August 15, 2016

Heather Martin, Executive Officer
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2250
Sacramento, CA 95815

RE: 2017 Sunset Review: Recommended Updates to Occupational Therapy Practice Act

Dear Ms. Martin,

I am writing on behalf of the Occupational Therapy Association of California (OTAC) to express our recommended amendments to the Occupational Therapy Practice Act, which will clarify provisions related to advance practices, as well as the provision of mental health services by occupational therapy practitioners.

OTAC is a not-for-profit professional society representing the interests of all 18,694 licensed occupational therapy clinicians throughout California. Occupational therapists (OTs) and occupational therapy assistants (OTAs) work with people of all ages experiencing physical and behavioral health conditions or disabilities to develop, improve, or restore functional daily living skills, such as caring for oneself, managing a home, achieving independence in the community, driving, or returning to work.

In previous discussions with the California Board of Occupational Therapy (CBOT), OTAC has asked the CBOT Ad Hoc Committee and the board to consider regulations that are consistent with either of the following two concepts concerning an OT's role in providing mental health services:

Concept One:

Occupational therapy emphasizes the provision of support and services that enable a person to carry out their everyday life activities so that they can be productive, independent, engaged and safe within their environment. Through engagement in everyday activities, occupational therapy practitioners promote mental health and support functioning in people with or at risk of experiencing a range of mental health disorders, including psychiatric, behavioral and substance abuse.

Concept Two:

Through engagement in everyday activities, occupational therapy practitioners promote mental health and support functioning in people with or at risk of experiencing a range of mental health disorders, including psychiatric, behavioral, and substance abuse.

In conversations with the Board, we determined that CBOT likely does not have the regulatory authority to make these recommended changes, because existing statute limits the Board's authority to amend regulations affecting scope of practice. Therefore, OTAC is formally recommending that California Business and Professions Code Section 2570.20 be amended to address the authority of the Board via the Legislature's Sunset Review of CBOT in 2017. This amendment would contain language very similar to

provisions governing the authority of the Physical Therapy Board of California (B&P Code Sec. 2615), which states, **"The board shall adopt those regulations as may be necessary to effectuate this chapter. In adopting regulations, the board shall comply with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code."**

Accordingly, OTAC's suggested amendments to B&P Code Sec. 2570.20 granting authority to CBOT would read as follows:

(a) The board shall administer, coordinate, and enforce the provisions of this chapter, ***and*** evaluate the qualifications, ~~**and approve the examinations**~~ for licensure under this chapter.

(b) The board shall adopt rules in accordance with the Administrative Procedure Act ~~**relating**~~ ***necessary*** to ~~**professional conduct to carry**~~ ***effectuate*** the purpose of this chapter, ~~**including, but not limited to, rules relating to professional licensure and to the establishment of ethical standards of practice**~~ for persons holding a license to practice occupational therapy or to assist in the practice of occupational therapy in this state.

(c) Proceedings under this chapter shall be conducted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

In addition to the amendments referenced above, OTAC formally requests that the Board consider changes to provisions relating to occupational therapy advanced practices via the 2017 CBOT Sunset Review process. We believe that the advanced practices provisions in existing statute are unnecessary and should be repealed. However, we recognize that a total repeal might not be possible immediately, so we would like to propose the following options for the Board to consider:

1. Repeal the advanced practice requirements for hand therapy, use of physical agent modalities and swallowing assessment, evaluation or intervention.

2. Maintain the advanced practice requirements, but allow entry-level education and experience to count towards the advance practice requirements.

3. Maintain the advanced practice requirements, but repeal the requirement that the therapist demonstrate to the Board that they have met the requirements and replace the provision with an attestation requirement.

4. Maintain the advanced practice requirements, allow entry-level education and experience to count towards the advance practice requirements (as in option 2) and repeal the requirement that the therapist demonstrate that they have met the requirements and replace the provision with an attestation requirement (as in option 3).

5. In combination with options 2, 3 or 4, eliminate the approval process for advance practice providers.

As you know, OTs are among the range of qualified providers who provide therapy services to individuals with physical conditions and mental illnesses to help them carry out necessary tasks. OTAC believes the statutory changes outlined above will ensure OTs are able to practice to the full extent of their education and training, which is especially critical as the state works to increase access to mental health care for those in need.

If you have any questions, please contact Ivan Altamura with Capitol Advocacy at (916) 444-0400 or ialtamura@capitoladvocacy.com.

Sincerely,

Heather J. Kitching, OTD, OTR/L
OTAC President

cc: Members, California Board of Occupational Therapy

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TELECONFERENCE SUNSET REVIEW AD HOC COMMITTEE MEETING MINUTES

Thursday, October 20, 2016

Committee Members Present
Laura Hayth, OT, Chair
Beata Morcos
Denise Miller, OT
Teresa Davies

Board Staff Present
Heather Martin, Executive Officer
Jeff Hanson, Board Staff
Heather Olivares, Legislative Analyst, DCA

Public Attendee
Luis Arabit, OT

1. **Call to order, roll call**.

   Laura Hayth called the meeting to order at 4:07 p.m. and a quorum was established; contact was made between all teleconference locations.

2. **Public Comment session for items not on the agenda**.

   There was no public comment.

3. **Review and vote on approval of the September 15, 2016, Committee meeting minutes**.

   A motion was made by Beata Morcos to accept the minutes from the September 15, 2016 Committee meeting, the motion was seconded by Denise Miller.

   Roll Call Vote

Laura Hayth	Aye
Denise Miller	Aye
Beata Morcos	Aye
Teresa Davies	Aye

   Motion carried.

4. **Review and vote on approval of the October 6, 2016, Committee meeting minutes**.

   A motion was made by Ms. Miller to accept the minutes from the October 6, 2016 Committee meeting; the motion was seconded by Ms. Morcos.

   Roll Call Vote

Laura Hayth	Aye
Denise Miller	Aye
Beata Morcos	Aye
Teresa Davies	Aye

   Motion carried.

5. **Review and vote on approval of the October 13, 2016, Committee meeting minutes.**

   This item was not discussed since the October 13, 2016 Committee meeting was cancelled.

6. **Consideration and review of previous policy issues identified in 2012 Sunset Report that have not been addressed and possible recommendation to Board regarding prioritization and response on the status of those previous issues in the Board's 2016 Sunset Report.**

   Ms. Hayth asked if there were any additional comments or suggestions to add to this item since the previous discussion. She stated at the last meeting there was discussion to draft a response to the license portability section, to add an ethics attestation on the application and renewal, and also the definition of OT. Ms. Hayth asked if there was anything more the Committee wanted to add.

   Heather Martin indicated that she received one email comment the previous day from a staff member at the Department of Consumer Affairs (DCA), Office of Professional Examination Services (OPES). Ms. Martin read the comment made by OPES indicating they wanted to advise the Board that:

   > The decision to require a jurisprudence and/or ethics course requirement should be tied to an occupational analysis study, the recent release of the Little Hoover Commission's report has highlighted the importance of establishing defensible licensing requirements. DCA boards and bureaus tend to remember to link exams to occupational analysis studies; however, often forgot that we need to do the same thing for minimum qualifications CE, etc. Thus, the reason we are reaching out to you and all the other boards going through Sunset please feel free to utilize our services consultation pertaining to Sunset is covered under pro-rata we are here to assist.

   Ms. Miller asked if the response was specifically related to adding something to the application or the overall Sunset process. Ms. Martin explained that it is specifically about the ongoing issue of requiring a jurisprudence exam and/or an ethics course requirement. One of the suggestions to the response was to have the self-certification attestation for new applications and for renewing licensees indicating they have read the code of ethics. Ms. Miller questioned if DCA agreed with the suggestion made by the Committee. Ms. Martin explained that what DCA is advising is in order to do what the Committee is suggesting, an occupational analysis will have to be conducted. Ms. Miller indicated that since DCA is willing to help the Board with this matter, she deferred to Ms. Martin for a recommendation to the Committee. Ms. Martin advised the Committee that until she received the email the previous day, she was not aware of the requirement for an occupational analysis for CE or minimum qualification changes.

   Ms. Miller asked Ms. Martin if she could describe for the Committee what DCA's definition is in regards to an occupational analysis. Ms. Martin provided the example of NBCOT where they periodically conduct an occupational analysis in order to make sure that the OTR and COTA exams are legally defensible. In order for the exam to be legally defensible, so that an applicant who didn't pass wouldn't sue based on a poorly written

exam, the occupational analysis demonstrates that the questions being asked relate directly to the profession that is taking the exam. Ms. Martin further explained that although boards know they have to have an occupational analysis for exams, the boards also have to have one if the board wants to change minimum qualifications or require additional continuing education; thus what DCA OPES is stating is that if the Board wants to make the renewal requirement either to complete an ethics course or to complete an attestation stating that the person renewing their license has read the Board's code of ethics, an occupational analysis would have to be conducted first.

Ms. Miller asked Ms. Martin if there was sufficient time to make the request to DCA OPES to perform the occupational analysis prior to the Sunset review. Ms. Martin indicated that it is unlikely; however, the request could be placed in the Sunset report with the acknowledgement that an occupational analysis needs to be conducted first. That way the Legislature has the information and knows that the Board wants to move forward on this and if the occupational analysis comes out in support of licensees having to do this, then the Board has the data necessary to get this introduced in the next legislative session.

Public Comment

There was a public comment from Luis Arabit, OT asking if the ethics would be included in the 24 PDUs or if it would be in addition to the 24 hour requirement.

Ms. Martin responded that the Board has the flexibility to do it either way. Mr. Arabit agreed that it was a good idea to require licensees to read the code of ethics.

Public comment concluded.

The Committee directed Ms. Martin to reach out to DCA for their assistance in development of an occupational analysis and to gather the information on the process and when the report might be available and report back to the full Board at the next meeting. Ms. Hayth stated that in thanking DCA, to remind them that they alerted the Board to this while in the middle of the Sunset and that the Board would like to be notified of something like this much earlier. Although it was a good recommendation, it was late in the process. The Committee asked Ms. Martin to request that DCA fast track the analysis process for the Board.

Ms. Martin indicated that section 11 of the Sunset report will be the next portion that will be completed and provided to the Committee. The responses will be in draft format so that the Committee can review and make any adjustments.

7. Consideration and possible recommendation to Board relating to the identification and development of new issues to be identified in the Board's 2016 Sunset Report.

Ms. Hayth indicated that the information provided at the last Committee meeting by Ms. Morcos on new issues identified by the Board were items such as focusing on outreach and telehealth, which is where the Committee left off from the last meeting. Teresa Davies also mentioned that there was discussion on identifying the different levels of occupational therapy graduates as either masters or doctorates. Ms. Martin asked for clarification if the Committee is asking to introduce a new license type based on someone's education level. Discussion followed on this matter.

Ms. Miller asked Ms. Hayth if she could question the public member, Luis Arabit, OT who was attending the meeting. Ms. Hayth agreed to welcome public comments at this time.

Public Comment

Ms. Miller asked Mr. Arabit, who is a former faculty member at Dominguez Hills, whether or not there has been any discussion to change the level of degree received by an occupational therapist and if so, will it happen in the next four years. Mr. Arabit responded that there have been talks about having a doctorate program and he also serves as a board member advisor for the college. He stated this might be the direction in the future.

Public comment concluded.

Ms. Miller stated that it's not necessary to address this matter for the Sunset report, but it is something for the Board to address as the date gets closer. She stated that the college is putting it in motion by 2020.

Ms. Miller mentioned that she had been reading some articles on healthcare and some of the major trends and wanted to make sure the Board was current as well. Ms. Martin asked if she could share her findings so that she could include it for the next Committee meeting. Ms. Miller indicated that two items of great concern in healthcare going forward regardless of which administration takes over has to do with the triple aim of reducing costs, increasing quality, and taking care of the masses of population. Thus, when we look at California in the next 10 to 25 years the percentage of people over the age of 65, in the middle parts of our state, telemedicine is going to be significantly huge. Knowing this Ms. Miller wants to make sure that the Board is keeping up with technology and addressing any issues from a regulatory standpoint to ensure the protection of the consumer. She believes that innovations and technology in occupational therapy is going to move faster.

Ms. Morcos stated that regarding telehealth she believes it should be more black and white than what it is now and that as a Board it should be addressed in the Sunset report.

8. Consideration and possible recommendation to Board of legislative proposals to include in the Board's 2016 Sunset Report.

Ms. Hayth asked if Ms. Martin could provide a brief recap to the Committee for each of the proposals. Ms. Martin indicated that staff went back and looked at several legislative proposals that did not move forward and provided them as items to consider, as follows:

- Amending Government Code Section 8659 Privileges and Immunities, to include Occupational Therapists.
- Adding new Business and Professions Code (BPC) Section to OT Practice Act regarding limiting liability of occupational therapists providing services in an emergency, disaster, or state of war.

  Ms. Martin summarized that these two proposals would provide immunity to an occupational therapist if they render serves in the state of war, state of emergency, etc. A recommendation was previously made to add this same immunity language into the OT Practice Act this was necessary in the event occupational therapists were included as a first responder.

- Amending BPC Section 146, Violations of specified authorization statutes as infractions; Punishment, to include BPC 2570.3, Occupational Therapy.

  Ms. Martin stated this has to do with unlicensed practice that would provide for an additional fine if someone is practicing without a license.

- Amending BPC Section 2570.3, Licensing Requirement, regarding approving post-professional education providers and courses.
- Amending BPC Section 2570.16, Fees, to include application and renewal fees for post-professional education providers and courses and queries of the National Practitioner Databank.

  Ms. Martin indicated this has to do with advanced practice also known as post professional education, individuals are supposed to report to the Board if the course content, course instructor or number of hours has changed and they often do not report the information; therefore, the Board receives outdated information. Since the OT takes the course and then later submits the application, the Board finds out after the fact that the provider changed the course three or four years ago. If this language is approved, it would require the provider to submit the courses brand new, and then the Board would approve the providers and courses and charge them a fee. The course provider would have to pay ongoing renewal fees as well as a one-time nonrefundable fee per course.

- Amending BPC Section 2570.18, Representation to public, regarding licensees with a doctoral degree.

  Ms. Martin explained that the OTD is becoming more prevalent and this is to clarify for the consumer when they see Dr. Smith in a white coat they should know if Dr. Smith is a doctoral OT or an MD. This would also allow the Board to draft regulations.

- Amending BPC Section 2570.27, Discipline; Initial license issued on probation, to include probation monitoring costs.

  Ms. Martin indicated that this was brought to the Board for consideration to charge the probationers a monitoring fee. The DCA Legal Office at the time was split evenly between the fact that there had to be separate statutory language or simply putting it into the disciplinary guidelines as a requirement or putting into regulation. One or any of those could fail so instead if it was added into statute as part of the Sunset Committee, it would come into effect January 1, 2018, which is far sooner than any new regulation or amending the disciplinary guidelines.

- Amending BPC Section 2570.28, Grounds for denial or discipline, relating to infection control guidelines and transmission of infectious diseases.

  Ms. Martin indicated this was a minor change in subsection (p) to change from blood-borne to infectious diseases.

- Adding new BPC Section to OT Practice Act to require reporting of employees who are terminated or suspended for cause, under specified circumstances, and consequences for failure to report.

  Ms. Martin indicated this is suggested new language where an employer will be required to report to the Board any suspension or termination for cause as listed in items 1 through 6. Failure of the employer to report this will result in consequences being taken by the Board resulting in a fine as described in section c.

- Adding new BPC Section to OT Practice Act regarding inspection of records.

  This is new language modeled after the PT Board to allow the Board to go in and inspect patient records. For the PT Board, the PT will go with an investigator to review records. Similarly, this is proposed language to allow an OT to go along with an investigator to review patient records.

The Committee went back over each one of the above proposed additions or amendments as follows:

- Amending Government Code Section 8659 Privileges and Immunities, to include Occupational Therapists.

Ms. Hayth asked for public comment.

Public Comment
Mr. Arabit commented that occupational therapists are working in disaster preparedness and he stated that "I think it's great."

There was no further public comment.

Ms. Hayth stated she thinks "it's a really good thing." Ms. Morcos felt this was a good idea as well. Ms. Davies asked for clarification on how long it might take to have this enacted. Ms. Martin explained that this was the best time to ask for the inclusion as part of the Sunset review.

Ms. Miller moved to recommend to the Board to add occupational therapists to Government Code section 8659. The motion was seconded by Ms. Davies.

There was discussion on this motion and the question was asked if this would include occupational therapist assistants. Ms. Martin responded that it did not include OTAs since they have to be under the supervision of an OT and didn't want to imply that the assistants could practice autonomously if there wasn't an OT available.

Roll Call Vote

Laura Hayth	Aye
Denise Miller	Aye
Beata Morcos	Aye
Teresa Davies	Aye

Motion carried.

- Adding new Business and Professions Code (BPC) Section to OT Practice Act regarding limiting liability of occupational therapists providing services in an emergency, disaster, or state of war.

There was discussion by the Committee about adding this language to the OT Practice Act. Ms. Hayth asked for public comment.

Public Comment
Mr. Arabit commented that in the proposed language it states "occupational therapist practitioners" he asked for clarification if this would apply to occupational therapists and assistants.

There was no further public comment.

The Committee discussed changing the language to state only occupational therapists and removing "practitioners."

Ms. Morcos moved to add new BPC section with the removal of practitioner to the practice act. The motion was seconded by Ms. Miller.

Roll Call Vote

Laura Hayth	Aye
Denise Miller	Aye
Beata Morcos	Aye
Teresa Davies	Aye

Motion carried.

- Amending BPC Section 146, Violations of specified authorization statutes as infractions; Punishment, to include BPC 2570.3, Occupational Therapy.

The Committee had further discussion and Ms. Martin provided further clarification as to the purpose of the amendment.

There was no public comment.

Ms. Miller moved to recommend to the Board to amend Business and Professions Code section 146 to include the language regarding the fine for those practicing without a license. The motion was seconded by Ms. Morcos.

Roll Call Vote

Laura Hayth	Aye
Denise Miller	Aye
Beata Morcos	Aye
Teresa Davies	Aye

Motion carried.

