AGENDA ITEM 9

CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED REGULATORY LANGUAGE TO ADD TITLE 16, DIVISION 39, CCR SECTION 4176, NOTICE TO CONSUMER

TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 pm on August 15, 2016.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the CBOT. The request must be received in the Board office not later than 5:00 pm on July 31, 2016.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific section 138 of said Code, the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt 16 CCR Section 4176.

Existing law, Business and Professions Code section 138, requires every board in the Department of Consumer Affairs to adopt regulations to require its licentiates to provide notice to their customers that the practitioner is licensed by this state.

Existing law, Business and Professions Code Section 680 requires health care practitioners to disclose, while working, his or her name and license on a name tag in at least 18 point font or as an alternative post a copy of his or her license in a prominent area of their office or practice.

Existing law, Business and Professions Code Section 680.5 requires a healthcare practitioner to communicate to a patient his or her name, license, and highest level of academic degree by one or both of the following methods: (1) in writing at the patient's initial office visit, and/or (2) in a prominent display in an are visible to patients in his or her office.

This proposed action implements Business and Professions Code Sections 138, 680, and 680.5 by requiring occupational therapists (OTs) and occupational therapy assistants (OTAs) to notify consumers that they are licensed and regulated by the California Board of Occupational Therapy. More specifically it would require OTs and OTAs to wear a name tag in 18-point font while working, or as an alternative, prominently display a copy of their license in the practice area of the office where the therapist works. It would require OTs and OTAs to provide their name, license type, license number, and highest level of earned academic degree related to the provision of occupational therapy services to consumers at the time of initial evaluation, or as an alternative, display the same in at least 24-point font in an area visible to patients and clients. In addition, the proposed regulation would require licensees to display the information specified on any website directly controlled or administered by the licensee or his or her office personnel.

Pursuant to section 680.5 of the Business and Professions Code, the requirements of the proposed regulation would not apply to licensees working in a facility licensed under Section 1250 of the Health and Safety Code, as specified.

Benefit of Proposed Regulations

Name tags or identification badges help patients, their family and other visitors know the name and type of license held by the practitioner providing occupational therapy services and is important for the safety of patients, visitors and staff. The same holds true when the patient and family members are advised of the regulatory entity that has oversight over the licensee with its contact information. If the patient, family member, or other visitor has a concern or complaint, he or she will be able to identify the practitioner by name and license type and contact the Board with any concerns.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any): None.

Business Impact

This regulation will not have a significant adverse economic impact on business. This initial determination is based on the following facts or evidence/documents/testimony:

We believe that the economic impact will be minor.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1) Not adopt regulation. This alternative was rejected because Business and Professions Code Sections 138, 680, and 680.5 mandate that the Board adopt regulations to require its licensees to provide notification to their patients that the practitioner is licensed by the state and other specified information.

2) Adopt the regulation. The Board determined that this alternative was the most feasible because it will comply with the provisions of Business and Professions Code Sections 138, 680, and 680.5.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None

Business Impact:

The Board has made a determination that the proposed regulatory action would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ANALYSIS

Impact on Jobs/New Business:

The Board has determined that this regulatory proposal will not have an adverse impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

Name tags or identification badges help patients, their family and other visitors know the name and type of license held by the practitioner providing occupational therapy services and is important for the safety of patients, visitors and staff.

Cost Impact on Affected Private Persons:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Any cost impact resulting from the proposed action results from the statutory requirements in sections 138, 680, and 680.5 of the Business and Professions Code.

Effect on Housing Costs: None

Effect on Small Business:

The Board has determined that the proposed regulations would affect small businesses because some licensees may work in a small business or private practice setting. This proposed regulation would require licensees to determine which method of notification is the most appropriate for their practice setting.

The methods include: posting a sign where their patients may see it or include a written statement signed and dated by the patient and placed in their medical record. The Board believes that the impact would be minimal, since it is anticipated that most offices will post one sign in an area where all patients may see it.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice or would be more cost-effective to the private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations within the timeframes identified in this Notice, or at a hearing in the event that such a request is made by the public.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation, and any document incorporated by reference, and of the initial statement of reasons, and all of the

information upon which the proposal is based, may be obtained from the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE:

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

CONTACT PERSON:

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Jeff Hanson
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2250
Sacramento, CA 95815
(916) 263-2294 (Tel) (916) 263-2701 (Fax)

The backup contact person is:

Ranjila Sandhu
[Same contact information as above]

Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > Laws and Regulations > Proposed Regulations.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED AMENDED REGULATORY LANGUAGE
Title 16, Division 39, California Code of Regulations

All proposed language is new.

Add section 4176 to Article 8 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4176. Notice to Consumers.
(a) Occupational therapists and occupational therapy assistants shall provide notice to their patients or clients that they are licensed and regulated by the California Board of Occupational Therapy.
(b) Except for employees exempt by their employer pursuant to section 680 of the Code, occupational therapists and occupational therapy assistants shall wear a name tag while working, in at least 18-point font that provides the first and last name and license type and number. However, the name tag requirement shall not apply to occupational therapists or occupational therapy assistants who prominently display a copy of their license in the practice area or office where he or she works.
(c)(1) Occupational therapists and occupational therapy assistants shall provide to the patients or clients at the time of initial evaluation, or display in at least 24-point font in an area visible to patients or clients, written notice specifying that the licensee is regulated by the California Board of Occupational Therapy, and provide the following personal information: Licensee's first and last name; License type and number; and highest level of earned academic degree related to the provision of occupational therapy services.
(2) As required by section 680.5 of the Code, this information shall also be displayed on any Internet website directly controlled or administered by the occupational therapist or occupational therapy assistant or his or her office personnel.
(d) This section shall not apply to occupational therapists or occupational therapy assistants who work in the following types of facilities:
(1) General acute care hospital;
(2) Acute psychiatric hospital;
(3) Skilled nursing facility;
(4) Intermediate care facility;
(5) Intermediate care facility/developmentally disabled-habilitative;
(6) Special hospital;
(7) Intermediate care facility/developmentally disabled;
(8) Intermediate care facility/developmentally disabled-nursing;
(9) Congregate living health facility;
(10) Correctional treatment center;
(11) Nursing facility;
(12) Intermediate care facility/developmentally disabled-continuous nursing; or
(13) Hospice facility.

