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CALIFORNIA
BOARD OF
OCCUPATIONAL
THERAPY

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Letter from the President – Sunset Review

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It seems like only yesterday I read the “Sunrise Document” that the American Occupational Therapy Association (AOTA) prepared for the Business and Professions Committee (BPC) of the California Senate in 1999. This document was developed to respond to questions from the BPC to determine if there was a need to regulate the practice of occupational therapy in California. The “Sunrise Document” reviewed the history of the profession and what the profession does, whom it serves and where the practitioners work, and provided education and examination requirements. It contained documented examples of acts of harm that supported the need to regulate the profession of occupational therapy in California.

As a result the Occupational Therapy Practice Act (OTPA) was passed in 2000. In the spring of 2001 the first board was appointed and the first meeting of the California Board of Occupational Therapy (CBOT) was held on August 15, 2001. At that time the board approved its first regulatory drafts defining the application process and other administrative processes needed to begin initial licensing thereby culminating our long journey of establishing licensure in California.

Effective January 1, 2003, anyone practicing occupational therapy or assisting in the practice of occupational therapy needed to be licensed and certified by the state. Currently over 9500 individuals have become licensed or certified. Effective January 1, 2004,

therapists practicing in hands, swallowing and using PAMS had to possess certifications of competency. Regulations to further define and clarify the OTPA have been developed for supervision, advanced practice, continuing competency, discipline, ethics, limited permits, and issuing citations and fines. Approval of a regulation can take up to a year from the time the initial proposed language is noticed, a public hearing is held, drafting and noticing modifications, and submitting the proposed regulation package to several other state agencies for their review and approval.

The CBOT was scheduled to submit documents for “Sunset Review” in September of 2004 but received an extension to 2005. “Sunset Review” is a process of the Joint Committee on Boards, Commissions and Consumer Protection to determine if there is justification and need for the CBOT to continue existence after its first four years. The board staff with the Sunset Committee of CBOT completed a questionnaire from the Joint Committee, which documents the various and extensive activities of the board and most importantly the enforcement activities. This document was approved at the August 26, 2005 meeting of the CBOT and has been submitted to the Joint Committee.

What comes next? The Joint

Committee will review the “Sunset Report” to ensure that the CBOT is carrying out its mission. There will be public hearings in which the CBOT must demonstrate a public

“Sunset Review” is the process of the Joint Committee on Boards, Commissions and Consumer Protection to determine if there is justification and need for CBOT continued existence after its first four years.

need for its continued existence. The Committee will determine:

- If regulation by the board is necessary to protect the public health, safety and welfare;
- If regulation of the profession is necessary, or if other less restrictive forms of regulation are available;
- If the basis or facts for initial regulation and licensing have changed;
- If conditions have arisen that would warrant increased, decreased or the same degree of regulation;
- If the board operates and enforces its regulatory responsibilities in the public interest
- Other items outlined in California Codes (Business & Professions Code section 473.4).

If the above is not proven pursuant to OTPA section 2570.19 (1), the Board of Occupational Therapy will become inoperative on July 1, 2007 and the law repealed January 2008 unless extended by law.

Continuing Competency Questions & Answers

Q. When do the continuing competency requirements go into effect?

A. January 1, 2006.

Q. What is a Professional Development Unit?

A. Fifty minutes of participation in a professional development activity qualifies for one Professional Development Unit (PDU). One academic credit equals 10 PDUs. One Continuing Education Unit (CEU) equals 10 PDUs. One contact hour equals one PDU.

Q. When do I need to start earning PDUs?

A. You will be required to show completion of 12 PDUs when you renew your license in 2006 unless it is your first renewal. You can start earning PDUs anytime after your license expires in 2005.

Q. When is my “renewal period?”

A. Your renewal period is the twelve-month period immediately preceding the expiration date of your license. For instance, if your license expires on May 31, 2006, your renewal period is June 1, 2005 through May 31, 2006. PDUs for your 2006 renewal must be earned during that time period.

Q. Do I have to take a Board-approved course?

A. No. The Board does not approve courses for continuing competency. Six of the twelve units must be directly related to the delivery of OT services. The remaining six units may include, but are not limited to, occupation based theory assessment/interview techniques, intervention strategies, and community/environment as related to your practice. All activities must be objectively measurable in terms of hours involved.

