REVIEW AND VOTE ON APPROVAL OF THE AUGUST 17-18, 2017, BOARD MEETING MINUTES.

The meeting minutes are attached for review.

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

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BOARD MEETING MINUTES
University of St. Augustine

Thursday, August 17, 2017
Friday, August 18, 2017

Board Member(s) Present
Denise Miller – President
Richard Bookwalter – Vice President
Sharon Pavlovich – Secretary
Teresa Davies
Jeff Ferro *(August 18, 2017 only)*
Laura Hayth
Beata Morcos

Board Staff Present
Heather Martin, Executive Officer
Jeff Hanson, Enforcement Coordinator
Jody Quesada, Enforcement Analyst
Ileana Butu, Legal Counsel
Norine Marks, Legal Counsel

Thursday, August 17, 2017
9:30 am - Board Meeting

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

   The meeting was called to order at 9:40 am, roll was called, Jeff Ferro was absent. A quorum was established.

2. President's Remarks – Informational only; no Board discussion.

   President Denise Miller thanked the University of St. Augustine for hosting the Board meeting. Ms. Miller welcomed Norine Marks on her return to the Board as the assigned legal Counsel and thanked Legal Counsel Ileana Butu for her service. Ms. Miller commented that the Board was fortunate to have two esteemed attorneys in attendance for the meeting. Ms. Miller added that the summer months have kept staff busy with work on BreEZe, staffing recruitments, and behind the scenes movement on the legislative process related to the Board's Sunset report.

3. Board Member Remarks – Informational only; no Board discussion.

   Vice President Richard Bookwalter stated he was watching a bill which would enact competitive bidding for all durable medical equipment, which includes parts and types of seats for very complicated wheelchairs that offer external support for patients in need.

   Mr. Bookwalter said that Kaiser Northern California is expanding its occupational therapy services and there are occupational therapist (OT) positions currently open in Fremont and San Leandro.

The remaining Board members had nothing to report.

4. Public Comment session for items not on the agenda.

Jennifer Snyder from Capital Advocacy, on behalf of the American Occupational Therapy Association (AOTA) and Occupational Therapy Association of California (OTAC) requested the Board consider collaboration regarding processing of advanced practice applications, and to identify ways to streamline the process to see whether there are areas that practitioners don't need to be granted approval. Ms. Snyder asked that the Board add this item to a future agenda.

The remaining public audience members were given the opportunity to introduce themselves at will.

Heather Kitching, OT, OTAC President introduced herself.

Lora Woo, OT, Lecturer and Clinical Instructor at California State University Dominguez Hills introduced herself.

Priya Joshi, OT, CHT introduced herself and stated that she wanted to speak on the advanced practice application issue from a provider standpoint. Ms. Joshi stated that there is a gap between the education preparation and the immediacy of the practitioner's availability to work. Ms. Joshi asked for solutions that can be looked at with respect to giving new graduates an opportunity to come with the approval to provide physical agent modalities as a result of their educational preparation. Ms. Joshi asked for clarification on Board requirements stating that the regulations are vague and open to interpretation in the advanced practice areas.

5. Review and vote on approval of the April 7, 2017, Board meeting minutes.

- Teresa Davies moved to adopt the minutes.
- Beata Morcos seconded the motion.

Public Comment
There was no public comment.

Roll Call Vote

Richard Bookwalter	Abstain
Laura Hayth	Aye
Teresa Davies	Aye
Denise Miller	Aye
Beata Morcos	Aye
Sharon Pavlovich	Aye

6. Review and vote on approval of the June 1-2, 2017, Board meeting minutes.

Vice President Bookwalter asked that page 9, paragraph 1 be updated to include his complete statement which should read: "Who better to provide data on the content of the exam, than the only entity offering the exam."

Executive Officer Heather Martin stated that there were a couple technical, non-substantive changes that were suggested by legal counsel.

- Laura Hayth moved to adopt the minutes as amended and to allow the Executive Officer to make any technical, non-substantive changes.
- Sharon Pavlovich seconded the motion.

Public Comment
There was no public comment.

