CONSIDERATION AND POSSIBLE ACTION OF ADOPTING PROPOSED REGULATORY LANGUAGE TO AMEND TITLE 16, CCR SECTION 4110, APPLICATION.

The following are attached for review:

- Notice, Proposed text, and Initial Statement of Reasons,
- Addendum to the Initial Statement of Reasons, and
- Amended Revised Application.

TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 pm on September 15, 2015.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the CBOT. The request must be received in the Board office not later than 5:00 pm on August 31, 2015.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 2570.3 and 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2570.2 and 2570.3, the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

Informative Digest

The Board is the regulatory entity that regulates the practice of occupational therapy in the State of California. Existing law, BPC section 2570.25, mandates protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions.

Current regulation section 4110 requires individuals seeking an occupational therapist or occupational therapy assistant license to submit an application entitled "Initial Application for Licensure," Form ILA, Rev. 8/2012 to the Board. The Board proposes to amend the application form to incorporate recent statutory mandates. See 'Policy Statement Overview' below. In addition, the Board is making editorial amendments to the form, including adding information to remind applicants to submit required fees, as well asking applicants' preferences for receiving application status information via e-mail.

Policy Statement Overview

This proposed action will amend the Board's application for licensure to implement legislative mandates. More specifically the Board's application titled "Initial Application for Licensure, Form ILA, Rev 8/2012" is being amended to incorporate two legislative mandates. Senate Bill (SB) 1159 (Lara, Chapter 752, Statutes of 2014) amended BPC section 30 to establish that as an alternative, an applicant for licensure can provide an individual tax identification number in lieu of social security number. Assembly Bill (AB) 1057 (Medina, Chapter 693, Statutes of 2013) added section 114.5 to the Business and Professions Code (BPC), requiring boards to inquire in

every application for licensure if the applicant is serving in, or has previously served in, the military.

Benefit of Proposed Regulations

This regulatory action implements the provisions of AB 1057 and SB 1159. This regulatory action also proposes other minor amendments to the application that are designed to help applicants with providing the correct fees for the application, fingerprint cards, and otherwise confirm email as alternate method to communicate between the applicant and Board.

The proposed action also corrects an existing incorrect reference to the "National Board of Certification in Occupational Therapy to "National Board for Certification in Occupational Therapy" in section 4110(b).

Consistency and Compatibility with Existing State Regulations

The Board has conducted a review of any related regulations and has determined that these regulations deal with the qualifications of occupational therapists and occupational therapy assistants. Therefore, this regulatory proposal is consistent and compatible with existing state regulations.

INCORPORATION BY REFERENCE:

Initial Application for Licensure, Form ILA, Rev 8/2012 (existing application)
Initial Application for Licensure, Form ILA, Rev 7/2015 (proposed new application)

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

This proposed action will comply with Business and Professions Code Sections 30 and 114.5. The fiscal impact to the Board is negligible and is based on the fact that any existing supplies of the current application will need to be destroyed and replaced with the new application.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ANALYSIS

Impact on Jobs/New Business:

The Board has determined that this regulatory proposal will not have an adverse impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Existing regulations require applicants to provide a social security number to the Board prior to the issuance of a license. This proposed action clarifies an applicant for licensure may provide an individual tax identification number in lieu of a social security number.

Benefits to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed regulatory action implements Business and Professions Code sections 30, 114.5, and 135.5. It has an indirect benefit to the health, safety, and welfare to California consumers but only as as it pertains to administration of the Occupational Therapy Practice Act which is designed to protect California consumers. This proposed action does not contain any provisions that benefit worker safety or the State's environment.

Cost Impact on Affected Private Persons:

The proposed action does not increase costs for affected individuals (applicants) who seek licensure in the state of California.

Effect on Housing Costs: None

Effect on Small Business:

The Board has made an initial determination that the proposed regulatory action would have no statewide adverse economic impact on small business. The proposed regulatory action affects applicant applying for occupational therapist and occupational therapy assistant licenses in the State.

