AGENDA ITEM 7

CONSIDERATION OF PROPOSED AMENDMENTS TO THE BOARD'S ADMINISTRATIVE MANUAL.

California Board of Occupational Therapy
Board Member Administrative Procedure Manual

Chapter 1. Introduction

Overview

The California Board of Occupational Therapy (Board) was established on January 1, 2001, (Senate Bill 1046, Chapter 697, Statutes of 2000) to protect the health, safety, and welfare of California consumers by regulating the practice of Occupational Therapists and Occupational Therapy Assistants.

It is one of the boards, bureaus, commissions and committees within the Department of Consumer Affairs (DCA), which provides administrative oversight and support services. The Board is autonomous and sets its own policies, procedures, and regulations.

This *Board Member Administrative Procedure Manual* is provided to Board members as a ready reference of important laws, regulations, and Board policies to guide the actions of Board members and ensure Board effectiveness and efficiency.

Board mission: The Board's mission is to regulate occupational therapy by serving and protecting California's consumers and licensees.

Abbreviations

Agencies

BCSHA, Business, Consumer Services, and Housing Agency
CBOT, California Department of Occupational Therapy
CDA, California Department of Aging
CDCR, California Department of Corrections and Rehabilitation
CDE, California Department of Education
CDPH, California Department of Public Health
DCA, Department of Consumer Affairs
DDS, Department of Developmental Services
DHCS, Department of Health Care Services
DMH, Department of Mental Health
DSS, Department of Social Services
DVA, Department of Veterans Affairs
OAH, Office of Administrative Hearings
OAL, Office of Administrative Law
PTBC, Physical Therapy Board of California
SLPAHAD, Speech-Language Pathology and Audiology and Hearing Aid Dispe
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Codes

BPC or B&P, Business and Professions Code
CCR, California Code of Regulations
CFR, Code of Federal Regulations
CEC, California Education Code
CGC, California Government Code
HSC, Health and Safety Code
WIC, Welfare and Institutions Code

Organizations

ACOTE, Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association
APTA, American Physical Therapy Association
AOTA, American Occupational Therapy Association
ASHA, American Speech-Language-Hearing Association
ASHT, American Society of Hand Therapists
CAMFT, California Association of Marriage & Family Therapists
CLEAR, Council on Licensure, Enforcement and Regulation
CPIL, Center for Public Interest Law
CPTA, California Physical Therapy Association
FARB, Federation of Associations of Regulatory Boards
HTCC, Hand Therapy Certification Commission
NBCOT, National Board for Certification in Occupational Therapy
OTAC, Occupational Therapy Association of California
RESNA, Rehabilitation Engineering Society of North America
WFOT, World Federation of Occupational Therapy

Titles

AG, Attorney General
ALJ, Administrative Law Judge
CHT, Certified Hand Therapist
COTA, Occupational Therapy Assistant Certified by NBCOT
DA, District Attorney
DAG, Deputy Attorney General
EO, Executive Officer
OT, Occupational Therapist
OTA, Occupational Therapy Assistant
OTR, Occupational Therapist Registered with NBCOT
SDAG, Supervising Deputy Attorney General

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Chapter 2 Board Responsibilities

Composition of the Board
(B&P section 2570.19)

The Board consists of seven members, which must include by law:

- Three licensed Occupational Therapists and one licensed Occupational Therapy Assistant.
- Three public members.

The Governor appoints the four licensed members and one public member. The Assembly Speaker and the Senate Rules Committee each appoint one public member. Board members may serve up to two consecutive four-year terms.

Officers
(Board Policy – February 21, 2008, Revised December 1, 2011)
The Board will elect from its members a President, a Vice President, and a Secretary to hold offices for one calendar year or until their successors are elected. Elections will take place at the final meeting of each calendar year. New officers will assume office January 1st of the next calendar year. All officers may be elected on one motion or ballot or as a slate of officers unless a Board member objects. If any office of the Board becomes vacant, an election will be held at the next scheduled Board meeting. Elected officers will then serve the remainder of the term.

