REVIEW OF THE NOVEMBER 7, 2016, COMMITTEE MEETING MINUTES.

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

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TELECONFERENCE SUNSET REVIEW AD HOC COMMITTEE MEETING MINUTES

Monday, November 7, 2016

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

Board Staff Present
Heather Martin, Executive Officer
Jeff Hanson, AGPA

Committee Member Absent
Beata Morcos

Public Attendees
Ivan Altamura, Capitol Advocacy on behalf of OTAC
Alex Macilraith, DCA, Legislative and Policy Review Division

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

   Laura Hayth called the meeting to order at 4:11 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 October 20, 2016, committee meeting minutes.**

   A motion was made by Ms. Hayth to accept the minutes from the October 20, 2016 Committee meeting. The motion was seconded by Ms. Miller.

   Roll Call Vote

Teresa Davies	Aye
Denise Miller	Aye
Laura Hayth	Aye

   Motion carried.

4. **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.**

   The Committee was provided with a letter dated June 30, 2016, from OTAC. Ms. Hayth asked the Committee if they had reviewed the letter. Ms. Martin stated there is a newer version of the OTAC letter dated August 15, 2016, that was emailed to the Committee members. Ms. Martin reviewed the revised letter with the Committee indicating that on page 2, after the legislative proposal, there were recommendations regarding options that OTAC would like the Board to consider regarding advance practice.

There was discussion by Ms. Miller regarding the receipt of public comment documents and she asked that any written comment(s) be provided to the Board in a timely manner. She stated that in order to provide a conscious focus on an item it would be good to have the right document to the right people at the right time.

Teresa Davies provided comments on the letter from OTAC and agreed that during sunset review it's a good time to recommend the suggested changes to edit the Business and Professions Code language. Secondly, she indicated as a public member she does not have the knowledge of how the advanced practices will translate into the day-to-day operations and interactions with the patients; therefore, she does not have any context on this matter to give input.

Ms. Miller questioned Ms. Martin if there has been any background provided to the Committee regarding the purpose for some of the comments presented by OTAC. Ms. Martin explained there has not been any additional background other than what was mentioned during the Scope of Practice Committee and the Sunset Committee. She further stated that she discussed the legislative language with Ivan Altamura and Jennifer Snyder earlier this year. Ms. Martin believes that that discussion may have helped prompt OTAC to formally make a suggestion recognizing if this legislative proposal goes forward it would give the Board greater flexible in amending regulations.

Ms. Miller had some follow-up questions to this item, she asked if under the draft Sunset Report if OTAC is making a suggestion either in Concept One or Two on specific language that would be placed in the Sunset Report; or is this just a concept in theory that OTAC would like to consider.

Public Comment

Ivan Altamura provided a response indicating the specific language that OTAC recommended in their August 15th and June letter regarding the amendments to B&P Code section 2570.20 were only specific to the code section, they were not referencing anything specific in the current sunset review report. He stated they were just suggesting that that amendment to the B&P Code section could be added to the Sunset Report.

Ms. Miller asked in reference to that code section, is OTAC requesting specifically to take out a portion and include their suggested language. Mr. Altamura responded "Yes." Ms. Miller referred to the code section and asked him to clarify this for her; Mr. Altamura responded that the proposal is 2570.20 subsection (b). Mr. Altamura explained that the Concept One and Two were included more as a big picture thought behind why they felt that the issue of mental health needed to be addressed. OTAC originally felt it made a lot of sense to be very specific in the scope of practice amendments to talk about mental health issues and do this through amending the scope of practice Act. The tactic they are now suggesting is to have the Board look at it through the sunset review by amending 2570.20(a) and (b). This was as a result of conversations between Jennifer, Heather, and himself that it seemed like it made more sense to give the Board a little broader authority to interpret the current practice Act and to look at what the current practice Act allows and how it states that occupational therapy helps patients with body and mind and to interpret the mind portion.

Ms. Miller referred back to subsection (a) and asked if it was more of a grammatical recommendation or conjectural. Mr. Altamura indicated that Ms. Martin had mentioned to Jennifer and him the change in subsection (a) regarding the approval of examinations and

that the language was antiquated with the current B&P Code and that it might be something that could be added into the sunset review as a potential minor change. Ms. Martin added that the "and approve the examinations" is not necessary because there is another section of the law that states applicants must take and pass an exam. Ms. Miller was satisfied with the explanations on subsection (a).

Ms. Miller referred to subsection (b), Mr. Altamura explained that the language is almost identical to the Physical Therapy Board's authority to interpret and adopt regulations. Ms. Martin stated one reason this came up was that in the third line where it states "...rules relating to professional licensure and to the establishment of ethical standards of practice..." is much narrower and, therefore, by eliminating that reference it allows the Board a broader authority to adopt or amend regulations. Ms. Miller asked if these changes to subsections (a) and (b) were based on a conversation between lobbyists at OTAC and Ms. Martin. Ms. Martin responded, "Yes" and stated she agreed with the recommended changes and that they actually started with the Scope of Practice Ad Hoc Committee.

Ms. Miller stated that she was not clear on the Concept One and Concept Two that was recommended in the OTAC letter. Mr. Altamura replied that OTAC was trying to give some context to the Board and Ad Hoc Committee how occupational therapy fits into the mental health arena. What they anticipated is not so much that Concept One and Concept Two would make their way into the regulation, as much as they were hoping the Board adopted the changes that they are suggesting to the B&P Code section and looking at the concepts to further define the practice of occupational therapy and what practitioners could do as it relates to mental health.

Public comment concluded.

The Committee discussed this matter further. Ms. Miller stated that the advanced practice guidelines hold a higher level of consumer safety than what might be done at an entry level. Ms. Davies stated she appreciated the proposed changes that OTAC provided.

The August 2016, OTAC letter recommending an amendment to 2570.20 was not a part of the Scope of Practice Ad Hoc Committee's recommendation to the Board regarding amending the scope of practice. Ms. Miller asked for an explanation. Ms. Martin stated that it was because the Committee was only looking at the scope of practice. Ms. Miller asked whether or not it can be considered at this time as part of the sunset. Ms. Martin indicated that the Committee could make a recommendation to the Board that this be another legislative proposal to be considered as part of the sunset review process.

A motion was made by Ms. Miller to take Concept One and Two to the Board meeting for consideration and discussion. There was a second by Ms. Hayth.

Roll Call Vote

Teresa Davies	Aye
Denise Miller	Aye
Laura Hayth	Aye

Motion carried.

A motion was made by Ms. Davies to accept the proposal for section 2570.20 for consideration within the sunset review report as proposed legislative language. There was a second by Ms. Hayth.

Roll Call Vote

Teresa Davies	Aye
Denise Miller	Aye
Laura Hayth	Aye

Motion carried.

Public Comment

Mr. Altamura asked for clarification on the advanced practice recommendations contained in OTAC's letter dated August 15, 2016, per Ms. Miller's comments earlier. He asked if she would like OTAC to provide to the Board a better understanding of what the Board should consider at its next meeting regarding how the Committee and/or the Board should be looking at any changes to the advance practice requirements.

Ms. Miller stated she was asking that OTAC be very specific about the language to assist the Committee. She stated that she has no timeline regarding the advance practice recommendations provide by OTAC, just that she would like to see specificity language. Mr. Altamura was confirming that the issue was not dead today and Ms. Miller indicated it was not.

Public comment concluded.

5. Review draft 2016 Sunset Report.

Ms. Hayth referred to Section 1, Background and Description of the Board and Regulated Profession of the Sunset Report indicating that she believes it accurately describes occupational therapy for the general public consumption to understand. Ms. Miller indicated she would like some minor edits to the first highlighted paragraph to reflect the description of mental health and evidence based literature. Ms. Martin asked the Committee if they had any comments on pages 11 through 16 of Section 1. There were no comments by the Committee.

Ms. Hayth moved to Section 2, Performance Measures and Customer Satisfaction Surveys and asked the Committee for feedback. Ms. Miller expressed that she does not understand why a survey would go out after an enforcement action takes place. She believes that the results would not be good. Ms. Miller suggested that a survey be sent out 30-days after the case is closed. Ms. Hayth suggested that the Board provide the satisfaction survey independent of enforcement cases and possibly have a system where it's done once a year and sent out to everyone. Ms. Martin explained to the Committee that the statement "To increase the number of survey responses" is a new process. She explained that DCA developed postcards, along with a QR code, as DCA wants all the Boards reaching out and asking for this information. In addition to the customer satisfaction survey that's on the Board's website, which is usually completed by licensees, recruiters and a few applicants, this is in addition to that survey. The last sentence at the bottom "In further attempts to increase survey responses," staff thought we could send out an email blast with a link to the survey on a quarterly basis.

Ms. Miller asked if the survey that Ms. Martin is referring to is separate from the survey that DCA has created. After further discussion, it was agreed to move the third paragraph under item 7 to be included at the end of the first paragraph. Further, Ms. Miller's feedback was to breakup this section so that it is clear that there are two different surveys and to move the second paragraph under number 7 to the end of the survey on page 28. Ms. Miller stated she does not have any further comments from page 17 through 28. Ms. Hayth asked Ms. Davies for any comments, she had no comments.

Ms. Hayth moved on to Section 3, Fiscal and Staff, there were no comments from the Committee.

Ms. Hayth moved to Section 4, Licensing Program and stated that she did not have any concerns with the wording and asked the Committee if they had anything to add, change or comments. Ms. Davies asked about the continuous query statement where it states that due to the lack of hits received it was not the most efficient use of Board funds. Ms. Martin explained to Ms. Davies that as a result of only receiving two reports during that time period, the value is not that great for the cost involved. Ms. Davies suggested adding a statement to indicate that this feature was no longer utilized.

Ms. Miller had a question on Table 7a. Licensing Data for Occupational Therapists under the approved section and asked why there was such a big increase for 2015/2016. There was discussion about Stanbridge College opening their additional campus and Master's program and that may have contributed to the increase in licenses. Ms. Martin pointed out that some of the applicants in the prior fiscal year (2014/2015) could be included in the amount "approved" for the 2015/2016 fiscal year. She indicated staff will double check the numbers and report back at the next meeting.

Ms. Miller pointed out on page five of 30 the sentence above section e, where it states "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" that this statement is crucial and important as it relates to outreach and increasing the fees. Ms. Hayth suggested not doing anything in regards to this for the Sunset Report, but that it is highlighted for the statement in outreach when they are working with other people.

Ms. Miller referred to page six of 30 toward the bottom of the page under number 22 item (b)(1) last sentence where it states "AOTA's Career Mobility Program," she indicated the last evidence regarding this program was in 1981 and asked if it was still in effect. Ms. Martin explained that it is no longer in effect; however, there was a point in time when people in the past would complete the Career Mobility Program, receive a license in another state and work in another state and then come to California and they could not provide proof of completing an AOTA approved program. Ms. Miller suggested that for the next sunset review this be removed or revisited at that time.

Ms. Miller indicated that the last question she has is on page 27, unless Ms. Davies had something to add. Ms. Davies indicated that she does not have any more comments. Ms. Miller asked for clarification on the Citation and Fine table under "Administrative Hearing Held with ALJ" whether there were really zero cases. Ms. Martin explained that individuals issued a citation have the right to appeal, which is the same as somebody who comes before the Board for a disciplinary reason. This chart is specific to only hearings held for individuals who have appealed citations. Ms. Miller asked which table outlines the hearings that came before the actual Board; Ms. Martin indicated it is under Table 9b

"Disciplinary Outcomes." Ms. Miller asked if these outcomes included all the mail votes, whether by mail or in front of an administrative law judge. Jeff Hanson responded, "Yes." Ms. Martin indicated that she does not see any data on the chart where it indicates the hearings held by the Board. Ms. Miller was asking if this information could be included in the report. Ms. Martin indicated that the hearings held before the Board for unlicensed practice greater than a year is unique to this Board. Ms. Martin suggested on page 20, question 35, staff add something in that section regarding hearings held by the Board. The Committee agreed with this suggestion.

Ms. Martin indicated that as a result of the changes from the meetings, as well as the additional sections, if she can email the sections to the Committee and follow-up with a hard copy. The Committee agreed to this suggestion. Ms. Martin asked the Committee if they want the staff to make the edits suggested in today's meeting and take them to the Board meeting on Friday. The Committee members indicated, "Yes." Ms. Martin stated that she would report back at the Board meeting about the legislative proposals and how the Committee wants it in the Sunset Report.

There were no further comments by the Committee.

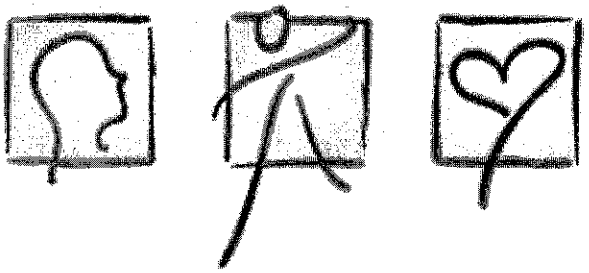
6. Adjournment.

The meeting adjourned at 5:39 p.m.

REVIEW OF THE 2016 SUNSET REPORT.

The California Board of Occupational Therapy

California
BOARD OF OCCUPATIONAL THERAPY



SUNSET REVIEW REPORT

DECEMBER 1, 2016

A Report to the Senate Business, Professions, and Economic Development Committee

State of California

Edmund G. Brown, Jr., Governor
Alexis Podesta, Acting Secretary, Business, Consumer Services and Housing Agency
Awet Kidane, Director, Department of Consumer Affairs

California Board of Occupational Therapy Executive Staff

Heather Martin, Executive Officer
Jeff Hanson, Enforcement Program Manager

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CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

Members

Richard Bookwalter, OT Member, *Vice President*
Teresa Davies, Public Member
Jeffrey Ferro, Public Member
Laura Hayth, OT Member
Denise Miller, OT Member, *President*
Beata Morcos, Public Member
Sharon Pavlovich, OTA Member, *Secretary*

Mission

To protect California consumers of occupational therapy services through effective regulation, licensing and enforcement.

Vision

The California Board of Occupational Therapy, as a model consumer protection agency, aspires to be recognized for our valued commitment to all of our stakeholders.

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Attachment B: Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
Attachment C: Major studies, if any (cf., Section 1, Question 4).
Attachment D: Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).
Attachment E: Quarterly and Annual Performance Measurement Reports (cf., Section 2, Question 6).
Attachment X: Complaint Prioritization Guidelines
Attachment F: Sample Cease Practice Order; and Sample Employer Notification include??

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 reference to "diagnosis" is not intended to refer to a medical diagnosis pursuant to Business and Professions Code sections 2038 and 2052.)

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 A).

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 Board's *Administrative Manual* is included in Section 12.

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

Table 1a. Attendance (7/1/2012 – 6/30/2016)			
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
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

Table 1a. Attendance (7/1/2012 – 6/30/2016)			
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/	09/20/2012	Teleconference	Y

Table 1a. Attendance (7/1/2012 – 6/30/2016)			
Response Comm.			
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
Table 1a. Attendance (7/1/2012 – 6/30/2016)			
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

Table 1a. Attendance (7/1/2012 – 6/30/2016)			
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
Table 1a. Attendance (7/1/2012 – 6/30/2016)			
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

Table 1a. Attendance (7/1/2012 – 6/30/2016)			
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
Table 1a. Attendance (7/1/2012 – 6/30/2016)			
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 a new computer system/database, the Board successfully transitioned to the 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. BreEZe 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

Section(s)	Rulemaking File Subject	Status	Publication Date	Close of public comment period	Effective date of language
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, 416341 81	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.**

The Board does not maintain any national association memberships.

- **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 candidate so 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%
Georgia	1	20%
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
Good	2	40%
Neutral	2	40%
Needs Improvement	0	0
Poor/ Unsatisfactory	1	20%
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 {board staff} 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.

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
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
Other	0	0
Skipped question	0	

Question: Did you receive service/assistance you needed as result of your contact?		
	Response Count	**Response %**
Yes	2	25%
No	6	75%
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 only 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%
1-3 times	3	30%
3-6 times	1	10%
6-12 times	2	20%
13 or more times	0	0
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**
	Number of Responses / % of total				
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%	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	-
Neutral	1	33.33%
Needs Improvement	0	-
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%
No	3	60%
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, as provided by DCA, are as follows:

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. In January 2007, the Board transitioned all licensees to biennial renewals. This takes the entire licensing population and spreads all renewals over a 24-month period. 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.

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 $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 the fees arepaid 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	

* - Statutory maximum is $150 per year; currently $150 is charged every other year.
** - This revenue category results in less than $1,000 in revenue.
*** - New revenue category.
X - Revenue category no longer valid; all licensees transitioned from annual to biennial renewal

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)								
			Personnel Services				OE&E	
BCP ID #	FY	Description of Purpose of BCP	# 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
	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 receives subsequent arrest and subsequent conviction reports. This allows the Board to open a 'case' and monitor the arrest through the process; staff can then determine if the conviction is substantially related to the qualifications, functions or duties of an occupational therapy practitioner.

A substantially related conviction then 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 requiring state licensing boards, hospitals, health care employers, other health care entities, and professional societies to report 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
- Health and Human Services' Office of the Inspector General
- State entity licensing and certification authorities
- 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.)
- Drug Enforcement Agency

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 by 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 an 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, review, remove schools.

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 twenty-four (24) professional development units (PDUs) as a condition for license renewal. The PDUs must be taken in the two-year period preceding the biennial renewal of the license.

CCR section 4161(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 10-15% 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	Average: 10.46

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 continuing education courses or the companies/ CE 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 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 continuing education 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 continuing education 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.

Pursuant to 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 continuing education 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.

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 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 four 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.

Data regarding hearings provided on next page.

HEARINGS BEFORE THE BOARD (With an 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 Refused (to be heard)	0	0	3	1
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	Not applicable			
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.

64. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

In its 2012 report, the Board reported that it was the first healthcare Board to implement the Uniform Standards. The Board's Disciplinary Guidelines were amended to add the Uniform Standards and took effect July 26, 2011. Also, consistent with BPC 315.2, the Board issues Cease Practice Orders (CPOs) to licensees on probation for substance abuse issues who test positive for a banned substance.

In order to provide transparency and increased public protection, the CPO is available to the public. To assist prospective employers or consumers, the CPO information is available on the Board's website should someone go online to verify the license of an individual.

65. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

The Board's CPEI regulations were amended and went into effect September 28, 2012. Additionally, the Board established section CCR Section 4146.5, specifying effective dates for two types of Decisions. Effective October 1, 2014, a Default Decision and Order and Stipulated Settlement and Order shall become effective 10-days from the date of service of the decision on the parties. An effective date of the Decision 10 days after service ensures prompt consumer protection.

66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

The Board transitioned to BreEZe during the Department's second release which was in January 2016. There are currently 12 change requests pending that will add enhancements to the system in future releases. Some of the and There have been 495 System Investigation Requests completed to date.

b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

Not applicable.

Section 10 –
Board Action and Response to Prior Sunset Issues

1. **Background information concerning the issue as it pertains to the board.**
2. **Short discussion of recommendations made by the Committees during prior sunset review.**
3. **What action the board took in response to the recommendation or findings made under prior sunset review.**
4. **Any recommendations the board has for dealing with the issue, if appropriate.**

ISSUE # 1: Webcasting meetings.

Background

In its 2012 report to the Legislature, the Board reported it "…has only webcast a few of its meetings; however it plans to take advantage of this service more often beginning in 2012." The Committee is concerned about the Board's lack of use of technology in order to make the content of the Board meetings more available to the public.

2012 Committee Staff Recommendation

The Board should inform the Committee of the reason that they have been unsuccessful in webcasting meetings. The Committee recommends that the Board utilize webcasting at future meetings in order to allow the public the best access to meeting content, activities of the Board and trends in the profession.

2016 Response

The Board does not have the resources to webcast meetings. Meetings that have been webcast were performed by the Department of Consumer Affairs' Office of Public Affairs. The meeting materials and meeting minutes are posted on the Board's website in an effort to keep the public informed of the content meetings, activities, and trends that are being discussed and considered by the Board.

ISSUE # 2: What is contributing to low customer satisfaction ratings?

Background

In order to ensure that licensees and other members of the public have a venue to report satisfaction or dissatisfaction with the Board, the Board includes a Customer Satisfaction Survey on its website.

2012 Committee Staff Recommendation

Due to the high percentage of dissatisfaction with the Board's assistance, the Committee requests that the Board provide additional training to its staff regarding customer relations and complaint resolution techniques.

2016 Response
A review of the comments provided in this report indicates that the majority of negative comments pertained to the advanced practice application process and the license application review process, including the complaint about the inability to renew a license online.

The Board acknowledges there is always room for improvement and will strive to achieve better results. Backlogs with the review of advanced practice applications have been reduced and processing timeframes are improving. Typically surveys like the Board's capture data of the extremely satisfied and dissatisfied stakeholder. With only 51 people completing the survey (in four years), the Board asks the committee to consider that there are more than 16,000 licensees and the Board receives more than 1,400 license applications.

ISSUE # 3: Publishing Citations.

Background
Licensees and unlicensed individuals who violate the provisions of the Occupational Therapy Practice Act or its regulations are issued citations if the violation is not egregious enough to warrant formal disciplinary action. Citations are public information. However, citations are only disclosed if requested as part of a license verification or public inquiry on behalf of a licensee. Unlike disciplinary actions, which are available on a licensee's records when using the Web License Lookup (WLL) feature, and are also displayed on the Disciplinary Action page of the Board's website, citations are not displayed to the public in this manner.

2012 Committee Staff Recommendation
The Committee recommends that the Board provide citation information on the licensee's record in WLL and/or post the citation information on the Board's Disciplinary Action section of its website.

2016 Response
The Board has adopted the 2012 Sunset Committee's recommendation to provide citation information on a license record. The policy decision was made at its November 7, 2013, meeting. However, due to a freeze on programming changes to the licensing and enforcement system (CAS) that was in use up to January 2016, Board staff was unable to immediately implement the policy change. It was determined once the new BreEZe system became operational citation information would be provided on license records.

Since BreEZe has become operational in January 2016 Board staff has been posting PDF copies of citations on license records as they are being issued. Board staff plans to go back and incorporate previously issued citations on license records, consistent with the Board's citation retention schedule set forth in 16 CCR section 4145, as time and resources permit. This task will be aided by the recent augmentation of six additional positions the Board was authorized through the BCP process.

ISSUE # 4: Continuous Query.

Background

In its recent report to the Committee, the Board requested they be able to charge each applicant for licensure a fee to cover the cost of the query. The Board indicated: "…While this bill died in committee, the Board hopes that this issue will be addressed in a future bill by the Joint Legislative Sunset Review Committee."

2012 Committee Staff Recommendation

The Committee recommends that the Board create a plan for purchasing the continuous query service which may include sponsoring legislation to address how the cost should be covered.

2016 Response

'Continuous Query' is a for-service service provided by the National Practitioner Data Bank that monitors enrolled licensees for adverse actions and medical malpractice payment history 24 hours a day/365 days per year for a one time enrollment fee which is then subject to annual renewal. Previously the Board utilized this important tool by facilitating the review of applicants (holding a license(s) issued by another state) past disciplinary actions as well as ensuring the Board is notified of any future disciplinary actions taken against the licensee by another reporting entity.

The Board utilized the Continuous Query function for applicants as well as licensees placed on probation during the period May 2010 to December 2013. During that period it spent approximately $13,208.25 on 2,317 initial enrollees and renewals. The Board only received two "hits' or reports as a result of the query. Based on the lack of "hits" or reports received it did not appear to be the most efficient use of Board funds. It's important to note that few other occupational therapy state regulatory agencies report actions to the data bank.

The Board has proposed legislation adding the authority to collect the NPDB query fee. However, in the event this does not happen, the applicant qualification process 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 or letter of good standing from each state agency were they hold a license that indicates if their license has ever been disciplined by that agency.

ISSUE # 5: Should the Board require a jurisprudence and/or ethics course requirement for licensees?

Background

According to the Board's recent report to the Committee, the majority of the complaints received by the Board involve ethical issues, documentation, supervision (or lack thereof), aiding and abetting unlicensed practice, and failing to follow the requirements of a licensee, such as failing to complete the continuing education required for license renewal or providing a timely address change. The Committee is concerned about the high number of complaints relating to practice issues.

2012 Committee Staff Recommendation

The Committee recommends that the Board outline a plan to include a jurisprudence and/or ethics course as a required continuing education course for its licensees.

