



## TELECONFERENCE PRACTICE COMMITTEE MEETING NOTICE & AGENDA

**Rancho Los Amigos National  
Rehabilitation Center**  
CART Building Conference Room  
7601 E. Imperial Highway  
Downey, CA 90242

*For Directions ONLY*  
(562) 401-6810

**Office of Therapy Specialists**  
3760 Convoy Street, Ste. 204  
San Diego, CA 92111

*For Directions ONLY*  
(415) 833-3955

30622 Via Pared  
Thousand Palms, CA 92276

*For Directions ONLY*  
(760) 413-6175

**Loma Linda University**  
OT Department  
Nichol Hall Room A904  
Loma Linda, CA 92350

*For Directions ONLY*  
(562) 401-6810

**Kaiser Permanente  
French Campus**  
4131 Geary Blvd., Room 308  
San Francisco, CA 94118

*For Directions ONLY*  
(415) 833-3955

**Thursday, August 25, 2011**

### 1:00 pm – Practice Committee Meeting

*The public may provide comment on any issue before the committee at the time the matter is discussed.*

- A. Call to order, roll call, and establishment of a quorum.
- B. Approval of the February 17, 2011, Committee meeting minutes
- C. Approval of the April 7, 2011, Committee meeting minutes
- D. Review and discussion of Practice Committee's Roles and Responsibilities and consideration of recommending changes to the Board.
- E. Discussion and consideration of revising Title 16, Division 39, California Code of Regulations, Section 4123, Limited Permit.
- F. Discussion and consideration of adding Title 16, Division 39, California Code of Regulations, Section 4171, Notification to Consumers.
- G. Future agenda items.

H. Public comment on items not on agenda.

I. Adjournment.

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE  
ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA;  
ITEMS MAY BE TAKEN OUT OF ORDER

Questions regarding this agenda should be directed to Heather Martin, Executive Officer, at the Board's office in Sacramento. Meetings of the California Board of Occupational Therapy are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. A quorum of the board may be present at the committee meeting. Board members who are not members of the committee may observe but not participate or vote. Public comment is appropriate on any issue before the workshop at the time the issue is heard, but the chairperson may, at his or her discretion, apportion available time among those who wish to speak. The meeting is accessible to individuals with disabilities. A person who needs disability related accommodations or modifications in order to participate in the meeting shall make a request to Tabatha Montoya at (916) 263-2294 or 2005 Evergreen Street, Suite 2050, Sacramento, California, 95815. Providing at least five working days notice before the meeting will help ensure the availability of accommodations or modifications.

## **AGENDA ITEM B**



## TELECONFERENCE PRACTICE COMMITTEE MEETING MINUTES

Thursday, February 17, 2011

### Committee Members Present

Linda Florey, Board Member  
Richard Bookwalter  
Didi Olson  
Christine Wietlisbach

### Committee Members Absent

Mary Kay Gallagher  
Sharon Pavlovich  
Barbara Rodrigues

### Board Staff Present

Heather Martin, Executive Officer

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

The meeting was called to order at 3:40; roll call was taken and a quorum of the Committee was present.

### **B. Approval of the January 27, 2011, Committee meeting minutes**

- ❖ Didi Olson moved to approve the January 27, 2011, Practice Committee Meeting Minutes as presented.
- ❖ Christine Wietlisbach seconded the motion.

#### Roll call vote

|                        |         |
|------------------------|---------|
| Linda Florey:          | Aye     |
| Didi Olson:            | Aye     |
| Christine Wietlisbach: | Aye     |
| Richard Bookwalter:    | Abstain |

- ❖ Motion passed.

### **C. Discussion and consideration of prohibition of teaching continuing education courses when a practitioner's license is on probation.**

Linda Florey referenced the meeting materials, including regulatory requirements of other health practitioner boards for continuing education courses and the recommendation of the Enforcement Committee, who also discussed the same issue.

Discussion included whether someone who is teaching continuing education course should be treated differently than someone who provides treatments in a clinic.

