



## FROM THE EXECUTIVE OFFICER



Much has happened since January 2001, when licensing took effect for the first time in California. To summarize, the California Board of Occupational Therapy (Board) was established by statute on January 1, 2001, to regulate the occupational therapy profession for the first time in this State. The Occupational Therapy Practice Act (OTPA), found in California Business and Professions Code sections 2570 through 2570.32 is the licensing law. Title 16 of the California Code of Regulations (CCR) contains regulations adopted by the Board to implement, interpret, and make specific the law.

The seven-member Board held its first meeting in August 2001 at which time it proposed regulations that would allow the licensing process to begin. Those regulations took effect in February 2002, after which over 9,500 applications were sent to practitioners throughout California. As of October 2003, over 7,200 occupational therapists (OT) have been licensed and 1,300 occupational therapy assistants (OTA) were certified.

The Board's number one priority is consumer protection. Education, fieldwork and examination requirements set in law, are designed to make sure OTs and OTAs are competent to practice safely. The Board also conducts background checks and has authority to deny licensure/certification to anyone convicted of a crime substantially related to the profession or anyone who has committed an act that, if committed by a licensee, would be grounds for disciplinary action.

Since its inception, the Board has:

- Developed a Strategic Plan;
- Implemented legislation regarding disciplinary provisions and introduced legislation on advanced practice requirements;
- Adopted ethical standards of practice and citation/administrative fine regulations; and
- Proposed regulations that define continuing competency, supervision, limited permits, disciplinary guidelines, and advanced practice certification requirements.

Within the next year, once the majority of regulations have been adopted, you will receive a copy of the OTPA together with the regulations. As laws and regulations change, which they frequently do, they will be posted on the Board's web site ([www.bot.ca.gov](http://www.bot.ca.gov)) so that you have access to the most recent information.

On behalf of the Board and staff, thank you for your patience and cooperation throughout the licensing process.

## Board Members



Back Row – From left, Margaret Cunningham, Cynthia Burt, Christine Wietlisbach,  
Front Row – From left, Roberta Murphy, Suzanne Sampson, Collins E. (Hugh) Smith, Luella Grangaard.



**ADVANCED PRACTICE CERTIFICATION**

On January 1, 2003, legislation (Senate Bill 1402) became law that requires occupational therapists offering services in hand therapy, physical agent modalities, and/or swallowing assessment, evaluation and intervention to demonstrate, through post professional education and training, that they are competent to do so. This legislation, which requires the Board to develop regulations regarding the requisite education and training, becomes operative on **January 1, 2004**.

Subject matter requirements are contained in section 2570.3 of OTPA and proposed CCR sections 4150 through 4155 (available on our web site under the Laws and Regulations link).

**Who must be certified and why?**

If you provide hand therapy services, use physical agent modalities, or perform swallowing assessments, evaluations, or interventions after January 1, 2004, you must first obtain certification from the Board.

These three areas are considered to be "advanced practices" because most entry-level college/university degree programs did not, and do not, contain education or training in them. Since consumer safety is the Board's primary concern, it must be sure that practitioners providing advanced practice services are minimally competent to do so.

**The Application Process**

The Board is accepting applications for certification at this time. To apply for certification in an advanced practice, visit our web site, click on the Application link, and download the appropriate form (i.e., Hand Therapy, Physical Agent Modalities, and Swallowing Assessment, Evaluation and Intervention).

Each form identifies the subject areas in which you must demonstrate that you have completed post professional education and training. In addition to the application form, CCR section 4155 instructs you to submit a written portfolio documenting your education and training in the advanced practice.

A panel of experts will review your application for compliance with the OTPA and applicable regulations and certification will begin January 1, 2004. You will be notified as quickly as possible as to the status of your application.

In accordance with CCR section 4155, if you have been certified by the Hand Therapy Certification Commission (HTCC) before December 31, 2003, you will automatically qualify for advanced practice certification in hand therapy and physical agent modalities. However, you must submit an application to the Board with a copy of your HTCC certificate.

There is no application or certification fee. Once your application has been approved, you will receive a new pocket license that reflects the area(s) of advanced practice in which you have been certified.

**Questions & Answers**

- Q. What is meant by "post professional education and training?"
- A. Post professional education and training means education and training beyond that which was required in your qualifying degree program. However, if, during your degree program, you completed coursework or a specialized internship in an advanced practice area that was beyond the minimum standards required by Accreditation Council of Occupational Therapy Education for your program, you may apply that coursework or fieldwork to the advanced practice certification requirements.



