APPROVAL OF DECEMBER 1, 2011, BOARD MEETING MINUTES.

The draft minutes are attached for review.

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF OCCUPATIONAL THERAPY
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CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
TELECONFERENCE BOARD MEETING MINUTES

Thursday, December 1, 2011

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Board Members Present
Mary Evert, President
Linda Florey
Luella Grangaard
Kathay Lovell
Bobbi Jean Tanberg
Eric Alegria

Board Members Absent
Nancy Michel

Board Staff Present
Heather Martin, Executive Officer
Norine Marks, Legal Counsel
Jeff Hanson, Staff Services Manager
Jody Quesada, Office Technician

A. Call to order, roll call, and establishment of a quorum.

President Evert called the meeting to order at 9:25 am. Luella Grangaard called the roll. Nancy Michel was absent. A quorum of the Board was established. President Evert changed the order of the agenda items as follows:

- Closed Session
- Items 2-4
- Items 9-19
- Items 5-8
- Items 20 and 21

The Board will convene in CLOSED SESSION pursuant to Government Code Section 1126(c)(3) to deliberate on Disciplinary Decisions.

At approximately 9:30 a.m. the Board entered into Closed Session to deliberate on three (3) disciplinary matters.

At 10:45 a.m. the Board returned to open session.

B. President's remarks.

President Evert reported that the minutes from the monthly meeting with Department of Consumer Affairs (DCA) will be made available through Ms. Martin. President Evert reported she was pleased to have a full Board and although her term would end December 31, 2011, she would serve during her grace year until the incoming President is appointed. President Evert thanked Heather Martin

for being so in tune with the needs of the Board, the Board Members for their continued support, and Luella Grangaard for setting a great example as her predecessor.

C. Board member updates/activities.

Kathay Lovell thanked President Evert, Heather Martin and her fellow Board Members for assisting her as a newly appointed Board Member representing the public.

Luella Grangaard commended Board Staff on all the hard work spent preparing the Board Meeting Package.

Eric Alegria thanked the Board members and Heather Martin for bringing him up to speed on the Board's business.

Linda Florey reported that she attended the Occupational Therapy Association of California (OTAC) conference in October and that it was a very exciting conference.

Bobbi Jean Tanberg announced Rancho Los Amigos National Rehabilitation Center is participating in pilot program, funded by the Kaiser Foundation, which will use telehealth technology. Ms. Tanberg reported the pilot will be a great complement to the work the Board is doing regarding telehealth technology.

D. Approval of the September 7-8, 2011, Board Meeting Minutes.

- Linda Florey moved to approve the September 7-8, 2011, minutes.
- Eric Alegria seconded the motion.

Luella Grangaard reported that her surname was misspelled throughout.

Norine Marks recommended any motion pertaining to regulatory changes should include the words "as noticed" in place of "as provided".

President Evert stated that hearing no objections, the minutes would be adopted as amended.

<u>Roll Call Vote</u>

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Abstain

- The motion was adopted.

9. Consideration and adoption of proposed regulatory language to amend CCR Section 4180, Definitions, Section 4184, Delegations of Tasks to Aides, and establish Section 4187, Supervision Plan for an Occupational Therapist.

A. Discussion of § 4187, California Code of Regulations (CCR), Supervision Plan for an Occupational Therapist.

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Heather Martin referred to Agenda Item 8, Practice Committee Report. Ms. Martin referenced Title 22 regulation which requires an Occupational Therapist to direct an Occupational Therapy service unit.

President Evert stated that it's important to remember that individuals in a supervisor/administrator position, must follow the laws that pertain to each employee. Further, any practitioner needing clinical supervision cannot oppose a work requirement that would interfere with the autonomy of a person in charge of making decisions regarding patient care. She stated that supporting laws are in place and suggested making an advisory statement under the title of Occupational Therapy Assistant that reminds practitioners that if they find themselves in an administrative role they are still obligated by law to follow the guidelines under the Occupational therapy Practice Act and other applicable laws. If practitioners fail to do so, their license could be subject to discipline.

Ms. Martin recommended the Board add to Section 4187 "...the provision of occupational therapy services, shall only provide administrative services in a setting where permitted by law". Ms. Martin further explained this addition wouldn't set forth where an Occupational Therapy Assistant can or cannot provide administrative services but the Board expects that a practitioner employed in a setting that prohibits this, be aware of this prohibition and follow the requirements.