- ❖ Christine Wietlisbach moved, consistent with the Enforcement Committee's recommendation to the Board, to add as a standard condition of probation provided in the Board's *Disciplinary Guidelines*, that individuals on probation not be allowed to be an instructor for continuing education or continuing competence courses, post-professional competency courses to satisfy advanced practice requirements, any presentations, workshops, in-services or institutes during the first year of probation.
- ❖ Didi Olson seconded the motion.

Further discussion ensued regarding what that the new condition of probation would potentially mean to occupational therapists and occupational therapy assistants and how it would impact them. As a result of the conversation, Ms. Wietlisbach rescinded her motion and made a new motion.

- ❖ Christine Wietlisbach moved, to recommend the Board add as a standard condition of probation that occupational therapists and occupational therapy assistants on probation not be allowed to be an instructor for continuing education or continuing competence courses, post-professional competency courses to satisfy advanced practice requirements, any presentations, workshops, in-services or institutes while on probation.
- ❖ Richard Bookwalter seconded the motion.

No public comment.

Roll call vote

|                        |      |
|------------------------|------|
| Linda Florey:          | Aye  |
| Didi Olson:            | Aye  |
| Christine Wietlisbach: | Aye  |
| Richard Bookwalter:    | Aye. |

- ❖ Motion passed.

Further discussion ensued regarding potentially imposing similar requirements on the advanced practice course provider and/or instructors.

- ❖ Didi Olson moved to recommend the Board amend the advanced practice regulatory requirements to require course instructors hold a current and valid license, registration, or certificate in an area related to the subject matter and the license must be free from restrictions due to disciplinary action by this board or any other health care regulatory agency.
- ❖ Christine Wietlisbach seconded the motion.

The committee members further discussed this requirement. Public comment was provided by Judith Olson, Program Director at the University of St. Augustine, who agreed that it was a good suggestion.

Roll call vote

Richard Bookwalter: Aye.  
Linda Florey: Aye  
Didi Olson: Aye  
Christine Wietlisbach: Aye

❖ Motion passed.

**D. Discussion regarding use of aides, appropriate supervision, and consideration of adding new Business and Professions Code Section requiring them to register with the Board.**

Ms. Martin explained that this issue was before the Practice Committee for consideration as Board staff was frequently hindered in completing investigations due to the inability to locate/contact an aide involved in a complaint. The involvement by the aid could include being a victim or as someone who could serve as a material witness.

The Committee discussed the issue and questioned the necessity of registering aides and questioned whether registration of aides would even be helpful to Board staff.

- ❖ Christine Wietlisbach moved to recommend to the Board, to require the registration of aides providing support services for the purpose of being able to locate and contact them.
- ❖ Richard Bookwalter seconded the motion.

Roll call vote

Linda Florey: No  
Didi Olson: No  
Christine Wietlisbach: Aye  
Richard Bookwalter: Aye.

It was noted that three Committee members were absent and perhaps this issue should come before the full Committee at a later date.

Ms. Florey noted that a hospital Emergency Room is not part of an Occupational Therapy department and that use of individuals who help out in multiple sites may prove problematic.

It was also noted that the regulations regarding the supervision of aides are clear and that the supervising occupational therapist should be held responsible for any alleged wrong-doing; therefore, the registration of aides was not necessary.

Ms. Olson suggested that providing a good definition and explanation of what 'registration' means, would be helpful to the Committee members' discussion.

The Committee agreed to discuss the issue further once staff provided more information.

**E. Review and discussion of Practice Committee's Roles and Responsibilities and consideration of recommending changes to the Board.**

There were no recommended changes at this time.

**F. Selection of future 2011 meeting dates.**

The Committee decided it would select the future meeting dates and locations at its April 7<sup>th</sup> meeting as this would give time to discuss any new items that may result from the Board's March 3<sup>rd</sup> meeting.

**G. Agenda items for April 7, 2011, meeting.**

There were no new items suggested for the April 7<sup>th</sup> meeting, although it was noted that two members would need to participate via teleconference.

**H. Public comment on items not on agenda.**

No public comment was made.