Roll Call Vote

Richard Bookwalter	Aye
Laura Hayth	Aye
Teresa Davies	Aye
Denise Miller	Aye
Beata Morcos	Aye
Sharon Pavlovich	Aye

7. Presentation of licensing and enforcement data and reports for the quarter ending June 30, 2017.

Executive Officer Heather Martin reviewed the included statistical data. Ms. Martin said that she would pull annual data as well. Teresa Davies asked for detailed, usable application data that would show patterns and systematic consistency. Ms. Martin said that she would confer with the Department's BreEZe team to get a better understanding of what data could be extracted from the system.

Vice President Bookwalter stated that the upcoming OTAC conference would be a great opportunity for outreach.

Secretary Pavlovich requested that an application process flowchart be developed so that applicants could have a visual of what is needed to complete the license application process and President Miller requested a flowchart of the advanced practice application process.

8. Executive Officer's Report.
   a. Operational and budget report.

      Ms. Martin reported that month 13 final figures are not yet available, two-part time staff were hired for licensing and cashiering, and Board staff continues to submit tickets to make improvements and/or modifications to BreEZe.

   b. Report on fee increases and related activities.

      Ms. Martin reported that a postcard regarding the fee increase was sent to the address of record for every practitioner and Board staff has receive hundreds of them returned due to licensees not updating their address as required by section 4102 of the Board's regulations.

President Miller asked what Board staff will do with the returned mail and Ms. Martin replied that staff may open complaints against these practitioners.

Ms. Martin explained that even though the fee increase became effective July 1, 2017, that due to the fact that July and August renewals were already printed prior to the data patch that the practitioners renewing in July and August would not receive underpayment notices for paying the $150 renewal fee.

Ms. Martin stated that information regarding the fee increase was posted on the Board's Facebook and Twitter accounts. Ms. Martin reported that in 2016 only two posts were added to the Board's Facebook and Twitter accounts but as of the date of this meeting, Board staff has posted ten times on the Facebook and Twitter accounts.

President Miller stated that in light of the information reported, Board staff can count Strategic Action Plan item 3.5.3 as complete. Ms. Martin agreed.

Teresa Davies suggested that using the LinkedIn platform to communicate with the licensees would be a more relevant professional approach. Ms. Martin agreed to look into it further.

c. Future agenda items.

Ms. Martin stated that it was her hope that by increasing the social media announcements that this would garner more interest in licensees participating on the Board's committees as well as increase the applications for licensees to serve as practice reviewers.

Ms. Martin said that the Board Administrative manual specifies which committees are AdHoc versus Standing. Ms. Martin recommended that the Board's Disciplinary Guidelines be reviewed by the Enforcement ad-hoc committee so that recommendations and rationale for proposed amendments could be brought back for the Board's consideration.

Beata Morcos asked the status of the ad-hoc committees that were formed the previous year.

Ms. Martin said that those committees completed their assigned task, thus they were disbanded.

d. Other Informational Items – No Board discussion or action.

Ms. Martin stated that license portability, Assembly Bill 387 and AOTA's Ad-Hoc Committee recommendations on proposed fieldwork changes and establishment of an "Initial Experiential Learning Requirement" will be back on the October agenda.

Public Comment

Lora Woo, OT, Lecturer and Clinical Instructor at California State University Dominguez Hills thanked Ms. Martin for the clarifying explanation surrounding July and August renewals and she asked if there was a list of committees that she could share with her staff in order to encourage them to get involved.

President Miller stated that the Board would list the available committees and scope of those committees at the October meeting. Ms. Miller went on to explain that Board staff intends to increase outreach levels through the Board's website and its Facebook and Twitter accounts with a goal of greater show of interest from practitioners that would like to sign up and serve on the committees.

Heather Kitching, OT, OTAC President commented that the fee increase postcard was a great education tool and she shared it with her students. Ms. Kitching extended an offer of available space in the OTAC newsletter for the Board to increase their outreach.

9. Update and possible action on the Board's Strategic Plan *Action Plan*.

Executive Officer Martin reviewed the included Strategic Plan and the subsequent Strategic Plan *Action Plan*. Ms. Martin offered that the she would like direction from the Board members, in the event they felt any of the items and their corresponding due dates should be reevaluated.

