California Board of Occupational Therapy

BACKGROUND INFORMATION AND OVERVIEW
OF THE CURRENT REGULATORY PROGRAM
As of October 1, 2012

Section 1 –
Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board. Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

The occupational therapy profession was established in 1917, and is one of the oldest allied health professions in the United States. Chapter 697/00 (SB 1046) created the California Board of Occupational Therapy, effective January 1, 2001. The Board is responsible for the licensure and regulation of occupational therapists (OT) and occupational therapy assistants (OTA) in California.

California passed a title control /trademark law for occupational therapy in 1977 (BPC, Section 2570, Ch. 836) prohibiting individuals from using the professional titles recognized for occupational therapist (OT, OTR) and occupational therapy assistants (OTA) COTA) without appropriate professional training. The law was updated in 1993 (BPC, Ch. 361) to further clarify the threshold education and examination requirements for occupational therapy licensees. The law had no registration process with the state or enforcement structure. Nor did it prevent an unqualified individual from practicing occupational therapy as long as the individual did not refer to himself as an occupational therapist or occupational therapy assistant.

The profession of Occupational Therapy is represented by the Occupational Therapy Association of California, Inc. (OTAC). OTAC represents the professional interest of the licensees in California and provides information about the practice of occupational therapy to new licensees entering the state and provides other resources to support the profession. The American Occupational Therapy Association, Inc. (AOTA), established in 1917, is the organization which represents the profession on a national level and provides resources to support consumers, the profession, and the educational community.

Occupational therapy licensees provide important health and rehabilitation services to people of all ages, who, because of illness, injury, developmental or psychological impairment, need specialized interventions to regain, develop, or build skills necessary for independent functioning.

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The focus of occupational therapy is on an individual's ability to effectively engage in performance areas that are purposeful and meaningful, such as activities of daily living (ADL's), and instrumental ADLs, including among other things, work, play, leisure, social participation, and other productive activities.

Occupational therapists and occupational therapy assistants treat a variety of:

1. Body functions (such as neuromusculoskeletal, sensory-perceptual, visual, mental, cognitive, and pain factors) and body structures (such as cardiovascular, digestive, nervous, integumentary, genitourinary systems, and structures related to movement), values, beliefs, and spirituality.
2. Habits, routines, roles, rituals, and behavior patterns.
3. Physical and social environments, cultural, personal, temporal, and virtual contexts and activity demands that affect performance; and
4. Performance skills, including motor and praxis, sensory-perceptual, emotional regulation, cognitive, communication and social skills.

Over the past four years there have been amendments to the licensing laws and regulations promulgated that have enhanced the Board's ability to protect the consumer, such as development of the Disciplinary Guidelines and Cite and Fine Authority. To further bolster the regulation of the profession, the Board established supervision requirements, advance practice requirements, minimum standards for infection control, and continuing education/competency requirements.

Previous bills

SB 1046 (Murray, Chapter 697, Statutes of 2000) created the Board of Occupational Therapy and established an inoperative date of July 1, 2006 and a sunset date of January 1, 2007.

SB 136 (Figueroa, Chapter 909, Statutes of 2004) changed the inoperative date of the Board of Occupational Therapy from July 1, 2006 to July 1, 2007 and the sunset date from January 1, 2007 to January 1, 2008.

SB 1476 (Figueroa, Chapter 658, Statutes of 2006) changed the inoperative date of the Board of Occupational Therapy from July 1, 2007 to July 1, 2013 and the sunset date from January 1, 2008 to January 1, 2014.

The California Board of Occupational Therapy licenses and regulates occupational therapists (OTs) and occupational therapy assistants (OTAs). The Board's mission is to protect Californians by promoting consumer awareness, advocating for improved mental health services, and setting, communicating, and enforcing occupational therapy practice standards.

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Business and Professions Code (BPC) Section 2570.25 mandates that "protection of the public shall be the highest priority for the California Board of Occupational Therapy in exercising its licensing, regulatory, and disciplinary functions.

In order to accomplish its mission, the Board: ensures only eligible and qualified individuals are issued a license, investigates complaints and criminal convictions; and responds to emerging changes and trends in the profession legislatively or through regulations. The Board's statutes and regulations require a license before an individual may engage in the practice of occupational therapy. These statutes and regulations set forth the requirements for licensure and provide the Board the authority to discipline a registration or license.

1. Describe the make-up and functions of each of the board's committees.

The Board has no committee(s) required by statute. However, the Board established several committees which serve as an essential component of the Board to deal with specific policy and/or administrative issues. The issues could be referred by the Board to the committee to delve into a policy issue/concern or to address issues referred by the public or licensees or on recommendation by Board staff.

The Board's *Administrative Manual*, identifies the number of members on the committee, requires the Committee chairperson be a board member, and provides the committees' purposes; the Committees' Roles and Responsibilities are attached under Section 12, Attachment D.

Administrative Committee – Comprised of Board President, Vice President, and the Executive Officer; meetings are held two or three times per year or as necessary.

The purpose of the Administrative Committee is to provide guidance to staff for the budgeting and organizational components of the Board (i.e., budget change proposals, out-of-state trip requests, contracts, meeting agendas and preparation, sunset review and related projects); to provide suggestions regarding the Board's Strategic Plan; to respond to items identified in an internal audit, and other duties as required.

Education and Outreach Committee – Currently comprised of one Board member (occupational therapy assistant and another occupational therapy assistant and two occupational therapists. This committee was created and assigned to develop consumer and licensee outreach projects, including the Board's newsletter, website, e-government initiatives and outside organization presentations.

Pursuant to the Board's Administrative Manual, Committee members may also be asked to represent the Board at meetings, conferences, health, career or job fairs, or at the invitation of outside organizations and programs.

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Enforcement Committee – Currently comprised of two public Board members and three occupational therapists. This committee was created to continually seek ways to improve the Board's enforcement activities, develop and review enforcement policies, review enforcement and discipline-related regulatory proposals, review enforcement and discipline-related forms, review and make recommendations regarding the Board's disciplinary guidelines and to assist in identifying situations where enforcement procedures might be improved.

Please note: Members are advised they will not review individual enforcement cases.

Disaster Preparedness/Response Committee – Currently comprised of one public Board member, one occupational therapist Board member and two occupational therapists. This committee was created to identify and provide input into reducing barriers to occupational therapy roles in disaster preparedness and disaster response, review the current laws and regulations to ensure consistency, be responsible for the development and maintenance of the Board's Disaster Response plan, and provide input into updates of the Board's Continuity of Operations and Continuation of Government (COOP/COG) report.

Legislative and Regulatory Affairs Committee – Currently comprised of one occupational therapist Board member and three occupational therapists. This committee was created to provide information and/or make recommendations to the Board and/or the committees of the Board on matters relating to legislation and regulations affecting the regulation of occupational therapists, occupational therapy assistants and other items in the public interest or affecting Board operations.

The Committee's goals and objectives are to:

- Monitor current legislation on behalf of the Board and make position recommendations to the Board at each Board meeting.
- Serve as a resource to other Board committees on legislative and regulatory matters.
- Serve as a resource for the Board to implement proposed revisions to the Act and Board regulations.

Practice Committee – Comprised of one occupational therapist Board member, four additional occupational therapists and one occupational therapy assistant. This committee was created to review and provide recommendations to staff on Applications to Provide Advanced Practice Post-Professional Education (course applications); review and provide recommended responses to the Board on various practice issues/questions submitted by licensees and consumers; provide guidance to staff on continuing competency audits; review and provide recommendations to the Board on practice-related proposed regulatory amendments; and review and provide recommendations to Board staff on revisions to various applications and forms used by the Board.
(May be subject to change at Oct meeting)

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Due to ongoing travel restrictions and the need to minimize all expenditures, including costs related to travel reimbursement, all Committee meetings are conducted via teleconference and the Committee's recommendations are brought to the Board at the next scheduled meeting.

Board members: ***Please note that all Committee meeting attendance dates must still be added into each member's attendance record –see tables below. Once all data is updated, the spacing /page breaks will all be adjusted. Please note that a section highlighted in yellow means more info is needed or accuracy must be verified.***

Table 1a. Board Member Attendance			
Alegria, Eric – Appointed June 13, 2011			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
2011			
Board meeting	June 16	Teleconference	N
Board meeting	September 7-8	Irvine	Y
Board meeting	December 1	San Francisco	Y
2012			
Board meeting	March 12	Carson	Y
Board meeting	March 22	Teleconference	Y
Board meeting	June 27	Sacramento	Y
Board meeting	October 11-12	San Jose	Y

Table 1a. Board Member Attendance			
Cunningham, Margaret - Appointed June 14, 2001; Resigned March 30, 2007			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
2006			
Board meeting	January 26	Ontario	Y
Board meeting	February 16	Teleconference	Y
Board meeting	March 30	Ontario	Y
Board meeting	May 18	Sacramento	Y
Board meeting	November 30	Ontario	Y
2007			
Board meeting	March 1	San Diego	N

Table 1a. Board Member Attendance			
Evert, Mary - Appointed March 9, 2005			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
2006			

DRAFT

Board meeting	January 26	Ontario	Y
Board meeting	February 16	Teleconference	Y
Board meeting	March 30	Ontario	Y
Board meeting	May 18	Sacramento	Y
Board meeting	November 30	Ontario	Y
2007			
Board meeting	March 1	San Diego	Y
Board meeting	May 24	Oakland	Y
Board meeting	July 25-26	Sacramento	Y
Board meeting	August 14	Teleconference	Y
Board meeting	October 11	Ontario	Y
Board meeting	December 6	Irvine	Y
2008			
Board meeting	February 21	Santa Ana	Y
Board meeting	March 25	Teleconference	Y
Board meeting	May 6	Teleconference	Y
Board meeting	July 17	Teleconference	Y
Board meeting	August 22	Teleconference	Y
Board meeting	September 26	Teleconference	Y
Board meeting	November 20	Los Angeles	Y
2009			
Board meeting	March 19	Santa Ana	Y
Board meeting	April 16	Teleconference	Y
Board meeting	June 18	San Marcos	Y
Board meeting	September 10	Loma Linda	Y
Board meeting	October 26	Sacramento	Y
Board meeting	December 9	Teleconference	Y
2010			
Board meeting	March 11	Carson	Y
Board meeting	July 28-29	Sacramento	Y
Board meeting	November 4	San Marcos	Y
2011			
Board meeting	March 3	Sacramento	Y
Board meeting	June 16	Teleconference	Y
Board meeting	September 7-8	Irvine	Y
Board meeting	December 1	San Francisco	Y
2012			
Board meeting	March 12	Carson	Y
Board meeting	March 22	Teleconference	Y
Board meeting	June 27	Sacramento	Y
Board meeting	October 11-12	San Jose	Y

DRAFT

Table 1a. Board Member Attendance			
Florey, Linda - Appointed July 14, 2010			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
2010			
Board meeting	July 28-29	Sacramento	Y
Board meeting	November 4	San Marcos	Y
2011			
Board meeting	March 3	Sacramento	Y
Board meeting	June 16	Teleconference	Y
Board meeting	September 7-8	Irvine	N
Board meeting	December 1	San Francisco	N
2012			
Board meeting	March 12	Carson	Y
Board meeting	March 22	Teleconference	N
Board meeting	June 27	Sacramento	Y
Board meeting	October 11-12	San Jose	Y