CONSIDERATION OF ALTERNATIVES

The CBOT must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice or would be more cost-effective to the private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations within the timeframes identified in this Notice, or at a hearing in the event that such a request is made by the public.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE:

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

CONTACT PERSON:

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Jeff Hanson
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2250
Sacramento, CA 95815
(916) 263-2294 (Tel) (916) 263-2701 (Fax)

The backup contact person is:

Heather Martin
[Same contact information as above]

Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > Laws and Regulations > Proposed Regulations.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
Title 16, Division 39, California Code of Regulations

Proposed Text

Proposed amendments are shown underlined for new text and ~~strikethrough~~ for deleted text.

Amend Title 16, Division 39, Article 2, California Code of Regulations to read as follows:

§ 4110. Application.

(a) An application for a license or limited permit shall be submitted on the form entitled Initial Application for Licensure, Form ILA, ~~Rev. 8/2012~~ Rev. 7/2015), hereby incorporated by reference, or by providing the same information via on-line submission, if available, and shall contain the information required by sections 30, 144, 851, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, and 2570.16 of the Code and Family Code section 17520, accompanied by the appropriate fees.

(b) For an applicant applying for licensure pursuant to section 2570.15 of the Code, "substantially equal" means that the applicant has successfully completed the academic requirements of an educational program, including the educational program and supervised fieldwork requirements, for an occupational therapist or an occupational therapy assistant that are approved by the board and approved by the foreign credentialing review process of the National Board ~~of~~ for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 30, 114.5, 144, 850, 851, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, 2570.15 and 2570.16, Business and Professions Code; and Section 17520, Family Code

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Applications

Section Affected: Title 16, Division 39, California Code of Regulations (CCR), Section 4110

Introduction

The California Board of Occupational Therapy (Board) is the state agency that regulates the practice of occupational therapy. The Board's highest priority in exercising its licensing, regulatory, and disciplinary functions is to protect and promote the health, safety and welfare of California consumers. The Board administers, coordinates, and enforces provisions of the laws and regulations pertaining to occupational therapy.

Purpose

Existing statutes authorize the Board to administer, coordinate, and enforce the Occupational Therapy Practice Act and adopt regulations relating to professional licensing. This proposed action is designed to amend the Board's application for licensure to conform with legislative requirements.

This proposed action is intended to implement Senate Bill (SB) 1159 (Lara, Chapter 752, Statutes of 2014) which would allow an individual applying for licensure to provide a federal employer identification number in lieu of a social security number as a condition of licensure. It also is intended to implement Assembly Bill (AB) 1057 (Medina, Chapter 693, Statutes of 2013, which establishes that commencing on January 1, 2015, licensing Boards shall inquire if every applicant for licensure is serving in, or has previously served in, the military.

Factual Basis/Rationale

Amend Section 4110

This proposed action will amend existing language in section 4110 by striking the reference to "Rev. 8/2012" and replacing it with Rev. 7/2015 as it pertains to the Board's Initial Application for Licensure, Form ILA.

Specific changes to the application itself are described as follows:

Existing text in box "J" of the Board's application require an applicant to provide their Social Security Number (SSN) in the box. In order to implement the requirement set forth in SB 1159 the Board is proposing to add language in box "J" of the application that specifically states the applicant can provide either a SSN or an Individual Tax Identification Number.

In order to implement the requirement set forth in AB 1057 the Board is proposing to add boxes "O" and "P" to the application. Box "O" will ask applicants to provide a yes or no response to the question "Are you currently serving in the U.S. Military?" Box "P" will ask applicants to provide a yes or no response to the question "Have you ever served in the U.S. Military?"

