

AGENDA ITEM 14

Report on Pending Regulations.

The Regulations Update report is attached for review.

REGULATION UPDATE REPORT

Pending Regulation: In-Process

Rulemaking File Subject	Sec.	Status	Close of public comment period	Date Pkg Sent to DCA	Date Pkg Rtn'd from DCA	Final Pkg Due to OAL	Actual Submit Date To OAL	Date language goes into effect
Definitions and Delegation of Certain of Functions, Other	4100, 4101, 4146, 4148 4149, 4149.1	Sections 4100, 4148, 4149, 4149.1, adopted by the Board at September 2011 and June 2012 meetings. (CPEI regulations)	09/05/2011	10/20/2011	06/04/2012	07/21/2012	n/a	09/28/2012
Registration for Sponsored Health Care Events	4116, 4117, 4118, 4119	Language adopted by the Board at September 2011 meeting. (This language implements AB 2699) Package withdrawn. Modified text and applications noticed for 15 days.	09/05/2011 06/22/2012	11/2/2011	02/03/2012	07/21/2012	02/09/2012 <i>Withdrawn.</i> Resubmitted	09/10/2012
Definitions and Supervision Plan for an Occupational Therapist	4180, 4184, 4187	Language to amend sections 4180 and 4187 approved at July 2010 Board meeting and section 4184 approved at March 2011 Board meeting; notice for 15 days (2 nd modified text).	11/14/2011 01/03/2012 05/22/2012			10/13/2012	n/a	n/a
Retired Status and Fees	4128, 4130	Language published August 24, 2012.	10/08/2012					
Post-Professional Education and Training	4154	Language published August 24, 2012.	10/08/2012					
Ethical Standards of Practice	4170	Language published August 24, 2012.	10/08/2012					
Standards of Practice for Telehealth	4172	Language published August 24, 2012.	10/08/2012					

REGULATION UPDATE REPORT

Pending Regulation: Process Not Yet Started

Rulemaking File Subject	Sec.	Status	Close of public comment period	Date Pkg Sent to DCA	Date Pkg Rtn'd from DCA	Final Pkg Due to OAL	Actual Submit Date To OAL	Date language goes into effect
Continuing Competency and Notification to Consumers	4161, 4171	Language to be published xxxx and considered by Board at xxx 2013 meeting						
Disciplinary Guidelines & Uniform Standards	4147	Enforcement Committee to review; draft language to be presented to the Board at October 2012 meeting.						
Provide mechanism for OT to request to supervise more than 2 OTAs	tbd	Implement BPC 2570.3(j)(2). Practice Committee to review; draft language to be presented to the Board at October meeting.						

AGENDA ITEM 15

Enforcement Data and Reports.

The following are attached for review:

- Reports for the period 4/12/2012 – 6/30/2012
- Reports for the period 7/01/2011 – 6/30/2012
- Reports for the period 7/01/2012 – 9/30/2012

BOT ENFORCEMENT STATISTICAL REPORT

April 1, 2012 – June 30, 2012

Total Complaints-Received: 153 **DOI Investigations Initiated:** 8
Complaints-Closed: 156 **DOI Investigation Reports Received:** 15
Total Complaints-Pending: 125 (Oldest: 1/03/11) **Formal DOI Investigations Pending:** 16 (Oldest: 1/31/11)
Record of Arrests and Prosecutions [RAP] Received: 13 **Subsequent Arrest Reports Received:** 12

Applications Denied pursuant to Business and Professions Code 480/485: 1

Cases Pending with the Attorney General (AG): 12

<u>Transmitted</u>	<u>Complaint No</u>	<u>Type</u>	<u>Current Status</u>
11/03/10	OT 2009-195	Accusation	Stipulated settlement adopted 7/2/12; surrender effective 8/1/12
03/10/11	D1 2007-90	Pet to Rev Prob	Hearing held 7/19/12; Stipulated Settlement Pending
07/13/11	AL 2010-527	SOI	Default Decision (Denial) Adopted 6/27/12
10/12/11	OT 2009-246	Accusation	Accusation Filed 7/18/12; NOD recd
02/08/12	OT 2011-283	Accusation	ISO issued 5/15/12; Accusation filed 5/22/12; Hearing scheduled 9/7/12
02/28/12	D1 2005-66	Pet to Rev Prob	PTR withdrawn 8/10/12; Probation completed 8/20/12
04/19/12	OT 2010-644	Accusation	DAG to prepare Accusation
05/24/12	OA 2010-385	Accusation	Accusation to be filed
05/24/12	OT 2010-318	Accusation	DAG to prepare Accusation
05/30/12	D1 2009-278	Pet to Rev Prob	DAG to prepare Petition to Revoke Probation
05/31/12	D1 2009-137	Pet to Rev Prob	PTR filed 8/3/12; NOD recd; Hearing to be scheduled
06/07/12	AR 2011-286	SOI	Statement of Issues Pending