Table 1a. Board Member Attendance			
Grangaard, Luella – Appointed June 14, 2001; Reappointed December 13, 2010			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
2006			
Board meeting	January 26	Ontario	Y
Board meeting	February 16	Teleconference	Y
Board meeting	March 30	Ontario	Y
Board meeting	May 18	Sacramento	Y
Board meeting	November 30	Ontario	Y
2007			
Board meeting	March 1	San Diego	Y
Board meeting	May 24	Oakland	Y
Board meeting	July 25-26	Sacramento	Y
Board meeting	August 14	Teleconference	Y
Board meeting	October 11	Ontario	Y
Board meeting	December 6	Irvine	Y
2008 – 2010 (not on Board)			
2011			
Board meeting	March 3	Sacramento	Y
Board meeting	June 16	Teleconference	Y
Board meeting	September 7-8	Irvine	Y

DRAFT

Board meeting	December 1	San Francisco	Y
2012			
Board meeting	March 12	Carson	Y
Board meeting	March 22	Teleconference	Y
Board meeting	June 27	Sacramento	Y
Board meeting	October 11-12	San Jose	Y

Table 1a. Board Member Attendance			
Patricia Horsley - Appointed June 14, 2007; Resigned December 4, 2009			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
2007			
Board meeting	March 1	San Diego	Y
Board meeting	May 24	Oakland	Y
Board meeting	July 25-26	Sacramento	Y
Board meeting	August 14	Teleconference	Y
Board meeting	October 11	Ontario	Y
Board meeting	December 6	Irvine	Y
2008			
Board meeting	February 21	Santa Ana	Y
Board meeting	March 25	Teleconference	Y
Board meeting	May 6	Teleconference	Y
Board meeting	July 17	Teleconference	Y
Board meeting	August 22	Teleconference	Y
Board meeting	September 26	Teleconference	Y
Board meeting	November 20	Los Angeles	Y
2009			
Board meeting	March 19	Santa Ana	Y
Board meeting	April 16	Teleconference	Y
Board meeting	June 18	San Marcos	Y
Board meeting	September 10	Loma Linda	Y
Board meeting	October 26	Sacramento	Y
Board meeting	December 9	Teleconference	Y

Table 1a. Board Member Attendance			
Lovell, Kathleen – Appointed December 13, 2010			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
2011			
Board meeting	March 3	Sacramento	Y
Board meeting	June 16	Teleconference	N

DRAFT

Board meeting	September 7-8	Irvine	Y
Board meeting	December 1	San Francisco	N
2012			
Board meeting	March 12	Carson	Y
Board meeting	March 22	Teleconference	N
Board meeting	June 27	Sacramento	Y
Board meeting	October 11-12	San Jose	Y

Table 1a. Board Member Attendance			
Michel, Nancy - Appointed April 5, 2006			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
2006			
Board meeting	May 18	Sacramento	Y
Board meeting	November 30	Ontario	Y
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
2007			
Board meeting	March 1	San Diego	Y
Board meeting	May 24	Oakland	Y
Board meeting	July 25-26	Sacramento	Y
Board meeting	August 14	Teleconference	Y
Board meeting	October 11	Ontario	Y
Board meeting	December 6	Irvine	Y
2008			
Board meeting	February 21	Santa Ana	Y
Board meeting	March 25	Teleconference	Y
Board meeting	May 6	Teleconference	Y
Board meeting	July 17	Teleconference	Y
Board meeting	August 22	Teleconference	Y
Board meeting	September 26	Teleconference	N
Board meeting	November 20	Los Angeles	Y
2009			
Board meeting	March 19	Santa Ana	N
Board meeting	April 16	Teleconference	Y
Board meeting	June 18	San Marcos	Y
Board meeting	September 10	Loma Linda	Y
Board meeting	October 26	Sacramento	Y
Board meeting	December 9	Teleconference	Y
2010			
Board meeting	March 11	Carson	Y
Board meeting	July 28-29	Sacramento	Y

DRAFT

Board meeting	November 4	San Marcos	Y
2011			
Board meeting	March 3	Sacramento	Y
Board meeting	June 16	Teleconference	Y
Board meeting	September 7-8	Irvine	Y
Board meeting	December 1	San Francisco	N
2012			
Board meeting	March 12	Carson	Y
Board meeting	March 22	Teleconference	N
Board meeting	June 27	Sacramento	Y
Board meeting	October 11-12	San Jose	Y

Table 1a. Board Member Attendance			
Tanberg, Bobbi Jean - Appointed XXXX, 2005			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
2006			
Board meeting	January 26	Ontario	Y
Board meeting	February 16	Teleconference	Y
Board meeting	March 30	Ontario	Y
Board meeting	May 18	Sacramento	Y
Board meeting	November 30	Ontario	Y
2007			
Board meeting	March 1	San Diego	Y
Board meeting	May 24	Oakland	Y
Board meeting	July 25-26	Sacramento	Y
Board meeting	August 14	Teleconference	Y
Board meeting	October 11	Ontario	Y
Board meeting	December 6	Irvine	Y
2008			
Board meeting	February 21	Santa Ana	Y
Board meeting	March 25	Teleconference	Y
Board meeting	May 6	Teleconference	Y
Board meeting	July 17	Teleconference	Y
Board meeting	August 22	Teleconference	Y
Board meeting	September 26	Teleconference	Y
Board meeting	November 20	Los Angeles	Y
2009			
Board meeting	March 19	Santa Ana	Y
Board meeting	April 16	Teleconference	Y
Board meeting	June 18	San Marcos	Y

DRAFT

Board meeting	September 10	Loma Linda	Y
Board meeting	October 26	Sacramento	Y
Board meeting	December 9	Teleconference	Y
2010			
Board meeting	March 11	Carson	Y
Board meeting	July 28-29	Sacramento	Y
Board meeting	November 4	San Marcos	Y
2011			
Board meeting	March 3	Sacramento	Y
Board meeting	June 16	Teleconference	Y
Board meeting	September 7-8	Irvine	Y
Board meeting	December 1	San Francisco	Y
2012			
Board meeting	March 12	Carson	Y
Board meeting	March 22	Teleconference	Y
Board meeting	June 27	Sacramento	Y
Board meeting	October 11-12	San Jose	Y

Table 1a. Board Member Attendance			
Tsai, Julia – Appointed December 30, 2009			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
2010			
Board meeting	March 11	Carson	Y
Board meeting	July 28-29	Sacramento	Y
Board meeting	November 4	San Marcos	Y

Table 1a. Board Member Attendance			
Wietlisbach, Christine – June 14, 2001			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
2006			
Board meeting	January 26	Ontario	Y
Board meeting	February 16	Teleconference	Y
Board meeting	March 30	Ontario	Y
Board meeting	May 18	Sacramento	Y
Board meeting	November 30	Ontario	Y
2007			
Board meeting	March 1	San Diego	Y
Board meeting	May 24	Oakland	Y
Board meeting	July 25-26	Sacramento	Y

DRAFT

Board meeting	August 14	Teleconference	Y
Board meeting	October 11	Ontario	Y
Board meeting	December 6	Irvine	Y
2008			
Board meeting	February 21	Santa Ana	Y
Board meeting	March 25	Teleconference	Y
Board meeting	May 6	Teleconference	Y
Board meeting	July 17	Teleconference	Y
Board meeting	August 22	Teleconference	Y
Board meeting	September 26	Teleconference	Y
Board meeting	November 20	Los Angeles	Y

Table 1b. Board Member Roster

Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Eric Alegria	06/13/2011		12/31/2012	Speaker	Public
Mary Evert	03/09/2005	12/22/2008	12/31/2011	Governor	Professional
Linda Florey	07/14/2010	12/14/2010	12/31/2014	Governor	Professional
Luella Grangaard	12/13/2010		12/31/2012	Governor	Professional
Patti Horsley	06/142007		12/31/2008	Speaker	Public
Kathay Lovell	12/13/2010		12/31/2014	Governor	Public
Nancy Michel	04/05/2006	02/04/2009	12/31/2012	Senate Rules	Public
Bobbi Jean Tanberg	01/15/2007	12/22/2008	12/31/2011	Governor	Professional
Julia Tsai	12/30/2009		12/31/2010	Governor	Public
Christine Wietlisbach	06/28/2001	03/09/2005	12/31/2008	Governor	Professional

COMMITTEE MEMBER APPOINTMENTS

Note: At February 21, 2008, Board meeting, motion passed to delegate authority to the Board President to make Committee appointments.

Table 1b. Disaster Preparedness/Response Committee Member Roster

Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type *(public or professional)*
Mary Evert	10/26/2009		10/25/2013	Board	Professional

DRAFT

Glenda Fuge	10/26/2009			Board Pres.	Professional
Mohammed Khalifa	10/26/2009		10/25/2013	Board Pres.	Professional
Carol Loeffler	01/24/2012		01/24/2014	Board Pres.	Professional
Kathay Lovell	03/03/2011		10/25/2013	Board Pres.	Public
Vacant					
First committee meeting date: 10/25/2011					

Table 1b. Education and Outreach Committee Member Roster					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Bobbi Jean Tanberg	02/2008		02/24/2013	Board	Professional
Deanne (DeeDee) Clarke	10/26/2009		02/24/2013	Board Pres.	Professional
Diane Mayfield	10/26/2009		02/24/2013	Board Pres.	Professional
Danielle Meglio	10/26/2009		02/24/2013	Board Pres.	Professional
Vacant					
First committee meeting date: 02/24/2011					

Table 1b. Enforcement Committee Member Roster					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Nancy Michel	02/2008		02/09/2013	Board	Public
Margaret Fuller	10/26/2009		02/09/2013	Board Pres.	Professional
William Levanduski	10/26/2009		02/09/2013	Board Pres.	Professional
Claudia Peyton	10/26/2009		02/09/2013	Board Pres.	Professional
Eric Alegria	09/07/2011		09/07/2013	Board	Public
First committee meeting date: 02/24/2011					

Table 1b. Legislative and Regulatory Affairs Committee Member Roster					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)

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Patti Horsley	02/2008	*Resigned 12/04/2009*		Board	Public
Luella Grangaard	Early 2011?		08/16/2013	Board	Professional
Diane Josephs	Early 2011?		08/16/2013	Board Pres.	Professional
Linda (Lin) Reed	Early 2011?		08/16/2013	Board Pres.	Professional
Jerilyn (Gigi) Smith	Early 2011?		08/16/2013	Board Pres.	Professional
First committee meeting date: 08/16/2011					

Table 1b. Practice Committee Member Roster					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Linda Florey	07/28/2010		02/09/2013	Board	Professional
Luella Grangaard			02/09/2013	Board	Professional
Deborah Bolding				Board Pres.	Professional
Judi Paladino				Board Pres.	Professional
Barbara Rodrigues				Board Pres.	Professional
Pamela Roberts				Board Pres.	Professional
Richard Bookwalter	10/26/2009		02/09/2013	Board Pres.	Professional
Mary Kay Gallagher	07/01/2008			Board Pres.	Professional
Didi Olson	10/26/2009		02/09/2013	Board Pres.	Professional
Sharon Pavlovich				Board Pres.	Professional
Christine Wietlisbach	01/27/2011			Board Pres.	Professional
Vacant					
The Practice Committee – the Board's longest standing committee – didn't meet from February 20, 2008 - October 19, 2010					

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2. **In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?**
   No. While there was a period of time when the Board had only four (4) members and there were concerns regarding unexpectedly cancelling a meeting due to someone becoming ill, that never occurred.

3. **Describe any major changes to the board since the last Sunset Review, including:**

- **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

The Board updated its Strategic Plans in 2005, 2007, and 2011. While the changes to the strategic plan from 2005 to 2007 were minimal, the changes in the strategic planning process and the resulting improvements in the 2011 strategic plan were more substantive.

The Board's *vision* has remained virtually the same:

> The California Board of Occupational Therapy is a model organization for occupational therapy state regulatory boards, ensuring consumer protection and quality occupational therapy.

The Board's *mission* was tightened up a bit, by omitting unnecessary verbiage:

> The mission of the California Board of Occupational Therapy is to regulate occupational therapy by serving and protecting California's consumers and licensees.