Authority cited: Section 2570.20, Business and Professions Code; Reference: Sections 138, 680, and 680.5, Business and Professions Code.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Notice to Consumers

Sections Affected: Title 16, Division 39, California Code of Regulations (CCR), section 4176

Introduction

The California Board of Occupational Therapy (Board) is the state agency that regulates the practice of occupational therapy. The Board's highest priority in exercising its licensing, regulatory, and disciplinary functions is to protect and promote the health, safety and welfare of California consumers. The Board administers, coordinates, and enforces provisions of the laws and regulations pertaining to occupational therapy.

Existing law, Business and Professions Code Section 138 requires that every board within the Department of Consumer Affairs adopt regulations requiring its licensees to provide notification to their customers that the practitioner is licensed by the state.

Existing law, Business and Professions Code Section 680 requires health care practitioners to disclose, while working, his or her name and license on a name tag in at least 18 point font or as an alternative post a copy of his or her license in a prominent area of their office or practice.

Existing law, Business and Professions Code Section 680.5 requires a healthcare practitioner to communicate to a patient his or her name, license, and highest level of academic degree by one or both of the following methods: (A) in writing at the patient's initial office visit, and/or (B) in a prominent display in an are visible to patients in his or her office.

This proposed action implements Business and Professions Code Sections 138, 680, and 680.5 by requiring occupational therapists (OTs) and occupational therapy assistants (OTAs) to notify consumers that they are licensed and regulated by the California Board of Occupational Therapy. Specifically, it would require OTs and OTAs to wear a name tag in at least 18-point font while working, or as an alternative, prominently display a copy of their license in the practice area of the office where the therapist works. It would require OTs and OTAs to provide their name, license type, license number, and highest level of earned academic degree related to the provision of occupational therapy services to consumers at the time of initial evaluation, or as an alternative, display the same in at least 24-point font in an area visible to patients and clients. This proposed action would also require licensees to provide this information on any website controlled or administered by the therapist or his or her office staff and identify facilities where this proposed action would not apply.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OT REPEAL:

Add 16 CCR section 4176

The proposed language contained in this section is intended to implement Business and Professions Code Sections 138, 680, and 680.5, as described in the 'Introduction' above.

16 CCR section 4176(a)

The proposed language in Section 4176(a) establishes that occupational therapists and occupational therapy assistants will be required to provide notice to their patients or clients that they are licensed and regulated by the California Board of Occupational Therapy.

Factual Basis/Rationale: This language is designed to comply with section 138 of the Business and Professions Code, which requires all boards within the Department of Consumer Affairs to adopt regulations requiring its licensees to provide notification to their customers that the practitioner is licensed by the state.

16 CCR section 4176(b)

The proposed language in Section 4176(b) is intended to comply and implement a requirement for occupational therapists and occupational therapy assistants to wear a name tag in 18 point font that provides the first and last name, license type, and license number of the practitioner or in the alternative prominently display a copy of their license in the practice area or office where he or she works.

Factual Basis/Rationale: The proposed language is designed to comply with section 680(a) of the Business and Professions Code that requires a practitioner to disclose, while working, his or her name and license or as an option prominently display that information.

16 CCR section 4176(c)

The proposed language in Section 4176(c)(1) is intended to comply and implement a requirement for occupational therapists and occupational therapy assistants to provide written notice to their clients, at the time of initial evaluation, that they are regulated by the California Board of Occupational Therapy and provide their first and last name, license type and number, and the highest level of earned academic degree related to the provision of occupational therapy. The proposed language also provides an alternative, in that the licensee may display the same information on a sign in at least 24 point font in an area visible to patients or clients.

Factual Basis/Rationale: This language is designed to comply with section 680.5(a) of the Business and Professions Code to require a practitioner to communicate to a patient his or her name, license, and highest level of academic degree.

The proposed language in Section 4176(c)(2) would require the same information that is specified in Section 4176(c)(1) to be displayed on any internet website that is directly controlled or administered by the licensee or his or her office personnel.

Factual Basis/Rationale: This language is designed to comply with section 680.5(e) of the Business and Professions Code. It is the Board's intention to adopt this language in this proposed action to alleviate the need of a licensee to reference section 680.5(e).

16 CCR section 4176(d)

Proposed language in Section 4176(d) is intended to comply with section 680.5(d) of the Business and Professions Code. It specifically identifies facilities that are exempt from the proposed regulation.

Factual Basis/Rationale: The Board is listing the types of exempt facilities in this proposed action so that practitioners will not need to look up or reference Section 680 for this information. The reason these facilities are exempted is that Business and Professions Code Section 680 requires these facilities to develop and implement a name tag requirement which will be verified through periodic inspections by the agency that has jurisdiction over the facility.