2016 Response

Board staff contacted the Department of Consumer Affairs' Office of Examination Resources (OER) to ascertain what would be needed to develop a state jurisprudence examination. The Board would need to conduct an occupational analysis, hire experts, conduct examination development workshops, and pay travel expenses for the experts along with the exam development fees charged by OER, a costly proposition. Board staff has not contacted a continuing education provider to ascertain what it might take for a provider to develop an ethics course specific to California.

The Board recently considered implementing an alternative: Require all applicants for licensure and licensees to provide an 'affirmation' that they have read the laws and regulations relating to occupational therapy practice in California. *However, a recent report issued by the Little Hoover Commission highlighted the importance of establishing defensible licensing requirements. Thus, the Board >>>>>*

ISSUE # 6: Why does the Board have such a high percentage of stipulated settlements?

Background

Each of the licensing boards within DCA has protection of the public as its stated priority in the law. Its disciplinary decisions must always place the protection of the public as its top priority. As such, boards establish disciplinary guidelines for specific violations and adopt them through their regulatory process.

Boards have the authority to resolve a disciplinary matter through negotiated settlement, typically referred to as a "stipulated settlement." A stipulated settlement may be pursued in place of holding a lengthy administrative hearing on a disciplinary matter.

The disciplinary guidelines are established with the expectation that Administrative Law Judges hearing a disciplinary case, or proposed settlements submitted to the board for adoption will conform to the guidelines. However, the Citizen Advocacy Center, a national organization focusing on licensing regulatory issues nationwide, notes: "It is not uncommon for licensing boards to negotiate consent orders [stipulated settlements] 80% of the time or more."

2012 Committee Staff Recommendation

The Committee believes that a licensing board should critically examine its practices to ensure that it is acting in the public's interest when they enter into a stipulated settlement. The Committee recommends that the Board provide an explanation for their high percentage of stipulated settlements. Additionally, the Board should indicate if any of the cases that were resolved via stipulated settlements settled for lower standards than the Board's disciplinary guidelines require.

2016 Response

The disciplinary guidelines are established with the expectation that Administrative Law Judges hearing a disciplinary case, or proposed settlements submitted to the board for adoption will conform to the guidelines. If there are mitigating factors, such as a clear admission of responsibility by the licensee early on in the process, clear willingness to

conform to board-ordered discipline, or other legal factors, a decision or settlement might vary from the guidelines.

All cases are reviewed individually based on the nature of the allegations, case strengths and weaknesses, and analysis of any danger that continued practice by the licensee could or would pose to consumers. In virtually every case the Board has settled with probationary terms, it has gotten terms and conditions that are consistent with recommended penalties outlined in its Disciplinary Guidelines. Often the Board gets stronger and more specific terms to correct and remediate the issues that gave rise to the disciplinary action when entering into settlements. Stipulated settlements almost always result in faster resolutions to cases and save hearing costs. Please also note that 31.6% (6 of the 19) stipulated settlements reported in the last three fiscal years resulted in the practitioners surrendering their license.

ISSUE # 7: Budgetary constraints.

Background

The Occupational Therapy Act provides authority for the Board to regulate the profession of occupational therapy. Included in the Board's basic authority is the ability for the Board to conduct administrative duties including the collection of data regarding the workforce, and to maintain relationships with professional associations in order that the Board stays abreast of developments in the profession.

2012 Committee Staff Recommendation

The Committee recommends that the Board detail what enforcement related over expenditures have led to the redirection of funds. In addition, the Committee is aware that the DCA allows travel for certain Board activities. As such, the Committee recommends that the Board consult with DCA to clarify what type of travel is permitted.

2016 Response

The Department of Consumer Affairs and boards have been following policies regarding travel as detailed in the Governor's Executive Order B-06-11. This order states that no travel, either in-state or out-of-state, is permitted unless it is mission critical or there is no cost to the state. Mission critical is defined as travel that is directly related to, enforcement responsibilities, auditing, revenue collection, a function required by statute, contract or executive directive, or job-required training necessary to maintain licensure or similar standards required for holding a position.

ISSUE #8: License portability for military personnel and their spouses.

Background

The Committee is supportive of the Federal and State efforts to assist licensed military personnel and their family members enjoy better license portability. The Committee encourages licensing Boards to examine their ability to exempt licensees from CE and licensing fee requirements during duty as well as waiving any licensing fees that have accrued upon the end of their duty term.

2012 Committee Staff Recommendation

The Board should make every attempt to comply with BPC § 115.5 in order to expedite licensure for military spouses. The Board should also consider waiving the fees for reinstating the license of an active duty military licensee. Consistent with the ACOTE and NBCOT policy for OTAs, the Board should also examine the possibility of accepting military training and experience towards licensure for OTs.

2016 Response

The Occupational Therapy Act does not include specific standards for addressing military personnel who are licensed OTs or OTAs. The DCA provided a list of Boards tha. However, the Accreditation Council for Occupational Therapy (ACOTE) and the National Board for Certification in Occupational Therapy (NBCOT) recognize military education and training as a qualifying educational program for OTAs. A review of the qualification requirements for occupational therapists serving in the armed services, indicates that completion of an accredited occupational therapy degree program and passage of the NBCOT examination is required.

The Board complies with BPC § 115.5 and expedites the licensure application process for applicants who provide evidence they are married to, or in a domestic partnership or other legal union with an active duty member of the Armed Forces who is assigned to a duty station in California. Standard operating procedures for the Board to process and review an application for licensure are that within 30-days of receipt of the application, the applicant is provided written notice whether the application is approved or deficient (16 CCR section 4112).

For applications falling under the provisions of BPC § 115.5, when the board is made aware of the military status, the Board self-imposes a10-day goal to provide written notice to the applicant regarding the status of the application. (The Board's 10-day goal is not established or incorporated in regulation.) 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 the BreEZe system will allow staff to identify applications that require expedited processing pursuant to BPC § 115.5 and better provide statistical data in the future.

In accordance with parameters set forth in BPC § 115.5, the Board waives biennial renewal fees and the delinquent fee that may accrue during the time a licensee is called to active duty as a member of the United States Armed Forces or National Guard. A licensee can also request a continuing competence (continuing education) exemption provided in 16 CCR section 4163(b) if they have been absent from California for a period of a year or longer due to military service.

ISSUE #9: Defining Occupational Therapy.

Background

In its recent report to the Committee, the Board indicated that it wishes to update the definition of the practice of occupational therapy in order to accurately reflect what OTs and OTAs actually do. The Board indicated that the current definition is limited to hands-on treating clinicians and needs to be amended to a more broad reference that addresses the variety of roles a licensee may undertake.

2012 Committee Staff Recommendation

The Board should draft language and submit it to the Committee in order that the Committee can understand specifically how the Board desires to expand the definition.

2016 Response

The Board believes the current definition of occupational therapy is adequate and does not need any amendments.

ISSUE #10: Are the minimum education requirements equal to the advanced practice requirements?

Background

When the Board was first established, there were no national minimum education standards required by occupational therapy education programs relating to the areas of swallowing assessment, evaluation, or intervention, the use of physical agent modalities, or hand therapy. Thus, these practice areas were identified as "advanced practice" since the practice areas were considered beyond the skills of a new graduate. Therefore, additional post-graduate requirements were established.

2012 Committee Staff Recommendation

The Committee requests that the Board provide them with additional information, e.g. data from the Accreditation Council for Occupational Therapy Education (ACOTE), about the advanced practice requirements and the minimum education standards.

2016 Response

Section 11 – New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.

Issue: Webcasting of meetings.

The Board does not have the resources to webcast meetings. Meetings that have been webcast were performed by the Department of Consumer Affairs' Office of Public Affairs. As previously mentioned, meeting materials and meeting minutes are posted on the Board's website in an effort to keep the public informed.

Previously, the Board selected meeting dates for the following calendar year at their last meeting of the year. (For example, in November 2015, meeting dates for 2016 were coordinated/selected). This year, the Board selected its 2017 meeting dates in August. By selecting the dates earlier, the Board is hopeful to have more of its meetings webcast in 2017. Selecting the meeting dates for the following year in the summer will continue.

Issue: Continuous Query.

The Board has proposed legislation which would allow the Board to collect the fee to query the NPDB from applicants.

Issue: Should the Board require a jurisprudence and/or ethics course requirement for licensees?

The Board proposes to require all applicants, upon license issuance, and licensees, upon application for renewal, to provide an 'affirmation' that they have read the laws and regulations relating to occupational therapy practice in California. *However, a recent report issued by the Little Hoover Commission highlighted the importance of establishing defensible licensing requirements. Thus, the Board >>>>>*

Issue: Are the minimum education requirements equal to the advanced practice requirements?

2. New issues not previously discussed in this report.

The Board has identified several legislative proposals that would enhance or clarify the Occupational Therapy Practice Act assist or assist in the Board's consumer protection mandate. The legislative proposals are as follows:

- **Amend BPC Section 146, Violations of specified authorization statutes as infractions; Punishment,**

This proposal would add occupational therapy to the section that would provide the Board the remedy of, among other things, establishing that practicing without license is an infraction.

- **Amend BPC Section 2570.3, Licensing Requirement.**

This proposal would require providers of post professional education who want to offer 'board-approved' courses, to submit an application to the Board; in order to continue to be an approved provider, the provider would need to renew every three years. It would also require an application to be submitted for each post-professional course the provider wants to offer as approved by the Board.

- **Amend BPC Section 2570.16, Fees.**

This proposal would establish several new fees, including: a fee to query the National Practitioner Data Bank, a fee for an application to become an approved post-professional course provider, a renewal fee for post-professional course providers, and a fee for reviewing post-professional education courses.

- **Amending BPC Section 2570.18, Representation to public.**

Licensees earning doctoral degrees is becoming more prevalent. Thus, to ensure consumers are clear on who is a Medical Doctor vs. who is a licensee with a doctoral degree, this proposal would specify that the individual has to, among other things, identify themselves, in both written and spoken communication, as an occupational therapy practitioner. This would also require the Board to draft regulations to define the type of doctoral degrees that are considered to be in a related area of practice or study.

- **Amending BPC Section 2570.20, Duties of board; rules; proceedings**

This proposal would not limit the Board to promulgating regulations specific to professional licensure and to the establishment of ethical standards of practice, but would instead allow the Board promulgate regulations to carry out the purpose of the chapter.

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

The proposal would allow the board to, among other things, establish a requirement that a licensee placed on probation pay the Board costs associated with monitoring the licensee while on probation; and the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under the section once a licensee has served his or her term of probation, consistent with section 125.3 of the Code.

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

This proposal would replace ‘blood-borne’ with ‘infectious’ as the types of diseases that can be transferred.

- **Add new BPC Section to OT Practice Act**

This proposal would require employers to report to the Board, any employees who are terminated or suspended for cause, as specified, and establish consequences for an employer who fails to make a report as required.

- **Add new BPC Section to OT Practice Act**

This proposal would allow an occupational therapist, appointed by the Board, to inspect or require reports from a general or specialized hospital or an other facility providing occupational therapy treatment or services and makes the unauthorized release of personal and protected information as unprofessional conduct.

- **Add new BPC Section to OT Practice Act**

This proposal would grant occupational therapists immunity from civil damages for services provided during a state of war, state of emergency or during a disaster, except in a case of a willful act or omission or when the practitioner is negligent.

- **Amend Government Code Section 8659, Privileges and Immunities**

This proposal would occupational therapists to the list of healthcare practitioners who renders services during any state of war emergency, a state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency, and shall have no liability for any injury sustained by any person receiving services.

In 2016, the meeting dates and locations for 2017 were selected in August. This gives Board staff more time to identify a meeting site and, if necessary, secure a meeting room contract. Going forward, the next years' meeting dates and locations will be selected earlier in the year. This will allow more time to coordinate with DCA for webcasting.

55. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

Yes, the Board's complaint disclosure policy is consistent with DCA's *recommended Minimum Standards for Consumer Complaint Disclosure*. The Board recently discussed this matter and decided to leave

56. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The information provided on the Board's website regarding licensees includes the following:

- The individual's name;
- The license type and number;
- The license issuance and expiration dates;
- The license status;
- Disciplinary status or citations issued, if applicable; and
- Whether the licensee is approved by the Board to provide services in advanced practice areas.

If relevant, any disciplinary actions and all related legal documents are available as PDFs on the licensee's record. With the implementation of BreEZe, citations are now available as links on the licensee's record once the citation is issued and served. Board staff plans to go back and incorporate previously issued citations on licensee records, consistent with the complaint retention schedule, as time and resources permit.

57. What methods are used by the board to provide consumer outreach and education?

In past years the outreach was limited as a result of the Governor's Executive Order on travel restrictions. However, the Board has been able to provide, on a limited basis, outreach and education via:

- Personal or public speaking appearances;
- Licensing education outreach;
- Email responses to direct questions; and
- The Board's website.

With the adoption of the 2016-2019 Strategic Plan, a high emphasis was placed education and outreach. In addition to increased use of available technologies as communication tools, there will also be efforts to:

- Develop informational consumer brochures and communication tools.
- Develop content and communication tools to educate consumers about occupational therapy.
- Develop content and education tools to educate licensees about the regulation of occupational therapy.
- Prepare articles for newsletter to educate and/or provide updated information to licensees and applicants.

The Board continues to use its website to provide pertinent information, forms and applications, laws and regulations, proposed regulations, Board meeting materials and minutes, Board and committee meeting webcasts, newsletters, and other important notices for the public.

Another means of providing outreach and education is through the longstanding personal/public speaking appearances provided annually to the California Occupational Therapy Association. Since travel constraints were imposed, the Board coordinates its Board meeting so that it is at the same location as the association meeting in order to curtail travel costs. At these meetings the attendees are provided with information on the practice of occupational therapy, the requirements of licensure, how to avoid disciplinary action or being issued a citation, and the trends in the profession. Further, the Board staffs a booth where there are brochures and questions can be answered. Licensees' having direct access to Board staff to have their questions answered is invaluable.

Additionally, the Board has an email 'list serve' feature available for individuals to subscribe, and has a general email address for the public, applicants, employers, or licensees to send inquiries. Increased use of Twitter and Facebook and other technologies will increase beginning in 2017.

58. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

The Board is not aware of the prevalence that online services are being provided. At this point in time, the Board has not received a complaint or report of unlicensed practice pertaining to online services.

The Board currently regulates occupational therapy services provided 'online' or via telecommunication, referred to as 'telehealth', under the authority provided in BPC section 2290.5. The Board adopted regulations, 16 CCR section 4172, to define and clarify standards for providing occupational therapy services via telehealth on April 1, 2014. The primary purpose of the regulation was to establish and provide guidelines for therapists to consider when making a determination whether telehealth is an appropriate mode of delivery for services. While telehealth promotes access and greater convenience to consumers the Board felt it was necessary to establish and clarify not all services or interventions might be appropriate or safe to provide via telehealth in the interest of public safety

The Board has pending regulatory amendments to require licensees advise their patients/clients that their license is regulated by the Board and require licensees to display their first and last name; license type; and highest level of earned academic degree related to the provision of occupational therapy services (with minimal exceptions) on their name badge, in their office, and on any website directly controlled or administered by the occupational therapist or occupational therapy assistant or his or her office personnel.

Section 8 – Workforce Development and Job Creation

59. What actions has the board taken in terms of workforce development?

Due to budgetary constraints and staff resources supporting the design and development of BreEZe , the Board has not been able to focus efforts in this area.

60. Describe any assessment the board has conducted on the impact of licensing delays.

The Board has not conducted a formal assessment regarding any delays in licensing applicants. However, the Board is aware of and sensitive to this issue and strives to license all qualified individuals as soon as possible. Licensing data reflect that in the last three years it has taken (on average) the Board 22-27 days to provide an applicant written notice whether the application is complete or incomplete.

Unfortunately, the Board has a small number of cases that fall outside the normal processing time parameters. Most often, the timing of these cases can be attributed to issues surrounding the fingerprint background check, an applicant's inability to secure an official transcript, failing to pass the examination for licensure, and/or investigation of a criminal history or discipline against the licensee by another agency.

61. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The Board has coordinated and conducted overview sessions to graduating students at various California occupational therapy educational programs. The purpose and design of the overview session is to orient students with the processes and requirements for licensure, and describe and inform students of the Board's role and responsibility of protecting the public. The Board has had staff attend the annual conference of the Occupational Therapy Association of California (OTAC) to answer questions from licensees and potential licensees. However, these activities have been limited due to the travel restrictions imposed per the Governor's Executive Order B-06-11.

62. Describe any barriers to licensure and/or employment the board believes exist.

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

According to the U.S. Department of Health and Human Services, the national employment projections between 2012 and 2025 for occupational therapists are projected to grow by 46 percent, while the demand is expected to grow by only 20 percent. Therefore, on the national level the projected supply of occupational therapists exceeds the projected growth demand. During this same period of time (2012 to 2025) it is projected that the demand for occupational therapy assistants will grow by 23 percent.

At the local level, the demand in California for occupational therapists and occupational therapy assistants is on the rise as a result of the increase in the aging population. The aging population is at greater risk for disease or injury-related disabilities that can often be helped by therapeutic intervention.

63. Provide any workforce development data collected by the board, such as:

a. Workforce shortages
b. Successful training programs.

With implementation of the BreEze system in January 2016, the Board incorporated a workforce survey into the system. The survey is voluntary and available for applicants to complete upon initial licensure and licensees to complete at time of license renewal. The requested demographic information includes the following:

- Employment Status (e.g. not employed, whether they work full or part time in California, work full time outside California, retired, or other)
- Location (zip code) of the primary place where they practice and how many hours they work.
- Location (zip code) of any secondary place of practice and how many hours they work.
- Number of years worked.
- Self-employed and if so how many hours they work.
- Asks if they have completed another degree beyond the qualifying degree.
- When they plan to retire.
- Area(s) of current practice (e.g. developmental disabilities, physical disabilities, mental disabilities, home heath, skilled nursing, gerontology, wellness, education, etc.)
- Ethnic background and foreign languages spoken

64. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

65. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

The Board transitioned to BreEZe during the Department's second release which was in January 2016. There are currently _____ change requests pending and _____ have been completed as of _____.

b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

Not applicable.

1. Background information concerning the issue as it pertains to the board.

ISSUE # 1: Webcasting meetings.

2012 Committee Staff Recommendation: ***The Board should inform the Committee of the reason that they have been unsuccessful in webcasting meetings. The Committee recommends that the Board utilize webcasting at future meetings in order to allow the public the best access to meeting content, activities of the Board and trends in the profession.***

2016 Response

The Board does not have the resources to webcast meetings. Meetings that have been webcast were performed by the Department of Consumer Affairs' Office of Public Affairs. The meeting materials and meeting minutes are posted on the Board's website in an effort to keep the public informed of the content meetings, activities, and trends that are being discussed and considered by the Board.

ISSUE # 2: What is contributing to low customer satisfaction ratings?

Background: In order to ensure that licensees and other members of the public have a venue to report satisfaction or dissatisfaction with the Board, the Board includes a Customer Satisfaction Survey on its website. In its recent report to the Legislature, the Board included data from the survey spanning July of 2010 to June of 2012.

The Committee notes that over 50% of the respondents indicated they did not receive the assistance they needed after contacting the Board. Further, they rated their interactions with the Board in the "needs improvement" and "poor/unsatisfactory" categories.

2012 Committee Staff Recommendation: ***Due to the high percentage of dissatisfaction with the Board's assistance, the Committee requests that the Board provide additional training to its staff regarding customer relations and complaint resolution techniques.***

2016 Response

A review of the data provided in this report indicates that the majority of negative comments pertained to the advanced practice application process and the license application review process, including the complaint about the inability to renew a license online.

The Board acknowledges there is always room for improvement and will strive to achieve better results. Backlogs with the review of advanced practice applications have been reduced and processing timeframes are improving. Typically surveys like the Board's capture data of the extremely satisfied and dissatisfied stakeholder. With only 51 people completing the survey, the Board asks the committee to consider that there are more than 16,000 licensees and the Board receives more than 1,400 license applications.

ISSUE # 3: Publishing Citations.

2012 Committee Staff Recommendation: ***The Committee recommends that the Board provide citation information on the licensee's record in WLL and/or post the citation information on the Board's Disciplinary Action section of its website.***

2016 Response

The Board has adopted the 2012 Sunset Committee's recommendation to provide citation information on a license record. The policy decision was made at its November 7, 2013, meeting. However, due to a freeze on programming changes to the licensing and enforcement system (CAS) that was in use up to January 2016, Board staff was unable to immediately implement the policy change. It was determined once the new BreEZe system became operational citation information would be provided on license records.

Since BreEZe has become operational in January 2016 Board staff has been posting PDF copies of citations on license records as they are being issued. Board staff plans to go back and incorporate previously issued citations on license records, consistent with the Board's citation retention schedule set forth in 16 CCR section 4145, as time and resources permit. This task will be aided by six additional staff that the Board recently received through the BCP process.

ISSUE # 4: Continuous Query.

Background:

In its recent report to the Committee, the Board requested they be able to charge each applicant for licensure a fee to cover the cost of the query. The Board indicated: "...While this bill died in committee, the Board hopes that this issue will be addressed in a future bill by the Joint Legislative Sunset Review Committee." The Committee is curious about the Board's plan to continue purchasing the continuous query for each applicant considering the financial constraints and failed passage of SB 544.

2012 Committee Staff Recommendation: ***The Committee recommends that the Board create a plan for purchasing the continuous query service which may include sponsoring legislation to address how the cost should be covered.***

2016 Response

'Continuous Query' is a for-service service provided by the National Practitioner Data Bank that monitors enrolled licensees for adverse actions and medical malpractice payment history 24 hours a day/365 days per year for a one time enrollment fee which is then subject to annual renewal. Previously the Board utilized this important tool by facilitating the review of applicants (holding a license(s) issued by another state) past disciplinary actions as well as ensuring the Board is notified of any future disciplinary actions taken against the licensee by another reporting entity.

The Board utilized the Continuous Query function for applicants as well as licensees placed on probation during the period May 2010 to December 2013. During that period it spent approximately $13,208.25 on 2,317 initial enrollees and renewals. The Board only received two "hits' or reports as a result of the query. Based on the lack of "hits" or reports

received it would not appear to be the most efficient use of Board funds even if legislation was passed to allow the Board to recoup its costs for the query service. A significant reason regarding the lack of responses is that few other occupational therapy state regulatory agencies report actions to the data bank. The Board is satisfied existing processes involved with the applicant qualification process protect 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 or letter of good standing from each state agency were they hold a license that indicates if their license has ever been disciplined by that agency.

ISSUE # 5: Should the Board require a jurisprudence and/or ethics course requirement for licensees?

Background: According to the Board's recent report to the Committee, the majority of the complaints received by the Board involve ethical issues, documentation, supervision (or lack thereof), aiding and abetting unlicensed practice, and failing to follow the requirements of a licensee, such as failing to complete the continuing education required for license renewal or providing a timely address change.

The Committee is concerned about the high number of complaints relating to practice issues.

2012 Committee Staff Recommendation: ***The Committee recommends that the Board outline a plan to include a jurisprudence and/or ethics course as a required continuing education course for its licensees.***

2016 Response

Board staff contacted the Department of Consumer Affairs' Office of Examination Resources (OER) to ascertain what would be needed to develop a state jurisprudence examination. The Board would need to conduct an occupational analysis, hire experts, conduct examination development workshops, and pay travel expenses for the experts along with the exam development fees charged by OER, a costly proposition. Board staff has not contacted a continuing education provider to ascertain what it might take for a provider to develop an ethics course specific to California.

The Board recently considered implementing an alternative: Require all applicants for licensure and licensees to provide an 'affirmation' that they have read the laws and regulations relating to occupational therapy practice in California. *However, a recent report issued by the Little Hoover Commission highlighted the importance of establishing defensible licensing requirements. Thus, the Board >>>>>*

ISSUE # 6: Why does the Board have such a high percentage of stipulated settlements?

In its recent report to the Committee, the Board indicated that 24 of the 44 (54%) disciplinary actions have been resolved through stipulated settlement.

Section 12 – Attachments

State of California
Department of Consumer Affairs

California
BOARD OF OCCUPATIONAL THERAPY

BOARD MEMBER GUIDELINES AND PROCEDURES MANUAL

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Chapter 1. Introduction

Overview

The California Board of Occupational Therapy (Board) was established on January 1, 2001 (Senate Bill 1046, Chapter 697, Statutes of 2000) to protect the health, safety, and welfare of California consumers by regulating the practice of occupational therapists and occupational therapy assistants. It is one of many boards, bureaus, commissions and committees under the umbrella of the Department of Consumer Affairs (DCA), which provides administrative oversight and support services. The Board is autonomous and sets its own policies, procedures and regulations.