Q. Are continuing education courses the only way I can earn PDUs?

A. No. There are a variety of ways you can earn PDUs. They include involvement in a structured special interest or study group; structured mentoring; supervising the fieldwork of Level II students; publication of an article in a professional publication; publication of a chapter in a textbook; and making a first time presentation at a seminar, workshop or conference. Section 4161(c) of Title 16, California Code of Regulations (CCR) outlines how many units can be earned through these activities.



Q. Can I take courses on the internet?

A. Yes. Internet, DVD and video courses are acceptable as long as the course is measurable, you receive a certificate or other documentation upon completion.

Q. Can I earn PDUs by reading books or articles?

A. You cannot count reading unless it is objectively measurable in terms of the hours involved (Title 16 CCR section 4161(b)(3)). If you read an article in a professional journal and receive credits and a completion certification, you may count those units.

Q. Can I carry over units into my next renewal period?

A. If you earn more than the required 12 units during one renewal period, you can carry

over three of the extra hours into the next renewal period.

Q. Can I use the same units that I use for my NBCOT certification?

A. Yes. If you maintain certification with NBCOT you can use the same PDUs you complete for NBCOT to renew your license as long as those units were earned within your renewal period.

Q. Can I use the same units that I earned for my advanced practice certification?

A. Yes

Q. Do I have to send documentation of completion of my units to the Board?

A. No. You will be required to list the activities you completed on your license renewal form. You must maintain copies of course completion certificates and documentation of other activities completed for a period of four years. The Board will conduct periodic random audits.

Q. I received my initial license in 2005. Do I need to earn PDUs for my 2006 renewal?

A. No. You are exempt from continuing competency requirements for your first renewal.

Q. My license is inactive. Do I need to earn PDUs?

A. No. Inactive licenses are exempt from continuing competency requirements. At the time that you decide to reactive your license, you will need to complete the required number of PDUs for a single renewal period.

Q. Do I need to earn PDUs for my advanced practice certification?

A. No. Advanced practice certifications do not require renewal and, therefore, do not have continuing competency requirements.

Don't have access to the Internet? Please contact us by email cbot@dca.ca.gov, fax (916) 445-6167 or phone (916) 322-3394 to receive a copy of any of the proposed regulations.

Meet two of the most recent Board appointments:

Mary M. Evert, ScD (hon.), MBA, OTR/L, FAOTA, was appointed to a three-year term by Governor Schwarzenegger. Her term runs from March 2005 through April 2008.

Mrs. Evert is a consultant in international strategic management and occupational therapy in San Diego, California. She brings over 25 years international executive, board, teaching, consulting, and coaching experience in many industries, but in particular with the health care sector. Mrs. Evert has an MBA in Health Care Administration, holds two honorary doctorates, was a member of California's Independent Living Council, and a past President of both the American Occupational Therapy Association and the Occupational Therapy Association of California. She served as Deputy

Assistant Secretary for the U.S. Public Health Service and is a past Board of Directors Chair of California's largest public hospital district, Palomar Pomerado Health in San Diego County. She currently serves as the United State's Delegate to the World Federation of Occupational Therapy and is on the faculty of Webster University's San Diego campus where she teaches management and graduate health policy courses.

Christine M. Wietlishbach, MPA, OTR/L, CHT, CWS, was reappointed to a three-year term by Governor Schwarzenegger. Her term runs from March 2005 through December 2008.

Ms. Wietlishbach is a full-time occupational therapist at the Eisenhower Medical Center in Rancho Mirage, California, a faculty member at Loma Linda University,

and a per diem occupational therapist at Desert Regional Medical Center in Palm Springs, California. She has a Masters in Public Administration, is a Certified Hand Therapist, and a Certified Wound Specialist. She is the President of the Occupational Therapy Association of California, was the recipient of the Lindy Boggs Award in May 2004, and the Mary Evert Service Award in 1999, 2001, 2004, and 2005.



Next Meeting

The Board's next meeting will be held on Friday, November 4, 2005, at the Kensington Park Hotel in San Francisco, California. The agenda will be posted on the Board's website on October 21, 2005.