The Board's *core values* were bolstered and some values were enhanced and re-worded:

> The California Board of Occupational Therapy will strive for the highest possible quality throughout all of its programs making it a progressive and responsive organization by:
>
> - Providing excellent customer service to consumers, licensees, employers and other stakeholders;
> - Promoting, applying, and enforceing ethical standards of occupational therapy;
> - Implement fair and consistent application of the laws and regulations governing occupational therapy;
> - Recognizing and supporting the diverse practice settings and roles in occupational therapy;
> - Encouraging active participation by stakeholders through access to the Board;
> - Ensuring a high level of professionalism, efficiency, and effectiveness by the Board members and staff.

Previously, the Board's *goals and objectives* were too numerous and vaguely worded. Thus, the Board's *goals* were reduced from seven goals to only four; the *objectives* were reduced from four to eight per goal to only two to six objectives per goal. The lesser number of *goals and objectives* was not only an improvement in narrowing the focus of the Board's priorities but the wording was refined and bolstered to ensure better direction to Board staff thereby ensuring more efficiency and effectiveness in accomplishing the Board's goals and priorities. While Board staff complete their day-to-

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day duties and maintain Board operations, the focused direction of the strategic plan helps the accomplishment of the Board's goals and priorities.

- **Legislation Sponsored by or Affecting the Board of Occupational Therapy**

Since the Board's last sunset review in 2005, a number of bills relevant to the Board's duties have been considered and enacted. The relevant legislation is listed below in chronological order.

SB 1476 (Figueroa, Chapter 658, Statutes of 2006) extended the sunset date of the Board to January 1, 2014. In addition, this bill changed the process for out-of-state licensees practice privileges in California. This bill allows out-of-state licensees' to practice in California for up to 60 days if an application for licensure or certification is filed, their current license is up to the same standards of the Board, and if the services are performed with a California licensed occupational therapist.

SB 1852 (Committee on Judiciary, Chapter 538, Statutes of 2006) was a code maintenance bill. The changes were non-substantive in nature.

SB 1048 (Committee on Business, Professions, and Economic Development, Chapter 588, Statutes of 2007) clarified that the required examination for licensure or certification is the exam administered by the National Board for Certification in Occupational Therapy or by another nationally recognized credentialing body. The bill also added language specifying that the Board must keep information relevant to licensure, including issuance and expiration dates, up-to-date on its internet website.

SB 819 (Yee, Chapter 308, Statutes of 2009) made numerous technical changes and added a new section specifying that if a licensee is aware that another licensee or applicant is in violation of the practice act, that knowledge must be reported to the Board in writing and that licensee must cooperate with and assist the Board as required.

SB 821 (Committee on Business, Professions, and Economic Development, Chapter 307, Statutes of 2009) made a number of technical changes throughout the Board's practice act. In addition, the bill updated a number of provisions including clarifying that an occupational therapy assistant can supervise an aide in client-related tasks. The bill added new language creating a retired licensure category for occupational therapists and occupational therapy assistants.

SB 294 (Negrete Mcleod, Chapter 695, Statutes of 2010) made technical changes to the Board's practice act to extend the sunset date from 2013 to 2014.

DRAFT

SB 999 (Walters, Chapter 173, Statutes of 2010) made technical changes to Board's practice act to clarify that public members cannot be a licensee of any other healing arts board and repealed obsolete language regarding a general fund start-up loan.

SB 1111 (Negrete Mcleod, Died, 2010) and SB 544 (Price, Died, 2011). These bills both proposed to increase enforcement capabilities of the various boards under the Department of Consumer Affairs, including CBOT. Both bills subsequently failed passage, but the boards were directed to implement, in regulation, those provisions which were deemed under their current statutory authority. The Board's regulations to implement these provisions took effect on September 28, 2012.

AB 415 (Logue, Chapter 547, Statutes of 2011) provided that health care providers under Division 2 of the Business and Professions Code have the authority to administer health care services via telehealth. The Board is in the process of promulgating regulations specific to occupational therapy to implement this bill.

- **All regulation changes approved by Board of Occupational Therapy since the last Sunset Review are shown below.**

Section	Title	Status
4120	Renewal of License or Certificate	Operative 11/15/2006
4121	Renewal of Expired License or Certificate; Application; Fees; Effective Date of Renewal	Operative 11/15/2006
4130	Fees	Operative 11/08/2006
4161	Continuing Competency	Operative 11/15/2006
4162	Completion and Reporting Requirements	Operative 11/15/2006
4114	Abandonment of Application	Operative 08/09/2007
4152.1	Use of Topical Medications	Operative 08/02/2007
4123	Limited Permit	Operative 05/10/2008
4141	Assessment of Administrative Fines	Operative 06/20/2008
4110	Application	Operative 08/27/2008
4161	Continuing Competency	Operative 09/06/2008
4154	Post Professional Education and Training	Operative 10/22/2008
4155	Application for Approval in Advanced Practice Areas	Operative 10/22/2008
4170	Ethical Standards of Practice	Operative 01/16/2009
4181	Supervision Parameters	Operative 04/03/2009
4161	Continuing Competency	Operative 09/23/2009
4130	Fees	Operative 08/26/2009
4120	Renewal of License or Certificate	Operative 03/26/2010
4100	Definitions	Operative 04/07/2010
4123	Limited Permit	Operative 04/13/2011

DRAFT

4125	Representation	Operative 04/13/2011
4175	Minimum Standards for Infection Control	Operative 06/30/2010
4180	Definitions (relating to supervision)	Operative 07/03/2010
4150	Definitions (relating to advanced practice)	Operative 05/28/2011
4151	Hand Therapy	Operative 05/28/2011
4152.1	Use of Topical Medications	Operative 05/28/2011
4153	Swallowing Assessment, Evaluation, or Intervention	Operative 05/28/2011
4154	Post Professional Education and Training	Operative 05/28/2011
4155	Application for Approval in Advanced Practice Areas	Operative 05/28/2011
4147	Disciplinary Guidelines (former section 4144)	Operative 07/06/2011
4141	Assessment of Administrative Fines	Operative 08/19/2011
4145	Record Retention	Operative 8/19/2011
4155	Application for Approval in Advanced Practice Areas	Operative 04/18/2012
4100	Definitions	Operative 09/28/2012
4101	Delegation of Certain Functions.	Operative 09/28/2012
4146	Definitions (relating to discipline)	Operative 09/28/2012
4148	Mental or Physical Examination of Fitness for Licensure	Operative 09/28/2012
4149	Other Actions Constituting Unprofessional Conduct	Operative 09/28/2012
4149.1	Revocation for Sexual Contact	Operative 09/28/2012
4180	Definitions (relating to supervision)	*Pending*
4184	Delegation of Tasks to Aides	*Pending*
4187	Occupational Therapy Assistants Serving in Administrative Positions	*Pending*
4116	Definitions (relating to sponsored free health care events	Operative 09/10/2012
4117	Sponsoring Entity Registration and Recordkeeping Requirements	Operative 09/10/2012
4118	Out-of-State Practitioner Authorization to Participate in Sponsored Event	Operative 09/10/2012
4119	Termination of Authorization and Appeal	Operative 09/10/2012
4127	Inactive Status (former section 4122)	*Pending*
4128	Retired Status	*Pending*
4130	Fees	*Pending*
4154	Post Professional Education and Training	*Pending*
4170	Ethical Standards of Practice	*Pending*
4172	Standards of Practice for Telehealth	*Pending*
4101	Delegation of Certain Functions	*Pending*
4171	Notice to Consumer	*Pending*
4147	Disciplinary Guidelines	*Pending*

DRAFT

4. **Describe any major studies conducted by the board.**

   None to report.

5. **List the status of all national associations to which the board belongs.**

In the past, the Board has maintained memberships in the Council on Licensure, Enforcement, and Regulation, the American Occupational Therapy Association, and the Occupational Therapy Association of California. Currently, the Board maintains no association memberships.

- **Does the board's membership include voting privileges?**

  Not applicable.

- **List committees, workshops, working groups, task forces, etc., on which board participates.**

  Not applicable.

- **How many meetings did board representative(s) attend? When and where?**

  Not applicable.

- **If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?**

  The Board uses a national examination.

Section 2 – Performance Measures and Customer Satisfaction Surveys

6. **Provide each quarterly and annual performance measure report as published on the DCA website.**

   The quarterly and annual performance measure report as published on the DCA website are included Section, Attachment A.

7. **Provide results for each question in the customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.**

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Section 3 –
Fiscal and Staff

Fiscal Issues

8. Describe the board's current reserve level, spending, and if a statutory reserve level exists.

In the previous Sunset report the Board's fund exceeded 24 months reserve, which was a violation of BPC Section XXX. The Sunset Committee recommended the Board "reduce the excessive reserve level without putting the Board's fund in jeopardy and thereby necessitating a fee increase in the near future."

Thus, the Board adopted regulations to move from an annual renewal with a $150 fee to a biennial renewal (every other year), charging the same fee ($150). While changing the renewal frequency reduced the Board's annual revenue collection, it didn't have an immediate impact to the reserve level; the Board's fund reserve level was so high that the reduction in revenue was slow to reduce the fund condition. Thus, in fiscal year 2009/10, a $2 million loan was provided to the General Fund which facilitated a reduction of the Board's fund reserve level.

9. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

The Board's expenditures have exceeded its revenue each year since fiscal year 2009/10. (See Table 2, Fund Condition, below.) The fund condition projects the Board will have an insufficient fund level before the end of the current fiscal year. This situation requires immediate attention, including repayment of the first loan to the General Fund (GF) this fiscal year; DCA budget staff project the $640k plus interest will be paid in June 2013. (More information regarding GF loan repayment and impact to the Board's Fund in Question 10 below.0

As a result of the on-going trend of the annual expenditures exceeding the revenue collected, at its June 2012 meeting, the Board voted to establish two new fees via rulemaking files: a $25 Retired Status application fee and a $50 licensure application fee; both fees are consistent with statute. Other regulatory fees will also need to increase; current pending fee increases are anticipated as follows:

- Increase the pro-rated initial license fee from $150 to $170.
- Increase the biennial license renewal fee from $150 to $170
- Increase the biennial inactive license renewal fee from $25 to $50.

DRAFT

Although the language was noticed to go into effect January 1, 2014, due to outstanding GF loans, the Board sent out modified text changing the effective date from January 1, 2014, to July 1, 2014.

Table 2. Fund Condition

(Dollars in Thousands)	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Beginning Balance	3,135	3,135	1,028	899	608	883
Revenues and Transfers	962	-1,116	973	978	1,643	1,002
Total Revenue	$962	$884	$973	$978	$1,003	$1,002
Budget Authority	1,061	1,350	1,398	1,438	1,367	1,394
Expenditures	946	990	1,110	1,267	1,367	1,394
Loans to General Fund		-$2,000				
Accrued Interest, Loans to General Fund					*TBD*	
Loans Repaid From General Fund					640	
Fund Balance	$3,150	$1,029	$891	$608	$883	$491
Months in Reserve	38.2	11.1	8.4	5.3	7.6	4.1

10. Describe history of general fund loans. When were the loans made? When were payments made? What is the remaining balance?

The Board has provided two General Fund (GF) loans. In FY 2003/04, a $640k loan was made; in FY 2009/10, a $2M loan was made. While the Board has never received a GF loan repayment, due to current funding issues, the Board will require repayment of the $640k GF loan plus interest this fiscal year; the repayment is anticipated to be received in June 2013.