DOCUMENT INCORPORATED BY REFERENCE: None

DATA RELIED UPON: None

BUSINESS IMPACT:

This regulation will not have a significant adverse economic impact on business. This initial determination is based on the following facts or evidence/documents/testimony:

The Board believes that the economic impact will be minor. Occupational therapy practitioners and/or their employer will be required to post a sign that occupational therapists and occupational therapy assistants are licensed and regulated by the California Board of Occupational Therapy. Occupational therapy practitioners and/or their employers will be required to either post a copy of the practitioner's license in the practice area where the therapist works or purchase name tags for consumer notification purposes. Occupational therapy practitioners and/or their employer will be required to display or provide written notice of the practitioner's first and last name, license type and number, and highest level of earned degree related to the provision of occupational therapy services at the time of initial evaluation.

ECONOMIC IMPACT ANALYSIS

Background

This proposed action is designed to implement Business and Professions Code Section 138, 680, and 680.5. The purpose and intent of this proposed action is to advance and enhance consumer protection.

Creation or Elimination of Jobs Within California

The Board has determined the proposed regulatory action will not create or eliminate jobs within California. The purpose and intent of this proposed action is to advance and enhance consumer protection, it will not result in the creation or elimination of jobs in California.

Creation of New Business or Elimination of Existing Business Within California

The Board has determined the proposed regulatory action will not create new business or eliminate existing business. The purpose and intent of this proposed action is to advance and enhance consumer protection, it will not result in new businesses or eliminate existing jobs in California.

Expansion of Business Within California

The Board has determined the proposed regulatory action will not expand business within California. The purpose and intent of this proposed action is to advance and enhance consumer protection.

Benefits of Regulations

Name tags or identification badges help patients and other visitors know with whom they are dealing. It is important for the safety of patients, visitors and staff. All patients, as well as their family members, have the right to know the name and status of the person providing their care. If the patient or family member has a concern or complaint, he or she will be able to identify the practitioner with the name rather than a description and know which state agency issued a license to the practitioner.

This proposed action is designed to benefit and advance the safety and welfare of California consumers.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES:

Alternative:

1) Not adopt regulation. This alternative was rejected because Business and Professions Code Sections 138, 680, and 680.5 mandates that the Board adopt regulations to require its licensees to provide specific notifications to their patients.

2) Adopt the regulation. The Board determined that this was the most feasible because it will comply with the provisions of Business and Professions Code Section 138, 680, and 680.5.

NOTICE OF AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy has proposed modifications to the text of CCR Sections 4176 in Division 39, Title 16. A copy of the modified text is enclosed.

Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before 5:00 PM on September 16, 2016, to the following:

Ranjila Sandhu, Regulations Coordinator
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2250
Sacramento, CA 95815
Telephone: (916) 263-2294
Fax: (916) 263-2701
E-mail: cbot@dca.ca.gov

DATED: September 1, 2016

HEATHER MARTIN, Executive Officer
California Board of Occupational Therapy

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED AMENDED REGULATORY LANGUAGE
Title 16, Division 39, California Code of Regulations

All proposed new language is underlined and modified text is indicated by ~~double strikethrough~~.

Add section 4176 to Article 8 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4176. Notice to Consumers.
(a) Occupational therapists and occupational therapy assistants shall provide notice to their patients or clients that they are licensed and regulated by the California Board of Occupational Therapy.
(b) Except for employees exempt by their employer pursuant to section 680 of the Code, occupational therapists and occupational therapy assistants shall wear a name tag while working, in at least 18-point font that provides the first and last name and license type ~~and number~~. However, the name tag requirement shall not apply to occupational therapists or occupational therapy assistants who prominently display a copy of their license in the practice area or office where he or she works.
(c)(1) Occupational therapists and occupational therapy assistants shall provide to the patients or clients at the time of initial evaluation, or display in at least 24-point font in an area visible to patients or clients, written notice specifying that the licensee is regulated by the California Board of Occupational Therapy, and provide the following personal information: Licensee's first and last name; License type ~~and number~~; and highest level of earned academic degree related to the provision of occupational therapy services.
(2) As required by section 680.5 of the Code, this information shall also be displayed on any Internet website directly controlled or administered by the occupational therapist or occupational therapy assistant or his or her office personnel.
(d) This section shall not apply to occupational therapists or occupational therapy assistants who work in the following types of facilities:
(1) General acute care hospital;
(2) Acute psychiatric hospital;
(3) Skilled nursing facility;
(4) Intermediate care facility;
(5) Intermediate care facility/developmentally disabled-habilitative;
(6) Special hospital;
(7) Intermediate care facility/developmentally disabled;
(8) Intermediate care facility/developmentally disabled-nursing;
(9) Congregate living health facility;
(10) Correctional treatment center;
(11) Nursing facility;
(12) Intermediate care facility/developmentally disabled-continuous nursing; or
(13) Hospice facility.

Authority cited: Section 2570.20, Business and Professions Code; Reference: Sections 138, 680, and 680.5, Business and Professions Code.

NOTICE OF AVAILABILITY OF SECOND MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy has proposed modifications to the text of California Code of Regulations Section 4176 in Division 39, of Title 16. A copy of the second modified text is enclosed.

Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before 5:00 PM on October 25, 2016, to the following:

Ranjila Sandhu, Regulations Coordinator
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2250
Sacramento, CA 95815
Telephone: (916) 263-2294
Fax: (916) 263-2701
E-mail: cbot@dca.ca.gov

Materials regarding this proposal can be found at www.bot.ca.gov.

DATED: October 10, 2016

HEATHER MARTIN, Executive Officer
California Board of Occupational Therapy

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED AMENDED REGULATORY LANGUAGE
Title 16, Division 39, California Code of Regulations

Proposed amendments are shown by underline for new text.
Modifications to regulatory language are shown by ~~double strikeout~~ for deleted text.
Second modified text is shown by and **bold double underline** for new text and ~~**bold double strikeout**~~ for deleted text.

Add section 4176 to Article 8 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4176. Notice to Consumers.

(a) Occupational therapists and occupational therapy assistants shall provide notice to their patients or clients that they are licensed and regulated by the California Board of Occupational Therapy, **as specified in (b), (c), and (d), below.**
(b) Except for employees exempt by their employer pursuant to section 680 of the Code, occupational therapists and occupational therapy assistants shall wear a name tag while working, in at least 18-point font that provides the first and last name and license type ~~and number~~. However, the name tag requirement shall not apply to occupational therapists or occupational therapy assistants who prominently display a copy of their license in the practice area or office where he or she works.
(c)(1) Occupational therapists and occupational therapy assistants shall provide to the patients or clients at the time of initial evaluation, or display in at least 24-point font in an area visible to patients or clients, written notice specifying that the licensee is regulated by the California Board of Occupational Therapy, and provide the following personal information: Licensee's first and last name; ~~L~~ license type ~~and number~~; and highest level of earned academic degree related to the provision of occupational therapy services.
(2) As required by section 680.5 of the Code, this information shall also be displayed on any Internet website directly controlled or administered by the occupational therapist or occupational therapy assistant or his or her office personnel.
(d) This section shall not apply to occupational therapists or occupational therapy assistants who work in the following types of facilities:
(1) General acute care hospital;
(2) Acute psychiatric hospital;
(3) Skilled nursing facility;
(4) Intermediate care facility;
(5) Intermediate care facility/developmentally disabled-habilitative;
(6) Special hospital;
(7) Intermediate care facility/developmentally disabled;
(8) Intermediate care facility/developmentally disabled-nursing;
(9) Congregate living health facility;
(10) Correctional treatment center;

(11) Nursing facility;
(12) Intermediate care facility/developmentally disabled-continuous nursing; or
(13) Hospice facility.

Authority cited: Section 2570.20, Business and Professions Code; Reference: Sections 138, 680, and 680.5, Business and Professions Code.

PRESENTATION OF LICENSING AND ENFORCEMENT DATA AND REPORTS FOR THE QUARTER ENDING SEPTEMBER 30, 2016.

CA Board of Occupational Therapy

Applications Data: July 1, 2016 – September 30, 2016

Trans #	Transaction Type	July		August		September		Total *Rec'd* 3Q	Total *App'd* 3Q	Avg Rec'd per Mo	Avg App'd per Mo
		Received	Approved	Received	Approved	Received	Approved				
1021	Initial License	135	134	133	133	113	113	381	380	127	127
2020	Renewal	n/a	640	n/a	385	n/a	181	n/a	1206	-	402
8005	Set Inactive to Active	6	6	4	1	4	4	14	11	5	4
8010	Name Change	27	25	32	30	24	20	83	75	28	25
8020	Address change	261	257	281	273	221	217	763	747	254	249
8030	Verification	92	81	72	64	49	41	213	186	71	62
8051	Set to Retired	1	1	6	6	1	1	8	8	3	2.67
8052	Set Retired to Active	0	0	0	0	0	0	0	0	0	0
5001	A/P – hands	4	2	4	7	3	2	11	11	4	4
5002	A/P – PAMs	10	6	12	16	5	0	27	22	9	7
5003	A/P - Swallowing	1	3	2	3	3	1	6	12	2	4
Monthly Trans Total			**1155**		**918**		**580**		**2658**		**887**

BOT ENFORCEMENT STATISTICAL REPORT
July 1, 2016 – September 30, 2016

Total Complaints-Received: 79

Conviction/Arrest Investigations: 47
(included in total complaints above)

Complaints-Closed: 164

Total Complaints-Pending: 424 (Oldest: 10/09/13)

DOI Investigations Initiated: 0

DOI Investigation Reports Received: 0

Formal DOI Investigations Pending: 3

Applications Denied pursuant to Business and Professions Code 480/485: 0

Cases Pending with the Attorney General (AG): 9

Transmitted	Complaint No	Type	Current Status
04/01/15	OT 2012-545	Accusation	Accusation filed 08/28/15; NOD rcvd 09/17/15; Hearing 07/21/16; ***Proposed Dec rcvd for Board review***
11/16/15	AR2015-4	SOI	Lic denied 09/15/15; Appeal rcvd 11/13/15; SOI filed 03/29/16; Hearing 10/06/16
12/29/15	AR2015-90	SOI	Lic denied 09/23/15; Appeal rcvd 10/05/15; SOI filed 06/16/16; Hearing 02/01/17
02/23/16	1002145006	Accusation	Accusation filed 06/08/16; NOD rcvd 06/22/16; Hearing 10/19/16
02/23/16	1002154080	Accusation	Accusation filed 07/29/16; NOD rcvd 08/03/16; Stip Settlement served; **effective 10/28/16**
03/09/16	1002044419	Pet Revoke Prob	Acc&PTR filed 07/15/16; no NOD, ***Default received for Board review***
03/24/16	2016000011	Accusation	Accusation filed 08/15/16; no NOD, Default served, **effective 10/28/16**
09/01/16	OT 2016-32	Accusation	Accusation to be drafted
09/09/16	1002147096	Accusation	Accusation filed on 10/19/16 (filed outside this reporting period)

