DISASTER COMMITTEE REPORT AND POSSIBLE BOARD ACTION.

The draft minutes from Committee meetings held September 20, 2012, and October 24, 2012, are attached for review.

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
2005 Evergreen Street, Suite 2050, Sacramento, CA 95815-3827
P [916-263-2294] F [916-263-2701] | www.bot.ca.gov

DISASTER PREPAREDNESS/DISASTER RESPONSE TELECONFERENCE MEETING MINUTES

Thursday, September 20, 2012

DRAFT

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

At 3:03 Mary Evert called the meeting to order.

Roll Call

Mary Evert, Board Member	Present
Kathay Lovall, Board Member	Present
Mohammed Khalifa	Absent
Carol Bartolo Loeffler	Present

B. Approval of June 26, 2012, Committee meeting minutes.

- Mary Evert moved to approve the June 26, 2012, Meeting Minutes as presented.
- Kathay Loval seconded the motion.

Roll Call Vote

Mary Evert	Aye
Kathay Lovell	Aye
Carol Bartolo-Loeffler	Aye

- The motion was approved by the Committee

C. Committee member updates/activities.

Carol Bartolo Loeffler reported she obtained informational material regarding disaster preparedness and would provide copies to Board staff at the end of the meeting.

D. Review of practitioner responses from Facebook blast soliciting input whether the practitioner currently addresses disaster preparedness with their clients or what would motivate them to do so.

The Committee reviewed two responses from practitioners in response to a Facebook inquiry that was sent out asking for information from practitioners if they integrate disaster planning into client care.

E. Discussion and consideration of strategies, delivery modes, or development of requirements to encourage occupational therapy practitioners to become educated about disaster preparedness and response.

Ms. Evert summarized the Committee has considered ways to educate practitioners on integrating disaster preparedness into client care plans and the workplace. The Committee also has explored the possibility of establishing a post professional education requirement and/or establishing disaster preparedness as an ethical standard of practice. Ms. Evert opined that realistically, in order for the Board to pursue a regulatory requirement or ethical standard on disaster preparedness and planning, it should be established or incorporated into the framework of occupational therapy.

F. Discussion and consideration of strategies or methods for occupational therapy practitioners to incorporate disaster preparedness and response into client services or their work place.

Ms. Evert indicated the focus and goal of the Committee should be directed at bringing a resolution before the Representative Assembly of the American Occupational Therapy Association (AOTA) to incorporate disaster planning in patient or client plans. Carol Bartolo Loeffler indicated that such a resolution should also encourage occupational therapy practitioners to take an active role in participating in disaster planning in the workplace also. Ms. Evert indicated she would seek assistance from past and current Board Members that are AOTA members to take the steps that are necessary to introduce a resolution, which at a minimum, would elevate discussion on a national level.

- Mary Evert made a motion to pursue a resolution before the AOTA Representative Assembly that would seek to add language into the occupational therapy scope of practice to incorporate disaster preparedness and planning into patient/client planning.
- Carol Bartolo-Loeffler seconded the motion.

<u>Roll Call Vote</u>

Mary Evert	Aye
Kathay Lovell	Aye
Carol Bartolo-Loeffler	Aye

- The motion was approved by the Committee

G. Selection of future meeting dates/times.

DRAFT

The Committee decided to meet at 3:00 p.m., on Wednesday, October 24, 2012, for a quick meeting to review the Board's Continuity of Operations and Continuity of Government Plan (COOP/COG) and to get an update on the status of seeking a resolution with the AOTA (item F above).

H. Public comment on items not on agenda.

No one from the public was in attendance for this meeting.

I. Adjournment

At 3:58 p.m. the meeting was adjourned.

DRAFT

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
2005 Evergreen Street, Suite 2050, Sacramento, CA 95815-3827
P [916-263-2294] F [916-263-2701] | www.bot.ca.gov

DISASTER PREPAREDNESS/DISASTER RESPONSE TELECONFERENCE MEETING MINUTES

Wednesday, October 24, 2012

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

At approximately 3:05 p.m. Mary Evert called the meeting to order and called the role.