Luella Grangaard described that at Eisenhower Medical Center they follow recommendations provided by the Joint Accreditation Commission of Healthcare Organizations. Ms. Grangaard indicated that she reports to a physical therapist who evaluates her administrative and management skills and her peers evaluate her clinical skills.

Linda Florey suggested that the title, Supervision Plan for an Occupational Therapist is inaccurate; the title should be amended to reflect that the section relates to Occupational Therapy Assistants in an administrative role. Discussion ensued regarding how the language could accomplish the intent.

- Linda Florey moved to amend the title of section 4187 to read Occupational Therapy Assistants in Administrative Positions, and amend the language to "An occupational therapy assistant serving in an administrative or supervisory role related to the provision of occupational therapy services, shall only provide administrative responsibilities in a setting where permitted by law."
- Luella Grangaard seconded the motion.

Bobbi Jean Tanberg wanted to verify that all Board Members felt comfortable that the recommended changes made clear that an Occupational Therapy Assistant could serve in an administrative or supervisory role.

Jennifer Snyder, representing the American Occupational Therapy Association (AOTA) and the Occupational Therapist Association of California (OTAC) indicated she believed the AOTA would support the changes made to Section 4187 since reference made about AOTA's scope of practice guidelines was being struck from in the proposed regulation. This concern was outlined in AOPTA's November 28, 2011, letter sent to the Board's Executive Officer.

Bobbi Jean Tanberg expressed interest in making detailed references to applicable laws, statutes and regulations in order to make accessing the above mentioned easier to attain.

Heather Martin explained that using, "...where permitted by law" is more appropriate than identifying specific sections, because the regulations and statutes can change. Ms. Martin explained that

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keeping the language broad makes it incumbent upon the practitioner to be mindful of the laws and regulations governing their employment setting.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

- The motion was adopted.

B. Discussion of § 4180, California Code of Regulations (CCR), Definitions

Heather Martin explained that due to the changes previously made to Section 4180, that she would now suggest the Board remove item (g) from Section 4180.

- Luella Grangaard moved to strike item (g) from Section 4180.
- Eric Alegria seconded the motion.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

- The motion was adopted.

- Luella Grangaard moved to delegate authority to the Executive Officer to adopt the amendments to sections 4180 and 4187 after the fifteen days notice, in the absence of any negative comments.
- Linda Florey seconded the motion.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

- The motion was adopted.

Heather Martin clarified for the members of the public, that the Executive Officer was delegated authority to adopt the language outside any negative comments. In the event a negative comment(s) is received the item will be brought back before the Board at the next meeting.

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- Luella Grangaard delegated authority to the Executive Officer to make technical, non substantive changes if necessary.
- Eric Alegria seconded the motion.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion was adopted.

10. Review and consideration of amending the Board's Administrative Manual.

President Evert requested to revise page three, section Officers, third paragraph.
Existing language: "If the office of the President becomes vacant,..."
Proposed language: "If any office of the Board becomes vacant..."

Luella Grangaard requested to revise page three, section Board Member Attendance at Board Meetings.
Existing language: "Board members shall attend each meeting of the Board. If a member is unable to attend,..."
Proposed language: "Board members shall attend or participate at each meeting of the Board. If a member is unable to attend or participate..."

Eric Alegria requested to revise page seven, section Per Diem Salary, second paragraph.
Existing language: "...receive per diem salary compensation..."
Proposed language: "receive per diem compensation..."

President Evert requested to revise page seven, section Per Diem Salary, fourth paragraph.
Existing language: "...Board of Committee meetings,..."
Proposed language: "...Board or Committee meetings,..."

- Luella Grangaard moves to accept the Board's Administrative Manual as amended.
- Eric Alegria seconded the motion.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion was adopted.

11. Review of proposed Board Member Disciplinary Resource Manual.

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Heather Martin explained the Board Member Disciplinary Resource Manual would provide an overview of various processes and identify the types of decisions to be voted on as well as the documents that would be provided for each vote. Ms. Martin reported this manual was still in draft format and once finalized, would be reviewed by Ms. Marks as well as the Board's liaison at the Attorney General's Office.

