



**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**

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**TELECONFERENCE AD HOC COMMITTEE MEETING NOTICE AND AGENDA**

**Saturday, October 24, 2015**

Committee Members Present

Laura Hayth, Board Member, Chairperson  
Jeff Ferro, Board Member  
Elizabeth Gomes

Board Staff Present

Heather Martin, Executive Officer  
Jeff Hanson, AGPA  
Ileana Butu, Legal Counsel

**4:30 pm – Ad hoc Committee Meeting**

1. Call to order and roll call.

The meeting was called to order at 4:38 p.m. Roll was called and a quorum was established.

2. Public Comment session for items not on the agenda

A member of the public commented that by not hearing a petition for reinstatement when an individual is on probation, a time constraint is placed on when an individual is able to petition for reinstatement.

Another comment was made that the Board should allow someone to provide testimony about the petition for reinstatement.

3. Discussion and consideration of criteria for the Board to use when considering whether it will refuse to consider a petition for reinstatement of license or modification/termination of penalty pursuant to Business and Professions Code Section 2570.32.

Executive Officer Heather Martin briefed the attendees regarding the purpose of the committee which was to recommend to the Board criteria for them to consider when deciding whether to refuse to consider a petition for reinstatement of a license, while the petitioner is on court-imposed probation or parole or subject to an order of registration pursuant to Section 290 of the Penal Code.

Jeff Ferro stated that at the previous committee meeting they looked at what other boards were doing.

A member of the public commented that a pharmacist was reinstated with a number of felonies. The member of the public provided the committee with a copy of that decision.

Another member of the public commented that the Board should make their decision on a case-by-case basis and the petitioner should be allowed to present their case.

A member of the public commented that not hearing some petitioners could leave out good practitioners.

Elizabeth Gomes stated that the committee considered this and are being sensitive to this possibility.

Legal Counsel, Ileana Butu, addressed some possible legal issues with the current draft language. There could be a due process issue regarding the Board using the 'rap' sheet as the basis for a refusal to hear a petition without providing the petitioner with an opportunity to be heard. Ms. Butu also indicated that when establishing criteria to consider, the Board may not have the authority to make a distinction in the regulation between an individual being on formal versus informal probation.

A member of the public commented that access to the Board and the ability to have a petition heard should be unfettered.

- ❖ Jeff Ferro moved to accept the language as presented and recommend it to the Board, with the understanding that Legal Counsel would work with the Board's Executive Officer regarding use of Board and Board staff in section (a), providing due process to petitioners, and consideration of whether the Board could distinguish between formal and informal probation.
- ❖ Laura Hayth seconded the motion.

**Roll Call Vote**

Jeff Ferro	Aye
Laura Hayth	Aye
Elizabeth Gomes	Aye

The motion passed.

4. Adjournment.

The meeting adjourned at 5:27 p.m.