











## **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 be 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."*







































## 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.

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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