Meetings
(B&P section 2570.19)
The Board will meet at least three times a year and may meet more often as it deems necessary. The Board will meet in Sacramento, Los Angeles, San Francisco, and different geographic areas throughout the State as a convenience to the public and licensees.

Quorum
(Common Law)
Four members constitutes a quorum of the Board for the transaction of business. Under BPC 2570.19, a quorum is a majority of the statutory number of members, not a majority of the appointees.

Notice of Meetings
(GC Section 11120 et seq)
Notice must be given and also made available on the Internet at least 10 days in advance of the meetings and shall include the name, address, and telephone number of a staff person who can provide further information before the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notice required by this article is available.

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Agenda Items
(Board Policy – February 21, 2008)
Any Board member may submit items for a Board meeting agenda to the Board President or Executive Officer. Items must be requested during a Board meeting or at least 21 days prior to the meeting.

At the President's discretion, agenda items may be taken out of order for convenience, to accommodate speakers or to maintain a quorum, unless the agenda item is specified at a time certain. The Board meeting agenda package must be sent to Board members at least 10 days prior to the meeting.

Record of Meetings
(Board Policy – Adopted date, Revised December 1,2011)
The minutes are a summary, not a transcript, of each Board meeting. The minutes are to be prepared by Board staff and submitted for review by the Board President within 20 working days after the Board meeting and then distributed to members of the Board. The final draft Board minutes shall be approved at the next scheduled Board meeting and serve as the official record of the meeting. Once draft Board minutes are distributed to Board members, they will be included in any Board and Committee agenda package. Approved minutes of the open session are available for distribution to the public and will be posted on the Board's website.

Tape Recording
(Board Policy – February 21, 2008, GC section 11124.1(b).)
Public Board meetings will be tape-recorded. Tape recordings must be kept until the minutes are adopted. After that, the recordings will be destroyed. Closed session proceedings will be taped at the discretion of the Board. The meeting will be Web-cast, subject to availability of DCA staff. The Web-cast will be posted on the Board's website within three weeks after the meeting and kept for 10 years or more.

Meeting Rules
(Board Policy – February 21, 2008)
Board meetings will be conducted under Robert's Rules of Order unless it conflicts with the Bagley-Keene Open Meeting Act or any other section of law. The Bagley-Keene Open Meeting Act governs meetings of State regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

If the agenda contains matters appropriate for closed sessions, the agenda must cite the particular statutory section and subdivision authorizing the closed session. Informal discussions of Board business among members outside of noticed meetings may be a violation of the Bagley-Keene Open Meeting Act if three or more members are involved in the discussion at any time.

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Public Comment
Due to the need to maintain fairness and neutrality when performing its adjudicative function, the Board must not receive any information from a member of the public regarding any matter that is currently under or subject to investigation or involves a pending criminal or administrative action.

1. If during a Board meeting, a person attempts to provide the Board with information regarding matters that are currently under or subject to investigation or involve a pending administrative criminal action, the person must be advised that the Board cannot consider or hear such information, and the person must be instructed to refrain from making such comments.
2. At the direction of the Board President or Chair of the Committee, speakers may limited to no more than three (3) minutes to speak. In the event there are numerous people wishing to address the Board on the same item, the Board President or Chair of the Committee can further limit the amount of time or request the individuals to identify themselves, the organization they represent, if applicable, and whether they support or oppose the proposed action.

Communication
(Board Policy – February 21, 2008)
The Board President, his or her designee, or the Executive Officer will serve as spokesperson to the media on Board actions or policies. Any written or oral communications concerning Board matters of a sensitive nature will be made only by the Board President, his or her designee or the Executive Officer. Staff will provide Board members with Committee and Board member contact information on a quarterly basis.

Communication with Interested Parties
Board Members are required to disclose at Board meetings all discussions and communications with interested parties regarding any item pending or likely to be pending before the Board. The Board meeting minutes shall reflect the items disclosed by the Board member. All agendas will include as a regular item a disclosure agenda item where each member relays any relevant conversations with interested parties.

