



## TELECONFERENCE BOARD MEETING MINUTES

Tuesday, January 5, 2016

### **Board Member(s) Present**

Denise Miller, President  
Richard Bookwalter, Vice-President  
Laura Hayth  
Sharon Pavlovich  
Nancy Michel  
Beata Morcos

### **Board Staff Present**

Heather Martin, Executive Officer  
Ileana Butu, Legal Counsel  
Jeff Hanson, Program Analyst

### **Board Member(s) Absent**

Jeff Ferro

#### **1. Call to order, roll call, establishment of a quorum.**

At 4:00 p.m. contact was established with all teleconference sites. Roll was called; a quorum of the Board was established. Jonathan Burke, DCA Board and Bureau Relations Manager, was in attendance at the Evergreen Sacramento location. There were no other public attendees at the other teleconference locations.

#### **2. Public Comment session for items not on the agenda.**

Denise Miller reported she received notice she was reappointed to the Board by the Governor.

Sharon Pavlovich reported she received notice she was reappointed to the Board by the Governor.

#### **3. Consideration and possible action of adopting proposed regulatory language to amend Title 16, CCR Section 4110, Application.**

Heather Martin briefed Board Members that modifications to the application for licensure and an addendum to the Initial Statement of Reasons had been noticed for a 15-day public comment period. Several Board Members recalled they voted on this item in a previous meeting and sought clarification.

Ms. Martin confirmed the Board reviewed and adopted the proposed amendments to the application at its September 18, 2015, meeting. However, at the September meeting, Legal Counsel reported mandated legal disclosures would need to be added to the application in order for the Office of Administrative Law to approve this proposed regulatory action. Ms. Martin recounted a subsequent motion at the September meeting that directed her and Legal Counsel to work together to update the application with legal disclosures and then notice the changes for a 15-day public comment period as required.

Ms. Martin summarized that the materials provided for this agenda item are the culmination of the work she and Legal Counsel were tasked to complete after the September meeting.

The Board did not receive any written public comments during the 15-day comment period.

- ❖ Richard Bookwalter moved to adopt updated application and the amended initial statement of reasons as noticed and delegate to the Executive Officer the authority to make technical, non-substantive changes.
- ❖ Sharon Pavlovich seconded the motion.

It was determined the Executive Officer would affect a minor change in the language pertaining to the revision date of the application since the change is technical and non-substantive in nature.

Public Comment

There was no public comment at the meeting.

**Roll Call Vote**

Denise Miller	Aye
Richard Bookwalter	Aye
Laura Hayth	Aye
Beata Morcos	Aye
Nancy Michel	Aye
Sharon Pavlovich	Aye

The motion passed.

**4. Consideration and possible action of adopting proposed regulatory language to amend Title 16, CCR Section 4170, Ethical Standards of Practice.**

Ms. Martin reported the Board approved the modified language at its November 2015 meeting; the language had been noticed for a 15-day public comment period and the matter is now before them to adopt the modifications or provide further direction. Ms. Martin clarified the modifications contained in Section 4170(b)(3) establish consensual sexual contact between a licensee and his or her spouse, registered domestic partner, or person in an equivalent relationship would not constitute an ethical violation if the licensee were to deliver occupational therapy services to any of the aforementioned individuals.

Ms. Martin further clarified the modified language was necessary to conform with the Board's regulatory amendments to a recent amendment to Business and Professions Code 726 (AB 179, Stats 2015, Ch. 510, effective January 1, 2016).

- ❖ Richard Bookwalter moved to adopt the modified text as noticed and delegate to the Executive Officer the authority to make technical, non-substantive changes.
- ❖ Sharon Pavlovich seconded the motion.

The Board did not receive any written public comments during the 15-day comment period.

Public Comment

There was no public comment at the meeting.

**Roll Call Vote**

Denise Miller	Aye
Richard Bookwalter	Aye
Laura Hayth	Aye
Beata Morcos	Aye
Nancy Michel	Aye
Sharon Pavlovich	Aye

The motion passed.

**5. Consideration and possible action of adopting proposed regulatory language to amend Title 16, CCR Section 4172, Standards of Practice for Telehealth.**

Ms. Martin briefed Board Members that modifications to the proposed language had been noticed for a 15-day public comment period and the matter is now before them to adopt the modifications or provide further direction.

Two written comments were received during the 15-day comment period. A written comment from the American Occupational Therapy Association was submitted in support of the proposed action. The second written comment from the Center for Connected Health Policy identified a typographical error in the proposed modified text and was supportive of the proposed action.

- ❖ Richard Bookwalter moved to adopt the modified text as noticed and delegate to the Executive Officer the authority to make technical, non-substantive changes.
- ❖ Sharon Pavlovich seconded the motion.

It was determined the Executive Officer would correct the typographical error identified by the Center for Connected Health Policy in the final rulemaking process since the change was technical and non-substantive in nature.

Public Comment

There was no public comment at the meeting.

**Roll Call Vote**

Denise Miller	Aye
Richard Bookwalter	Aye
Laura Hayth	Aye
Beata Morcos	Aye
Nancy Michel	Aye
Sharon Pavlovich	Aye

The motion passed.

**6. Adjournment.**

At 4:36 p.m. the meeting adjourned.