Beata Morcos questioned what the Board will need to do in order to require email address reporting.

Ms. Martin stated that the drafted language would need to complete the regulation process for Board staff to enforce email address reporting.

Public Comment
There was no public comment.

10. Consideration of proposed amendments to California Code of Regulations, title 16, Sections 4110, Application; 4111, Place of Filing; 4112, Review of Application; and 4114, Abandonment of Application.

Ms. Martin explained that the underlined text in Section 4110 (b) is being proposed because applicants are not paying for their application at the time of submission. Ms. Martin went on to suggest that Section 4110 stay unchanged and a portion of the proposed language be added to Section 4112 as follows:

"Within thirty (30) days after receipt of an application for a license or limited permit, and payment of the application fee, whichever occurs last, the board shall evaluate the application and inform the applicant, in writing, whether the application is complete and approved or that it is deficient and what specific information or documentation is required to complete the application."

Secretary Pavlovich asked why the Board can't require payment before an applicant is able to click 'submit'?

Ms. Martin explained that changing that particular functionality would affect all boards and would require feedback from the BreEZe IT group as well as all the other boards.

Beata Morcos questioned why "if available" was included in Section 4111?

Ms. Martin replied that "if available" was included because the language mirrors that of Section 4110 and it provides consistency.

Ms. Martin explained the proposed changes to Section 4114.

A discussion ensued amongst legal counsel and Board members as to where to include language that references fees paid.

Vice President Bookwalter suggested adding a section (d) for the language.

Legal Counsel Marks agreed.

The proposed changes it to Section 4114 are as follows:

Remove "and the application fee forfeited" from sections (a) and (b)
Add "or" at the end of Section (a)(1) and (b)(1).
Add a new section labeled (d) that reads:
"Any fee paid will be forfeited if the application is deemed abandoned."

- Richard Bookwalter moved to accept the proposed changes in Article 2, Sections 4110, 4111, 4112 and 4114 and approve for noticing.
- Laura Hayth seconded the motion.

Richard Bookwalter amended his motion.

- Richard Bookwalter moved to accept the proposed changes in Article 2, Sections 4110, 4111, 4112 and 4114, approve for noticing and allow the Executive Officer to make any technical, non-substantive changes.
- Laura Hayth seconded the motion.

Public Comment
There was no public comment.

Roll Call Vote

Richard Bookwalter	Aye
Laura Hayth	Aye
Teresa Davies	Aye
Denise Miller	Aye
Beata Morcos	Aye
Sharon Pavlovich	Aye

11. Update and possible action on pending Rulemaking files, California Code of Regulations (CCR), title 16:

- Section 4130, Fees;
- Sections 4161, 4162, and 4163, relating to Continuing Competence;
- Section 4149.5, Petition for Reinstatement or Modification of Penalty;
- Section 4176, Notice to Consumers.

Executive Officer Martin reviewed the included regulation update report. Ms. Martin asked for any feedback from the Board members regarding priority reorganization on the 'process not yet started' amendments on page two.

There were no proposed changes.

Public Comment
There was no public comment.

ADMINISTRATIVE HEARING

The Administrative Hearing was canceled and rescheduled at the Petitioner's request.

CLOSED SESSION

The Board met in closed session pursuant to Government Code section 11126(e) to confer with and receive advice from legal counsel regarding pending litigation.

The Board entered in to closed session at 11:48 a.m.

RECONVENE IN OPEN SESSION

The Board reconvened in to open session at 1:05 p.m.

12. Recess for the day.

    The meeting adjourned at 1:05 p.m.

Friday, August 18, 2017
9:30 am - Board Meeting

13. Call to order, roll call, establishment of a quorum.

    The meeting was called to order at 9:46 am, roll was called. A quorum was established.

CLOSED SESSION

14. The Board will meet in closed session pursuant to Government Code section 11126(e) to confer with and receive advice from legal counsel regarding pending litigation.

    This item was completed on Day 1.

15. Public Comment session for items not on the agenda.

Audience members were given the opportunity to introduce themselves at will.