Ex Parte Communications
(Government Code section 1143.10 et seq)
The Government Code contains provisions prohibiting ex parte communications. Ex parte communications are communications to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

> *"While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer, from an employee or representative or if an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."*

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Occasionally, an applicant who is being formally denied licensure, or a licensee facing a disciplinary action, will attempt to directly contact Board members. If the communication is written, the member should read only enough to determine the nature of the communication. Once he or she realizes it is from a person who is facing an action, he or she should reseal the documents and send them to the Executive Officer, or forward the email.

If a Board member receives a phone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person that he or she cannot speak to him or her about the matter. If the person insists on discussing the case, he or she should be told that the Board member will be required to recuse himself or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee. If a Board member believes that he or she has received an unlawful ex parte communication, he or she should contact the Board's assigned attorney or Executive Officer.

Correspondence
(Board Policy – February 21, 2008)
Originals of all correspondence received must be maintained in the Board's office files consistent with the record retention schedule. Only copies of such correspondence will be given to the Executive Officer and Board members as required.

Executive Officer Evaluation
(CGC section 11126(a)), Board Policy – February 21, 2008, B&P section 107, Revised December 1,2011; Revised November 2013)
Board members shall evaluate the performance of the Executive Officer on an annual basis. Each Board member will provide input regarding the performance appraisal and salary administration of the Executive Officer. The performance appraisal of the Executive Officer shall be discussed by the Board to determine an action necessary.

Board Member Training
(Board Policy – February 21, 2008; (BPC section 453)

Upon initial appointment, Board members will be given an overview of Board operations, policies, and procedures by the Executive Officer.
New and continuing Board members must complete training in accordance with the law and DCA procedures. The Executive Officer will ensure compliance by annually reviewing the training completed by Board members.
Required training topics include, at a minimum:

- Diversity
- Ethics
- Sexual Harassment Prevention
- Privacy Protection and Identity Theft
- Board Member Orientation

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Every newly appointed Board member shall, within one year of assuming office, complete a training and orientation program offered by the Department of Consumer Affairs. This training is in addition to the Board orientation given by Board staff. This is a one-time training requirement.

(CGC section 11146)
All Board members are required to file a Form 700, *Statement of Economic Interests.*, upon assuming and leaving office, and annually, due April 1st of each year. Members must also complete an orientation course on the relevant ethics statutes and regulations that govern the official conduct of State officials. The Government Code requires completion of this ethics orientation within the first six months of appointment and completion of a refresher course every two years thereafter. For further information regarding filing requirements or to ask questions of the Fair Political Practices Commission (FPPC) staff, go to the FPPC's website at http://www.fppc.ca.gov, or call 866-275-3772.

(CGC section 12950.1)
Government Code Section 12950.1 requires supervisors, including Board members, to complete two hours of sexual harassment prevention training every two years.

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Chapter 3 Board members

Board Administration
Board members represent the State of California and although he/she is an individual member, members have an obligation to the represent the Board as a body. Each member should carefully consider each responsibility and time commitment prior to agreeing to become a Board Member.

Attending meetings
Attend all meetings; be prepared for all meetings by reviewing and analyzing Board materials; actively participate in meeting discussions; serve on committees of the Board to provide expertise in matters related to the Board.

If a member is unable to attend, he or she is requested to promptly contact the Executive Officer to address quorum issues.

Consider Disciplinary Matters
Review and analyze all materials pertaining to disciplinary matters and provide a fair, unbiased decision; timely respond to every request for a decision on any disciplinary matter; review and understand the Board's disciplinary guidelines; regularly review and amend the Board's disciplinary guidelines to align with the policies set by the Board.

Policy Decision Making
Make educated policy decisions based upon both qualitative and quantitative data; obtain sufficient background information on issues upon which decisions are being made; seek information from Board staff regarding the functions/duties/requirements for the licensees being overseen; allow time for sufficient discussion at Board or Committee meetings, delegating when necessary; allow public participation and comment regarding matters prior to making decisions; ensure public protection is the highest priority in all decision making.

Governance
Monitor key and summary data from the Board's programs to evaluate whether business processes are efficient and effective; obtain training on issues pertaining to the Board (e.g. budget process, legislative process, enforcement process; licensing process, etc.); make recommendations regarding improvements to the Board's mandated functions.

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board Members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer. Board Members should not interfere with day-to-day operations, which are under the authority of the Executive Officer.