Q. Do I have to stop offering advanced practice services on January 1, 2004, if I haven't received certification yet?

A. The answer to this question is complicated. The law requires you to be certified on or after January 1, 2004, but the Board has no authority to issue advanced practice certificates until then.

By law and/or under the proposed regulations, until you are certified, for hand therapy or physical agent modalities, you must work under the supervision of an OT who has met the requirements of the Board, a physical therapist, or a physician/surgeon. For swallowing assessment, evaluation or intervention, you must work under the supervision of an OT who has met the requirements of the Board, a speech pathologist with expertise in the area or a physician/surgeon.

Q. There is a CHT in our facility who intends to become certified by the Board. Can other OTs offer hand therapy services under her certification if she cosigns their notes?

A. Not as the law is currently written. OTPA section 2570.3 clearly states that OTs offering advanced practice services must obtain certification from the Board. However, OTs may work under the certified OT's supervision to gain the required experience.

Q. I am certified by the HTCC as a CHT. Will I automatically qualify for certification in hand therapy and physical agent modalities?

A. Yes, but only if you are certified by the HTCC before December 31, 2003. After January 1, 2004, HTCC certification will not be an automatic qualifier because the requirements for taking the examination do not meet the educational requirements of the OTPA.

Q. I don't work in hand therapy or use physical agent modalities very often. Do I have to be certified if I only treat a few hand patients each year and only use heat/ice?

A. Yes. Whether you treat one patient or hundreds each year, the Board must be

sure that you are competent to offer such services.

Q. I have been in practice for years and no longer have proof of the coursework or training I've completed. How can I document that I have met the requirements for certification?

A. Send what you have. You may also prepare a statement, signed under penalty of perjury, that identifies the courses you've taken, what they covered, the name of the provider, and when they were completed. You may also have former supervisors and/or employers, with knowledge of the services you provided, attest to your training and experience. It is up to you to demonstrate that you are competent to provide advanced practice services. To that end, you may send whatever evidence you feel will demonstrate your competence.

Q. I'm confused about the six-month time frame in proposed regulation section 4155. Does this mean I have to complete the education and training requirements by June 20, 2004?

A. No, this proposed regulation is intended for OTs offering advanced practice services on or before December 31, 2003, who are trying to qualify for certification on the basis of "substantially equivalent" education and experience. Those who fall into that category have six months from the date the regulations take effect to apply for certification.

Visit our web site for more frequently asked questions.





## **OLDER CALIFORNIAN DRIVER SAFETY TASK FORCE**

The Board of Occupational Therapy is pleased to be a participant in the **Older Californian Driver Safety Task Force**. This Task Force was convened in 2000 to develop a strategic framework of state-level recommendations to prevent traffic-related injuries/deaths among older Californians. The California Highway Patrol is spearheading this initiative and is responsible for coordinating its implementation. Participants of the Task Force include recognized experts from the fields of injury control, gerontology, geriatrics, transportation, and law enforcement; state governmental agencies addressing older adults; key statewide advocacy and service provider groups for older adults; and private sector stakeholders.

**Where does occupational therapy fit into the scheme of things?** The primary charge of the Task Force is to develop recommendations that would provide direction on how to improve traffic safety for California's seniors. One such recommendation was to improve the ability of health care and service providers to assess traffic safety risk and minimize the impact of health impairments on safe mobility. Occupational therapists are in a unique position to identify, minimize, or correct impairments that may interfere with safety in a traffic environment. Occupational therapy will provide opportunities for emerging impairments to be detected and for appropriate referrals, rehabilitation and corrective steps to occur.

The Task Force meets approximately every six weeks and is expected to be operational for at least two years. Once the Task Force's final report is released, the Board will be able to assess its role in educating practitioner's of the responsibilities they may be assigned.

**We Need Your Help!** The Board would like to determine how many occupational therapists are currently involved in helping people become safe and skilled drivers. Our goal is to develop a directory of California-based driver rehabilitation programs for consumers in need of driver rehabilitation. If you or your work facility currently provides this service, please take a few minutes to go to the Board's website and complete the questionnaire pertaining to this very important issue.

## **License/Certificate Renewal**

Your OT license or OTA certificate expires on the last day of your birth month and must be renewed annually. As long as the Board has your current mailing address, you should receive a renewal notice approximately 90 days before the expiration date. However, it is your responsibility to renew your license or certificate on time, even if you do not receive a renewal notice. The renewal fee of \$150 is due *prior* to the expiration date. An additional \$75 delinquent fee is charged for renewals received over 30 days late.