- Amending BPC Section 2570.3, Licensing Requirement, regarding approving post-professional education providers and courses.

- Amending BPC Section 2570.16, Fees, to include application and renewal fees for post-professional education providers and courses and queries of the National Practitioner Databank.

Ms. Hayth stated that she felt this was a good amendment and Ms. Miller agreed. Ms. Hayth opened this up for public comment.

Public Comment

Mr. Arabit asked for further clarification regarding this amendment. Ms. Martin explained that post professional education providers offer courses for advance practice credit and that this amendment is to ensure that the providers notify the Board if there is a change in the course content, the length of the course, or the instructor and that the information must be reported timely to the Board.

Ms. Miller asked the question to Ms. Martin if anyone can apply to be a reviewer of the courses, Ms. Martin responded there are criteria listed on the Board's website; however, anyone can apply. Ms. Miller stated from a regulatory standpoint she completely agrees with this amendment. Mr. Arabit asked for further clarification and provided some additional information. Jeff Hanson responded to Mr. Arabit's comments and indicated that an advance practice application would still have to be submitted to the Board and be granted approval in PAMS to legally provide the services in California. Mr. Arabit confirmed that PAMS still has to go through the approval process at the Board. Mr. Hanson confirmed this is still required.

There was no further public comment.

Ms. Morcos moved to amend Business and Professions Code section 2570.3 and section 2570.16 to be included in the Sunset review. The motion was seconded by Ms. Miller.

Roll Call Vote

Laura Hayth	Aye
Denise Miller	Aye
Beata Morcos	Aye
Teresa Davies	Aye

Motion carried.

- Amending BPC Section 2570.18, Representation to public, regarding licensees with a doctoral degree.

The Committee discussed the proposed language; Ms. Hayth likes the language and agrees. She asked for any comments from the Committee. Ms. Miller asked if this was the same language used by the Physical Therapy Act. Ms. Martin responded it is very close. Ms. Miller asked if this was a good place to include some other statement regarding the doctoral level. Ms. Martin explained that she believes there is a separate place in the Sunset report to add some information about this topic.

Ms. Miller moved to accept the amendment to Business and Professions Code section 2570.18(c) regarding the use of the title doctor. The motion was seconded by Ms. Hayth.

There was no public comment.

Roll Call Vote

Laura Hayth	Aye
Denise Miller	Aye
Beata Morcos	Aye
Teresa Davies	Aye

Motion carried.

- Amending BPC Section 2570.27, Discipline; Initial license issued on probation, to include probation monitoring costs.

Ms. Martin provided further information on this topic; Ms. Miller believes this is a good amendment to pursue.

Ms. Morcos made a motion to proposed amendment to Business and Professions Code section 2570.27 be recommended to the Board. Ms. Hayth seconded the motion.

There was no public comment.

Roll Call Vote

Laura Hayth	Aye
Denise Miller	Aye
Beata Morcos	Aye
Teresa Davies	Aye

Motion carried.

- Amending BPC Section 2570.28, Grounds for denial or discipline, relating to infection control guidelines and transmission of infectious diseases.

Ms. Martin explained that this was a minor technical change to this section.

Ms. Miller moved to recommend accepting the amendment to Business and Professions Code section 2570.28 to change blood-borne to infectious diseases. Ms. Hayth seconded the motion.

There was no public comment.

Roll Call Vote

Laura Hayth	Aye
Denise Miller	Aye
Beata Morcos	Aye
Teresa Davies	Aye

Motion carried.

- Adding new BPC Section to OT Practice Act to require reporting of employees who are terminated or suspended for cause, under specified circumstances, and consequences for failure to report.

Ms. Hayth provided some further information to the Committee on this recommendation. She indicated that she liked the amendment. Ms. Hayth asked the Committee for

comments; Ms. Morcos stated that she doesn't completely agree with the recommendation. Ms. Miller added that this is something that would start with the employer and that if the employer terminates for cause they would have to inform the Board. Ms. Miller stated that if that was the intent then she is in support of the language. Ms. Morcos asked for further clarification whether this included suspension. Ms. Martin indicated that if the employee does any of the items listed in that section under 1 through 6 and the employee is suspended or terminated based on the conduct, then that employer would have to report the employee to the Board.

The Committee had further discussion on this matter. Ms. Hayth opened the discussion up to public comment.

Public Comment

Mr. Arabit stated there was some law that a supervisor for the employee is responsible to make sure that all employees under their jurisdiction are all up-to-date, if they are not up-to-date the supervisor is held responsible. Ms. Martin stated that there is a regulation that requires supervisors to ensure that any OTs or OTAs or limited permit holders under their supervision hold a valid license and if they fail to do so, the Board can cite the supervisor.

Mr. Arabit stated what he was trying to get at was the difference between looking at the supervisor who is also employed by the employer, the Board is holding the supervisor accountable, but in the bigger picture it should be the employer who is held accountable. Ms. Martin provided an explanation to Mr. Arabit's comment, explaining that this is a higher standard and it places the burden on the employer to report any suspension or termination to the Board.

There was no further public comment.

Ms. Martin stated that the suspension or termination for cause listed in the second sentence in section (a), she suggested that after the suspension or termination instead of stating "for cause" replace it with "for violations listed in subsection (b)" with 1 through 6 listed. Ms. Miller stated that she recommends leaving it as termination for cause. Ms. Hayth stated she agreed that the language should remain as stated.

Ms. Davies moved to accept the language as written concerning the requirement to report any termination for cause to the Board for licensing. The motion was seconded by Ms. Miller.

Roll Call Vote

Laura Hayth	Aye
Denise Miller	Aye
Beata Morcos	Aye
Teresa Davies	Aye

Motion carried.

- Adding new BPC Section to OT Practice Act regarding inspection of records.

Ms. Hayth stated that some of this section needs to be corrected and asked for Ms. Martin's advice. Ms. Martin recommended that in the second to last sentence putting in a period after occupational therapist and striking the balance of the italics portion. Ms.

Martin read the new language and stated that the last sentence after occupational therapist, would read "The willful unauthorized violation of professional confidence constitutes unprofessional conduct." The Committee members agreed with the proposed change.

There was no public comment.

Ms. Morcos moved to accept the proposed new language with the added change suggested by Ms. Martin. The motion was seconded by Ms. Hayth.

Roll Call Vote	
Laura Hayth	Aye
Denise Miller	Aye
Beata Morcos	Aye
Teresa Davies	Aye

Motion carried.

9. **Review draft 2016 Sunset Report**.

Ms. Hayth asked the Committee if everyone had a chance to read page 1 of the draft Sunset Report, she directed them to page 2 where there is strike out. Ms. Miller asked if this was a recommendation that came forward from the previous Ad Hoc Committee. Ms. Martin indicated it did not and that the information came from information she had compiled. Ms. Martin asked the Committee to provide her with feedback on the information so that it is accurate and understandable for someone who is not an occupational therapist. After discussion, the Committee decided to review section 3.

The Committee reviewed section 3 fiscal and staff of the draft report. Ms. Hayth and the other Committee members felt comfortable with the information. Ms. Miller asked if there were other portions of the Sunset Report that was new to the Committee; Ms. Martin indicated that every portion of agenda item 9 and the six sections are new to the Committee. Ms. Miller stated that the concept has been discussed at the Board meetings and, therefore, the Committee feels comfortable with the information presented. Ms. Martin indicated that she still needs some feedback from the Committee and whether they accept this section.

Ms. Martin asked the Committee how they want to move forward from this point on the Sunset Report. Ms. Miller asked Ms. Martin when the Sunset Report is due and she responded November 18th. Ms. Miller stated that she does not feel there will be major substantive changes to the report, but she is not ready to move it forward at this time.

Ms. Martin asked if sections were sent to the Committee members to review, that the goal would be to have a final version ready for the meeting on the 17th. The Committee decided to have another meeting on November 11, 2016 at noon to review the sections of the report.

10. **Adjournment**.

The Committee meeting was adjourned at 6:42 p.m.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of November 30, 2016

Section 1
Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board. Describe the professions that are licensed by the board (Practice Acts vs. Title Acts).

The occupational therapy profession was established in 1917, and is one of the oldest allied health professions in the United States. Chapter 697/00 (SB 1046) created the California Board of Occupational Therapy, effective January 1, 2001. The Board is responsible for the licensure and regulation of Occupational Therapists (OTs) and Occupational Therapy Assistants (OTAs) in California. The Board's mission is to regulate occupational therapy by serving and protecting California's consumers and licensees.

California passed a title control /trademark law for occupational therapy in 1977 Business and Professions Code (BPC), Section 2570, Ch. 836), prohibiting individuals from using the professional titles recognized for Occupational Therapist (OT, OTR) and Occupational Therapy Assistants (OTA, COTA) without appropriate professional training/education. The law was updated in 1993 (BPC, Ch. 361) to further clarify the minimum education and examination requirements for practicing occupational therapists and occupational therapy assistants. The law had no registration process with the state or enforcement structure, nor did it prevent an unqualified individual from practicing occupational therapy as long as the individual did not refer to himself as an Occupational Therapist or Occupational Therapy Assistant.

There are two primary associations representing occupational therapy practitioners: the Occupational Therapy Association of California, Inc. (OTAC) and the American Occupational Therapy Association, Inc. (AOTA). OTAC represents the professional interest of licensees in California, provides information about the practice of occupational therapy, advocates on behalf of the profession and provides other resources to support the profession and the Board. AOTA represents the profession on a national level and provides resources to support the profession, the educational community, consumers, and the Board. The Board seeks to collaborate with OTAC and AOTA to promote consumer protection.

Occupational therapy licensees provide important health and rehabilitation services to people of all ages, who, because of illness, injury, or

developmental or psychological impairment, need specialized interventions to regain, develop, or build the skills necessary for independent functioning.

Occupational therapists and occupational therapy assistants, use analysis and purposeful activity with individuals across their lifespan who are limited by psycho-social dysfunctions, or mental or behavioral disabilities.
(1) Occupational therapists address barriers to optimal functioning at the all levels with:
(a) Individuals (body functions, cognitive functions, values, beliefs, spirituality, motor skills, cognitive skills, and social skills);
(b) Groups (collective individuals, e.g. families, workers, students, or community); and
(c) Populations (collective groups of individuals living in a similar locale, e.g., city, state, or country residents, people sharing same or like concerns).
(2) Occupational therapy practitioners perform evaluations and interventions that focus on enhancing existing skills, creating opportunities, promoting wellness, remediating or restoring skills, modifying or adapting the environment or activity, and preventing relapse.
(3) Occupational therapists and Occupational therapy assistants use a recovery model to increase the ability of individuals, groups, and populations to be engaged with daily life activities that are meaningful; lead to productive daily roles, habits, and routines; and promote living as independently as possible.
(4) Services for individuals with mental illness are client centered and may be provided to individuals in the community, hospitals, correctional institutions, homes, schools or other educational programs, workplace, or any other setting.
(5) Occupational therapists may provide behavioral and mental health preliminary "diagnosis" using standard terminology and taxonomy such as DSM or ICD, through observation of symptoms and mental health assessment, confirmed by prescribing physician and health care team.

The use of 'occupations' (the foundation of occupational therapy) are activities in which clients/patients engage and occur throughout the life span, including many elements that enhance ones quality of life, including:

- **Activities of daily living or 'self-care' activities;**
- **Instrumental activities of daily living or activities to support independent living or daily life within the home and community**
- **Work or activities for engaging in employment or serving as a volunteer;**
- **Play or activities pursued for enjoyment or diversion;**
- **Leisure or discretionary rewarding activities; and**
- **Social participation or the ability to exhibit behaviors and characteristics expected during interaction with others within a social system.**

Within their domain of practice (or focus of occupational therapy), occupational therapists and occupational therapy assistants consider the repertoire of occupations in which the client engages, the performance skills and patterns the client uses, client's body functions and structures. Occupational therapists and occupational therapy assistants use their knowledge and skills to help clients conduct or resume daily life activities

that support function and health throughout the lifespan. Participation in activities and occupations that are meaningful to the client involves emotional, psychosocial, cognitive, and physical aspects of performance. Participation in meaningful activities and occupations enhances health, well-being, and life satisfaction.

Thus, occupational therapists and occupational therapy assistants treat a variety of:

- Body functions (such as neuromusculoskeletal, sensory-perceptual, visual, mental, cognitive, and pain factors) and body structures (such as cardiovascular, digestive, nervous, integumentary, genitourinary systems, and structures related to movement), values, beliefs, and spirituality.
- Activities of daily living, habits, routines, roles, rituals, and behavior patterns.
- Physical and social environments, cultural, personal, temporal, and virtual contexts and activity demands that affect performance; and
- Performance skills, including motor and praxis, sensory-perceptual, emotional regulation, cognitive, communication and social skills.

Over the years, there have been amendments to the licensing laws and regulations promulgated that have enhanced the Board's ability to protect the consumer, such as development of the Disciplinary Guidelines and Cite and Fine Authority. To further bolster the regulation of the profession, the Board established supervision requirements, advance practice requirements, minimum standards for infection control, and continuing education/competency requirements.

Business and Professions Code (BPC) Section 2570.25 mandates that "protection of the public shall be the highest priority for the California Board of Occupational Therapy in exercising its licensing, regulatory, and disciplinary functions."

In order to accomplish its mission, the Board: Ensures only eligible and qualified individuals are issued a license; investigates complaints and criminal convictions; and responds to emerging changes and trends in the profession through legislative or regulatory amendments. The Board's statutes require individuals, with few exemptions, engaging in the practice of occupational therapy possess a license (BPC 2570.4).

1. **Describe the make-up and functions of each of the board's committees** (cf., Section 12, Attachment B).

   The Board has no committee(s) specified in statute. However, there are four standing committees which serve as an essential component to help the Board address specific policy and/or administrative issues. The issues could be referred by the Board to a committee to delve into a policy issue/concern, to address issues referred by the public or licensees to the Board, or on recommendation by Board staff.

   The Board's *Administrative Manual* identifies the number of members on each committee, requires the committee chairperson be a board member, and provides the committees' purposes. The committees' roles and responsibilities are attached under Section 12, Attachment XX tbd XX.

The committees, whose meetings are subject to the Open Meetings Act, include the following:

- 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 the Board's Administrative 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 an agenda and the meeting materials. The Board member will be responsible for providing the Committee report at the Board meeting.

Committee member terms are two years with a maximum service 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 for their time.

Administrative Committee – Comprised of the Board President, Vice President, and the Executive Officer; meetings are held as needed to provide guidance to staff for the budgeting and organizational components of the Board (i.e., budget change proposals, out-of-state trip requests, contracts, meeting agendas and preparation, respond to audits, and other duties as required.

The Education and Outreach Committee, consisting of four members, at least one of whom will be a Board member, will 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.

The Legislative/Regulatory Affairs Committee, consisting of four members, at least one of whom is a Board member, will provide information and/or make recommendations to the Board and other 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 Legislative/Regulatory Affairs Committee will: 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; and serve as a resource for the Board to implement proposed revisions to the Act and Board regulations.

The Practice Committee, consisting of no less than four members, at least one of whom is a Board member, will include a diverse representation for a variety of work settings.

The Practice Committee's purpose will be 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.

Due to on-going travel restrictions and the need to minimize all expenditures, including costs related to travel reimbursement, committee meetings have been conducted via teleconference and the committee's recommendations are brought to the Board at the next scheduled meeting.

Table 1a. Attendance (7/1/2012 – 6/30/2016)			
Eric Alegria			
Date Appointed:	06/13/2011		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	07/31/2012	Teleconference	Y
Enforcement Committee	09/11/2012	Teleconference	N
Board Meeting	10/11-12/2012	Teleconference	N
Board Meeting	10/26/2012	Teleconference	Y
Richard Bookwalter			
Date Appointed:	03/05/2014		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	05/15/2014	Teleconference	Y
Board Meeting	06/24/2014	Teleconference	Y
Board Meeting	11/13/2014	San Diego	Y
Ad Hoc Committee Meeting	03/03/2015	Teleconference	Y
Board Meeting	03/06/2015	Riverside	Y
Ad Hoc Committee Meeting	04/22/2015	Teleconference	Y
Ad Hoc Committee Meeting	05/12/2015	Teleconference	Y
Board Meeting	06/3-4/2015	Sacramento	Y
Board Meeting – Strategic Planning	06/25-26/2015	Sacramento	Y
Board Meeting	09/17-18/2015	Union City	Y
Board Meeting	10/24/2015	Sacramento	Y
Board Meeting	11/19-20/2015	Los Angeles	Y
Ad Hoc Committee Meeting	12/16/2015	Teleconference	Y
Board Meeting	01/05/2016	Teleconference	Y
Ad Hoc Committee Meeting	01/27/2016	Teleconference	Y
Board Meeting	02/18-19/2016	San Marcos	Y
Board Meeting	05/19-20/2016	Loma Linda	Y
Board Meeting	06/23/2016	Teleconference	Y
Teresa Davies			
Date Appointed:	01/13/2016		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	02/18-19/2016	San Marcos	Y
Board Meeting	05/19-20/2016	Loma Linda	Y
Board Meeting	06/23/2016	Teleconference	Y
Mary Evert			
Date Appointed:	03/16/2005; Reappointed 12/22/2008; Served 1 yr. grace		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	07/31/2012	Teleconference	Y
Disaster Preparedness/ Response Comm.	09/20/2012	Teleconference	Y
Board Meeting	10/11-12/2012	Teleconference	Y
Disaster Preparedness/ Response Comm.	10/24/2012	Teleconference	Y