Roll Call

Mary Evert, Board Member	Present
Kathay Lovall, Board Member	Not Present
Mohamed Khalifa	Not Present
Carol Bartolo Loeffler	Present

A quorum of the Committee was not established. The Committee was unable to act on items B through H. Ms. Evert requested that staff contact the Committee Members to check for availability of future dates targeting the first or second week of December 2012. Ms. Evert adjourned the meeting.

B. Approval of September 20, 2012, Committee meeting minutes.

C. Committee member updates/activities.

D. Review and Approval of the Board of Occupational Therapy Continuity of Operations and Continuity of Government (COOP/COG) plan.

E. Discussion and action plan for submitting a resolution to the Representative Assembly of the American Occupational Therapy Association (AOTA) to seek incorporation of disaster preparedness in occupational therapy client planning.

F. Discussion of Disbandment.

G. Selection of future meeting dates/times.

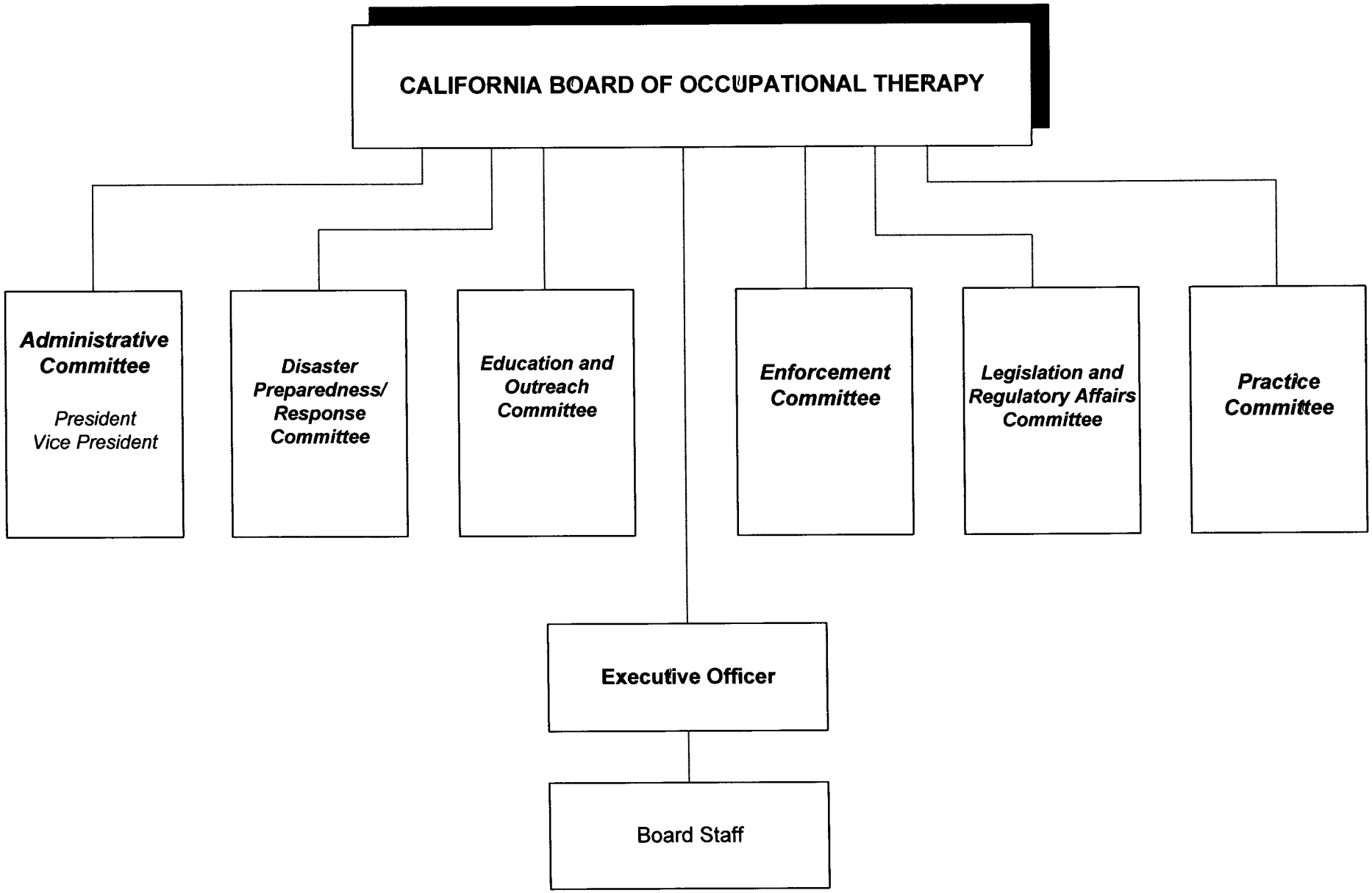
H. Public comment on items not on agenda.