Statement of Issues filed: 0
Petition to Revoke Probation filed: 0
ISO Issued: 0

Accusations filed: 0
Accusation & Petition to Revoke Probation filed: 0
PC23 Issued: 0

Final Decisions: 3

Effective	Name	Type	Complaint Received
08/01/16	Abrahamsen, Synnove	Surrender	03/26/2013
08/23/16	Alvarado, Francisco	Two (2) years probation (stipulated settlement)	04/23/2013
09/02/16	Osberg, Nicholas	Three (3) years probation (stipulated settlement)	03/09/2015
09/02/16	Torkelson, Denice	Revocation	10/29/2014

Cease Practice Orders (BPC 315.2) Issued: 0

Cease Practice Orders Lifted: 0

Report updated 10/21/2016

Citations Issued
7/1/2016 - 9/30/2016

#	LICENSE CLASS			VIOLATION						CIT. #	FINE	Fine Modified	GRAND TOTAL FINE DUE	DATE ISSUED	Appeal Rcvd		PAYMENT			
	OT	OTA	No Lic	FDC	UPC	CC	ULP	PDU	AD						ICR	ADMIN	Pymnt Date	Pd in Full	Pymnt Amnt	Bal
1		1						1		2015-81	$600	$600	$0	07/06/16			WITHDRAWN			$0
1	1							1		2015-210	$600		$600	07/06/16			08/12/16		$225	$25
1	1							1		2014-730	$600	$600	$0	07/06/16	1		08/15/16	1	$600	$0
1	1							1		2015-79	$600	$600	$0	07/06/16			DISMISSED			$0
1		1						1		2014-697	$250		$250	07/15/16						$250
1		1						1		2015-155	$600		$600	07/15/16						$600
1		1						1		2014-662	$600	$600	$0	07/15/16	1					$250
1		1						1		2014-661	$600	$350	$250	07/15/16	1					$250
1		1						1		16-000027	$600		$600	07/15/16	1					$600
1	1							1		2014-662	$250		$250	07/15/16	1		DISMISSED			$0
1	1							1		2014-663	$600	$600	$0	07/15/16	1		WITHDRAWN			$0
1	1							1		16-000049	$600	$600	$0	07/15/16			08/08/16	1	$250	$0
1	1							1		2015-209	$600	$600	$0	07/15/16	1		DISMISSED			$0
1	1							1		2015-208	$600	$600	$0	07/15/16	1		WITHDRAWN			$0
1	1							1		2015-134	$250	$250	$0	07/15/16	1		DISMISSED			$0
1	1							1		2015-237	$250		$250	07/15/16			WITHDRAWN			$0
1	1						1		1	2014-523	$1,150		$1,150	09/26/16	1		DISMISSED			$0
TOTALS																				
17	11	6	0	0	0	0	1	16	1		$9,350	$5,400	$3,950		10	0		2	$1,075	$1,975

NAME	LICENSE #	LENGTH OF PROBATION	EFFECTIVE DATE
Allen, Cornell Jr.	OT 9187	n/a	07/10/13
Alvarado, Francisco	OT 4563	2 years	09/02/16
Brown, Charles Stanley	OT 5525	n/a	08/12/15
Cox, Charlotte	OTA 3400	2 Years	12/07/15 12/28/15
Darrow, Colleen	OT 11844	4 Years	06/26/14
DeMena, Alan	OTA 466	3 Years	06/27/14
Gaeta, Adriana	OTA 1404	3 years	06/18/15
Kelley, Anjuli	OT 11168	3 Years	01/16/14
Knoefler, Kolee	OT 8115	3 Years	06/03/16
Lombardo, Patricia	OT 2792	3 Years	06/23/16
Martinez, Sharon	OTA 3067	3 Years	01/13/15
Meyer, Lisa M	OT 14107	3 Years	02/13/14
Mustafa, Feras A.R.	OT 13960	3 Years	11/12/13
Necesito, Dennis B.	OT 7360	4 Years	08/30/13
Neff, Heather L.	OT 7629	3 Years	07/11/14
Ngo, Nicole U.	OT 14773	3 Years	10/27/14
Osberg, Nicholas	OT 13735	3 Years	09/02/16
Perez, Thomas J.	OTA 2470	5 years	01/09/13
Powell, Diana C.	OT 6367	3 years	06/03/16
Retuya, Tristan	OT 12378	3 years	12/04/13
Schmidt, Rebecca	OT 8291	3 Years	11/27/09 *
Sweeney, Lynette	OT 10550	2 Years	09/27/13 *

* Probation "tolled" or extended beyond original expiration date.

EXECUTIVE OFFICER'S REPORT.

a. **OPERATIONAL REPORT**
b. **BUDGET UPDATE**
c. **BREEZE UPDATE**
d. **FUTURE AGENDA ITEMS**
e. **OTHER INFORMATIONAL ITEMS – NO BOARD DISCUSSION OR ACTION.**

Date: October 25, 2016

To: CBOT Members

From: Heather Martin, Executive Officer

Subject: Executive Officer Report – Board Meeting August 18-19, 2016

Items covered:

a) Operational Report
b) Budget Update
c) BreEZe Update
d) Future Agenda Items
e) Other Informational Items

a) Operational Report

Several positions have been advertised and are in the process of being screened. Interviews will be held (for four Enforcement positions) in November with a goal of filling the positions effective January 1st with on-boarding and training taking place January and February.