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Business cards
Business cards will be provided to each Board member with the Board's name, address, telephone and fax numbers, and website address.

Board Member Attendance at Board meetings
(BPC section 106)
Board members should attend each meeting of the Board. If a member is unable to attend, he or she must contact the Board President and ask to be excused. Board members should also inform the Executive Officer of their absence in order to avoid any quorum issues. Board members shall attend the entire meeting and allow sufficient time to conduct all Board business at each meeting.

The Governor has the power to remove from office any member appointed by him or her for continued neglect of duties, which may include unexcused absences from meetings.

Public Notice of Board meetings
(BPC section 106)
Meetings are subject to all provisions of the Bagley-Keene Open Meetings Act. This Act governs meetings of State regulatory boards and meetings of committees of those boards where the committee consists of more than two Members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

If the Board meeting agenda contains matters that are appropriate for closed session, the agenda must cite the particular statutory section and subdivision authorizing the closed session.

General Rules of Conduct

- Board members shall not speak to interested parties (such as vendors, lobbyists, legislators, or other governmental entities) on behalf of the Board or act for the Board without authorization from the Board.
- Board members shall commit time, actively participate in Board activities, and prepare for Board meetings, which includes reading Board packets and all required legal documents.
- Board members shall respect and recognize the equal role and responsibilities of all Board members, whether public or licensees.
- Board members should speak when recognized by Board President.
- Board members shall act fairly and in a nonpartisan, impartial, and unbiased manner
- Board members shall maintain the confidentiality of confidential documents and information.
- Board members' actions shall uphold the Board's primary mission – protection of the public.
- Board members must not use their positions on the Board for political, familial, or financial gain.

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- Board members shall treat all applicants and licensees in a fair and impartial manner.

Board Member disciplinary actions
A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The President of the Board shall sit as chair of the hearing unless the censure involves the President's own actions, in which case the Vice President shall preside. In accordance with the Open Meeting Act, the censure hearing must be conducted in open session.

Removal of Board Members
(BPC section 106)
The Governor has the power to remove from office, at any time, any member of any Board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct, or unexcused absence from meetings.

Resignation of Board Members
(GC section 87100)
In the event that it becomes necessary for a Board member to resign, by state law, a written notice must be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. A copy of the resignation letter must also be sent to the Director of the Department of Consumer Affairs, the Board President, and the Executive Officer.

Conflict of Interest
(GC section 87100)
No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member who has a financial interest shall disqualify himself or herself from making or attempting to use his or her official position to influence the decision.

Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately review the Fair Political Practice Committee website and consult the Executive Officer or DCA legal counsel. Board members shall refrain from attempting to influence staff regarding applications for licensure or potential disciplinary matters.

Strategic planning
The Strategic Plan will be reviewed annually and revised as needed. Board members should participate in the drafting and approval of a Strategic Plan; oversee the Strategic Plan on a quarterly basis to ensure activities are being implemented and performed;

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and monitor any new tasks and projects to ensure they are in-line with the Strategic Plan.

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Chapter 4 Roles of Board Officers and Committee Chairs

The duties of the Board's officers include, but are not limited to:

President
(The "Board President" means the President or President's designee)
The role of the President is to:

- Chair and facilitate Board meetings.
- Serve as spokesperson for the Board, attend legislative hearings and testify on behalf of the Board, attend meetings with stakeholders and Legislators on behalf of the Board, talk to the press on behalf of the Board, and sign letters on behalf of the Board.
- Meet and communicate with the Executive Officer on a regular basis.
- Communicate with other Board members for Board business.
- Approve Board meeting agendas.
- Chair the Administrative Committee.
- Sign full Board-approved disciplinary orders.

Vice President
The role of the Vice President is to:

- Serve as the backup for the duties above in the President's absence; and
- Serve as a member of the Administrative Committee.

Secretary
The role of the President is to call the roll, to establish a quorum, and poll the Board member for roll call votes during teleconference meetings.

Committee Chair
The role of the Committee Chairperson is to:

- Approve the Committee meeting agendas.
- Chair and facilitate all Committee meetings.
- Report to the Board all Committee meeting outcomes.