This procedure manual is provided to Board Members as a ready reference of important laws, regulations, and Board policies, to guide the actions of Board Members and ensure Board effectiveness and efficiency.

Board Mission

The Board's mission is to regulate occupational therapy by serving and protecting California's consumers and licensees.

Abbreviations

Agencies	
BCSHA	Business, Consumer Services, and Housing Agency
CBOT	California Board Occupational Therapy
CDA	California Department of Aging
CDCR	California Department of Corrections & Rehab
CDE	California Department of Education
CDPH	California Department of Public Health
DCA	Department of Consumer Affairs
DDS	Department of Developmental Services
DHCS	Department of Health Care Services
DMH	Department of Mental Health
DSS	Department of Social Services
DVA	Department of Veterans Affairs
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law
PTBC	Physical Therapy Board of California
SLAP& HAD	Speech-Language Pathology and Audiology & Hearing Aide Dispensers Board
Codes	
BPC, B&P	Business and Professions Code
CCR	California Code of Regulations
CFR	Code of Federal Regulations
CEC	California Education Code
CGC	California Government Code
HSC	Health and Safety Code
WIC	Welfare and Institutions Code

Abbreviations (Cont.)

Organizations

ACOTE	Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association
APTA	American Physical Therapy Association
AOTA	American Occupational Therapy Association
ASHA	American Speech-Language-Hearing Association
ASHT	American Society of Hand Therapists
CAMFT	California Association of Marriage & Family Therapists
CLEAR	Council on Licensure, Enforcement and Regulation
CPIL	Center for Public Interest Law
CPTA	California Physical Therapy Association
FARB	Federation of Associations of Regulatory Boards
HTCC	Hand Therapy Certification Commission
NBCOT	National Board for Certification in Occupational Therapy
OTAC	Occupational Therapy Association of California
RESNA	Rehabilitation Engineering Society of North America
WFOT	World Federation of Occupational Therapy

Titles

AG	Attorney General
ALJ	Administrative Law Judge
CHT	Certified Hand Therapist
COTA	Occupational Therapy Assistant Certified by NBCOT
DA	District Attorney
DAG	Deputy Attorney General
EO	Executive Officer
OT	Occupational Therapist
OTA	Occupational Therapy Assistant
OTR	Occupational Therapist Registered with NBCOT
SDAG	Supervising Deputy Attorney General

Chapter 2. Board Responsibilities

Composition

(B&P section 2570.19)

The Board is composed of seven members of which, by law, includes:

- Four licensed members, including three occupational therapists and one occupational therapy assistant
- Three public members

The Governor appoints the four licensed members and one of the public members. One public member is appointed by the Assembly Speaker, and one public member is appointed by the Senate Rules Committee. Board members may serve up to two consecutive four-year terms.

Officers

(Board Policy – February 21, 2008)

(Revised December 1,2011)

The Board shall elect from its members a President, Vice President, and a Secretary to hold office for one calendar year or until their successors are duly elected.

Elections shall take place at the last meeting of the Board held annually. New officers shall assume office January 1st of the next calendar year following the Officer elections. All officers may be elected on one motion or ballot as a slate of officers unless objected to by a Board member.

If any office of the Board becomes vacant, an election shall be held at the next scheduled Board meeting. Elected officers shall then serve the remainder of the term.

Meetings

(B&P section 2570.19)

The Board will meet a minimum of three times a year and may meet more often as it determines necessary.

The Board will hold meetings in the cities of Sacramento, Los Angeles, and San Francisco and different geographic areas throughout the state as a convenience to the public and licensees.

Quorum

(Common Law)

Four members of the Board constitute a quorum of the Board for the transaction of business. (A majority of the statutory number of members, BPC 2570.19, not a majority of the appointees.)

Notice of meetings

Government Code Section 11120 et seq

Notice shall be given and also made available on the Internet at least 10 days in advance of the meetings and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witness expected to appear at the meeting. The written notice shall additionally include the address of the internet site where notices required by this article are made available.

Agenda Items

(Board Policy – February 21, 2008)

Any Board member may submit items for a Board meeting agenda to the Board President or Executive Officer. Items shall be requested during a Board meeting or at least 21 days prior to the meeting.

At the President's discretion, agenda items may be taken out of order for convenience, to accommodate speakers, or to maintain a quorum, unless the agenda item is specified at a time certain.

The Board meeting agenda package will be sent to Board members 10 or more days prior to the meeting.

Record of Meetings

(Board Policy – Adopted date*)*

(Revised December 1,2011)

The minutes are a summary, not a transcript, of each Board meeting.

The minutes shall be prepared by Board staff and submitted for review by the Board President within 20 working days after the Board meeting and then distributed to members of the Board.

Board minutes shall be approved at the next scheduled Board meeting and serve as the official record of the meeting.

Once draft Board minutes are distributed to Board members, they will be included in any Board and Committee agenda package.

Approved minutes of the open session are available for distribution to the public and will be posted on the Board's website.

Tape Recording

(Board Policy – February 21, 2008; Gov. Code § 11124.1(b).)

Public Board meetings will be tape-recorded. Tape recordings shall be retained until the minutes are adopted; the tape(s) shall then be destroyed. Closed session proceedings shall be taped at the discretion of the Board.

The meeting will be Web-cast, subject to availability of DCA staff. The Web-cast will be posted on the board's website within three weeks of the meeting and kept for 10 years or more.

Meeting Rules

(Board Policy – February 21, 2008)

Board meetings will be conducted under Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act or any other section of law.

This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

Meeting Rules (cont.)

If the agenda contains matters that are appropriate for closed sessions, the agenda must cite the particular statutory section and subdivision authorizing the closed session.

Informal discussions of board business among members outside of noticed meetings may be a violation of the Bagley-Keene Open Meeting Act if three or more members get involved in the discussion at any time.

Public Comment

(Board Policy – add date here)

Due to the need for the Board to maintain fairness and neutrality when performing their adjudicative function, the Board shall not receive any substantive information from a member of the public regarding any matter that is currently under or subject to investigation or involves a pending criminal or administrative action.

1. If during a Board meeting, a person attempts to provide the Board with substantive information regarding matters that are currently under or subject to investigation or involve a pending administrative criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information, and the person shall be instructed to refrain from making such comments.
2. If, during a board meeting, a person wishes to address the Board, concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative criminal action, the Board will address the matter as follows:
   a. Where the allegation involves errors of procedure or protocol, the board may designate either its Executive Officer or a Board employee to review whether the proper procedure or protocol was followed and to report back to the board.
   b. Where the allegation involves significant staff misconduct, the Board may designate one of its members to review he allegation and to report back to the Board.
3. At the direction of the Board President or Chair of the Committee, speakers may be limited in the amount of time to present to give an adequate time to everyone who wants to speak. In the event there are numerous people wishing to address the Board on the same item, the Board President or Chair of the Committee can request the individuals to identify themselves, the organization they represent, if applicable, and whether they support or oppose the proposed action.

Communication

(Board Policy – February 21, 2008)

The Board President, his/her designee or the Executive Officer shall serve as spokesperson to the media on Board actions or policies.

Any written or oral communications concerning Board matters of a sensitive nature shall be made only by the Board President, his/her designee or the Executive Officer. Staff shall provide Board members with Committee and Board member contact information on a quarterly basis.

Communication with Interested Parties

Board Members are required to disclose at Board Meetings all discussions and communications with interested parties regarding any item pending or likely to be pending before the Board. The Board meeting minutes shall reflect the items disclosed by the Board Member. All agendas will include, as a regular item, a disclosure agenda item where each member relays any relevant conversations with interested parties.

Ex Parte Communications

Government Code section 1143.10 et seq

The Government Code contains provisions prohibiting *ex parte* communications. An '*ex parte*' communication is a communication to the decision –maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

> *"While the proceeding is pending, there shall be not communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative or if an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."*

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom a disciplinary action being taken, will attempt to directly contact Board Members.

If the communication is written, the member should read only enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, he or she should reseal the documents and send them to the Executive Officer, or forward the email.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person that he or she cannot speak to him or her about the matter. If the person insists on discussing the case, he or she should

be told that the Board member will be required to recuse himself or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful *ex parte* communication, he or she should contact the Board's assigned attorney or Executive Officer.

Correspondence

(Board Policy – February 21, 2008)

Originals of all correspondence received shall be maintained in the Board's office files consistent with the record retention schedule. Only copies of such correspondence shall be given to the Executive Officer and/or Board members as required.

Executive Officer Evaluation

(CGC section 11126(a))

(Board Policy – February 21, 2008;

B&P section 107)

(Revised December 1,2011)

Board members shall evaluate the performance of the Executive Officer on an annual basis.

Each Board Member shall provide input to the Board President regarding the performance appraisal and salary administration of the Executive Officer.

The performance appraisal of the Executive Officer shall be presented in draft form to the Board (on the DCA appraisal form) by the Board President at the annual election meeting.

Board Member Training

(Board Policy – February 21, 2008

BPC section 453
Government Code Section 11146
Government Code Section 12950.1

Upon initial appointment, Board Members will be given an overview of Board operations, policies, and procedures by the Executive Officer.

New and continuing Board members shall complete training in accordance with the law and DCA procedures. The Executive Officer shall ensure compliance by annually reviewing the training completed by Board members.

Required training topics include, at a minimum:

- Diversity
- Ethics
- Sexual Harassment Prevention
- Privacy Protection/Identity Theft, and
- Board Member Orientation

Every newly appointed Board Member shall, within one year of assuming office, complete a training and orientation program offered by the Department of Consumer Affairs. This training is in addition to the Board orientation given by Board staff. ~~This is a one-time training requirement.~~

All Board Members are required to file an annual Form

700, Statement of Economic Interests. Members must also complete an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials.

The Government Code requires completion of this ethics orientation within the first six months of appointment and completion of a refresher course every two years thereafter.

For further information regarding filing requirements or to ask questions of the Fair Political Practices Commission (FPPC) staff, go to the FPPC's website at http://www.fppc.ca.gov, or call 866-275-3772.

Government Code Section 12950.1 requires supervisors, including Board Members, to complete two hours of sexual harassment prevention training every two years.

Chapter 3. Board Members

Board Administration

Board members represent the State of California and although he/she is an individual member, members have an obligation to the represent the Board as a body. Each member should carefully consider each responsibility and time commitment prior to agreeing to become a Board Member.

Attending meetings
Attend all meetings; be prepared for all meetings by reviewing and analyzing Board materials; actively participate in meeting discussions; serve on committees of the Board to provide expertise in matters related to the Board.

If a member is unable to attend, he or she is requested to promptly contact the Executive Officer, to address quorum issues.

Consider Disciplinary Matters
Review and analyze all materials pertaining to disciplinary matters and provide a fair, unbiased decision; timely respond to every request for a decision on any disciplinary matter; review and understand the Board's disciplinary guidelines; regularly review and amend the Board's disciplinary guidelines to align with the policies set by the Board.

Policy Decision Making (included above)
Make educated policy decisions based upon both qualitative and quantitative data; obtain sufficient background information on issues upon which decisions are being made; seek information from Board staff regarding the functions/duties/requirements for the licensees being overseen; allow public participation and comment regarding matters prior to making decisions; ensure public protection is the highest priority in all decision making.

Governance
Monitor key and summary data from the Board's programs to evaluate whether business processes are efficient and effective; obtain training on issues pertaining to the Board (e.g. budget process, legislative process, enforcement process; licensing process, etc.); make recommendations regarding improvements to the Board's mandated functions.

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board Members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer. Board Members should not interfere with day-to-day operations, which are under the authority of the Executive Officer.

Business cards

Business Cards will be provided to each Board Member with the Board's name, address, telephone and fax numbers, and website address.

Board Member Attendance at Board Meetings

(BPC section 106)

Board members shall attend each meeting of the Board. If a member is unable to attend, he or she must contact the Board President and ask to be excused. Board members shall also notice the Executive Officer in order to avoid any quorum issues. Board members shall attend the entire meeting and allow sufficient time to conduct all Board business at teach meeting.

The Governor has the power to remove from office any member appointed by him or her for continued neglect of cutes, which may include unexcused absence from meetings.

Public Attendance at Board Meetings

(BPC section 106)

Meetings are subject to all provisions of the Bagley-Keene Open Meetings Act. This Act governs meetings of state regulatory boards and meetings of committees of those boards where the committee consists of more than two Members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda.

If the agenda contains matters that are appropriate for closed session, the agenda must cite the particular statutory section and subdivision authorizing the closed session.

General Rules of Conduct

- Board members shall not speak to interested parties (such as vendors, lobbyists, legislators, or other governmental entities) on behalf of the Board or act for the Board without authorization from the Board.
- Board members shall commit time, actively participate in Board activities, and prepare for Board meetings, which includes reading Board packets and all required legal documents.
- Board members shall respect and recognize the equal role and responsibilities of all Board members, whether public or licensees.

- Board members shall speak when recognized by the Board's President, or designee, in his or her absence.
- Board members shall act fairly and in a nonpartisan, impartial, and unbiased manner
- Board members shall maintain the confidentiality of confidential documents and information.
- Board members' actions shall uphold the board's primary mission – protection of the public.
- Board members shall not use their positions on the Board for political, familial, or financial gain.
- Board members shall treat all applicants and licensees in a fair and impartial manner.

Board Member Disciplinary Actions

A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The President of the Board shall sit as chair of the hearing unless the censure involves the President's own actions, in which case the Vice President of the Board shall sit as President. In accordance with the Open Meeting Act, the censure hearing shall be conducted in open session.

Removal of Board Members

(BPC section 106)

The Governor has the power to remove from office, at any time, any member of any Board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct, or unexcused absence from meetings.

Resignation of Board Members

(Government Code section 1750)

In the event that it becomes necessary for a Board Member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senates Rules Committee, or Speaker of the Assembly) with the effective of the resignation. Written notification is required by state law. A copy of the resignation letter shall also be sent to the Director of the Department of Consumer Affairs, the Board President, and the Executive Officer.

Conflict of Interest

(Government Code section 87100)

No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board Member who has a financial interest shall disqualify himself or herself from making or attempting to use his or her official position to influence the decision.

Conflict of Interest (cont.)

Any Board Member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or DCA legal counsel.

Board Members shall refrain from attempting to influence staff regarding applications for licensure or potential disciplinary matters.

Strategic Planning

The strategic plan will be reviewed annually and revised as needed.

Board members shall participate in the drafting and approval of a Strategic Plan; oversee the Strategic Plan on a quarterly basis to ensure activities are being implemented and performed; monitor any new tasks/projects to ensure they are in-line with the Strategic Plan.

Chapter 4. Roles of Board Officers and Committee Chairs

The duties of the Board's Officers include, but are not limited to:

President

The President shall:

- Chair and facilitate Board Meetings
- Serve as spokesperson for the Board – may attend legislative hearings and testify on behalf of the Board, may attend meetings with stakeholders and Legislators on behalf of the Board, may talk to the press on behalf of the Board, and sign letters on behalf of the Board
- Meet and communicates with the Executive Officer on a regular basis
- Communicate with other Board Members for Board business
- Author a president's message in every quarterly newsletter
- Approve Board Meeting agendas
- Chair the Administrative Committee, and
- Sign full board-approved disciplinary orders.

Vice President

The Vice President shall:

- Serve as the back-up for the duties above in the President's absence, and
- Is a member of the Administrative Committee.

Secretary

The Secretary shall call the roll.

Committee Chair

The Committee Chairperson shall:

- Approve the Committee Meeting agendas
- Chair and facilitate all Committee Meetings, and
- Report to the Board all committee meeting outcomes.

Supervision of Executive Officer

(Board Policy – February 21, 2008)

(Revised December 1,2011)

The "Board President" means the President or President's designee. The President is the immediate supervisor of the Executive Officer. Specific instructions for work on Board policy matters by the Executive Officer from board members shall be coordinated through the Board President.

The incoming Board President shall assume all duties at the next meeting, including supervision of the Executive Officer.

Performance Appraisal of Executive Officer

(CGC section 11126(a); B&P section 107)

(Board Policy – February 21, 2008)

(Revised December 1,2011)

The Board President shall request from each Board Member input to the performance appraisal and consult with OHR regarding salary administration of the Executive Officer prior to his/her draft preparations.

The Board President may consult with the Office of Human Resources (OHR) for assistance with the evaluation and to assist with obtaining salary approval from the Department of Human Resources.

The performance appraisal of the Executive Officer shall be discussed by the Board at the last meeting of the Board held annually.

Matters relating to the performance of the Executive Officer shall be discussed in closed session unless he or she requests that it be discussed in open session.

The performance evaluation shall be presented by the Board President to the Executive Officer within 30 days of the evaluation process.

Chapter 5. Executive Officer

Appointment

(B&P section 2570.21)

The Board appoints an Executive Officer who serves at the pleasure of the Board. He/She may be terminated at any time for any reason whatsoever, with or without good cause, and notwithstanding any representation to the contrary by any individual board member.

Role

(16 CCR Section 4101)

(Board Policy – February 21, 2008)

The Executive Officer is the Board's chief administrative officer. He or she shall implement the policies developed by the Board.

Recruitment

(Board Policy – February 21, 2008)

(Revised December 1,2011)

The Board shall institute an open recruitment plan to obtain a pool of qualified Executive Officer candidates. It shall also utilize proven equal employment opportunity and personnel recruitment procedures. The Board shall also work with the Department of Consumer Affairs' OHR and Deputy Director for Board relations in its recruitment process.

Selection

(Board Policy – February 21, 2008)

A qualified candidate for Executive Officer must demonstrate abilities that include the supervision of employees, conflict resolution and complaint mediation, public speaking and effective written and verbal communication skills. The candidate must have knowledge and expertise in the areas of administration, licensing, enforcement, legislation and budget.

(CGC section 11125)

The selection of a new Executive Officer shall be included as an item of business, which must be included in a written agenda and transacted at a public meeting.

Board Staff

(Board Policy – February 21, 2008)

The Board delegates all authority and responsibility for management of the civil service staff to the Executive Officer, including the annual evaluation and appraisal.

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, and conditions of employment are governed by a myriad of civil service laws and regulations and often, by collective bargaining agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil services staff to the Executive Officer. Board members shall not intervene or become involved in specific day-to-day management or oversight of Board staff.

Chapter 6. Committees

Standing Committees

(Board Policy – February 21, 2008)

(Revised September 16, 2013)

The Board has four standing committees subject to the Open Meetings Act:

- 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 this 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 agenda packet materials. Meetings must be consistent with the Bagley-Keene Open Meeting Act. The Board member will be responsible for providing the Committee report at the Board meeting.

Member terms will be two years, and members will serve a maximum 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.

Education and Outreach Committee

(Board Policy – February 21, 2008)

(Revised September 16,2013)

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

The Committee chairperson, the assigned Board member, will oversee the meetings and work with the Executive Officer in developing agenda packet materials. Meetings must be consistent with the Bagley-Keene Open Meeting Act. The Board member will be responsible for providing the Committee report at the Board meeting.

The Education and Outreach Committee is assigned to 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.

Legislative/Regulatory Affairs Committee

(Board Policy – February 21, 2008)
(Revised September 16,2013)

The Legislative/Regulatory Affairs Committee will consist of four members, at least one of whom will be a Board member.

The Committee is assigned to provide information and/or make recommendations to the Board and 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 Committee's goals and objectives are to:

- 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.
- Serve as a resource for the Board to implement proposed revisions to the Act and Board regulations.

The classification system to be used by the Committee in recommending Board positions on proposed legislation is:

Support:
The Board supports the current version of the bill. This designation commits the Board to full involvement in the legislative process including sending letters to key people, conferring with key people prior to committee hearings and testifying at hearings by Board members, legislative committee members or senior staff.

Support, if Amended:
The Board generally supports the concept or intent of the bill. Technical flaws need to be corrected before the Board will fully support the bill. The Board identifies the amendments or requirements that must be met in order for support to be obtained. If the requested amendments or requirements are accepted, the Board's position will change to support. This designation commits the Board to full involvement in the legislative process as noted above.

Oppose:
The Board is opposed to the current version of the bill. This designation commits the Board to involvement in the legislative process as noted above.

Legislative/Regulatory Affairs Committee (Cont.)

Oppose Unless Amended:
The Board is opposed to the bill but is willing to work with the author and sponsor of the bill to resolve the Board's concerns. The Board identifies the amendments or requirements that must be met to remove the Board's opposition. If the requested amendments or requirements are accepted, the Board will adopt a support position.

Watch
The Board has some interest in the bill because it potentially may affect the work of the Board. This designation requires careful tracking through the legislative process.

Neutral
The Board takes no official position.

Practice Committee

(Board Policy – February 21, 2008)
(Revised September 16, 2013)

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

The purpose of the Practice Committee is 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.

Ad Hoc Committees

(Board Policy – February 21, 2008)
(Revised September 16, 2013)

The Board may establish ad hoc committees as needed for the Board and its standing Committees.

The Board has one Ad-Hoc committee subject to the Open Meetings Act:

- Enforcement Ad-Hoc Committee

Enforcement Ad-Hoc Committee

(Board Policy – February 21, 2008)
(Revised September16, 2013)

The Enforcement Committee will consist of four members, at least one of whom will be a Board member.

The purpose of the Enforcement Oversight Committee is to continually seek ways to improve the Board's enforcement activities, develop and review enforcement policies, review enforcement and discipline-related regulatory proposals, review enforcement and discipline-related forms, review and make recommendations

regarding the Board's disciplinary guidelines and to assist in identifying situations where enforcement procedures might be improved. Members will not review individual enforcement cases.

Members will not review individual enforcement cases.

Chapter 7. Committee Meeting Procedures

Advisory Capacity

(Board Policy – February 21, 2008)
(Revised December 1,2011)

Committee recommendations and reports shall be submitted to the Board in a timely manner for consideration and possible action.

Agendas

(Board Policy – February 21, 2008)

Agendas shall focus on the specific tasks assigned by the Board and include:

- Public comment
- Time for committee members to recommend new areas of study to be brought to the Board's attention for possible assignment.
- Only those information items dealing with subjects assigned or delegated to the respective committee.

Committee chairs shall confer with the Board President prior to including any agenda item that is not clearly within that committee's assigned purview.
If more than two Board members will attend a Committee meeting, the agenda shall contain the statement: "A quorum of the Board may be present at the committee meeting. Board members who are not members of the committee may observe but not participate or vote."

Appointments

(Board Policy – Adopted date*)*
(Revised December 1,2011)

At the last meeting before the end of the fiscal year, standing committees shall make recommendations for possible members.

The Board President shall appoint the members to fill positions with expired terms of each standing committee and appoint members to ad hoc committees.

Attendance at Committee Meetings

(Board Policy – February 21, 2008)
(Revised December 1,2011)

Board members who are not members of the committee may attend a committee meeting and observe but not participate or vote.

It is required that non-Committee Board members sit in the audience and not participate in the meeting discussion.

Dual Membership

(Board Policy – February 21, 2008)

A non-Board member cannot serve concurrently on more than two standing advisory committees.

Meeting Rules

(Board Policy – February 21, 2008)

Meetings will be conducted under Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act or any other section of law.

Minimum Qualifications

(Board Policy – February 21, 2008)

The minimum qualifications for a licensed member of a standing advisory committee are:

- Five years of professional experience,
- Current California licensure as an occupational therapist or occupational therapy assistant, without restriction,
- No pending or prior disciplinary action.

Record of Meetings

(Board Policy – February 21, 2008)

The minutes are a summary, not a transcript of each committee meeting. The minutes shall be prepared by Board staff and submitted for review by Committee members within 20 working days of the meeting.

The Committee's meeting minutes shall be approved at the next scheduled Committee meeting and serve as the official record of the meeting. The Committee's recommendations and meeting materials shall be presented at the next scheduled Board meeting.

Approved minutes of the committee meeting are available to the public, upon request, and shall be posted on the Board's website.

Recruitment

(Board Policy – February 21, 2008)

The Board shall recruit interested persons to serve on appropriate committees.

Reimbursement of Travel-related Expenses

(Board Policy – February 21, 2008)

Consistent with the State Guidelines, Committee members are entitled to be reimbursed for ~~all~~ travel-related expenses to attend Committee meetings.

Residence Requirement

(Board Policy – February 21, 2008)

A member of a standing advisory committee must be a California resident.