Recruitment efforts for the remaining 1.5 Licensing positions and three Enforcement position will begin in November.

b) Budget Update

Through September 30 (Q1), the Board has collected $383k in revenue and spent $490k of the (estimated) $2.3m budget. The Board's final 2016-17 budget is not yet available; the Department of Finance is still making last minute adjustments.

c) BreEZe Update:

The Board continues to identify issues with BreEZe and submit requests for improvements/fixes/patches and test the 'fixes' in a test environment once available, consistent with DCA's 'release' schedule.

d) Future Agenda Items

The items shown below will be addressed at a future meeting.

1. Ad hoc committee's recommendation regarding occupational therapists performing the physically invasive components of a swallowing evaluation.
2. Development/review of Sunset Review report.
3. Practice Committee appointments.
4. Practice Committee's recommendation on records retention requirement for an occupational therapy business that closes or is sold or if the practitioner is no longer in private practice.
5. Review/update of Board Member Administrative Manual.
6. Review/update of Board Member Disciplinary Resource Manual.

6. Review/update of Board Member Disciplinary Resource Manual.
7. Review/update of Board's Disciplinary Guidelines (requires regulatory amendments).

e) Other Informational Items

- DCA's new *Rulemaking Review Process*
- DCA's Division of Investigation 'Case Referral Guidelines'
- DCA's Administrative Services Calendar

Upcoming Presentations to the Board:

- Chuck Wilmarth, Director, State Affairs, AOTA – 12/8-9 meeting (end of day)
- Shaun Conway, Senior Director, Credentialing Services, NBCOT – 12/9 meeting (am)

11 CA BD OF OCCUPATIONAL THERAPY
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1475 OCCUPATIONAL THERAPY

	BUDGET	CURR. MONTH	YTD	ENCUMBRANCE	YTD + ENCUMBRANC	BALANCE
PERSONAL SERVICES						
SALARIES AND WAGES						
003 00 CIVIL SERVICE-PERM	0	29,624	88,872	0	88,872	-88,872
033 04 TEMP HELP (907)	0	3,875	5,754	0	5,754	-5,754
063 00 STATUTORY-EXEMPT	0	7,334	22,002	0	22,002	-22,002
063 01 BD/COMMSN (901,920	0	1,600	1,600	0	1,600	-1,600
083 00 OVERTIME	0	25	1,560	0	1,560	-1,560
SALARIES AND WAGES	**0**	**42,458**	**119,788**	**0**	**119,788**	**-119,788**
STAFF BENEFITS						
103 00 OASDI	0	2,225	6,768	0	6,768	-6,768
104 00 DENTAL INSURANCE	0	162	486	0	486	-486
105 00 HEALTH/WELFARE INS	0	4,650	13,951	0	13,951	-13,951
106 01 RETIREMENT	0	9,878	29,634	0	29,634	-29,634
125 15 SCIF ALLOCATION CO	0	3,413	3,680	0	3,680	-3,680
134 00 OTHER-STAFF BENEFI	0	1,931	5,776	0	5,776	-5,776
135 00 LIFE INSURANCE	0	7	21	0	21	-21
136 00 VISION CARE	0	69	199	0	199	-199
137 00 MEDICARE TAXATION	0	600	1,689	0	1,689	-1,689
STAFF BENEFITS	**0**	**22,935**	**62,203**	**0**	**62,203**	**-62,203**
PERSONAL SERVICES	**0**	**65,394**	**181,991**	**0**	**181,991**	**-181,991**
OPERATING EXPENSES & EQUIPMENT						
FINGERPRINTS						
213 04 FINGERPRINT REPORT	0	4,018	4,018	0	4,018	-4,018
FINGERPRINTS	**0**	**4,018**	**4,018**	**0**	**4,018**	**-4,018**
GENERAL EXPENSE						
206 00 MISC OFFICE SUPPLI	0	900	900	0	900	-900
207 00 FREIGHT & DRAYAGE	0	0	0	770	770	-770

11 CA BD OF OCCUPATIONAL THERAPY
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1475 OCCUPATIONAL THERAPY

	BUDGET	CURR. MONTH	YTD	ENCUMBRANCE	YTD + ENCUMBRANC	BALANCE
217 00 MTG/CONF/EXHIBIT/S	0	0	0	1,397	1,397	-1,397
GENERAL EXPENSE	**0**	**900**	**900**	**2,167**	**3,066**	**-3,066**
PRINTING						
242 00 PAMPHLT/LEAFLT/BRO	0	0	54	0	54	-54
242 03 COPY COSTS ALLO	0	660	660	0	660	-660
242 05 METRO PRINT/MAIL	0	973	1,881	0	1,881	-1,881
244 00 OFFICE COPIER EXP	0	0	0	1,380	1,380	-1,380
PRINTING	**0**	**1,633**	**2,595**	**1,380**	**3,975**	**-3,975**
COMMUNICATIONS						
257 01 TELEPHONE EXCHANGE	0	225	225	0	225	-225
COMMUNICATIONS	**0**	**225**	**225**	**0**	**225**	**-225**
POSTAGE						
262 00 STAMPS, STAMP ENVE	0	152	197	0	197	-197
263 05 DCA POSTAGE ALLO	0	581	1,878	0	1,878	-1,878
POSTAGE	**0**	**733**	**2,075**	**0**	**2,075**	**-2,075**
TRAVEL: IN-STATE						
292 00 PER DIEM-I/S	0	1,244	1,244	0	1,244	-1,244
294 00 COMMERCIAL AIR-I/S	0	1,521	1,521	0	1,521	-1,521
296 00 PRIVATE CAR-I/S	0	234	234	0	234	-234
297 00 RENTAL CAR-I/S	0	81	261	0	261	-261
305 00 MGMT/TRANS FEE-I/S	0	0	7	0	7	-7
TRAVEL: IN-STATE	**0**	**3,081**	**3,268**	**0**	**3,268**	**-3,268**
FACILITIES OPERATIONS						
343 00 RENT-BLDG/GRND(NON	0	6,598	19,794	59,382	79,176	-79,176
FACILITIES OPERATIONS	**0**	**6,598**	**19,794**	**59,382**	**79,176**	**-79,176**