12. Review and consideration of Board policy regarding hearing appealed cases.

Heather Martin reviewed the steps taken in the appeal process that led to the unlicensed practice hearings that came before the Board Members at the previous Board Meeting. Ms. Martin reported that she was asked to reintroduce this topic for discussion so that the Board Members could decide whether this policy should remain effect.

Bobbi Jean Tanberg reported she thought the cases heard were pretty clear cut and due to the amount of time invested by all parties that it may be beneficial to establish criteria that would make ensure clear cut cases wouldn't require a hearing.

President Evert acknowledged that she was not present for the discussions; however, she was happy with the process.

Heather Martin reported that the cases heard were the first hearings held pursuant to the policy. Ms. Martin explained that the previous process included a stipulation in which Board Staff developed probationary terms for the individual, followed by the item being brought before the Board with the Statement of Issues, outlining delegations and the staff negotiated stipulation. Ms. Martin confirmed that there wasn't a delay in having a hearing in front of the Board as opposed to the applicant having a hearing at an Office or Administrative Hearing location and the outcome of the two cases was fairly consistent with past stipulations composed by Board Staff. Ms. Martin revealed the only delay in the new process was that the hearing that included the Board members resulted in a longer waiting period for license issuance.

President Evert reported that the hearings were a great learning experience.

Linda Florey reaffirmed Ms. Tanberg's previous concern that it was quite an expense for everybody involved to come to the Board Meeting location.

Norine Marks proposed that the Board Members clarify whether or not they want to review the policy and determine if they would prefer to sit with the Administrative Law Judge or modify the policy to more specifically state that the policy does not prohibit the Executive Officer from exercising her discretion to negotiate a stipulated settlement.

President Evert suggested changing policy verbiage from "will hear..." to "may hear...".

Bobbi Jean Tanberg explained that due to the fact that the outcome of the hearings was in line with past stipulations, she felt that the experience of the Executive Officer would warrant her the ability to decide which cases needed to be brought before the Board.

- Luella Grangaard moves to amend the policy regarding hearing appealed cases to read, "...the Board of Occupational Therapy (Board) will, in the absence of a stipulated settlement, hear the contested case pursuant to sections 11512 and 11517(a) of the Government Code."

❖ Linda Florey seconded the motion.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion was adopted.

13. Review and consideration of establishing Board policy regarding effective dates of disciplinary decisions.

Jeff Hanson referred to the proposed policy regarding effective dates of disciplinary decisions. Mr. Hanson stated default decisions and stipulated settlements would potentially have an effective date of ten (10) days from the date of service instead of thirty (30) days. A proposed decision would become effective thirty (30) days from the date of service to the respondent.

Norine Marks disclosed that the Board would not be able to shorten the time for defaults by policy, only by regulation.

Heather Martin suggested that the language regarding defaults be added to the Disciplinary Guideline section of Agenda Item 6, Enforcement Committee Report.

14. Consideration of establishing ad-hoc committee of the Board to assist staff and provide oversight of the preparation of the upcoming Sunset Review report.

President Evert asked for Board Member volunteers to establish a committee that will assist Board Staff with the Sunset Review.

Luella Grangaard and Eric Alegria volunteered to assist Board Staff with the Sunset Review.

President Evert thanked Ms. Grangaard for her willingness to lend her extensive knowledge on this subject and Mr. Alegria who will contribute an exceptional editorial view.

15. Executive Officer's report.

Ms. Martin reported all Committees have selected there first 2012 meeting date. The dates are as follows:

Disaster Preparedness/Response Committee	January 24, 2012
Education/Outreach Committee	January 19, 2012
Enforcement Committee	January 26, 2012
Legislative/Regulatory Affairs Committee	January 24, 2012
Practice Committee	February 9, 2012

Ms. Martin added that the remaining 2012 Committee meetings will be scheduled following the selection of Board Meeting dates for 2012.

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Ms. Martin updated the Board Members on BreEZe progress and the Board's share of the maintenance and credit card processing costs over four fiscal years beginning with the 2011-12 fiscal year. Ms. Martin indicated that the Board will be in "Release Two" of the system that will integrate applicant, licensee, and enforcement information and that the system will include the ability to accept on-line payments.

A. Budget information.

Ms. Martin reported the Board's budget for the year will be between $1.447 – 1.459m. Ms. Martin pointed out that the Board's Attorney General Budget is going to be approximately $145,000 and the Board has spent approximately $67,000 of that budget in the first quarter, due to a significant increase in complaints.