Staff Participation

(Board Policy – February 21, 2008)

Board staff provides advice, consultation and support to committees.

Tape Recording

(Gov. Code section 11124.1;

Board Policy – February 21, 2008)

Committee meetings are tape-recorded. Tape recordings shall be retained until the minutes are adopted; the tape(s) shall then be destroyed.

Chapter 8. Travel Policies, Procedures, and Per Diem

Travel Approval

(Board Policy – February 21, 2008)

(Revised December 1,2011)

Board members shall have the Board President's approval for all travel except for regularly scheduled Board and Committee meetings to which the Board member is assigned.

Arrangements for Board member travel are made by Board members or the Board's staff.

Arrangements for Committee member travel are made by the Board's staff.

If a conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the conference is not an approved OST, there will be no reimbursement for travel-related expenses and the individual may not represent the Board.

Claims for Reimbursement of Travel-related expenses

(Board Policy – February 21, 2008)

Board members shall have the Board President's approval for all travel except for regularly scheduled Board and Committee meetings to which the Board member is assigned.

The California Department of Human Resources, the Department of Consumer Affairs, and the State Administrative Manual set for the rules governing reimbursement of travel expenses for Board members. All expenses shall be claimed on the appropriate travel expense claims forms. Board staff shall maintain these forms and complete them as needed. Board Members should submit their travel expense forms immediately after returning from a trip and no later than two weeks following the trip.

For the expenses to be reimbursed, Board Members shall follow the procedures contained in DCA Departmental Memoranda, which are periodically disseminated by the Executive Officer and are provided to Board Members.

Per Diem Salary

(B&P Section 103)

(Board Policy – February 21, 2008)

(Revised December 1,2011)

Business and Professions Code Section 103 regulates compensation in the form of per diem salary and reimbursement of travel and other related expenses for Board members. In relevant part, this section provides for the payment of per diem salary for Board members "for each day actually spent in the discharge of official duties," and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

Per Diem Salary (Cont.)

Business and Professions Code Section 103 also states:

> "Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment."

Accordingly, the following general guidelines shall be adhered to in the payment of per diem salary, or reimbursement for travel:

1. Board members shall be paid per diem salary for attendance at official Board and Committee meetings of which they are members. Board members cannot claim per diem salary for time spent traveling to and from a Board or Committee meeting. Per diem salary shall not be paid for preparation time for Board or Committee meetings, which would include such things as reading the meeting materials.

   Where it is necessary for a Board member to leave early from a meeting, the Board President shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

2. Board members shall be paid per diem salary for attendance at education and outreach events, or other events including but not limited to hearings, conferences or meetings other than official Board or Committee meetings that are approved in advance by the Board President and consistent with a "substantial service" as defined. The Executive Officer shall be notified of the event prior to the Board member's attendance. Board members will be compensated for actual time spent attending events other than official Board of Committee meetings, and preparation time for said events, based on submission of an approved attendance form. Per diem salary shall be paid upon evidencing six (6) hours of actual time spent. Hours may be accumulated over several events to meet this requirement.

3. Board-specified work and performance of state roles or additional assigned duties, Board members will be compensated for actual time spent performing work authorized in advance by the Board President based on submission of an approved attendance form. Per diem salary shall be paid upon evidencing six (6) hours of actual time spent. Hours may be accumulated for Board-specified assignments to meet this requirement

Chapter 9. Security Procedures

Request for Records Access

(Board Policy – February 21, 2008)

No Board member may access a licensee's or applicant's file without the Executive Officer's knowledge and approval of the conditions of access except as consistent with the Public Records Act, Information Practices Act, and other relevant sections of law. A notation of the Board member's access to the record shall be entered in the file. Records or copies of records shall not be removed from the Board's office.

The Executive Officer shall report to the Board at the next regularly scheduled Board meeting of the Board member's access to official board records.

Contact with Applicants, Licensees, Complainants, and Respondents

(Board Policy – February 21, 2008)

Board members shall not intervene on behalf of a applicant, licensee, or complainant for any reason. They shall forward all contacts or inquiries to the Executive Officer or Board staff.

Board members shall not directly participate in complaint handling and resolution or investigations. If a Board member is contacted by a respondent or his/her attorney, he/she shall refer the individual to the Executive Officer or Board staff.

Chapter 10. Affiliation With The Department of Consumer Affairs (DCA)

Overview of DCA

(B&P Code section 127)

(Board Policy – February 21, 2008)

The Department of Consumer Affairs (DCA) is mandated to protect and serve California consumers while ensuring a competent and fair marketplace. DCA helps consumers learn how to protect themselves from unscrupulous and unqualified individuals. The Department also protects professionals from unfair competition by unlicensed practitioners.

The Department of Consumer Affairs includes 40 regulatory entities (nine bureaus, one program, twenty-five boards, three committees, one commission, and one office). These entities establish minimum qualifications and levels of competency for licensure. They also license, register, or certify practitioners, investigate complaints and discipline violators. The committees, commission and boards are semiautonomous bodies whose members are appointed by the Governor and the Legislature. DCA provides them administrative support. DCA's operations are funded exclusively by license fees.

Pursuant to B&P Code Section 127 the director may require reports from any board, commission, examining committee, or other similarly constituted agency within the department as deemed reasonably necessary on any phase of their Board operations.

Chapter 11. Affiliation With Other Organizations

AOTA

(Board Policy – February 21, 2008)

The Board shall maintain membership in the American Occupational Therapy Association (AOTA). The President, President's designee, and/or Executive Officer may represent the Board at AOTA's Annual Conference. If AOTA's Annual Conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the conference is not an approved OST, there will be no reimbursement for travel-related expenses.

CLEAR

(Board Policy – February 21, 2008)

The Board may maintain a working relationship in the Council on Licensure, Enforcement and Regulation (CLEAR). If CLEAR's Annual Conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the conference is not an approved OST, there will be no reimbursement for travel-related expenses.

NBCOT

(Board Policy – February 21, 2008)

The Board may maintain a working relationship in the National Board for Certification in Occupational Therapy (NBCOT). If NBCOT's Annual Conference is held out of state, the President and/or Executive Officer may only attend if an Out of State Travel Request has been approved by the Department of Finance. If the conference is not an approved OST, there will be no reimbursement for travel-related expenses.

OTAC

(Board Policy – February 21, 2008)

The Board shall maintain membership in the Occupational Therapy Association of California (OTAC). The Board may ensure representation by attending OTAC Annual Conference and other events as operationally practicable.

Chapter 12. Other Information

Disciplinary Actions

(B&P section 127; Board Policy – February 21, 2008)

All final decisions by the Board following formal disciplinary proceedings of alleged violations of the Act shall be published on the Board's website after the effective date of the decision.

Rev XX

Conclusion

This Board Member Administrative Procedure Manual serves as reference for important laws, regulations, Department of Consumer Affairs' policies and Board policies in order to guide the actions of the Board members and ensure Board effectiveness and efficiency.

References

The procedures in this manual are specific to the Board. Suggested references for additional important information are:

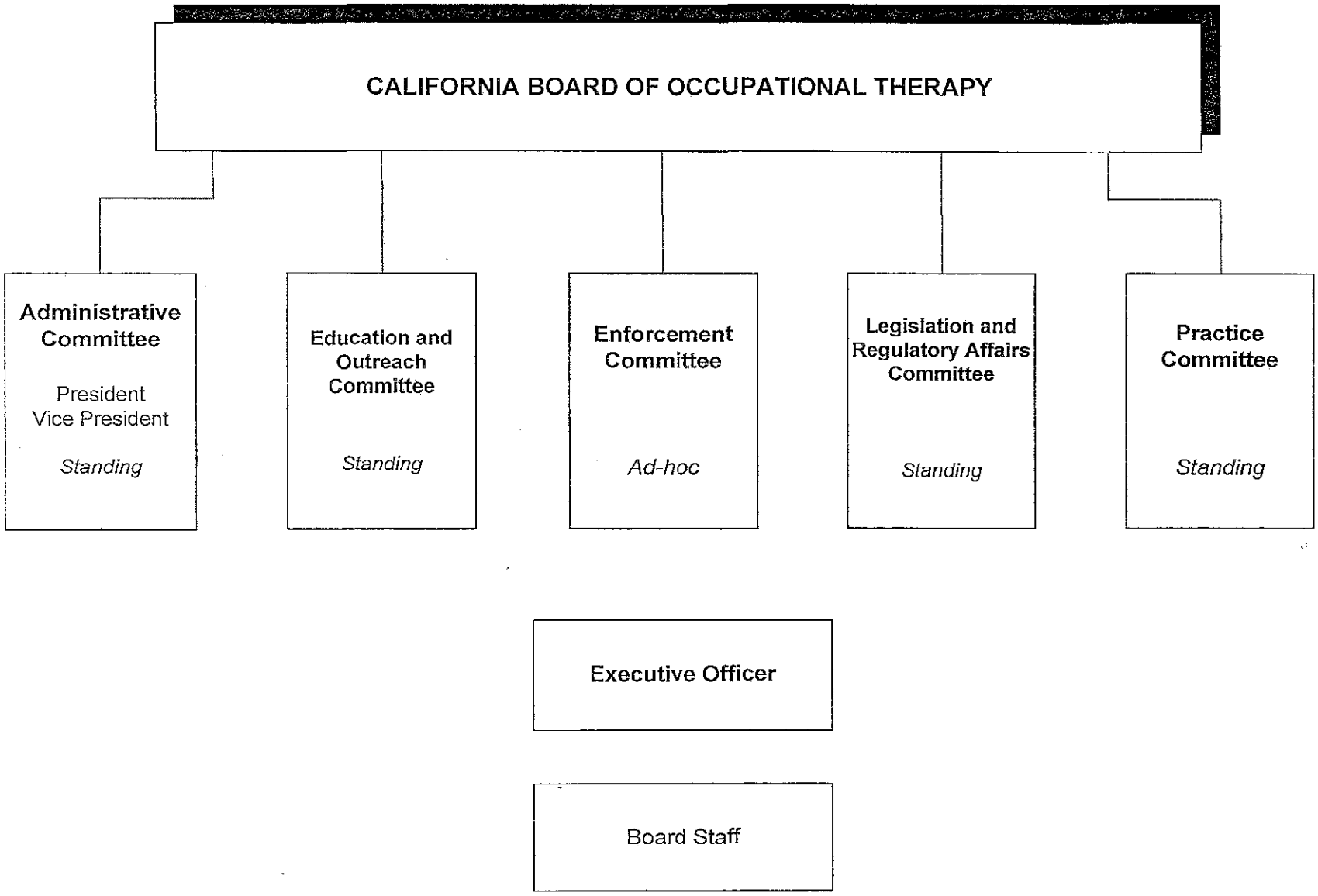
Board Member Orientation and Reference Manual, DCA

Business and Professions Code, sections 103, 106, 106.5, 2570-2571, 17500

Title 16, California Code of Regulations, sections 4100-4184

California Government Code, sections 1750, 11120 et seq., 11146 et seq.

State Administrative Manual, section 700 et seq.


CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
Administrative Committee
President
Vice President
Standing
Education and Outreach Committee
Standing
Enforcement Committee
Ad-hoc
Legislation and Regulatory Affairs Committee
Standing
Practice Committee
Standing
Executive Officer
Board Staff

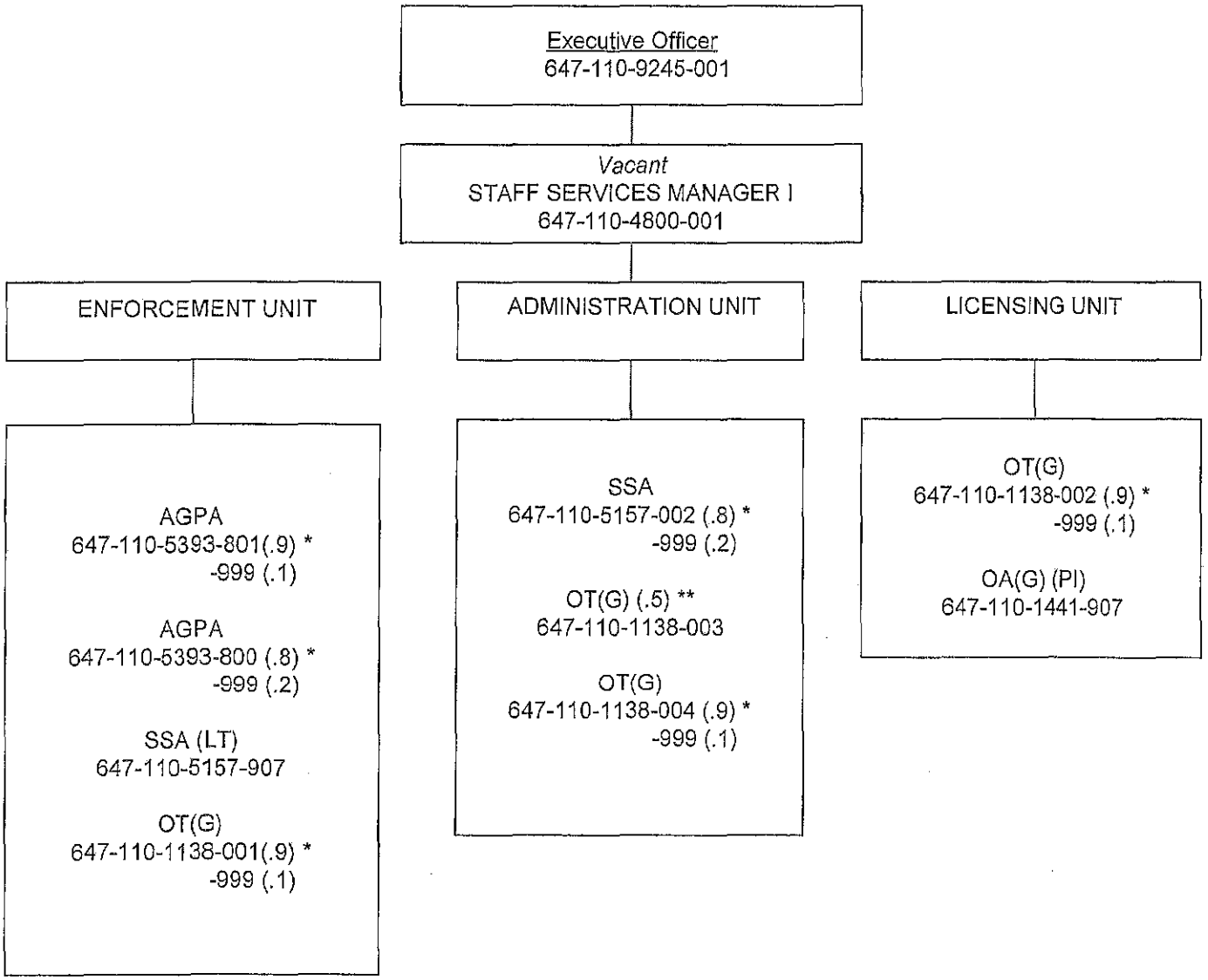
June 2015

FY 2012-13
As of
June 30, 2013

DEPARTMENT OF CONSUMER AFFAIRS

CA BOARD OF OCCUPATIONAL THERAPY

8.2 PYs
.8 999
Current



* = Reduced TB of positions effective 7/1/2012, due to (.8 PY) salary savings required by BL 12-03
(all positions filled at 1.0)

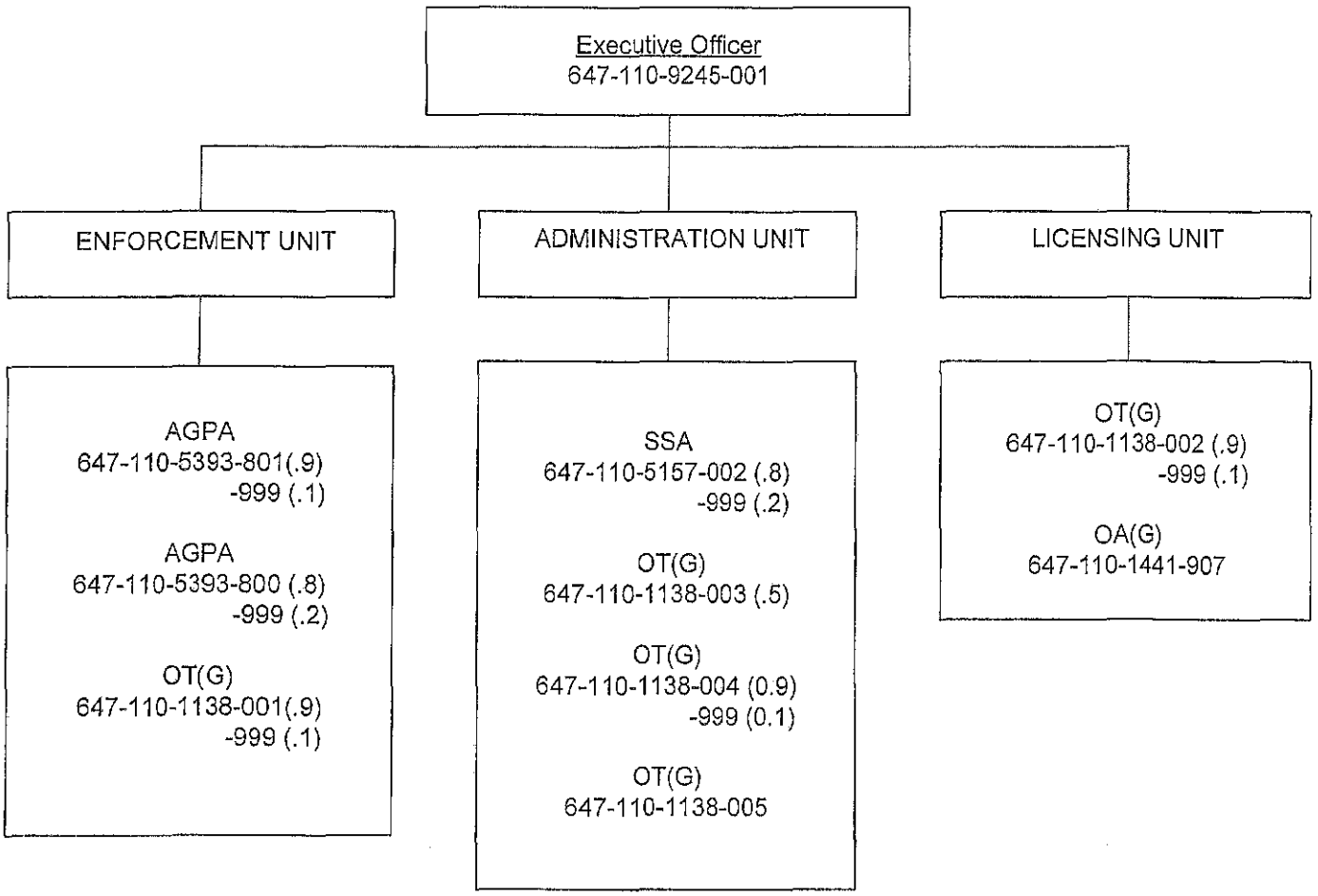
** = .5 PY authorized; position filled at 1.0 PY
(.5 absorbed in blanket)