Table 1a. Attendance (7/1/2012 – 6/30/2016)			
Board Meeting	10/26/2012	Teleconference	Y
Jeffrey Ferro			
Date Appointed:	01/13/2014		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	02/06/2014	Sacramento	N
Board Meeting	05/15/2014	Teleconference	Y
Board Meeting	06/24/2014	Teleconference	Y
Board Meeting	11/13/2014	San Diego	Y
Board Meeting	03/06/2015	Riverside	N
Board Meeting	06/3-4/2015	Sacramento	Y
Board Meeting – Strategic Planning	06/25-26/2015	Sacramento	Y
Board Meeting	09/17-18/2015	Union City	N
Board Meeting	10/24/2015	Sacramento	Y
Ad Hoc Committee Meeting	10/24/2015	Sacramento	Y
Board Meeting	11/19-20/2015	Los Angeles	Y (11/20 only)
Board Meeting	01/05/2016	Teleconference	N
Board Meeting	02/18-19/2016	San Marcos	Y (2/19 only)
Board Meeting	05/19-20/2016	Loma Linda	Y
Board Meeting	06/23/2016	Teleconference	Y
Linda Florey			
Date Appointed:	07/14/2010; Reappointed 12/13/2010, served grace period		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Practice Committee	07/17/2012	Teleconference	Y
Board Meeting	07/31/2012	Teleconference	Y
Board Meeting	10/11-12/2012	Teleconference	Y
Board Meeting	10/26/2012	Teleconference	Y
Board Meeting	02/27/2013	Sacramento	Y
Board Meeting	04/25/2013	Teleconference	Y
Board Meeting	05/8-9/2013	Sacramento	Y
Board Meeting	06/21/2013	Teleconference	Y
Board Meeting	09/16/2013	Teleconference	Y
Board Meeting	11/07/2013	Los Angeles	Y
Board Meeting	12/03/2013	Teleconference	Y
Board Meeting	02/06/2014	Sacramento	Y
Board Meeting	05/15/2014	Teleconference	Y
Board Meeting	06/24/2014	Teleconference	Y
Board Meeting	11/13/2014	San Diego	Y
Board Meeting	03/06/2015	Riverside	Y

Luella Grangaard			
Date Appointed:	12/13/2010		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	07/31/2012	Teleconference	Y
Board Meeting	10/11-12/2012	Teleconference	Y
Board Meeting	10/26/2012	Teleconference	Y
Board Meeting	02/27/2013	Sacramento	Y
Legislative/Regulatory Affairs Committee	04/03/2013	Teleconference	Y
Board Meeting	04/25/2013	Teleconference	Y
Board Meeting	05/8-9/2013	Sacramento	Y
Laura Hayth			
Date Appointed:	05/05/2015		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	06/3-4/2015	Sacramento	Y
Board Meeting – Strategic Planning	06/25-26/2015	Sacramento	Y
Board Meeting	09/17-18/2015	Union City	Y
Board Meeting	10/24/2015	Sacramento	Y
Ad Hoc Committee Meeting	10/06/2015	Teleconference	Y
Ad Hoc Committee Meeting	10/24/2015	Sacramento	Y
Board Meeting	11/19-20/2015	Los Angeles	Y
Board Meeting	01/05/2016	Teleconference	Y
Board Meeting	02/18-19/2016	San Marcos	Y
Board Meeting	05/19-20/2016	Loma Linda	Y
Board Meeting	06/23/2016	Teleconference	Y
Kathleen Lovell			
Date Appointed:	12/13/2010		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	07/31/2012	Teleconference	N
Disaster Preparedness/ Response Comm.	09/20/2012	Teleconference	Y
Board Meeting	10/11-12/2012	Teleconference	Y
Disaster Preparedness/ Response Committee.	10/24/2012	Teleconference	N
Board Meeting	10/26/2012	Teleconference	N
Board Meeting	02/27/2013	Sacramento	Y
Board Meeting	04/25/2013	Teleconference	Y
Board Meeting	05/8-9/2013	Sacramento	Y
Board Meeting	06/21/2013	Teleconference	Y
Board Meeting	09/16/2013	Teleconference	Y
Board Meeting	11/07/2013	Los Angeles	Y
Board Meeting	12/3/2013	Teleconference	Y
Board Meeting	02/06/2014	Sacramento	N
Board Meeting	05/15/2014	Teleconference	Y

Board Meeting	06/24/2014	Teleconference	Y
Board Meeting	11/13/2014	San Diego	Y
Nancy Michel			
Date Appointed:	02/04/2009; Reappointed 1/2013		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	07/31/2012	Teleconference	Y
Enforcement Committee	09/11/2012	Teleconference	Y
Board Meeting	10/11-12/2012	Teleconference	Y
Board Meeting	10/26/2012	Teleconference	Y
Board Meeting	02/27/2013	Sacramento	Y
Board Meeting	04/25/2013	Teleconference	Y
Board Meeting	05/8-9/2013	Sacramento	Y
Board Meeting	06/21/2013	Teleconference	Y
Board Meeting	09/16/2013	Teleconference	Y
Board Meeting	11/07/2013	Los Angeles	Y
Board Meeting	12/03/2013	Teleconference	Y
Board Meeting	02/06/2014	Sacramento	Y
Board Meeting	05/15/2014	Teleconference	Y
Board Meeting	06/24/2014	Teleconference	N
Board Meeting	11/13/2014	San Diego	Y
Board Meeting	03/06/2015	Riverside	Y
Board Meeting	11/19-20/2015	Los Angeles	N
Board Meeting	06/3-4/2015	Sacramento	Y
Board Meeting – Strategic Planning	06/25-26/2015	Sacramento	N
Board Meeting	09/17-18/2015	Union City	Y
Board Meeting	10/24/2015	Sacramento	N
Board Meeting	11/19-20/2015	Los Angeles	N
Board Meeting	01/05/2016	Teleconference	Y
Denise Miller			
Date Appointed:	05/15/2013; Reappointed 01/05/2016		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	06/21/2013	Teleconference	Y
Board Meeting	09/16/2013	Teleconference	Y
Board Meeting	11/07/2013	Los Angeles	Y
Board Meeting	12/03/2013	Teleconference	Y
Board Meeting	02/06/2014	Sacramento	Y
Board Meeting	05/15/2014	Teleconference	Y
Board Meeting	06/24/2014	Teleconference	Y
Board Meeting	11/13/2014	San Diego	Y
Board Meeting	03/06/2015	Riverside	Y
Board Meeting	06/3-4/2015	Sacramento	Y
Board Meeting – Strategic Planning	06/25-26/2015	Sacramento	Y

Board Meeting	09/17-18/2015	Union City	Y
Board Meeting	10/24/2015	Sacramento	Y
Board Meeting	11/19-20/2015	Los Angeles	Y
Board Meeting	01/05/2016	Teleconference	Y
Board Meeting	02/18-19/2016	San Marcos	Y
Board Meeting	05/19-20/2016	Loma Linda	Y
Board Meeting	06/23/2016	Teleconference	Y
Beata Morcos			
Date Appointed:	05/19/2015		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	06/3-4/2015	Sacramento	Y
Board Meeting – Strategic Planning	06/25-26/2015	Sacramento	Y
Board Meeting	09/17-18/2015	Union City	Y
Board Meeting	10/24/2015	Sacramento	Y
Board Meeting	11/19-20/2015	Los Angeles	Y
Board Meeting	01/05/2016	Teleconference	Y
Board Meeting	02/18-19/2016	San Marcos	Y
Board Meeting	05/19-20/2016	Loma Linda	Y
Board Meeting	06/23/2016	Teleconference	Y
Sharon Pavlovich			
Date Appointed:	08/16/2013; Reappointed 01/05/2016		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	09/16/2013	Teleconference	N
Board Meeting	11/07/2013	Los Angeles	Y
Board Meeting	12/03/2013	Teleconference	Y
Board Meeting	02/06/2014	Sacramento	Y
Board Meeting	05/15/2014	Teleconference	Y
Board Meeting	06/24/2014	Teleconference	Y
Board Meeting	11/13/2014	San Diego	Y
Ad Hoc Committee Meeting	03/03/2015	Teleconference	Y
Board Meeting	03/06/2015	Riverside	Y
Ad Hoc Committee Meeting	04/22/2015	Teleconference	Y
Ad Hoc Committee Meeting	05/12/2015	Teleconference	Y
Board Meeting	06/3-4/2015	Sacramento	Y
Board Meeting – Strategic Planning	06/25-26/2015	Sacramento	Y
Board Meeting	09/17-18/2015	Union City	N
Board Meeting	10/24/2015	Sacramento	N
Board Meeting	11/19-20/2015	Los Angeles	Y
Board Meeting	01/05/2016	Teleconference	Y
Board Meeting	02/18-19/2016	San Marcos	Y
Board Meeting	05/19-20/2016	Loma Linda	Y
Board Meeting	06/23/2016	Teleconference	Y

Bobbi Jean Tanberg			
Date Appointed:	01/24/2007; Reappointed 12/22/2008		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attend?**
Board Meeting	07/31/2012	Teleconference	Y
Board Meeting	10/11-12/2012	Teleconference	N
Board Meeting	10/26/2012	Teleconference	Y

Table 1b. Board Member Roster 7/1/ 2012-6/30/2016

Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Alegria, Eric	06/13/2011		12/31/2012	Assembly Speaker	Public
Bookwalter, Richard	03/05/2014		12/31/2016	Governor	Prof
Davies, Teresa	01/13/2016		12/31/2016	Senate Rules	Public
Evert, Mary	03/16/2005	12/22/2008	12/31/2011 (served 1 year grace period)	Governor	Prof
Ferro, Jeffrey	01/13/2014		12/31/2016	Assembly Speaker	Public
Florey, Linda	07/14/2010	12/14/2010	12/31/2014 (served grace period)	Governor	Prof.
Grangaard, Luella	12/13/2010		12/31/2012 (served partial grace period 5/2013)	Governor	Prof.
Hayth, Laura	05/05/2015		12/31/2018	Governor	Prof
Lovell, Kathleen	12/13/2010		12/31/2014	Governor	Public
Meyer, Jaynee	05/15/2013		12/31/2019 (resigned 7/11/2013	Governor	Prof
Michel, Nancy	02/04/2009	1/2013	12/31/2016 (replaced 1/13/2016)	Senate Rules	Public
Miller, Denise	05/15/2013	01/05/2016	12/31/2019	Governor	Prof.
Morcos, Beata	05/19/2015		12/31/2018	Governor	Public
Pavlovich, Sharon	08/16/2013	01/05/2016	12/31/2019	Governor	Prof
Tanberg, Bobbi Jean	01/24/2007	12/22/2008	12/31/2011 (served 1 year grace period)	Governor	Prof

2. **In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?**

   A lack of quorum has not occurred so there has been no adverse impact to Board operations related to appointments.

3. **Describe any major changes to the board since the last Sunset Review, including, but not limited to:**

- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)

In February 2013, the Board moved to its current location at 2005 Evergreen Street, Suite 2250, Sacramento, California 95815. The Board's prior address was in the same building, but in a smaller suite.

During 2015, the Board developed and adopted a new 2016-2019 Strategic Plan. As part of that process, an environmental scan and analysis of the environment in which the Board operates was conducted. The environmental scan sought stakeholder input on the Board's performance in the areas of Enforcement, Applicant Qualifications, Laws and Regulations, Outreach and Communication, and Organizational Effectiveness. This process included sending a survey to more than 900 stakeholders, including people on the Board's interested parties list, other state licensing boards, associations, and program directors of all California occupational therapy education programs.

After the culmination of two+ years of mapping the Board's business processes, and designing, developing, and testing of the new BreEZe system, the Board successfully transitioned to a new computer system (BreEZe) in January 2016. The new system provides increased automation to end-users and a significant improvement in data capturing and sorting capabilities. BreEZe allows consumers to verify licenses and submit consumer complaints on-line, allows licensees and applicants to submit various applications/transactions to the Board electronically and provides increased automation and reporting capabilities for Board staff. The new online system allows licensees and applicants to submit applications for licensure and renewals, and submit requests for a variety of services, such as a change in address, name change, verification of license, etc.

Also, as part of the Budget Change Proposal process, the Board's staff was augmented with 7.5 PYs (personnel years or positions, as more commonly known) to assist in the Enforcement and Licensing areas, effective July 1, 2016.

- All legislation sponsored by the board and affecting the board since the last sunset review.

New legislation

The Board sponsored no new legislation.

Legislation affecting the Board

2012

AB 1588 (Atkins, Chapter 742, Statutes of 2012) authorizes a waiver from license renewal fees and continuing education requirements for any licensee of a program under the jurisdiction of the Department of Consumer Affairs who is called to active duty by the United States Armed Forces or the California National Guard.

AB 1733 (Logue, Chapter 782, Statutes of 2012) replaces the term 'telemedicine' with 'telehealth' in various code sections; clarifies that health care practitioners shall only practice telehealth within the parameters of their scope of practice; and, clarifies the ability for all healing arts boards to regulate telehealth.

AB 1896 (Chesbro, Chapter 119, Statutes of 2012) exempts health care practitioners employed by a Tribal Health Program from California licensure, as long as the practitioner is licensed in another state.

AB 1904 (Block, Chapter 399, Statutes of 2012) requires the Department of Consumer Affairs' boards and bureaus to expedite the licensure process for the spouse or domestic partner of a member of the military on active duty who is assigned to a duty station in California.

AB 2570 (Hill, Chapter 561, Statutes of 2012) prohibits a licensee of any program under the Department of Consumer Affairs from using or allowing the use of confidentiality agreements ("gag clauses") in settlement agreements.

SB 1099 (Wright, Chapter 295, Statutes of 2012) provides that a regulation or order of repeal is effective on one of four dates: January 1, April 1, July 1, or October 1, except as specified. This bill also requires the Office of Administrative Law to list on its website and link to the full text of each regulation filed with the Secretary of State.

SB 1575 (Committee on Business, Professions, and Economic Development, Chapter 799, Statutes of 2012) removes an inconsistency in the Occupational Therapy Practice Act by allowing an occupational therapist assistant to supervise aides.

2013

AB 258 (Chavez, Chapter 227, Statutes of 2013) requires, on or after July 1, 2014, every state agency that requests on any written form, publication, or through its website, whether a person is a veteran, to request that information only in the following format: "Have you ever served in the United States military?"

AB 393 (Cooley, Chapter 124, Statutes of 2013) requires the Director of the Governor's Office of Business and Economic Development to ensure the Office's website contains information on the fee requirements and fee schedules of state agencies. This bill also requires state agencies that have licensing, permitting, or registration authority to provide accurate updated fee schedule information to the Office.

AB 1057 (Medina, Chapter 693, Statutes of 2013) requires, after January 1, 2015, all licensing programs within the Department of Consumer Affairs to ask on all initial applications for licensure whether the applicant is serving, or has previously served, in the military.

SB 305 (Lieu, Chapter 516, Statutes of 2013), among other things, extends the authorization of the Occupational Therapy Board to January 1, 2018. This bill also clarifies the Board's authority to obtain local and state records of arrests and convictions and related materials in connection with applicant or licensee investigations.

SB 666 (Steinberg, Chapter 577, Statutes of 2013) provides that a licensee of an entity under the Department of Consumer Affairs may be subject to disciplinary action, upon a finding by the Secretary of the Labor and Workforce Development Agency, that a licensee has threatened to retaliate or retaliated against an employee or an employee's family based on citizenship or immigration status.

2014

AB 809 (Logue, Chapter 404, Statutes of 2014) revises the patient consent provisions related to the use of telehealth services by health care providers. The bill allows written consent in addition to verbal consent and specifies that the consent is valid for a designated course of health care and treatment.

AB 1702 (Maienschein, Chapter 410, Statutes of 2014) prohibits licensing boards and bureaus within the Department of Consumer Affairs from denying a license or delaying the processing of applications based solely on some or all of the licensure requirements having been completed while the applicant was incarcerated.

AB 1711 (Cooley, Chapter 779, Statutes of 2014) requires state agencies to include an economic impact assessment of any proposed regulation in its published initial statement of reasons. The bill also requires the Department of Finance to include and update instructions on how to prepare the economic impact assessment in the State Administrative Manual.

AB 2396 (Bonta, Chapter 737, Statutes of 2014 prohibits a licensing authority under the Department of Consumer Affairs from denying a license based solely on a prior conviction if the conviction has been dismissed pursuant to Penal Code expungement procedures.

AB 2720 (Ting, Chapter 510, Statutes of 2014) amends the Bagley-Keene Open Meeting Act to require all state bodies, such as the licensing programs within the Department of Consumer Affairs, to keep a record of, and publicly report, every vote and abstention of each voting member on every action taken by a board, committee, or commission.

SB 1159 (Lara, Chapter 752, Statutes of 2014) requires all programs within the Department of Consumer Affairs (Department), as well as the State Bar, to accept an individual taxpayer identification number from applicants in lieu of a social security number and explicitly directs the Department's licensing programs to issue licenses to individuals qualified for licensure, but not legally present in the United States.

SB 1226 (Correa, Chapter 657, Statutes of 2014) authorizes programs under the Department of Consumer Affairs to expedite and assist the licensure process for individuals honorably discharged from the United States Armed Forces who return to California and seek professional and occupational licensure.

SB 1243 (Lieu, Chapter 395, Statutes of 2014) extends telephone disconnect authority to all Department of Consumer Affairs (Department) programs and requires the Department to: 1) conduct a one-time study on the efficiency of the Department's

pro rata distribution, 2) provide an annual report on the Department's actual pro rata accounting to the Legislature beginning July 1, 2015, 3) report enforcement data for all programs on January 1 of each year, and 4) offer stakeholders a choice to receive program meeting notifications by mail, email, or both.

SB 1256 (Mitchell, Chapter 256, Statutes of 2014) requires all healing arts licensees to present patients with a specified notice and treatment plan that includes estimated costs and items to be pre-paid prior to facilitating a third-party line of credit for payment of medical expenses. The bill also forbids the arrangement of such a credit plan with a patient that is under the influence of anesthesia.

SB 1466 (Committee on Business, Professions, and Economic Development, Chapter 316, Statutes of 2014) makes several non-controversial, non-substantive, or technical changes to various provisions pertaining to health-related programs of the Department of Consumer Affairs.

2015

AB 179 (Bonilla, Chapter 510, Statutes of 2015) provides that sexual abuse and misconduct statute does not apply to consensual relationships between healing arts licensees and their spouses or domestic partners.

AB 333 (Melendez, Chapter 360, Statutes of 2015) authorizes healing arts programs at the Department of Consumer Affairs to apply one unit of continuing education credit to licensees who become an instructor in cardiopulmonary resuscitation (CPR) or automated external defibrillator (AED) training courses. This bill also authorizes healing arts programs to apply two units of continuing education credits to licensees who conduct CPR or AED training for school districts and community colleges.

