal 4: Monitor evolving trends and modify statutes and regulations consistent with current and future practice trends and standards.

OBJECTIVE	LEAD RESPONSIBILITY	TARGET DATE
4.1 Identify and track changes in trends in areas of OT practice, education and research, and respond accordingly.		
4.2 Review and modify regulations to reflect what is identified under 4.1.		
4.3 Establish ad hoc committees to review current regulatory requirements and report back under item 4.2.		
4.4 Annually review and develop continuing competency regulations according to trends and best practices.		
4.5 Establish a committee to review current regulatory requirements and report back to the Board.		

4.6 Review Accreditation Council for Occupational Therapy Education (ACOTE) standards (Effective January 1, 2008) and determine the impact on Advanced Practice approval requirements.		
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Goal 5: Communicate with, educate and inform licensees of current statutes, regulatory changes, and practice trends and standards.

OBJECTIVE	LEAD RESPONSIBILITY	TARGET DATE
5.1 Educate practitioners of laws and regulations impacting OT scope of practice.		
5.1.A Provide licensees laws and regulations booklet.		
5.1.B Prepare Newsletter and send to licensees on quarterly basis.		
5.2 Educate practitioners of what constitutes illegal practice.		
5.3 Provide education and outreach to inform practitioners what constitutes impaired practice.		
5.4 Develop and conduct workshops on the advanced practice application process and continuing competency supervision requirements.		
5.5 Inform practitioners of complaint process.		
5.6 Develop ways to encourage practitioners to attend Board meetings.		

Goal 6: Ensure that those seeking licensure meet minimum standards of competency through education, fieldwork, and examination.

OBJECTIVE	LEAD RESPONSIBILITY	TARGET DATE
6.1 Ensure the examinations are legally defensible and appropriate within California.		
6.2 Review OT/OTA practice analysis by NBCOT and utilize outcomes in decision-making.		
6.3 Closely monitor the education review process (by ACOTE) and report to the Board annually.		

Goal 7: Streamline Board operations to ensure efficiency and effectiveness.

OBJECTIVE	LEAD RESPONSIBILITY	TARGET DATE
7.1 Develop and maintain policies and procedures to ensure consistent and standardized operations of staff and Board, including:		
7.1.A Processing of cashiering functions.		
7.1.B Processing of initial applications and limited permits.		
7.1.C Processing of renewals.		
7.1.D Processing of complaints.		
7.1.E Processing of citations.		
7.2 Develop performance measurements for all areas of operations, including:		
7.2.A Cashiering.		
7.2.B Processing of initial applications.		
7.2.C Processing of renewals.		
7.2.D Processing of complaints.		
7.2.E Processing of citations.		
7.3 Determine categories of routine data collection for sunset review and other annual reports.		
7.4 Annually evaluate website to determine effectiveness.		
7.5 Explore and develop methods to evaluate Board and individual members' performance in carrying out responsibilities and strategic plan.		
7.6 Annual review and evaluate Executive Officer's performance.		