Ms. Martin stated the Board currently has ten (10) staff, 2.5 permanent position vacancies and 2.5 two-year limited (CPEI) vacancies. Ms. Martin reported that the Hiring Freeze has been simplified and freeze exemptions need only go through Department of Consumer Affairs (DCA) and State Consumer Services Agency (SCSA). Ms. Martin confirmed that the Board has submitted freeze exemptions to Department of Consumer Affairs (DCA) for the 2.5 permanent positions.

B. Strategic Plan.

Ms. Martin introduced a copy of the completed Strategic Plan and asked the Board members for input.

Board Members commented and made suggestions regarding the pictures included in the Strategic Plan.

C. Other informational items.

Ms. Martin reported that DCA asked each Board to help identify the most significant risks in regards to the adequacy of the agency's systems of internal accounting and administrative control and implement a plan to reduce those risks.

Ms. Martin reported that CBOT was the first Board to issue a Cease Practice Order and be successful in getting the Web License Lookup to reflect this status.

Ms. Martin reported that effective January 1, 2012, the Board is required to suspend the license of anyone who owes the Franchise Tax Board (FTB) or Board of Equalization (BOE) in excess of $100,000.

16. Enforcement data and reports.

Ms. Martin reviewed citations issued by the Board, statistics regarding cases currently open and a snapshot of the Board's website that provides the information of practitioners currently on probation.

17. Regulations Update report.

Ms. Martin reported that due to resource issues, Board Staff has not been able to prepare the rule making packages but hopes staff can get these packages moving next year.

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18. Selection of 2012 meeting dates.

Luella Grangaard reported the American Occupational Therapy Association (AOTA) conference will be held April 26-29, 2012.

Linda Florey reported the Occupational Therapy Association of California (OTAC) will be held October 5-7, 2012.

Heather Martin suggested the Board hold three (3) Board Meetings next year due to the workload that will pertain to the Sunset Review.

Board Members tentatively agreed to the following dates and locations:

- March 22, 2012, or March 29, 2012, in Southern California.
- June 27-28, 2012, in the Sacramento region.
- November 8, 2012, in the Bay area.

19. Election of Officers.

President Evert reminded everyone that the election is for a one (1) year term and the those newly elected would take office at the end of the meeting.

President Evert nominated Bobbi Jean Tanberg for President and Nancy Michel for Vice President.

Linda Florey volunteered to serve as Secretary.

- Kathay Lovell moved to elect Bobbi Jean Tanberg as President, Nancy Michel as Vice President and Linda Florey as Secretary.
- Luella Grangaard seconded the motion.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion was adopted.

5. Disaster Preparedness/Disaster Response Committee Report.

A. Review and discussion Disaster Preparedness/Disaster Response Committee's Roles and Responsibilities.

President Evert recounted the purpose of the Disaster Response Committee and her hopes to acquire best practices from states that have an established Disaster Response Committee and to generate discussions with California's Education Institutions to find out their plans as they relate to the placement of student's in the event of a disaster.

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President Evert recommended amending Item #3, of the "Roles and Responsibilities" to read as follows:

"Review the laws and regulations to ensure consistency and to ensure that there are no conflicts with other laws or regulations in our policy."

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The policy is unanimously amended.

B. Future teleconference meeting date: January 24, 2012.

6. Enforcement Committee Report .

A. Acceptance of February 9, 2011, Committee meeting minutes.
B. Acceptance of April 27, 2011, Committee meeting minutes.

Kathay Lovell moved to accept the minutes from the February 9, 2011 meeting and the April 27, 2011, meeting.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion passed unanimously.

C. Review and discussion of proposed amendments to the Board's Disciplinary Guidelines.

Heather Martin informed the Board Members that the proposed changes in the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines are represented by strikethroughs for deletions and underlining for additions along with renumbering of certain sections to coincide with these changes.

Additional changes proposed that are not reflected in the document are as follows:

Page 6, section Major and Minor Violations, #4 should read, "Failure to contact or respond to the drug testing vendor's Medical Review Officer:

Page 14, Disciplinary Guidelines, section 2570.36 Required Reporting of Violations to the Board should read, Minimum: Stayed revocation and one (1) year probation.

