



BOARD OF OCCUPATIONAL THERAPY

444 North Third Street, Suite 410, Sacramento, CA 95811

T: (916) 322-3394 F: (916) 445-6167

E-mail: cbot@dca.ca.gov Web: www.bot.ca.gov

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
BOARD MEETING MINUTES
October 11, 2007
Ontario, California**

Board Members Present

Luella Grangaard, President
Christine Wietlisbach
Mary Evert
Nancy Michel
Bobbi Jean Tanberg
Patti Horsley

Staff Present

Heather Martin, Executive Officer
Norine Marks, Legal Counsel
April Freeman, Associate Analyst

A. Call to Order, Roll Call, Establishment of a Quorum

President Luella Grangaard called the meeting to order at 8:30 a.m. Secretary Mary Evert called the roll. A quorum of the Board was present.

B. President's Remarks

Ms. Grangaard welcomed members and guests.

C. Approval of the July 26, 2007, Board meeting minutes

The Board reviewed the draft minutes of the July 26, 2007 meeting. Mary Evert commented that under Item L the motion by Norine Marks should be stricken and corrected to reflect the correct action taken. Ms. Evert also commented that in the third motion under Item N, the word "development" should be changed to "developed."

Ms. Marks suggested that the minutes be modified to reflect numbers instead of letters in order to correspond with the agenda. She also suggested that under Item E, the minutes reflect that the discussion of the proposed regulations should be reflected as a separate item from the public regulatory hearing.

- ❖ Mary Evert moved to approve the minutes of the July 26, 2007 meeting as amended.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed unanimously.

D. Approval of the August 14, 2007, Special Board meeting minutes

This item was tabled to the December 2007 meeting.

E. Discussion, consideration, and modification of 2007 Strategic Plan

Ms. Grangaard called on members for comments on the draft 2007 Strategic Plan. Members suggested several changes.

- ❖ Mary Evert moved to approve the 2007 Strategic Plan as amended.
- ❖ Nancy Michel seconded the motion.
- ❖ Motion passed unanimously.

Ms. Evert suggested that an update on the Strategic Plan be including at every meeting.

- ❖ Mary Evert moved to charge the committees of the Board to review the Strategic Plan and provide feedback on their portion of the plan.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed unanimously.

F. Review and discussion of draft Board member manual

Members discussed the draft Board member manual and suggested modifications including, but not limited to, the purpose of the administrative committee, identity theft training, retention of meeting tapes, quorum requirements, per diem and conflicts of interest.

Mary Evert volunteered to research the issue of gifts and conflicts of interest. Ms. Marks suggested inviting Albert Balingit, DCA Staff Counsel and Ethics Officer, to speak at the next Board meeting in Sacramento.

Bobbi Jean Tanberg and Patti Horsley volunteered to research the issue of per diem.

Ms. Martin suggested the subcommittees meet via teleconference prior to the December Board meeting.

Ms. Martin stated that the Board member's names and appointment dates will be placed on a cover page of the manual and contact information will be provided separately to members on a quarterly basis.

G. Discussion and consideration of process to recommend Committee members at next Board meeting

Ms. Grangaard requested that members bring forward names and information of occupational therapy practitioners they would like to recommend for appointment to the Practice Committee, Enforcement Committee or Legislative/Regulatory Affairs Committee.

H. Discussion and consideration of licensure eligibility for applicants who obtained a baccalaureate degree in occupational therapy before the entry-level National Board for Certification in Occupational Therapy examination requirement changed to a Master's degree in occupational therapy.

Ms. Martin explained that this issue concerns individuals who graduated before the Master's degree requirement and are re-entering the profession. As of January 2007, the National Board for Certification in Occupational Therapy (NBCOT) changed standards to require a post-baccalaureate degree in order to take the examination. NBCOT is no longer allowing graduates

of baccalaureate degrees to take the examination even if a baccalaureate was the minimum requirement at the time they graduated.

Ms. Marks suggested that the Board delegate the Executive Officer to respond to NBCOT in writing.

I. Discussion and consideration of new policy of the Occupational Therapy Association of California to no longer monitor continuing education course attendance by participants.

