APPROVAL OF NOVEMBER 7, 2013, BOARD MEETING MINUTES.

The draft minutes are attached for review.

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
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CALIFORNIA BOARD OF OCCUPATIONAL THERAPY TELECONFERENCE BOARD MEETING MINUTES

Thursday, November 7, 2013

Board Member(s) Present
Linda Florey
Kathay Lovell
Nancy Michel
Denise Miller
Sharon Pavlovich

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

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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 9:00 am. Secretary Linda Florey called roll; a quorum was established.

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

President Nancy Michel welcomed Sharon Pavlovich to the Board. Ms. Michel also thanked Nicholas van den Heever, Program Director for the OT Program at West Coast University, for allowing the Board to meet at their beautiful new campus and welcomed the students to the meeting.

Administrative Hearing
9:00 KELLEY, Anjuli- Petition for Reinstatement of Revoked License
The hearing began at 9:10 and concluded 9:35 am.
The Board entered into CLOSED SESSION upon conclusion of the administrative hearing.

The Board resumed OPEN SESSION at 10:40.

Ms. Lovell joined the meeting via teleconferemce and Secretary, Linda Florey called roll; a quorum was established.

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

Secretary, Linda Florey stated that she attended the Occupational Therapy Association of California (OTAC) conference which was well attended and offered informative educational sessions.

Denise Miller stated that she attended the OTAC conference as well. She congratulated her colleagues who received awards at the conference. Ms. Miller shared that she was humbled to be named the 2014 recipient of the Lindy Boggs Award for Advocacy.

Kathay Lovell stated that along with Linda Florey and Heather Martin she worked on edits to the Administrative Manual and had the final results to present later in the meeting.

4. **Approval of the September 16, 2013, Board meeting minutes.**

   - Linda Florey moved to approve the September 16, 2013, Board meeting minutes with a correction to page 8 that exchanged the word 'Statute' in paragraph five (5) to 'Business and Professions Code Section'.
   - Denise Miller seconded the motion.

No Public Comment

Roll Call Vote	
Kathay Lovell	Aye
Nancy Michel	Aye
Denise Miller	Aye
Sharon Pavlovich	Aye
Linda Florey	Aye

The motion was adopted.

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

   - Nancy Michel moved to approve the revised April 25, 2013, Board meeting minutes.
   - Linda Florey seconded the motion.

No Public Comment

Roll Call Vote	
Kathay Lovell	Aye
Nancy Michel	Aye
Denise Miller	Aye
Sharon Pavlovich	Aye
Linda Florey	Aye

The motion was adopted.

6. **Discussion and consideration of establishing policy regarding disclosure of administrative citations.** ***(H. Martin)***

Executive Officer, Heather Martin stated that part of the recommendation to the Board made by the Sunset Review Committee was to consider posting administrative citations. Ms. Martin explained that CBOT's current method is to provide this information when requested by the public. Ms. Martin reviewed the handouts provided in the meeting materials which outlined the various ways other boards and bureaus have displayed administrative citations and asked for feedback from the Board members as to how they wish to address administrative citations moving forward.

Legal Counsel, Norine Marks suggested that the Board members make their ultimate decision keeping in mind that CBOT will be transitioning to the BreEZe system and that they allow Executive Officer, Heather Martin to use her discretion while implementing the Board's suggestions due to Information Technology (IT) restrictions.

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- Denise Miller moved to have Web License Look-Up (WLL) reflect all disciplinary action and citations.
- Kathay Lovell seconded the motion.

Public Comment

A member of the public who identified herself as an owner of a clinic, stated that it would be very helpful to have access to this information and she was in support of the motion.

Roll Call Vote	
Kathay Lovell	Aye
Nancy Michel	Aye
Denise Miller	Aye
Sharon Pavlovich	Aye
Linda Florey	Aye

The motion was adopted.