Statement of Issues filed: 0 **Accusations filed:** 1
Petition to Revoke Probation filed: 0 **Accusation & Petition to Revoke Probation filed:** 0
ISO Issued: 1 **PC23 Issued:** 0

Final Decisions: 6

April 5, 2012	Anne Hickey	Voluntary Surrender
April 6, 2012	Robert Alvarado	3 Years Probation
April 10, 2012	Rachel Comingore	3 Years Probation
May 4, 2012	Steve Salinas	Voluntary Surrender
May 25, 2012	Shawna Harrington	1 Year Probation
June 6, 2012	Mark Proctor	3 Years Probation

Cease Practice Orders Issued: 1

May 18, 2012 Mary-Kaye Quinn

Cease Practice Orders Lifted: 0

CITATIONS ISSUED
4/1/12 - 6/30/12

#	LICENSE CLASS		VIOLATION				CIT. #	FINE (OT)	OT Fine Modified	GRAND TOTAL FINE DUE (OT)	FINE (OTA)	OTA Fine Modified	GRAND TOTAL FINE DUE (OTA)	DATE ISSUED	DUE DATES		Appeal		PAYMENT				
	OT	OTA	FDC	UPC	CC	ULP									PDU	AD	Req For Conf.	Fine	ICR	ADMIN	Pymnt Date	Pymnt Amt	Bal (OT)
1	1									\$50				04/04/12	05/04/12	05/04/12					\$50		
1	1									\$50				04/04/12	05/04/12	05/04/12				04/18/12	\$50	\$0	
1	1									\$50				04/04/12	05/04/12	05/04/12						\$50	
1	1									\$50				04/04/12	05/04/12	05/04/12				05/24/12	\$50	\$0	
1	1									\$50				04/04/12	05/04/12	05/04/12						\$50	\$0
1	1									\$50				04/09/12	05/09/12	05/09/12						\$50	\$0
1	1									\$250				04/12/12	05/14/12	05/14/12				04/25/12	\$250	\$0	
1	1									\$250				04/12/12	05/14/12	05/14/12	1		DISMISSED			\$0	\$0
1	1									\$250				04/12/12	05/14/12	05/14/12				05/14/12	\$250	\$0	
1	1									\$250			\$250	04/12/12	05/14/12	05/14/12				05/14/12	\$250	\$0	
1	1									\$250				04/24/12	05/24/12	05/24/12				04/30/12	\$250	\$0	
1	1									\$50				04/30/12	05/29/12	05/29/12						\$50	\$0
1	1									\$50				04/30/12	05/29/12	05/29/12				05/25/12	\$50	\$0	
1	1									\$50				04/30/12	05/29/12	05/29/12				08/06/12	\$50	\$0	
1	1									\$50				04/30/12	05/29/12	05/29/12						\$50	\$0
1	1									\$50				04/30/12	05/29/12	05/29/12						\$50	\$0
1	1									\$50				04/30/12	05/29/12	05/29/12				05/14/12	\$50	\$0	
1	1									\$50				05/04/12	06/04/12	06/04/12				05/14/12	\$50	\$0	
1	1									\$50				05/10/12	06/09/12	06/09/12				05/24/12	\$50	\$0	
1	1									\$50				05/10/12	06/09/12	06/09/12				08/06/12	\$50	\$0	
1	1									\$50		\$50	\$0	05/10/12	06/09/12	06/09/12	1		WITHDRAWN			\$0	\$0
1	1									\$50				05/10/12	06/09/12	06/09/12						\$50	\$0
1	1									\$50				05/10/12	06/09/12	06/09/12						\$50	\$0
1	1									\$50		\$50	\$0	05/10/12	06/09/12	06/09/12				05/25/12	\$50	\$0	\$0
1	1									\$50				05/21/12	06/20/12	06/20/12						\$50	\$0
1	1									\$50				05/21/12	06/20/12	06/20/12						\$50	\$0
1	1									\$50				05/21/12	06/20/12	06/20/12				06/05/12	\$50	\$0	
1	1									\$50				05/21/12	06/20/12	06/20/12				06/04/12	\$50	\$0	
1	1									\$250				05/23/12	06/22/12	06/22/12	1			07/31/12	\$250	\$0	
1	1									\$250				05/23/12	06/22/12	06/22/12	1			07/11/12	\$250	\$0	
1	1									\$250		\$250	\$0	05/25/12	06/25/12	06/25/12	1		DISMISSED			\$0	\$0
1	1									\$250				05/23/12	06/22/12	06/22/12				06/11/12	\$250	\$0	

