

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

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State of California
Department of Consumer Affairs
Arnold Schwarzenegger, Governor



**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
PRACTICE COMMITTEE MEETING MINUTES
August 16, 2006
Ontario, California**

Committee Members Present

Janet Jabri, Chairperson
Luella Grangaard
Roberta Murphy
Mary Kay Gallagher
Pamela Roberts
Deborah Bolding

Committee Members Absent

Barbara Rodrigues

Staff Present

Norine Marks, Legal Counsel
Heather Martin, Executive Officer

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

Chairperson Janet Jabri called the meeting to order at 10:40 a.m. and called the roll. A quorum was established.

B. Approval of the May 18, 2006, Committee meeting minutes

It was noted that the Committee Meeting minutes needed two corrections:

Ms. Roberts should be shown as 'Acting' Chairperson and Ms. Palladino was absent from the May 18, 2006, meeting.

- ◆ Luella Grangaard moved to approve the minutes of the May 18, 2006, Practice Committee meeting as amended
- ◆ Janet Jabri seconded the motion.
- ◆ The motion carried unanimously.

C. Discussion of the Committee's Roles and Responsibilities

At its May 18, 2006, meeting, the Committee directed staff to define the role of the Practice Committee. Staff presented a draft of the Committee's Roles and Responsibilities. Item numbers 1-7 of the Roles and Responsibilities were accepted. Item 1 under Establish Ad Hoc Committee was reworded to *Establish Resource Pool of Expert Reviewers...* and was included as Item 8 under Roles and Responsibilities. The revised document will be present to the Board at its next meeting.

D. Review and Discussion of Revisions to the *Application for Advanced Practice Approval and Instructions*

Three draft items were presented to the Committee for review:

- Language explaining Advanced Practices for posting on the Board's website
- The *Advanced Practice Approval Information and Instruction Sheet*
- The Application for Advanced Practice Approval

Minor modifications were made to the website information and the instruction sheet.

Information for the webpage on Advanced Practice was amended, as follows:

The sentence "Approval in an advanced practice area demonstrates entry-level competency in the area approved" was modified to "Approval in an advanced practice area demonstrates that you have met the minimum qualifications in the area approved."

- ◆ Luella Grangaard moved to approve the language with the above amendments.
- ◆ Pamela Roberts seconded the motion.
- ◆ The motion carried unanimously.

Discussion ensued regarding adding language to the Advanced Practice webpage to remind Advanced Practice applicants that the "substantial equivalence" standard was eliminated.

As a result, the sentence "Effective October 1, 2004, substantially equivalent education and training are no longer acceptable" was amended to "Effective October 1, 2004, substantially equivalent education and training are no longer acceptable to establish fulfillment of the requirements."

- ◆ Pamela Roberts moved to approve the language with the above amendments.
- ◆ Luella Grangaard seconded the motion.
- ◆ The motion carried unanimously.

To make the Advanced Practice Approval Information and Instruction Sheet consistent with the Advanced Practice website page, the first sentence in the third paragraph of the Advanced Practice Approval Information and Instruction Sheet was amended from "Approval in an advanced practice area demonstrates entry-level competency in the area approved" to "Approval in an advanced practice area demonstrates that you have met the minimum qualifications in the area approved."

- ◆ Luella Grangaard moved to approve the language with the above amendments.
- ◆ Janet Jabri seconded the motion.
- ◆ The motion carried unanimously.

The Committee also discussed establishing a system of alternating assignment of reviewing advanced practice course review among three to five people, and giving a

deadline to reviewers for their response. Further discussion ensued regarding what would make the review process easier. Several suggestions were made, including requiring course providers to submit the new applications along with all relevant and applicable information, including specifying the number of contact hours and provide an outline.

Also, it was decided that the Instructions for the *Application to Provide Advanced Practice Post- Professional Education* would be revised to include a review time frame, information regarding what documentation should be submitted with the application, and how the packages could be submitted. Further discussion led the Committee to recommend that that any provider submitting incomplete applications, or submitting an old application, would have their application(s) returned to them for correction and resubmission.

E. Discussion and Possible Recommendation to Board to Amend Title 16, California Code of Regulations, Section 4161, Continuing Competency.

Pursuant to Business and Professions Code section 2570.14, applicants who haven't practiced within the past five years shall provide to the Board either evidence of continuing competency for the previous two-year period or evidence of having completed the entry-level certification examination within the previous two-year period.

Thus, the Committee discussed requirements for applicants applying under this section and what would be considered adequate continuing competency courses. Staff had proposed regulatory language which would require applicants complete professional development units (PDUs) directly related to the delivery of occupational therapy services. Further discussion ensued regarding the appropriate number of PDUs for these applicants, including questions regarding the number of PDUs required of licensees changing from inactive to active status.

The Committee discussed requiring applicants complete the number of PDUs consistent with various refresher courses offered. The Committee members then discussed the availability of these types of courses and the typical length and number of contact hours.

Ms. Marks cautioned that further research would be necessary, as there may be a statutory provision that would prohibit the Board from requiring more PDUs of applicants than licensees.

- ◆ Luella Grangaard moved to refer the item to the Board to determine the proper amount of PDUs, consistent with Legal Counsel's recommendation.
- ◆ Pamela Roberts seconded the motion.
- ◆ The motion carried unanimously.

F. Review and Recommend Responses to Various Practice Inquiries

There were four Practice Issues and Questions presented to the Committee.

- Question 1 Is scar management for the stomach within the OT scope of practice? The purpose would be to improve self-esteem/body image of the patient.
- Question 2 Is the evaluation and treatment of torticollis and plagiocephaly within the OT scope of practice?
- Question 3 Can OTs order medical lab testing in California?
- Question 4 Can OTAs independently own and operate an OT practice (and employ OTs)?

The Committee discussed an appropriate response to each of the questions and determined that all responses should refer individuals to Business and Professions Code section 21570.2(k), where the OT scope of practice is defined.

The response to question one was: "Yes, if linked to an area of occupation."
The response to question two was: "Yes, if linked to an area of occupation."
The response to question three was: "No, this is not within the OT Scope of Practice."

Further discussion ensued regarding question four. While not specifically prohibited in statute, there is a recognized conflict in an OTA (owner/employer) working under the supervision of OT (employee).

Staff was referred to a Legal Opinion previously prepared on this issue.

G. Future Agenda Items

The following items will be brought back for discussion as future agenda items:

- "Reciprocity" for Advanced Practice approval for applicants licensed in another state whose practice act allows those services that require Advanced Practice approval
- Staff to prepare educational/outreach materials for initial licensees explaining scope of practice in California and other pertinent information
- Establishing future meeting dates consistent with Board meetings

H. Public comment

There was no public comment.

I. Adjournment

The meeting adjourned at 12:40 pm.