FY 2013-14
As of
June 30, 2014

DEPARTMENT OF CONSUMER AFFAIRS
CA BOARD OF OCCUPATIONAL THERAPY

CURRENT
FY 2013-14
7.7 Permanent Positions

0.8 999 BL 12-03



DENISE D. BROWN, Director

HEATHER MARTIN, Executive Officer

Office of Human Resources

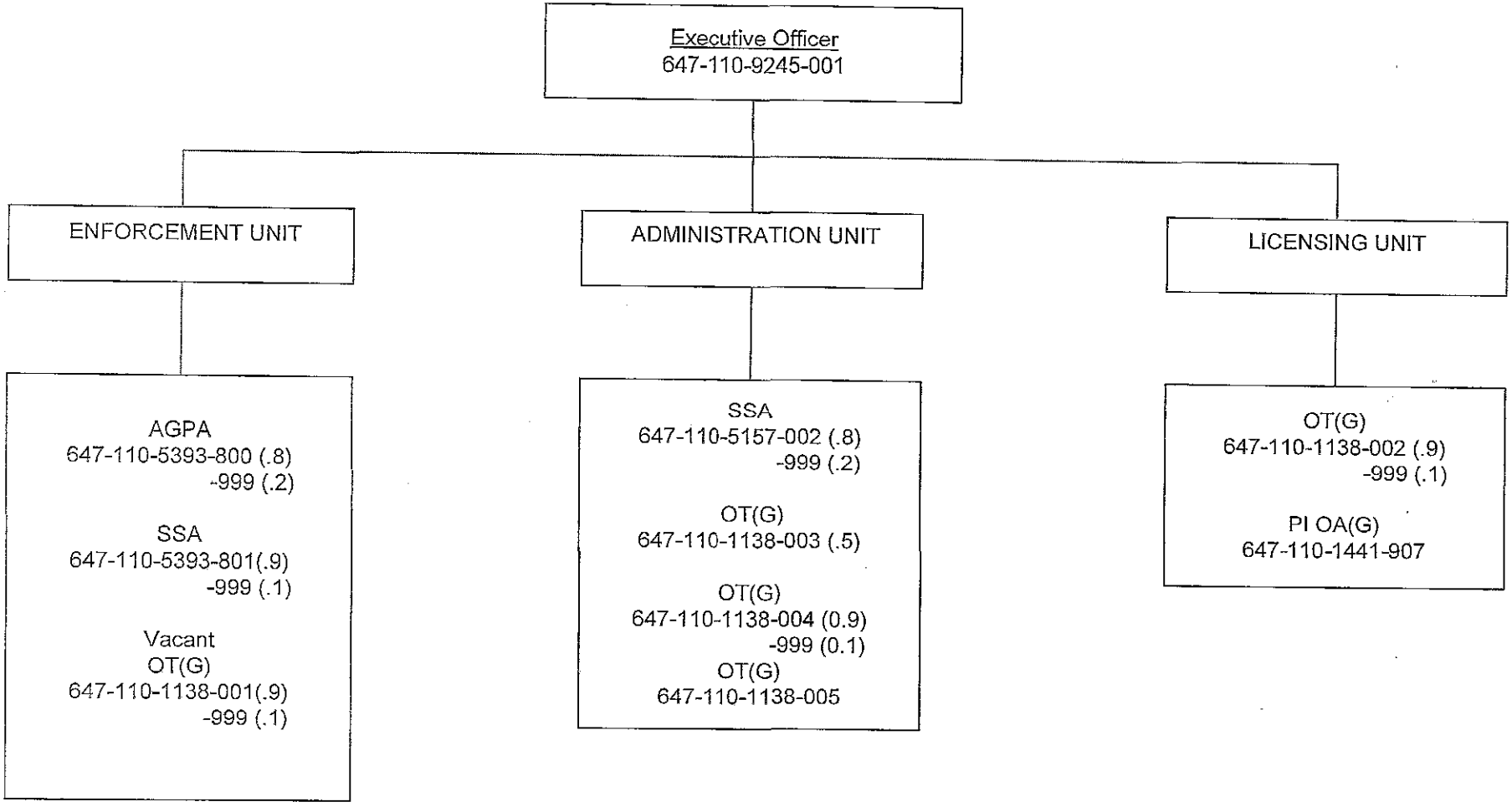
FY 2014-15
As of June 30, 2015

DEPARTMENT OF CONSUMER AFFAIRS
CA BOARD OF OCCUPATIONAL THERAPY

CURRENT
FY 2014-15

7.7 Permanent Positions

0.8 999 BL 12-03



AWET KIDANE, Director

HEATHER MARTIN, Executive Officer

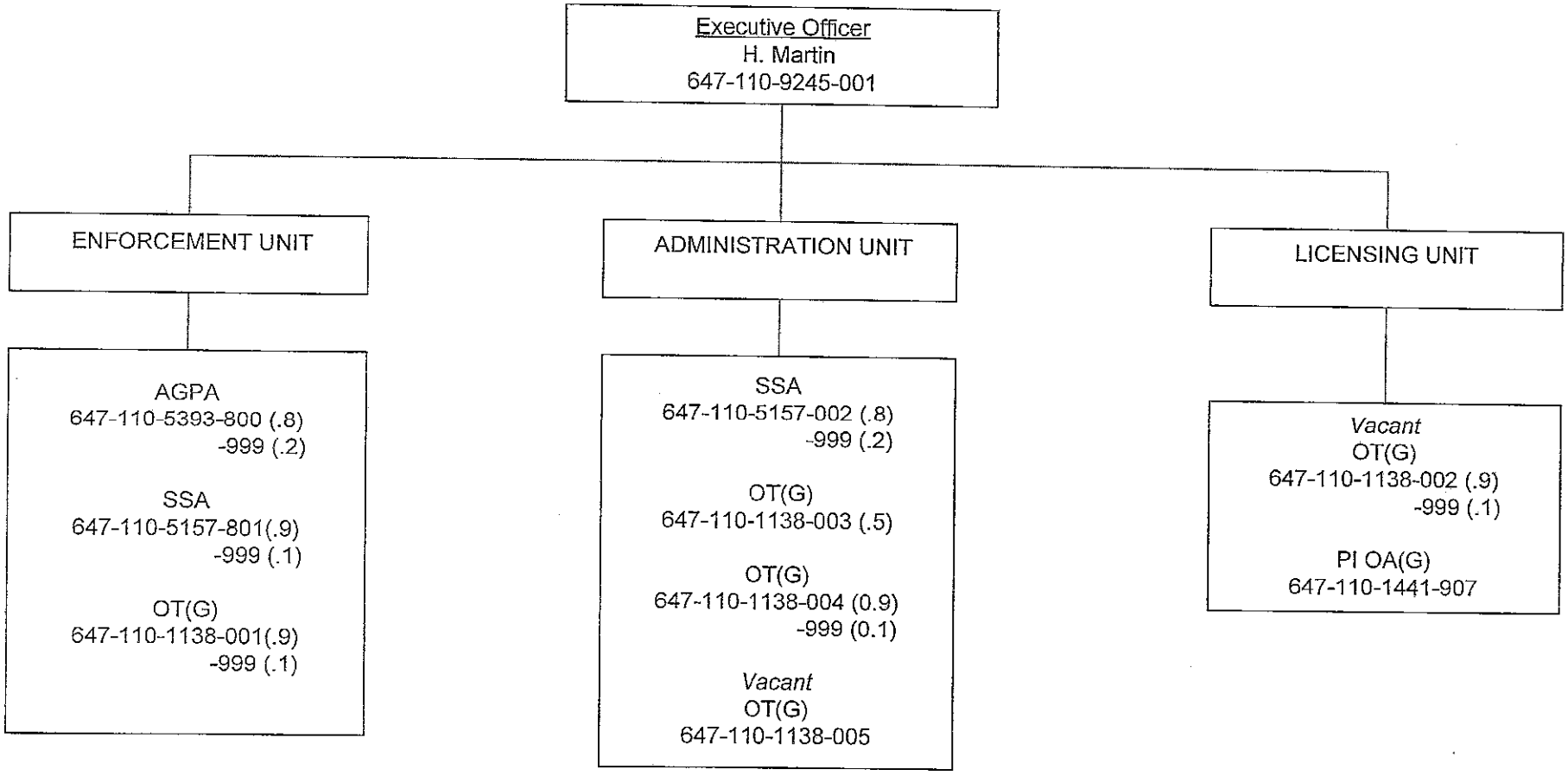
Office of Human Resources

FY 2015-16
As of June 30, 2016

DEPARTMENT OF CONSUMER AFFAIRS
CA BOARD OF OCCUPATIONAL THERAPY

CURRENT
FY 2015-16

7.7 Permanent Positions
0.8 999 BL 12-03



AWET KIDANE, Director

HEATHER MARTIN, Executive Officer

Office of Human Resources

Department of Consumer Affairs

Board of Occupational Therapy

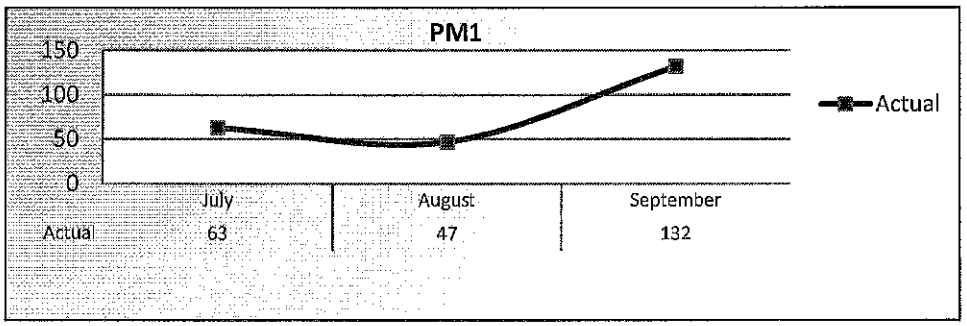
Performance Measures

Q1 Report *(July - September 2013)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

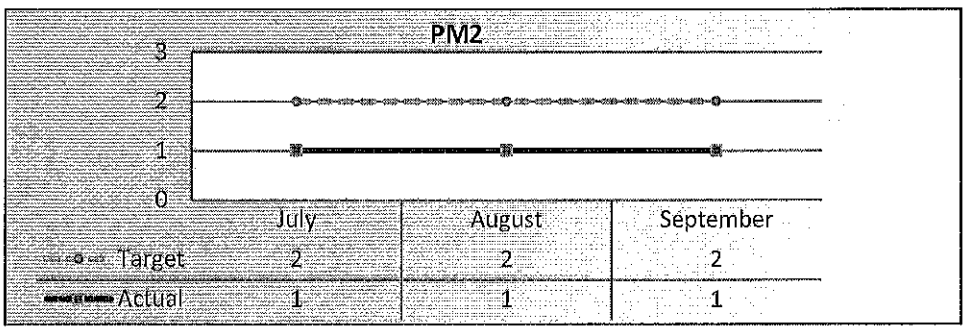


Total Received: 242 Monthly Average: 81

Complaints: 206 | **Convictions**: 36

PM2 | Intake

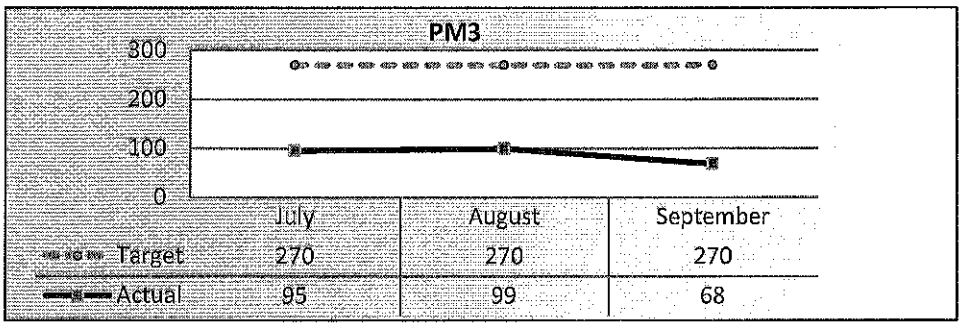
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

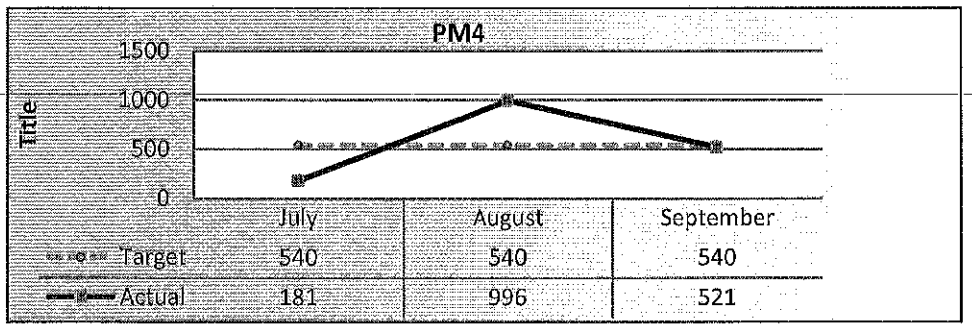
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 270 Days | **Actual Average:** 90 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 579 Days

PM7 |Probation Intake

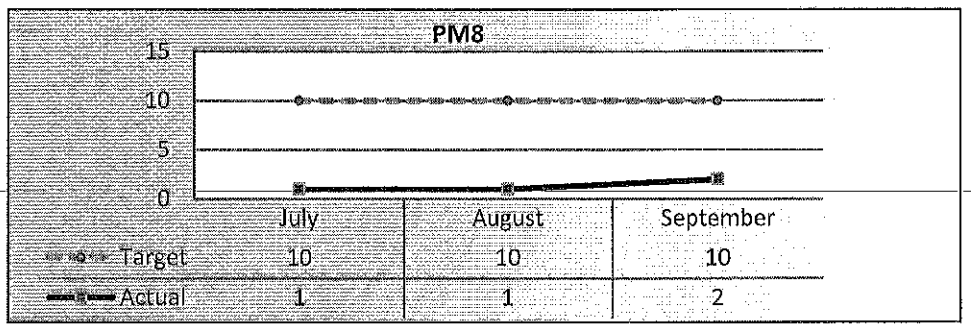
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



	July	August	September
Target	10	10	10
Actual	1	1	2

Target Average: 10 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

Board of Occupational Therapy

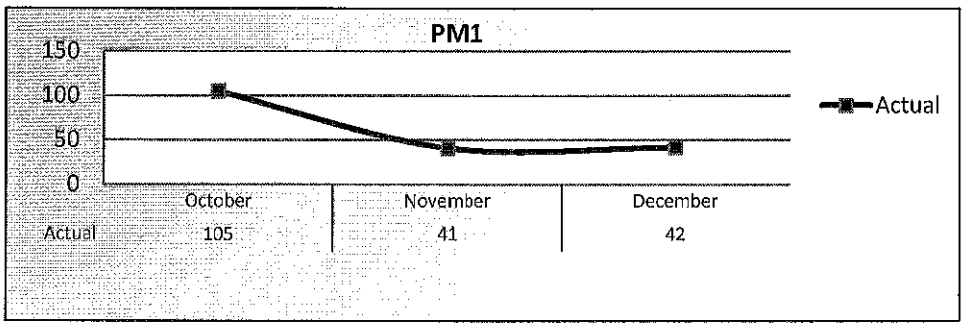
Performance Measures

Q2 Report *(October - December 2013)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

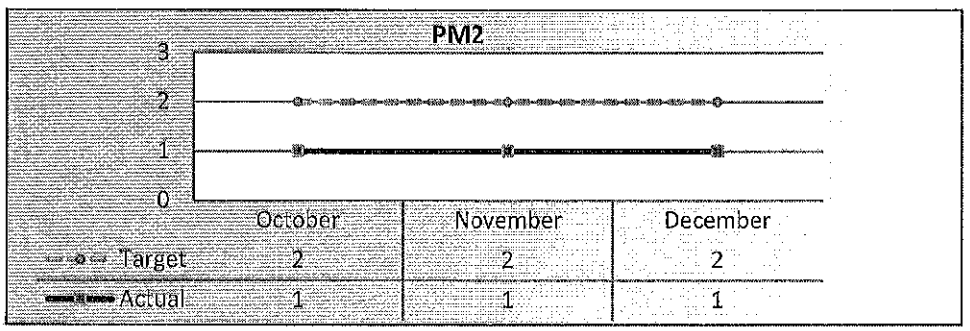


Total Received: 188 Monthly Average: 63

Complaints: 159 | **Convictions**: 19

PM2 | Intake

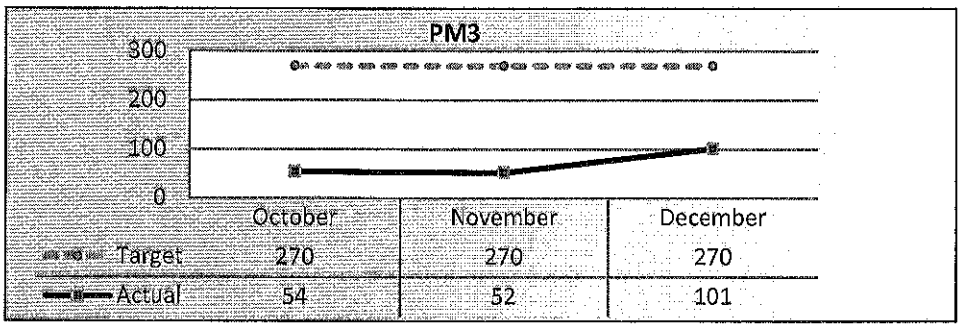
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

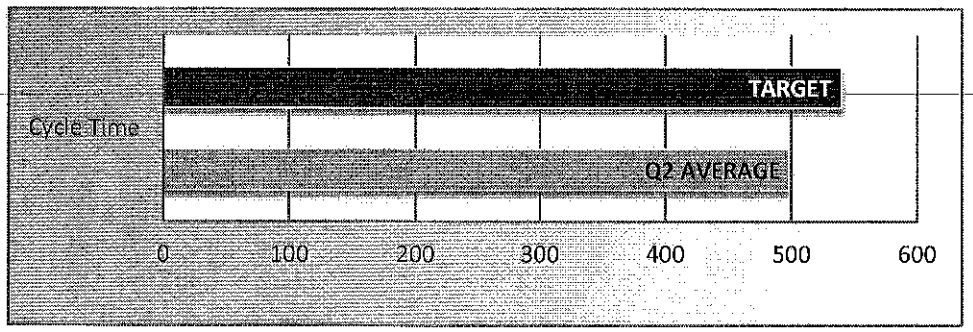
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 270 Days | **Actual Average:** 73 Days

PM4 | Formal Discipline

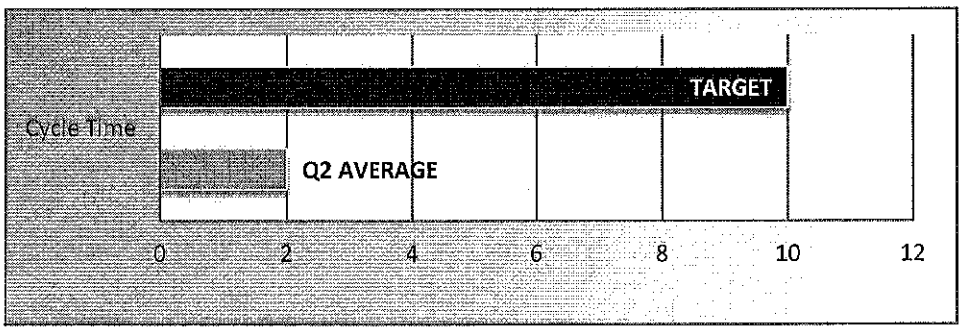
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 498 Days

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 2 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Board of Occupational Therapy

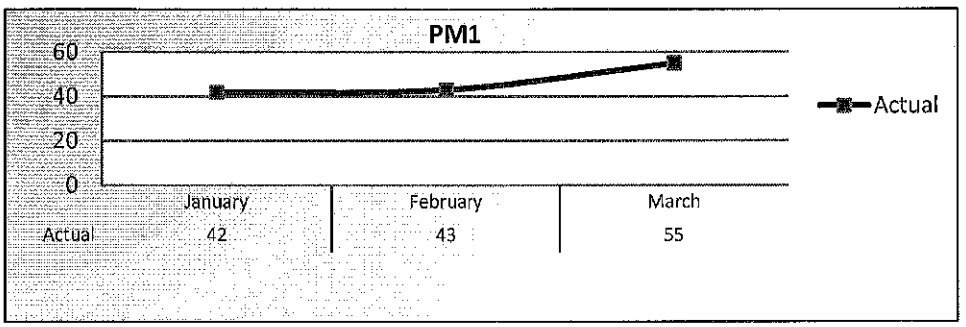
Performance Measures

Q3 Report *(January - March 2014)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

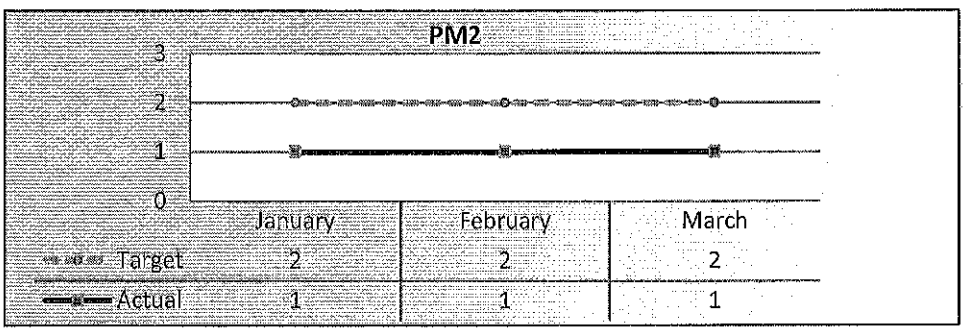


Total Received: 140 Monthly Average: 47

Complaints: 114 | **Convictions**: 26

PM2 | Intake

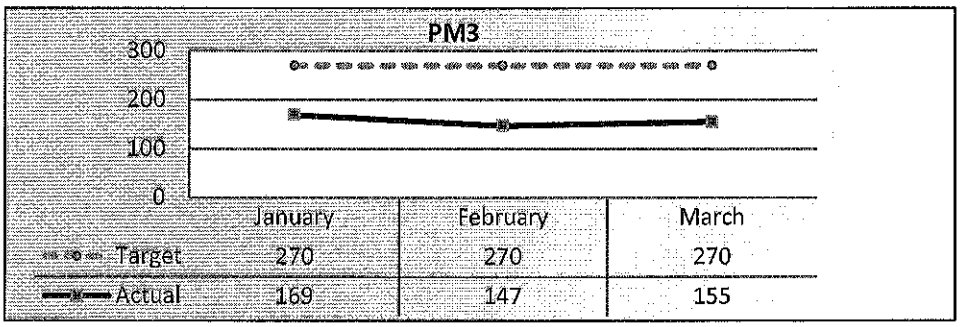
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

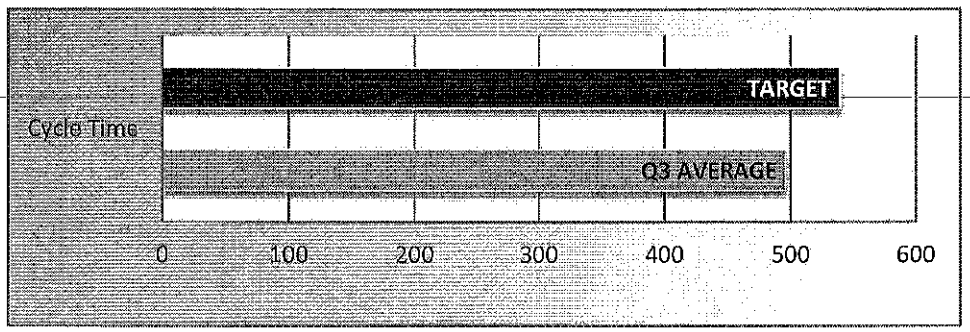
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 270 Days | **Actual Average:** 158 Days

PM4 | Formal Discipline

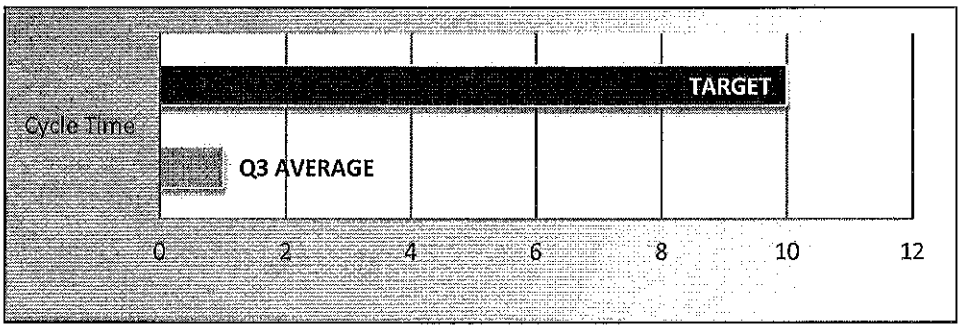
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 496 Days

PM7 |Probation Intake

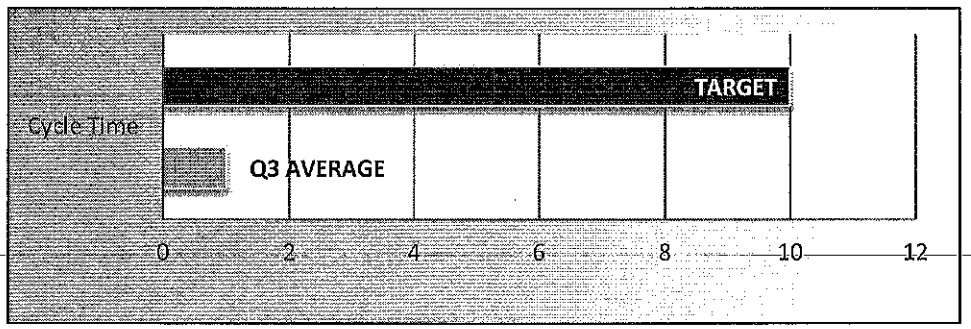
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 1 Day

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

Board of Occupational Therapy

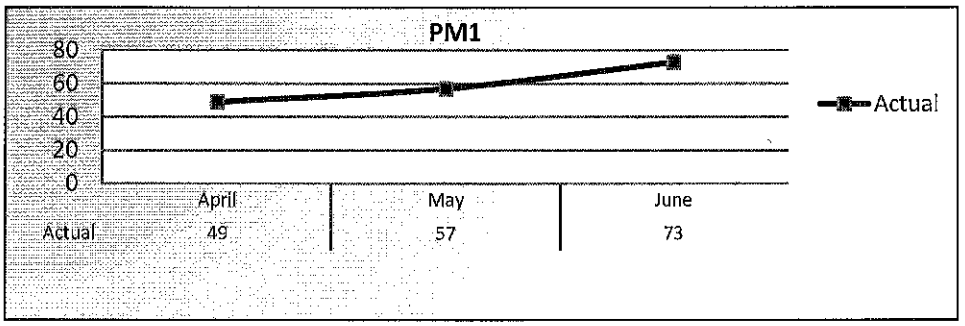
Performance Measures

Q4 Report *(April - June 2014)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

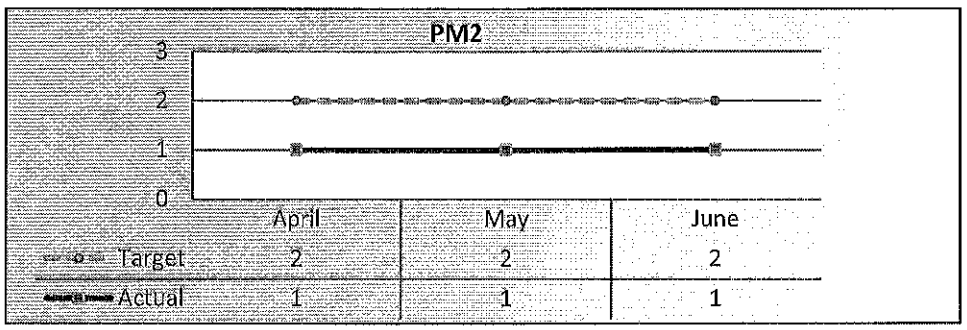


Total Received: 179 Monthly Average: 60

Complaints: 144 | **Convictions**: 35

PM2 | Intake

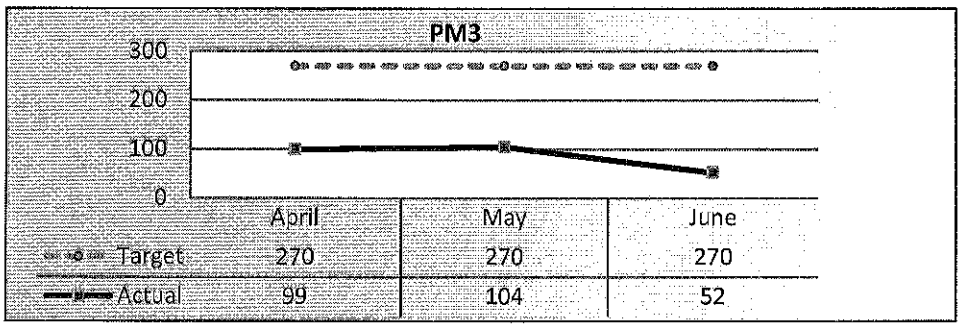
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