The repayment of the GF loans will affect the Board's Fund Condition (the fund balance). While the GF loan repayment will increase the Board's Fund Condition, the repayment will not affect the fact that the revenue received by the Board each year is still less than its annual expenditures. As a Special Fund agency, the Board must be self-supporting and not rely on GF monies for its operations. Therefore, the revenue collected must be sufficient to support the Board's expenditures.

Thus, the Board must increase the fees charged to increase the revenue collected annually. Due to GF loan repayment requirements, a fee increase may not be imposed if a GF loan repayment is outstanding. Thus, the Board will request the Department of

DRAFT

Finance repay the $2M GF loan in FY 2013/14 and the fee increases will go into effect July 1, 2014.

This strategy, timed fee increases relative to repayment of the GF loans, will address several issues: the GF loan repayment requirements, the Board's on-going revenue and expenditure issues, and the Board's Fund Condition. The plan is as follows:

- FY 2012/13 – GF loan repayment of $640K in June 2013.
- FY 2013/14 – GF loan repayment of $2M in June 2014.
- FY 2014/15 – regulatory fee increases effective July1, 2014.

11. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

Table 3a. Expenditures by Program Component

	FY 2008/09		FY 2009/10		FY 2010/11		FY 2011/12	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	$180,263	$290,171	$293,957	$344,387	$360,115	$305,524	$366,391	$413,423
Examination	$0	$0	$0	$0	$0	$0	$0	$0
Licensing	$71,013	$32,745	$41,994	$18,153	$56,403	$19,108	$64,366	$23,839
Administration *	$206,573	$62,252	$148,432	$36,306	$182,200	$38,216	$188,063	$42,175
DCA Pro Rata	$0	$127,375	$0	$124,369	$0	$170,028	$0	$195,372
TOTALS	$457,849	$512,543	$484,383	$523,215	$598,718	$532,876	$618,820	$674,809

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

Table 3b. Expenditures by Program Component

	FY 2008/09		FY 2009/10		FY 2010/11		FY 2011/12	
	Total Expend*	%	Total Expend	%	Total Expend	%	Total Expend	%
Enforcement	$470,434	48.4	$638,344	45.7	$665,639	58.8	$779,814	60.3
Licensing	$103,758	10.6	$60,147	6.0	$75,511	6.7	$88,205	6.8
Administration	$268,825	27.7	$184,738	18.3	$220,416	19.5	$230,238	17.8
DCA Pro Rata	$127,375	13.1	$124,639	12.3	$170,028	15.1	$195,732	15.1
FY Total Expenditures	$970,392		1,007,598		$1,131,594		$1,293,629	

***** Total Expenditures is total of Personnel Services and OE&E shown in Table 3a

DRAFT

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

During the period January 1, 2003, through December 31, 2006, all licenses expired annually on the last day of the licensee's birth month. That changed January 1, 2007, when licenses expired at midnight on the last day of the licensee's birth month during an odd year if the licensee was born in an odd year or during an even year, if the licensee was born in an even year. This takes the entire licensing population and spreads their renewals over a 24 months period.

The only other amendment to fees charged has to do with the limited permit fee. The $75 limited permit fee used to pay for a limited permit and, if the applicant passed the exam, would be used to apply toward the initial licensing fee. This provision was removed in 2006.

The fees charged by the Board are set forth in CCR Section 4130, and include the following:

- CCR 4130(a) - The initial license or certificate fee shall be prorated pursuant to Section 4120(a)(1) and based on a biennial fee of $150. (Initial licenses are issued based on an applicant's birth month and the month the license is issued, for a minimum period of six months and a maximum of 30 months; thus, fees charged range from $38 - $188.) *Statutory authority: BPC Section 2570.16.*
- CCR 4130(b) - The fee for a limited permit is $75. *Statutory authority: BPC Section 2570.16.*
- CCR 4130(d) - For a license that expires on or after January 1, 2007, the renewal fee shall be in accordance with the following schedule:
  (1) For a license that expires between January 1, 2007, and December 31, 2007, a licensee with an even birth year shall renew for one year and the renewal fee shall be seventy-five dollars ($75).
  (2) For a license that expires on or after January 1, 2007, and biennially thereafter, a licensee with an odd birth year shall renew for two years and the renewal fee shall be one hundred fifty dollars ($150).
  (3) For a license that expires on or after January 1, 2008, and biennially thereafter, a licensee with an even birth year shall renew for two years and the renewal fee shall be one hundred fifty dollars ($150). *Statutory authority: BPC Section 2570.16.*
- CCR 4130(e) - The delinquency fee is one-half of the renewal fee. *Statutory authority: BPC Section 163.5.*
- CCR 4130(f) - The renewal fee for an inactive license or certificate is $25. *Statutory authority: BPC Section 462.*
- CCR 4130(g) - The fee for a duplicate license is $15. *Statutory authority: BPC Section 122.*

DRAFT

- CCR 4130(h) - The fees for fingerprint services are those charged by the California Department of Justice and the Federal Bureau of Investigation. *Statutory authority: BPC Sections 2570.16 and 144.*

Table 4. Fee Schedule and Revenue

Fee	Current Fee Amount	Statutory Limit	FY 2008/09 Revenue	FY 2009/10 Revenue	FY 2010/11 Revenue	FY 2011/12 Revenue	% of FY 2011/12 Revenue
Fingerprint processing	$49	Actual fee	11,883	8,670	12,495	15,375	1.53
OT Initial License	Variable	Based on biennial fee of $150	68,338	68,335	75,157	90,200	8.97
OTA Initial License	Variable	Based on biennial fee of $150	12,488	12,485	15,870	21,896	2.18
OT Limited Permit	$75	Not specified	5,400	5,550	7,050	6,000	.60
OTA Limited Permit	$75	Not specified	1,800	1,500	1,275	1,500	.15
OT Active Biennial Renewal	$150	$150 per year	617,950	619,600	667,200	668,840	66.54
OTA Active Biennial Renewal	$150	$150 per year	103,275	99,725	111,750	111,450	11.09
OT Delinquent	$75	BPC 163.5: 50 percent of renewal fee	11,550	10,425	12,300	11,685	1.16
OTA Delinquent	$75	BPC 163.5: 50 percent of renewal fee	2,475	2,100	2,925	1,725	.17
OT Inactive Renewal	$25	BPC 462	9,000	6,975	9,025	7,200	.72
OT Inactive Renewal	$25	BPC 462	1,825	1,375	1,500	1,475	.15
OT Duplicate License	$15	BPC 122: $25	1,725	1,560	1,890	2,010	.20
OTA Duplicate License	$15	BPC 122: $25	330	345	420	435	.04
Dishonored check (All types)	$25	???	905	195	35	475	.04
License verification/ Endorsement	$15	BPC 122: $25	7,530	7,465	6,798	7,725	.77
TOTAL ANNUAL REVENUE			**$986,562**	**$901,408**	**$996,410**	**$1,005,181**	

DRAFT

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	$ Requested	$ Approved	$ Requested	$ Approved
1110-30	9/10	Fingerprint	4*	4*	$164K	$164K	$221K	$221K
1110-22	10/11	Workload	1 SSM I	1 SSM I	$92K	$92K	$17K	$7K
1110-21	10/11	IT – App Track	0	DENIED				
1110-23	10/11	Workload – Admin		DENIED BY AGENCY				
1110-24	10/11	Workload – Enforce	1 SSA, 1 Invest	DENIED				
1110-1A	10/11	Enforcement – CPEI	2.5 AGPAs (limited term)	2.5 AGPAs (limited term)	$204K	$204K	$26K	$26K

**1 SSA, 3 Office Technicians*

Staffing Issues

14. Describe any staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

Mention establish manager; fingerprint BCP, CPEI BCP

15. Describe the board's staff development efforts and how much is spent annually on staff development .

The table below depicts the annual expenditure on staff development.

FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
$2,688	$800	$1,378	$1,855

Section 4 – Licensing Program

16. What are the board's performance targets/expectations for its licensing program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

DRAFT

CCR section 4112 requires that the Board provide written notice to an applicant whether their application is complete or deficient within 30-days of the Board's receipt of the application. Internal statistics for the last three FYs reflect that the Board is meeting the established expectation. It takes an average of 22 days for the Board to provide an applicant written notice whether the application is complete or incomplete.

17. Describe any increase or decrease in average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board is meeting its regulatory goal in processing applications and notifying applicants within 30 days of the status of their application, so pending applications have not grown at a rate that is not manageable. On occasion, when the Board has been in jeopardy of exceeding the 30 day notification period it has been able to redirected staff resources. Such times usually occur for very short durations and are around graduation periods. The Board will continue to monitor the processing times and take appropriate steps to seek additional staff through the BCP process and/or consider legislative or regulatory change if it is not able to meet the standards established in CCR 4112.

18. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

Table 6. Licensee Population

		FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Occupational Therapist	Active	Data Not available	3,425	4,123	4,239
	Inactive		271	358	326
	Out-of-State		338	386	384
	Out-of-Country		20	15	24
	Delinquent *		230	304	321
Occupational Therapy Assistant	Active	Data Not available	546	717	711
	Inactive		46	59	63
	Out-of-State		48	63	66
	Out-of-Country		0	0	0
	Delinquent *		33	54	45

*** Delinquent license renewals processed are <u>not</u> accounted for in the active and inactive totals.**

DRAFT

Table 7a (Licensing data by type) was not included

Table 7a. Licensing Data by Type											
Application Type		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control *	Within Board control *	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2008/09	Exam					-	-	-	-	-	-
	License					-	-	-	-	-	-
	Renewal			n/a		-	-	-	-	-	-
FY 2009/10	Exam										
	License										
	Renewal			n/a							
FY 2010/11	Exam										
	License					-	-	-	-	-	-
	Renewal			n/a		-	-	-	-	-	-
FY 2011/12	Exam										
	License										
	Renewal			n/a							

* Optional. List if tracked by the board.

Table 7b. Total Licensing Data	FY 2009/10	FY 2010/11	FY 2011/12
Initial Licensing Data:			
Initial OT License Applications Received	621	730	826
Initial OT License Applications Approved	606	672	831
Initial OT License Applications Closed	6	11	41
OT Licenses Issued	598	649	80???
Initial OTA License Applications Received	118	145	180
Initial OTA License Applications Approved	105	139	163
Initial OTA License Applications Closed	0	3	6
OTA Licenses Issued	109	134	162
Initial License/Initial Exam Pending Application Data:			
Pending OT Applications (total at close of FY)			
Pending OT Applications (outside of board control)*	Data not available		

DRAFT

Pending OT Applications (within the board control)*			
Pending OTA Applications (total at close of FY)			
Pending OTA Applications (outside of board control)*	Data not available		
Pending OTA Applications (within the board control)*			
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)			
Average Days to Application Approval (incomplete apps)*	Data not available		
Average Days to Application Approval (complete apps)*			
License Renewal Data:			
License Renewed	See Table 6 above		
* Optional. List if tracked by the board.			

19. How does the board verify information provided by the applicant?

a. What process is used to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

When an applicant submits their application for licensure, each applicant is required to disclose whether any health related professional licensing or disciplinary body in any state, territory or foreign jurisdiction has ever denied, limited, placed on probation, restricted, suspended, cancelled or revoked any professional license, certificate, or registration, or imposed a fine, reprimand, or taken any other disciplinary action against any license or certificate they hold or have ever held. If the applicant discloses another license on their application, they are required to submit a license certification/verification from the issuing authority. The license certification/verification is used as a primary source means to determine if the applicant had a license or certificate that had been disciplined by another state or province. (This process also assists the Board in determining if the applicant has been truthful in the application process.)

Each applicant is also required to disclose any past misdemeanor or felony convictions, regardless of the age of the conviction or whether the matter has been expunged. As part of the licensure process, each applicant is required to submit their fingerprints for processing through the California Department of Justice and the Federal Bureau of Investigation for processing at both the State and Federal levels. (This process also assists the Board in determining if the applicant has been truthful in the application process.)

Any applicant who holds or has held any other health related license or certificate in any state (including California), province, or country, or if the applicant discloses any misdemeanor or felony convictions, is enrolled in the *Continuous Query* feature of the

DRAFT

National Practitioner Databank and Healthcare Integrity & Protection Databank (federally maintained databanks). The enrollment in *Continuous Query* feature of the federal data banks allows the Board to obtain notification of any disciplinary action taken by a health related professional licensing or disciplinary body in any state or United States territory, or other mandated reporters. (*More information below in response to question 19d*.) This "flag" provides notice to the Board to seek additional information from the reporting entity.

b. Does the board fingerprint all applicants?

As part of the licensure process, each applicant is required to submit their fingerprints for processing through the California Department of Justice and the Federal Bureau of Investigation. Applicants can submit their fingerprints electronically if they access one of several hundred LiveScan locations in California; applicants located out of state must submit fingerprint cards directly to the Board. Whether fingerprints are submitted via LiveScan or fingerprint cards, no applicant is approved for licensure until the background check from both the Department of Justice and Federal Bureau of Investigation is received by the Board.

c. Have all current licensees been fingerprinted? If not, explain.

The fingerprint process not only verifies whether an applicant has been convicted of crimes in the past, but also provides the Board subsequent arrest information. Thus, the fingerprint image is 'maintained' by the Department of Justice.

However, in the event that a record of the submission of fingerprints no longer exists, as a condition of renewal, regulations were amended to require licensees to furnish a set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice. Failure to submit fingerprints on or before the date required for renewal of a license is grounds for discipline by the Board.

All current licensees have either been fingerprinted or have been identified as needing to submit their fingerprints prior to renewing their license in an Active status.

In February 2010, the Board identified 108 licensees whose fingerprints were not on file with the California Department of Justice. Board staff developed an in-house renewal form that was mailed to each of the 108 licensees. Each licensee was required to provide proof to the Board that they had submitted their fingerprints prior to renewing their license in an Active status. This proof was in the form of either a Live Scan form or a fingerprint hard card.

DRAFT

Since that time, seven of the 180 licensees have been cancelled (due to being delinquent for 5 years); the other 19 licensees either have their license in Inactive status or their license is delinquent.

d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

There are two data banks maintained by the federal government that the board reports certain designated actions to: the National Practitioner Data Bank (NPDB) and the Healthcare Integrity & Protection Data Bank (HIPDB). (Hereafter "databanks") The intent of the databanks is to improve the quality of health care by encouraging State licensing boards, hospitals and other health care entities, and professional societies to identify and discipline those who engage in unprofessional behavior; and to restrict the ability of incompetent physicians, dentists, and other health care practitioners from moving from state to state without disclosure or discovery of previous medical malpractice payment or other adverse action. Adverse actions can involve action taken against licensure, clinical privileges, and professional society membership.

Reporters to the NPDB include, but are not limited to:

- Medical malpractice payers
- State health care practitioner licensing boards
- Hospitals
- Other health care entities with formal peer review (e.g., HMOs, managed care organizations, etc.)
- Professional societies with formal peer review
- State entity licensing and certification authorities
- Peer review organizations
- Drug Enforcement Agency
- Health and Human Services' Office of the Inspector General

The purpose of the HIPDB is to combat fraud and abuse in health insurance and health care delivery and to promote quality care. The HIPDB is primarily a flagging system that may alert users that a more comprehensive review of a practitioner's past actions may be prudent. HIPDB information is intended to be used in combination with information from other sources (e.g., evidence of current competence through continuous quality improvement studies, peer recommendations, verification of training and experience, and relationships with organizations) in making determinations on employment, affiliation, certification, or licensure decisions.

Reporters to the HIPDB include, but are not limited to:

- Federal and State Government Agencies
- Health Plans

DRAFT

The Board *reports* disciplinary actions taken against applicants and licensees to both databanks; the Board enrolls into both databanks (or *queries)* those applicants who possess an out-of-state healthcare-related license and those who disclose prior criminal history.

"Continuous Query" is a service that monitors enrolled licensees for adverse actions and medical malpractice payment history 24 hours a day/365 days per year for a one-time enrollment fee, which is then subject to annual renewal. This important tool assists the Board by facilitating the review of an applicant's past disciplinary actions, as well as ensuring the Board is notified of any future disciplinary actions taken against the licensee by another reporting entity.

The Board utilizes the Continuous Query function for applicants as well as licensees placed on probation. When initially enrolled, the Board receives a comprehensive history of disciplinary actions taken against the applicant or licensee and then continues to receive email notifications within 24 hours of either databank receiving a report from a reporting entity, subject to continued enrollment (or annual renewal).

While the Board currently bears the cost of querying the databanks (the fee is $6.50), the Board had been optimistic that Senate Bill 544 would have passed and addressed the financial impact to this important consumer protection tool.

(Note: SB 544 would have required all health care licensing Board(s) to query the NPDB before granting a license to an applicant and before granting a petition for reinstatement of a revoked or surrendered license. This bill would also have allowed the Board to charge the applicant a fee to cover the Board's actual cost of the query, allowing the Board to check all applicants. While this bill died in committee, the Board hopes that this issue will be addressed in a future bill by the Joint Legislative Sunset Review Committee.)

e. Does the board require primary source documentation?

Yes. Requiring primary source documentation (e.g. educational transcripts issued by the university or college, verification of passage of the examination issued by the vendor, license verifications issued by another state agency, court documents relating to convictions issued by the appropriate court system, etc.) ensures the accuracy of the document submitted and also assists the Board in determining if the applicant has been truthful in the application process.

20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The Board does not have reciprocity with any other state licensing board. Any person from another state seeking licensure in California as an occupational therapist or occupational therapy assistant will need to demonstrate compliance with all licensing requirements, including demonstrating minimum entry-level competence.

DRAFT

This is demonstrated by completion of specific educational and supervised fieldwork requirements set forth in BPC section 2570.6 and successful completion of the entry-level examinations administered by the National Board for Certification in Occupational Therapy, Inc. (NBCOT).

Occupational therapists trained outside of the United States are required to complete the educational and supervised fieldwork requirements set forth in BPC section 2570.6 and successfully complete the entry-level certification examination administered by NBCOT. (There are no occupational therapy assistant programs recognized by the World Federation of Occupational Therapists; only US graduates of occupational therapy assistant programs can take the NBCOT certification examination.) Additionally, pursuant to BPC 30, an applicant shall provide his or her social security number before a license can be issued.

An individual applying for a license as an occupational therapist or as an occupational therapy assistant shall submit a completed application and demonstrate to the Board, that he or she meets all of the requirements set forth in BPC 2570.6:

> (a) That the applicant is in good standing and has not committed acts or crimes constituting grounds for denial of a license under Section 480.
>
> (b)(1) That the applicant has successfully completed the academic requirements of an educational program for occupational therapists or occupational therapy assistants that is approved by the board and accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), or accredited or approved by the American Occupational Therapy Association's (AOTA) predecessor organization, or approved by AOTA's Career Mobility Program.
>
> (c) (1) For an applicant who is a graduate of an occupational therapy or occupational therapy assistant educational program who is unable to provide evidence of having met the requirements of paragraph (2) or (3) of subdivision (b), he or she may demonstrate passage of the examination administered by the National Board for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association, as evidence of having successfully satisfied the requirements of paragraph (2) or (3) of subdivision (b).
>
> (2) For an applicant who completed AOTA's Career Mobility Program, he or she shall demonstrate participation in the program and passage of the examination administered by the National Board for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association, as evidence of having successfully satisfied the requirements of paragraphs (1) and (2) of subdivision (b).
>
> (d) That the applicant has successfully completed a period of supervised fieldwork experience approved by the board and arranged by a recognized

DRAFT

educational institution where he or she met the academic requirements of subdivision (b) or (c) or arranged by a nationally recognized professional association. The fieldwork requirements for applicants applying for licensure as an occupational therapist or as an occupational therapy assistant shall be consistent with the requirements of the ACOTE accreditation standards, or AOTA's predecessor organization, or AOTA's Career Mobility Program, that were in effect when the applicant completed his or her educational program.

(e) That the applicant has passed an examination as provided in Section 2570.7.

(f) That the applicant, at the time of application, is a person over 18 years of age, is not addicted to alcohol or any controlled substance, and has not committed acts or crimes constituting grounds for denial of licensure under Section 480.

The law allows an OT or OTA who holds a current, active, and non-restricted license issued by another state with requirements at least as stringent as California, may work in California for 60 days from the date an application for licensure is received by the Board; the OT or OTA must work in association with a California-licensed OT. Any applicant who holds or has ever held a license, registration, or certificate in any health-related profession, including occupational therapy, in any state, province, or country, he/she must request a letter of good standing from each of those jurisdictions.

Other than those items listed above the application process is the same for new graduates, or applicants from out of state or country.

21. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

The Board submits No Longer Interested (NLI) notifications to DOJ when a license is cancelled, surrendered, or revoked, and when an application is abandoned. The NLI notifications are either faxed or mailed to DOJ, depending on the amount of NLIs being submitted to DOJ.

Due to the fact that some applicants submit their fingerprints but never submit an application, there is also an internal policy that requires Board staff to submit the NLI if an application is not received from the applicant within 60 days of receipt of the DOJ or FBI information, whichever occurs latest.

22. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required?

One requirement for licensure is that applicants must successfully apply for and complete the entry-level certification examination for occupational therapists or occupational therapy assistants administered by the NBCOT.

DRAFT

23. What are pass rates for first time vs. retakes in the past 4 fiscal years? ***(Refer to Table 8: Examination Data)***

Examinations

Table 8. Examination Data			
California Examination (include multiple language) if any.			
NOT APPLICABLE – NO STATE-SPECIFIC EXAMINATION REQUIRED			
National Examination (include multiple language) if any:			
License Type		**Occupational Therapist**	
Exam Title		***OCCUPATIONAL THERAPIST REGISTERED - OTR***	
		1st Time Candidates	**Retakes**
2008	Pass %	85%	40%
2009	Pass %	48%	53%
2010	Pass %	82%	53%
2011	Pass %	84%	51%
Date of Last OA; Name of OA Developer		2009 - NBCOT	
National Examination (include multiple language) if any:			
License Type		**Occupational Therapy Assistant**	
Exam Title		***CERTIFIED OCCUPATIONAL THERAPY ASSISTANT – COTA***	
		1st Time Candidates	**Retakes**
2008	Pass %	83%	49%
2009	Pass %	86%	51%
2010	Pass %	84%	44%
2011	Pass %	81%	57%
Date of Last OA; Name of OA Developer		2009 - NBCOT	

24. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

The NBCOT uses computer-based testing for both the occupational therapist (OTR) and occupational therapy assistant (COTA) examinations. The examinations are administered at Prometric Test Centers (PTC) worldwide. PTCs delivers and administers tests through a network of more than 10,000 testing centers in more than 160 countries. Most PTCs are open six days a week and many centers have evening hours as well.

DRAFT

There are two ways a candidate can apply for the examinations – online or by mail using a hardcopy application. Both options are available via the NBCOT's web site (www.nbcot.org) including the hardcopy option which can be downloaded. Candidates are strongly encouraged to review the Certification Examination Handbook, posted to NBCOT's web site, prior to applying for the exam. The Handbook has been developed to provide exam candidates with the information they need to complete and successfully submit a certification examination application.

All candidates are required to answer the Character questions on the exam application and for those who respond affirmatively, comply with related documentation requirements. Candidate's requesting special testing accommodations must indicate this request on the application and comply with associated documentation requirements. Reporting services are available to all candidates as part of the exam application process including: 1) Confirmation of Examination Registration and Eligibility to Examine Notice and 2) Official Score Transfer.

After the candidate has submitted an exam application and fee, they MUST arrange to submit an Official Final Transcript or an Academic Credential Verification Form (ACVF). The ACVF may be submitted in the event that the official transcript is not final with the understanding that the final transcript must be submitted upon graduation. Please see the NBCOT Certification Examination Handbook on the web site for the ACVF policy.

Once an exam application has been approved, the candidate is provided with an Authorization to Test (ATT) letter. The ATT letter authorizes the candidate to take the certification examination and is active for 90 days. Upon receipt of an ATT letter, a candidate can then proceed with contacting PTC to schedule a date, time and location to test.

The exam is scored according to the dates indicated on the scoring calendar. The scoring calendar is posted to the NBCOT's web site. Following each scoring date, candidates are able to access their pass/fail status through their online account. The official score report is then mailed in hard copy to the candidate. The Board is provided examination scores if the candidate requests the score report is provided to the Board; candidate score reports are provided to the Board twice monthly via electronic notification.

25. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No. The application process required in California is fairly consistent across the United States, including completing educational programs accredited by the Accreditation Council on Occupational Therapy Education and passage of the examinations administered by NBCOT.

DRAFT

School approvals

26. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

The Accreditation Council on Occupational Therapy Education approves all occupational therapy educational programs; the Board does not work directly with BPPVE.

27. How many schools are approved by the board? How often are schools reviewed?

Not applicable.

28. What are the board's legal requirements regarding approval of international schools?

Not applicable; the Board doesn't approve schools.

Continuing Education/Competency Requirements

29. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

Occupational therapy practitioners are required to complete 24 Professional Development Units (PDUs) to demonstrate competency to renew their license with an active status. The PDUs must be taken in the two year period preceding the biennial renewal of the license.

Originally, CCR Section 4161(a)(1) defined professional development activities as fifty (50) minutes of participation equaled one (1) PDU. In September 2009, CCR Section 4161(a)(1) was amended so that One (1) hour of participation in a professional development activity equaled one (1) PDU.

Previously, when licensees renewed annually, completion of 12 PDUs were required in order to renew the license.

a. How does the board verify CE or other competency requirements?

Occupational therapy licensees are required to self-certify, under penalty of perjury, on the renewal application that they have completed 24 PDUs as a condition of renewing their license with active status.

b. Does the board conduct CE audits on its licensees? Describe the board's policy on CE audits.

DRAFT

The Board randomly audits licensees to determine compliance with the PDU requirement. The Board has established a goal of conducting audits on 5% of its active renewals.

[JH to double check: If we have not met the goal we might consider language indicating we do not have a dedicated position for conducting audits and the workload was absorbed by existing staff, there were furloughs, etc.]

c. What are consequences for failing a CE audit?

A citation and fine is issued to licensees who fail PDU audits. Incorporated within the citation is an Order of Abatement that requires the licensee to immediately complete the deficiency that exists. Licensees that fail to comply with the Order of Abatement will be referred to the Office of the Attorney General for formal disciplinary action.
Previously, the Baord
[Don't know if we should go into the fact we previously placed the license on inactive status]

d. How many CE audits were conducted in the past four fiscal years? How many fails?

875 audits have been conducted. 68 cases were referred to the Board's Enforcement Unit for non-compliance; 44 cases ultimately resulted in issuance of a citation.

Fiscal Year	Audits Completed	Audits Failed	% Audits Failed
2008/09	0	0	0
2009/10	234	16	6.8%
2010/11	307	20	6.5%
2011/12	336	25	7.4%
TOTALS / AVERAGE %	**877**	**61**	**6.97**

e. What is the board's course approval policy?

The Board does not approve professional development courses or the companies/ providers that offer the courses. However, CCR Section 4161states that activities acceptable to the Board include, but are not limited to, programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Occupational Therapy Association of California; post-professional coursework completed through any approved or accredited educational institution that is not part of a course of study leading to an academic degree.

DRAFT

In addition to the above, the Board also accepts coursework, programs, and activities that meet the following criteria:

- The program or activity contributes directly to the professional knowledge, skill, and ability.
- The program or activity relates directly to the practice of occupational therapy.
- The program or activity must be objectively measurable in terms of the hours involved.
- The licensee must receive a transcript, certificate of completion, or other documentary evidence establishing completion of the program, course or activity.

In order to broaden the ability of licensees to meet the PDU requirement, the board established a variety of alternative no cost or low cost ways, other than completing courses, for licensees to meet the requirement. For example, licensees can participate in structured special interest or study groups; mentor a practitioner or structured mentoring with an individual skilled in a particular area; supervising a student completing their Level II fieldwork ; publication of an article in a peer-reviewed or non-peer reviewed publication; publication of chapter(s) in occupational therapy or related professional textbook; attending a Board meeting, etc.

Thus, licensees are able to complete the PDU requirement by enrolling in continuing education coursework through a variety of on-line providers, in-service training provided by employers and facilities, or other alternative methods.

f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

The Board does not approve CE courses or providers. Nor does it use a private vendor or other entity other than the American Occupational Therapy Association or Occupational Therapy Association of California as indicated above.

g. How many applications for CE providers and CE courses were received? How many were approved?

Not applicable, no data to report.

h. Does the board audit CE providers? If so, describe the board's policy and process.

The Board does not audit PDU providers.

DRAFT

i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensees' continuing competence.

There is no evidence-based research that supports the concept that completion of continuing education leads to continued or improved competence. Due to the lack of evidence-based research and on-going funding issues, at this time, the Board is not planning to move forward with performance based assessments of licensees.

Section 5 – Enforcement Program

30. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

There are several categories where the Board has identified target goals for in certain areas. (Quarterly performance measurements for the period July 1, 2010, through June 30, 2012, are included as attachments in Section 12.A.)

The Board is meeting most of its performance measurements. However, when comparing timeframes for certain categories, improvement can be noted. For example, the Intake and Investigation target is 270 days. During the quarter July through September 2010, the average time was 297 days. However, the average number of days dropped to 74 by the quarter April through June 2012 – a significant improvement in processing times.

Board staff continues to not only strive to meet the performance measurement targets, but also to address complaints, from complaint receipt to resolution (citation or formal discipline), as timely as possible in deference to both the complainants and the licensees.

31. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

From the historical complaint data below, it's evident there was a sharp increase in the number of complaints received each year as more people (consumers, governmental agencies, and the profession) became aware of the Board's existence and its role and function in regulating the profession. However, if you compare the historical complaint data, which shows a sharp increase each year, to the complaint data in Table 9a, which has data for the last three fiscal years, it's apparent the number of complaints has leveled

DRAFT

off a bit. Board staff attribute the sharp increase in the early years to the 'growth' expected for a new Board.

HISTORICAL COMPLAINT DATA						
	2003/04	**2004/05**	**2005/06**	**006/07**	**2007/08**	**2008/09**
Complaints Received	115	138	220	442	427	485
Complaints Closed	89	109	164	303	398	417
Complaints Pending	44	73	129	268	297	365
Referred to DOI	6	8	12	11	6	13
SOIs filed	5	4	1	2	4	4
Accusations filed	2	4	1	8	4	12
Disciplinary Action	6	13	3	7	11	16

Include the Historical complaint data above or no??

Table 9a. Enforcement Statistics			
	FY 2009/10	FY 2010/11	FY 2011/12
COMPLAINT			
Intake			
Received	306	683	543
Closed without Investigation	6	0	0
Referred to INV	306	683	541
Average Days to Close or Assign	25	1	3
Pending (close of FY)	0	0	2
Source of Complaint			
Public	21	45	23
Licensee/Professional Groups	3	1	0
Governmental Agencies	71	65	81
Other	211	572	439
Conviction / Arrest			
CONV Received	128	95	100

DRAFT

CONV Closed	128	95	99
Average Time to Close	4	1	1
CONV Pending (close of FY)	0	0	1
LICENSE DENIAL			
License Applications Denied	5	6	2
SOIs Filed	7	2	3
SOIs Withdrawn	0	0	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	282	638	351
Pending (close of FY)	2	3	2
ACCUSATION			
Accusations Filed	13	12	3
Accusation(s) and Petition(s) to Revoke Filed	1	1	1
Petition(s) to Revoke Filed	3	6	3
Accusations Withdrawn	0	1	0
Accusations Dismissed	0	0	1
Accusations Declined	0	1	724
Average Days Accusations	960	762	724
Pending (close of FY)	12	15	6

Table 9b. Enforcement Statistics (continued)			
	FY 2009/10	FY 2010/11	FY 2011/12
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	7	5	8
Stipulations	12	6	6
Average Days to Complete	746	740	637
AG Cases Initiated	16	18	11
AG Cases Pending (close of FY)	14	18	8
Disciplinary Outcomes			
Revocation	4	4	3
Voluntary Surrender	0	0	0
Suspension	0	0	0
Probation with Suspension	02	0	1
Probation	8	6	11
Probationary License Issued	6	1	3
Other	4	2	3

DRAFT

PROBATION			
New Probationers	17	7	15
Probations Successfully Completed	2	5	4
Probationers (close of FY)	27	24	27
Petitions to Revoke Probation	4JQ 4 JH	7JQ 6 JH	5JQ 4JH
Probations Revoked	0	2	1
Probations – voluntary license surrender	1	4	5
Probations Modified	0	0	0
Probation Periods Extended	0	0	1
Probationers Subject to Drug Testing	8JQ 11JH	5JQ 10JH	5 JQ 14JH
Drug Tests Ordered	105 JQ 116* DR	309 JQ 762 DR	624 JQ 917 DR
Positive Drug Tests	21JQ	229 JQ	60JQ
Cease Practice Orders Issued (BPC 315.2)	0		
Petition for Reinstatement Granted	1	0	0
DIVERSION Program – *Not Applicable*			

Double check/validate testing data
116* FirstLab 4/2010 – 6-2010; add in old company data 7/1/09 – 3/31/09 (1216 + X =)
BPC 315.2, authorizing CPOs

32. What do overall statistics show as to increases or decreases in disciplinary action since last review.

An increase in complaints has led to an increase in disciplinary action.

Table 9c. Enforcement Statistics (continued)			
	FY 2009/10	FY 2010/11	FY 2011/12
INVESTIGATION			
All Investigations			
First Assigned	306	683	566
Closed	428	736	84
Average days to close	250	140	125
Pending (close of FY)	202	149	125
Desk Investigations			
Closed	403	726	517
Average days to close	212	131	65
Pending (close of FY)	191	129	109
Non-Sworn Investigations			

DRAFT

Closed	NA	NA	NA
Average days to close	NA	NA	NA
Pending (close of FY)	NA	NA	NA
Sworn Investigation			
Closed	25	10	49
Average days to close	861	779	284
Pending (close of FY)	11	20	16
COMPLIANCE ACTION			
ISO & TRO Issued	0	0	2
PC 23 Orders Requested	1	0	0
Cease Practice Orders	0	0	0
Public Letter of Reprimand	1	0	0
Cease & Desist/Warning	1	0	0
Compel Examination	1	1	0
CITATION AND FINE(Use CAS Report EM 10 and 095)			
Citations Issued	65	263	173
Average Days to Complete	291	88	98
Amount of Fines Assessed	$17,301	$50,492	$31,025
Citations Reduced	4	10	1
Citations Withdrawn	1	8	9
Citations Dismissed	0	10	10
Amount Collected	$17,025	$39,549	$20,655
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	0

Table 10. Enforcement Aging

	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
1 Year	2	9	12	13	36	58.0
2 Years	3	7	5	9	24	38.7
3 Years	0	0	0	2	2	3.2
4 Years	0	0	0	0	0	0
Over 4 Years	0	0	0	0	0	0
Total Cases Closed	**5**	**16**	**17**	**24**	**62**	
Investigations (Average %)						

DRAFT

Closed Within:						
90 Days	215	180	536	387	1,318	63.7
180 Days	42	62	44	133	281	13.6
1 Year	43	88	58	33	222	10.7
2 Years	36	61	62	8	167	8.1
3 Years	1	18	19	2	40	1.9
Over 3 Years	2	19	17	3	41	1.9
Total Cases Closed	**339**	**412**	**717**	**566**	**2,069**	

33. How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The Department's *Complaint Prioritization Guidelines* was provided to the Board for consideration at their December 3, 2009, meeting. While the Board agreed with the majority of the guidelines, some changes were made prior to its adoption. The Board's *Complaint Prioritization Guidelines* are included as Attachment 12.E.

34. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report actions ta1ken against a licensee. Are there problems with receiving the required reports? If so, what could be done to correct the problems?

BPC Section 801.1(a) requires every state or local governmental agency that self-insures a person who holds a license, certificate, or similar authority, shall report any settlement or arbitration award over three thousand dollars ($3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional services.

BPC Section 802 requires that every settlement, judgment, or arbitration award over three thousand dollars ($3,000) of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or by the unauthorized rendering of professional services, by a person who holds a license, be reported to the Board.

BPC 803.5 requires clerk of the court in notify the Board of any filings against a licensee charging a felony. BPC 803.5 also requires the clerk of the court to notify the Board, within 48 hours after the conviction, when one of its licensee is convicted of a crime shall.

DRAFT

While the Board has never received any reports as required by the BPC, the Board relies on subsequent arrest and subsequent conviction notification from the Department of Justice.

35. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases were lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

The Board has no statute of limitations set in statute. However, Board staff typically works with the Division of Investigation (DOI) and/or the Office of the Attorney General (AGO) to determine the viability of successfully prosecuting the case. Also, if the case is transmitted to the AGO, the Deputy Attorney General assigned to the case will advise staff if they have concerns with successfully prosecuting the case; this includes a review of a variety issues, including but not limited to, the age of the violations, mitigation, etc.

36. Describe the board's efforts to address unlicensed activity and the underground economy.

Unlicensed practice continues in California. This includes practice on an expired license and practice without a license. The Board has provided information regarding the importance of verifying licenses on-line prior to allowing someone to provide services, however, many employers are not diligent in routinely verifying licenses.

Due to how common it is for practice to occur without a license or on an expired license, the Board has amended the cite and fine regulations to specifically reference the various periods of "unlicensed" practice and the class of violation the practice fails into. (The class is relevant to the fine assessed.) Those periods of practicing without a license or practicing on an expired license for a period of *greater than a year* will not be issued a citation; instead the violation(s) will be included in a statement of issues (in a case involving an unlicensed individual) or in an accusation (in a case involving a licensee).

In response to the on-going issue with unlicensed practice or practice on an expired license, regulations went into effect in April 2009, requiring the supervising occupational therapist to determine that the occupational therapy practitioner possesses a current license, certificate or permit to practice occupational therapy *prior* to allowing the person to provide occupational therapy services.

A reminder of this requirement will be going out to all occupational therapists in October 2012. The Board is hopeful that this reminder will make the supervising OT more aware of their responsibility and ultimately, reduce and/or eliminate unlicensed practice or practice on an expired license.

Cite and Fine

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37. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and last time regulations were updated. Has the board increased its maximum fines to the $5,000 statutory limit?

Intent of Cite and Fine Authority

Business and Professions Code (BPC) Section 125.9 authorizes the Board to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine. The Board established CCR Section 4140(a) which authorizes the Board to issue citations and fines to licensees.

Further, BPC Section 148 authorizes the Board to establish, by regulation, a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the board. The Board established CCR Section 4140(b) which authorizes the Board to issue citations and fines and/or orders of abatement, to unlicensed persons. This authority is exercised on a case-by-case basis when violations are not necessarily egregious enough to warrant discipline and a lesser form of action is appropriate.

Pursuant to CCR Section 4141(a) fines range from $50 to $5,000. The following factors are considered:

1. Gravity of the violation,
2. History of previous violations involving the same or similar conduct,
3. Length of time that has passed since the date of the violation,
4. Consequences of the violation, including potential for patient harm, the good or bad faith exhibited by the cited individual,
5. Evidence that the violation was willful,
6. The extent to which the individual cooperated with the board's investigation,
7. The extent to which the individual has remediated any knowledge and/or skills deficiencies, or
8. Any other mitigating or aggravating factors.

Changes since last Sunset Review

Since the last Sunset Review, the Board has revised the citation regulations to:

- Add a new classification specifically for address change reporting violations. Citations are issued to licensees who fail to comply with address change reporting requirements.
- Add section establishing record retention time frame. Citations are now retained for five years from the date of resolution except when issued for unlicensed practice, which will not be purged, but maintained as public record.

Increase of Citation Fine to $5,000

DRAFT

In 2007, the Board increased its maximum fines to the $5,000 statutory limit, and may be issued under specific circumstances that are more serious in nature and/or resulted in or had significant potential for patient harm, as required by CCR Section 4141(a). These specific circumstances include, but are not limited to:

1. The citation involves a violation of failing to provide direct in-sight supervision of an aide when the aide performed a client related task that resulted in harm to the patient.
2. The citation involves a violation of failing to provide adequate supervision to an occupational therapy assistant that resulted in harm to the patient.
3. The citation involves fraudulent medical billing.
4. The citation involves practicing without a current and active license for more than one year.
5. The citation involves functioning autonomously as an occupational therapy assistant.
6. The cited person has a history of two or more prior citations of the same or similar violations.

38. How is citation and fine used? What types of violations are the basis for citation and fine?

A citation and fine is an alternative means by which the Board can address violations that do not warrant formal discipline.

CCR Section 4140 gives the Executive Officer the authority to issue citations, with or without fines and abatement orders for violations of the Occupational Therapy Practice Act, violations of the California Code of Regulations adopted by the Board, or other statutes or regulations for which the Board has authority to issue a citation. Section 4141 sets fine amounts of $50 up to $2,500 for the least egregious violations.

However, Section 4141(a) sets forth larger fine limits for the more substantial violations. For instance, violations that present a threat to health and safety or another person, or involves multiple violations of the Practice Act, or involve a violation or violations of fraudulent billing, a citation may include a fine up to $5,000.

A large number of citations and fines are issued for minor address change reporting violations or continuing education audit violations. Fines assessed for such violations typically range from $50 to $250, depending upon factors as specified in CCR Section 4141. Factors considered when determining a fine amount are the nature and severity of the violation, evidence that the violation was willful, and extent to which the licensee has cooperated with the Board.

39. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals in the last 4 fiscal years?

The Board does not have a Disciplinary Review Committee.

DRAFT

In the last four fiscal years (as of June 19, 2012), the Board held 63 informal conferences, and two appeals were scheduled for hearings under the administrative procedures act. The following table breaks this down by fiscal year.

Fiscal Year	2008/2009	2009/2010	2010/2011	2011/2012	Totals
Informal Conferences Held	**1**	**5**	**31**	**26**	**63**
Administrative Hearings Held	**2**	**0**	**0**	**0**	**2**

The table above indicates 63 informal conferences were held in the last four fiscal years; however, the Board received a total of 66 requests for informal conferences. Of the 66 requests, 36 of those cases were affirmed and ordered to pay the associated fine, 27 were withdrawn or dismissed by the Board; there were three pending appeal requests at the close of FY 2011/12.

Additionally, the table above indicates two administrative hearing were held in the last four fiscal years. However, the Board received a total of ten requests for administrative hearings. The two administrative hearings held in FY 2008/2009 were requested in the prior fiscal year. Of the ten hearing requests received, three of those licensees withdrew their administrative hearing request and instead paid the associated fine, six were withdrawn or dismissed by the Board, and one is currently pending (as of June 19, 2012).

40. What are the 5 most common violations for which citations are issued?

The five most common violations for which the Board issues citations are as follows:

1. Address Change Reporting Requirement – Failure to report a change of mailing address within 30 days after the change.
2. Unlicensed Practice – Practicing with an expired license or with an inactive license.
3. Professional Development Units (PDU) Violations - Failure to complete the required PDUs within the renewal cycle, failure to take the courses, failure to submit appropriate proof of completion, or a false statement on renewal form signed under penalty of perjury that the PDU requirements were met.
4. Practice Issues - Related violations such as a single violation of documentation, supervision violations, and aiding & abetting of unlicensed activity or less egregious violations of the Practice Act.
5. Failed to Disclose – Failure to disclose any conviction on an application for licensure or an application for renewal of a license.

41. What is average fine pre and post appeal?

DRAFT

The average citation fine pre-appeal is $190.00. Citations issued in the last for FYs years have been issued with fines ranging between $50 (address change violation) and $5,725.00 (fraudulent billing=$5,000 and unprofessional conduct=$725). The final citation fine amount post-appeal averaged $175.00 over the last four fiscal years.

42. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

The Board utilizes the Franchise Tax Board's (FTB) Intercept Program to attempt collection of any outstanding fines. Under this program, tax returns or lottery winnings can be seized and sent to the Board as payment of monies owed. Respondents who fail to pay an uncontested fine are sent a series of Demand Letters when an account is delinquent. If a fine is not contested and full payment is not made within 30 days of the issuance of a fine, or if the respondent fails to contact the Board to make payment arrangements, the Board will send the first demand letter. The Board will send a second notice at 60 days delinquent. If no response is received from the first or second letters, a third and final notice will be sent, regular and certified mail, notifying the individual that his/her file will be sent to the FTB and that any tax refunds or lottery winnings will be intercepted and sent to the Board. The FTB will continue to intercept tax refunds and lottery winnings until payment in full has been made.

Cost Recovery and Restitution

43. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

The Board vigorously requests cost recovery in all cases which it is authorized to seek cost recovery. The Board's Enforcement Unit requests and ensures that each Accusation prepared by the Office of the Attorney General incorporates a request and prayer for cost recovery with reference to the applicable statute, Business and Professions Code 125.3. Upon receipt of a Proposed Decision the Board reviews it to ensure it contains a finding by the administrative law judge regarding the reasonableness of the costs of investigation and prosecution of the case. If the Board ever received a Proposed Decision that failed to provide such a finding, it likely would be remanded it back to the administrative law judge to incorporate a finding regarding the Board's costs.

Cases that have been resolved by a Stipulated Settlement have included an order for full or partial costs, depending on the nature and severity of the violation, the respondent's prior disciplinary record, mitigating evidence, the extent to which the respondent has cooperated with the Board and recognized and demonstrated a willingness to correct and/or take steps to prevent reoccurrence of their wrongdoing.

DRAFT

44. How many and how much is ordered for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

The Board does not have preset amounts or limits for cost recovery relating to revocations, surrenders, and probation. Amounts for potential cases, cases ordered, and the ranges of cost recovery that has been ordered and received are reflected by fiscal year in Table 11. Cost recovery, shown below.

In FY 2008/2009 the discrepancy between cases that had potential for cost recovery being awarded versus the two cases that resulted in cost recovery being ordered can be attributed to three revocations by default (no hearing) and four cases being finalized in FY 2009/2010. Conversely in FY 2011/2012 the Board filed three Accusations serving as the basis for potential cases for recovery, while eleven cases were finalized that contained orders for cost recovery.

Cases that resulted in revocation or surrender of licensure are virtually uncollectable since the respondent has lost his/her professional income source. However, in the event a respondent applies for, and is successful in reinstating his/her license, the Board may impose a cost recovery order as part of the terms and conditions of reinstatement. The Board has collected 100% of cost recovery ordered from licensees that were placed on probation who successfully completed probation.

Is the last sentence clear or is additional explanation necessary??

45. Are there cases for which the board does not seek cost recovery? Why?

The Board does not seek cost recovery in cases denying an applicant licensure. BPC Section 125.3(a) authorizes the Board to seek recovery of its costs in the investigation and prosecution in cases against licensees; cost recovery does not apply to applicants for licensure.

46. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

The Board utilizes the Franchise Tax Board's Intercept Program to attempt collection of any outstanding cost recovery orders. Under this program, tax returns or lottery winnings can be seized and sent to the Board as payment of monies owed. Respondents who failed to pay the ordered cost recovery are sent Demand Letters when an account is 30 days delinquent. If payment in full is not made within 30 days or if the respondent fails to contact the Board to make payment arrangements, the Board will send a second notice at 60 days delinquent. If no response is received from the first or second letters, a third and final notice will be sent, regular and certified mail, notifying the individual that his/her file will be sent to FTB and that any tax refunds or lottery winnings will be intercepted and sent to the Board. The FTB will continue to intercept tax refunds and lottery winnings until payment in full has been made.

DRAFT

47. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

There has been only one case in the Board's history where the Board has requested the administrative law judge to order the licensee to reimburse his employer nearly $14,000 for salary he fraudulently billed and did not earn. However, the licensee surrender his license and the order issued by the administrative law contained an order to reimburse the Board it's costs but did not include the order of restitution to the licensee's former employer.

While the Board has had limited opportunities to request restitution, there are currently several pending cases involving funds owed a former employer or a public agency; in each case the Board will be seeking an order that each of the licensees make restitution as appropriate.

Board members: Do you have any ideas or suggestions for responding to: **Describe the situation in which the board may seek restitution from the licensee to a harmed consumer**

Table 11. Cost Recovery

	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Total Enforcement Expenditures *	$207,048	$217,314	$183,528	$277,727
Potential Cases for Recovery **	9	13	12	3
Cases Recovery Ordered	2	11	7	11
Amount of Cost Recovery Ordered	$58,084.50	$25,203.25	$16,805.19	$32,510.00
Minimum cost recovery ordered	847.50	656.50	1,000.00	935.00
Maximum cost recovery ordered	57,210.00	5,000.00	4,263.19	12,000.00
Amount Collected	**$16,242.54**	**$13,345.02**	**$12,340.22**	**$21,295.28**

* Enforcement Expenditures includes expenses incurred by the Office of the Attorney General, Office of Administrative Hearing, Evidence/Witness Fees, Evidence fees, Court Reporter Services, and charges by the Division of the Investigative.

** Potential Cases for Recovery are those cases in which disciplinary action has been taken based on violation of the practice act. These totals include Accusations filed.

Please note: Table 12 was deleted as no restitution was ordered or collected in FYs 2008/09 – 2011/12.

DRAFT

Section 6 –
Public Information Policies

48. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board provides information a variety of ways:

- Board and Committee meeting information, including agendas and meeting materials, and pending regulatory actions are all posted on the website,
- Board and Committee meeting agendas/notices and information regarding pending regulatory actions are sent to those on the interested parties lists via email and regular mail, and
- Information regarding upcoming meetings is posted on the 'wall' of the Board's facebook page.

As of now, Board meeting information (agenda, meeting materials, minutes, etc.) remains on the website indefinitely. Draft minutes are not made available to the public until they are sent to the Board members and posted on-line with the meeting materials. Once the meeting is held and the Board adopts the minutes, the final minutes are posted on the website within two weeks.

Information regarding pending regulatory actions is retained on the website until the language goes into effect; this is about 15 days longer than required by Government Code Section 11347.

49. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings?

The Board has only webcast a few of its meetings, however, plans to take advantage of this service more often beginning in calendar year 2012.

50. Does the board establish an annual meeting calendar, and post it on the board's web site?

Each year at its last meeting of the year, the Board selects its meeting dates for the entire next calendar year. The annual meeting calendar, including the cities where the meeting will be held if not exact locations, is posted in December.

51. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post

DRAFT

accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

Yes - more information available below.

52. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The information provided on the Board's website regarding licensees includes the following:

- The individual's name,
- Their license number,
- The license issuance and expiration dates,
- The license status,
- The county of their address of record (no address is provided), and
- Whether the licensee is approved by the Board to provide services in advanced practice areas.

If relevant, any disciplinary actions and all related legal documents are also posted. Citations are public information; however, currently they are not posted on the Board's website.

53. What methods are used by the board to provide consumer outreach and education?

The Board developed a consumer brochure (available October 2012) and is in the process of adding consumer-related web content and links. All outreach activities have been curtailed due to travel restrictions imposed last year.

Section 7 – Online Practice Issues

54. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate Internet business practices or believe there is a need to do so?

Board members: Please provide additional information about this topic.

Telehealth may fall within the area of on-line practice; and ***EXPAND HERE***

Section 8 –

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Workforce Development and Job Creation

55. What actions has the board taken in terms of workforce development?

Due to budgetary constraints, the Board has not been able to focus efforts in this area.

56. Describe any assessment the board has conducted on the impact of licensing delays.

The Board has not conducted a formal assessment regarding any delays in licensing applicants. However, the Board is aware of and sensitive to this issue and strives to license all qualified individuals as soon as possible. Board statistics reflect that the three year average processing time for a compete applications is 22 days.

Unfortunately, the Board has a small number of cases that fall outside the normal processing time parameters. Most often, the timing of these cases can be attributed to issues surrounding the fingerprint background check, an applicant's inability to secure an official transcript, failing to pass the examination for licensure, and/or investigation of a criminal history.

57. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The Board has coordinated and conducted overview sessions to graduating students at various California occupational therapy educational programs. The purpose and design of the overview session is to orient students with the processes and requirements for licensure, and describe and inform students of the Board's role and responsibility of protecting the public. The Board has annually provided a workshop on the licensing process designed for students and practitioners re-entering the profession at the request of the Occupational Therapy Association of California at their Annual Conference. However, these activities have been curtailed due to travel restrictions imposed last year.

a. Provide any workforce development data collected by the board, such as workforce shortages or successful training programs.

The Board does not have data regarding these matters.

Section 9 – Current Issues

58. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

DRAFT

The Board was the first healthcare Board to implement the Uniform Standards. The Board's Disciplinary Guidelines were amended to add the Uniform Standards and took effect July 26, 2011. Also, consistent with BPC 315.2, the Board issued six Cease Practice Orders (CPOs) to five licensees on probation for substance abuse issues; this occurred during the period September 2011 – May 8, 2012. The CPO is issued to the probationer, however, their employer is also notified the same day.

(Samples provided as attachment in Section .F.)

In order to provide transparency and increased public protection, the CPO information is available to the public. To assist prospective employers or consumers, the CPO information is available on the Board's website should someone go on-line to verify the license of an individual whom has been issued a CPO. (This information is not available on the disciplinary actions page; information regarding CPOs is only available on an individual's licensing record.)

59. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

The Board's CPEI regulations were amended and went into effect September 28, 2012.

60. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

The Board is participating in the development of BreEZe and dedicated one to staff to liaison with the programmers during the various development phases. The Board is currently included in Release 2, which is scheduled for mid-Summer of 2013.

Section 10 – Board Action and Response to Prior Sunset Issues

Include the following:

1. **Background information and short discussion of recommendations made by the Committee/Joint Committee during prior sunset review, what action the Board took in response to the recommendations under the prior Sunset review.**

Issue 1 – *Continued regulation of the Profession and extension of the Board's operations*.

The Board's sunset date was extended to 2014.

Issue 2 – *Allowing out-of-state licensees to practice while applications are pending*.

DRAFT

An applicant who possesses a current, active, and non-restricted license to practice occupational therapy under the laws of another state that the board determines has licensure requirements at least as stringent as the requirements of this chapter, may practice for up to 60 days during the period the application is being processed.

Issues 3 and 4 – *Is the Board addressing its budget surplus and should the license renewal period change from annual to biennial*.

The Board changed the license renewal period from annual to biennial. This helped address the Board's on-going revenue level and provided the licensing population greater flexibility in with its continuing education requirements.

2. Any recommendations the board has for dealing with the issue, if appropriate.

All issues identified in the prior Sunset report have been addressed.

Section 11 – New Issues

This is the opportunity for the board to inform the Committee of solutions to issues identified by the board and by the Committee. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., legislative changes, policy direction, budget changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.

There are no outstanding issues identified in the last Sunset report, that haven't been addressed.

2. New issues that are identified by the board in this report.

New Issue 1 – *Occupational therapy corporations are not mentioned in the Moscone Know Act (the Corporations Code.)*

The Board wants to add occupational therapy corporations to the Moscone Knox Act (Corporations Code Section 13401.5) and specify which healing arts licensees may be shareholders, officers, directors, or professional employees of occupational therapy corporations, subject to certain limitations.
WHY - expand here

New Issue 2 – *Occupational therapists and occupational therapy assistants are not mentioned in the Moscone Knox Act .*

DRAFT

The Board wants to add occupational therapists and occupational therapy assistants to the Moscone Knox Act (Corporations Code Section 13401.5), to the of healing arts licensees who may be shareholders, officers, directors, or professional employees of specified professional corporations.
WHY - expand here

New Issue 3 – *When the Board was first established, due to the fact that not all occupational therapy education programs included minimum national education standards relating to swallowing, assessment, evaluation, or intervention, the use of physical agent modalities, or hand therapy, in order to provide services in this area, all occupational therapists must demonstrate competence to the Board in theses areas before they may then provide services in one of thse*

Now that all entry-level occupational therapy degree programs across the nation are required to include minimum educational standards in the occupational therapy curriculum to include education in the areas of swallowing, Swallowing Assessment, Evaluation, or Intervention, the use of physical agent modalities, and sufficient, *all new graduates will acquire education in these areas. Therefore, after XXXX <insert date here> the new graduates should not have to meet the advanced practice requirements and demonstrate competence to the Board before providing services in these areas.*

The Board wants to revise the statutory requirement that occupational therapists must meet specified post-professional education and supervised training requirements before providing services in the areas hand therapy, the use of physical agent modalities, and swallowing assessment, evaluation, or intervention.
WHY - expand here

New Issue 4 –*The current definition of "Practice of Occupational Therapy means…" is not a completely accurate reflection of what occupational therapists actually do..*

Thus, the Board recommends the current definition, which is limited to hands-on, treating clinicians, be amended to a more broad reference, such as "Occupational Therapy means…" and addresses the variety of roles a licensee may undertake in the ever-evolving field of occupational therapy.
WHY - expand here

New Issue 5 –*The majority of the Board's complaints involve issues surrounding unethical conduct, including practicing without a license, practicing on an expired license, fraudulent billing, misrepresentation*

DRAFT

Thus, the Board recommends the current definition, which is limited to hands-on, treating clinicians, be amended to a more broad reference, such as "Occupational Therapy means…" and addresses the variety of roles a licensee may undertake in the ever-evolving field of occupational therapy.
WHY - expand here

3. New issues not previously discussed in this report.

N/A

DRAFT

4. **New issues raised by the Committee.**

None reported as of yet.

Section 12 – Attachments

Please provide the following attachments:

A. Quarterly and annual performance measure report as published on the DCA website.

B. Board's Administrative Manual.

C. Board Member Disciplinary Resource Manual.

D. Current organizational chart showing relationship of Committees to the Board, the membership of each Committee and Roles and Responsibilities for each Committee.

E. Complaint Prioritization Guidelines.

F. Sample Cease Practice Order sent to licensee; sample employer notification.

G. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.)

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