Since the Board is amending its application to align it with the aforementioned legislation it also is taking the opportunity to add language on page four, after the Section VIII: Affidavit, that is designed to help, assist, and remind applicant's to provide correct fees with the application and to facilitate or confirm email communication between the applicant and Board during the application review and approval process. Specifically the Board seeks to add the following questions after the Affidavit on page four:

- Did you include the $50 application fee?
- Did you include the $49 fingerprint fee with the fingerprint cards?
- Do you want the approval/deficiency letter sent to the email address provided on page one?

In addition, this proposed action makes a minor correction in section 4110(b). The existing reference to the National Board of Certification in Occupational Therapy is being corrected to the National Board for Certification in Occupational Therapy.

INCORPORATION BY REFERENCE:

Initial Application for Licensure, Form ILA, Rev. 8/2012 (existing application)
Initial Application for Licensure, Form ILA, Rev 7/2015 (new proposed application)

BUSINESS IMPACT:

This regulation will not have an adverse economic impact on business.

ECONOMIC IMPACT ANALYSIS

Background
The purpose of the proposed regulatory action is to amend the Board's application for licensure to conform to legislative mandates.

Creation or Elimination of Jobs Within California
The Board has determined the proposed regulatory action will not create or eliminate jobs. The proposed action is administrative in nature and merely amends the Board's existing application for licensure to conform with recent legislative mandates.

Creation of New Business or Elimination of Existing Business Within California
The Board has determined the proposed regulatory action will not create new business or eliminate existing business within California. The proposed action is administrative in nature and merely amends the Board's existing application for licensure to conform to recent legislative mandates.

Expansion of Business Within California
The Board has determined the proposed regulatory action will not expand business within California. The proposed action is administrative in nature and merely amends the Board's existing application for licensure to conform to recent legislative mandates.

Benefits of Regulations

This proposed regulatory change serves to:

- Update and make the Board's application for licensure conform to legislative mandates.
- Provides and identifies an acceptable alternative for possessing a social security number as a precursor to licensure.
- Identifies applicants that are currently serving or ever served in the military.

This proposed action does not contain any benefit toward worker safety or the state's environment.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES:

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

Alternative:

The Board considered doing nothing and leaving the provisions as they are written. This alternative was rejected because legislation was passed and licensing Boards were directed to affect these amendments to their applications.

AVAILABILITY OF
ADDENDUM TO THE INITIAL STATEMENT OF REASONS AND AMENDMENTS TO THE PROPOSED REVISED APPLICATION

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy has provided an addendum to the Initial Statement of Reasons (ISR) justifying the text of CCR Section 4110 in Division 39, Title 16 and edits were made to the noticed application as the *Amended* Revised Application (Rev 1/2016). A copy of the addendum to the ISR and the *Amended* Revised Application (Rev 1/2016) are attached.

Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before 5:00 PM on January 4, 2016, to the following:

Heather Martin, Executive Officer
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2250
Sacramento, CA 95815
Telephone: (916) 263-2294
Fax: (916) 263-2701
E-mail: cbot@dca.ca.gov

DATED: December 17, 2015

HEATHER MARTIN, Executive Officer
California Board of Occupational Therapy

All materials regarding this proposal can be found on-line at www.bot.ca.gov > Laws and Regulations > Proposed Regulations.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

ADDENDUM TO THE INITIAL STATEMENT OF REASONS

Hearing Date: None

Subject Matter of Proposed Regulations: Applications

Section Affected: Title 16, Division 39, California Code of Regulations (CCR), Section 4110

Updated Purpose:

- The specific purpose of each amendment proposed in the application:
  - Section V – "name of supervisor"
    Requesting the applicant provide the name of supervisor was added in the event the Board needed to contact the supervisor to obtain a declaration or verify information provided in the application.

  - New language in Section VI, subpart E relating to convictions
    The new language was added to the conviction information to exclude those convictions exempt from disclosure by the applicant due to recent amendments to the Health and Safety Code.

  - Remove the highlighted and italicized sentences from Section VI, subpart E because they are explanations.

  - New language in Section VIII, Affidavit
    The addition of 'name' was added to the affidavit regarding the applicant's requirement to notify the Board, in writing, of any change in name, within 30 days of such change.