Executive Officer, Heather Martin stated that at the next Board meeting, she would provide information outlining how expansive or limited the information displayed will be, due to IT restrictions.

Ms. Martin asked the Board for direction as to how far back the Board wished to go in terms of posting previously issued citations.

Denise Miller asked for a staff recommendation.

Ms. Martin suggested the beginning posting date January 1, 2013, as well as the citations that are never purged. The Board members agreed.

7. **Discussion and consideration of proposed edits to revise the Board's Administrative Manual.** ***(H. Martin)***

Denise Miller clarified that the section titled Secretary on page twelve (12), the word 'President' should be replaced with 'Secretary'.

Vice President, Kathay Lovell stated that the committee reviewed the questions and clarifications posed by legal counsel, adjustments were made and the newest version displayed more continuity.

Legal Counsel, Norine Marks stated that she would provide Executive Officer, Heather Martin with government code and business and professions code sections that apply.

- Nancy Michel moved to accept the Board's Administrative Manual and allow Executive Officer, Heather Martin to make non substantive change.
- Linda Florey seconded the motion.

No Public Comment

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Roll Call Vote

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

The motion was adopted.

8. Report on Pending Regulations: Title 16, Division 39, CCR Section 4128, Retired Status; CCR Section 4130, Fees; Section 4170, Ethical Standards of Practice; Section 4172, Standards of Practice for Telehealth; and Section 4101, Delegation of Certain Functions, Section 4146.5, Effective Dates of Decisions, Section 4147, Disciplinary Guidelines, and Section 4147.5. Uniform Standards Related to Substance Abuse. (H. Martin)

Heather Martin reviewed the current rule making files and detailed the process and versions of California Code of Regulations (CCR), Section 4170 and its current position of fourth modified text.

Legal Counsel, Norine Marks further explained that the changes in the fourth modified text were grammatical and arose from the Director of the Department of Consumers Affairs concern that some of the language was not clear.

Public Comment

Member of the public audience, Diane Gale expressed concern regarding section (b)(2), which outlines the six (6) month prohibition and how it could affect instructor/student relationships. Ms. Gale also questioned why section (h) was removed.

Legal Counsel, Norine Marks addressed the removal of section (h) by stating that the reference to the Code of Ethics document would have been difficult to enforce based on the way it was written, so the Board decided to include more specific policies that could be regulated and enforced.

Executive Officer, Heather Martin addressed the six month prohibition concern in reference to the instructor/student relationship by paraphrasing the remainder of the presented language of section (h) that referred to improper activities as those that interfere with professional judgment and objectivity. Ms. Martin stated that a proper instructor/student relationship would not interfere with said instructor's professional judgment and objectivity.

- Denise Miller moved to approve the language of the fourth modified text and delegate the Executive Officer to make any technical, non substantive changes barring any negative comment from the public.
- Nancy Michel seconded the motion.

No Public Comment

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Roll Call Vote

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

The motion was adopted.

- Nancy Michel moved to adopt the third modified text in the event that substantive negative comment about the fourth modified text was presented by the public.
- Kathay Lovell seconded the motion.

No Public Comment

Roll Call Vote

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

The motion was adopted.

Break was taken, President, Nancy Michel called the meeting back to order at 12:31 pm.

9. **Discussion and consideration amending 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.** ***(H. Martin)***

Heather Martin reviewed the provided attachments and reminded the Board members of the fact that the original proposed language was noticed prior to the Department of Consumer Affairs (DCA) issuing a memo that addressed general implementation issues and provided background on DCA's current efforts. Ms. Martin explained that as a result of this memo, she and Vice President, Kathay Lovell were tasked with reviewing the statute, the DCA memo and provide specificity to the implementation of language, while giving consideration to those on active duty. Ms. Martin reported that the most recent changes are outlined in the provided handout.

Discussion ensued amongst the Board members and Board staff with regard to the extent of proffered waivers as they pertain to fees and continuing education for active duty military personnel.