SB 467 (Hill, Chapter 656, Statutes of 2015) requires the Attorney General to submit an annual report to the Department of Consumer Affairs (Department), Governor, and Legislature, disclosing specified case aging data for Department referrals to the Attorney General. In addition, this bill requires the Department's Division of Investigation to work with the Department's programs, with the exception of the Medical Board, to implement the complaint prioritization guidelines described in the Department's Consumer Protection Enforcement Initiative.

SB 560 (Monning, Chapter 389, Statutes of 2015) allows boards and bureaus within the Department of Consumer Affairs (Department) to report specified licensee information to the Employment Development Department. In addition, this bill prohibits the Department and its programs from processing initial license applications that do not contain a Social Security Number, Individual Taxpayer Identification Number, or Employer Identification Number.

All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.

Section(s)	Rulemaking File Subject	Status	Publication Date	Close of public comment period	Effective date of language
4100, 4101, 4146, 4148, 4149, 4149.1	Definitions, Delegations of certain functions, and Fitness for licensure, Unprofessional conduct, and Sexual contact (CPEI regulations)	Adopted September 2011	07/22/2011	09/05/2011	09/28/2012
4116, 4117, 4118, 4119	Free sponsored healthcare events	Adopted September 2011	07/22/2011	09/05/2011	09/10/2012
4155	Application for Advanced Practice Approval	Adopted September 2011	07/22/2011	09/05/2011	04/18/2012
4180, 4184, 4187	Definitions and supervision plan	Adopted July 2010	10/14/2011	11/28/2011	04/01/2013
4128, 4130	Retired status and fees	Modified text adopted May 2013	08/24/2012	10/08/2012	04/01/2014
4154	Post-professional education and training	Adopted October 2012	08/24/2012	10/08/2012	10/01/2013
4170	Ethical standards	Second modified text adopted June 2013. Final package submitted too late to meet OAL deadline.	08/24/2012	10/08/2012	n/a
4172	Standards of practice for telehealth	Second modified text adopted June 2013	08/24/2012	10/08/2012	04/01/2014
4101, 4146.5 4147, 4147.5	Delegation of certain functions, Effective date, and Disciplinary Guidelines and Uniform Standards	Adopted May 2013	03/22/2013	05/06/2013	10/01/2014
4102, 4114, 4122, 4141, 41634181	Remove 'certified' and 'certification' throughout Title 16	Sec 100 change - submitted to OAL May 15, 2013; approved June 25, 2013	09/20/2013		10/01/2013
4110, 4112, 4120, 4121, 4123, 4127*	Application, review of application, license renewal, limited permit *renumbered from 4122	Adopted February 2013	05/31/2013	07/29/2013	01/01/2015
4151, 4152	Accept CHT for hands/PAMS approval	Adopted September 2013	12/20/2013	02/03/2014	01/01/2016
4161	Continuing Competency	Adopted by February 2014	12/20/2013	02/03/2014	07/01/2015
4170	Ethical Standards of Practice	Adopted October 2012.	12/20/2013	02/03/2014	N/A
4151, 4152	Accept CHT for Hands/PAMs approval	Adopted June 2015	04/03/2015	05/19/2015	1/1/2016

4170	Ethical Standards of Practice	Modified text adopted January 2016	04/10/2015	05/26/2015	7/1/2016
4110	Application	Modified text adopted January 2016	07/31/2015	09/15/2015	10/1/2016
4172	Standards of Practice for Telehealth	Modified text adopted January 2016	09/25/2015	11/09/2015	
4130	Fees	Adopted August 2016	03/25/2016	05/09/2016 07/22/2016 08/18/2016	
4161, 4162, 4163	Continuing Competence	Adopted August 2016	06/24/2016	08/08/2016	
4176	Notice to Consumer	Adopted October 2016	07/01/2016	08/15/2016	
4149.5	Criteria to consider when refusing to consider a petition	To be considered in December 2016	08/26/2016	10/10/2016	

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

None to report.

5. List the status of all national associations to which the board belongs.

- **Does the board's membership include voting privileges?**
- **List committees, workshops, working groups, task forces, etc., on which board participates.**
- **How many meetings did board representative(s) attend? When and where?**

  Not applicable.

- **If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?**

  The Board uses the same national examination (and vendor) used by all other State occupational therapy licensing boards. The Board is not involved in the development, scoring, analysis, and administration of the examination; however, a pool of more than 50 licensed professionals and faculty members from across the nation serve as subject matter experts (SMEs). The SMEs, including representatives from California, are responsible for exam question development, analysis, and validation. The National Board for Certification in Occupational Therapy (NBCOT) is the vendor that administers and scores the examinations; NBCOT also reports the scores to the candidates, state regulatory agencies, and prospective employers, if a so candidate chooses.

6. **Provide each quarterly and annual performance measure report for the board as published on the DCA website.**

   Attachments to be provided in Section 12.

7. **Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.**

   The Board provides the Customer Satisfaction Survey on our website under the "Quick Hits" for easy access in locating the Board's survey. There are so few survey results, which could be attributed to the new BreEZe system or more experienced staff.

   In further attempts to increase survey responses, Board staff will send out an email reminder and provide a link to the survey on a quarterly basis.

   The results from the Customer Satisfaction Survey, including a four-year total of only 51 responses, are as follows:

   FY 2012–2013

   During FY 2012-13, there were 27 responses. Fifteen comments accompanied the surveys and are displayed verbatim, below the respective question.

   To summarize the data, the majority of the responses were received from current licensees with more than 50 percent indicating that they obtained the service/assistance they needed. Some of the comments below, particularly as they relate to an online payment system for applications and renewals has been addressed since the Board migrated to the BreEZe system in January 2016. Staffing issues will be reduced once six new positions that were approved through the budget change proposal process are filled.

Question: During the past 12 months, how often have you contacted the CBOT?		
	Response Count	**Response %**
0 times	5	18.52%
1-3 times	13	48.15%
3-6 times	4	14.81%
6-12 times	4	14.81%
13 or more times	1	3.70%
Skipped question	0	

Question: Which of the following best describes you:		
	Response Count	**Response %**
Current licensee	23	85.19%
Applicant for licensure	1	3.70%
Consumer of occupational therapy services	2	7.41%
Other	1	3.70%
Skipped question	0	

Question: Did you receive service/assistance you needed as result of your contact?		
	Response Count	**Response %**
Yes	12	52.17%
No	11	47.83%
Skipped question	4	

Question: Please rate the CBOT staff in the following:						
	Excellent	**Good**	**Fair**	**Poor**	**Unacceptable**	**N/A**
	Response/%	**Response/%**	**Response/%**	**Response/%**	**Response/%**	**Response/%**
Accessibility	6 – 24.00%	7 – 28.00%	4 – 16.00%	4 – 16.00%	2 – 8.00%	2 – 8.00%
Courtesy/ Helpfulness	6 – 24.00%	9 – 36.00%	4 – 16.00%	3 – 12.00%	2 – 8.00%	1 – 4.00%
Knowledge/ Expertise	6 – 24.00%	9 – 36.00%	4 – 16.00%	1 – 4.00%	3 – 12.00%	2 – 8.00%
Successful resolution of your issue	4 – 16.67%	8 – 33.33%	6 – 25.00%	1 – 4.17%	3– 12.50%	2 – 8.33%
Overall satisfaction	5 – 20.83%	9 – 36.00%	4 – 16.67%	2 – 8.33%	3 – 12.50%	1 – 4.17%
Skipped question	2					

Question: Did you find the CBOT's website useful?		
	Response Count	**Response %**
Yes	20	83.33%
No	4	16.67%
Skipped question	3	

Comments:

- "There should be more than 1 person processing applications for CBOT.
- License lookup, documents not available
- Please communicate new laws and regulations of importance guiding how one practice, on the website or via e-mail.
- It would be great if licensure, payment and application progress could be handled on the website."

Question: How do you rate the CBOT's website:					
	Strongly agree	**Agree**	**Neutral**	**Disagree**	**Strongly disagree**
	Response/%	**Response/%**	**Response/%**	**Response/%**	**Response/%**
Website is easy to navigate	6 – 26.09%	9 – 39.13%	6 – 20.09%	2 – 8.70%	0 – 0.00%
Information is easy to find	5 – 21.74%	9 – 39.13%	6 –20.09%	3 – 13.04%	0 – 0.00%
I regularly visit the Board's website	3 – 13.04%	13 – 56.52%	7 – 30.43%	0 – 0.00%	0 – 0.00%
Skipped question	3				

Comments:

- "Update FAQs to include info on PAMs and Hand Therapy (e.g. how Botox figures) as well as current info on swallowing.
- It is rather easy once you are familiar with the website.
- Allow online recertification and payment please"

Question: Have you interacted with any other state licensing/regulatory board or agency?		
	Response Count	**Response %**
Yes	5	19.23%
No	21	80.77%
Skipped question	1	
Question: If yes, which state?		
	Response Count	**Response %**
California	4	80.00%
Georgia	1	20.00%
Skipped question	22	

Question: If you answered YES to "Have you interacted with any other state licensing/regulatory board/agency" please rate our Board:		
	Response Count	**Response %**
Excellent	0	0.00%
Good	2	40.00%
Neutral	2	40.00%
Needs Improvement	0	0.00%
Poor/ Unsatisfactory	1	20.00%
Skipped question	22	

Question: Would you be willing to provide an email address to receive a newsletter?		
	Response Count	**Response %**
Yes	12	57.14%
No	9	42.86%
Skipped question	6	

Additional Comments or Suggestions:

- "I have not particularly had bad experience with contacting the office, but I have heard from several other people that it takes a long time to get a return call, to get answers, and to get solutions to issues. Whether this is true or not, this is the impression people seem to have when talking about the CBOT office.

- I have found the Board to be responsive to some inquires but I did not receive a response to one inquiry this year (regarding a specific question on Practice Act and regulations regarding supervision of OTAs).
- Would be helpful if the board had the ability for us to pay dues online- would be instant instead of the 6 weeks wait. Hand therapy certification commission does that. They have you pay online, and submit proof of education classes by faxing copies of these forms to them as and when you do them so that there is online tracking of education classes completed. If not this system entirely it would be helpful to at least be able to pay dues online or by phone to be consistent with what other regulatory bodies are doing. Thanks
- I find it odd that your staff does not provide accurate information when I called in. Also, it took over 3 months to receive my license but I received a violation for the failure to change my address and a response after I immediately paid a fine within 7 business days. Also, I once filed a complaint against 2 therapists 2 years ago. The therapists were spoken to but no fine. The same problem is occurring in that facility--failure to document in a timely manner. I do not work there but the same problem??????? I do not feel that your service is helpful to address real violations. Thus, I am not going to bother to report on [Name Removed], OTR/L who constantly violates your regulations on unprofessional behavior and falsifying documents. She will never be stopped even if a complaint were filed against her.
- Please update forms. Application for advanced practice is apparently out of date, but one does not learn this until the application is filed and Mr. Schenk informs the applicant. CBOT has been unresponsive to all issues regarding advanced practice. The process has taken over 15 months. Applicants for advanced practice are turned away from the inefficient process, resulting in less licensees with advanced practice titles, therefore limiting the practice of occupational therapy in California. Communication between the Board and licensees is inconsistent and inaccurate.
- The Calif governing board for OT for advanced practice approval is very poor in providing notification to a therapist if their packet has been received. I sent in my packet for advance practice in modalities on October 16, 2012 and have not heard any update as to even receiving the packet. I have called the office with no return calls regarding my concerns which are very important in my current job.
- Make license renewal available on-line. I can pay my phone bill on-line but not my OT license renewal??????!!!!!!
- Attempting to get approved for advanced certification. Poor information provided by regulatory board and resulted in many unnecessary steps. Very unsatisfied with the "politics" of receiving advanced certification."

FY 2013–2014

During FY 2013-14, there were only nine responses. Six comments accompanied the surveys and are displayed verbatim, below the respective question.

The Board received nine responses to the survey, which were from current or prospective licensees. Based on the outcome of the service/assistance that was provided, 75 percent were not satisfied. According to the comments received it was mainly due to advance practice application processing, which has been experiencing backlogs. Once the six new positions that were approved through the budget change proposal process are filled, the Board anticipates the backlog in advanced practice applications will be eliminated.

Question: During the past 12 months, how often have you contacted the CBOT?		
	Response Count	**Response %**
0 times	2	22.22%
1-3 times	3	33.33%
3-6 times	2	22.22%
6-12 times	2	22.22%
13 or more times	0	0.00%
Skipped question	0	

Question: Which of the following best describes you:		
	Response Count	**Response %**
Current licensee	5	55.56%
Applicant for licensure	4	44.44%
Consumer of occupational therapy services	0	0.00%
Other	0	0.00%
Skipped question	0	

Question: Did you receive service/assistance you needed as result of your contact?		
	Response Count	**Response %**
Yes	2	25.00%
No	6	75.00%
Skipped question	1	

Question: Please rate the CBOT staff in the following:						
	Excellent	**Good**	**Fair**	**Poor**	**Unacceptable**	**N/A**
	Response/ %	**Response/ %**	**Response/ %**	**Response/ %**	**Response/ %**	**Response/ %**
Accessibility	1 – 11.11%	0 – 0.00%	1 – 11.11%	1 – 11.11%	5 – 55.56%	1 – 11.11%
Courtesy/ Helpfulness	1 – 11.11%	1 – 11.11%	0 – 0.00%	1 – 11.11%	5 – 55.56%	1 – 11.11%
Knowledge/ Expertise	2 – 22.22%	0 – 0.00%	1 – 11.11%	1 – 11.11%	3 – 33.33%	2 – 22.22%
Successful resolution of your issue	1 – 11.11%	1 – 11.11%	0 – 0.00%	1 – 11.11%	5 – 55.56%	1 – 11.11%
Overall satisfaction	1 – 11.11%	1 – 11.11%	0 – 0.00%	0 – 0.00%	6 – 66.67%	1 – 11.11%
Skipped question	0					

Question: Did you find the CBOT's website useful?		
	Response Count	**Response %**
Yes	5	55.56%
No	4	44.44%
Skipped question	0	

Comments:

- The website is too busy, too many links to pages, needs to better stream-lined

- "I submitted my application for advanced practice approximately 4 months ago and have called on numerous occasions to inquire about my application status to determine if there has been anything that needs to be resubmitted, modified, or adjusted. Instead of responding to my inquiry I have been redirected a number of times to contact the lead person who has not returned my calls or responded. I would sincerely appreciate a response in order for me to progress in my career endeavors.
- Under frequently asked questions you might consider putting the correct mailing address to send your renewal to in case like me you lose the envelope. Does it get mailed to CBOT 2005 Evergreen St, Ste 2050, SACTO 95815 or State of CA Dept of Consumer Affairs PO BOX 942538 SACTO 94258-0538 ???
- Several of the OT staff I work with have had a horrendous time getting their advanced practice applications processed. An excessive amount of time passed, requiring repeated inquiries and resulting in high levels of frustration. I firmly believe the CBOT staff and Board do more harm than good in providing services designed to protect the consumer. As a tax payer I am appalled by the lack of efficiency demonstrated by this office. As an OT, I feel our practice has been severely and unnecessarily restricted."

Question: How do you rate the CBOT's website:					
	Strongly agree	**Agree**	**Neutral**	**Disagree**	**Strongly disagree**
	Response/ %	**Response/ %**	**Response/ %**	**Response/ %**	**Response/ %**
Website is easy to navigate	0 – 0.00%	5 – 55.56%	1 – 11.11%	1 – 11.11%	2 – 22.22%
Information is easy to find	0 – 0.00%	6 – 66.67%	1 – 11.11%	1 – 11.11%	1 – 11.11%
I regularly visit the Board's website	1 – 11.11%	5 – 55.56%	3 – 33.33%	0 – 0.00%	0 – 0.00%
Skipped question	0				

Question: Have you interacted with any other state licensing/regulatory board or agency?		
	Response Count	**Response %**
Yes	3	33.33%
No	6	66.67%
Skipped question	0	
Question: If yes, which state?		
	Response Count	**Response %**
Florida	1	33.33%
Maryland	1	33.33%
Massachusetts	1	33.33%
Skipped question	6	

Question: If you answered YES to "Have you interacted with any other state licensing/regulatory board/agency" please rate our Board:		
	Response Count	**Response %**
Excellent	0	0.00%
Good	0	0.00%
Neutral	0	0.00%
Needs Improvement	2	66.67%
Poor/ Unsatisfactory	1	33.33%
Skipped question	6	

Question: Would you be willing to provide an email address to receive a newsletter?		
	Response Count	**Response %**
Yes	1	11.11%
No	8	88.89%
Skipped question	0	

Additional Comments or Suggestions:

- "It would be nice to have the ability to pay online fees on the website.
- I applied for my license three weeks ago. I called last week to ask how the application process was going and the man on the phone said that he had both my application and my exam results. He told me that early next week (meaning this week) I would receive an email saying that my application was approved and it would give me the amount to send for my license so I can start working. Since I did not receive that email I called again. The answering service told me that the office is closed this entire week for packing and relocating. I find it very unprofessional that the man on the phone lied to me. How could he not know about his own workplace being closed the following week? I have a job waiting for me and my supervisor keeps calling me and asking when I can start working. I find that this whole experience has been very unprofessional."

FY 2014-15

During FY 2014-15, there were 10 responses. Any comments received from survey participants are displayed verbatim, below the respective question.
Based on the responses received, the individuals completing the survey were varied. The results for the service/assistance satisfaction were split; however, more than half of the responses to the usefulness of the website were negative. Some of the comments received revolved around the advance practice issue and processing of applications. Some of these issues have been resolved with the implementation of the new BreEZe system. The system provides more licensees and applicants more access to the various processes and more immediacy for the issuance of licenses, etc.