11 CA BD OF OCCUPATIONAL THERAPY
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00
1475 OCCUPATIONAL THERAPY

	BUDGET	CURR. MONTH	YTD	ENCUMBRANCE	YTD + ENCUMBRANC	BALANCE
CONSULTANT & PROFESSIONAL SERVICES EXT						
404 05 C&P EXT ADMIN CR C	0	987	2,045	48,955	51,000	-51,000
CONSULTANT & PROFESSIONAL SERVICES EXTER	**0**	**987**	**2,045**	**48,955**	**51,000**	**-51,000**
DEPARTMENTAL SERVICES						
424 03 OIS PRO RATA	0	20,167	60,501	0	60,501	-60,501
427 00 INDIRECT DISTRB CO	0	15,000	45,000	0	45,000	-45,000
427 30 DOI - ISU PRO RATA	0	417	1,251	0	1,251	-1,251
427 34 COMMUNICATIONS PRO	0	1,833	5,499	0	5,499	-5,499
427 35 PPRD PRO RATA	0	167	501	0	501	-501
DEPARTMENTAL SERVICES	**0**	**37,584**	**112,752**	**0**	**112,752**	**-112,752**
CONSOLIDATED DATA CENTER						
428 00 CONSOLIDATED DATA	0	1	2	0	2	-2
CONSOLIDATED DATA CENTER	**0**	**1**	**2**	**0**	**2**	**-2**
CENTRAL ADMINISTRATIVE SERVICES						
438 00 PRO RATA	0	19,858	19,858	0	19,858	-19,858
CENTRAL ADMINISTRATIVE SERVICES	**0**	**19,858**	**19,858**	**0**	**19,858**	**-19,858**
EXAMS						
404 03 C/P SVS - EXT SUB	0	150	150	0	150	-150
EXAMS	**0**	**150**	**150**	**0**	**150**	**-150**
ENFORCEMENT						
396 00 ATTORNEY GENL-INTE	0	15,508	15,508	0	15,508	-15,508
414 31 EVIDENCE/WITNESS F	0	0	0	1,250	1,250	-1,250
418 97 COURT REPORTER SER	0	0	175	0	175	-175
427 31 DOI - INVESTIGATIO	0	5,250	15,750	0	15,750	-15,750
ENFORCEMENT	**0**	**20,758**	**31,433**	**1,250**	**32,682**	**-32,682**

DEPARTMENT OF CONSUMER AFFAIRS
BUDGET REPORT
AS OF 9/30/2016
FM 03

11 CA BD OF OCCUPATIONAL THERAPY
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00
1475 OCCUPATIONAL THERAPY

	BUDGET	CURR. MONTH	YTD	ENCUMBRANCE	YTD + ENCUMBRANC	BALANCE
MINOR EQUIPMENT						
226 15 MIN EQPMT-GEN-REPL	0	0	369	0	369	-369
MINOR EQUIPMENT	0	0	369	0	369	-369
OPERATING EXPENSES & EQUIPMENT	0	96,523	199,482	113,134	312,615	-312,615
TOTAL EXPENDITURE	0	161,917	381,473	113,134	494,607	-494,607
OCCUPATIONAL THERAPY	0	161,917	381,473	113,134	494,607	-494,607

DEPT OF CONSUMER AFFAIRS, REG BDS, BUR, DIVISIONS
RECEIPTS BY ORGANIZATION AND SOURCE
AS OF 09/30/16

ENY: 16 FFY: 16
SECTION: 11 CA BD OF OCCUPATIONAL THERAPY
SUB-SECTION: 00
UNIT: 00
SUB-UNIT: 00
SUB-SUB-UNIT: 00
INDEX: 1475 OCCUPATIONAL THERAPY