Renewals are processed by the Department of Consumer Affairs Central Cashiering Unit. This unit handles hundreds of thousands of renewals each year for virtually every profession licensed in California. The sheer volume causes the renewal process to take 3 to 6 weeks. So, be sure to send your renewal fee early enough to have your license renewed before it expires. Practicing with an expired license or certificate is against the law and could subject you to an administrative fine and/or formal disciplinary action.

There are no continuing education requirements at this time, although the Board has proposed regulations that should be in effect beginning January 1, 2005. The proposed regulations can be viewed on our web site.

Finally, you may renew your license or certificate on an inactive basis for a fee of \$25. Please read California Code of Regulations, section 4122 for information regarding this process.



**ENFORCEMENT ACTIONS**

The Board is responsible for investigating complaints against licensees, certificate holders, and those engaged in unlicensed activity and for taking disciplinary action against those who violate the law.

Listed below is a brief description of recent enforcement actions taken against licensees or certificate holders who were found to be in violation of the OTPA.

Every effort is made to ensure that this information is correct. Before making any decision based upon this information, you should contact the Board. Further information on the specific violations may also be obtained by contacting the Board at (916) 322-3394.

George Calderon, OTA 1264, was issued a certificate on probation for three years under certain terms and conditions. The basis for the disciplinary action was that he was convicted of a crime substantially related to the certificate.

Kathryn Halladay, OT 5454, was issued a license on probation for three years under certain terms and conditions. The basis for the disciplinary action was that she was convicted of a crime substantially related to the license.

Susan Hurley, OT 4060, was issued a license on probation for three years under certain terms and conditions. The basis for the disciplinary action was that she was convicted of a crime substantially related to the license.

Patrick Manuel, OT 5352, was issued a license on probation for one year under

certain terms and conditions. The basis for the disciplinary action was that he was convicted of a crime substantially related to the license.

Gabrielle Miller, OTA 1267, was issued a certificate on probation for two years under certain terms and conditions. The basis for the disciplinary action was that she was convicted of crimes substantially related to the certificate.

Monique Palacios, OTA 1240, was issued a certificate on probation for two years under certain terms and conditions. The basis for the disciplinary action was that she was convicted of crimes substantially related to the certificate.

Thomas Petzoldt, OT 5763, was issued a license on probation for one year. The basis for the disciplinary action was that he committed an act of unprofessional conduct.

Michael Philip, OT 7054, was issued a license on probation for three years under certain terms and conditions. The basis for the disciplinary action was that he was convicted of a crime substantially related to the license.

Rocky Williams, OT 5197, was issued a license on probation for one year under certain terms and conditions. The basis for the disciplinary action was that he was convicted of a crime substantially related to the license.

**INTERESTED PARTIES LIST**

**Stay Informed!!** If you would like to keep abreast of new, pending, revised, or proposed laws and regulations, or dates and agendas of Board meetings, e-mail your name and address to [cbot@dca.ca.gov](mailto:cbot@dca.ca.gov) requesting that you be added to our "Interested Parties List."

If you are currently on the Interested Parties List but no longer wish to be, please let us know by contacting us at the above noted e-mail address.



**Board Members**

Luella Grangaard, MS, OTR, CHT – President  
Christine Wietlisbach, MPA, OTR, CHT, CWS  
– Vice President  
Roberta Murphy, BPA, COTA/C, ROH – Secretary  
Cynthia Burt, MS, OTR  
Margaret Cunningham, MA – Public Member  
Suzanne Sampson – Public Member  
Collins E. (Hugh) Smith – Public Member

**CBOT Staff**

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TJ Howe, Program Technician  
Telephone: (916) 322-3394  
FAX: (916) 445-6167  
EMAIL: [www.cbote.ca.gov](http://www.cbote.ca.gov)

Please contact any of the Board's staff if you have questions, concerns, or need assistance.

**HEADS UP!** Important Reminder

**Do We Have Your Current Address?**

Keeping the Board up to date on your current address will ensure that you receive necessary information on renewals and other important matters that are relevant to your license/certificate. California Code of Regulations section 4102 requires that address changes be reported to the Board.

If you need to update your address, please send written notification – either via email to [cbot@dca.ca.gov](mailto:cbot@dca.ca.gov) or via mail to the California Board of Occupational Therapy, 444 North Third St., Suite 410, Sacramento, CA 95814. Please include your name as licensed/certified, license/certificate number, new street address, city, state, zip code, daytime telephone number, and effective date of the change.

California Board of Occupational Therapy  
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