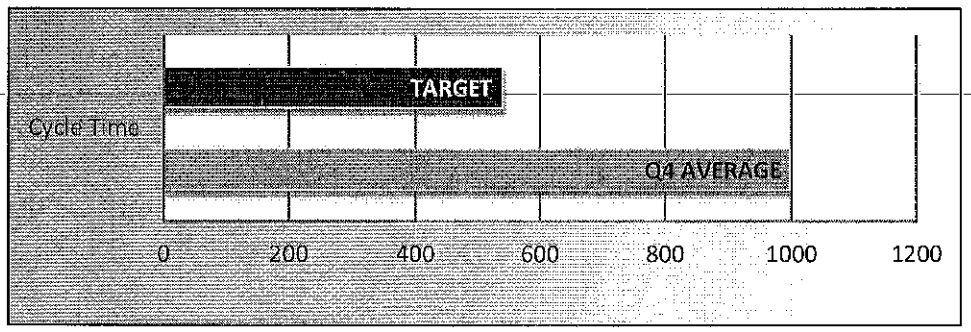
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 270 Days | **Actual Average:** 96 Days

PM4 | Formal Discipline

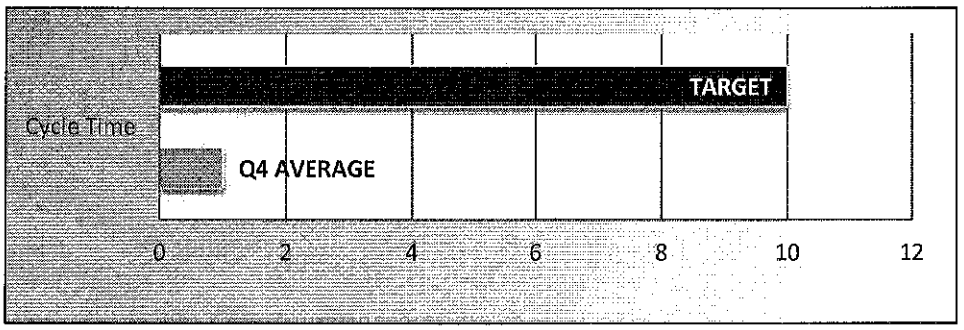
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 997 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 1 Day

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Board of Occupational Therapy

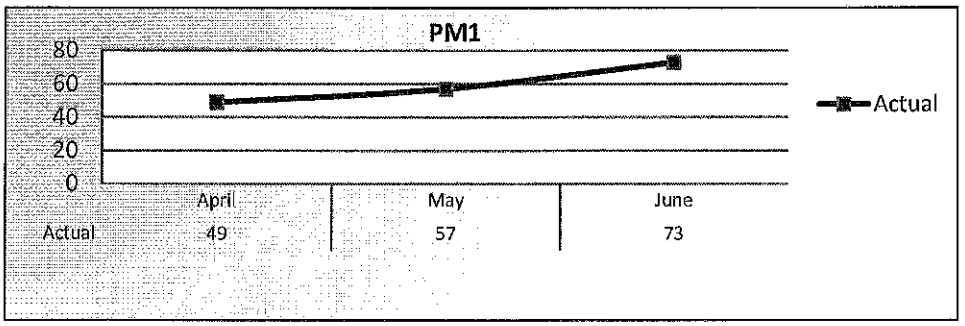
Performance Measures

Q4 Report *(April - June 2014)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

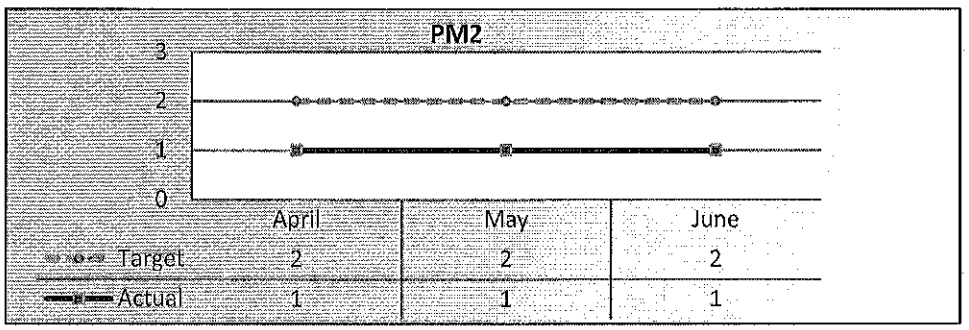


Total Received: 179 Monthly Average: 60

Complaints: 144 | **Convictions**: 35

PM2 | Intake

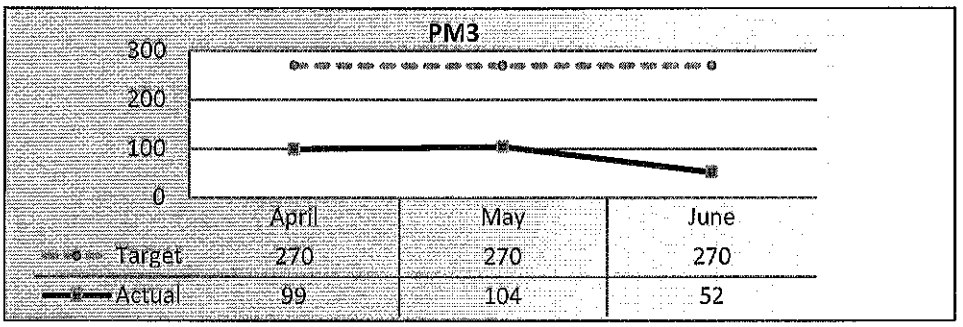
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

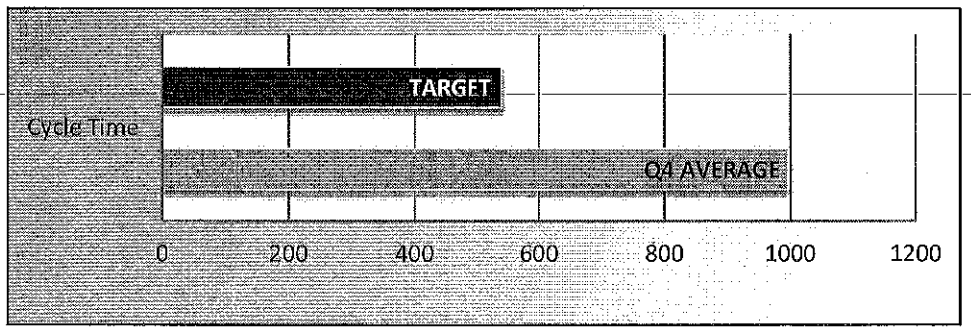
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 270 Days | **Actual Average:** 96 Days

PM4 | Formal Discipline

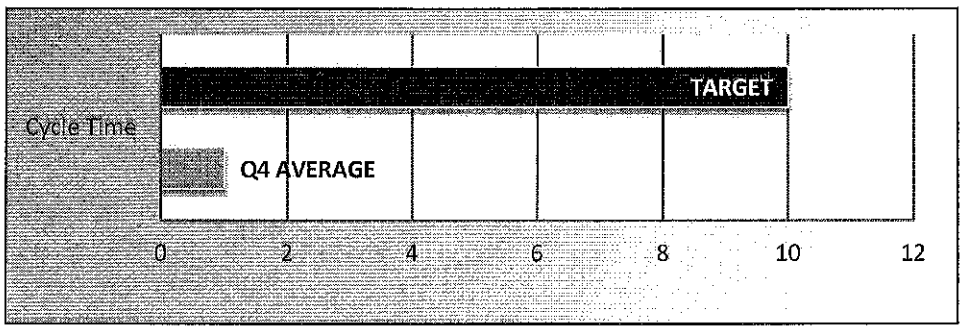
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 997 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 1 Day

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Board of Occupational Therapy

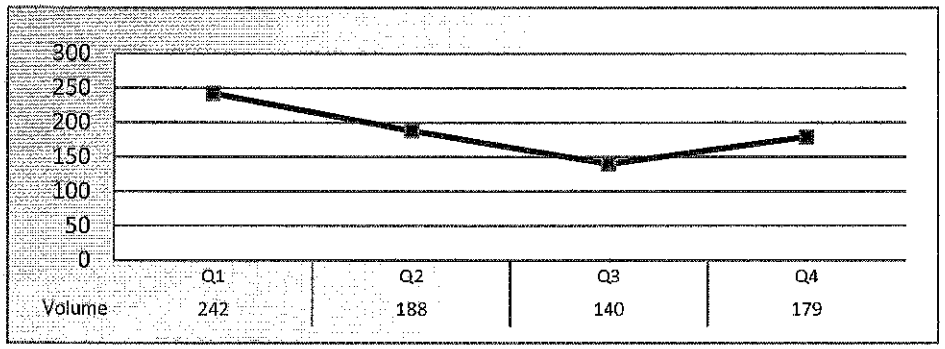
Performance Measures

Annual Report *(2013 – 2014 Fiscal Year)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly and annual basis.

PM1 | Volume

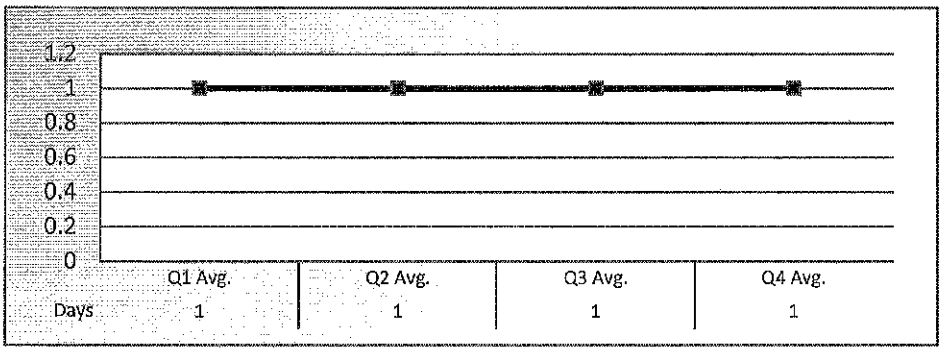
Number of complaints and convictions received.



Fiscal Year Total: 749

PM2 | Intake

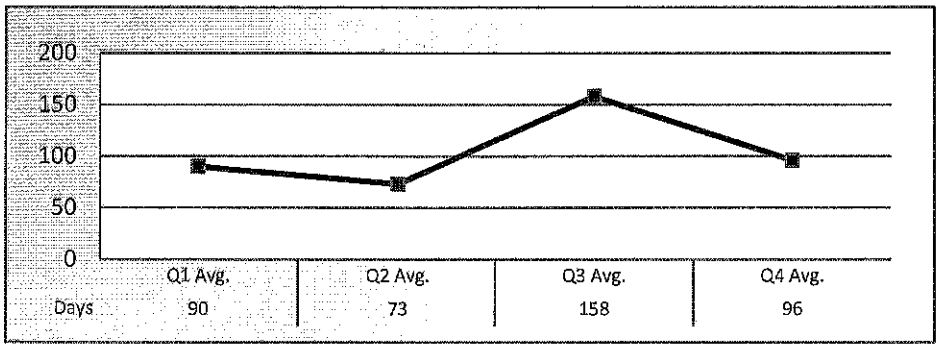
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days

PM3 | Intake & Investigation

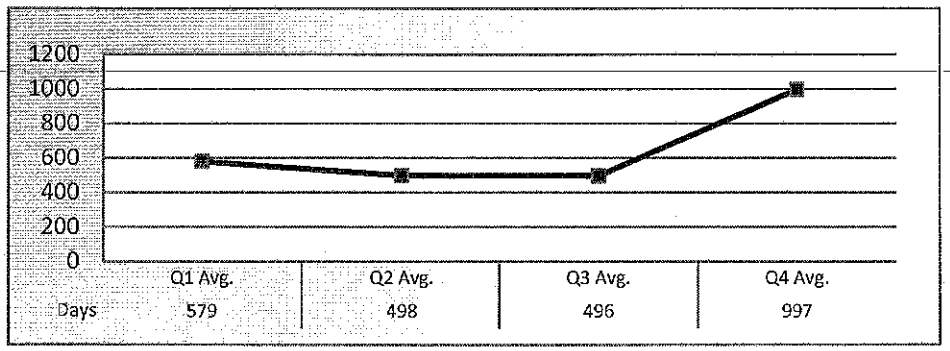
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 270 Days

PM4 | Formal Discipline

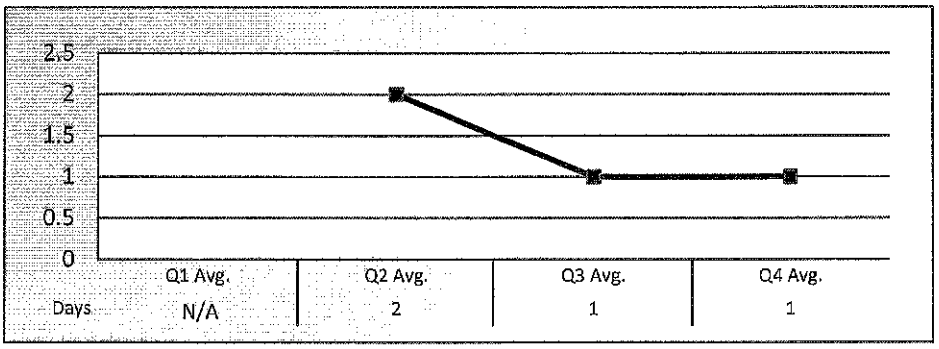
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days

PM7 |Probation Intake

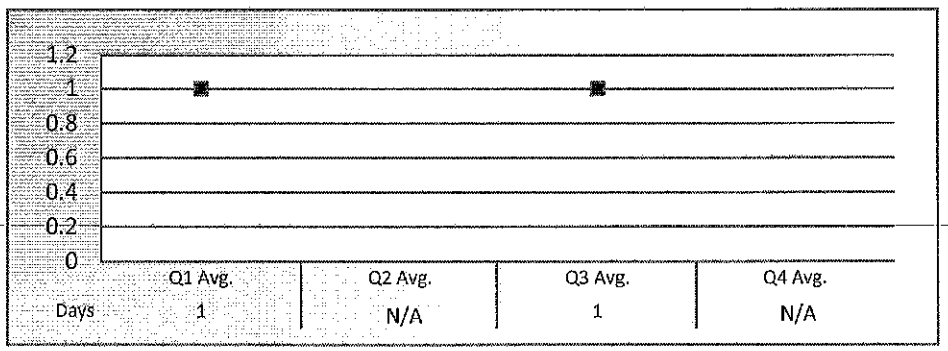
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days

Department of Consumer Affairs

Board of Occupational Therapy

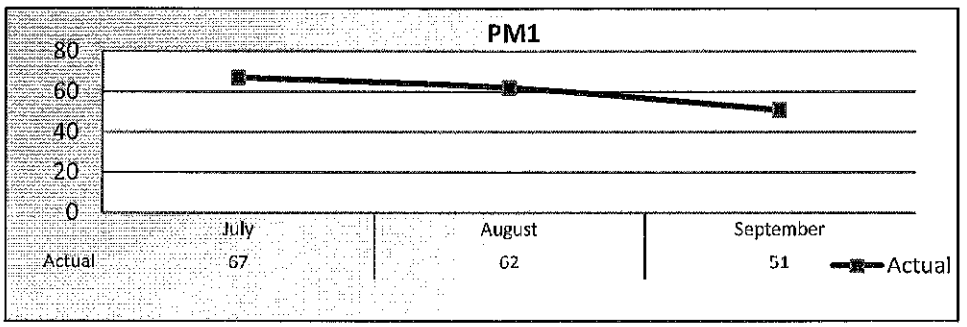
Performance Measures

Q1 Report *(July - September 2014)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

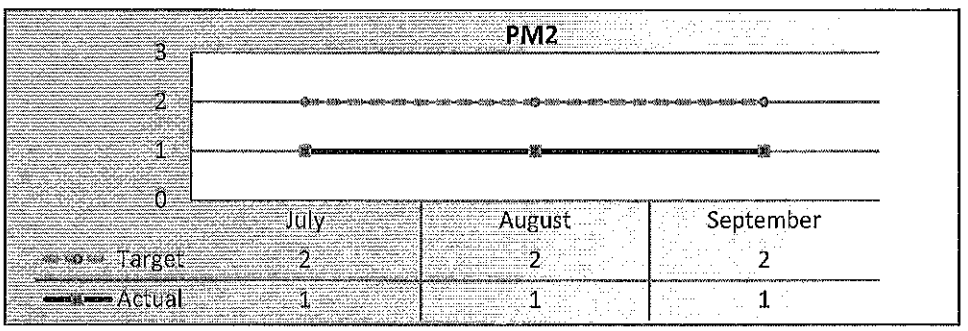


Total Received: 180 Monthly Average: 60

Complaints: 144 | **Convictions**: 36

PM2 | Intake

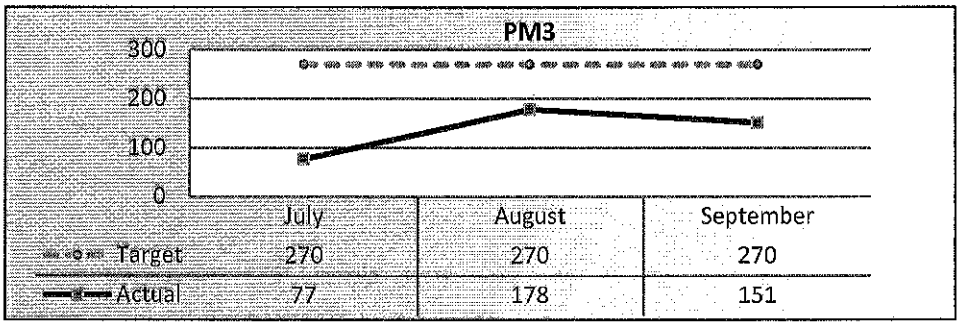
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

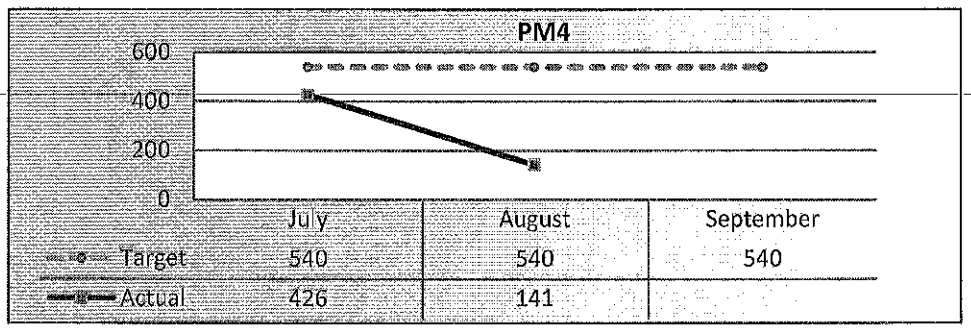
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 270 Days | **Actual Average:** 161 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 312 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Board of Occupational Therapy

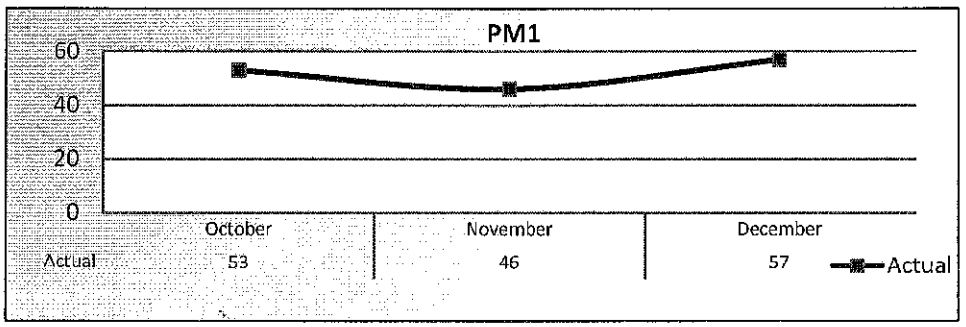
Performance Measures

Q2 Report *(October - December 2014)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

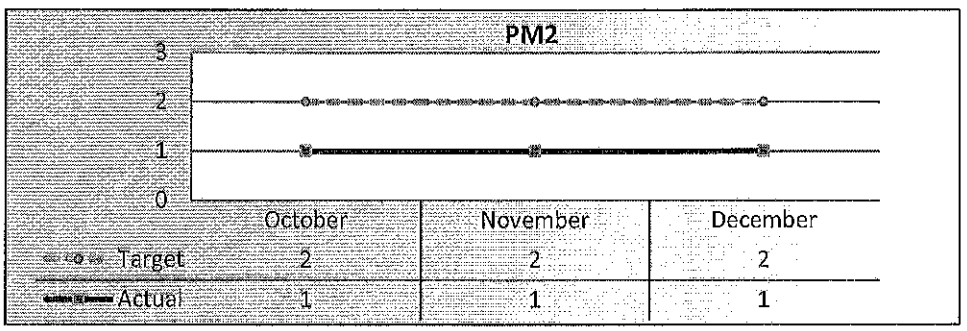


Total Received: 156 Monthly Average: 52

Complaints: 130 | **Convictions:** 26

PM2 | Intake

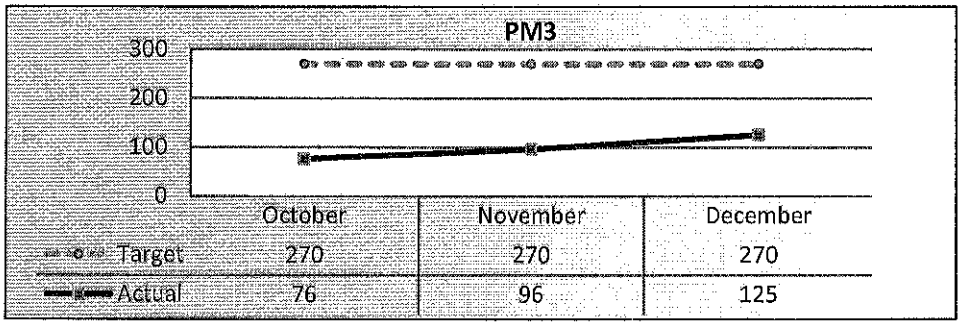
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

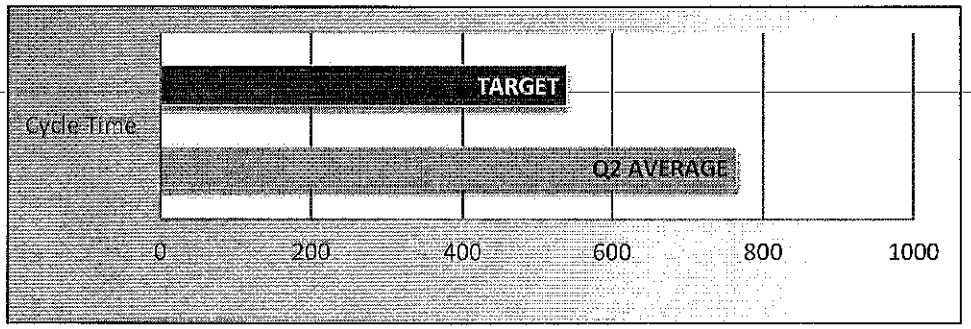
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 270 Days | **Actual Average:** 107 Days

PM4 | Formal Discipline

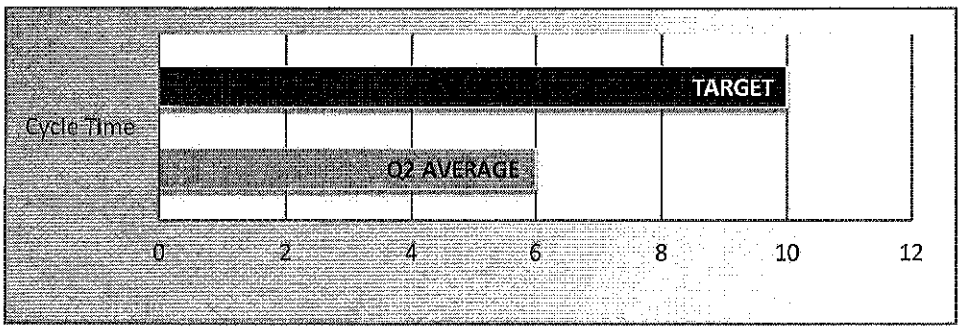
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 765 Days