**I. Adjournment.**

The meeting adjourned at 5:17pm.

# **AGENDA ITEM C**





## TELECONFERENCE PRACTICE COMMITTEE MEETING MINUTES

Thursday, April 7, 2011

### Committee Members Present

Linda Florey, Board Member  
Richard Bookwalter  
Mary Kay Gallagher  
Didi Olson  
Sharon Pavlovich  
Christine Wietlisbach

### Board Staff Present

None

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

The meeting was called to order at 1:40; roll call was taken and a quorum of the Committee was present.

#### **B. Approval of the February 17, 2011, Committee meeting minutes**

The Minutes were unavailable and were deferred to the next meeting.

#### **C. Discussion and consideration of adding Title 16, Division 39, California Code of Regulations, Section 4171, Notification to Consumers.**

The Committee reviewed the requirements of Business and Professions Code sections 138, 680, and 680.5 and tried to incorporate these requirements into the draft regulatory language provided. After much discussion, it was determined that the task would be easier if assigned to a smaller group or sub-committee.

- ❖ Richard Bookwalter moved to assign the task of developing newly proposed language to a sub-committee consisting of Didi Olson, Christine Wietlisbach, and Heather Martin, who will bring it back to the next Practice Committee meeting.
- ❖ Sharon Pavlovich seconded the motion.

#### Roll call vote

|                     |     |
|---------------------|-----|
| Linda Florey:       | Aye |
| Mary Kay Gallagher: | Aye |
| Didi Olson:         | Aye |

Sharon Pavlovich: Aye  
Christine Wietlisbach: Aye  
Richard Bookwalter: Aye

❖ Motion passed.

**D. Review and discussion of Practice Committee's Roles and Responsibilities and consideration of recommending changes to the Board.**

The Committee had no suggested changes at the meeting.

**E. Discussion regarding frequency and method of co-signature of services provided by an occupational therapy assistant.**

This agenda item was requested by Board member. However, the Committee felt it did not have enough information to hold a substantive discussion. This item was tabled until further information could be obtained.

**F. Selection of future 2011 meeting dates.**

The Committee selected the following meeting dates/locations:

May 12<sup>th</sup> at Rancho Los Amigos National Rehabilitation Center  
August 25<sup>th</sup> at Loma Linda University  
November 4<sup>th</sup> at Kaiser Permanente in San Francisco

**G. Future agenda items.**

No future agenda items were identified.

**H. Public comment on items not on agenda.**

No public comment was provided.

**I. Adjournment.**

The meeting adjourned at 2:46 pm.

## **AGENDA ITEM D**

California Board of Occupational Therapy  
**PRACTICE COMMITTEE**

**Roles & Responsibilities**

1. Review and provide recommendations to Board staff on *Applications for Advanced Practice Post-Professional Education* received from course providers;
2. Review and provide recommendations to Board staff on initial applications for licenses/certificates received from individuals who have not been engaged in the practice occupational therapy for five years;
3. Review and provide recommended responses to the Board on various practice issues/questions submitted by licensees and consumers;
4. Provide guidance on continuing competency audits, including reviewing and providing recommendations on audit responses, if necessary;
5. Review and provide recommendations to Board staff on applicants for the Expert Reviewer Program;
6. Review and provide recommendations to Board staff on revisions to various applications and forms used by the Board;
7. Review and provide recommendations to the Board on practice related proposed regulatory amendments.
8. Establish resource pool of Expert Reviewers to review and provide recommendations to Board staff on *Applications for Advanced Practice Approval* in hand therapy, physical agent modalities, and swallowing assessment, evaluation, or intervention.

# **AGENDA ITEM E**

### **BPC Section 2570.5.**

(a) A limited permit may be granted to any person who has completed the education and experience requirements of this chapter.

(b) A person who meets the qualifications to be admitted to the examination for licensure under this chapter and is waiting to take the examination or awaiting the announcement of the results of the examination, according to the application requirements for a limited permit, may practice as an occupational therapist or as an occupational therapy assistant under the direction and appropriate supervision of an occupational therapist duly licensed under this chapter. If that person fails to pass the examination during the initial eligibility period, all privileges under this section shall automatically cease upon due notice to the applicant of that failure and may not be renewed.