I. Adjournment

Since a quorum of the Committee could not be established no action could be taken on items B through H. At approximately 3:10 the meeting was adjourned.

AGENDA ITEM 8

DISCUSSION AND CONSIDERATION OF RESTRUCTURING THE BOARD'S STANDING COMMITTEES, INCLUDING DISASTER PREPAREDNESS/ DISASTER RESPONSE COMMITTEE, EDUCATION AND OUTREACH COMMITTEE, ENFORCEMENT COMMITTEE, LEGISLATIVE AND REGULATORY AFFAIRS COMMITTEE, AND PRACTICE COMMITTEE.



(September 2012)

DISCUSSION AND CONSIDERATION OF SUNSET REPORT AND SUNSET REVIEW PROCESS.

The following are attached for review:

- Memo from the Senate Committee on Business, Professions & Economic Development,
- Addendum to Sunset Report

STAFF
BILL GAGE
Chief Consultant
G.V. AYERS
SARAH MASON
ROSIELYN PULMANO
KATHLEEN SULLIVAN
Committee Assistant

MEMBERS
Vice Chair - BILL EMMERSON
ELLEN M. CORBETT
LOU CORREA
ED HERNANDEZ, O.D.
GLORIA NEGRETE McLEOD
JUAN VARGAS
MIMI WALTERS
MARK WYLAND

California Legislature

Senate Committee on Business, Professions & Economic Development

Senator
Curren D. Price, Jr.
Chair

MEMORANDUM

TO: Boards and Committees Scheduled for Oversight Hearings

FROM: Senate Business, Professions and Economic Development Committee

DATE: February 11, 2013

SUBJECT: Background Paper, Attendance and Presentation at Oversight Hearings

---

The Senate Business, Professions and Economic Development (BP&ED) Committee and the Assembly Business, Professions and Consumer Protection Committee will hold joint oversight hearings on March 11 and March 18 in the State Capitol starting at 9:00 a.m. and continuing Upon Adjournment of the Senate Floor Session in Room ~~3101~~. 4203 There will be a short break while Session meets at 2:00 p.m.

The Committees are the standing committees of the Legislature that have oversight jurisdiction of the Department of Consumer Affairs and all agencies and entities under the Department. The Committees also have oversight jurisdiction of other regulatory or certification programs within the Business and Professions Code. Each of these boards, bureaus, committees and programs currently license or certify specific professions and are responsible for implementing and enforcing the laws relating to these professions. It is the responsibility of the Committees to determine whether the State should continue to regulate in this area, and if so, what changes should be made to improve the overall effectiveness and efficiency of these entities to ensure that the interests of California's consumers are protected against incompetent practice or illegal activities of these professionals.

Previous legislation has established a sunset date on every board and committee under the Department which corresponds to an anticipated review by the Committees. In the past, this "sunset review" was conducted by a Joint Committee of the Legislature which was established by the Senate. However, in recent years it has been determined that reviews of the boards and programs under the Department will be conducted by the appropriate legislative policy Committees.

STATE CAPITOL, ROOM 2053 SACRAMENTO, CA 95814 (916) 651-4104

Printed on Recycled Paper

The following boards and committee are scheduled for review, and are listed in order of appearance before the Committees:

March 11
Medical Board of California
Osteopathic Medical Board
Naturopathic Medicine Committee
Board of Optometry
Board of Chiropractic Examiners
Board of Guide Dogs for the Blind

March 18
Board of Barbering and Cosmetology
Physical Therapy Board
Board of Occupational Therapy
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
Respiratory Care Board
Veterinary Medical Board
California Council for Interior Design Certification

We further anticipate that the oversight hearing for the State Athletic Commission will be held in April (date not yet determined).