Question: During the past 12 months, how often have you contacted the CBOT?		
	Response Count	**Response %**
0 times	4	40.00%
1-3 times	3	30.00%
3-6 times	1	10.00%
6-12 times	2	20.00%
13 or more times	0	0.00%
Skipped question	0	

Question: Which of the following best describes you:		
	Response Count	**Response %**
Current licensee	4	44.44%
Applicant for licensure	2	22.22%
Consumer of occupational therapy services	1	11.11%
Other	2	22.22%
Skipped question	1	

Question: Did you receive service/assistance you needed as result of your contact?		
	Response Count	**Response %**
Yes	4	44.44%
No	5	55.56%
Skipped question	1	

Question: Please rate the CBOT staff in the following:						
	Excellent	**Good**	**Fair**	**Poor**	**Unacceptable**	**N/A**
	Response/ %	**Response/ %**	**Response/ %**	**Response/ %**	**Response/ %**	**Response/ %**
Accessibility	2 – 22.22%	1 – 11.11%	1 – 11.11%	1 – 11.11%	3 – 33.33%	1 – 11.11%
Courtesy/ Helpfulness	2 – 22.22%	0 – 0.00%	4 – 44.44%	0 – 0.00%	2 – 22.22%	1 – 11.11%
Knowledge/ Expertise	2 – 22.22%	1 – 11.11%	1 – 11.11%	2 – 22.22%	2 – 22.22%	1 – 11.11%
Successful resolution of your issue	1 – 11.11%	0 – 0.00%	2 – 22.22%	2 – 22.22%	3– 33.33%	1 – 11.11%
Overall satisfaction	1 – 11.11%	1 – 11.11%	1 – 11.11%	1 – 11.11%	2 – 22.22%	1 – 11.11%
Skipped question	1					

Question: Did you find the CBOT's website useful?		
	Response Count	**Response %**
Yes	3	33.33%
No	6	66.67%
Skipped question	1	

Comments:

- "I've called multiple times regarding my application status for my advance practices of PAM and hand therapy- each time, I'm told I'm #8 in line to be reviewed and that it will be about two weeks before I should know if I'm approved or not. Last time I called, the person said the same thing above, and then eventually told me that my applications have been brought to the reviewer and that I would know the next day... It has been two weeks, and still, I have not heard anything. This is unacceptable and frustrating! Stop telling me one thing, and then doing (or not doing) another!
- There's very few Anatomy & Physiology classes to register here in San Diego. I'd like to apply for the Grossmont OTA program and I live near the San Diego City College. What's a person to do?
- Hi, It would be helpful to know what stage in the applications process an application is. For example, I know that my license typical is process within 30 days from the date it is received at CBOT, however, I do not know if it is in the pile of other applications, or maybe it's going through the livescan phase. It would be helping and collaborative for awaiting registered occupational therapist to know how their application is standing during each step of the way. Thank you for your time and consideration in advance. ps email correspondents were great in the area of customer service, this was not my experience when I called the CBOT.
- Clarify steps necessary upon paperwork submission (i.e. will receive an email) Clarify payments acceptable for initial licensing fee (i.e. only check or money order)"

Question: How do you rate the CBOT's website:					
	Strongly agree	**Agree**	**Neutral**	**Disagree**	**Strongly disagree**
	Response/ %	**Response/ %**	**Response/ %**	**Response/ %**	**Response/ %**
Website is easy to navigate	3 – 37.50%	4 – 50.00%	1 – 12.50%	0 – 0.00%	0 – 0.00%
Information is easy to find	1 – 12.50%	4 – 50.00%	2 – 25.00%	1 – 12.50%	0 – 0.00%
I regularly visit the Board's website	1 – 12.50%	4 – 50.00%	2 – 25.00%	0 – 0.00%	1 – 12.50%
Skipped question	2				

Question: Have you interacted with any other state licensing/regulatory board or agency?		
	Response Count	**Response %**
Yes	3	33.33%
No	6	66.67%
Skipped question	1	
Question: If yes, which state?		
	Response Count	**Response %**
California	1	33.33%
Idaho	1	33.33%
New Jersey	1	33.33%
Skipped question	7	

Question: If you answered YES to "Have you interacted with any other state licensing/regulatory board/agency" please rate our Board:		
	Response Count	**Response %**
Excellent	1	33.33%
Good	0	0.00%
Neutral	1	33.33%
Needs Improvement	0	0.00%
Poor/ Unsatisfactory	1	33.33%
Skipped question	7	

Question: Would you be willing to provide an email address to receive a newsletter?		
	Response Count	**Response %**
Yes	2	33.33%
No	4	66.67%
Skipped question	4	

Additional Comments or Suggestions:

- "I have submitted a course for approval MONTHS ago and have heard nothing. I emailed (Board staff) numerous times with no response. Today, I phoned in, only to find out he is no longer working there. There was not bounce back on his email address.
- Nearly impossible to reach the ONE person that inputs information into the system and processes applications. Has yet to return multiple voice messages. Leaves the office earlier then when they close and is not there on Fridays. Being that she is the only one processing initial licensing applications for initial licensees it's essentially useless to contact the office on those days during the late hours."

FY 2015–2016

During FY 2015-16, there were only five responses. Any comments received from survey participants are displayed verbatim, below the respective question.

The outcome for this fiscal year resulted in the lowest number of responses, which might reflect more satisfaction from the licensees and others taking this survey. Of the 40 percent of licensees that completed the survey, the majority of comments dealt with the advanced practice question which the Board has been unable to focus given the amount of time staff has spent on BreEZe. Some of the comments regarding the computer system are most likely due to the conversion to the BreEZe system, which occurred in January 2016. Subsequent 'patches' have been released and will correct some system deficiencies identified after the deployment of BreEZe..

Question: During the past 12 months, how often have you contacted the CBOT?		
	Response Count	**Response %**
0 times	0	0.00%
1-3 times	4	80.00%
3-6 times	0	0.00%
6-12 times	0	0.00%
13 or more times	1	20.00%
Skipped question	0	

Question: Which of the following best describes you:		
	Response Count	**Response %**
Current licensee	2	40.00%
Applicant for licensure	0	0.00%
Consumer of occupational therapy services	1	20.00%
Other	2	40.00%
Skipped question	0	

Question: Did you receive service/assistance you needed as result of your contact?		
	Response Count	**Response %**
Yes	2	40.00%
No	3	60.00%
Skipped question	0	

Question: Please rate the CBOT staff in the following:						
	Excellent	**Good**	**Fair**	**Poor**	**Unacceptable**	**N/A**
	Response/ %	**Response/ %**	**Response/ %**	**Response/ %**	**Response/ %**	**Response/ %**
Accessibility	1 – 24.00%	0 – 0.00%	1– 20.00%	0 – 0.00%	2 – 40.00%	1 – 20.00%
Courtesy/ Helpfulness	2 – 24.00%	0 – 0.00%	0 –0.00%	1 – 20.00%	1 – 20.00%	1 – 20.00%
Knowledge/ Expertise	2 – 24.00%	0 – 0.00%	0 – 0.00%	1 – 20.00%	1 – 20.00%	1 – 20.00%
Successful resolution of your issue	1 – 16.67%	0 – 0.00%	0 – 0.00%	0 – 0.00%	3– 60.00%	1 – 20.00%
Overall satisfaction	1 – 20.83%	0 – 0.00%	0 – 0.00%	1 – 20.00%	2 – 40.00%	1 – 20.00%
Skipped question	0					

Question: Did you find the CBOT's website useful?		
	Response Count	**Response %**
Yes	2	40.00%
No	3	60.00%
Skipped question	0	

Comments:

- "Website for searching licensees is down, slow and dysfunctional
- There is no list of acceptable courses for the advanced practice. If the course must be one that is specifically chosen, people need to have ready access to that information."

Question: How do you rate the CBOT's website:					
	Strongly agree	**Agree**	**Neutral**	**Disagree**	**Strongly disagree**
	Response/ %	**Response/ %**	**Response/ %**	**Response/ %**	**Response/ %**
Website is easy to navigate	1 – 20.00%	1 – 20.00%	1 – 20.09%	2 – 40.00%	0 – 0.00%
Information is easy to find	1 – 20.00%	0 – 0.00%	2 –40.00%	1 – 20.00%	1 – 20.00%
I regularly visit the Board's website	1 – 20.00%	2 – 40.00%	1 – 20.00%	1 – 20.00%	0 – 0.00%
Skipped question	0				

Comment:

- "License search is important (but system often down)"

Question: Have you interacted with any other state licensing/regulatory board or agency?		
	Response Count	**Response %**
Yes	1	20.00%
No	4	80.00%
Skipped question	0	
Question: If yes, which state?		
	Response Count	**Response %**
California	1	100.00%
Skipped question	4	

Question: If you answered YES to "Have you interacted with any other state licensing/regulatory board/agency" please rate our Board:		
	Response Count	**Response %**
Excellent	0	0.00%
Good	0	0.00%
Neutral	0	0.00%
Needs Improvement	1	100.00%
Poor/ Unsatisfactory	0	0.00%
Skipped question	4	

Question: Would you be willing to provide an email address to receive a newsletter?		
	Response Count	**Response %**

Yes	2	40.00%
No	3	60.00%
Skipped question	0	

Additional Comments or Suggestions:

- "Basic functioning of website is important. The CBOT site does not function.
- Please email, mail, and/or call the individuals who are waiting to get the advanced practice certification. Not receiving any information gets very frustrating with the board for anybody.
- The person that was in charge of the area I needed was not in that day, however they found another person to help me with my questions and was able to help me with time and patience! Thank you!!!"

To increase the number of survey responses, in addition to quarterly email reminders, the Board is implementing a new procedure whereby a self-addressed stamped Consumer Satisfaction Survey postcard will be enclosed with all complaint closure letters.

Using a scale of *very good*, *good*, *poor*, and *very poor*, the Consumer Satisfaction Survey includes the following questions:

- How well did we explain the complaint process to you?
- How clearly was the outcome of your complaint explained to you?
- How well did we meet the time frame provided to you?
- How courteous and helpful was staff?
- Overall, how well did we handle your complaint?
  If we were unable to assist you, wee alternatives provided to you?
- Did you verify the provider's license prior to service?

In addition, to the postcard, there will be a QR code included on the closure letter that can be used with an iOS or Android phone; a link to the survey will also be included on any enforcement email replies. Lastly, in the closure letter, the complainant will be provided with a link to the survey in case he/she prefers to take the survey on-line.

The Board will continue to provide a Consumer Satisfaction Survey on the website that will rate website and staff's processes.

Fiscal Issues

8. Is the board's fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.

The Board's fund is appropriated, subject to approval by the Legislature. Business and Profession Code Section 2570.22 states:

> All fees collected by the board shall be paid into the State Treasury and shall be credited to the Occupational Therapy Fund which is hereby created. The money in the fund shall be available, upon appropriation by the Legislature, for expenditure by the board to defray its expenses and to otherwise administer this chapter.

9. Describe the board's current reserve level, spending, and if a statutory reserve level exists.

In the 2005 Sunset report, the Board's fund exceeded the 24 months reserve level specified in BPC Section 128.5. Consistent with the Sunset Committee's recommendation that the Board "reduce the excessive reserve level without putting the Board's fund in jeopardy and thereby necessitating a fee increase in the near future", the Board amended the regulations pertaining to the renewal fees.

The Board moved from an annual license renewal with a $150 fee to a biennial (every other year) license renewal, charging the same fee ($150). While changing the renewal frequency reduced the Board's annual revenue collection, it didn't have an immediate impact to the reserve level; the Board's fund reserve level was so high that the reduction in revenue was slow to reduce the fund condition. Thus, in fiscal year 2009/10, a $2 million loan was provided to the General Fund, which facilitated a reduction of the Board's fund reserve level.

For many fiscal years, the Board's spending has been slightly less than the annual budget. This intentional 'underspending' was a conscious decision to ensure funds were reverted to the Board's fund. This was necessary given the fact that each year, the revenue collected has been less than the Board's expenditures.

(Table 2 below shows budget authority, actual annual expenditures, and reserve levels.)

10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

As reported in the 2012 Sunset Report, the Board's annual expenditures exceeded its revenue collected each year since fiscal year 2009/10.

As a result of the ongoing trend of the annual expenditures exceeding the revenue collected, the Board voted to establish two new fees via the regulatory process at its June 2012 meeting: a $25 Retired Status application fee and a $50 licensure application fee; both fees are set at the statutory maximum.

Recent fund condition projections indicate that the Board will have an insufficient fund level before the end of fiscal 2018/19. Thus the Board took immediate steps to raise several fees. In addition to raising the biennial renewal fees (the primary source of revenue), other fees will also need to be raised in order to increase annual revenue. Current pending fee increases are anticipated as follows:

- Increase the biennial renewal fee for occupational therapists from $150 to $220; after January 1, 2021, the biennial renewal fee will increase to $270.
- Increase the biennial renewal fee for occupational therapy assistants from $150 to $180; after January 1, 2021, the biennial renewal fee will increase to $210.
- Increase the delinquency fee from one-half of the renewal fee (currently $75) to $100.
- Increase the pro-rated initial licensing fee for occupational therapists and occupational therapy assistants to be consistent with the biennial renewal fee in effect at the time of license issuance.
- Increase the limited permit fee from $75 to $100.
- Increase the inactive license fee (currently $25) to be consistent with the biennial renewal fee for an active license.
- Increase the duplicate license fee from $15 to $25.

Table 2. Fund Condition

(Dollars in Thousands)	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17*	FY 2017/18
Beginning Balance **	$ 611	$ 1,157	$ 2,922	$ 2,982	$ 3,002	$ 2,066
Revenues and Transfers	1,784	3,202	1,259	1,305	1,383	1,383
Total Revenue	2,395	4,359	4,181	4,287	4,385	3,449
Budget Authority	1,350	1,498	1,337	1,415	2,319	2,364
Expenditures ***	1,241	1,435	1,198	1,285	2,319	2,364
Loans to General Fund	--	--	--	--	--	--
Accrued Interest, Loans to General Fund	89	82	--	--	--	--
Loans Repaid From General Fund	640	2,000	--	--	--	--
Fund Balance	$ 1,154	$ 2,924	$ 2,983	$ 3,002	$ 2,066	$ 1,085
Months in Reserve	9.7	29.3	27.9	15.5	10.5	5.4

* = Assumes 2% grown in expenditures. 0.3% growth in income from surplus money, and revenue projected based on FY 2016/17

** = Includes prior year adjustments

*** = Includes direct draws from SCO and Fi$cal

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

In 2003/04 a loan was made to the general fund in the amount of $640,000. This amount was repaid in full in FY 2012/13. The Board was also paid $89,000 in interest in FY 2012/13 as a result of this loan. In 2009/10 a loan was made to the general fund in the amount of $2,000,000. This amount was repaid in FY 2013/14 in full. The Board was also paid $82,000 in interest in FY 2013/14 as a result of this loan. There are no outstanding loans to the general fund.

12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

Table 3. Expenditures by Program Component (list dollars in thousands)

	FY 2012/13		FY 2013/14		FY 2014/15		FY 2015/16	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	$386,237	$383,299	$428,415	$532,301	$398,099	$297,298	$389,147	$481,934
Examination	$0	$0	$0	$0	$0	$0	$0	$0
Licensing	$123,887	$49,149	$126,004	$40,398	$117,088	$43,010	$114,455	$101,380
Administration *	$94,737	$37,585	$92,403	$29,625	$85,865	$31,541	$83,934	$74,346
DCA Pro Rata		$190,716		$206,657		$246,131		$69,860
Diversion	Not applicable							
TOTALS	$604,861	$660,749	$646,822	$808,981	$601,052	$617,980	$587,536	$727,520

*Administration includes costs for executive staff, board, administrative support, travel and fiscal services.

13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the board has received from DCA?

The table below indicates what the Board has paid for BreEZe through June 30, 2016.

BreEZe Expenditures (list dollars in thousands)

FYs 2009-2011	FY 2012/13		FY 2013/14		FY 2014/15		FY 2015/16	
Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
$24	$33	$15	$33	$33	$66	$64	$138	$137

Future projections for BreEZe costs provided by DCA indicate budgets of the following:

Fiscal year	Budget
2016-17	$133,382
2017-18	132,000
2018-19	127,000

14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

During the period January 1, 2003, through December 31, 2006, all licenses expired annually on the last day of the licensee's birth month. For licenses that expired after January 1, 2007, licenses expired at midnight on the last day of the licensee's birth month during an odd year if the licensee was born in an odd year or expired the last day of the licensee's birth month during an even year, if the licensee was born in an even year. This change takes the entire licensing population and spreads their renewals over a 24-month period.

There was an amendment to the fee charged for the limited permit. The $75 limited permit fee used to pay for a limited permit *and*, if the applicant passed the exam, the limited permit fee would also be used to apply toward the initial licensing fee. This provision was removed in 2006.

The Board adopted a regulation implementing a retired status, which went into effect July 1, 2013. The fee for an Application for Retired Status is twenty-five dollars ($25). T

The Board adopted a regulation establishing an application fee, which went into effect July 1, 2014. The fee for an Application is $50.

Additionally, the Board is currently engaged in amending California Code of Regulations, CCR Section 4130, to increase fees in order to provide for long term financial stability of the Board's fund. As a result of the proposed fee increases, the Board's Fund is not projected to slip into a future negative fund balance. Under this scenario it is projected the Board's Fund would remain solvent through FY 2025-26 (and possibly thereafter; subject to revenue and budget fluctuations).

The fees charged by the Board are set forth in California Code of Regulations (CCR), Title 16, Division 39, Section 4130, and ***currently*** include the following:

- CCR 4130(a) - The fee for processing an initial application for licensure shall be prorated $50.
  Statutory authority: BPC Section 2570.16.

- CCR 4130(b) - The initial license or certificate fee shall be prorated pursuant to Section 4120(a)(1) and based on a biennial fee of $150.

  (The initial licenses are issued based on an applicant's birth month and the month the license is issued, for a minimum period of seven months and a maximum of 30 months; thus, fees charged range from $43 - $188.) *Statutory authority: BPC Section 2570.16.*
- CCR 4130(c) - The fee for a limited permit is $75.

  Statutory authority: BPC Section 2570.16.
- CCR 4130(d) - The biennial renewal fee is $150.

  Statutory authority: BPC Section 2570.16.
- CCR 4130(e) - The delinquency fee is one-half of the renewal fee.