Oversight of Executive Officer
(Board Policy – February 21, 2008, Revised December 1,2011, November 2013)
The President shall provide oversight and support of the Executive Officer, including signing any necessary documents. Specific instructions for work on Board policy matters by the Executive Officer from Board members shall be coordinated through the Board President. The incoming Board President shall assume all duties January 1st of the next calendar year following Officer elections.

Performance Appraisal of Executive Officer
(CGC section 11126(a); B&P section 107, Board Policy – February 21, 2008, Revised December 1, 2011)

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The Board President shall request from each Board Member input to the performance appraisal and consult with OHR regarding salary administration of the Executive Officer prior to his or her draft preparations. The Board President may consult with the Office of Human Resources (OHR) for assistance with the evaluation process and to assist with obtaining salary approval from the Department of Human Resources.

The performance appraisal of the Executive Officer will be discussed by the Board at the last meeting of the Board held annually. Matters relating to the performance of the Executive Officer shall be discussed in closed session unless the EO requests that it be discussed in open session.

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Chapter 5 Executive Officer

Appointment
(B&P section 2570.21)
The Board appoints an Executive Officer who serves at the pleasure of the Board. He or she may be terminated at any time for any reason, with or without good cause, and notwithstanding any representation to the contrary by any individual Board member.

Role
(16 CCR Section 4101, Board Policy – February 21, 2008)
The Executive Officer is the Board's chief administrative officer. He or she will implement the policies developed by the Board.

Recruitment
(Board Policy – February 21, 2008, Revised December 1,2011)
The Board will institute an open recruitment plan to obtain a pool of qualified Executive Officer candidates. It will also utilize proven Equal Employment Opportunity and personnel recruitment procedures. The Board will also work with the Department of Consumer Affairs' OHR and Deputy Director for Board Relations in its recruitment process.

Selection
(Board Policy – February 21, 2008)
A qualified candidate for Executive Officer must demonstrate abilities that include the supervision of employees, conflict resolution and complaint mediation, public speaking and effective written and verbal communication skills. The candidate must have knowledge and expertise in the areas of supervision, administration, licensing, enforcement, legislation and budget management.

(CGC section 11125)
The selection of a new Executive Officer must be included as an item of business, which must be included in a written agenda and transacted at a public meeting. The board delegates all authority and responsibility for management of the civil service staff to the Executive Officer.

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, and conditions of employment are governed by a myriad of civil service laws and regulations and often, by collective bargaining agreements. Because of this complexity and the possibility of personal liability to the Board members, it is most appropriate that the Board delegate all authority and responsibility for management of the civil services staff to the Executive Officer. Board members shall not intervene or become involved in specific day-to-day management or oversight of Board staff.

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Chapter 6 Committees

Standing Committees
(Board Policy – February 21, 2008, Revised December 1, 2011)

The Board has four standing committees subject to the Open Meetings Act:

- Administrative Committee
- Education and Outreach Committee
- Legislative and Regulatory Affairs Committee
- Practice Committee

Internal organization of each committee is at its discretion, except as specified in this manual, and must be approved by the Board. The Committee chairperson, the assigned Board member, will oversee the meetings and work with the Executive Officer to develop agenda packet materials. Meetings must be consistent with the Bagley-Keene Open Meeting Act. The Board member will be responsible for providing the Committee report at the Board meeting.

Member terms will be two years, and members will serve a maximum of two full, consecutive terms. Meetings will be held two or three times per year or as needed to conduct business, and be consistent with the Bagley-Keene Open Meeting Act. Non-Board Member committee members shall be entitled to reimbursement of travel expenses but shall not receive any compensation.

Education and Outreach Committee
(Board Policy – February 21, 2008, Revised December 1, 2011)
The Education and Outreach Committee will consist of four members, at least one of whom is a Board member. The Committee chairperson, the assigned Board member, will oversee the meetings and work with the Executive Officer in developing agenda packet materials. Meetings must be consistent with the Bagley-Keene Open Meeting Act. The Board member will be responsible for providing the Committee report at the Board meeting.