The following is an outline of the agenda for each board or committee reviewed:

A. Board or Program Presents Short "Overview" of the Current Regulatory Program (5 minutes)
B. Board Response to Issues, Problem Areas, Questions and Staff Recommendations (20 minutes)
C. Public Comment (15 minutes)
D. Comment by Professional Individuals, Groups or Associations (15 minutes)
E. Any Closing Comments by the Board (5 minutes)

Both the Executive Officer and President/Chair of your board or program should participate in the hearing. You may also include other board or committee members and staff members as needed. Please provide us with those names as soon as possible by contacting Kathleen Sullivan at (916) 651-4104 or email to kathleen.sullivan@sen.ca.gov. Also provide us with your contact information and your email address.

In providing an "Overview" of your current regulatory program, please be brief. Committee members will have a copy of your Sunset Review Report; however, it will not include the appendices or attachments. Please try to limit your overview to about 5 minutes after introductions.

During your "Overview" presentation, you should discuss the history, function, and activities of the board and its current composition, who you license, number of licensees, brief description of your budget and any other information you consider as relevant to provide an introduction of your board. You should also briefly discuss what major changes have taken place since the last sunset review of your board.

After your introductory presentation, you may then present your response to issues and/or questions raised by the Committee staff. We will provide a listing of these issues and questions to you by March 1, if your hearing is scheduled for March 11, and by March 7 if your hearing is scheduled for March 18. There may be other questions which individual members may have, but we believe these issues are the most important to be addressed by the board at the hearing.

Approximately 2 weeks prior to the date of your hearing, we will separately send you the "Background Paper" prepared by Committee staff for the hearing. This paper provides background information concerning the issues we have raised for each individual board or committee, and will be given to Committee members, where appropriate, staff recommendations are made.

We would ask each board and committee that is being reviewed to notify their interested parties list of the upcoming Oversight Hearing, and advise them of the hearing and that the Background Paper is available within the 2 weeks prior to the hearing on the Senate BP&ED Committee's Website at the following link:
http://sbp.senate.ca.gov/informationalhearingagendaandbackground.

Upon completion of the hearings, the board will have 30 days to submit a written response to all of the issues and recommendations raised by Committee staff in the Background Paper or during the hearing.

Certain recommendations may require legislation which would be included in a "Sunset Bill" for the particular board or program. Sunset Bills will be sponsored by the Chair of the BP&ED Committee and it is anticipated that the bills will be heard by the Senate BP&ED Committee sometime in April.

If you have any questions regarding your presentation, or other concerns about the hearing, please contact Senate Committee staff who will be able to assist you. Senate Committee staff can be reached at (916) 651-4104. We look forward to your participation in these hearings.

ADMINISTRATION

The Administration Unit is an essential component of the California Board of Occupational Therapy (Board) and provides necessary administrative and technical support in the implementation of all Board programs and the Board itself (the Board members). The necessary functions include: processing incoming mail; processing requests or updating licensing files based on information received via mail, fax or email; cashiering and all related transactions; personnel transactions and leave balance reconciliation; other administrative support functions, including outreach, making travel arrangements for Board members and staff, preparing and processing of travel claims, processing and tracking training requests, supplies procurement, and contract processing.

There are other administrative duties that should be performed by assigned staff, however, due to inadequate staffing levels, the following duties are assigned on an as-needed basis, including: preparation of budget change proposals, monitoring of revenue and expenditures, preparation of annual workload and revenue statistics and equipment request; all duties that support the legislative and regulatory functions. Assigning these duties on an as-needed basis has multiple impacts, including: adversely impacting the continuity of staff of completing their regular duties; risk of increased errors due lack of familiarity with the assignment; potentially taking more time to complete the assignment due to being unfamiliar with or lacking knowledge of the subject matter and/or assignment; and increased risk of being unable to complete regularly assigned duties, including meeting time-sensitive deadlines when given other duties or assignments on an as-needed basis.

Being staffed at levels that allow assigning on-going administrative duties to staff rather than assigning a duty/function/assignment on an as-needed basis provides consistency in assignments, continuity in workload and familiarity with subject matter; regular duties will lead to an overall better work product and increased knowledge base of assigned staff.

The Administration Unit is comprised of the following positions: one permanent Office Technician (OT), a .5 OT filled at the 1.0 and Staff Services Analyst (SSA). (The SSA position has been redirected to evaluating and processing advanced practice applications and Provider applications to provide post-professional education.)

The Administration Unit is severely understaffed and continuously struggles to complete work requirements to keep these areas functioning adequately. Specifically, the outreach, budget, and legislative and regulatory function do not have sufficient staffing levels to maintain the volume of on-going workload and this workload cannot continue to be absorbed.

OUTREACH

Over the past several years, the Board has experienced an increase in correspondence and communications via telephone, fax, email, and mail. In an effort to expeditiously and effectively address public, licensee, and industry questions and concerns, and increase

awareness of regulatory requirements, the Board has begun to rely on online communication and/or technology to supplement the traditional use of hardcopy or paper.

The Board's goal is to ensure that outreach and communication is relevant, timely, and effective, in support of goals three and four of the Board's 2011 Strategic Plan. As a result, Board meeting materials are now available on the website for downloading by the viewer rather than the 'mailing' of materials; this supports the Board's Strategic Plan regarding communication and "green" communication methods and increases access. (Previously, members of the public or profession had to attend the meeting in person to obtain meeting materials.)

To further implement the Board's Strategic Plan, the Board utilizes and relies on more 'technology,' including increased consumer and licensee awareness through public announcements via Twitter and Facebook, etc.

Despite the increase in volume of correspondence received via postal mail, faxes, and emails, the Board lacks adequate staffing levels to assign this to a designated staff person. Instead, staff are assigned on an as-needed basis to monitor incoming emails and faxes, distribute the inquiries to the applicable units/staff as appropriate, respond to a variety of subjects among which include, but are not limited to, verifying licensure and disciplinary actions, advise and interpret laws and regulations, answer questions regarding the application and fingerprint requirements, continuing competency, the renewal process. The Board cannot continue to absorb this workload.

In order to properly maintain and support the Twitter and Facebook accounts, including posting updates and news alerts, i.e., regulatory hearing notices, disciplinary actions, board meetings, etc, on the Board website, and solicit feedback from the profession, the Board needs additional staff.

Due to inadequate staffing levels the Board has been unable to meet several goals identified in its Strategic Plan, including providing its licensees with quarterly updates of changes in laws and regulations and monitoring evolving trends and standards, among others. Due to inadequate staffing levels, the Board has been unable to publish a newsletter (the Board's last newsletter was published in late 2007), develop consumer brochures explaining what occupational therapy is and its benefits, and a publication for the profession, entitled "Therapy Never Includes Sex."

LICENSING

The Licensing Unit (Licensing) is a core function of the Board and responsible to ensure applicants for an occupational therapist or occupational therapy assistant license meet statutory and regulatory licensure requirements. This essential function ensures that only qualified applicants are licensed by determining that applicants have the knowledge and qualifications necessary to perform the practices of the profession. A timely, efficient system enables qualified applicants to quickly enter the workforce and provide California's consumers access to services. Adequate staffing is crucial to ensuring this mandate is accomplished effectively.

Over the past several years, the applications for licensure received by the Board and the number of licenses issued, has increased steadily. Application/license data for the past few fiscal years is as follows:

Fiscal Year	Applications Received	OT/OTA Licenses Issued
2011/12	1,006	975
2010/11	875	784
2009/10	861	798
2008/09	755	725

The Board has one only Office technician who reviews and evaluates all applications for licensure and limited permits. She is challenged every month to meet the regulatory requirement of informing the applicants, "in writing, whether the application is complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application" within thirty (30) days of receipt of the application. (Section 4112, Article 2, Division 39, Title 16, California Code of Regulations.)

The licensing staff must maintain the application during the period from initial application until licensure is obtained. For example, staff corresponds with applicants, answers questions, reviews and evaluates required documentation, including official transcripts, verification of examination passage, license verification from another state, etc., reviews and updates records, i.e., address and name changes, email address change, etc. Any application that takes a considerable amount of processing time due to additional communication or correspondence can delay the process for all applicants.

The Board relies on other non-licensing staff to process applicant-related cashiering and issue the license (separation of duties required per State Administrative Manual). Other non-licensing staff also perform duties related to the licensure process, including maintaining the licensees' file and record. Record maintenance includes processing license renewals, address changes, name changes, and duplicate license requests, as well as issuing license verification letters (endorsements) to other state boards, and processing return mail, etc. This volume of workload exceeds a 1.0 full time position.