  Statutory authority: BPC Section 163.5.
- CCR 4130(f) - The renewal fee for an inactive license or certificate is $25. *Statutory authority: BPC Section 462.*
- CCR 4130(g) - The fee for a duplicate license is $15.

  Statutory authority: BPC Section 122.
- CCR 4130(h) - The fees for fingerprint services are those charged by the California Department of Justice (DOJ). (These fees are a 'pass-through' as no revenue is earned since the fee is paid to the DOJ.)

  Statutory authority: BPC Sections 2570.16 and 144

Table 4. Fee Schedule and Revenue							(list revenue dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	FY 2015/16 Revenue	% of Total Revenue
Fingerprint reimb							
OT Dup Lic	$15		2	2325	2220	2640	
OTA Dup Lic	$15		**	**	**	**	
Citation/Fine FTB	Var		**	**	**	**	
Citation/Fine Collected	Var		32	29	36	16	
OT Initial License	Var		100	101	109	117	
OTA Initial License	Var		27	32	34	43	
OT Limited Permit	$75		4	4	3	3	
OTA Limited Permit	$75		2	2	1	1	
OT retired	$25	$25	***	**	**	**	
OTA retired	$25	$25	***	**	**	**	
OT App fee	$50	$50	***	***	50	55	
OTA App fee	$50	$50	***	***	15	20	
OT Inactive Renewal	$25		10	10	10	9	
OTA Inactive Renewal	$25		2	2	2	1	
OT 1 year renewal	$75	n/a	**	X	X	X	
OTA 1 year renewal	$75	n/a	**	X	X	X	
Biennial Renewal OT	$150	*$150	717	758	783	794	
Biennial Renewal OTA	$150	*$150	126	136	153	163	
Delinq biennial OT	$75	$75	13	13	12	14	
Delinq biennial OTA	$75	$75	2	2	2	2	

15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)								(list revenue dollars in thousands
BCP ID #	FY	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	$ Requested	$ Approved	$ Requested	$ Approved
1111-020-BCP-BR-2016-GB	2016-17	Funding and Position Authority to Augment Enforcement Staff	3.0 AGPA 3.0 SSA	3.0 AGPA 3.0 SSA	$517	$517	$79 FY 16-17; $31 FY 17-18 and ongoing	$79 FY 16-17; $31 FY 17-18 and ongoing
1111-019-BCP-BR-2016-GB	2016-17	Funding and Position Authority to Augment Licensing Staff	1.5 OT (T)	1.5 OT (T)	$96	$96	$25 FY 16-17; $9 FY 17-18 and ongoing	$25 FY 16-17; $9 FY 17-18 and ongoing

Staffing Issues

16. **Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning**.

The two-year process of transitioning to BreEZe required a substantial staff commitment, with up to 30 to 40 percent of Board staff working full-time on BreEZe design and development tasks, including system configuration and testing. Up until implementation of BreEZe in January 2016, Board staff continued to be heavily impacted by BreEZe activities; since implementation, staff has continued working BreEZe, including identifying system and data errors requiring developing and testing various 'updates' in continuous system releases. During this time, the Board lost two key staff members involved in the BreEZe tasks and one staff member due to retirement. The Board filled the vacancies with internal candidates and back-filled those vacancies with three new staff members.

As a result of the increase in complaints (and resulting workload) and the increase in applicants for licensure, two Budget Change Proposals were approved, augmenting staff with 7.5 PYs in FY 2016-17.

17. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

All staff is encouraged to take courses that relate to their job, broaden their knowledge base, enhance their skill set, or better them for advancement or upward mobility opportunities. Staff is provided opportunities to cross-train and/or complete special

projects that aren't within their normal assigned duties; this provides a low-cost way to further assist with staff development.

Staff is encouraged to take classes offered by the DCA's *Strategic, Organization, Leadership, and Individual Development* (SOLID) unit. The professionals employed by SOLID have extensive experience and training in a multitude of areas, gained from the State of California as well as the private sector. The training offered is no-cost to the Board (consistent with the Executive Order regarding travel) and focuses on building the skills desired for advancement. Requests to attend training offered by outside training vendors are also considered.

Due to the lack of training requests (outside of the no-cost training provided by SOLID) the Board spent $1,200.00 in fiscal year 2012-13. During fiscal years 2013/14, 2014/15 and 2015/16, due to staff being dedicated to the design and development of BreEZe and staff attending SOLID courses, there were no training-related expenditures .

18. What are the board's performance targets/expectations for its licensing[1] program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

CCR section 4112 requires that the Board provide written notice to an applicant whether their application is complete or deficient within 30 days of the Board's receipt of the application. Internal statistics for the last three fiscal years reflect that the Board is meeting the established expectation. It takes the Board about 22-27 days to provide an applicant written notice whether the application is complete (and approved) or whether additional documentation is required.

19. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board is meeting its regulatory goal in processing applications and notifying applicants within 30 days of the status of their application, so pending applications have not grown at a rate that is not manageable. On occasion, when the Board has been in jeopardy of exceeding the 30-day notification period, it has been able to redirect staff resources. These occasions usually occur for very short durations and happen around graduation periods. The Board will continue to monitor the processing times and take appropriate steps to seek additional staff through the BCP process and/or consider legislative or regulatory change if it is not able to meet the standards established in CCR section 4112.

20. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

Table 6. Licensee Population

		FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Occupational Therapist	Active	4777	5054	5223	5293
	Inactive	394	408	407	364
	Out-of-State	1025	1147	1246	1359
	Out-of-Country	42	46	38	40
	Delinquent *	177	172	157	187
Occupational Therapy Assistant	Active	838	907	1021	1085
	Inactive	68	66	76	49
	Out-of-State	198	239	259	292
	Out-of-Country	0	0	1	1
	Delinquent *	26	21	27	30
	Out-of-Country	0	0	0	0

[1] The term "license" in this document includes a license certificate or registration.

Table 7a.
Licensing Data for Occupational Therapists

Application Type OT		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2013/14	(Exam)						-	-			
	(License)	986	968	28	854	81	-	-	17	57	-
	(Renewal)		5634				-	-			
FY 2014/15	(Exam)						-	-			
	(License)	973	1052	15	961	92	-	-	29	60	-
	(Renewal)		5787				-	-			
FY 2015/16	(Exam)						-	-			
	(License)	1105	1035	25	1078	96	-	-	22	64	-
	(Renewal)		5844				-	-			

Licensing Data for Occupational Therapist Assistants

Application Type OTA		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2013/14	(Exam)						-	-			
	(License)	325	370	13	290	25	-	-	19	74	-
	(Renewal)		994				-	-			
FY 2014/15	(Exam)						-	-			
	(License)	341	372	3	322	29	-	-	18	86	-
	(Renewal)		1124				-	-			
FY 2015/16	(Exam)						-	-			
	(License)	399	369	11	388	55	-	-	21	68	-
	(Renewal)		1164				-	-			

*Optional. List if tracked by the board.

Table 7b. Total Licensing Data	FY 2013/14	FY 2014/15	FY 2015/16
Initial Licensing Data for OT and OTA:			
Initial OT License/Initial Exam Applications Received	986	973	1105
Initial OT License/Initial Exam Applications Approved	968	1052	1035
Initial OT License/Initial Exam Applications Closed	28	15	25
OT Licenses Issued	854	961	1078
Initial OTA License/Initial Exam Applications Received	325	341	399
Initial OTA License/Initial Exam Applications Approved	370	372	369
Initial OTA License/Initial Exam Applications Closed	13	3	11
OTA Licenses Issued	290	322	388

Table 7b. Total Licensing Data (cont)			
	FY 2013/14	FY 2014/15	FY 2015/16
Initial License/Initial Exam Pending Application Data for OT and OTA:			
Pending OT Applications (Total at close of FY)	81	92	96
Pending OT Applications (Outside of board control)*	Data not available		
Pending OT Applications (Within the board control)*			
Pending OTA Applications (Total at close of FY)	25	29	55
Pending OTA Applications (Outside of board control)*	Data not available		
Pending OTA Applications (Within the board control)*			
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE) for OT and OTA:			
Average Days to OT Application Approval (All – Complete/Incomplete)	42	39	44
Average Days to OT Application Approval (Incomplete applications)*	57	69	64
Average Days to OT Application Approval (Complete applications)*	17	29	22
Average Days to OTA Application Approval (All – Complete/Incomplete)	52	42	32
Average Days to OTA Application Approval (Incomplete applications)*	74	86	68
Average Days to OTA Application Approval (Complete applications)*	19	18	21
License Renewal Data:			
License Renewed	**See Table 7a above**		

21. **How does the board verify information provided by the applicant**?

   a. **What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?**

When an applicant submits their application for licensure, he or she is required to disclose whether any health-related professional licensing or disciplinary body in any state, territory, or foreign jurisdiction has ever denied, limited, placed on probation, restricted, suspended, cancelled, or revoked any professional license, certificate, or registration, or imposed a fine, reprimand, or taken any other disciplinary action against any license or certificate they hold or have ever held. If the applicant discloses another license on their application, he or she is required to submit a license verification from the issuing authority. The license verification is used as a primary source to determine if the applicant had a license or certificate that had been disciplined by another state or province. (This process also allows the Board to determine if the applicant has been truthful in the application process.)

Each applicant is also required to disclose any past misdemeanor or felony convictions, regardless of the age of the conviction or whether the matter has been expunged. As part of the licensure process, each applicant is required to submit their fingerprints for processing through the California Department of Justice and the Federal Bureau of Investigation for processing at both the State and Federal levels.

(This process also allows the Board to determine if the applicant has been truthful in the application process.)

b. Does the board fingerprint all applicants?

As part of the licensure process, all applicants are required to submit their fingerprints for processing through the California Department of Justice and the Federal Bureau of Investigation. Applicants can submit their fingerprints electronically if they access one of several hundred LiveScan locations in California. Applicants located out of state must complete and submit fingerprint cards directly to the Board; the Board then forwards the cards to the DOJ for manual processing. Whether fingerprints are submitted via LiveScan or fingerprint cards, no applicant is approved for licensure until the background checks from both the Department of Justice and Federal Bureau of Investigation are received by the Board.

c. Have all current licensees been fingerprinted? If not, explain.

All current licensees have been fingerprinted before their initial license application was approved in order to verify whether an applicant has been convicted of crimes in the past, and also to provide the Board with subsequent arrest information. Thus, the fingerprint image is "maintained" by the Department of Justice. With the fingerprints maintained by DOJ, the Board also received subsequent arrest and subsequent conviction reports. This allows the Board to open a 'case' and follow the arrest through the process and follow up on the conviction to determine if is substantially related to the qualifications, functions or duties of an occupational therapy practitioner.

Whether notified of an arrest that leads to a conviction or notification of the conviction, in either case, if the conviction is deemed to be substantially related, it becomes the basis for the Board to take disciplinary action against the licensee. (This process also allows the Board to determine if the licensee was truthful in completing the renewal application.)

d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

Previously, the federal government maintained two databanks: the National Practitioner Data Bank (NPDB) and the Healthcare Integrity & Protection Data Bank (HIPDB). In May 2013, these two databanks (and reporting requirements) were merged into one and now is referred to only as the NPDB. The NPDB collects information and maintains reports on:

- Federal and state licensure and certification actions
- Health care-related criminal convictions and civil judgments
- Medicare and Medicaid exclusions
- Medical malpractice payments
- Adverse clinical privileges actions
- Adverse professional society membership actions
- Other adjudicated actions or decisions

The intent of the databank is to improve the quality of health care by encouraging state licensing boards, hospitals, health care employers, other health care entities, and professional societies to identify and discipline those licensees who engage in illegal or unprofessional behavior; and to restrict the ability of incompetent health care practitioners from moving from state-to-state without disclosure or discovery of previous discipline, medical malpractice payment or other adverse action. Adverse actions can involve action taken against licensure, clinical privileges, and professional society membership.

Reporters to the NPDB include, but are not limited to:

- State healthcare licensing boards
- Medical malpractice payers
- Hospitals
- Professional societies with formal peer review
- Other health care entities with formal peer review (e.g., HMOs, managed care organizations, etc.)
- State entity licensing and certification authorities
- Drug Enforcement Agency
- Health and Human Services' Office of the Inspector General

The Board reports all disciplinary actions taken against applicants and licensees to the NPDB as required by federal law.

During the period May 2010 to December 2013, the Board used the 'Continuous Query' feature for applicants as well as licensees placed on probation during the period May 2010 to December 2013. During that period, the Board it spent more than $13,200 on 2,317 enrollments in the 'continuous query' and the subsequent renewals. The Board only received two 'hits' (or reports) during the 2 ½+ years the NPDB was being queried. Based on the lack of 'hits' received, it was determined this was not the most efficient use of Board funds. Thus, the NPDB 'query' was no longer utilized as of December 2013. One possible reason for the lack of 'hits' in the NPDB may be that few other occupational therapy state regulatory boards report actions to the databank as required by federal law.

The Board is satisfied with existing processes used for the applicant qualification process, which protects the public's interests. Applicants are required to submit fingerprints for background checks with the Department of Justice and Federal Bureau of Investigation. Individuals that have been licensed in another state(s) applying for a California license must submit a license verification from each state agency where they hold a license; the verification must indicate whether their license has ever been disciplined by that agency. For these reasons the Board has not created a plan nor sought legislation that would require applicants to pay for the national practitioner data bank query fee.

e. Does the board require primary source documentation?

The Board requires primary source documentation (e.g., educational transcripts issued by the university or college, verification of passage of the examination issued by the vendor, license verifications issued by another state agency, court documents relating to convictions issued by the appropriate court system, etc.) to ensure the accuracy of the document submitted. Primary source documentation also assists the Board in determining if the applicant has been truthful in the application process, when the documentation submitted is compared to the information the applicant has provided on the application form.

22. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The Board does not have reciprocity with any other state licensing boards. Any person from another state seeking licensure in California as an Occupational Therapist (OT) or Occupational Therapy Assistant (OTA) will need to demonstrate compliance with all licensing requirements, including demonstrating minimum entry-level competence. This is demonstrated by completion of specific educational and supervised fieldwork requirements set forth in BPC section 2570.6 and successful completion of the entry-level examinations administered by the National Board for Certification in Occupational Therapy, Inc.(NBCOT).

Occupational Therapists trained outside of the United States are required to complete the educational and supervised fieldwork requirements set forth in BPC section 2570.6 and successfully complete the entry-level certification examination administered by NBCOT. (There are no foreign occupational therapy assistant programs recognized; only graduates of United States occupational therapy assistant programs are eligible to take the NBCOT examination.) Pursuant to BPC section 30, applicants shall provide either an individual taxpayer identification number or a social security number before a license can be issued.

An individual applying for a license as an occupational therapist or as an occupational therapy assistant shall submit a completed application and demonstrate to the Board that he or she meets all of the requirements set forth in BPC section 2570.6:

> (a) That the applicant is in good standing and has not committed acts or crimes constituting grounds for denial of a license under Section 480.
>
> (b)(1) That the applicant has successfully completed the academic requirements of an educational program for occupational therapists or occupational therapy assistants that is approved by the board and accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), or accredited or approved by the American Occupational Therapy Association's (AOTA) predecessor organization, or approved by AOTA's Career Mobility Program.
>
> (d) That the applicant has successfully completed a period of supervised fieldwork experience approved by the board and arranged by a recognized educational institution where he or she met the academic requirements of subdivision (b) or (c) or arranged by a nationally recognized professional association.
>
> (e) That the applicant has passed an examination as provided in Section 2570.7.

(f) That the applicant, at the time of application, is a person over 18 years of age, is not addicted to alcohol or any controlled substance, and has not committed acts or crimes constituting grounds for denial of licensure under Section 480.

The law allows an OT or OTA who holds a current, active, and non-restricted license issued by another state with requirements at least as stringent as California to work in California for 60-days from the date an application for licensure is received by the Board; the OT or OTA must work in association with a California-licensed OT.

Any applicant who holds or has ever held a license, registration, or certificate in any health-related profession, including occupational therapy, in any state, province, or country, must disclose these licenses, registrations or certificates and request a license verification from each of those jurisdictions.

Other than those items listed above, the application process is the same for new graduates, or applicants from out-of-state or country.

23. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

Existing law, BPC section 2570.6, establishes that an applicant for licensure must successfully complete an occupational therapy academic program that has been accredited by the Accreditation Council on Occupational Therapy Education (ACOTE).

Existing law, BPC section 2570.7, also establishes an applicant for state licensure must pass the examination administered by NBCOT. In order for NBCOT to allow a candidate to sit for the certification examination the candidate must provide evidence (a transcript) they successfully completed an OT or OTA educational program that is accredited by ACOTE; graduates of a foreign educational program must submit evidence to NBCOT that the program they completed contained substantially equivalent courses to the education curriculum required of program accredited by ACOTE.

As previously reported there is a pathway for OTAs to qualify by having completed military education and training. This is because all military OTA programs have been accredited by ACOTE and meet NBCOT's eligibility requirements for the COTA examination.

A review of the qualification requirements for any occupational therapists serving in the Army, Navy, and Air Force, indicates that completion of an accredited occupational therapy degree program and passage of the NBCOT examination is required.

a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

The Board does not currently track applicants who are veterans. However, the Board updated the (paper) application for licensure to ask whether the applicant is currently in the U.S. military or has ever been in the military, consistent with BPC

section 114.5. Additionally there is a section where the applicant can identify the branch of military in which they are currently serving or have served.

Upcoming enhancements to the BreEZe computer system will be implemented in the future to assist Board staff in the tracking of applicants' military status.

b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

Board staff has not received an application in which the applicant offered military education, training or experience towards meeting licensing or credentialing requirements for an OT license. Effective August 2008, the minimum educational program increased from a baccalaureate degree to a post baccalaureate degree (Master's degree in occupational therapy) in order for applicants to be eligible to take the examination. The Board is not aware of any military education or training program that has been deemed equivalent to a Masters' degree or that has been accredited ACOTE.