The Education and Outreach Committee is assigned to develop consumer and licensee outreach projects, including the Board's newsletter, website, e-government initiatives, and outside organization presentations. Committee members may be asked to represent the Board at meetings, conferences, health, career or job fairs, or at the invitation of outside organizations and programs.

Legislative/Regulatory Affairs Committee
(Board Policy – February 21, 2008, Revised December 1, 2011)
The Legislative/Regulatory Affairs Committee will consist of four members, at least one of whom is be a Board member.

The Legislative/Regulatory Affairs Committee is assigned to provide information and/or make recommendations to the Board and Committees 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.

The classification system to be used by the Legislative/Regulatory Affairs Committee in recommending Board positions on proposed legislation is:

Support:
The Board supports the current version of the bill. This designation commits the Board to full involvement in the legislative process including sending letters to key people, conferring with key people prior to committee hearings and testifying at hearings by Board members, legislative committee members or senior staff.

Support if Amended:
The Board generally supports the concept or intent of the bill. Technical flaws need to be corrected before the Board will fully support the bill. The Board identifies the amendments or requirements that must be met in order for support to be obtained. If the requested amendments or requirements are accepted, the Board's position will change to support. This designation commits the Board to full involvement in the legislative process as noted above.

Oppose:
The Board is opposed to the current version of the bill. This designation commits the Board to involvement in the legislative process as noted above.

Oppose Unless Amended:
The Board is opposed to the bill but is willing to work with the author and sponsor of the bill to resolve the Board's concerns. The Board identifies the amendments or requirements that must be met to remove the Board's opposition. If the requested amendments or requirements are accepted, the Board will adopt a support position.

Watch
The Board has some interest in the bill because it potentially may affect the work of the Board. This designation requires careful tracking through the legislative process.

Neutral
The Board takes no official position.

Practice Committee

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(Board Policy – February 21, 2008)
The Practice Committee will consist of no less than four members, one of whom is a Board member. The members will include a diverse representation for a variety of work settings.

The purpose of the Practice Committee is to 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.

Ad Hoc Committees
(Board Policy – February 21, 2008, Revised December 1, 2011)
The Board may establish ad hoc committees as needed for the Board and its standing Committees.

The Board has one Ad-Hoc committee subject to the Open Meetings Act:

- Enforcement Ad-Hoc Committee

Enforcement Ad-Hoc Committee
(Board Policy – February 21, 2008) (Revised December 1,2011)
The Enforcement Committee will consist of four members, at least one of whom is be a Board member.

The purpose of the Enforcement Oversight Committee is 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. Members will not review individual enforcement cases.

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Advisory Capacity
(Board Policy – February 21, 2008, Revised December 1,2011)
Committee recommendations and reports should be submitted to the Board promptly for consideration and possible action.

Agendas
(Board Policy – February 21, 2008)
Agendas should focus on the specific tasks assigned by the Board and include:

- Public comment.
- Time for committee members to recommend new areas of study to be brought to the Board's attention for possible assignment.
- Only those information items dealing with subjects assigned or delegated to the respective committee.

Committee chairs should confer with the Board President prior to including any agenda item that is not clearly within that committee's assigned purview. If more than two Board members will attend a committee meeting, the agenda should contain the statement: "A quorum of the Board may be present at the committee meeting. Board members who are not members of the committee may observe but not participate or vote."

Appointments
(Board Policy – Adopted date, Revised December 1,2011)
At the last meeting before the end of the fiscal year, standing committees will make recommendations for possible members. The Board President will appoint the members to fill positions with expired terms of each standing committee and appoint members to ad hoc committees.

Attendance at Committee Meetings
(Board Policy – February 21, 2008, Revised December 1,2011)
Board members who are not members of the committee may attend a committee meeting and observe but not participate or vote. Board members who are not members of the committee should sit in the audience and not participate in the meeting discussion.

Dual Membership
(Board Policy – February 21, 2008)
A non-Board member cannot serve concurrently on more than two standing advisory committees.

Meeting Rules
(Board Policy – February 21, 2008)
Meetings will be conducted under Robert's Rules of Order unless it conflicts with the Bagley-Keene Open Meeting Act or any other section of law.