Although, redirecting staff to process licenses has resulted in several deficiencies within other program areas, licensure is a core consumer protection function of the Board. Additionally, rapid licensure allows applicants quick entry to the workforce and improves their personal financial situation as well as potentially improving the economy.

Board Recommendation: *The Board recommends approval for two additional positions within the Outreach and Licensing units: two Office Technicians to complete application and licensing processes and one OT to process foreign educated applications in a consistent and timely manner.*

CONTINUING COMPETENCY PROGRAM

Effective April 15, 2005, new regulations required all occupational therapists and occupational therapy assistants renewing their license on or after January 1, 2006, to complete 24 contact hours as a condition of renewal; the records showing participation in each professional development activity must be maintained by the licensees for four years following the renewal period. As a condition of license renewal, the licensee must sign their renewal form under penalty and perjury certifying they have met the continuing competency requirements.

Allowing licensees to 'self-certify' that that they have met the continuing competence requirement as a condition to renewing their license, was necessary due to the volume of documentation involved and the amount of staff time that would be required to review submitted documentation if every licensee submitted their certificates of completion along with their renewal.

To ensure compliance, the Board redirected a permanent intermittent Office Assistant in the Licensing Unit to conduct random audits of 5-7% of renewed licenses, on a monthly basis, rather than provide support to the application review/licensing process. The staff reviews the renewal form and verifies the licensee has attested to completing the requisite hours of continuing competency and then requests supporting documentation.

If the licensee elects not to complete continuing competency contact hours, the licensee may become delinquent or opt to enter into inactive status. Since the implementation of continuing competency requirements, the Board has undergone a vast increase in workload throughout the Board programs as the licensee population continues to grow. As a result, the number of renewals has resulted in more audits, which in turn has increased the number of enforcement actions. All these factors result in additional workload, which is no longer absorbable.

Due to the repeat requests required of licensees, the volume of follow-up correspondence has increased, resulting in a backlog. Due address the backlog and bring the period being audit more current, there was a point when many months were not audited; this enabled staff to audit more recent renewals. If the Board does not obtain adequate staffing for this program, the backlog will increase at an escalated pace.

Board Recommendation: *The Board recommends approval for one additional office Technician position to process random audits at a rate necessary to ensure compliance.*

ENFORCEMENT

The Enforcement Unit is a core function of the Board. The Board is mandated to protect the public by enforcing the Occupational Therapy Practice Act (Chapter 5.6 of the Business and Professions Code). Over the past two years, the Enforcement Unit has focused efforts on reducing its open (pending) cases and improving overall processing times to resolve complaints and disciplinary actions. It has also worked to bolster its probation monitoring and implement Business and Professions Code (BPC) Section 315.2 relating to cessation of practice for probationers who test positive for banned substances.

Monitoring of licensees on probation includes many components (e.g. monitoring substance abuse testing, monitoring and approving employment settings, reviewing quarterly reports and probationer work performance reports, communicating with probationer and their employers, and communicating with the Board's biological fluid testing vendor, etc.). To implement BPC 315.2, the Board issues cease practice orders (CPO) to licensees who test positive for a banned substance. In conjunction with a positive test, Board staff consults with the Medical Review Officer (MRO) to ensure the Board is appropriately issuing the CPO. On questionable positive tests, Board staff also consults with the MRO to determine how prescribed substances metabolize to verify the probationers' explanation for a positive test. Use of an MRO helps ensure of the integrity of the testing process; the MRO may be called to testify in the event there is a hearing to revoke probation based upon prohibited use or demonstrated abuse by a licensee.

With the increase in the number of licensees on probation for substance issues, and the increase in tasks related to probation monitoring, the 1.0 Associate Governmental Program Analyst (AGPA) currently assigned to this function is insufficient to meet workload demands.

