



CALIFORNIA BOARD OF OCCUPATIONAL THERAPY BOARD MEETING MINUTES

Wednesday, September 7-8, 2011

Board Members Present

Mary Evert, President
Linda Florey
Luella Grangaard
Nancy Michel
Bobbi Jean Tanberg
Eric Alegria

Board Staff Present

Heather Martin, Executive Officer
Norine Marks, Legal Counsel
Jeff Hanson, Staff Services Manager
Jody Quesada, Office Technician

Board Members Absent

Kathay Lovell

1. Call to order, roll call, and establishment of a quorum.

President Evert called the meeting to order at 9:41 am. Secretary Nancy Michel called the roll. Kathay Lovell was absent. A quorum of the Board was established.

2. Introductions.

President Evert introduced and welcomed a newly appointed member, Eric Alegria. Mr. Alegria is a public member appointed by the Speaker of the House. President Evert thanked Nancy Olsen OTR/L, the Academic Fieldwork Coordinator at Stanbridge College for hosting the meeting at the College.

3. President's remarks.

President Evert indicated that she and Ms. Martin have attended monthly teleconference reports with the Department of Consumer Affairs (DCA) Executive Office that include the state of our economy, state budget, travel, and hiring freezes. She told the Board Members that if they were interested in the written minutes of these meetings they should contact Ms. Martin.

President Evert reported that she had the honor of being the key note speaker at the graduation of the first master's level graduating class of Occupational Therapy from The University of St. Augustine.

4. Board member updates/activities.

Bobbi Jean Tanberg reported that she had the opportunity to present at The International Conference for Seniors and People with Disabilities in Seoul, Korea and visit the Occupational Therapy Department at Yonsei University. Ms. Tanberg reported spending time with the Director of the Korean Occupational Therapy Association who gave a presentation about Occupational Therapy and the role of Worker's Compensation.

Linda Florey reported she is totally retired from University of California, Los Angeles (UCLA) since the end of June.

Nancy Michel reported the Enforcement Committee has not been able to meet due to scheduling conflicts.

Luella Grangaard reported that her employer Eisenhower Medical Center opened a new in-patient clinic.

New member Eric Alegria reported he received his Master's degree in Public Administration from the University of Southern California (USC). Mr. Alegria stated he has managed two healthcare clinics in primary care and is currently managing two healthcare facilities in Long Beach. Mr. Alegria said he teaches government courses at El Camino College and is currently seeking one of the three open seats for the City Council of Rancho Palos Verdes.

5. Approval of the June 16, 2011, Board Meeting minutes.

- ❖ Luella Grangaard moved to approve the June 16, 2011, minutes with two minor typographical edits.
- ❖ Nancy Michel seconded the motion.
- ❖ *The motion passed unanimously.*

6. Education/Outreach Committee Report.

A. Acceptance of the February 24, 2011, Committee meeting minutes.

Bobbi Jean Tanberg, the Chair of the Education/Outreach Committee, reported that the committee approved the February 24, 2011, meeting minutes as presented.

B. Recommendation(s) regarding development of marketing plan and materials to increase participation in Expert Reviewer and Expert Witness Programs.

Ms. Tanberg reported the committee discussed editing the roles and responsibilities of the committee. Ms. Tanberg proposed to amend the committee's role and responsibilities by deleting references to developing the Board's website by expanding its role to mean other various communication methods in addition to website development.

- ❖ Bobbi Jean Tanberg moved to amend the committee's roles and responsibilities for the Education Outreach Committee as proposed in the report.
- ❖ Nancy Michel seconded the motion.
- ❖ *The motion passed unanimously.*

C. Recommendations(s) regarding development of consumer-related informational brochures.

Ms. Tanberg reported the AOTA granted the Board permission to include a link to AOTA on their website. The Committee discussed that an informational brochure needs to be developed to explain the Board's role and provide contact information. Heather Martin agreed to present a draft of this brochure to the next meeting.

D. Recommendation(s) regarding accessible and informative Board and committee meetings.

Ms. Tanberg reported committee members discussed providing a toll-free number in which Board and Committee meetings can be heard in order to increase access. Online meetings, video conferencing and web casting were also discussed as a means to provide licensees an “on demand” experience. All options are still being explored and any new information will be presented to the Board.

E. Recommendation of proposed Fact Sheets and FAQs for individuals serving as Advanced Practice Reviewer and/or Expert Witness.

Ms. Tanberg reported committee members wanted to include in the Board’s FAQs, statistics on how often an Expert Witness will be asked to review a case, a realistic time commitment and how common it would be for this witness to have to testify. There was a suggestion to change the term “Expert Witness” to “Practice Reviewer”.