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Minimum Qualifications
(Board Policy – February 21, 2008)
The minimum qualifications for a licensed member of a standing advisory committee are:

- Five years of professional experience,
- Current California licensure as an Occupational Therapist or Occupational Therapy Assistant, without restriction,
- No pending or prior disciplinary action.

Record of Meetings
(Board Policy – February 21, 2008)
The minutes are a summary, not a transcript of each committee meeting. The Committee's draft meeting minutes must be approved at the next scheduled Committee meeting and serve as the official record of the meeting. The Committee's recommendations and meeting materials must be presented at the next scheduled Board meeting. Approved minutes of the Committee meeting are available to the public, upon request, and must be posted on the Board's website.

Recruitment
(Board Policy – February 21, 2008)
The Board will recruit interested persons to serve on appropriate committees.

Reimbursement of Travel-related Expenses
(Board Policy – February 21, 2008)
Consistent with the State Guidelines, Committee members are entitled to be reimbursed for travel-related expenses to attend committee meetings.

Residence Requirement
(Board Policy – February 21, 2008)
A member of a standing advisory committee must be a California resident.

Staff Participation
(Board Policy – February 21, 2008)
Board staff provides advice, consultation, and support to committees.

Tape Recording
(GC section 11124.1, Board Policy – February 21, 2008)
Committee meetings must be tape-recorded. Tape recordings must retained until the minutes are adopted; after that, the recordings will be destroyed.

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Chapter 8 Travel Policies, Procedures and Per Diem

Travel Approval
(Board Policy – February 21, 2008, Revised December 1,2011)
Board members must have the Board President's approval for all travel except for regularly scheduled Board and committee meetings to which the Board member is assigned.

Arrangements for Board member travel are made by Board members or the Board's staff. Arrangements for committee member travel are made by the Board's staff.
If a conference is held out of state, the President and/or Executive Officer may attend only if an Out of State Travel Request has been approved by the Department of Finance. If the travel request is not approved, travel-related expenses will not be reimbursed, and the individual may not represent the Board.

Claims for Reimbursement of Travel-related expenses
(Board Policy – February 21, 2008)
Board members must have the Board President's approval for all travel except for regularly scheduled meetings of the Board and of the committee the member is assigned to.

The California Department of Human Resources, the Department of Consumer Affairs, and the *State Administrative Manual* set for the rules governing reimbursement of travel expenses for Board members. All expenses must be claimed on the appropriate travel expense claims forms. Board staff must maintain these forms and complete them as needed. Board members should submit their travel expense information and receipts immediately after returning from a trip and no later than two weeks following their return.

For the expenses to be reimbursed, Board members must follow the procedures contained in DCA Departmental Memoranda, which are periodically disseminated by the Executive Officer and are provided to Board members.

Per Diem Salary
(B&P section 103, Board Policy – February 21, 2008, Revised December 1, 2011)
B&P section 103 regulates compensation in the form of per diem salary and reimbursement of travel and other related expenses for Board members. This section provides for the payment of per diem salary for Board members "for each day actually spent in the discharge of official duties," and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

B&P section 103 also states:

> "Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment."

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Accordingly, the following general guidelines shall be adhered to in the payment of per diem salary, or reimbursement for travel:

1. Board members shall be paid per diem salary for attendance at official Board and Committee meetings of which they are members. Board members cannot claim per diem salary for time spent traveling to and from a Board or Committee meeting. Per diem salary shall not be paid for preparation time for Board or Committee meetings, which would include such things as reading the meeting materials.
   Where it is necessary for a Board member to leave early from a meeting, the Board President shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.
2. Board members shall be paid per diem salary for attendance at education and outreach events, or other events including but not limited to hearings, conferences or meetings other than official Board or Committee meetings that are approved in advance by the Board President and consistent with a "substantial service" as defined. The Executive Officer shall be notified of the event prior to the Board member's attendance. Board members will be compensated for actual time spent attending events other than official Board of Committee meetings, and preparation time for said events, based on submission of an approved attendance form. Per diem salary shall be paid upon evidencing six (6) hours of actual time spent. Hours may be accumulated over several events to meet this requirement.
3. Board-specified work and performance of state roles or additional assigned duties, Board members will be compensated for actual time spent performing work authorized in advance by the Board President based on submission of an approved attendance form. Per diem salary shall be paid upon evidencing six (6) hours of actual time spent. Hours may be accumulated for Board-specified assignments to meet this requirement.

