



TELECONFERENCE LEGISLATIVE AND REGULATORY AFFAIRS COMMITTEE MEETING MINUTES

Committee Members Present

Luella Grangaard, OTR, Board President
and Committee Chair
Diane Josephs, OTR
Lin Reed, OTR
Gigi Smith, OTR

Committee Members Absent

None

Board Staff Present

Heather Martin, Executive Officer

Thursday, June 14, 2012

4:00 pm – Legislation and Regulatory Affairs Committee Meeting

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

Luella Grangaard called the meeting to order at 4:05 pm, and proceeded to call the roll.

Roll call

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

A quorum was established.

2. Approval of the January 24, 2012, Committee meeting minutes.

- ❖ Diane Josephs moved to approve the minutes of the meeting held January 12, 2012, as presented.
- ❖ Lin Reed seconded the motion.

Roll call vote

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

- ❖ Motion passed.

3. Approval of the March 8, 2012, Committee meeting minutes.

- ❖ Luella Grangaard moved to approve the minutes of the meeting held March 8, 2012, as presented.
- ❖ Gigi Smith seconded the motion.

Roll call vote

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

❖ Motion passed.

4. Discussion and possible action regarding pending legislation.

Luella Grangaard went through the agenda and asked Committee members to “cross off” several bills that didn’t require their attention due to the bills’ status: the bills either ‘died’ in a legislative policy committee or at the request of the author’s office; bill numbers included Assembly Bills (AB) 386, 374, 608, 783, 800, 958, 1003, 1205, and 2458 and Senate Bills (SB) 399, 462, 544, and 683. The Committee then discussed the following:

a) Assembly Bill 171 (Beall), Autism.

The Committee discussed AB 171, which had not been amended since the Board accepted the Committee’s recommendation at their March 22, 2012, meeting to Support the bill.

The Committee agreed no further action was required.

b) AB 386 (Galgiani), Prisons: telehealth systems.

The Committee agreed earlier that, due to the status of the bill, AB 386 needed no further discussion.

c) AB 374 (Hayashi), Athletic trainers.

The Committee agreed earlier that, due to the status of the bill, AB 374 needed no further discussion.

d) AB 439 (Skinner), Health care information.

The Committee discussed AB 439, which had not been amended since the Board accepted the Committee’s recommendation at their March 22, 2012, meeting to Watch the bill.

The Committee agreed no further action was required.

e) AB 518 (Wagner), Elder and dependent adult abuse: mandated reporters.

The Committee discussed AB 518, which had not been amended since the Board accepted the Committee’s recommendation at their March 22, 2012, meeting to Support the bill.

The Committee agreed no further action was required.

f) AB 608 (Pan), Telemedicine.

The Committee agreed earlier that, due to the status of the bill, AB 608 needed no further discussion.

g) AB 783 (Hayashi), Professional Corporations.

The Committee agreed earlier that, due to the status of the bill, AB 783 needed no further discussion.

h) AB 800 (Huber), Boards and Commissions: Time Reporting.

The Committee agreed earlier that, due to the status of the bill, AB 800 needed no further discussion.

i) AB 958 (Berryhill), Statute of limitations for disciplinary actions.

The Committee agreed earlier that, due to the status of the bill, AB 958 needed no further discussion.

j) AB 1003 (Smyth) Professional and vocational licenses.

The Committee agreed earlier that, due to the status of the bill, AB 1003 needed no further discussion.

k) AB 1205 (Berryhill), Licensed behavior analysts.

The Committee agreed earlier that, due to the status of the bill, AB 1205 needed no further discussion.

l) AB 1435 (Dickinson), Child abuse reporting.

The Committee discussed the May 25, 2012, amendments, which included adding athletic coaches, administrators, and athletic directors to the list of mandated child abuse reporters.

- ❖ Diane Josephs moved to recommend the Board take a Watch position on AB 1435.
- ❖ Gigi Smith seconded the motion.

Roll call vote

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

- ❖ Motion passed unanimously.

m) AB 1588 (Atkins), Professions and vocations: reservist licensees: fees and continuing education.

The Committee discussed the March 5, 2012, amendments, which expanded licensing entities to include commissions and bureaus, and expanded licensees to include 'registrants.'