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Page 20, Standard Conditions of Probation, #7 Employment Requirements and Limitations should read, "...This practice shall consist of no less than forty (40) hours per month."

Page 26, Optional Conditions of Probation, #23 Submit Biological Fluid or Specimen Samples would add a new sentence to the end of the paragraph that reads, "A respondent shall request in writing any modifications to testing frequency after the first year of testing."

- Eric Alegria moved to amend Page 21, Standard Conditions of Probation, #12 Instruction of Continuing Competency/Continuing Education Coursework to read, "...used to satisfy advanced practice requirements, during probation.
- Luella Grangaard seconded the motion.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion passed unanimously.

- Luella Grangaard moved to approve the Disciplinary Guidelines as discussed and amended and direct the staff to notice the language.
- Bobbi Jean Tanberg seconded the motion.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion passed unanimously.

**Revisitation of Agenda Item 13 as planned.

- Luella Grangaard moved that, unless otherwise ordered by the Board, a default decision shall become effective ten (10) days after it is served, unless Reconsideration is ordered within that time or a stay of execution is granted.
- Kathay Lovell seconded the motion.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

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The motion passed unanimously.

- Luella Grangaard moved to add language to the Disciplinary Guidelines that would provide that all stipulated settlement agreements will go into effect ten days after service.
- Linda Florey seconded the motion.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion passed unanimously.

D. Recommendation regarding proposed regulatory language to establish required actions against registered sex offenders.

- Kathay Lovell moved to approve Section 4149.2, Required Actions Against Registered Sex Offenders, and notice the language as required.
- Eric Alegria seconded the motion.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion passed unanimously.

E. Future teleconference meeting date: January 26, 2012.

7. Legislative and Regulatory Affairs Committee Report.

A. Recommended prioritization of previously approved legislative proposals, for the upcoming legislative session, including:

- Amend Business and Professions Code (BPC) Section 146, Violations of specified authorization statutes as infractions; Punishment.
- Amend BPC Section 149, Notice to cease advertising in telephone directory; Contest and hearing; Disconnection of service.
- Amend BPC Section 2570.2, Definitions.
- Amend BPC Section 2570.3, Licensing requirement.
- Amend BPC Section 2570.16, Fees.
- Amend BPC Section 2570.18, Representation.
- Amend BPC 2570.27, Discipline; Initial license issued on probation.
- Add new BPC Section requiring mandatory reporting of employees who are terminated or suspended for cause, as specified, and consequences for failure to report.

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- Add new BPC Section regarding limiting liability of occupational therapists providing services in an emergency, disaster, or state of war.
- Add new BPC Section establishing new language which would allow the Board to inspect records.
- Add new BPC Section establishing standards of practice for telehealth by occupational therapists.
- Add new BPC Section requiring the Board to perform a workforce study and authorize an appropriate expenditure for the study.

President Evert made a correction to the proposed language of section 2570.3 (k) to read as follows:
"...Each approved provider shall expire on June 30, 2017, and biennially thereafter."

❖ Luella Grangaard moved to accept the prioritization of the legislative proposals.
❖ Linda Florey seconded the motion.

Public comment provided.

Jennifer Snyder representing AOTA and OTAC reported that both organizations would oppose a couple of the proposals.

The first concern was regarding section 2570.2, Definitions, specifically the fee that relates to the post-professional courses.

The second concern was regarding telehealth. Ms. Snyder expressed that AOTA would like to work collaboratively with the Board regarding telehealth and would like to suggest the Board refer to the AOTA guidelines when developing standards for telehealth and if the language can be modified based on the AOTAs guidelines that should be complete within the next month.

President Evert expressed the Board's interest in AOTA's guidelines and informed Ms. Snyder that until AOTAs guideline are complete, no decision can be made.

<u>Roll Call Vote</u>

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion passed unanimously.

B. Future teleconference meeting date: January 24, 2012.

8. Practice Committee Report.

A. Recommended approval of revision to new language establishing a Retired Status.

Kathay Lovell moved to accept the language as presented.

<u>Roll Call Vote</u>

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Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion passed unanimously.

- Luella Grangaard moved to approve noticing of the language as amended.
- Bobbi Jean Tanberg seconded the motion.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion passed unanimously.