PROGRAM PG EL CMP TSK	PCA	DESCRIPTION				
				ACTUAL RECEIPTS		
REF	SOURCE ASRC	DESCRIPTION	PLANNED RECEIPTS	CURRENT MONTH	YEAR-TO-DATE	BALANCE
67 00 000 000 73017		REIMB - OCCUPATIONAL THERAPY FUND 3017				
001	991937 01	FINGERPRINT REPORTS	0.00	2,058.00	6,469.00	6,469.00-
*TOTAL SOURCE 991937			0.00	2,058.00	6,469.00	6,469.00-
001	995988 01	UNSCH-INVESTIGATIVE COST RECOVERY	0.00	200.00	1,300.00	1,300.00-
*TOTAL SOURCE 995988			0.00	200.00	1,300.00	1,300.00-
*TOTAL PROG 67			0.00	2,258.00	7,769.00	7,769.00-
*TOTAL REFERENCE 001			0.00	2,258.00	7,769.00	7,769.00-
67 00 000 000 83017		REVENUE - OCCUPATIONAL THERAPY FD 3017				
980	125600 CU	OTA DUP LIC FEE-$15.00	0.00	255.00	630.00	630.00-
980	125600 CV	OTA DUP CERT FEES-$15.00	0.00	30.00	105.00	105.00-
980	125600 18	CITATION & FINE FEE COLLECTED-VAR	0.00	400.00	2,825.00	2,825.00-
980	125600 90	OVER/SHORT FEES	0.00	0.00	1.00	1.00-
*TOTAL SOURCE 125600			0.00	685.00	3,561.00	3,561.00-
980	125700 OC	OT INITIAL LIC FEE-$VAR	0.00	8,428.00	31,836.00	31,836.00-
980	125700 OD	OTA INITIAL CERT FEE-$VAR	0.00	2,393.00	10,636.00	10,636.00-
980	125700 OE	OT LIMITED PERMIT-$75.00	0.00	825.00	1,200.00	1,200.00-
980	125700 OJ	OTA LIMITED PERMIT $75.00	0.00	150.00	225.00	225.00-
980	125700 UE	OT RETIRED STATUS FEE-$25	0.00	50.00	175.00	175.00-
980	125700 UG	OTA RETIRED STATUS FEE-$25	0.00	0.00	50.00	50.00-
980	125700 UM	OT APPLICATION FEE-$50	0.00	6,099.00	14,448.00	14,448.00-
980	125700 UN	OTA APPLICATION FEE-$50	0.00	1,751.00	5,251.00	5,251.00-
980	125700 90	OVER/SHORT FEES	0.00	1.00	1.00	1.00-
980	125700 91	SUSPENDED REVENUE	0.00	2,124.00	3,409.00	3,409.00-
980	125700 92	PRIOR YEAR REVENUE ADJUSTMENT	0.00	222.00-	222.00-	222.00
*TOTAL SOURCE 125700			0.00	21,599.00	67,009.00	67,009.00-

DEPT OF CONSUMER AFFAIRS, REG BDS, BUR, DIVISIONS
RECEIPTS BY ORGANIZATION AND SOURCE
AS OF 09/30/16

ENY: 16 FFY: 16
SECTION: 11 CA BD OF OCCUPATIONAL THERAPY
SUB-SECTION: 00
UNIT: 00
SUB-UNIT: 00
SUB-SUB-UNIT: 00
INDEX: 1475 OCCUPATIONAL THERAPY

PROGRAM
PG EL CMP TSK PCA DESCRIPTION

REF	SOURCE	ASRC	DESCRIPTION	PLANNED RECEIPTS	ACTUAL RECEIPTS CURRENT MONTH	ACTUAL RECEIPTS YEAR-TO-DATE	BALANCE
980	125800	BP	OT INACTIVE RENEWAL LIC FEE-$25.0	0.00	1,425.00	3,625.00	3,625.00-
980	125800	BQ	OTA INACTIVE RENEWAL CERT FEE-$25	0.00	150.00	575.00	575.00-
980	125800	C1	AUTOMATED REVENUE REFUND CLAIM	0.00	60.00-	35.00-	35.00
980	125800	2W	BIENNIAL RENEWAL-OT $150	0.00	66,850.00	241,650.00	241,650.00-
980	125800	2X	BIENNIAL RENEWAL-OTA $150	0.00	14,550.00	47,150.00	47,150.00-
980	125800	90	OVER/SHORT FEES	0.00	150.00	150.00	150.00-
*TOTAL SOURCE 125800				0.00	83,065.00	293,115.00	293,115.00-
980	125900	TM	DELINQ BIENNIAL-OT-$75	0.00	975.00	4,425.00	4,425.00-
980	125900	TN	DELINQ BIENNIAL-OTA $75	0.00	225.00	600.00	600.00-
*TOTAL SOURCE 125900				0.00	1,200.00	5,025.00	5,025.00-
980	142500	90	MISC. SER TO PUBLIC - GENERAL	0.00	1,855.00	7,070.00	7,070.00-
*TOTAL SOURCE 142500				0.00	1,855.00	7,070.00	7,070.00-
980	161000	02	REVENUE CANCELLED WARRANTS	0.00	25.00	85.00	85.00-
*TOTAL SOURCE 161000				0.00	25.00	85.00	85.00-
980	161400	91	DISHONORED CHECK FEE-VAR	0.00	0.00	25.00	25.00-
*TOTAL SOURCE 161400				0.00	0.00	25.00	25.00-
*TOTAL PROG 67				0.00	108,429.00	375,890.00	375,890.00-
*TOTAL REFERENCE 980				0.00	108,429.00	375,890.00	375,890.00-
*TOTAL INDEX 1475				0.00	110,687.00	383,659.00	383,659.00-

DEPT OF CONSUMER AFFAIRS, REG BDS, BUR, DIVISIONS
RECEIPTS BY ORGANIZATION AND SOURCE
AS OF 09/30/16

ENY: 16 FFY: 16
SECTION: 11 CA BD OF OCCUPATIONAL THERAPY
SUB-SECTION: 00
UNIT: 00
SUB-UNIT: 00
SUB-SUB-UNIT: 00
INDEX: 1475 OCCUPATIONAL THERAPY

PROGRAM PG EL CMP TSK	PCA	DESCRIPTION				
			PLANNED	ACTUAL RECEIPTS		
REF	SOURCE ASRC	DESCRIPTION	RECEIPTS	CURRENT MONTH	YEAR-TO-DATE	BALANCE
*TOTAL SEC 11			0.00	110,687.00	383,659.00	383,659.00-