  - Remove the highlighted and italicized sentences from Section VIII, Affidavit, because they are explanations.

- The addition of the mandatory Information Practices Act disclosure (Requirements set forth in Civil Code section 1798.17)

- The NOTICE regarding outstanding tax obligations due to the Franchise Tax Board or the State Board of Equalization was removed due to the fact more detail information is provided in the NOTICE OF COLLECTION OF PERSONAL INFORMATION on page four of the *Amended* Revised Application.

Revised application:

- Addition of mandatory disclosure regarding the use of personal information was added as new section entitled NOTICE OF COLLECTION OF PERSONAL INFORMATION.
- 'Name' is added to the affidavit regarding applicant's requirement to notify the Board in writing.
- The modification date was changed from 7/2015 to 1/2016 to reflect a current revision date and to differentiate between the Revised Application (Rev 7/2015) and the *Amended* Revised Application (Rev 1/2016)

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
2005 Evergreen Street, Suite 2250, Sacramento, CA 95815
T: (916) 263-2294 F: (916) 263-0178
E-mail: cbot@dca.ca.gov Web: www.bot.ca.gov

INITIAL APPLICATION FOR LICENSURE

(Read the Instructions before completing the application. Please print or type all information.)

Check one:
☐ Occupational Therapist (OT)
☐ Occupational Therapy Assistant (OTA)
Are you applying for Limited Permit?
☐ Yes or ☐ No

Board Use Only

AMENDED Revised Application (Rev 1/2016)

Section I: Personal Data

A. Last Name	B. First Name	C. Middle Name
D. Other Names Used	E. Have you ever submitted an application to this Board under another name? ☐ Yes ☐ No If yes, what name? _____	

F. Residence Address: Street No., Apt. No. (Mandatory - P.O. Box not accepted)	City	State	Zip Code
G. Address of Record: Street No., Apt. No., P.O. Box	City	State	Zip Code

H. Home Telephone #	I. Business Telephone #	J. Social Security Number or Individual Tax Identification Number (Mandatory ~~– Please see application instructions~~)
( )	( )	___ ___ ___ - ___ ___ - ___ ___ ___ ___

K. Email address (Optional)	L. Date of Birth (mm/dd/yyyy)	M. Driver's License No and State	N. Gender ☐ Male ☐ Female

O. Are you currently serving in the U.S. Military? ☐ Yes ☐ No If yes, branch:	P. Have you *ever* served in the U.S. Military? ☐ Yes ☐ No If yes, branch:

Section II: Current/Previous License, Registration and Certification

(You ***must*** submit a "Letter of Good Standing" from each jurisdiction in which you hold a license.)

A. Are you now or have you ever been licensed/registered/certified as an occupational therapist, occupational therapy assistant or held any other health related license or certificate in any state (including California), province, or country? ☐ Yes ☐ No

B. If yes, list below. Indicate the name used on the license if different than the name(s) in Section I.

State or Country	License, Certificate or Registration Type	Number	Expiration Date

Section III: Education

(You ***must*** submit an ***official*** transcript, with the degree posted, from the qualifying degree program.)

College/University Name, City, State	Graduation Date	Degree Awarded
College/University Name, City, State	Graduation Date	Degree Awarded

Section IV: Examination (You ***must*** submit a "Verification of Certification" from NBCOT.)

A. Are you now or have you ever been certified by the National Board for Certification in Occupational Therapy?
☐ Yes: Date of certification: Certificate Number:
☐ No.

B. Were you certified by the former American Occupational Therapy Certification Board?
☐ Yes: Date of certification: Certificate Number:
☐ No.

C. If you are applying for a limited permit, on what date are you scheduled to take the NBCOT examination? Please attach the NBCOT eligibility verification or authorization to test letter if you have received it.