Heather Thomas, Education Chair of the Occupational Therapy Association of California (OTAC), indicated that OTAC does not actually have a policy/procedure on attendance at educational events. They currently use a sign-in/sign-out method and provide attendees with course completion certificates. They want to do away with the sign-in/sign-out system and put the burden on the attendee to be honest about whether or not they were in attendance during the entire class.

J. 2007 Legislative Update

1. Legislative bills identified as having potential impact (Assembly Bills 64, 249, 721, 806, 807, 822, 1025, 1135, 1329 and 1444 and Senate Bills 352, 374, 519, 618, 721, and 1048)

Ms. Martin answered members' questions regarding specific bills and indicated that in the future this report would be distributed earlier so members could be provided with copies of specific bills if requested.

2. Consideration of new legislative proposals for upcoming session:

- a) Amendments to Occupational Therapy Practice Act regarding Occupational Therapy Assistants**
- b) Amendment to Business & Professions Code Section 683**
- c) Amendment to Business & Professions Code Section 800**
- d) Amendment to Business & Professions Code Section 2570.185**
- e) Amendment to Business & Professions Code Section 2570.28**
- f) Amendment to Business & Professions Code Section 2570.5**
- h) Proposed new language that would establish a retired status for occupational therapy practitioners**
- i) Proposed new language that would require occupational therapy practitioners to report to the Board the suspension or termination for cause of any practitioners in their employ and defines that term.**
- k) Proposed new language that would require the Board to perform a Workforce Study and report the findings to the Legislature.**

Ms. Martin reminded members that legislative proposals (a) through (h) above were approved by the Board at the December 28, 2006 meeting.

- ❖ Nancy Michel moved to approve legislative proposals (a), (b), (c), (d), (e), (f), (h), (i), and (k) listed above.
- ❖ Christine Wietlisbach seconded the motion.

- ❖ Motion passed unanimously.
- ❖ Mary Evert moved to bring the last motion back to the floor to discuss legislative proposal (e) concerning Section 2570.28.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed unanimously.

Ms. Marks suggested modifying the language in Section 2570.28(p) to make clear that grounds for discipline would stem from a licensee's use of controlled substances to an extent or in a manner dangerous or injurious to themselves, to any person, or the public to the extent that such use impairs their ability to conduct with safety to the public the practice authorized by their license.

- ❖ Nancy Michel moved to approve in concept the amendments to the legislative proposal (e) and delegate to the Executive Officer the authority to work with the Department of Consumer Affairs' Legislative & Regulatory Review Division to write new language for subsection (p).
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed unanimously.

g) Amendment to Business & Professions Code Section 2570.6

Members discussed the legislative proposal and modified as follows. In subsection (b)(1), add language after "ACOTE" reading "or AOTA's predecessor component" and remove all other proposed language. In subsection (b)(2), remove all strikeouts; language will remain unchanged. In subsection (c)(3), remove the reference to foreign credentialing and add "or AOTA's predecessor component."

- ❖ Mary Evert moved to approve the legislative proposal for Section 2570.6 as amended.
- ❖ Nancy Michel seconded the motion.
- ❖ Motion passed unanimously.

- ❖ Mary Evert moved to amend the legislative proposal for Section 2570.6 to strike the phrase "or as approved by" from subsection (b)(2).
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed unanimously.

j) Proposed new language would establish a Loan Repayment Program for newly licensed Occupational Therapists and Occupational Therapy Assistants working in certain areas.

Ms. Martin explained the proposal would allow the Board to fund a program which would provide scholarships for OT and OTA students or student loan debt repayment for new licensees committed to working in California for a specific time, or both programs. Ms. Martin referred to the proposed language which mirrors another Board's program. Ms. Martin also referred to two fund conditions showing programs funded for one million dollars over 3 and 4 years.

After much discussion, it was decided the item would be held over and be brought back to the next meeting. Ms. Grangaard offered to work with Ms. Martin to develop language.

K. Regulation Update

- a) **Title 16, Division 39, CCR Section 4114 – Abandonment of Application**
- b) **Title 16, Division 39, CCR Section 4123 – Limited Permits**
- c) **Title 16, Division 39, CCR Section 4141 – Assessment of Administrative Fines**
- d) **Title 16, Division 39, CCR Section 4152.1 – Topical Medications**
- e) **Title 16, Division 39, CCR Section 4161 – Continuing Competency**

Members did not have any questions on the status of pending regulations.