- ❖ Bobbi Jean Tanberg moved that the Board change the terminology from Expert Witness to Practice Reviewer for all materials related to that.
- ❖ Luella Grangaard seconded the motion.
- ❖ *The motion passed unanimously.*

F. Recommendation(s) regarding providing information via podcasts.

Ms. Tanberg reported that Ms. Martin confirmed “podcasts” could be posted to the Board’s website. The committee suggested Ms. Martin collaborate with a past Expert Witness to record a short clip summarizing their experience as a reviewer. The committee felt this would be a more powerful reference in comparison to an instructional handout.

7. Legislative and Regulatory Affairs Committee Report

Luella Grangaard, Chair of the Legislative and Regulatory Committee, briefed the Board on the committee’s activities and provided the following recommendations.

A. Review and discussion of Legislative and Regulatory Affairs Committee’s Roles and Responsibilities and consideration of recommending changes to the Board.

This item will be brought to the Board at its December meeting.

B. Recommended positions on legislative proposals.

AB 171 (Beall), Autism

Ms. Grangaard reported the committee recommended that the Board support the bill because it increases access in coverage which would benefit the consumers and the licensees.

Discussion ensued about the present status of several of the bills. President Evert proposed to revisit this item later in the meeting to allow Ms. Martin time to check the internet for the current status of the bills and provide copies of any bill requiring immediate attention.

Ms. Martin informed the Board Members that Assembly Bill (AB) 415 was the only bill still alive on the floor. It was amended on September 2, 2011. The majority of the amendments have been about billing and reimbursement. Telemedicine is still in the Code of Federal Regulations so it will not be removed.

- ❖ Luella Grangaard moved to support AB 415.
- ❖ Bobbi Jean Tanberg seconded the motion.

Mr. Phipps confirmed OTAC is in support of AB 415.

- ❖ *The motion passed unanimously.*

Ms. Martin briefed the Board Members on the status of the remaining bills and it was determined that no immediate action was necessary on any of the remaining bills.

8. Practice Committee Report

A. Acceptance of the February 17, 2011 and April 7, 2011, meeting minutes.

Linda Florey, Chair of the Practice Committee reported the committee approved minutes as presented.

B. Recommended addition of Section 4171, Notification to Consumers regulations.

Ms. Florey reported that the committee blended the language of Section 4171 with the requirements of the Business and Professions code. Ms. Florey summarized that the section informs practitioners that name tags must be worn and should display in at least an 18-point font, the name, license type and license number to show the practitioner is licensed and regulated by the Board.

- ❖ Linda Florey moved that the Board adopt the new language of Section 4171.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ *The motion passed unanimously.*

Ms. Florey confirmed the next Practice Committee meeting is in November.

9. Review and Consideration of the Board's Strategic Plan

VISION STATEMENT

Ms. Grangaard stated that a few words were removed from the Vision statement.

- ❖ Luella Grangaard moved to adopt proposed Vision statement.
- ❖ Nancy Michel seconded the motion.
- ❖ *The motion passed unanimously.*

MISSION STATEMENT

Ms. Grangaard stated that the revision expands the Board's duties.

- ❖ Bobbi Jean Tanberg moved to adopt the proposed Mission statement.
- ❖ Nancy Michel seconded the motion.

Discussion ensued amongst the Board Members.

- ❖ Luella Grangaard moved to amend the proposed Mission statement by deleting the second sentence.
- ❖ Nancy Michel seconded the motion.
- ❖ *The motion passed unanimously.*

CORE VALUES

Ms. Grangaard stated the proposed statement should be labeled as A through F instead of F through K and that the proposed language mainly adds section C.

Ms. Michel suggested amending Section B., the word “enforce” to “enforcing” and Section C., the word “implement” to “implementing”.

- ❖ Luella Grangaard moved the Board accept the proposed Core Values with amendments.
- ❖ Linda Florey seconded the motion.
- ❖ *The motion passed unanimously.*

STRATEGIC GOALS

Ms. Grangaard stated they compressed the current goals and removed as much routine Board operation from the goals.

- ❖ Luella Grangaard moved the Board accept the proposed Strategic Goals.
- ❖ Nancy Michel seconded the motion.
- ❖ *The motion passed unanimously.*

STRATEGIC OBJECTIVES

Goal 1

- ❖ Luella Grangaard moved to accept Goal 1.1 through 1.5 as amended.
- ❖ Nancy Michel seconded the motion.
- ❖ *The motion passed unanimously.*

Goal 2

- ❖ Luella Grangaard moved to accept the objectives under Goal 2.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ *The motion passed unanimously.*

Goal 3

- ❖ Luella Grangaard moved that objectives 3.1 through 3.6 be accepted by the Board.
- ❖ Linda Florey seconded the motion.

