



TELECONFERENCE LEGISLATIVE AND REGULATORY AFFAIRS COMMITTEE MEETING MINUTES

Wednesday, November 2, 2011

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

Luella Grangaard called the meeting to order at 12:05. All committee members were present and a quorum was established.

2. Discussion and consideration of previously approved legislative proposals, and recommendations to the Board regarding priorities for the upcoming legislative session:

- a) Amend Business and Professions Code (BPC) Section 146, Violations of specified authorization statutes as infractions; Punishment.**
- b) Amend BPC Section 149, Notice to cease advertising in telephone directory; Contest and hearing; Disconnection of service.**

The Committee discussed the provisions the legislative proposals to add the board to BPC sections 146 and 149.

Erica Eisenlauer, Legislative Analyst, suggested that since the amendments were technical in nature, the proposals may meet the requirements of the Department of Consumer Affairs' annual omnibus bill.

- ❖ Diane Josephs moved to recommend the Board request amendments to BPC Sections 146 and 149 to be included in the Department's omnibus bill or to consider as a low priority.
- ❖ Gigi Smith seconded the motion.

Roll call vote

Luella Grangaard:	Aye
Diane Josephs:	Aye
Lin Reed:	Aye
Gigi Smith:	Aye

- ❖ Motion passed unanimously.

c) Amend BPC Section 2570.2, Definitions.

The Committee discussed the provisions of the legislative proposal to amend BPC 2570.2 and determined that based on the clarity to the Occupational Therapy

Practice Act and the importance of the amendments, the legislative proposal should be considered a high priority.

Jennifer Snyder, representing the Occupational Therapy Association of California, suggested the Committee exercise caution in providing language without considering input of stakeholders.

Ms. Grangaard explained that public comment had been considered when the Board previously approved the legislative proposals before the Committee. She further clarified that the purpose of the meeting was simply to prioritize the previously-approved legislative proposals, not to make recommendations regarding any language changes.

Ms. Grangaard asked the Committee if they preferred to discuss each and then vote on priority level of each item or discuss each item and then vote on a package of recommended priorities. The Committee agreed to discuss each item, come to consensus on a recommended prioritization, and then vote on the recommended list of prioritized legislative proposals.

After further discussion regarding the proposal to amend BPC 2570.2, the Committee members offered the following priority levels:

	Verbal Recommended <u>Priority Level</u>
Luella Grangaard:	High
Diane Josephs:	High
Lin Reed:	High
Gigi Smith:	High

d) Amend BPC Section 2570.3, Licensing requirement.

The Committee discussed the provisions of the legislative proposal to amend BPC 2570.3, requiring an application and fee for approving advanced practice courses, and suggested the following priority levels:

	Verbal Recommended <u>Priority Level</u>
Luella Grangaard:	High
Diane Josephs:	High
Lin Reed:	High
Gigi Smith:	High

e) Amend BPC Section 2570.16, Fees.

The Committee discussed the provisions of the legislative proposal to amend BPC 2570.16, requiring the payment of various fees, and suggested the following priority levels:

	Verbal Recommended <u>Priority Level</u>
Luella Grangaard:	High
Diane Josephs:	High
Lin Reed:	Medium
Gigi Smith:	High

f) Amend BPC Section 2570.18, Representation.

The Committee discussed the provisions of the legislative proposal to amend BPC 2570.18, regarding the way an occupational therapist with a doctoral level degree, among other things, represented themselves verbally and in writing, and suggested the following priority levels:

	Verbal Recommended <u>Priority Level</u>
Luella Grangaard:	Low
Diane Josephs:	Low
Lin Reed:	Low
Gigi Smith:	Low

Ms. Snyder remarked that the language appeared cumbersome and that these amendments may not be necessary.

g) Amend BPC 2570.19, California Board of Occupational therapy; Occupational Therapy fund.

Committee members were advised to ignore this item.

h) Amend BPC 2570.27, Discipline; Initial license issued on probation.

The Committee discussed the provisions of the legislative proposal to add a new BPC section so that probation monitoring costs could be charged to a licensee on probation and the board would not renew or reinstate the licensee who has failed to repay all of the costs ordered, and suggested the following priority levels:

	Verbal Recommended <u>Priority Level</u>
Luella Grangaard:	Medium
Diane Josephs:	High
Lin Reed:	High
Gigi Smith:	High

i) Add new BPC Section requiring mandatory reporting of employees who are terminated or suspended for cause, as specified, and consequences for failure to report.

The Committee discussed the provisions of the legislative proposal to add two new BPC sections establishing mandatory reporting requirements by employers and consequences for failure to report to the board, and suggested the following priority levels:

	Verbal Recommended <u>Priority Level</u>
Luella Grangaard:	High
Diane Josephs:	High
Lin Reed:	High
Gigi Smith:	High

j) Add new BPC Section regarding limiting liability of occupational therapists providing services in an emergency, disaster, or state of war.

The Committee discussed the provisions of the legislative proposal to amend the Government Code and add a new BPC section to limit the liability of occupational therapists providing services in an emergency, disaster, or state of war, and suggested the following priority levels:

	Verbal Recommended <u>Priority Level</u>
Luella Grangaard:	Medium
Diane Josephs:	High
Lin Reed:	High
Gigi Smith:	High

k) Add new BPC Section establishing new language which would allow the Board to inspect records.

The Committee discussed the provisions of the legislative proposal to add a new BPC section that would allow the Board to inspect facility records and suggested

the following priority levels:

	Verbal Recommended <u>Priority Level</u>
Luella Grangaard:	High
Diane Josephs:	High
Lin Reed:	High
Gigi Smith:	High

- l) Add new BPC Section requiring an application and fee for providers of post-professional (advanced practice) education courses and the courses they offer, and require a biennial renewal thereafter.**

Committee members were advised to ignore this item.

- m) Add new BPC Section establishing standards of practice for telehealth by occupational therapists.**

The Committee discussed the provisions of the legislative proposal to add a new BPC section establishing standards of practice for the delivery of occupational therapy via telehealth and suggested the following priority levels:

	Verbal Recommended <u>Priority Level</u>
Luella Grangaard:	High
Diane Josephs:	High
Lin Reed:	High
Gigi Smith:	High

Ms. Snyder advised the committee that the American Occupational Therapy Association had developed model telehealth language and was in the process of fine-tuning it; the language should be available soon.

The Committee thanked Ms. Snyder for the information.

- n) Add new BPC Section requiring the Board to perform a workforce study and authorize an appropriate expenditure for the study.**

The Committee discussed the provisions of the legislative proposal to add a new BPC that would require the board to complete an occupational therapy workforce study and appropriate funds to complete the study. After further consideration, the Committee suggested the legislative proposal not be considered a priority of any level at this time.

- ❖ Luella Grangaard moved to recommend the Board adopt the Committee's recommended prioritization of previously-approved legislative proposals.
- ❖ Diane Josephs seconded the motion.

Roll call vote

Luella Grangaard:	Aye
Diane Josephs:	Aye
Lin Reed:	Aye
Gigi Smith:	Aye

- ❖ Motion passed unanimously.

3. Public comment on items not on agenda.

There were no further public comments.

4. Adjournment

The Committee agreed they would next meet on January 24, 2012. The meeting adjourned at 12:45 pm.