- ❖ Luella Grangaard moved to recommend the Board take a Watch position on AB 1588, and take no further position or action.
- ❖ Lin Reed seconded the motion.

Roll call vote

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

- ❖ Motion passed unanimously.

n) AB 1896 (Chesbro), Tribal health programs: health care practitioners.

Committee members discussed AB 1896, which specified that a person licensed as a healthcare provider in any other state and who provided services to a tribal health program, as defined, was exempt from California licensing requirements.

- ❖ Diane Josephs moved to recommend the Board take a Watch position on AB 1896.
- ❖ Gigi Smith seconded the motion.

Roll call vote

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

- ❖ Motion passed unanimously.

a) AB 1904 (Block), Professions and vocations: military spouses: temporary licenses.

This item was incorrectly listed as (a); to avoid confusion it should have been listed as (o).

Heather Martin explained the Limited Permit process and how it affects practice in California and the provision applicable for applicants who hold a valid license issued by another state to practice in California for a sixty-day period. The Committee members discussed how those current processes relate to the provision of AB 1904.

- ❖ Luella Grangaard moved to recommend the Board take a Watch position on AB 1588, and take no further position or action.
- ❖ Diane Josephs seconded the motion.

Roll call vote

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

- ❖ Motion passed unanimously.

b) AB 1932 (Gorell), United States armed services: healing arts boards.

This item was incorrectly listed as (b); to avoid confusion it should have been listed as (p).

- ❖ Luella Grangaard moved to recommend the Board remain neutral on AB 1932.
- ❖ Gigi Smith seconded the motion.

Roll call vote

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

❖ Motion passed unanimously.

c) AB 2458 (Conway), Healing arts: health care practitioners.

This item was incorrectly listed as (c); to avoid confusion it should have been listed as (q).

The Committee agreed earlier that, due to the status of the bill, AB 2458 needed no further discussion.

d) AB 2570 (Hill), Licensees: settlement agreements.

This item was incorrectly listed as (d); to avoid confusion it should have been listed as (r).

Committee members discussed the fact that AB 2570, prohibiting licensees from entering into a 'gag clause,' prohibit a complainant from filing a complaint with the applicable licensure board, or require a complainant to withdraw a complaint from a licensing board, supports all Board's mandates: consumer protection.

- ❖ Gigi Smith moved to recommend the Board take a Watch position on AB XXXX.
- ❖ Diane Josephs seconded the motion.

Roll call vote

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

❖ Motion passed unanimously.

e) Senate Bill (SB) 399 (Huff), Healing Arts: Advertising.

This item was incorrectly listed as (e); to avoid confusion it should have been listed as (s).

The Committee agreed earlier that, due to the status of the bill, SB 399 needed no further discussion.

f) SB 462 (Blakeslee), Provides for certification of special education advocates.

This item was incorrectly listed as (f); to avoid confusion it should have been listed as (t).

The Committee agreed earlier that, due to the status of the bill, SB 462 needed no further discussion.

g) SB 544 (Price), Professions and Vocations: Amendments to the Business and Professions Code; general provisions and the Occupational Therapy Practice Act.

This item was incorrectly listed as (g); to avoid confusion it should have been listed as (u).

The Committee agreed earlier that, due to the status of the bill, SB 544 needed no further discussion.

h) SB 683 (Correa), Early intervention services.

This item was incorrectly listed as (h); to avoid confusion it should have been listed as (v).

The Committee agreed earlier that, due to the status of the bill, SB 683 needed no further discussion.

i) SB 770 (Steinberg and Evans), Health care coverage: mental illness: developmental disorder and autism.

This item was incorrectly listed as (i); to avoid confusion it should have been listed as (w).

The Committee discussed SB 770, which was re-referred to Assembly Appropriations and had no hearing date had been set, agreed no further discussion was necessary.

j) SB 924 (Walters), Direct patient access to services and professional corporations.

This item was incorrectly listed as (j); to avoid confusion it should have been listed as (x).