During discussion Ms. Martin suggested we replace “deliberations” with “business” in section 3.6 and strike the word “forms” in section 3.5.

President Evert asked all those in favor of Goal 3 with those two changes say “aye”.

- ❖ *The motion passed unanimously.*
- ❖ Bobbi Jean Tanberg moved to strike the goals on page 3 and insert page 9 in its place.
- ❖ Nancy Michel seconded the motion.
- ❖ *The motion was adopted unanimously.*

Discussion ensued by the Board Members about revising the summary of Goal 3.

President Evert asked all those in favor of the revision of Goal 3 as a substitute for the previous vote say “aye”.

❖ *The motion passed unanimously.*

Goal 4

- ❖ Luella Grangaard moved to accept the objectives as amended.
- ❖ Linda Florey seconded the motion.

Discussion ensued by Board members regarding changes and additions to the objectives of Goal 4.

President Evert asked all those in favor of the objectives as they have been amended say “aye”.

❖ *The motion passed unanimously.*

- ❖ Luella Grangaard moved that having voted on the prevailing side, I would like to bring back the motion on Goal 4 and I would like to substitute the goal 4 on page 3 with goal 4 on page 9.
- ❖ Nancy Michel seconded the motion.
- ❖ *The motion passed unanimously.*

Board members agreed the new Strategic Plan will be effective 2011 through 2014, actual counts of current Occupational Therapists and Occupational Therapy Assistants will be removed from the front page, Board staff will update the Strategic Plan and email it to the Board Members and have it posted on the website.

President Evert asked that each Committee Chairperson review the new Strategic Plan and identify where their activities work in underneath it. President Evert asked Ms. Tanberg include this information in her next report. Ms. Tanberg asked that the new Strategic Plan be sent in a format that allows them to see each committee and its specific objectives. Ms. Martin agreed to forward this format to the Board.

10. Review and Consideration of the Board’s Administrative Manual

The Board members discussed adding a chapter to the manual explaining the relationship of the Board and DCA, having at least five members per committee as opposed to the current four, updating the agencies and organizations listed on the abbreviations list, notifying Ms. Martin as soon as possible in the event they will be absent so that quorum issues can be addressed, adding “and roll call votes when necessary” to the duties of the Secretary, clarifying the availability of the minutes, adding that the Board President consult with Office of Human Resources (OHR) regarding the Executive Officer Evaluation, clarifying the effective dates for those assuming office, including DCA and its offices as appropriate throughout the manual, and changing the manual to read “required” instead of “recommended” in the section titled Attendance at Committee Meetings.

Ms. Martin agreed to provide Board Members a sheet that they would be able to track the hours in which they work on Board business.

The Board Members directed Ms. Martin to bring back a copy of the proposed manual with the suggestions of the items reviewed. Ms. Martin agreed to include all changes in brackets.

11. Adoption of CCR Sections 4100, 4101, 4146, 4148, 4149, and 4149.1

A representative from the Center Public Interest Law (CPIL) stated that her Administrative Director wants to reinforce their support for section 4149. Ms. Martin indicated the only public comment received was

from CPIL, and referred to their letter from CPIL supporting the amendments to sections 4149, 4149(a), 4149(d), and 4149.1.

Board members discussed the provisions of section 4101 and decided to remove the “adoption of default decisions” from the authority delegated to the Executive Officer.

- ❖ Luella Grangaard moved to delete “default decisions” from section 4101 and notice the modified text for fifteen days.
- ❖ Nancy Michel seconded the motion.
- ❖ *The motion was adopted. The vote consisted of five ayes and one nay (Mary Evert).*

Board members discussed the inclusion of “alcohol” in to those incidents considered “substantially related to the qualifications, functions, or duties” set forth in section 4146(d)(3).

- ❖ Luella Grangaard moved to add “or alcohol” to section 4146(d)(3) and notice the modified text for fifteen days.
- ❖ Bobbi Jean Tanberg seconded the motion.
- ❖ *The motion passed unanimously.*

- ❖ Luella Grangaard moved to delegate to Ms. Martin the authority to make minor technical modifications as might be needed in the final rulemaking process in the absence of any negative comments.
- ❖ Eric Alegria seconded the motion.
- ❖ *The motion passed unanimously.*

- ❖ Luella Grangaard moved to adopt CCR 4100, 4148, 4149 and 4149.1 as presented.
- ❖ Nancy Michel seconded the motion.