D. If you are applying for a limited permit, have you previously taken the NBCOT examination and failed?
☐ Yes. ☐ No.

Section V: Professional Experience and/or Fieldwork

(Please list most recent experience first. Add additional sheets if necessary.)

Facility Name: Address (Street, City, State or Country): Telephone Number: Name of Supervisor:	Position: From: To:
Facility Name: Address (Street, City, State or Country): Telephone Number: Name of Supervisor:	Position: From: To:
Facility Name: Address (Street, City, State or Country): Telephone Number: Name of Supervisor:	Position: From: To:

AMENDED Revised Application (Rev 1/2016)

Section VI: Disciplinary Actions and Criminal History Data

A. Has *any* health related professional licensing or disciplinary body in any state, territory or foreign jurisdiction denied, limited, placed on probation, restricted, suspended, cancelled or revoked any professional license, certificate, or registration granted to you, or imposed a fine, reprimand, or taken any other disciplinary action against you? ☐ Yes ☐ No

If yes, you must provide a certified copy of the Disciplinary Order or other document imposing such sanction.

B. Have you ever voluntarily surrendered a license, certificate or registration granted to you in lieu of disciplinary action? ☐ Yes ☐ No

C. Is any action described in A and/or B of this section pending against you? ☐ Yes ☐ No

If you answered yes to either B or C, please give a detailed explanation of the circumstances on a separate attachment.

D. Do you have any condition that in any way impairs or limits your ability to practice occupational therapy with reasonable skill and safety, including, but not limited to, the conditions listed below? ☐ Yes ☐ No

If yes, check all appropriate boxes below:

☐ A condition that required admission to an inpatient psychiatric treatment facility.
☐ Alcohol or chemical substance dependency or addiction.
☐ Emotional, mental or behavioral disorder.
☐ Other (explain):

For any of the boxes checked, please submit complete official inpatient and outpatient treatment records, evidence of ongoing rehabilitation treatment, and a personal written explanation of the circumstances.

E. Have you been convicted of any crime (misdemeanor or felony)? ☐ Yes ☐ No
~~(Clarification regarding changes to question E; boxes moved, question amended for clarity, and new language added)~~

You must disclose any conviction, regardless of age. Exceptions include: convictions occurring under the age of 18 (unless you were tried as an adult), traffic violations resulting in a fine of less than $500, and convictions two years or older under California Health and Safety Code sections 11357(b), (c), (d), (e) or section 11360(b). All driving under the influence convictions must be disclosed regardless of the fine imposed. The definition of conviction includes a conviction following a plea of nolo contendre (no contest), as well as a plea or verdict of guilty. All convictions expunged under Penal Code Section 1203.4 must be disclosed.

If yes, provide the following information:

Date of Conviction	Name of Court and Location	Initial Charge(s)	Convicted Charge(s)

In addition to the above information, please provide the police report, a *certified copy* of the record of conviction, and a detailed explanation, written in your own words, of the circumstances surrounding each conviction.

F. Is any criminal action pending against you? ☐ Yes ☐ No If yes, for which incident?

_____

_____

_____

AMENDED Rev 1/2016 Application (Rev 1/2016)

Section VII: Fingerprint and Photograph Requirements

A. You must submit either the completed Live Scan Form BCII 8016 **OR** two of the Board's pre-printed hard-copy fingerprint cards. Please see the application instructions for additional information.	*B.* Provide a 2" x 2" *passport quality* photograph of yourself taken within the last three months. Attach Photograph Here (face must be completely visible)

AMENDED Revised Application (Rev 1/2016)

NOTICE OF COLLECTION OF PERSONAL INFORMATION

The information requested herein is mandatory, unless otherwise indicated, and is maintained by the California Board of Occupational Therapy (Board), 2005 Evergreen Street, Suite 2250, Sacramento, CA 95815, Executive Officer, 916/263-2294, in accordance with Business & Professions Code section 2750 et seq. Disclosure of your individual taxpayer identification number or social security number is mandatory and collection is authorized by Section 30 of the Business & Professions Code. Failure to provide all or any part of the requested mandatory information will render your application incomplete and subject to the abandonment provisions set forth in CCR, Title 16, Division 39, Section 4114. Except for the individual taxpayer identification number or social security number, the information requested will be used to identify and evaluate applicants for licensure, issue and renew licenses, and enforce licensing standards set by statutes and regulations. Your individual taxpayer identification number or social security number will be used exclusively for tax enforcement purposes, compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or verification of licensure from a requesting state. It will not be deemed to be a public record and will not be disclosed to the public. If you fail to disclose your individual taxpayer identification number or social security number you will be reported to the Franchise Tax Board (FTB), which may assess a $100 penalty against you. Upon request, the Board will provide the FTB with your name, address(es) of record, individual taxpayer identification number or social security number, type of license and status, and effective date and expiration date of your license. You have the right to review your personal information maintained by the agency unless the records are exempt from disclosure. Please note that certain information you provide may be disclosed under some circumstances, such as: in response to a Public Records Act (PRA) request (beginning with Government Code section 6250), to another government agency as required by state or federal law, or in response to a court or administrative order, subpoena, or search warrant.

Section VIII: Affidavit

I hereby declare that I am the person named in this application, that I have read the complete application and know the contents thereof. I understand that falsification or misrepresentation of any item or response on this application or any attachment hereto, is sufficient grounds for denial, suspension or revocation of a license to practice as an occupational therapist or occupational therapy assistant in the State of California.

I ~~further~~ understand that I am required to notify the Board of Occupational Therapy, in writing, of any change in my name, mailing address and residence address within 30 days of such change.

I declare, under penalty of perjury of the laws of the State of California, that all of the information contained herein and any documentation submitted in support of my application is true and correct.

~~*(Note for Section VIII Affidavit amendments: Language has been rearranged and reformatted for clarity)*~~

Signature of Applicant _____ Date _____

Did you include the $50 application fee? ☐ Yes ☐ No

Did you include the $49 fingerprint fee with the fingerprint cards? ☐ Yes ☐ No
(Fingerprint cards/fee not needed if submitting completed LiveScan form)

Do you want the approval/deficiency letter sent to the email address provided on page one? ☐ Yes ☐ No

~~*NOTICE: Effective July 1, 2012, the State Board of Equalization and the Franchise Tax Board may share taxpayer information with the Board. You are obligated to pay your state tax obligation and your license may be suspended if the state tax obligation is not paid.*~~

For more information go to the following website addresses: **www.ftb.ca.gov/individuals/txdlnqnt.shtml** or **www.boe.ca.gov/cgi-bin/deliq.cgi.**

AMENDED Revised Application (Rev 1/2016)

CONSIDERATION AND POSSIBLE ACTION OF ADOPTING PROPOSED REGULATORY LANGUAGE TO AMEND TITLE 16, CCR SECTION 4170, ETHICAL STANDARDS OF PRACTICE.

The Modified Text is attached for review.

AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy has proposed modifications to the text of CCR Sections 4170 in Division 39, Title 16. A copy of the modified text is enclosed.

Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before 5:00 PM on December 18, 2015, to the following:

Heather Martin, Executive Officer
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2250
Sacramento, CA 95815
Telephone: (916) 263-2294
Fax: (916) 263-2701
E-mail: cbot@dca.ca.gov

DATED: December 2, 2015

HEATHER MARTIN, Executive Officer
California Board of Occupational Therapy

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
Title 16, Division 39, California Code of Regulations

MODIFIED TEXT

Amendments are shown by ~~strikeout~~ for deleted text and underlined for new text.
Modifications are shown by underlined for new text.