PM7 |Probation Intake

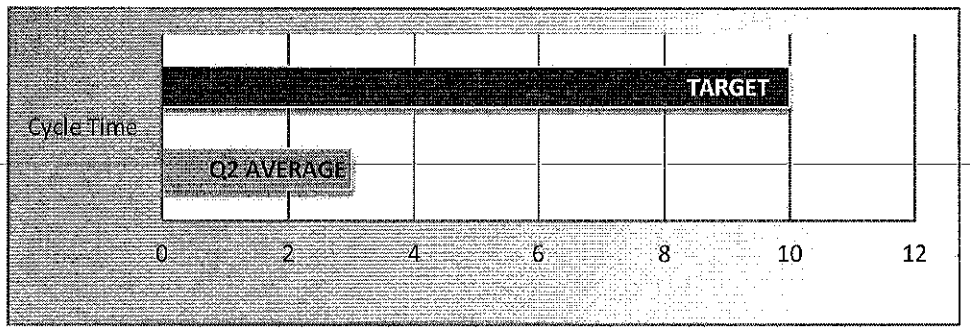
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 6 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 3

Department of Consumer Affairs

Board of Occupational Therapy

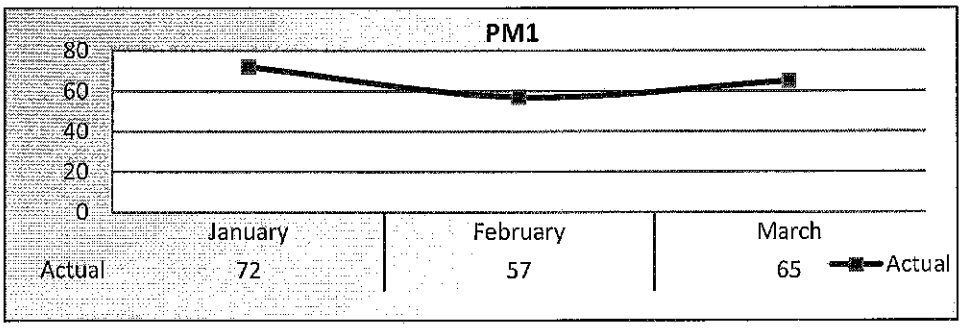
Performance Measures

Q3 Report *(January - March 2015)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

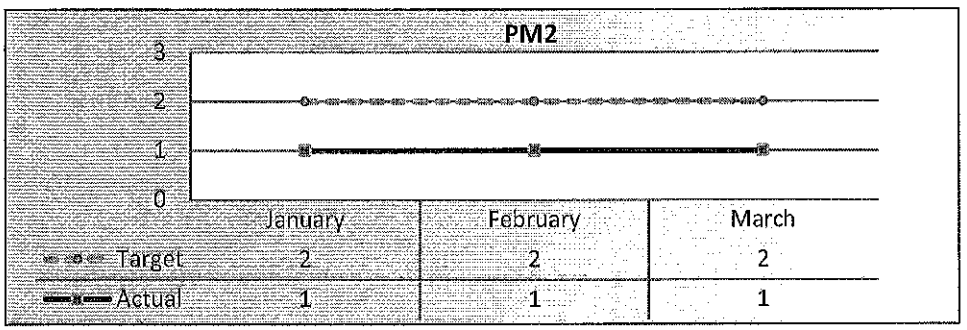


Total Received: 194 Monthly Average: 65

Complaints: 148 | **Convictions**: 46

PM2 | Intake

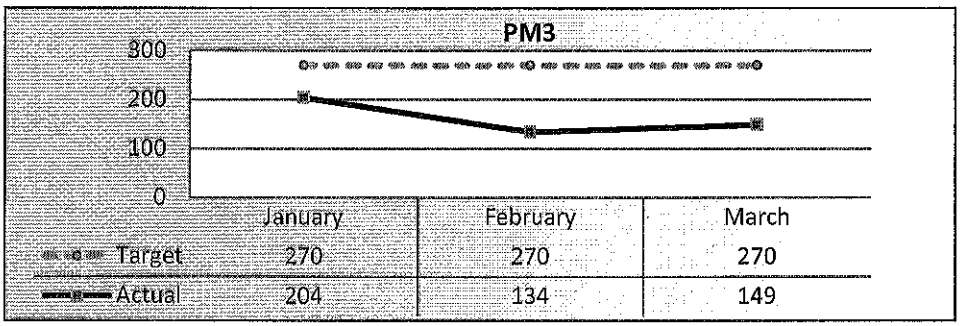
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

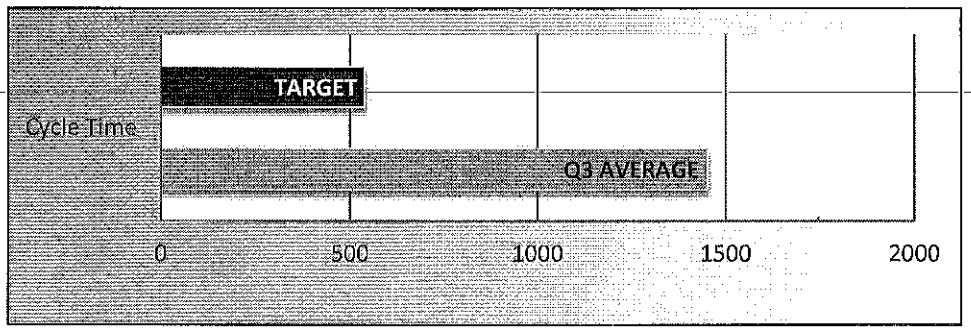
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 270 Days | **Actual Average:** 160 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 1,452 Days

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Board of Occupational Therapy

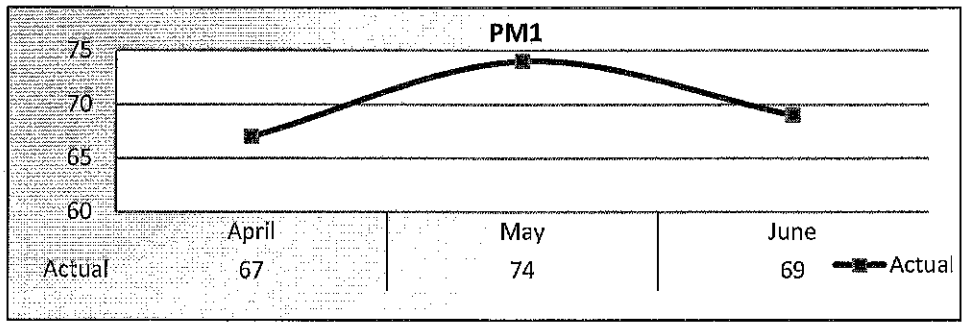
Performance Measures

Q4 Report *(April - June 2015)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

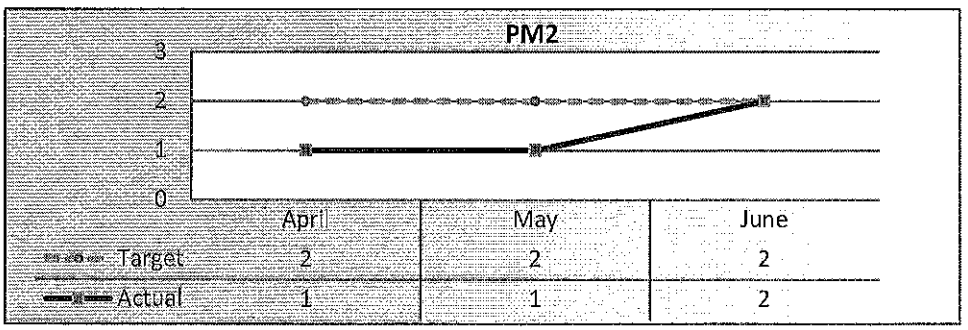


Total Received: 210 Monthly Average: 70

Complaints: 173 | **Convictions**: 37

PM2 | Intake

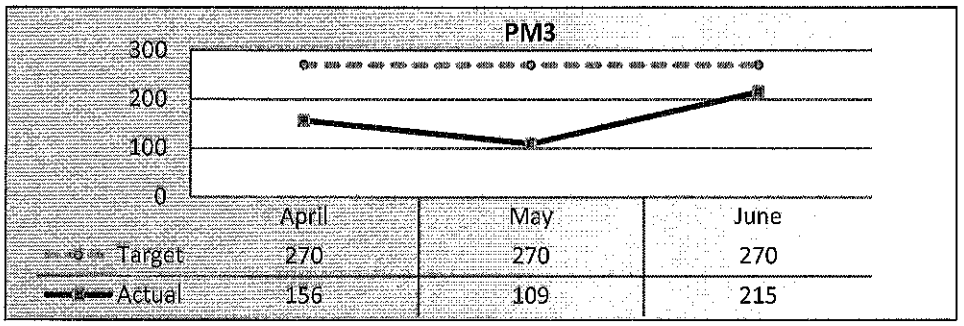
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

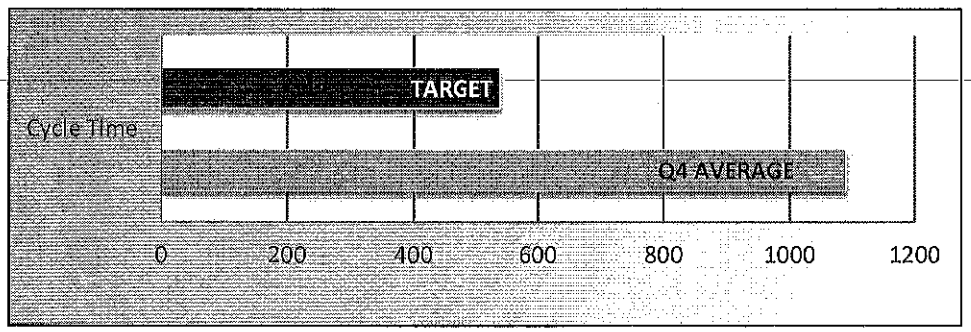
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 270 Days | **Actual Average:** 145 Days

PM4 | Formal Discipline

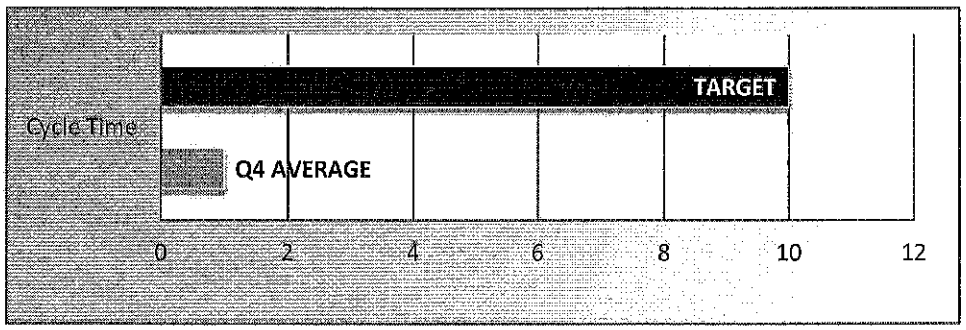
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | **Actual Average:** 1,090 Days

PM7 | Probation Intake

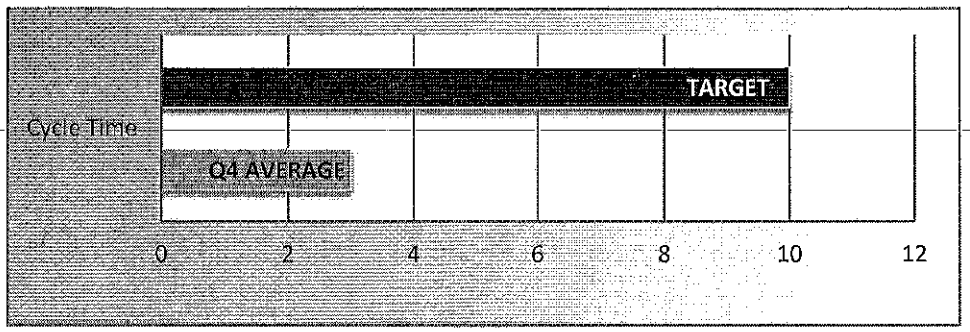
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 1 Day

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 3 Days

Department of Consumer Affairs

Board of Occupational Therapy

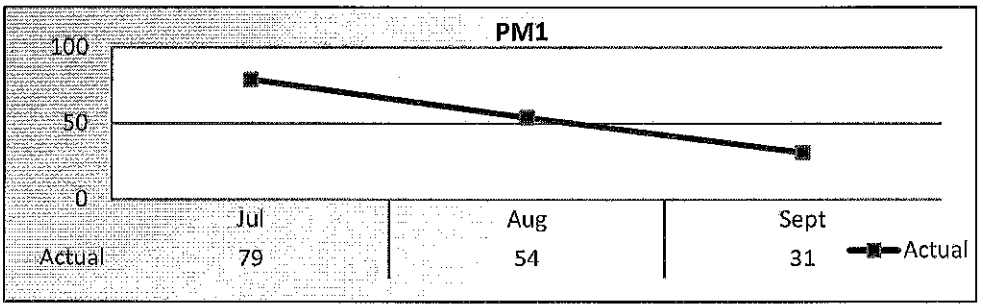
Performance Measures

Q1 Report *(July - September 2015)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

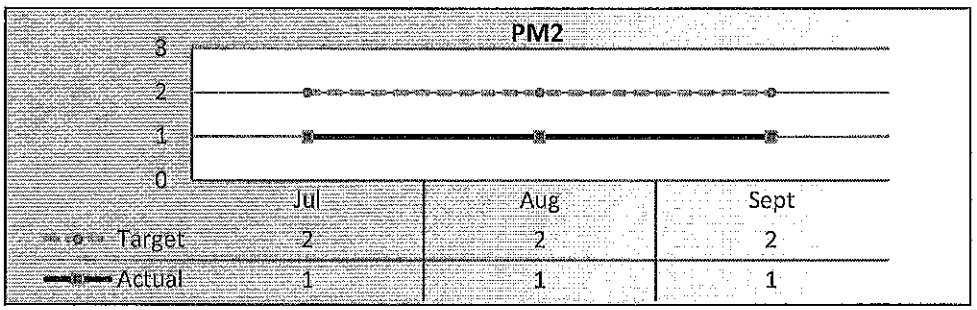


Total Received: 164 **Monthly Average:** 55

Complaints: 134 | **Convictions:** 30

PM2 | Intake

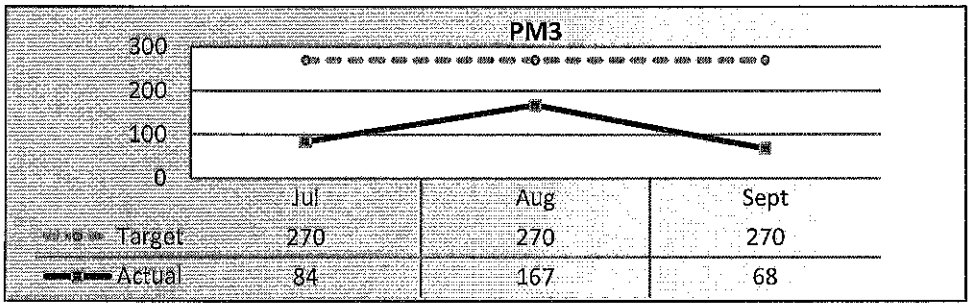
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

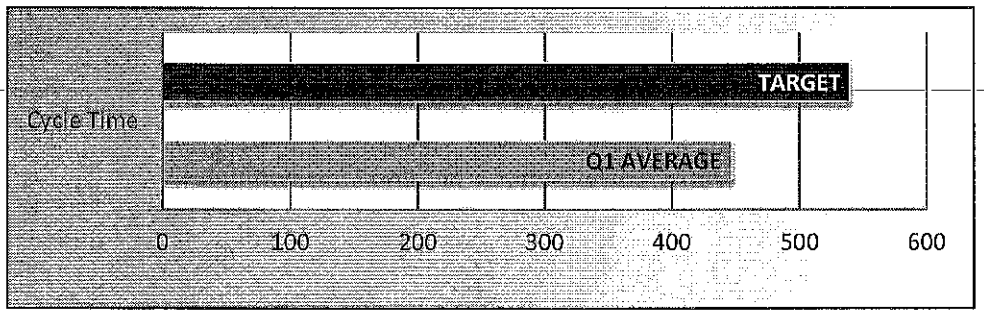
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 270 Days | **Actual Average:** 122 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | **Actual Average:** 447 Days

PM7 | Probation Intake

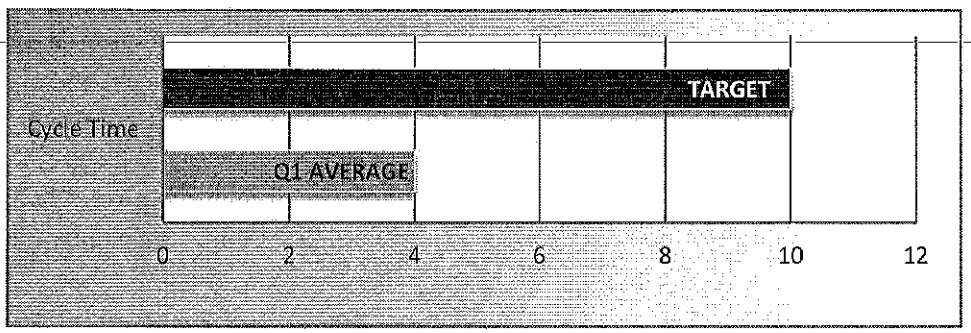
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 4 Days

Department of Consumer Affairs

Board of Occupational Therapy

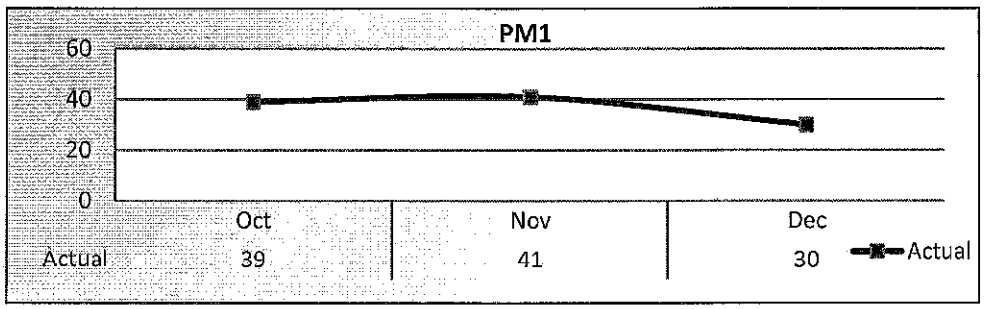
Performance Measures

Q2 Report *(October - December 2015)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

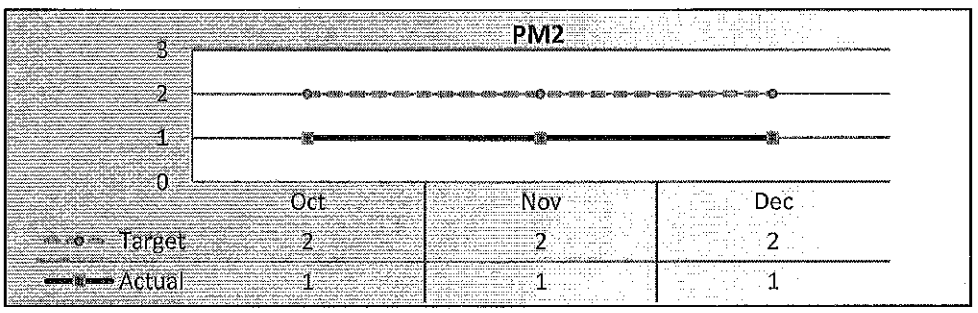


Total Received: 110 **Monthly Average**: 37

Complaints: 73 | **Convictions**: 37

PM2 | Intake

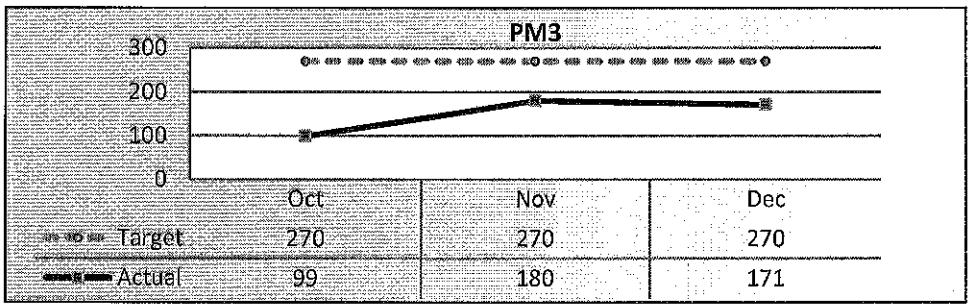
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

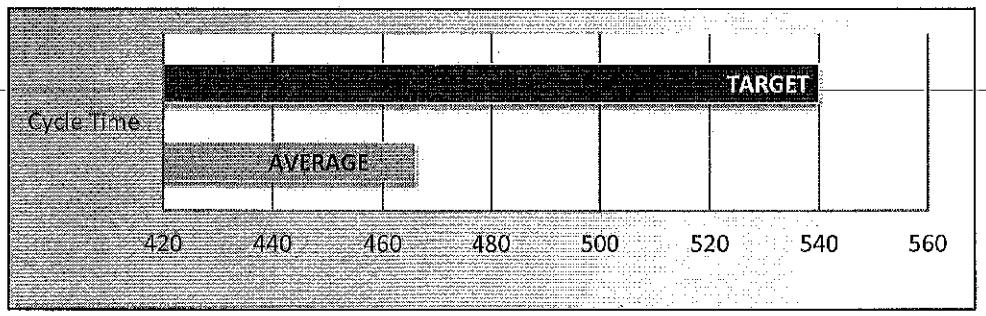
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 270 Days | **Actual Average:** 169 Days

PM4 | Formal Discipline

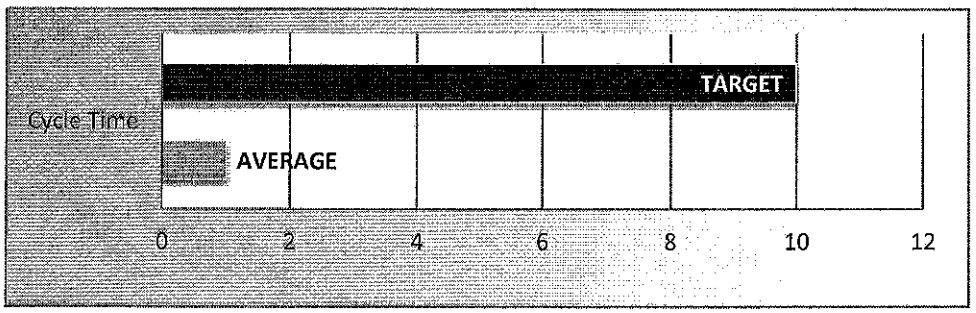
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | **Actual Average:** 466 Days

PM7 | Probation Intake

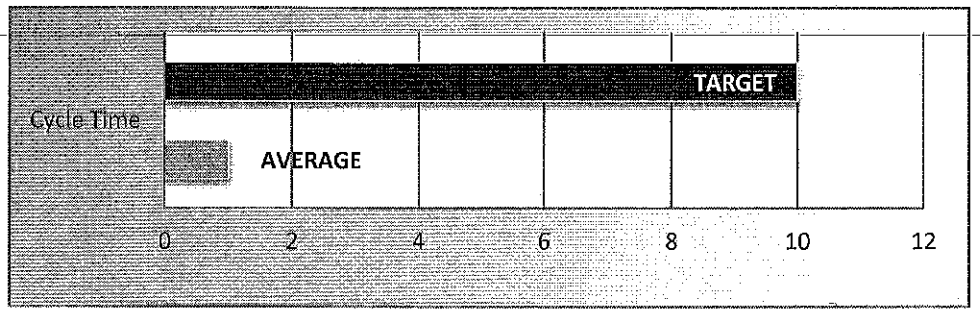
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | **Actual Average:** 1 Day

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | **Actual Average:** 1 Day

Department of Consumer Affairs

Board of Occupational Therapy

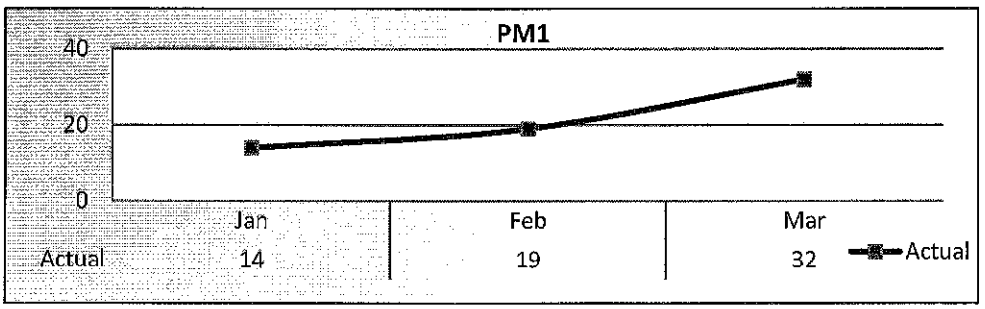
Performance Measures

Q3 Report *(January – March 2016)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