The Board has demonstrated marked progress in reducing the number of pending complaints and improving the investigation processing. For example, the Board began fiscal year (FY) 2010/11, with *202* pending investigations with an average cycle time of *297 days* (this is the number of days from complaint receipt to closure of the investigation process). The Board closed FY 2011/12 with *126* pending complaints and reduced the average cycle time to only *74 days*. This marked improvement was due to increased staffing levels during FY 2010/11 and 2011/12 and the use of blanket positions. Without sufficient staffing levels, the CPEI limited-term positions, it is likely that the number of pending (open) complaints will increase and so will the investigation ('processing') times. These increases would be inconsistent with the goal to impose discipline swiftly and efficiently to fulfill the Board's public protection mandate.

The Board's Staff Services Manager (SSM) I position remains vacant after a two-year limited term appointment expired. This position was not filled permanently due to insufficient staffing levels - the Board not having the requisite number of analysts in the enforcement program (excluding the CPEI positions). The Board is currently exploring options with the Department to fill the SSM I position as an Assistant Executive Officer to resolve the concerns related to staffing levels and provide adequate supervision to Board staff.

Board Recommendation: *The Board recommends approval for two additional positions: one Staff Services Analyst and one Office Technician to meet ongoing workload needs, including processing of: complaint intake, assignment, and investigation; coordination of administrative and disciplinary actions and issue citations for violations of the practice act; to fulfill the Board's consumer protection mandate.*

As the number of complaints received has increased each year, those that turn into enforcement cases also increase; this increase leads to increased enforcement expenditures. The table above illustrates that expenditures for both the Office of the Attorney General (AG) and the Office of Administrative Hearings (OAH) continue to increase each year. Absorption in fiscal years 2010/11 and 2011/12 was only possible due to leaving CPEI positions vacant; without redirecting these monies, the Board would have had to request the Department of Finance augment the AG budget.

	2009/10		**2010/11**		**2011/12**	
	Budget	Expend	Budget	Expend	Budget	Expend
Attorney General	283,243	**134,638**	133,243	**138,738**	133,243	**169,585**
Off Admin Hrgs	7,000	**9,424**	1,000	**12,925**	1,000	**27,674**
Evidence/Witness	0	4,031	0	2,200	0	6,330
Court Reporter	0	1,147	0	1,285	0	3,647
DOI	74,462	67,919	31,112	28,380	73,221	70,442
Totals	364,705	217,159	165,355	**183,528**	207,464	**277,678**

Fiscal Year (FY) 2009/10 - The AG and OAH budgets were increased due to the CPEI budget change proposal; the enforcement budget underspent due to excessive augmentation.
FY 2010/11- Over-expenditure absorbed; redirected $18,173 from other line items.
FY 2011/12 = Over-expenditure absorbed; redirected $70,263 from other line items.

Despite the fact that the Board is again projected to exceed its budgeted enforcement authority, the Board has made every effort to achieve savings in other line items to mitigate the overall impact of the increased enforcement costs. However, with the expiration of 2.5 limited-term positions effective September 30, 2012, there are less funds ("salary saving" due to positions left vacant) available for redirection.

The AG and OAH budget augmentation is vital to the Board's enforcement efforts to remove or monitor those occupational therapists and occupational therapy assistants with serious practice act violations and to ensure that the utmost protection is afforded the public and consumers.

Board Recommendation: *The Board recommends approval for an additional $50,000 (budget augmentation) to accommodate the Attorney General costs and an additional $30,000 to accommodate on-going OAH costs; these increased budget requests are to accommodate costs associated with the enforcement caseload. This is essential for the Board to effectively comply with its' consumer protection mandate.*

SENATE BILL **No. 306**

Introduced by Senator Price

February 15, 2013

An act to amend Sections 1000, 2531, 2531.75, and 2570.19 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 306, as introduced, Price. Healing arts: boards.

The Chiropractic Act, an initiative measure approved by the electors on November 7, 1922, provides for the regulation and licensing of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law specifies that the law governing chiropractors is found in the act.

This bill would provide that the powers and duties of the State Board of Chiropractic Examiners, as provided, shall be subject to review by the appropriate policy committees of the Legislature as if those provisions were scheduled to be repealed on January 1, 2018.

Existing law establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board in the Department of Consumer Affairs and makes the board responsible for the licensure of speech-language pathologists, audiologists, and hearing aid dispensers. Existing law authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2014, and subjects the board to review by the Joint Sunset Review and Committee prior to that repeal.

This bill would instead repeal those provisions on January 1, 2018, and would subject the board to review by the appropriate policy committees of the Legislature.

