



BOARD MEETING MINUTES
November 11, 2016
Teleconference

Board Member(s) Present

Denise Miller – President
Richard Bookwalter - Vice President
Sharon Pavlovich - Secretary
Laura Hayth
Jeff Ferro

Board Staff Present

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

Board Member(s) Absent

Teresa Davies
Beata Morcos

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

Telephone contact was established at each teleconference site. At 12:05 p.m. the meeting was called to order. The roll was called; a quorum of the Board was established.

At 12:41 p.m. Board Member Jeff Ferro was in attendance.

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

Contained in the meeting materials was a letter dated August 17, 2015, from the Occupational Therapy Association of California requesting an edit to the Practice Act for potential inclusion in the Board's upcoming Sunset Report. The letter also asked the Board to consider two concepts concerning an OT's role in providing mental health services for potential incorporation into regulations and provided five options for the Board to consider regarding advanced practice requirements, one being repeal of the requirements in total. The letter was incorporated into discussion of the next agenda item regarding the Sunset Report.

3. Discussion and possible action on Sunset Review ad hoc committee's report:

- Acceptance of the October 20, 2016, Committee meeting minutes.

President Miller provided a brief overview of the October 20, 2016, Sunset Review Ad Hoc Committee Meeting Minutes. Ms. Miller drew attention to pages two and three of the minutes pertaining to contact between the Department of Consumer Affairs' Office of Professional Examination Services (OPES) and the Board's Executive Officer. Specifically the OPES wanted to advise the Board an occupational analysis would be needed if the Board were to require a jurisprudence examination and/or an ethics course requirement.

- ❖ Richard Bookwalter moved to accept the October 20, 2016, Sunset Review Ad Hoc Committee Meeting Minutes.

- ❖ Laura Hayth seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Laura Hayth	Aye

- Review of draft 2016 Sunset Report.

Discussion ensued on the aforementioned OTAC letter dated August 17, 2016. Richard Bookwalter sought clarification how the OTAC’s letter relates to the Sunset Report. President Miller indicated the Sunset Review Ad Hoc Committee considered OTAC’s letter at its November 7, 2016, meeting earlier in the week and decided to forward OTAC’s request to amend Business and Professions Code (BPC) section 2570.20 to the Board for consideration and potential inclusion in the Sunset Report. The Committee also made a recommendation to forward both OTAC concepts regarding OT’s roles in providing mental health services to the Board for consideration.

Mr. Bookwalter sought further clarification pertaining to the necessity of the amendments to BPC section 2570.20 since the language did not appear to meaningfully change except for striking out of language pertaining to the approval of examinations. Ms. Martin reported the proposed amended language provides the Board greater flexibility in adopting regulations and the striking of language pertaining to approval of examinations is not necessary since requirements for examinations are set forth in BPC section 2570.7.

- ❖ Richard Bookwalter moved to accept the Committee’s recommendation to incorporate OTAC’s proposed legislative changes to BPC 2570.20 and include it in the Board’s Sunset Report as a proposed legislative change.
- ❖ Laura Hayth seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Laura Hayth	Aye

Board Members proceeded to review the meeting materials pertaining to the Sunset Report draft. President Miller indicated that if the Board was inclined to incorporate the two concepts regarding OT’s roles in providing mental health services (from OTAC’s August 17, 2016, correspondence) it might be possible to interweave it into Section One.

President Miller sought a consensus on how to tackle the review. It was decided the Board would review the report by each section.

Section One

Ms. Butu, the Board’s Legal Counsel, expressed concern and urged caution in using the term ‘diagnosis’ on page two of the report. Ms. Butu indicated that she could understand why the Board might want to use this language from the layman’s perspective but her concern from a legal standpoint is there could be potential conflict with the Medical Practice Act.

After further discussion, Ms. Butu suggested adding a disclaimer in the Sunset Report, indicating that usage of 'diagnosis' is not intended to refer to a medical diagnosis or meant to be construed that an occupational therapy practitioner is authorized to practice medicine. Ms. Butu's alternative recommendation satisfied the Board and staff was directed to incorporate the suggested language into the report.

The Board also identified three grammatical or technical edits to pages 1, 2, and 17.

Sections Two and Three

The Board was satisfied with these sections. No edits or questions were brought forth.

Section Four

The extra row in Table 6-Licensee Population pertaining to occupational therapy assistants residing out-of-county was struck because it was duplicative.

Non-substantive edits were requested to question 23b and 32.

For clarity, all references to 'continuing competence' were requested to be replaced with 'continuing education' in question 32e.

Section Five

A minor technical edit was requested on page 57.

In the table titled 'Hearings Before The Board' on page 58, it was decided the Board would incorporate a row under 'Petitions for Reinstatement' to include data on the number of petitions the Board refused to hear pursuant to BPC 2570.32(f).

On page 68, a paragraph pertaining to situations where the Board could or would seek restitution was edited to make it read better.

- ❖ Jeff Ferro moved to approve the draft Sunset Report with the edits identified from today's meeting.
- ❖ Sharon Pavlovich seconded the motion.

Roll Call Vote

Denise Miller	Aye
Richard Bookwalter	Aye
Sharon Pavlovich	Aye
Laura Hayth	Aye
Jeff Ferro	Aye

4. Adjournment.

At 1:49 p.m. the meeting was adjourned.