Ms. Martin explained that SB 924 previously contained only provisions relating to direct access until it was amended January 26, 2012, to add provisions regarding professional corporations that were previously contained AB 783. Ms. Martin reminded the Committee that the Board's position was to oppose AB 783 unless amended to add occupational therapists to the list of "shareholders, officers, directors, or professional employees" of specified healthcare corporations and to add occupational therapy corporations, and the specified list of healthcare providers who could be "shareholders, officers, directors, or professional employees" of those corporations, to Corporations Code Section 13401.5.

- ❖ Diane Josephs moved to recommend the Board oppose SB 924, unless amended to add occupational therapy corporations to Corporations Code Section 13401.5 and occupational therapists to the list of healthcare providers who can be "shareholders, officers, directors, or professional employees" of professional corporations.
- ❖ Lin Read seconded the motion.

Roll call vote

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

- ❖ Motion passed unanimously.

k) SB 975 (Wright), Professions and vocations: regulatory authority.

This item was incorrectly listed as (k); to avoid confusion it should have been listed as (y).

Committee member discussed the fact that it could be confusing if local government (e.g., counties, cities, special districts, etc.) required or imposed additional requirements for licensees to practice a profession within their jurisdiction. SB 975 would prohibit any local government from imposing additional requirements on licensed professionals and specify

that the state licensing agency is the entity which will license and regulate the practice of professions and vocations set forth in business and Professions Code Section 101.

- ❖ Luella Grangaard moved to recommend the Board take a support position on SB 975.
- ❖ Gigi Smith seconded the motion.

Roll call vote

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

- ❖ Motion passed unanimously.

I) SB 1228 (Alquist), Small house skilled nursing facilities.

This item was incorrectly listed as (l); to avoid confusion it should have been listed as (z).

Committee members discussed the fact that SB 1228 would create a new category of 'small' skilled nursing facility to provide a homelike, rather than institutional setting, and that this would be a good alternative for consumers.

- ❖ Diane Josephs moved to recommend the Board take a Support position on SB 1228.
- ❖ Luella Grangaard seconded the motion.

Roll call vote

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

- ❖ Motion passed unanimously.

m) SB 1274 (Wolk), Healing arts: hospitals: employment.

This item was incorrectly listed as (m); to avoid confusion it should have been listed as (aa).

Committee members discussed SB 1275 and the fact that, as written, it related to only to employment of physicians and surgeons and podiatrists, and the possibility that the language could change, so no further action was necessary.

- ❖ Lin Reed moved to recommend the Board take a Watch position on SB 1274.
- ❖ Gigi Smith seconded the motion.

Roll call vote

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

- ❖ Motion passed unanimously.

n) SB 1327 (Cannella), State government: business information: Internet Web site.

This item was incorrectly listed as (n); to avoid confusion it should have been listed as (bb).

Committee members discussed SB 1327 which would require the Governor to establish an internet website to assist individuals with the licensing, permitting, and registration requirements necessary to start a business, and require state licensing agencies to provide “accurate updated information about its licensing requirements and prohibit a state agency from using” that website as the exclusive source of licensing information for the public, and were uncertain what additional requirements could be added if the bill was amended.

- ❖ Luella Grangaard moved to recommend the Board take a Watch position on SB 1327.
- ❖ Lin Reed seconded the motion.

Roll call vote

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

- ❖ Motion passed unanimously.

o) SB 1575 (Committee on Business, Professions and Economic Development), Professions and vocations.

This item was incorrectly listed as (o); to avoid confusion it should have been listed as (cc).

Committee members discussed SB 1575 which specified amendments to the practice acts of 11 other practice acts, none of which were contrary to, in conflict with, or specified within the occupational therapy practice acts, however, members expressed concerns with what additional requirements could be added if the bill was amended, and the impact of those potential amendments.

- ❖ Gigi Smith moved to recommend the Board take a Watch position on SB 1575.
- ❖ Diane Josephs seconded the motion.

Roll call vote

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

- ❖ Motion passed unanimously.

5. Selection of future meeting dates.

No future dates were selected. The Committee agreed that if a meeting was necessary, Ms. Martin could solicit member availability to select the meeting time when the most members were available.

6. Public comment on items not on agenda.

No public comment was provided.

7. Adjournment.

The meeting adjourned at 5:45 pm.