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Chapter 9 Security Procedures

Request for Records Access
(Board Policy – February 21, 2008)
No Board member may access a licensee's or applicant's file without the Executive Officer's knowledge and approval of the conditions of access except as consistent with the Public Records Act, Information Practices Act, and other relevant sections of law. A notation of the Board member's access to the record will be entered in the file. Records or copies of records must not be removed from the Board's office.

Contact with Applicants, Licensees, Complainants, and Respondents
(Board Policy – February 21, 2008)
Board members must not intervene on behalf of an applicant, or licensee, or complainant for any reason. Board members shall forward all contacts or inquiries to the Executive Officer or Board staff. Board members shall not directly participate in complaint handling and resolution or investigations. If a Board member is contacted by a respondent or his or her attorney, he or she must refer the individual to the Executive Officer or Board staff.

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Chapter 10. Affiliation With The Department of Consumer Affairs

Overview of DCA
(B&P section 127, Board Policy – February 21, 2008)
The Department of Consumer Affairs (DCA) is mandated to protect and serve California consumers while ensuring a competent and fair marketplace. DCA helps consumers learn how to protect themselves from unscrupulous and unqualified individuals. The Department also protects professionals from unfair competition by unlicensed practitioners.

The Department of Consumer Affairs includes 40 regulatory entities (nine bureaus, one program, 25 boards, three committees, one commission, and one office). These entities establish minimum qualifications and levels of competency for licensure. They also license, register, or certify practitioners, investigate complaints, and discipline violators. The committees, commission, and boards are semiautonomous bodies whose members are appointed by the Governor and the Legislature. DCA provides them administrative support. DCA's operations are funded exclusively by license fees.

Pursuant to B&P Code section 127 the DCA Director may require reports from any board, commission, examining committee, or other similarly constituted agency within the department as deemed reasonably necessary on any phase of their Board operations.

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Chapter 11. Affiliation With Other Organizations

AOTA

(Board Policy – February 21, 2008)

The Board will maintain membership in the American Occupational Therapy Association (AOTA). The President, President's designee, and/or Executive Officer may represent the Board at AOTA's Annual Conference. If AOTA's Annual Conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the trip is not approved, travel-related expenses will not be reimbursed.

CLEAR

(Board Policy – February 21, 2008)

The Board may maintain membership in the Council on Licensure, Enforcement and Regulation (CLEAR). If CLEAR's Annual Conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the travel is not approved, travel-related expenses will not be reimbursed.

NBCOT

(Board Policy – February 21, 2008)

The Board may maintain a working relationship in the National Board for Certification in Occupational Therapy (NBCOT). If NBCOT's Annual Conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the travel is not approved, travel-related expenses will not be reimbursed.

OTAC

(Board Policy – February 21, 2008)

The Board shall maintain membership in the Occupational Therapy Association of California (OTAC). The Board may ensure representation by attending OTAC's Annual Conference and other events as operationally practicable.

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Chapter 12. Other Information

Disciplinary Actions
(B&P section 127; Board Policy – February 21, 2008)

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All final decisions by the Board following formal disciplinary proceedings of alleged violations of the Act will be published on the Board's website after the effective date of the decision.

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Conclusion

This *Board Member Administrative Procedure Manual* serves as reference for important laws, regulations, Department of Consumer Affairs' policies and policies of the Board of Occupational Therapy in order to guide the actions of the Board members and ensure Board effectiveness and efficiency.

References

The procedures in this manual are specific to the Board. Suggested references for additional important information are:

- *Board Member Orientation and Reference Manual*, DCA
- Business and Professions Code, sections 103, 106, 106.5, 2570-2571, 17500
- Title 16, California Code of Regulations, sections 4100-4184
- California Government Code, sections 1750, 11120 et seq., 11146 et seq.
- *State Administrative Manual*, section 700 et seq.

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