L. Review and adoption of regulatory language to amend Title 16, Division 39, California Code of Regulations Section 4154 – Post Professional Education and Training, and Section 4155 – Advanced Practice Certification

Ms. Martin reported on the three outreach events she attended. There was no opposition to the proposed regulations at any of the outreach events.

- ❖ Mary Evert moved to adopt the proposed regulatory language to amend Title 16, Division 39, California Code of Regulations Sections 4154 and 4155.
- ❖ Nancy Michael seconded the motion.
- ❖ Motion passed. One absention (Wietlisbach)

M. Consideration of proposed regulatory language to amend Title 16, Division 39, California Code of Regulations, Section 4170 – Ethical Standards of Practice

Ms. Martin explained the intent of the proposed language to the members. Ms. Marks suggested adding the words “acts constituting” before the phrase “grounds for discipline.”

- ❖ Mary Evert moved to adopt the proposed regulatory language to amend Title 16, Division 39, California Code of Regulations Section 4170.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed unanimously.

N. Consideration of proposed regulatory language to amend Title 16, Division 39, California Code of Regulations Section 4181 – Supervision Parameters

Members discussed the proposed amendment to subsection (a)(2) in conjunction with the entire section 4181. It was decided that the entire Section 4181 needed to be reviewed for clarity.

Ms. Grangaard volunteered to work with Bobbi Jean Tanberg to review and clarify the language in Section 4181.

O. Executive Officer’s report

1. Revenue and expenditures

Ms. Martin advised members that the Board’s fund condition continues to exceed the maximum allowed in the Business and Professions Code.

2. Office Relocation update

Ms. Martin advised members that the Board is still scheduled to move in December or January.

3. Personnel updates

Ms. Martin advised members that two new positions were acquired effective July 1, 2007. She also announced that Jeff Hanson is being promoted to an Associate Analyst and William Brown will probably be out of the office until January 2008.

4. Outreach efforts

Ms. Martin stated there will be an outreach event held in December for students, and one held in January for practitioners.

5. Other informational items

Ms. Martin requested feedback on the draft Newsletter scheduled to go out in December.

P. Enforcement data and reports (7/1/07 – 9/30/07)

- 1. Citation and fine statistics**
- 2. Probation update**
- 3. Disciplinary case status**

Members did not have any questions on the enforcement statistics.

Q. Review and consideration of draft Joint Practice Statements between the Board of Physical Therapy and Board of Occupational Therapy regarding a PT's Responsibility when Supervising an OT Obtaining an Advanced Practice Certification

- ❖ Mary Evert moved to approve the Joint Practice Statement between the Board of Physical Therapy and Board of Occupational Therapy regarding a PT's Responsibility when Supervising an OT Obtaining an Advanced Practice Certification.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ Motion passed unanimously.

R. ACOTE standards effective 1/1/08 relevant to Occupational Therapy Practice Act

Ms. Grangaard volunteered to research this issue.

S. Development of language for infection Control Guidelines

Ms. Martin recommended establishing a committee to develop language. Members were made aware that statute requires the Board consult with the Medical Board of California, the Board of Podiatric Medicine, the Board of Vocational Nursing, the Dental Board of California and the Board of Vocational Nursing and Psychiatric Technicians to ensure consistency in the implementation of the subdivision.

Ms. Wietlisbach volunteered to do the initial research for the regulatory language.

T. Selection of 2008 Board meeting dates

February 14, 2008 – Los Angeles
May 15, 2008 – Sacramento

August 21, 2008 – San Diego
November 20, 2008 – San Francisco

U. Future agenda items

1. Feasibility of Early Determination
2. Infection Control Guidelines
3. Student Loan Program
4. ACOTE Standards
5. Supervision Parameters
6. Board Members Manual – Gift Reporting/Per Diem Salary
7. Ethical Standards of Practice
8. Business and Professions Code Section 2570.28
9. Advanced Practice – Submitting application prior to commencing on-the-job training

V. Public comment session

No public comment.

W. The Board will convene in CLOSED SESSION pursuant to Government Code Section 11126(c)(3) to Deliberate on Disciplinary Decisions.

The Board did not convene in closed session.

X. Return to open session

Y. Adjournment

The meeting adjourned at 2:16 p.m.