Existing law provides for the licensure and regulation of occupational therapists, as defined, by the California Board of Occupational Therapy within the Department of Consumer Affairs. Existing law repeals those provisions on January 1, 2014, and subjects the board to review by the Joint Sunset Review Committee prior to that repeal.

This bill would instead repeal those provisions on January 1, 2018, would subject the board to review by the appropriate policy committees of the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

P2 1 SECTION 1.
Section 1000 of the *Business and Professions*
2 *Code* is amended to read:
3 1000.
The law governing practitioners of chiropractic is found
4 in an initiative act entitled "An act prescribing the terms upon
5 which licenses may be issued to practitioners of chiropractic,
6 creating the State Board of Chiropractic Examiners and declaring
7 its powers and duties, prescribing penalties for violation hereof,
8 and repealing all acts and parts of acts inconsistent herewith,"
9 adopted by the electors November 7, 1922. *Notwithstanding any*
10 *other law, the powers and duties of the State Board of Chiropractic*

Examiners, as set forth in this article and under the act creating the board, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2018.

SEC. 2.

Section 2531 of the *Business and Professions Code* is amended to read:

2531.

(a) There is in the Department of Consumer Affairs a Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board in which the enforcement and administration of this chapter are vested. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board shall consist of nine members, three of whom shall be public members.

(b) This section shall remain in effect only until January 1, ~~2014,~~ *2018,* and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2014,~~ *2018,* deletes or extends that date. ~~The~~ *Notwithstanding any other law, the* repeal of this section renders the board subject to ~~the review required by Division 1.2 (commencing with Section 473).~~ *review by the appropriate policy committees of the Legislature.*

SEC. 3.

Section 2531.75 of the *Business and Professions Code* is amended to read:

2531.75.

(a) The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

(b) This section shall remain in effect only until January 1, ~~2014,~~ *2018,* and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2014,~~ *2018,* deletes or extends that date.

SEC. 4.

Section 2570.19 of the *Business and Professions Code* is amended to read:

2570.19.

(a) There is hereby created a California Board of Occupational Therapy, hereafter referred to as the board. The board shall enforce and administer this chapter.

(b) The members of the board shall consist of the following:

(1) Three occupational therapists who shall have practiced occupational therapy for five years.

(2) One occupational therapy assistant who shall have assisted in the practice of occupational therapy for five years.

(3) Three public members who shall not be licentiates of the board, of any other board under this division, or of any board referred to in Section 1000 or 3600.

(c) The Governor shall appoint the three occupational therapists and one occupational therapy assistant to be members of the board. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint a public member. Not more than one member of the board shall be appointed from the full-time faculty of any university, college, or other educational institution.

(d) All members shall be residents of California at the time of

their appointment. The occupational therapist and occupational therapy assistant members shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five years preceding their appointments.

(e) The public members may not be or have ever been occupational therapists or occupational therapy assistants or in training to become occupational therapists or occupational therapy assistants. The public members may not be related to, or have a household member who is, an occupational therapist or an occupational therapy assistant, and may not have had, within two years of the appointment, a substantial financial interest in a person regulated by the board.

(f) The Governor shall appoint two board members for a term of one year, two board members for a term of two years, and one board member for a term of three years. Appointments made thereafter shall be for four-year terms, but no person shall be appointed to serve more than two consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed by this section. Vacancies shall be filled by appointment for the unexpired term. The board shall annually elect one of its members as president.

(g) The board shall meet and hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles, and San Francisco. The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place designated by the board.

(h) Notice of each meeting of the board shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(i) Members of the board shall receive no compensation for their services, but shall be entitled to reasonable travel and other expenses incurred in the execution of their powers and duties in accordance with Section 103.

(j) The appointing power shall have the power to remove any member of the board from office for neglect of any duty imposed by state law, for incompetency, or for unprofessional or dishonorable conduct.

(k) This section shall remain in effect only until January 1, ~~2014,~~ *2018,* and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2014,~~ *2018,* deletes or extends that date. ~~The~~ *Notwithstanding any other law, the* repeal of this section renders the board subject to ~~the review required by Division 1.2 (commencing with Section 473).~~ *review by the appropriate policy committees of the Legislature.*

O