Amend Title 16, Division 39, Article 8 California Code of Regulations to read as follows:

Article 8. ~~Ethical Standards of Practice~~ Service Delivery Standards

§ 4170. Ethical Standards of Practice

A violation of any ethical standard of practice constitutes grounds for disciplinary action. Every person who holds a license, ~~certificate or~~ a limited permit issued by the board, or is practicing on a license issued by another state pursuant to sections 901 or 2570.4 of the Code, shall comply with the following ethical standards of practice:
(a) Occupational therapy practitioners shall comply with state and federal laws pertaining to discrimination.
(1) An occupational therapy practitioner shall consider how a client's or patient's economic status, age, ethnicity, race, disability, sexual orientation, gender, gender identity, religion, residence, or culture, impact health care practices and incorporate these considerations in the provision of his or her services.
(2) An occupational therapist offering free or reduced-fee occupational therapy services shall exercise the same standard of care when providing those services as for full fee services.
(b) Occupational therapy practitioners shall take reasonable precautions to avoid imposing or inflicting harm upon the client or to his or her property.
(1) Occupational therapy practitioners shall not exploit ~~clients in any manner~~ or harm recipients of occupational therapy services, students, research participants, or employees.
(2) Occupational therapy practitioners shall, while a relationship exists as an occupational therapy practitioner, educator, researcher, or supervisor, and within six (6) months of termination of occupational therapy services, avoid relationships or associations that include, but are not limited to emotional, physical, psychological, financial, social, or activities that interfere with professional judgment and objectivity ,including avoiding:
(A) Any sexual relationship or activity, even if consensual, with any recipient of service, including any family member or significant other of the recipient of services, and
(B) Any sexual relationship or activity, even if consensual, with any student, or research participant, under direct supervision, and
(C) Bartering for services or establishing any relationship to further one's own physical, emotional, financial, political, or business interests at the expense of the best interests of recipients of services, or the potential for exploitation and conflict of interest.
(3) This section shall not apply to consensual sexual contact between a licensee and his or her spouse, registered domestic partner, or person in an equivalent domestic relationship, when that licensee provides occupational therapy services to his or her spouse, registered domestic partner, or person in an equivalent domestic relationship.

(c) Occupational therapy practitioners shall collaborate with clients, caretakers or other legal guardians in setting goals and priorities throughout the intervention process.
(1) Occupational therapy practitioners shall fully inform the client of the nature, risks, and potential outcomes of any interventions.
(2) Occupational therapy practitioners shall obtain informed consent from clients involved in research activities and indicate in the medical record that they have fully informed the client of potential risks and outcomes.
(3) Occupational therapy practitioners shall respect the client's right to refuse professional services ~~or involvement in research or educational activities~~.
(4) Occupational therapy practitioners shall maintain patient confidentiality unless otherwise mandated by local, state or federal regulations.
(d) Occupational therapy practitioners shall perform occupational therapy services only when they are qualified by education, training, and experience to do so~~.~~
~~(1) Occupational therapy practitioners shall hold the appropriate credentials for the services they provide.~~
~~(2) Occupational therapy practitioners~~ and shall refer to or consult with other service providers whenever such a referral or consultation is necessary for the care of the client. Such referral or consultation ~~should~~ shall be done in collaboration with the client.
(e) Occupational therapy practitioners shall, through completion of professional development activities required for license renewal or in other ways assure continued competence with respect to his or her own current practice and technology.
(f) Occupational therapy practitioners shall report to the Board any acts committed by another occupational therapy practitioner that they have reason to believe are unethical or illegal in practice, education, research, billing, or documentation, and shall cooperate with the Board by providing information, documentation, declarations, or assistance as may be allowed by law.
(g) Occupational therapy practitioners shall make all other mandatory reporting to the appropriate authorities as required by law.
~~(e)~~ (h) Occupational therapy practitioners shall comply with the Occupational Therapy Practice Act, the California Code of Regulations, and all other related local, state, and federal laws~~.~~, and shall comply with the following:
(1) Practice occupational therapy only when holding a current and valid license issued by the Board, and appropriate national, state, or other requisite credentials for the services they provide; and
(2) Practice occupational therapy within his or her own level of competence and scope of practice.
~~(f)~~ (i) Occupational therapy practitioners shall provide accurate information about occupational therapy services~~.~~
~~(1) Occupational therapy practitioners~~ and shall accurately represent their credentials, qualifications, education, experience, training, and competence.
~~(2)~~(j) Occupational therapy practitioners shall disclose any professional, personal, financial, business, or volunteer affiliations that may pose a conflict of interest to those with whom they may establish a professional, contractual, or other working relationship.
~~(3)~~(k) Occupational therapy practitioners shall ~~refrain from using~~ not use or ~~participating~~ participate in the use of any form of communication that contains false, fraudulent, deceptive statements or claims.
~~(g)~~(l) Occupational therapy practitioners shall report to the Board acts constituting grounds for discipline as defined in Section 2570.28 of the Occupational Therapy Practice Act.