Heather Martin suggested amending page three (3) section (e)(2) by replacing 'However, such practitioners must' with 'but shall' for clarity purposes.

- Kathay Lovell moved to approve the language as amended.
- Nancy Michel seconded the motion.

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No Public Comment

Roll Call Vote

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

The motion was adopted.

10. Executive Officer's Report. (H. Martin)

a) Board operations and budget update
Heather Martin reviewed the provided expenditure reports and stated that the first quarter of 2013-14 is the most aligned that the Board's revenues and expenditures have ever been with only a twenty thousand dollar difference.

Ms. Martin stated that the performance measures for the first quarter July 1, 2013, through September 30, 2013, were not available.

b) Other Informational Items
Heather Martin reported that CBOT will be included in the second release of BreEZe, which is yet to be determined.

Ms. Martin reported that the Laws and Regulations handbook was "a hit" at the Occupational Therapy Association of California (OTAC) conference where the first five hundred attendees to sign up received a free copy. Ms. Martin stated that Board staff will be sending an email to those on its interested parties list to alert them of the availability of the online version and the ability to purchase printed copies directly from the Board.

11. Enforcement data and reports for the period July 1 – September 30, 2013. *(J. Hanson)*

Jeff Hanson reviewed the enforcement handouts and offered an update on the Board's oldest outstanding case.

Mr. Hanson stated that the 'complaint received' date was added to the 'final decision' section of the enforcement report so that Board members could see the time progression for the formal disciplinary process.

12. Annual Election of Officers

- Nancy Michel nominated Denise Miller for President.
- Linda Florey seconded the nomination.

No other nominations were made

Roll Call Vote

Kathay Lovell	Aye
Nancy Michel	Aye

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Denise Miller	Aye
Sharon Pavlovich	Aye
Linda Florey	Aye

- Nancy Michel nominated Kathay Lovell for Vice President and Linda Florey for Secretary.
- Denise Miller seconded the nomination.

No other nominations were made

Roll Call Vote

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

13. Selection of 2014 Board meeting dates.

February 6, 2014 – Sacramento
April 30, 2014 through May 1, 2014 – Sacramento (Strategic Planning)
May 22, 2014 – Los Angeles
August 21, 2014 – San Francisco
November 13, 2014 – San Diego

14. Proposed Agenda Items for next meeting.

- **Regulatory amendments**
- **Disciplinary cases**
- **Consider record retention requirements if a business is closed or sold**

No Public Comment

15. Public Comment session for items not on the agenda.
Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125 and 11125.7(a)]

No Public Comment

The Board entered into CLOSED SESSION at 1:45 pm, pursuant to Government Code Section 11126(a)(1), to discuss disciplinary matters.

16. The Board resumed open session and adjourned at 2:25 p.m.

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APPROVAL OF THE DECEMBER 3, 2013, BOARD MEETING MINUTES.

The draft minutes are attached for review.

ORIGINAL

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TELECONFERENCE BOARD MEETING MINUTES

Tuesday, December 3, 2013

Board Member(s) Present
Nancy Michel, President
Linda Florey
Kathay Lovell
Denise Miller
Sharon Pavlovich

Board Staff Present
Norine Marks, Legal Counsel
Kyle Muteff, Legal Counsel
Jeff Hanson, Program Analyst

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

   At 1:05 p.m., President Michel called the meeting to order. Contact was established with all teleconference sites. Secretary Florey called the roll. A quorum of the Board was established.

   All sites reported there were not any public members present.

2. **Disciplinary Matters**

   The Board convened into CLOSED SESSION pursuant to Government Code Section 11126(c)(3) to deliberate on a Disciplinary Decision.

Return to Open Session.

At 1:44 p.m. the Board retuned to Open Session.

3. **Public comment session for items not on the agenda.**

   There was no public comment. Throughout the duration of the meeting there was no member of the public in attendance.

Adjournment

At 1:45 p.m. the meeting adjourned.