It's a fact

Number of Licensees*:

8,908 OT's
1,576 OTA's

**As of October 1, 2005*

Advanced Practice Certifications:

Practitioners Certified In:

72	Hand Therapy (HTC)
178	Physical Agent Modalities (PAM)
469	Swallowing (SWC)
945	HTC & PAM
30	PAM & SWC
69	HTC & SWC
97	HTC, PAM & SWC

NOTICE

Renewal notices for licenses expiring on January 31, 2006, and February 28, 2006, may be delayed due to the pending renewal fee reduction. Notices will be mailed out as soon as possible once the regulations are approved. For up-to-date information regarding the fee reduction, please visit the Board's website. Licensees are required to timely renew their licenses regardless of whether or not they receive a renewal notice.



NOTICE TO EMPLOYERS & SUPERVISORS – Regarding New Graduates

The Board has opened several enforcement investigations surrounding the practice of new graduates. Please be advised new graduates may only practice if they have been issued a limited permit. A permit allows a new graduate to practice under the supervision of a licensed occupational therapist while they are in the process of taking the national certification examination. Occupational therapists supervising new graduates are responsible for ensuring all individuals under their supervision hold appropriate credentials to practice. New graduates must apply to the Board for the permit within 4 months of their graduation. Permits are only valid for four months and cannot be renewed or extended. If a permit holder fails the examination, the permit is automatically cancelled. Employers and supervisors working individuals under this provision should request the graduate to present his/her permit for inspection. Employers and supervisors are encouraged to contact the Board to verify if a new graduate has a valid permit. Violations of these provisions can result in disciplinary action being taken against the graduate for unlicensed practice and against the supervising occupational therapist for aiding and abetting unlicensed practice. For requirements on supervising a limited permit holder, please reference Title 16, California Code of Regulation, section 4183.

Expert Search

The Board is developing an **Expert Reviewer Program** as an impartial and professional means in which to support the Board's enforcement functions. Specifically, expert reviewers assist the Board by providing expert reviews and opinions on complaints received against licensees. Experts involved in the program may be asked to testify at administrative hearings. The program is available to occupational therapists and occupational therapy assistants. Participants will be compensated per hour for time spent reviewing cases and testifying.

Practitioners involved in the program must:

- Possess a valid license, issued by the California Board of Occupational Therapy at least two years prior to applying to the expert program;
- Possess a valid national certification from the National Board for Certification in Occupational Therapy, Inc. for at least five years prior to applying to the expert program;
- Have no disciplinary record with the Board or any other license board within California or any other state;

Enforcement Actions

The Board is responsible for investigating complaints against licensees, certificate holders and those engaged in unlicensed activity. We also have authority to make final decisions on all enforcement actions taken against licensees and certificate holders.

Listed below are recent enforcement actions taken against OTs and occupational therapy assistants (OTAs) found in violation of the Occupational Therapy Practice Act.

We make every effort to ensure this information is correct. Before making any decision based on this information, please contact the Board. Further information on the specific violation(s) may also be obtained by contacting us at (916) 322-3394.

Alvin Prasad, OT 7530, license revoked effective August 11, 2005, for violation of probation.

Kolee Knoefler, OT 8115, license issued on three years probation effective February 28, 2005. Basis for probation: conviction of crimes substantially related to the practice of the license.

- Been actively engaged in the practice of occupational therapy (defined as at least 80 hours a month in direct patient care, clinical activity, or teaching, at least 40 hours of which must be direct patient care) within the past five years;
- Submit the Board's program application, a current curriculum vitae, a completed questionnaire; a signed perjury statement attesting to the truthfulness of the information provided regarding your training, experience and education;
- Agree to testify at administrative hearings and meet with the investigative staff or staff of the Office of the Attorney General when necessary.

If you are interested in the Board's Expert Reviewer Program, please notify us in writing and you will be sent an application.

Proposed Regulations

Renewal Fee Reduction

New regulatory language for the renewal fee reduction has been submitted to the Department of Consumer Affairs for approval. The proposal reduces the annual renewal fee from \$150 to \$50, and reduces the delinquent fee from \$75 to \$25. The proposal would also reduce the fee for a Limited Permit from \$100 to \$75. If the Department of Consumer Affairs, the State & Consumer Services Agency, and the Office of Administrative Law approve the proposed language, the new regulations could go into effect as early as January 1, 2006.