Note: Authority Cited: Business and Professions Code section 2570.20. Reference: Business and Professions Code sections 726, 2570.4, 2570.20 and 2570.36.

CONSIDERATION AND POSSIBLE ACTION OF ADOPTING PROPOSED REGULATORY LANGUAGE TO AMEND TITLE 16, CCR SECTION 4172, STANDARDS OF PRACTICE FOR TELEHEALTH.

The Modified Text is attached for review.

AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy has proposed modifications to the text of CCR Sections 4172 in Division 39, Title 16. A copy of the modified text is enclosed.

Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before 5:00 PM on December 18, 2015, to the following:

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California Board of Occupational Therapy
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DATED: December 2, 2015

HEATHER MARTIN, Executive Officer
California Board of Occupational Therapy

California Board of Occupational Therapy
Department of Consumer Affairs

Title 16, Division 39, California Code of Regulations

MODIFIED TEXT

Amendments are shown by ~~strikeout~~ for deleted text and underlined for new text.

Modifications are shown by underlined for new text.

Amend Title 16, Division 39, Article 8, California Code of Regulations to read as follows:

§ 4172. Standards of Practice for Telehealth.

(a) In order to provide occupational therapy services via telehealth as defined in Section 2290.5 of the Code, an occupational therapist or occupational therapy assistant providing services to a patient or client in this State must have a valid and current license issued by the Board.
(b) An occupational therapist shall ~~obtain informed consent from~~ inform the patient or client ~~prior to delivering~~ about occupational therapy services via telehealth and obtain consent prior to delivering those services, consistent with Section 2290.5 of the Code.
~~(c) Prior to providing occupational therapy services via telehealth:~~
~~(1) an occupational therapist shall determine whether an in-person evaluation is necessary and ensure that a therapist must be available if an onsite visit is required and;~~
~~(2) an occupational therapist shall determine whether in-person interventions are necessary. If it is determined that in-person interventions are necessary, an on-site occupational therapist or occupational therapy assistant shall provide the appropriate interventions.~~
(c) ~~(d) In making the determination~~ On occupational therapist shall determine whether an in-person evaluation or in-person interventions are necessary~~, an occupational therapist shall consider~~ considering: the complexity of the patient's/client's condition; his or her own knowledge, skills, and abilities; the nature and complexity of the intervention; the requirements of the practice setting; and the patient's/client's context and environment.
(d) ~~(e)~~ An occupational therapist or occupational therapy assistant providing occupational therapy services via telehealth must:
(1) Exercise the same standard of care when providing occupational therapy services via telehealth as with any other mode of delivery of occupational therapy services;
(2) Provide services consistent with section 2570.2(k) of the Code; and
(3) Comply with all other provisions of the Occupational Therapy Practice Act and its attending regulations, including the ethical standards of practice set forth in section 4170, as well as any other applicable provisions of law.
(e) ~~(f)~~ Failure to comply with these regulations shall be considered unprofessional conduct as set forth in the Occupational Therapy Practice Act.

Note: Authority Cited: Business and Professions Code section 2570.20. Reference: Business and Professions Code sections 2290.5 and 2570.20.