(c) A limited permit shall be subject to other requirements set forth in rules adopted by the board.

### **CCR Section 4123. Limited Permit.**

(a) To qualify for a limited permit, a person must have applied to the National Board for Certification in Occupational Therapy (NBCOT) to take the licensing examination within four (4) months of completing the education and fieldwork requirements for licensure or certification and request NBCOT provide their examination score report be forwarded to the Board.

(1) Upon receipt from NBCOT, the applicant must forward to the Board a copy of the Authorization to Test (ATT) letter.

(2) The applicant must provide documentation or other evidence to the Board, to prove that the applicant requested their examination score be sent from NBCOT to the Board, before a limited permit may be issued.

(3) A limited permit shall only be valid for three (3) months from the date of issuance by the Board, upon receipt of a failing result, or two (2) weeks following the expiration of the applicants' eligibility to test period, whichever occurs first.

(4) The limited permit holder must immediately notify the Board of the results of the examination.

(5) The limited permit holder must provide to the Board the name, address and telephone number of his or her employer and the name and license number of his or her supervising occupational therapist (OT). Any change of employer or supervising OT must be provided to the Board, in writing, within 10 days of the change.

(b) A limited permit shall not be denied to an applicant that has completed the fingerprint, education and examination requirements yet is unable to provide transcripts due to the college or university's inability to make the transcripts available in a timely manner. A limited permit issued pursuant to this section shall only be valid for three (3) months from the date of issuance by the Board.

~~(b)~~ (c) The limited permit will be cancelled, and the fee forfeited, upon notification to the Board or the limited permit holder by the test administrator that the holder failed to pass the first examination.

Note: Authority cited: Sections 2570.5 and 2570.20, Business and Professions Code. Reference: Sections 2570.5, 2570.6, 2570.7, 2570.9, 2570.16 and 2570.26, Business and Professions Code; and Sections 4100, 4102, 4110, 4111, 4112, 4114, 4120 and 4130, California Code of Regulations.

# **AGENDA ITEM F**

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED AMENDED REGULATORY LANGUAGE  
Title 16, Division 39, California Code of Regulations

Proposed amendments are shown by ~~strikeout~~ for deleted text and underline for new text.

Add section 4171 to Article 8 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4171. Notice to Consumers.

(a) All occupational therapy practitioners must provide notice to their patients or clients that they are licensed and regulated by the California Board of Occupational Therapy.

(b) An occupational therapy practitioner shall wear a name tag, in at least 18-point font that provides the first and last name and license type and number. However, the name tag requirement shall not apply to practitioners who prominently display a copy of their license in the practice area or office where he or she works. For safety reasons, an employer may exempt from the name tag requirement, those who work in a psychiatric setting or a facility setting that is not licensed by the state.

(c) An occupational therapy practitioner shall also provide to the patient or client at the time of initial evaluation, or displayed in at least 24-point font in an area visible to patients, written notice specifying that the licensee is regulated by the California Board of Occupational Therapy, and provide the following personal information:

Licensee's first and last name,  
License type and number, and  
Highest level of academic degree.

(d) Written notification shall not apply to an occupational therapy practitioner who works in the following types of facilities:

- (1) General acute care hospital
- (2) Acute psychiatric hospital;
- (3) Skilled nursing facility;
- (4) Intermediate care facility;
- (5) Intermediate care facility/developmentally disabled-habilitative;
- (6) Intermediate care facility/developmentally disabled;
- (7) Intermediate care facility/developmentally disabled-nursing;
- (8) Congregate living health facility;
- (9) Correctional treatment center;
- (10) Nursing facility; or
- (11) Intermediate care facility/developmentally disabled-continuous nursing.

Authority cited: Section 2570.20, Business and Professions Code; Reference: Sections 138, 680, and 680.5, Business and Professions Code.