- ❖ *The motion passed unanimously.*

12. Adoption of proposed regulatory language regarding Sponsored Free Health Care Events.

- ❖ Bobbi Jean Tanberg moved to adopt the language from the Free Health Care Events sections 4116, 4117, 4118 and 4119 as presented.
- ❖ Linda Florey seconded the motion.
- ❖ *The motion passed unanimously.*

13. Adoption of proposed amendments to Title 16 CCR Section 4155, Application for Approval in Advanced Practice Areas.

Ms. Martin informed the Board Members that we are reviewing the package to include the updated PAMs application.

- ❖ Bobbi Jean Tanberg moved to adopt the proposed amendment to Title 16, Section 4155 as provided.
- ❖ Nancy Michel seconded the motion.
- ❖ *The motion passed unanimously.*

14. Enforcement data and reports.

Mr. Hanson presented and discussed enforcement data spreadsheets to the Board Members.

15. Executive Officer's report.

Ms. Martin report the upcoming Committee meeting dates are:

Enforcement – September 28 or 29, 2011.

Legislative Regulatory Affairs – October 18, 2011.

Practice – November 4, 2011.

Education Outreach – November 10, 2011.

Ms. Martin reported that in order to keep BreZE on track that the Board was asked and agreed to absorb some of the difference of the increased costs. The Board will absorb these costs for this fiscal year and next fiscal year.

Fiscal year 2011-2012 the first of two of the General Fund loan payments has to be repaid to us.

Ms. Martin reported that the Board's Disciplinary Guidelines went in to effect July 6, 2011.

Ms. Martin indicated she would work with Mr. Hanson to initiate a plan for noticing future regulatory packages that the Board will approve.

Ms. Martin disclosed that DCA still has an "acting" Director, however, a new Deputy Director of Board and Bureau Relations has been appointed. The Board is not fully staffed.

Ms. Martin agreed to email the Board Members a copy of the minutes from the Department's monthly meeting.

16. Public Comment

Mr. Phipps from AOTA questioned whether it has to be a physician's referral when Department of Motor Vehicles (DMV) orders a driving evaluation or if it's sufficient for DMV to refer for the evaluation. .

President Evert noted Mr. Phipps question and directed Ms. Martin to respond when the answer is obtained.

Mr. Phipps referenced the Board Meeting minutes from June 16, 2011, specifically the Board's inclusion of the information provided by Section 4125 of the CCR on our website. Ms. Martin confirmed that it was posted under general FAQ's.

17. Agenda Items for Next Meeting

Ms. Martin stated that the Board Member Disciplinary Reference Manual will be vetted by the Enforcement Committee, and then discussed at the next Board Meeting.

18. The Board will convene in CLOSED SESSION pursuant to Government Code Section 1126(c)(3) to deliberate on Disciplinary Decisions.

At approximately 3:43 p.m. the Board entered into Closed Session to deliberate on two (2) disciplinary matters.

At 4:03 p.m. the Board returned to Open Session and immediately adjourned.

Adjournment.

MEETING HELD THURSDAY, SEPTEMBER 8, 2011.

Administrative Hearing for Occupational Therapist licensee Sandra Ingram-Watson.

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

10:04 a.m. – President, Mary Evert called the meeting to order. Secretary, Nancy Michel called the roll. All Board members were present with the exception of Kathay Lovell; a quorum of the Board was established.

10:11 a.m. - The Administrative Hearing for Occupational Therapist applicant Sandra Ingram-Watson commenced.

The Honorable Vallera Johnson was the presiding Administrative Law Judge.

11:55 a.m. - The hearing concluded and the Board Members went directly in to closed session with the Honorable Vallera Johnson.

12:22 p.m. – The meeting returned to open session and was adjourned.

Administrative Hearing for Occupational Therapist licensee Kathleen Posuniak.

12:48 p.m. - Vice President, Bobbi Jean Tanberg called the meeting to order. Secretary, Nancy Michel called the roll. All Board members were present with the exception of Mary Evert and Kathay Lovell. A quorum of the Board was established.

12:49 p.m. – The Administrative Hearing for Occupational Therapist applicant Kathleen Posuniak commenced.

The Honorable Vallera Johnson was the presiding Administrative Law Judge.

3:29 p.m. – The hearing concluded and the Board Members went directly in to closed session with the Honorable Vallera Johnson.

4:03 p.m. – The hearing returned to open session and was adjourned

4:04 p.m. – **Board Meeting Adjourned.**