Board staff has received applications for an OTA license in which military education, and training has been used to meet licensing requirements. These applications were treated as any other application that included a transcript provided from ACOTE-accredited OTA program.

c. What regulatory changes has the board made to bring it into conformance with BPC § 35?

Military OTA programs have been accredited by ACOTE and meet NBCOT's educational requirements for applicants to be eligible to take the COTA examination. Thus OTA education and experience obtained in the armed services of the United States apply toward licensure requirements and no regulations are needed.

Since the minimum education level to qualify to be eligible to take the occupational therapist examination is a Master's degree, military education and training does not qualify.

d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

Although it is infrequent that a licensee notifies Board staff of their military service and requests a waiver, Board staff has waived fees in the past. Future enhancements to BreEZe are in process and once implemented, will assist Board staff in the tracking of these types of requests.

Due to the infrequency of this request, the impact on Board revenues is insignificant.

e. How many applications has the board expedited pursuant to BPC § 115.5?

The Board does not currently have a way to track the number of applicants who seek expedited processing under this provision but the numbers are few. Upcoming enhancement to BreEZe will identify applications that require expedited processing

pursuant to BPC section 115.5 and the Board will be able to provide statistical data in the future.

24. **Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog**.

The Board submits No Longer Interested (NLI) notifications to DOJ when a license is cancelled, surrendered, revoked, or reported deceased. The NLI notification is also submitted to DOJ when an application for licensure is abandoned. All NLI notifications are faxed to DOJ and a copy of the form is retained.

Due to the fact that some applicants submit their fingerprints to DOJ but never submit an application for licensure to the Board, there is an internal policy that requires Board staff to submit the NLI if an application is not received from the applicant within 60 days of receipt of the DOJ or FBI information, whichever occurs latest.

There is not a back log of NLI notifications to be sent to DOJ.

25. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

Pursuant to BPC Section 2570.7, each applicant for licensure shall successfully complete the entry level certification examination for occupational therapists or occupational therapy assistants. The entry-level examinations administered by NBCOT are to determine whether the candidate for licensure is able to demonstrate entry-level competence as an occupational therapist or occupational therapy assistant. The examinations administered by NBCOT are offered in English only, and passage of the examinations administered by NBCOT is a minimum licensure requirement for the United States and Puerto Rico.

Currently, a California specific examination is not required.

26. What are pass rates for first time vs. retakes in the past 4 fiscal years? *(Refer to Table 8: Examination Data)* Are pass rates collected for examinations offered in a language other than English?

The National examinations data is not available by fiscal year; NBCOT has provided pass rates by calendar year only.

Examinations

Table 8. Examination Data	
National Examination	
License Type	**Occupational Therapist**
Exam Title	***OCCUPATIONAL THERAPIST REGISTERED - OTR***
FY 2012/13	Examination data not available by fiscal year; calendar year data for first time test takers in table below
FY 2013/14	
FY 2014/15	
FY 2015/16	
Date of Last OA	2012
Name of OA Developer	NBCOT
Target OA Date	2017
License Type	**Occupational Therapy Assistant**
Exam Title	***CERTIFIED OCCUPATIONAL THERAPY ASSISTANT - COTA***
FY 2012/13	Examination data not available by fiscal year; calendar year data for first time test takers in table below
FY 2013/14	
FY 2014/15	
FY 2015/16	
Date of Last OA	2012
Name of OA Developer	NBCOT
Target OA Date	2017

OCCUPATIONAL THERAPIST
Examination Statistics

Year	National Candidates	National Pass rate	California Candidates	California Pass rate
2012	4931	86%	339	85%
2013	5411	84%	355	84%
2014	5758	86%	379	85%
2015	6067	87%	411	84%

OCCUPATIONAL THERAPY ASSISTANT
Examination Statistics

Year	National Candidates	National Pass rate	California Candidates	California Pass rate
2012	3806	81%	116	80%
2013	4354	84%	166	80%
2014	4607	82%	179	77%
2015	4949	79%	257	72%

27. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

The NBCOT uses computer-based testing to administer the examinations required to demonstrate competence as an occupational therapist or an occupational therapy assistant. The examinations are administered at Prometric Test Centers worldwide, through a network of more than 10,000 testing centers in more than 160 countries. Most PTC test centers are open six days a week and many centers offer evening hours for candidate convenience.

There are two ways a candidate can apply for the examinations – online or by mail using a hardcopy application. Both options are available via NBCOT's website (www.nbcot.org) including the option to download a hardcopy of the application.

Candidates are encouraged to review the Certification Examination Handbook, which is available on NBCOT's website, prior to applying for the exam. The handbook has been developed to provide exam candidates with the information they need to complete and an examination application and successfully pass the required examination.

All candidates are required to answer the character questions on the exam application and for those who respond affirmatively, comply with related documentation requirements. Candidates requesting special testing accommodations must indicate this request on the application and comply with associated documentation requirements. Reporting services are available to all candidates as part of the exam application process including: 1) Confirmation of Examination Registration and Eligibility to Examine Notice; and 2) Official Score Transfer.

After the candidate has submitted an exam application and fee to NBCOT, they must also submit an Official Final Transcript or an Academic Credential Verification Form (ACVF). The ACVF may be submitted in the event that the official transcript is not final with the understanding that the final transcript must be submitted when available from the college or university's Registrars' Office

Once an exam application has been approved by NBCOT, the candidate is provided with an Authorization to Test (ATT) letter. The ATT letter authorizes the candidate to take the examination and is active for 90 days. Upon receipt of an ATT letter, a candidate can then proceed with contacting Prometric Test Centers to schedule a date, time and location to test.

The official score report is provided directly to the Board via an on-line secure portal, once the candidate makes the request to NBCOT.

28. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

There are no statutory barriers or inefficiencies that hinder the processing of applications. The application process required in California is fairly consistent across the United States, including completing educational programs accredited by ACOTE and passage of the examinations administered by NBCOT.

School approvals

29. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

The ACOTE approves all occupational therapy educational programs; the Board does not work directly with BPPE.

30. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

Not applicable; the Board does not approve the schools, review them or remove them.

31. What are the board's legal requirements regarding approval of international schools?

Not applicable; the Board does not approve schools or educational programs.

Continuing Education/Competency Requirements

32. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

Occupational therapy practitioners are required to complete 24 professional development units (PDUs) to demonstrate continuing competency to renew their license with an active status. The PDUs must be taken in the two-year period preceding the biennial renewal of the license.

CCR section 416(a)(1) defines professional development activities as:

1. One hour of participation in a professional development activity qualifies for one PDU;
2. One academic credit equals 10 PDUs;
3. One Continuing Education Unit (CEU) equals 10 PDUs.

a. How does the board verify CE or other competency requirements?

On the renewal application, licensees are required to self-certify, under penalty of perjury, that they have completed 24 PDUs as a condition of renewing their license with active status. Certificates of completion are not required to be submitted at the time of renewal.

b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.

The Board randomly audits renewing licensees to determine compliance with the PDU requirement. The Board has established a goal of conducting audits on 10-5% of its active renewals.

c. What are consequences for failing a CE audit?

A citation and fine is issued to licensees who fail to demonstrate completion of the PDUs required for renewal. Incorporated within the citation is an Order of Abatement that requires the licensee to complete the deficiency that exists. (That may be as few as one hour or could be as many as all 24 hours required for renewal.) Licensees that fail to comply with the Order of Abatement are referred to the Office of the Attorney General for formal disciplinary action.

d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

To date, 2,074 audits have been conducted. Of those 2,074 audits, 217 licensees were referred to the Board's Enforcement Unit, for either not responding to the audit or for failing to demonstrate completion of the required 24 PDUs. Of the 217 cases opened by Enforcement, 151 licensees were issued a citation.

Fiscal Year	Audits Completed	Audits Failed	% Audits Failed
2012/13	479	50	10.4
2013/14	501	45	8.98
2014/15	746	83	11.13
2015/16	348	39	11.21
Totals	2,074	217	Avg: 10.43

Audits are not completed for those licensees whose licenses are on inactive status or renewing their license for the first time; both of these categories of licensees aren't required to complete PDUs and therefore shouldn't be audited.

e. What is the board's course approval policy?

The Board does not approve professional development courses or the companies/providers that offer the courses. However, CCR section 4161(b) states that activities acceptable to the Board include, but are not limited to, programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Occupational Therapy Association of California.

In addition to the above, the Board also accepts coursework or programs that: contributes directly to the professional knowledge, skill, and ability and relates

directly to the practice of occupational therapy. The activity must be objectively measurable in terms of the hours involved.

The licensee must receive a certificate of completion or other documentary evidence establishing completion of the program, course or activity.

In order to broaden the ability of licensees to meet the PDU requirement, the Board established a variety of alternative no cost or low cost ways, other than completing courses, for licensees to meet the requirement.

For example, licensees can supervise a student completing the fieldwork required by their educational program; participate in structured special interest or study groups; mentor a practitioner or structured mentoring with an individual skilled in a particular area; publish an article in a peer-reviewed or non-peer reviewed publication; publish a chapter in an occupational therapy or related professional textbook; attend a Board meeting or Board outreach activity.

Thus, licensees are able to complete the PDU requirement by enrolling in continuing education coursework through a variety of online providers, participating in in-service trainings provided by employers and facilities, or other alternative methods.

f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

The Board does not approve CE providers or courses, nor does it use a private vendor Per CCR section 4161, professional development opportunities offered by the American Occupational Therapy Association or Occupational Therapy Association of California are also accepted.

g. How many applications for CE providers and CE courses were received? How many were approved?

Not applicable, no data to report.

h. Does the board audit CE providers? If so, describe the board's policy and process.

The Board does not audit PDU providers.

i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

Due to the lack of evidence-based research available, the Board is not planning to move forward with performance-based assessments of licensees at this time.

Section 5
Enforcement Program

33. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The Board established a performance target of no more than two days to assign a complaint to an investigator (from the date of receipt). The Board consistently achieves this goal.

The Board established a target of no more than 270 days, from the date the complaint is received to its closure; excluding cases that are referred to the AGO for formal discipline.

The Board established a target of no more than 540 days to complete the entire enforcement process (from date of receipt of complaint) for cases resulting in discipline against a licensee.

The Board established a target of no more than ten days (from the effective date of the Board's decision imposing probation) to when a probation monitor makes first contact with a probationer. The Board consistently achieves this goal.

The Board established a target of no more than ten days from the date a probation violation is identified/reported (to the Board) to the date the monitor initiates appropriate action. The Board consistently achieves this goal.

Performance Targets				
	Target Days	**FY 2013/14**	**FY 2014/15**	**FY 2015/16**
Average number of days from complaint receipt to the date the complaint was assigned to an investigator (PM2)	2	1	1	1
Minimum-Maximum-Ave per month		1-1	1- 2	1- 2
Average number of days from complaint receipt to closure of the investigation process; excludes cases sent to AGO (PM3)	270	97	145	141
Minimum days – Maximum days (avg/qtr)		73 -158	107- 161	122-169
Average number of days to complete the entire enforcement process for cases resulting in discipline. (PM4)	540	626	592	480
Minimum days – Maximum days (avg/qtr)		496 - 997	312 - 1452	447-541
Average number of days from monitor assignment to the date the monitor first makes contact with (new) probationer (PM7)	10	1	4	1
Minimum days – Maximum days (avg/qtr)		1 - 2	1 - 6	1
Average number of days from the date a violation is reported to the date the monitor initiates appropriate action (PM8)	10	1	3	3
		Same as above	Same as above	1 - 4

34. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The number of complaints received in FY 2015/16 (285) reflects a decrease from prior fiscal years. This is primarily due to (1) Board staff suspended opening internal complaints against licensees for failing to provide notice of an address change and (2) a reduction to the number continuing education audits performed. This was due to a significant amount of time spent and the number of enforcement staff being devoted to the design, configuration, and testing of the BreEZe system in (calendar years) 2014 and 2015. Even with the decrease in complaints in 2015/16, the total number of complaints received for the three fiscal year reporting period (1,512) represents an increase from the total number of complaints reported in the 2012 sunset report (1,455).

The number of convictions and arrests reported to the Board has increased 24% since the 2012 Sunset Report. Data indicates the Board received 116 reports in 2013/14; 146 reports in 2014/15; and 139 reports in 2015/16, for a total of 401 reports. The Board's 2012 Sunset Report indicated that it had received 323 reports during the three year reporting period.

Due to enforcement staff being devoted to the BreEZe project, the number of pending investigations at the end of FY 2015/16 reflects an increase from the prior fiscal year. At the end of FY 2014/15 the Board had 326 investigations pending; FY 2015/16 closed with 509 investigations pending.

Through the BCP process the Board was authorized six new enforcement positions in July 2016. The Board is currently in the recruitment process and anticipates four analyst positions will be filled by December 2016 and the balance of positions filled by March or April 2017. Due to the increase in staffing, the Board anticipates the number of pending investigations will be reduced by December 2017.

Table 9a. Enforcement Statistics			
	FY 2013/14	FY 2014/15	FY 2015/16
COMPLAINT			
Intake			
Received	633	594	285
Closed	0	1	2
Referred to INV	633	591	280
Average Time to Close	1	1	1
Pending (close of FY)	0	2	3
Source of Complaint			
Public	53	34	23
Licensee/Professional Groups	3	6	4
Governmental Agencies	6	5	5
Other	571	549	253
Conviction / Arrest			
CONV Received	116	146	139
CONV Closed	116	146	139
Average Time to Close	1	1	1
CONV Pending (close of FY)	0	0	
LICENSE DENIAL			
License Applications Denied	1	2	1
SOIs Filed	5	4	2
SOIs Withdrawn	0	0	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	298	318	287
ACCUSATION			
Accusations Filed	5	3	10
Accusations Withdrawn	1	0	0
Accusations Dismissed	0	0	0
Accusations Declined	0	0	0
Average Days Accusations	512	394	583
Pending (close of FY)	11	11	13

Table 9b. Enforcement Statistics (continued)			
	FY 2013/14	FY 2014/15	FY 2015/16
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	5	3	4
Stipulations	10	4	5
Average Days to Complete	704	666	462
AG Cases Initiated	12	12	14
AG Cases Pending (close of FY)	11	11	13
Disciplinary Outcomes TOTALS	14	4	8
Revocation	2	0	1
Voluntary Surrender	2	1	3
Suspension	0	0	0
Probation with Suspension	1	0	0
Probation	6	2	4
Public Reprimand	1	1	0
Probationary License Issued	2	1	1
Other	2	0	0
PROBATION			
New Probationers	6	3	5
Probations Successfully Completed	6	4	2
Probationers (close of FY)	17	17	18
Petitions to Revoke Probation	1	1	0
Probations Revoked	1	0	1
Probations Modified	1	0	0
Probations Extended	0	0	0
Probationers Subject to Drug Testing	10	10	8
Drug Tests Ordered	354	400	256
Positive Drug Tests	9	10	2
Petition for Reinstatement Granted	1	0	1
DIVERSION			
New Participants	NOT APPLICABLE The Board does not have a Diversion Program		
Successful Completions			
Participants (close of FY)			
Terminations			
Terminations for Public Threat			
Drug Tests Ordered			
Positive Drug Tests			

Table 9c. Enforcement Statistics (continued)			
	FY 2013/14	**FY 2014/15**	**FY 2015/16**
INVESTIGATION			
All Investigations			
First Assigned	749	737	419
Closed	633	737	243
Average days to close	100	146	146
Pending (close of FY)	320	326	509
Desk Investigations	749	737	419
Closed	633	737	146
Average days to close	100	146	146
Pending (close of FY)	320	326	509
Non-Sworn Investigation	Not applicable		
Sworn Investigation	33	59	11
Closed	32	44	16
Average days to close	267	249	232
Pending (close of FY)	15	31	3
COMPLIANCE ACTION			
ISO & TRO Issued	0	0	0
PC 23 Orders Requested	2	0	1
Other Suspension Orders	0	1	1
Public Letter of Reprimand	1	1	0
Cease & Desist/Warning	118	84	22
Referred for Diversion	Not applicable		
Compel Examination	0	0	1
CITATION AND FINE			
Citations Issued	145	296	525
Average Days to Complete	123	176	266
Amount of Fines Assessed	$30,326	$42,451	$18,525
Reduced, Withdrawn, Dismissed	16	27	8
Amount Collected	$29,207	$35,933	$15,675
CRIMINAL ACTION			
Referred for Criminal Prosecution	1	0	1

Table 10. Enforcement Aging						
	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
1 Year	2	2	0	4	8	20.5%
2 Years	1	8	6	7	22	56.4%
3 Years	1	2	0	2	5	12.8%
4 Years	0	3	1	0	4	10.3%
Over 4 Years	0	0	0	0	0	
Total Cases Closed	4	15	7	13	39	
Investigations (Average %)						
Closed Within:						
90 Days	343	373	267	130	1,113	52.9%
180 Days	121	171	279	33	604	28.7%
1 Year	16	74	147	60	297	14.1%
2 Years	12	11	43	15	81	3.8%
3 Years	1	4	1	5	11	0.5%
Over 3 Years	0	0	0	0	0	
Total Cases Closed	493	633	737	243	2,106	

35. What do overall statistics show as to increases or decreases in disciplinary action since last review?

There has been a decrease in the number of disciplinary actions taken by the Board when compared to the 2012 Sunset Report. In the four fiscal years that encompass this report the cumulative total of number of license revocations/surrenders was 14; with 18 licensees being placed on probation. In the prior Sunset Report encompassing three fiscal years the Board reported a cumulative total of 12 license revocations/surrenders and 38 licensees being placed on probation.

The reason for the drop in formal disciplinary actions could be attributed to the higher than normal number of pending investigations and the limited staffing resources available to investigate complaints during the reporting period.

The Board also directly heard cases and rendered decisions with an Administrative Law Judge (ALJ) presiding in Petitions for Reinstatement, Petitions for Modification or Early Termination of Probation, and in accordance with a Board policy, regarding an unlicensed person providing services for more than one year.

Also, as allowed under BPC Section 2570.32(f), the Board refused to hear 3 Petitions for Reinstatement in the four fiscal year reporting period; all petitioners were under sentence for a criminal offense, including a period during which the petitioner was on court-imposed probation or parole.

Detailed data provided on next page.