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CITATION STATISTICAL REPORT
July 1, 2011 - June 30, 2012

Occupational Therapists: FDC - Failure to Disclose Criminal Convictions: 2
 UPC - Unprofessional Conduct: 3
 CC - Criminal Convictions: 1
 ULP - Unlicensed Practice: 8
 PDU - Continuing Education: 20
 AD - Failure to Notify of Address Change: 104
 Multiple Violations: 1

Total Issued: 139
 Total Assessed: \$21,325.00

Occupational Therapy Assistants: FDC - Failure to Disclose Criminal Convictions: 1
 UPC - Unprofessional Conduct: 3
 CC - Criminal Convictions: 0
 ULP - Unlicensed Practice: 3
 PDU - Continuing Education: 7
 AD - Failure to Notify of Address Change: 19

Total Issued: 33
 Total Assessed: \$ 9,450.00

Non-Licensed: FDC - Failure to Disclose Criminal Convictions: 1
 Total Issued: 1
 Total Assessed: \$ 250.00

Grand Total Citations Issued: 173
 Grand Total Assessed: \$31,025.00

Citations Dismissed/Withdrawn: 18

BOT ENFORCEMENT STATISTICAL REPORT
July 1, 2011 – June 30, 2012

Total Complaints-Received: 543 **DOI Investigations Initiated:** 45
Complaints-Closed: 568 **DOI Investigation Reports Received:** 48
Total Complaints-Pending: 125 (Oldest: 1/03/11) **Formal DOI Investigations Pending:** 16 (Oldest: 1/31/11)
Record of Arrests and Prosecutions [RAP] Received: 42 **Subsequent Arrest Reports Received:** 42

Applications Denied pursuant to Business and Professions Code 480/485: 2

Cases Pending with the Attorney General (AG): 12

<u>Transmitted</u>	<u>Complaint No</u>	<u>Type</u>	<u>Current Status</u>
11/03/10	OT 2009-195	Accusation	Stipulated settlement adopted 7/2/12; surrender effective 8/1/12
03/10/11	D1 2007-90	Pet to Rev Prob	Hearing held 7/19/12; Stipulated Settlement Pending
07/13/11	AL 2010-527	SOI	Default Decision (Denial) Adopted 6/27/12
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04/19/12	OT 2010-644	Accusation	DAG to prepare Accusation
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05/30/12	D1 2009-278	Pet to Rev Prob	DAG to prepare Petition to Revoke Probation
05/31/12	D1 2009-137	Pet to Rev Prob	PTR filed 8/3/12; NOD recd; Hearing to be scheduled
06/07/12	AR 2011-286	SOI	Statement of Issues Pending

Statement of Issues filed: 3 **Accusations filed:** 3
Petition to Revoke Probation filed: 3 **Accusation & Petition to Revoke Probation filed:** 1
ISO Issued: 2 **PC23 Issued:** 0

Final Decisions: 21

July 6, 2011	Scott Kemp	Default Revocation
July 21, 2011	Shana Novegrad	3 Years Probation
July 26, 2011	Shawna Kemp	18 Months Probation
October 25, 2011	Terry McGowin	2 Years Probation
November 11, 2011	Sandra Ingram-Watson	3 Years Probation
November 11, 2011	Mary-Kaye Quinne	3 Years Probation
November 11, 2011	Steven Salinas	3 Years Probation
November 11, 2011	Gurpreet Sandhu	3 Years Probation
December 15, 2011	Kathleen Posuniak	1 Year Probation
January 5, 2012	Carmen Duran	Revocation
January 13, 2012	Bayani Gamotin	License Denial
March 15, 2012	Solena Clements	Voluntary Surrender
March 15, 2012	Sandra Severin	Voluntary Surrender
March 16, 2012	Kathryn Freeman	3 Years Probation
March 16, 2012	Eric Giddings	2 Years Probation
April 5, 2012	Anne Hickey	Voluntary Surrender
April 6, 2012	Robert Alvarado	3 Years Probation
April 10, 2012	Rachel Comingore	3 Years Probation
May 4, 2012	Steve Salinas	Voluntary Surrender
May 25, 2012	Shawna Harrington	1 Year Probation
June 6, 2012	Mark Proctor	3 Years Probation

Cease Practice Orders Issued: 5

September 19, 2011	Anne Hickey
September 28, 2011	Solena Clements
December 13, 2011	Steven Salinas
February 23, 2012	Gurpreet Sandhu
May 18, 2012	Mary-Kaye Quinn

Cease Practice Orders Lifted: 1

December 19, 2011	Anne Hickey
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AGENDA ITEM 16

Discussion and consideration of continuing the standing Committees.

An organizational chart showing the Committees is attached for review.