B. Discussion and review of Title 16, Division 39, California Code of Regulations, Section 4180, Supervision Definitions, and newly proposed Section 4187, Supervision Plan for an Occupational Therapist.

Linda Florey reported that Item B was addressed under Agenda Item 9.

C. Discussion and review of Title 16, Division 39, California Code of Regulations, Section 4150, Advanced Practice Definitions, regarding "post professional education and training."

Linda Florey moved that the definition of "post-professional education and training" with regard to qualifying for advanced practice credit be re-evaluated and sent back to the Practice Committee.

Roll Call Vote

Mary Evert	Aye
Linda Florey	Aye
Luella Grangaard	Aye
Bobbi Jean Tanberg	Aye
Eric Alegria	Aye
Kathay Lovell	Aye

The motion passed unanimously.

D. Discussion regarding whether the Occupational Therapy Practice Act requires a physician's referral for services.

Linda Florey reported that the Practice Committee felt the current language is acceptable.

President Evert directed that the public record show the Board received and accepted the Practice Committee's report.

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Ms. Florey reminded everyone that the next teleconference Practice Committee meeting would be held February 9, 2012.

20. Public comment session for items not on the agenda.

No public comments were made.

21. Agenda Items for Next Meeting.

Luella Grangaard requested Legislation and the Sunset Review be addressed.

President Evert requested the Strategic Plan be reviewed and that the Board respond to the objectives and create a timeline.

Heather Martin reported that following completion of all updates, and once printed, the Strategic Plan will be sent to every Committee Member.

Adjournment 2:57 p.m.

- Luella Grangaard moves to adjourn the Board Meeting.
- Bobbi Jean Tanberg seconded the motion.

Linda Florey thanked Board staff for the meeting materials.

President Evert thanked host, Brian Wilson for the accommodations and hospitality shown by California Pacific Medical Center.

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DISASTER PREPAREDNESS/DISASTER RESPONSE COMMITTEE REPORT.

The October 25, 2011, meeting minutes and report of highlights from January 24, 2012, meeting are attached for review.

STATE OF CALIFORNIA
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DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

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DISASTER PREPAREDNESS/DISASTER RESPONSE TELECONFERENCE MEETING MINUTES
Tuesday, October 25, 2011

Committee Members Present
Mary Evert
Kathay Lovell
Mohammed Khalifa

Board Staff Present
Heather Martin
Jeff Hanson

A. Call to order, roll call, establishment of a quorum

This is the first meeting of this committee. Contact was established at all teleconference locations. At 3:05 p.m. Ms. Evert called the meeting to order. Heather Martin called the role and a quorum of the Committee was established.

B. Introductions

Committee Members introduced themselves. There were no individuals from the public in attendance at any of the teleconference locations.

C. Review of Committee Member Roster/Information

Ms. Martin asked Committee Members to review the roster and contact information. Ms. Martin asked that any edits or changes be directed to her.

D. Review and discussion of Committee's Roles and Responsibilities and consideration of recommending changes to the Board

The Committee Members reviewed and discussed a draft document describing the roles and responsibilities of the committee. Committee members finalized item #3. The roles and responsibilities are as follows:

1. Identify and provide input into reducing barriers to occupational therapy roles in disaster preparedness.
2. Provide input into and work with stakeholders to reduce barriers to occupational therapist's and occupational therapy assistant's roles in disaster preparedness and response.
3. Review the laws and regulations to ensure consistency and to ensure that there are no conflicts with other laws or regulations in our policy.
4. Review the Board's Business Continuity Plan and suggest updates and/or improvements.

5. Review and provide recommendations to staff on revisions to various applications and forms used by the Board.

E. Review of the Board's Continuity of Operations/Continuity of Government (COOP/COG) plan to continue operations and protect Board records in the event of a disaster or emergency.

The Committee Members reviewed the Board COOP/COG plan and were satisfied with its content.

F. Review of laws and regulations relating to licensees providing services in the event of an emergency.

Ms. Evert referenced a Power Point Presentation that she obtained from the American Occupational Therapy Association (AOTA). Ms. Evert reported that North and South Carolina have developed action plans, laws, and regulations that provide and promote public protection in disaster situations.

G. Discussion regarding contacting the American Red cross and local disaster teams about occupational therapists and occupational therapy assistants being trained for and recognized as first responders.