HEARINGS BEFORE THE BOARD (With ALJ presiding)				
	2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Petitions for Reinstatement	1	1	2	1
Granted	1	1	0	1
Denied	0	0	2	0
Petitions for Modification or Early Termination of Probation	2	2	2	1
Granted	1	1	0	1
Denied	1	1	2	0
Unlicensed Practice Hearing	0	0	0	1
License(s) Denied	0	0	0	0
License(s) granted with terms and conditions	0	0	0	1

36. How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The Department's *Complaint Prioritization Guidelines* was provided to the Board for consideration at their December 3, 2009, meeting. While the Board agreed with the majority of the guidelines, some slight modifications were made prior to its adoption. The Board's *Complaint Prioritization Guidelines* are included as Attachment << **tbd**>> in Section 12.

37. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

a. What is the dollar threshold for settlement reports received by the board?

BPC Section 801.1(a) requires every state or local governmental agency that self-insures a person who holds a license, certificate, or similar authority, shall report any settlement or arbitration award over three thousand dollars ($3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional services.

BPC Section 802 requires that every settlement, judgment, or arbitration award over three thousand dollars ($3,000) of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or by the unauthorized rendering of professional services, by a person who holds a license, be reported to the Board.

BPC Section 803.5(a) requires the clerk of the court to notify the Board of any filings against a licensee charging a felony. BPC Section 803.5(b) also requires the clerk of the court to notify the Board, within 48 hours after the conviction, by transmitting a certified copy of the record of conviction to the Board.

The Board also relies on subsequent arrest and subsequent conviction notification from the Department of Justice.

b. What is the average dollar amount of settlements reported to the board?

During the Sunset reporting period, the Board received only one settlement/arbitration award report pursuant to BPC Section 801, in the amount of $47,500.

38. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.

a. What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?
b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

With limited exceptions, the Board has not settled any cases prior to the filing of an Accusation or *Statement of Issues.* The Board settled 16 cases with nine cases being decided by a hearing in the last four Fiscal Years. The table below displays the data for cases that were 'settled' compared to the number of cases that went to Hearing.

CASES - SETTLEMENTS v **HEARING**				
	2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Cases settled – Pre-Accusation	0	0	0	0
Cases settled – Post-Accusation	1	8	3	4
Cases decided by a Hearing	2	4	1	2

Note - Board staff uses what is (internally) called the 'Quick Stip' process. In an effort to speed up the administrative process for applicants who are being denied licensure pursuant to BPC 480, and as long as the case warrants settlement, Board staff will contact the applicant to ascertain if they would be willing to have a license granted with probation terms. Board staff advises the applicant of the terms and conditions that are being sought. If the applicant agrees with the terms and conditions presented, staff forwards the case to a Supervising Deputy Attorney General (SDAG) that oversees a Legal Assistant Team (LAT): The LAT, under the SDAG's supervision, then prepares a Statement of Issues (SOI) outlining the charges and the Stipulated Settlement and Disciplinary Order.

This collaborative approach streamlines the standard adjudication process where the Board would forward the case to an AG office in the proximity of the applicant, the case would then be assigned to a Deputy Attorney General (DAG), an SOI would be prepared and served, and then the applicant would have an opportunity to inquire if settlement was a possibility or otherwise schedule a hearing. We hesitate to call this a settlement

pre-accusation because no formal signed or binding agreement is entered into between the applicant and staff prior to the service of the Statement of Issues. Moreover, the Board must consider the settlement terms and either adopt it or send the case to a hearing with an Administrative Law Judge.

c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

The percentage of cases settled in each respective Fiscal Year is reflected in the table below. The cumulative percentage of the four Fiscal Years is 64% (16 cases settled with 9 cases decided by hearing or default).

Note: Five (5) of the settlements reported in this data set resulted in Surrender of a license. The data set below only pertains to Accusations. It does not include Statement of Issues cases or subsequent disciplinary action taken against a licensee placed on probation.

CASES - SETTLEMENTS v HEARING				
	FY 2012/13	**FY 2013/14**	**FY 2014/15**	**FY 2015/16**
# of Cases Settled – Pre-Accusation		0	0	0
# of Cases Settled – Post-Accusation	1	8	3	4
Total Cases Settled	1	8	3	4
# of Cases Decided by a Hearing	2	4	1	2
% of Cases Settled	33.3%	66.6%	75.0%	66.6%

39. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

The Board has no statute of limitations for administrative violations. Board staff typically works with DCA's Division of Investigation (DOI) in matters and/or the Office of the Attorney General (AGO) to determine the viability of successfully prosecuting the case. Also, if the case is transmitted to the AGO, the Deputy Attorney General assigned to the case will advise staff if they have concerns with successfully prosecuting the case; this includes a review of a variety issues, including but not limited to, the age of the violations, mitigation, etc.

40. Describe the board's efforts to address unlicensed activity and the underground economy.

Unlicensed practice continues in California. This includes practice on an expired license and practice without a license. The Board has provided information to employers, occupational therapy educational programs, and consumers regarding the importance of verifying licenses online prior to allowing someone to provide services, however, many employers are not diligent in routinely verifying licenses.

Due to how common it is for practice to occur without a license or on an expired license, the Board has amended the cite and fine regulations to specifically reference the various periods of “unlicensed” practice and the class of violation the practice fails into. (The class is relevant to the fine assessed.) Those periods of practicing without a license or practicing on an expired license for a period of *greater than a year* will not be issued a citation; instead the violation(s) will be included in a statement of issues (in a case involving an unlicensed individual) or in an accusation (in a case involving a licensee).

The Board investigates all complaints or reports of unlicensed practice. The vast majority of unlicensed practice cases pertain to licensees that renew delinquently. These cases are typically resolved with a citation and fine. The fine can range from $50 to $5,000, based on the amount of time the licensee practiced without a current and active license as set forth in 16 CCR section 4141.

In an effort to provide the Committee with statistical data regarding the frequency the Board has issued citations for unlicensed practice we are providing the following: the Board issued 14 citations in FY 2012/13, 13 citations in FY 2013/14, 24 citations in 2014/15, and 11 citations in FY 2015/16. The minimum fine assessment was $125 and the maximum was $5,000

The Board also investigated three unlicensed practice matters that resulted in criminal convictions; descriptions are as follows::

- An individual holding herself out as an occupational therapist in the Long Beach area was convicted of a misdemeanor in July 2016. The individual who had an educational background in occupational therapy stole the identity of a licensed occupational therapist with a similar name to gain employment under false pretense from 2009 through August 4, 2015. This matter came to the Board’s attention when the subject’s employer reported the individual in question was unable to produce a copy of her initial wall certificate for inspection. The employer then emailed a copy of the subject’s renewal pocket license to Board staff for inspection and the license was determined to have discrepancies.

- An individual holding himself out as being able to provide occupational therapy services in Santa Barbara County was convicted of a misdemeanor in March 2016. The individual and a family member were fraudulently representing they were licensed health professions while rendering home health services for direct payment to a client in the San Luis Obispo area. They were also soliciting to provide professional home care services for direct payment to other families in the area.

- An occupational therapy assistant was convicted of a felony offense in October 2014 for practicing unlicensed as an occupational therapist. The individual misrepresented his credentials and provided an altered license to an employer to gain employment under false pretense. The subject had previously been issued a warning from the Board for functioning in an autonomous manner. The subject’s

occupational therapy assistant license was ultimately surrendered in an administrative action in February 2016.

The Board also had one extraordinary case where an individual claimed being unaware of the licensing requirement going into effect in January 1, 2003. The individual practiced legally in California under 'Title' prior to the licensing requirement going into effect. She moved to another state sometime before the licensing requirement went into effect and returned to California in the Fall of 2003. The individual secured a job with an employer that was seemingly unaware of the licensing requirement and remained employed with that agency until September 2013. The subject discovered she had been practicing unlicensed for approximately 10 years when she was asked to provide a copy of her state license to a potential new employer. The subject then submitted an application for licensure and ultimately had a hearing before the Board. Applicant/appellant was granted a license with probation terms and conditions. However, the subject has not demonstrated she has met a condition precedent to the license being issued: taking and passing the national certification examination.

Cite and Fine

41. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the $5,000 statutory limit?

Intent of Cite and Fine Authority

Business and Professions Code (BPC) Section 125.9 authorizes the Board to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine. The Board established CCR Section 4140(a), which authorizes the Board to issue citations and fines to licensees.

Further, BPC Section 148 authorizes the Board to establish, by regulation, a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the Board. The Board established CCR Section 4140(b), which authorizes the Board to issue citations and fines and/or orders of abatement to unlicensed persons. This authority is exercised on a case-by-case basis when violations are not necessarily egregious enough to warrant discipline and a lesser form of action is appropriate.

Pursuant to CCR Section 4141(a) fines range from $50 to $5,000. The following factors are considered:

1. Gravity of the violation;
2. History of previous violations involving the same or similar conduct;
3. Length of time that has passed since the date of the violation;
4. Consequences of the violation, including potential for patient harm, the good or bad faith exhibited by the cited individual;

5. Evidence that the violation was willful;
6. The extent to which the individual cooperated with the board's investigation;
7. The extent to which the individual has remediated any knowledge and/or skills deficiencies; or
8. Any other mitigating or aggravating factors.

Changes Since Last Sunset Review

There have been no amendments to the cite and fine regulatory language since the last Sunset Review.

Increase of Citation Fine to $5,000

The Board increased its maximum fines to the $5,000 statutory limit, effective August 19, 2011. Class "A" citations may be issued under specific circumstances that are more serious in nature and/or resulted in or had significant potential for patient harm. These specific violations include, but are not limited to:

1. Failing to provide direct in-sight supervision of an aide when the aide performed a client related task that resulted in harm to the patient.
2. Failing to provide adequate supervision to an occupational therapy assistant that resulted in harm to the patient.
3. Fraudulent medical billing.
4. Practicing without a current and active license for more than one year.
5. An occupational therapy assistant functioning autonomously.
6. The cited person has a history of two or more prior citations of the same or similar violations.

42. How is cite and fine used? What types of violations are the basis for citation and fine?

A citation and fine is an alternative means by which the Board can address violations that do not warrant formal discipline.

CCR Section 4140 gives the Executive Officer the authority to issue citations with or without fines and abatement orders for violations of the Occupational Therapy Practice Act, violations of the California Code of Regulations adopted by the Board, or other statutes or regulations for which the Board has authority to issue a citation. Section 4141 sets fine amounts of $50 up to $2,500 for the least egregious violations.

However, Section 4141(a) sets forth larger fine limits for the more substantial violations. For instance, violations that present a threat to health and safety of another person, unlicensed practice for more than one year or involve multiple violations of the Practice Act, or involve a violation or violations of fraudulent billing, a citation may include a fine up to $5,000.

A large number of citations and fines are issued for minor address change reporting violations or continuing education audit violations. Fines assessed for such violations typically range from $50 to $250, depending upon factors as specified in CCR Section 4141. Factors considered when determining a fine amount are the nature and severity of the violation, evidence that the violation was willful, and extent to which the licensee has cooperated with the Board.

43. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

The table below sets forth the data on citation appeals.

CITATION AND FINE				
	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Citations Issued	157	145	296	52
Informal Conferences *Requested*	23	27	20	7
Informal Conferences *Withdrawn*	0	0	0	0
Informal Conferences *Held*	23	27	19	7
Administrative Hearing Requested	8	4	3	1
Administrative Hearing Withdrawn	8	4	3	1
Administrative Hearing Held with ALJ	0	0	0	0

44. What are the 5 most common violations for which citations are issued?

The most common violations for which violations are issued include:

- Unprofessional conduct - Incompetence, Gross Negligence, Repeated Negligent Acts, Conviction of Practicing Medicine,
- Unlicensed practice - Practicing with an expired license or with an inactive license,
- Failure to complete professional development units as required for license renewal,
- Failure to disclose criminal convictions or disciplinary action taken by another state, and
- Failure to provide a timely address change.

45. What is average fine pre- and post- appeal?

The average citation fine pre-appeal is $185. Citations issued in the last four fiscal years have been issued with fines ranging between $50 (address change violation) and $5,000.00 (unlicensed practice). The final citation fine amount post-appeal averaged $174 over the last four fiscal years.

The table below indicates the number of informal appeals and how many citations were reduced. ***(More info to be added here re: fine amounts)***

CITATION AND FINE			
	FY 2013/14	FY 2014/15	FY 2015/16
Informal Citation Review Conference Held	27	19	7
Number of citations with fine amount upheld	16	15	3
Number of citations with fine amount reduced	2	3	1

46. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

The Board utilizes the Franchise Tax Board's (FTB) Intercept Program to attempt collection of any outstanding fines. Under this program, tax returns or lottery winnings can be seized and sent to the Board as payment of monies owed. Respondents who fail to pay an uncontested fine are sent a series of demand letters when an account is delinquent. If a fine is not contested and full payment is not made within 30 days of the issuance of a fine, or if the respondent fails to contact the Board to make payment arrangements, the Board will send the first demand letter. The Board will send a second notice at 60 days delinquent. If no response is received from the first or second letters, a third and final notice will be sent, via regular and certified mail, notifying the individual that his/her file will be sent to the FTB and that any tax refunds or lottery winnings will be intercepted and sent to the Board. The FTB will continue to intercept tax refunds and lottery winnings until payment in full has been made.

CITATION AND FINE			
	FY 2013/14	FY 2014/15	FY 2015/16
Number of citations with fine amount unpaid	$4701	$5813	$3975
Citations total unpaid	24	72	5
Number of citations referred to FTB	4	14	1
Number of citations collected by FTB	9	7	4
Dollars intercepted by FTB and forwarded to Board	$750	$350.36	$249.64

Cost Recovery and Restitution

47. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

The Board requests cost recovery in all cases in which it is authorized to seek cost recovery. The Board's Enforcement Unit requests and ensures that each Accusation prepared by the Office of the Attorney General incorporates a request for cost recovery with reference to the applicable statute, Business and Professions Code Section 125.3. Upon receipt of a Proposed Decision, the Board reviews it to ensure it contains a finding by the administrative law judge regarding the reasonableness of the costs of investigation and prosecution of the case. If the Board ever received a Proposed Decision that failed to provide such a finding, it likely would be remanded back to the administrative law judge to incorporate a finding regarding the Board's costs.

Cases that have been resolved by a Stipulated Settlement include an order for full or partial cost recovery, depending on the nature and severity of the violation, the respondent's prior disciplinary record, mitigating evidence, the extent to which the respondent has cooperated with the Board, the ability reimburse the Board and recognized and demonstrated a willingness to correct and/or take steps to prevent reoccurrence of their wrongdoing.

Efforts have not changed since the last sunset review as the Board continues to request cost recovery in every case that is adjudicated and requests restitution in those cases that warrant the request.

48. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

The Board requests recovery of its costs for all cases against licensees relating to revocations, surrenders, and probation; the Board cannot request its costs in investigating or enforcing cases against applicants.

However, not all licensees are ordered to reimburse the Board *all* of its costs. An administrative law judge may only order a *portion* of the Board's costs or to facilitate a stipulated agreement, cost recovery in an amount less than the total costs may be agreed to. Amounts for potential cases, cases ordered, and the ranges of cost recovery that has been ordered and received are reflected by fiscal year in Table 11, Cost Recovery.

49. Are there cases for which the board does not seek cost recovery? Why?

The Board does not seek cost recovery in cases denying an applicant licensure. BPC Section 125.3(a) authorizes the Board to seek recovery of its costs in the investigation and prosecution in cases against licensees; cost recovery does not apply to applicants for licensure.

50. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

The Board uses the Franchise Tax Board's Intercept Program to attempt collection of any outstanding cost recovery orders. Under this program, tax returns or lottery winnings can be seized and sent to the Board as payment of monies owed. Respondents who failed to pay the ordered cost recovery are sent Demand Letters when an account is 30 days delinquent. If payment in full is not made within 30 days or if the respondent fails to contact the Board to make payment arrangements, the Board will send a second notice at 60 days delinquent. If no response is received from the first or second letters, a third and final notice will be sent, regular and certified mail, notifying the individual that his/her file will be sent to FTB and that any tax refunds or lottery winnings will be intercepted and sent to the Board. The FTB will continue to intercept tax refunds and lottery winnings until payment in full has been made. In addition to the FTB action, California Code of Regulation (CCR) Section 4140 (d) states that the full amount of an assessed, non-contested fine shall be added to the fee for renewal of the license and the license won't be renewed without payment of the both the renewal fee and the fine.

51. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

When seeking discipline against a licensee, the Board will request the Office of the Attorney General to seek restitution when a consumer or employer has been defrauded.

Examples of cases where restitution could be requested, includes situations where a licensee provided services to a consumer while their license was not current and active; where a licensee provides (contracted) services but is unable to provide documentation or treatment records to support the services for which they billed as having been provided. Unlicensed practice and fraud are two examples of cases where the Board has sought restitution, however that does not mean the Board would not consider seeking restitution in other types of cases if the facts and circumstances support and warrant restitution to a consumer

The Board successfully placed a licensee on probation for fraudulently billing two separate Regional Centers (employers). A Restitution term was included in the Decision and Order that stated the failure to pay that restitution would be considered a probation violation. In addition, the restitution was required to be paid in full or the probation term would be automatically extended until the fine was paid.

The Board had two additional cases in which it requested Restitution be included in the term of the Probation orders. However, the first case resulted in a surrender of the practitioner's license and the second case resulted in a public reprimand ordered by an Administrative Law Judge that contained an order to reimburse the Board a portion of its costs but did not include the order of restitution to the licensee's former employer.

["Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act]

Table 11. Cost Recovery (list dollars in thousands

	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Total Enforcement Expenditures	106	394	151	137
Potential Cases for Recovery *	3	12	4	6
Cases Recovery Ordered	1	8	4	3
Amount of Cost Recovery Ordered	$3	* $36	$17	$6
Amount Collected	$7	$11	$12	$19

* - Cost recovery reported in the 2013-14 Annual Report was $28,730.

Table 12. Restitution (list dollars

	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Amount Ordered	$0	$149	$0	$0
Amount Collected	$0	$60	$0	$0