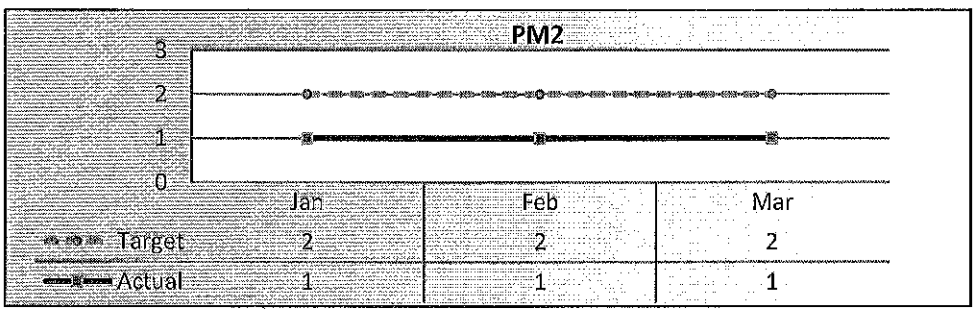


Total Received: 65 **Monthly Average:** 22

Complaints: 33 | **Convictions:** 32

PM2 | Intake

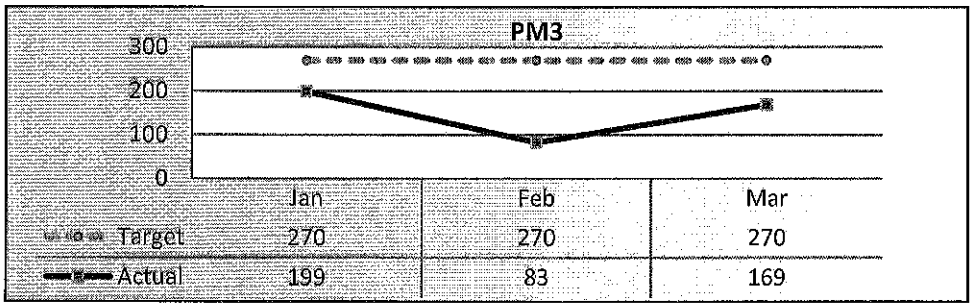
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

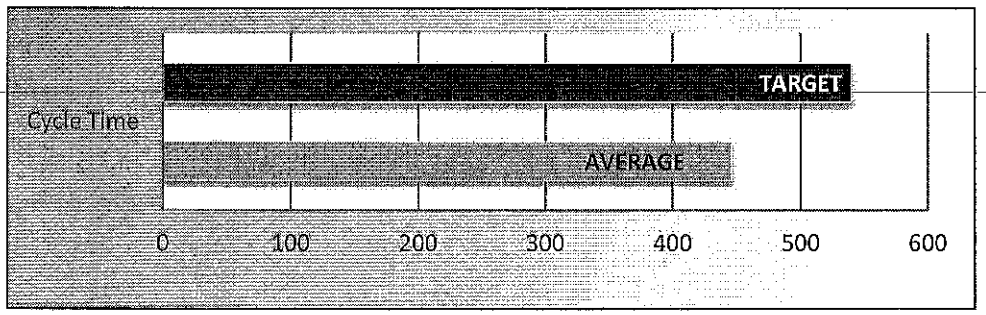
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 270 Days | **Actual Average:** 152 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | **Actual Average:** 446 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** n/a

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any probation violations this quarter.

Target Average: 10 Days | **Actual Average:** n/a

Department of Consumer Affairs

Board of Occupational Therapy

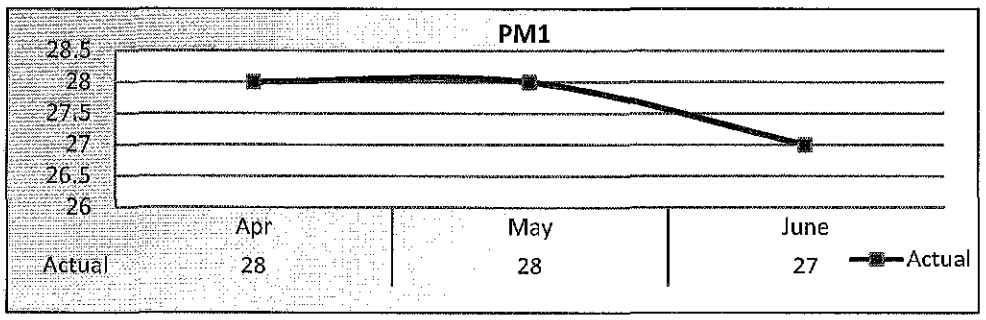
Performance Measures

Q4 Report *(April - June 2016)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

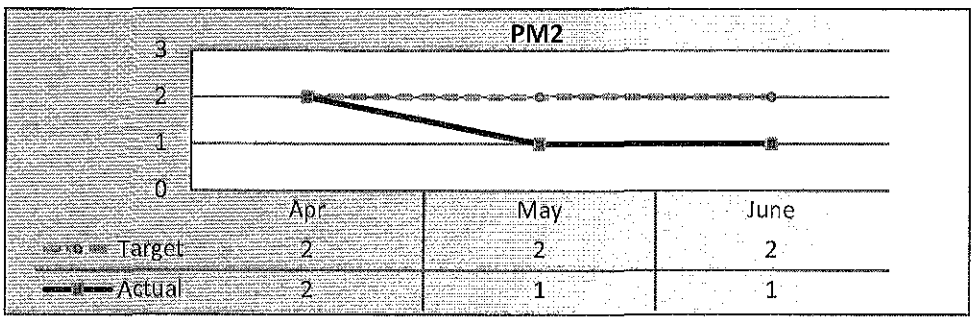


Total Received: 83 **Monthly Average**: 28

Complaints: 42 | **Convictions**: 41

PM2 | Intake

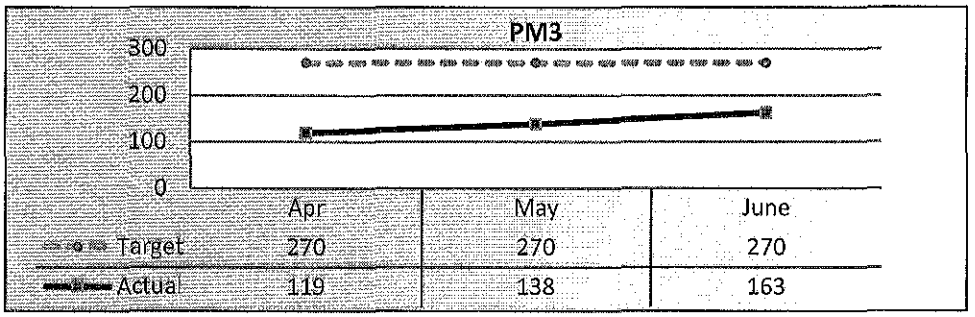
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 2 Days | **Actual Average:** 1 Day

PM3 | Intake & Investigation

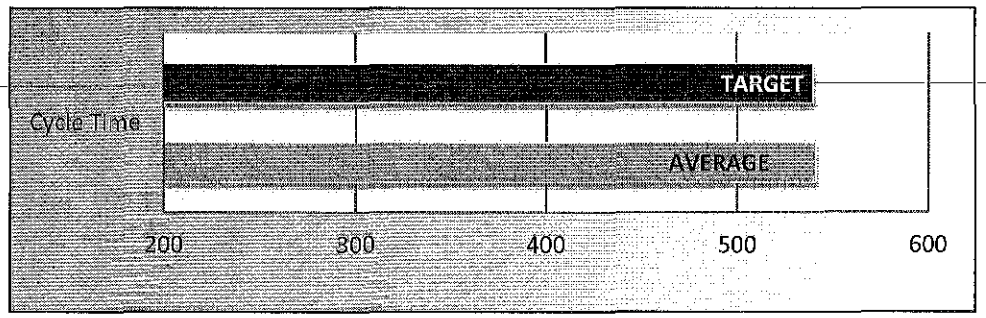
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 270 Days | **Actual Average:** 148 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | **Actual Average:** 541 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** n/a

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any probation violations this quarter.

Target Average: 10 Days | **Actual Average:** n/a

Amend Business and Professions Code Section 146

146. (a) Notwithstanding any other provision of law, a violation of any code section listed in subdivision (c) is an infraction subject to the procedures described in Sections 19.6 and 19.7 of the Penal Code when either of the following applies:
(1) A complaint or a written notice to appear in court pursuant to Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code is filed in court charging the offense as an infraction unless the defendant, at the time he or she is arraigned, after being advised of his or her rights, elects to have the case proceed as a misdemeanor.
(2) The court, with the consent of the defendant and the prosecution, determines that the offense is an infraction in which event the case shall proceed as if the defendant has been arraigned on an infraction complaint.
(b) Subdivision (a) does not apply to a violation of the code sections listed in subdivision (c) if the defendant has had his or her license, registration, or certificate previously revoked or suspended.
(c) The following sections require registration, licensure, certification, or other authorization in order to engage in certain businesses or professions regulated by this code:
(1) Sections 2052 and 2054.
(2) Section 2630.
(3) Section 2903.
(4) Section 3660.
(5) Sections 3760 and 3761.
(6) Section 4080.
(7) Section 4825.
(8) Section 4935.
(9) Section 4980.
(10) Section 4996.
(11) Section 5536.
(12) Section 6704.
(13) Section 6980.10.
(14) Section 7317.
(15) Section 7502 or 7592.
(16) Section 7520.
(17) Section 7617 or 7641.
(18) Subdivision (a) of Section 7872.
(19) Section 8016.
(20) Section 8505.
(21) Section 8725.
(22) Section 9681.
(23) Section 9840.
(24) Subdivision (c) of Section 9891.24.
(25) Section 19049.
<u>(26) Section 2570.3.</u>

(d) Notwithstanding any other provision of law, a violation of any of the sections listed in subdivision (c), which is an infraction, is punishable by a fine of not less than two hundred fifty dollars ($250) and not more than one thousand dollars ($1,000). No portion of the minimum fine may be suspended by the court unless as a condition of that suspension the defendant is required to submit proof of a current valid license, registration, or certificate for the profession or vocation which was the basis for his or her conviction.

Amend Business & Professions Code Section 2570.3

2570.3. (a) No person shall practice occupational therapy or hold himself or herself out as an occupational therapist or as being able to practice occupational therapy, or to render occupational therapy services in this state unless he or she is licensed as an occupational therapist under the provisions of this chapter. No person shall hold himself or herself out as an occupational therapy assistant or work as an occupational therapy assistant under the supervision of an occupational therapist unless he or she is licensed as an occupational therapy assistant under the provisions of this chapter.
(b) Only an individual may be licensed under this chapter.
(c) Nothing in this chapter shall be construed as authorizing an occupational therapist to practice physical therapy, as defined in Section 2620; speech-language pathology or audiology, as defined in Section 2530.2; nursing, as defined in Section 2725; psychology, as defined in Section 2903; or spinal manipulation or other forms of healing, except as authorized by this section.
(d) An occupational therapist may provide advanced practices if the therapist has the knowledge, skill, and ability to do so and has demonstrated to the satisfaction of the board that he or she has met educational training and competency requirements. These advanced practices include the following:
(1) Hand therapy.
(2) The use of physical agent modalities.
(3) Swallowing assessment, evaluation, or intervention.
(e) An occupational therapist providing hand therapy services shall demonstrate to the satisfaction of the board that he or she has completed post professional education and training in all of the following areas:
(1) Anatomy of the upper extremity and how it is altered by pathology.
(2) Histology as it relates to tissue healing and the effects of immobilization and mobilization on connective tissue.
(3) Muscle, sensory, vascular, and connective tissue physiology.
(4) Kinesiology of the upper extremity, such as biomechanical principles of pulleys, intrinsic and extrinsic muscle function, internal forces of muscles, and the effects of external forces.
(5) The effects of temperature and electrical currents on nerve and connective tissue.
(6) Surgical procedures of the upper extremity and their postoperative course.
(f) An occupational therapist using physical agent modalities shall demonstrate to the satisfaction of the board that he or she has completed post professional education and training in all of the following areas:
(1) Anatomy and physiology of muscle, sensory, vascular, and connective tissue in response to the application of physical agent modalities.
(2) Principles of chemistry and physics related to the selected modality.
(3) Physiological, neurophysiological, and electrophysiological changes that occur as a result of the application of a modality.
(4) Guidelines for the preparation of the patient, including education about the process and possible outcomes of treatment.
(5) Safety rules and precautions related to the selected modality.
(6) Methods for documenting immediate and long-term effects of treatment.
(7) Characteristics of the equipment, including safe operation, adjustment, indications of malfunction, and care.

(g) An occupational therapist in the process of achieving the education, training, and competency requirements established by the board for providing hand therapy or using physical agent modalities may practice these techniques under the supervision of an occupational therapist who has already met the requirements established by the board, a physical therapist, or a physician and surgeon.
(h) The board shall develop and adopt regulations regarding the educational training and competency requirements for advanced practices in collaboration with the Speech-Language Pathology and Audiology Board, the Board of Registered Nursing, and the Physical Therapy Board of California.
(i) Nothing in this chapter shall be construed as authorizing an occupational therapist to seek reimbursement for services other than for the practice of occupational therapy as defined in this chapter.
(j) "Supervision of an occupational therapy assistant" means that the responsible occupational therapist shall at all times be responsible for all occupational therapy services provided to the client. The occupational therapist who is responsible for appropriate supervision shall formulate and document in each client's record, with his or her signature, the goals and plan for that client, and shall make sure that the occupational therapy assistant assigned to that client functions under appropriate supervision. As part of the responsible occupational therapist's appropriate supervision, he or she shall conduct at least weekly review and inspection of all aspects of occupational therapy services by the occupational therapy assistant.
(1) The supervising occupational therapist has the continuing responsibility to follow the progress of each patient, provide direct care to the patient, and to assure that the occupational therapy assistant does not function autonomously.
(2) An occupational therapist shall not supervise more occupational therapy assistants, at any one time, than can be appropriately supervised in the opinion of the board. Two occupational therapy assistants shall be the maximum number of occupational therapy assistants supervised by an occupational therapist at any one time, but the board may permit the supervision of a greater number by an occupational therapist if, in the opinion of the board, there would be adequate supervision and the public's health and safety would be served. In no case shall the total number of occupational therapy assistants exceed twice the number of occupational therapists regularly employed by a facility at any one time.
(k) The amendments to subdivisions (d), (e), (f), and (g) relating to advanced practices, that are made by the act adding this subdivision, shall become operative no later than January 1, 2004, or on the date the board adopts regulations pursuant to subdivision (h), whichever first occurs.
(l) The board may approve a provider of post-professional education courses, that on or after January 1, 2019, submits an application to the Board and pays the fee set forth in section 2570.16. Each approved provider shall expire on June 30, 2022, and shall only be valid for three years from the date of approval
(m) On or after January 1, 2019, the board may approve a post-professional education course, when the provider submits a post-professional education course application to the Board and pays the fee set forth in section 2570.16.

Amend Business and Professions Code Section 2570.16

Initial license and renewal fees shall be established by the board in an amount that does not exceed a ceiling of one hundred fifty dollars ($150) per year. The board shall establish the following additional fees:
(a) An application fee not to exceed fifty dollars ($50).
(b) A late renewal fee as provided for in Section 2570.10.
(c) A limited permit fee.
(d) A fee to collect fingerprints for criminal history record checks.
(e) A fee to query the National Practitioner Data Bank.
(f) An initial application fee for providers of post-professional education courses shall be a non-refundable fee of three hundred dollars ($300).
(g) A renewal fee for an approved post-professional education course provider shall be established in regulation, but no more than five hundred-fifty dollars ($550) per renewal cycle.
(h) A one-time, non-refundable fee for review of each post-professional educational course shall be established in regulation, but no more than ninety dollars ($90) per course.

Proposed Amendment to Business & Professions Code Section 2570.18

(a) ~~On and after January 1, 2003, a~~ A person shall not represent to the public by title, education, or background, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice occupational therapy in this state, unless authorized to practice occupational therapy under this chapter.
(b) Unless licensed to practice as an occupational therapist under this chapter, a person may not use the professional abbreviations "O.T.," "O.T.R.," or "O.T.R./L.," or "Occupational Therapist," or "Occupational Therapist Registered," or any other words, letters, or symbols with the intent to represent that the person practices or is authorized to practice occupational therapy.
(c) A licensee who has earned a doctoral degree in occupational therapy (OTD) or, after adoption of the regulations described in subdivision (d), a doctoral degree in a related area of practice or study may do the following:
(1) In a written communication, use the initials OTD, DrPH, PhD, or EdD, as applicable, following the licensee's name.
(2) In a written communication, use the title "Doctor" or the abbreviation "Dr." preceding the licensee's name, if the licensee's name is immediately followed by an unabbreviated specification of the applicable doctoral degree held by the licensee.
(3) In a spoken communication while engaged in the practice of occupational therapy, use the title "doctor" preceding the person's name, if the speaker specifies that he or she is an occupational therapy practitioner.
(d) A doctoral degree described in subdivision (c) shall be granted by an institution and program accredited by the Western Association of Schools and Colleges, the Accreditation Council on Occupational Therapy Education, or by an accrediting agency recognized by the National Commission on Accrediting or the United States Department of Education that the board determines is equivalent to the Western Association of Schools and Colleges.
(e) The board shall define, by regulation, the doctoral degrees that are in a related area of practice or study for purposes of subdivision (c).
~~(c)~~(f) Unless certified to assist in the practice of occupational therapy as an occupational therapy assistant under this chapter, a person may not use the professional abbreviations "O.T.A.," "C.O.T.A.," "C.O.T.A./C." or "Occupational Therapy Assistant," or "Certified Occupational Therapy Assistant," or any other words, letters, or symbols, with the intent to represent that the person assists in, or is authorized to assist in, the practice of occupational therapy as an occupational therapy assistant.
~~(d)~~ (g) The unauthorized practice or representation as an occupational therapist or as an occupational therapy assistant constitutes an unfair business practice under Section 17200 and false and misleading advertising under Section 17500.

Proposed Amendment to Business & Professions Code Section 2570.20

(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 to professional conduct to carry out~~ necessary to 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.

Proposed Amendment to Business & Professions Code Section 2570.27.

2570.27. (a) The board may discipline a licensee by any or a combination of the following methods:
(1) Placing the license on probation with terms and conditions.
(a) An administrative disciplinary decision imposing terms of probation may include, among other things, a requirement that the licensee-probationer pay the monetary costs associated with monitoring the probation.
(b) The board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section once a licensee has served his or her term of probation, consistent with section 125.3 of the Code.
(2) Suspending the license and the right to practice occupational therapy for a period not to exceed one year.
(3) Revoking the license.
(4) Suspending or staying the disciplinary order, or portions of it, with or without conditions.
(5) Taking other action as the board, in its discretion, deems proper.
(b) The board may issue an initial license on probation, with specific terms and conditions, to any applicant who has violated any provision of this chapter or the regulations adopted pursuant to it, but who has met all other requirements for licensure.

Proposed Amendment to Business & Professions Code Section 2570.28

2570.28. The board may deny or discipline a licensee for any of the following:
(a) Unprofessional conduct, including, but not limited to, the following:
(1) Incompetence or gross negligence in carrying out usual occupational therapy functions.
(2) Repeated similar negligent acts in carrying out usual occupational therapy functions.
(3) A conviction of practicing medicine without a license in violation of Chapter 5 (commencing with Section 2000), in which event a certified copy of the record of conviction shall be conclusive evidence thereof.
(4) The use of advertising relating to occupational therapy which violates Section 17500.
(5) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a licensee by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, or judgment shall be conclusive evidence thereof.
(b) Procuring a license by fraud, misrepresentation, or mistake.
(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of this chapter or any regulation adopted pursuant to this chapter.
(d) Making or giving any false statement or information in connection with the application for issuance or renewal of a license.
(e) Conviction of a crime or of any offense substantially related to the qualifications, functions, or duties of a licensee, in which event the record of the conviction shall be conclusive evidence thereof.
(f) Impersonating an applicant or acting as proxy for an applicant in any examination required under this chapter for the issuance of a license.
(g) Impersonating a licensed practitioner, or permitting or allowing another unlicensed person to use a license.
(h) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a licensee.
(i) Committing any act punishable as a sexually related crime, if that act is substantially related to the qualifications, functions, or duties of a licensee, in which event a certified copy of the record of conviction shall be conclusive evidence thereof.
(j) Using excessive force upon or mistreating or abusing any patient. For the purposes of this subdivision, "excessive force" means force clearly in excess of that which would normally be applied in similar clinical circumstances.
(k) Falsifying or making grossly incorrect, grossly inconsistent, or unintelligible entries in a patient or hospital record or any other record.
(l) Changing the prescription of a physician and surgeon or falsifying verbal or written orders for treatment or a diagnostic regime received, whether or not that action resulted in actual patient harm.
(m) Failing to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law.
(n) Delegating to an unlicensed employee or person a service that requires the knowledge, skills, abilities, or judgment of a licensee.

(o) Committing any act that would be grounds for denial of a license under Section 480.
(p) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of ~~blood-borne~~ infectious diseases from licensee to patient, from patient to patient, or from patient to licensee.
(1) In administering this subdivision, the board shall consider referencing the standards, regulations, and guidelines of the State Department of Health Services developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, guidelines, and regulations pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 63001) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health care settings. As necessary to encourage appropriate consistency in the implementation of this subdivision, the board shall consult with the Medical Board of California, the Board of Podiatric Medicine, the Dental Board of California, the Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric Technicians.
(2) The board shall seek to ensure that licensees are informed of their responsibility to minimize the risk of transmission of blood-borne infectious diseases from health care provider to patient, from patient to patient, and from patient to health care provider, and are informed of the most recent scientifically recognized safeguards for minimizing the risks of transmission.

Add new language to BPC:

(a) Any employer of an occupational therapy practitioner shall report, within thirty (30) days to the California Board of Occupational Therapy the suspension or termination for cause of any practitioner in their employ. The reporting required herein shall not act as a waiver of confidentiality of records and protected information. The information reported or disclosed shall be kept confidential except as provided in subdivision (c) of Section 800, and shall not be subject to discovery in civil cases.
(b) For purposes of the section, "suspension or termination for cause" is defined to mean suspension or termination from employment for any of the following reasons:
(1) Use of controlled substances or alcohol to such an extent that it impairs the ability to safely practice occupational therapy.
(2) Unlawful sale of controlled substances or other prescription items.
(3) Neglect, physical harm to, or sexual contact with a patient or client.
(4) Falsification of records and protected information.
(5) Gross incompetence or negligence.
(6) Theft from a patient, client, other employees, or the employer.
(c) The first failure of an employer to make a report required by this section, shall result in a letter educating the employer of their reporting responsibilities. The second failure to make a report by this section shall be punishable by an administrative fine not to exceed one thousand dollars ($1,000). The third and any subsequent violations shall be punishable by an administrative fine not to exceed five thousand dollars ($5,000) per violation.

Add new language to BPC:

Any licensed occupational therapist appointed by the board, may inspect, or require reports from, a general or specialized hospital or any other facility providing occupational therapy treatment or services and the occupational therapy staff thereof, with respect to the occupational therapy treatment, services, or facilities provided therein, and may inspect occupational therapy records with respect to the care, treatment, services, or facilities. The authority to make inspections and to require reports as provided by this section shall not be delegated to any person other than an occupational therapist. The unauthorized release of personal and protected information constitutes unprofessional conduct.

Add new language to BPC:

This proposal would grant occupational therapists immunity from civil damages for services provided during a state of war, state of emergency, or during a disaster, except in a case of a willful act or omission or when the practitioner is grossly negligent.

Amending Government Code Section 8659

(a) Any physician or surgeon (whether licensed in this state or any other state), hospital, pharmacist, respiratory care practitioner, nurse, occupational therapist, or dentist who renders services during any state of war emergency, a state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission.
(b) Any veterinarian or registered veterinary technician who renders services during any state of war emergency, a state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any animal by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission.