

## **AGENDA ITEM 4**

### **APPROVAL OF SEPTEMBER 16, 2013, BOARD MEETING MINUTES.**

The draft minutes are attached for review.



## **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY TELECONFERENCE BOARD MEETING MINUTES**

**Monday, September 16, 2013**

### Board Member(s) Present

Linda Florey  
Kathay Lovell  
Nancy Michel  
Denise Miller

### Board Staff Present

Heather Martin, Executive Officer  
Norine Marks, Legal Counsel  
Kyle Muteff, Legal Counsel  
Jeff Hanson, Office Manager  
Jody Quesada, Office Technician

### Board Member(s) Absent

Sharon Pavlovich

### **9:00 a.m. – Board Meeting**

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

President Nancy Michel called the meeting to order at 9:15 am. Secretary Linda Florey called roll; a quorum was not established.

#### **2. President's remarks (N. Michel)**

President Michel reported that due to some reassignments in the Department of Consumer Affairs' (DCA) Legal Office, Legal Counsel Kyle Muteff, would be attending the Board's meeting and eventually be transitioning into the role of the Board's legal counsel, replacing Norine Marks.

#### **3. Board member updates/activities.**

Vice President Kathay Lovell reported that she met with Linda Florey and Heather Martin several times to review the Board's Administrative Manual, discuss formatting, clean-up and consideration of additions and changes.

Secretary, Linda Florey stated that she was looking forward Occupational Therapy Association of California (OTAC) conference that will be held at the end of October in Sacramento. Ms. Florey indicated that Board Executive Officer, Heather Martin will be speaking at the conference and that she was also looking forward to her presentation.

Kathay Lovell inquired about new Board members. Heather Martin responded that Sharon Pavlovich, Loma Linda University faculty member and Occupational Therapy Assistant (OTA), was recently appointed by the Governor's office. This recent appointment leaves one assembly public member vacancy and one occupational therapist (OT) vacancy.

9:24 a.m. - Denise Miller arrived, a quorum was established.

**4. Approval of the April 25, 2013, Board meeting minutes.**

Linda Florey pointed out a date error on page two, paragraph two, second sentence.

Heather Martin stated that it would be best for Board staff to review the tape recordings in order to correct this error and that she would bring back a corrected version to the November meeting for consideration.

**5. Approval of the May 8-9, 2013, Board meeting minutes.**

- ❖ Kathay Lovell moved to approve the May 8-9, 2013, Board meeting minutes.
- ❖ Linda Florey seconded the motion.

No Public Comment

Roll Call Vote

Kathay Lovell	Aye
Nancy Michel	Aye
Denise Miller	Aye
Linda Florey	Aye

**The motion was adopted.**

**6. Approval of the June 21, 2013, Board meeting minutes.**

- ❖ Linda Florey moved to approve the May 8-9, 2013, Board meeting minutes.
- ❖ Nancy Michel seconded the motion.

No Public Comment

Roll Call Vote

Kathay Lovell	Aye
Nancy Michel	Aye
Denise Miller	Aye
Linda Florey	Aye

**The motion was adopted.**

**7. Discussion and consideration of amending Title 16, CCR Section 4151, Hand Therapy, and Section 4152, Physical Agent Modalities, to allow occupational therapists to meet the requirements for approval in hand therapy and the use of physical agent modalities upon with certification by the Hand Therapy Certification Commission.**

Heather Martin informed the Board that she collaborated with Martin Walsh, Executive Director at the Hand Therapy Certification Commission (HTCC), on the proposed regulatory language that is being presented. Ms. Martin reported the language would allow occupational therapists (OT) that are certified by the Hand Therapy Certification Commission as certified hand therapists (CHT) to be granted Board approval to provide







**The motion was adopted**

**13. Discussion and consideration of revising the Board's Administrative Manual. (H. Martin)**

Heather Martin stated that the example provided was a product of a review by the ad hoc committee made up of Linda Florey and Kathay Lovell. Ms. Martin said that there were suggestions from Legal Counsel, Norine Marks that had not yet been reflected. Ms. Martin proposed that the Board members review the manual provided and note any amendments and forward them to her. Subsequently, an additional ad hoc meeting will be scheduled with Ms. Marks in attendance to provide rationale for her suggestions.

Linda Florey stated that Chapter 2 (page 3) needed a title. Kathay Lovell suggested that the title should be Board Responsibilities.

Legal Counsel, Norine Marks suggested that the section titled "Officers" (page 3) should be revised to read that new officers assume their position on January 1<sup>st</sup> of the next calendar year. Ms. Marks expressed concern with the inclusion of the section "Communication with Interested Parties" (Page 5). Ms. Martin asked Ms. Marks to consult with Legal Counsel, Kurt Heppler to clarify whether the Medical Board included this section in the final draft of their Administrative Manual.

Ms. Marks stated that the Department of Consumer Affairs (DCA), Office of Human Resources sent a memo in February that would have to be incorporated in the section titled "Executive Officer Evaluation" (page 6).

Committee changes discussed in Agenda item twelve (12) should be reflected on pages fourteen through sixteen (14-16).

Linda Florey suggested that the section title "NBCOT" (page 23) be revised by removing the word "membership" and replacing it with "a working relationship".

President Michel reported that she authorized Board staff to submit the necessary documentation to facilitate Board members receiving their per diem pay, retroactive to 2011. At the time, Board members decided not to accept per diem pay in the midst of the State's budget crisis.

Public Comment

It was brought to the attention of the Board by a member of public audience that page eleven (11) of the manual should be titled Chapter 4 instead of Section 4.

**14. Enforcement data and reports for the period April 1 – June 30, 2013. (J. Hanson)**

Jeff Hanson reviewed the standard enforcement reports and expressed his hope that the Board's oldest complaint would be resolved by the next meeting.

**15. Executive Officer's Report and Possible Board Action. (H. Martin)**

a) Board Operations

Heather Martin reported that the Board is in a holding pattern as far as staffing, and BreZE continues to experience delays.





**8. Discussion and consideration of adopting amendments to Title 16, CCR Section 4110, Application, Section 4112, Review of Application, Section 4120, Renewal of License or Certificate – Forms, Section 4121, Renewal of Expired License or Certificate, Application, Fees; Effective Date of Renewal, Section 4123, Limited Permit, and Section 4127, Inactive License.**

Heather Martin reviewed the August 29, 2013, memorandum provided by DCA. Ms. Martin stated that one of the policy issues that may need to be considered and reflected in the language has to do with prorating continuing education for active duty service members. Ms. Martin stated the Board's current language reflects that the Board would waive the renewal fee of an active duty service member but still require completion of twenty-four (24) continuing competency hours. Ms. Martin asked the Board to provide direction regarding the nature and extent continuing education requirements might be modified for active duty service members.

Kathay Lovell stated that she felt the Board should extend any extra help and be as flexible as possible in accommodating active duty service members.

Kathay Lovell volunteered to work with Board staff to propose language that can be considered by the Board.

Public Comment

A member of the public audience commented that a licensee that has been inactive for a lengthy period of time is required to complete twenty-four (24) professional development units when they decide to actively practice. In the interest of protecting the public, it would be appropriate to require military personnel that have been out of the profession for extended periods to also complete professional development activities as well.

Legal Counsel, Norine Marks answered that the Board has to be consistent with Statute 114.3 that was enacted for these purposes. The memo from DCA indicates that the waivers are permanent for that period of time.

A second member of the public commented that there are so many federal regulatory changes and if a licensee is absent from the profession for an extended amount of time, their knowledge of current practice and treatment is going to be severely compromised and the practitioner will need to complete some type of continuing education to be brought up to speed. In closing, the member of the public stated that there has to be something in place to prove the licensee's competency and protect the public.

Heather Martin clarified the Board was trying to develop language that would be consistent with the new laws and incorporate suggestions from the memo from the DCA Legal Office, while ensuring consumer protection. Ms. Martin provided an example of an active duty service member who is out of the profession for a short amount of time being required to complete less continuing competency as opposed to a service member who did not practice for an extended period of time, thus more continuing competency may be needed to bring them up to speed with the profession.

The members of the public audience agreed.