Topical Medications

The Board's Advanced Practice Regulatory Committee met in August to begin drafting regulatory language to implement section 2571 of the Occupational Therapy Practice Act. This section allows occupational therapists that are certified in the use of physical agent modalities to apply topical medications prescribed by the patient's health care provider. The Committee, together with representatives from the Medical Board of California, the California Board of Pharmacy, and the Physical Therapy Board, discussed applicable

medications and protocols for their use. Draft language will be discussed further at the Board's November meeting.



Check it out!

The Board has approved its 2005 Strategic Plan. The Plan identifies the Board's mission, vision, key issues, and core values, and sets goals and objectives for 2005 through 2007. It is available on the Board's website at www.bot.ca.gov/strategic_plan.pdf.

Hurricanes Katrina and Rita

Over the past month we have witnessed the devastation of the gulf coast states, Louisiana, Mississippi, Alabama and Texas, all affected by Hurricanes Katrina and Rita. Our hearts go out to families who lost loved ones and personal belongings as a result of the hurricanes.

The California Board of Occupational Therapy will assist licensed occupational therapists or occupational therapy assistants who are relocating to California and seeking licensure as an Occupational Therapist or certification as an Occupational Therapy Assistant.

For those applicants awaiting licensure, current California law allows you to practice as an occupational therapist for up to 45 days without a license under certain conditions. Pursuant to Business and Professions Code Section 2570.4 (d),

"... any person performing occupational therapy services in the state, if those services are performed for no more than 45 days in a calendar year, in association with an occupational therapist licensed under this chapter, and the person is licensed under the laws of another state that the board determines has licensure requirements at least as stringent as the requirements of this chapter..."

In other words, practitioners may work in California without a license up to 45 days in a calendar year, if licensed in another state and working in association with a California licensed occupational therapist. We urge you to check with the Board regarding updates in the law before you begin practicing here without a current and valid California license. Our goal is to help affected individuals in every way possible.



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History and Purpose

The California Board of Occupational Therapy (Board) was created in 2000 with the passage of the Occupational Therapy Practice Act (OPTA).

The mission of the Board is to regulate the practice of occupational therapy in a manner that protects the wellbeing of the public by:

- Ensuring those entering the profession meet minimum standards of competency through education, fieldwork and examination;
- Defining and upholding professional and ethical standards of practice;
- Informing the public and other entities about the profession and standards of practice;
- Enforcing the laws and regulations governing occupational therapy; and
- Providing effective means for resolving consumer complaints.

Board Members

Luella Grangaard, MS, OTR, CHT

President

Margaret Cunningham, **Public Member**
Collins E. (Hugh) Smith, **Public Member**
Christine Wietlisbach, MPA, OTR, CHT
Mary Evert, OTR

OTA Member, Vacant

Public Member, Vacant

Board Staff

Gladys Mitchell, Interim Executive Officer

April Freeman, Associate Analyst

Jeff Hanson, Staff Analyst

Marsha Gove, Office Technician

William Brown, Office Assistant



IMPORTANT! Annual Renewal Reminders

Your license expires on the last day of your birth month. Even though there is a 30-day grace period before a delinquent fee is charged, you cannot practice with an expired license.

You should receive your renewal form approximately three months prior to the expiration date of your license. However, whether you receive your renewal notification or not, it is your responsibility to renew your license in a timely manner. Fill out, sign, date and return your completed renewal form with the correct fees as soon as you receive it. Don't forget to answer the question about convictions. Processing takes three to six weeks.

Keep the Board informed of your current address. It's the law. If you need to update your address, please send written notification – either via email to cbot@dca.ca.gov, fax at (916) 445-6167, or mail to the California Board of Occupational Therapy, 444 North 3rd Street, Suite 410, Sacramento, CA 95814. Please include your name as it appears on your license, your license number, your old address and new address, daytime telephone number, and the effective date of the change.



INTERESTED PARTIES LIST

Stay Informed! *If you'd like to keep abreast of new, pending, revised or proposed laws and regulations, or dates and agendas of Board meetings, email your name and address to cbot@dca.ca.gov to add your name to our "Interested Parties List." If you're currently on the list but want your name removed, please email us.*