Committee Members were not certain if occupational therapy practitioners were categorized as first responders in disaster situations. Ms. Evert reported occupational therapy practitioners possess skills that could be of benefit in disaster situations. Committee Members referenced a copy of a pamphlet titled "Disaster Healthcare Healthcare Volunteers" published by California Emergency Medical Services Authority that was contained in the meeting materials.

H. Discussion regarding advocating to the profession and partnering with other organizations to be available as responders in the event of a disaster or emergency.

Committee Members indicated they would seek more information on disaster preparedness and how occupational therapists may contribute in disaster situations from their local law enforcement, other city, county, and/or national authorities, and report back at the next meeting. Committee Members considered the breadth of the roles and responsibilities and commented partnering organizations could be international, national, and more localized.

I. Discussion regarding establishing plan to mobilize occupational therapists and occupational therapy assistants into action in the event of a disaster or emergency.

Committee Members indicated their initial efforts will be focused on gathering information. Once more information is obtained they will be able to develop a plan.

J. Selection of 2012 meeting dates/times.

The next meeting was scheduled for 3:00 p.m. on January 24, 2012.

K. Public comment on items not on agenda.

There were no public comments.

L. Adjournment

At 4:45 p.m. the meeting adjourned.

DISASTER PREPAREDNESS/DISASTER RESPONSE COMMITTEE
JANUARY 24, 2012, MEETING

HIGHLIGHTS

Committee Members Mary Evert, Kathay Lovall, and Mohammed Khalifa were in attendance as was Jeff Hanson, CBOT staff. An individual from the public, Carol Bartolo Loeffler, attended at the Sacramento location.

- Meeting Minutes from October 25, 2011, were reviewed and approved with minor edits.

- As an informational item, Committee Members were provided a copy of proposed legislative language that the Board's Legislative Committee intends to pursue as new legislation. The legislation would seek to limit the liability of occupational therapy practitioners providing services during the time of emergency, disaster, or state of war.

- Mary Evert reported and provided staff with names and contact information for individuals that might be able to provide advice and assistance to the Committee. Ms. Evert suggested that it might be beneficial to invite one of these individuals to participate in a future teleconference meeting. Mohammed Khalifa reported he contacted the Department of Human Services but was unable to establish meaningful contact due to the holidays. Kathay Lovell reported she had scheduled a meeting with the Director of a local Community Hospital. Ms. Lovell was also considering trying to schedule a meeting with the Fire Marshall.

- Mary Evert asked staff to contact the Occupational Therapy Association of California (OTAC) to see if it would be possible to place an article in OTAC's newsletter. The purpose would be to raise awareness within the profession and to inform practitioners about the role of the Board's Disaster Preparedness/Disaster Response Committee.

- Consensus amongst the Committee was that although more work needs to be done, it would appear that their efforts should be directed in working with the American Red Cross.

- There were no public comments on items not on the agenda. Since Carol Bartolo Loeffler interacted and demonstrated an interest in roles and duties of the Committee, Ms. Evert asked if she would like to fill a vacancy on the Committee. Ms. Loeffler indicated she would be interested.

- The Committee intended to meet on February 16, 2012, however a miscommunication between all parties occurred resulting in cancellation of the meeting. The Committee anticipates it will next meet sometime in April 2012.

California Board of Occupational Therapy

DISASTER PREPAREDNESS/ DISASTER RESPONSE COMMITTEE

Roles & Responsibilities

1. Identify and provide input into reducing barriers to occupational therapy roles in disaster preparedness;

2. Provide input into and work with stakeholders to reduce barriers to occupational therapist's and occupational therapy assistant's roles in disaster preparedness and response;

3. Review the laws and regulations to ensure consistency and to ensure that there are no conflicts with other laws and regulations in our policy.

4. Review the Board's Business continuity Plan and suggest updates and/or improvements;

5. Review and provide recommendations to Board staff on revisions to various applications and forms used by the Board.

Extract from Board ADMINISTRATIVE MANUAL

The purpose of the Disaster Preparedness/Disaster Response Committee is to identify and provide input into reducing barriers to occupational therapy roles in disaster preparedness and response, review the current laws and regulations to ensure consistency, be responsible for the development and maintenance of the Board's Disaster Response plan, and provide input into updates of the Board's Continuity of Operations and Continuation of Government (COOP/COG) report.