Heather Kitching, OT, OTAC President introduced herself.

Lora Woo, OT, Lecturer and Clinical Instructor at California State University Dominguez Hills introduced herself.

Executive Officer Heather Martin presented an email sent to Board staff regarding whether or not suture removal fell within the scope of practice for OTs and asked the Board if they wanted to have this topic added to a future Board meeting for discussion.

Public Comment
There was no public comment.

- Jeff Ferro moved to not put this item on the agenda.

Jeff Ferro retracted his motion.

- Sharon Pavlovich moved to add the topic to a future agenda.
- Jeff Ferro seconded the motion.

Public Comment

Heather Kitching asked Legal Counsel Norine Marks what the role and impact would be of the document that was submitted by the Physical Therapy Board of California (PT) that includes a disclaimer that states it "is not a declaratory opinion of the PT Board of California."

Legal Counsel Marks stated that she did not know the context in which the PT Board issued the statement and without context she would not be able to answer.

Roll Call Vote	
Laura Hayth	Aye
Teresa Davies	Aye
Jeff Ferro	Aye
Beata Morcos	Aye
Richard Bookwalter	No
Denise Miller	No
Sharon Pavlovich	Aye

Executive Officer Martin asked whether the Board members would like to consider a logo update/re-branding at a future meeting.

- Richard Bookwalter moved to consider a new CBOT logo at a future meeting.
- Beata Morcos seconded the motion.

Public Comment
There was no public comment.

Roll Call Vote

Laura Hayth	Aye
Teresa Davies	No
Jeff Ferro	Aye
Beata Morcos	Aye
Richard Bookwalter	Aye
Denise Miller	Aye
Sharon Pavlovich	Aye

16. Discussion and possible action regarding lack of available fieldwork sites, impact of large employers requiring schools pay stipend for fieldwork placement and potential impact to students and consumers.

President Miller referred to the included letter from St. Catherine University regarding fieldwork sites that was addressed to the Board and asked if the Board members had any comments.

Vice President Bookwalter stated that the Board should thank St. Catherine's for the letter because it helped answer some of the questions Board members had at a previous meeting.

Executive Officer Martin stated that Board staff would prepare a response to St. Catherine's letter.

Public Comment

Lora Woo stated that after reading Ms. Anderson's letter that she wondered how effective St. Catherine's efforts to reach out to the OT community were and that she was befuddled by Ms. Anderson's disappointment.

President Miller asked if Ms. Woo had been contacted as a potential fieldwork site.

Ms. Woo said that she had but it was not made clear what program the caller was calling from and did not learn their identity until calling back and further probing as to the caller's identity.

Vice President Bookwalter expressed his concern regarding references in Ms. Anderson's letter as to what the Board said, what the public said and what OTAC said. Mr. Bookwalter asked that the letter thank Ms. Anderson and clarify who the Board is, their role, and the limit of the Board's scope.

President Miller agreed with Mr. Bookwalter.

Public Comment

Heather Kitching commented that as a practitioner, she sees the expansion as a good idea and it will only become more common.

Ms. Kitching asked that the Board become versed in the federal program called State Authorization Reciprocity Agreements (SARA). Ms. Kitching stated that because Florida and California do not participate, California students cannot participate in the states that due participate.

Secretary Pavlovich commented that from an education standpoint, Loma Linda has just started to scratch the surface on SARA and her recollection is that it is very expensive.

Joyce Fries OT, Academic Fieldwork Coordinator and Faculty Occupational Therapy Assistant Program at Grossmont College voluntarily introduced herself.

Teresa Davies asked if the Board was going to keep adding the fieldwork topic to the agenda without action.

Secretary Pavlovich stated that it was her understanding that the Board would keep this on the agenda in order to keep an eye on how the California workforce is impacted and the different models suggested for improving fieldwork opportunities.

President Miller and Vice President Bookwalter agreed that it can be removed when there is not any new information to discuss on the topic.

Secretary Pavlovich expressed her concern on behalf of the OTAs since they weren't included in AOTA's AD-Hoc Committee's recommendations regarding fieldwork and asked that it be kept on the agenda.

Ms. Martin stated that a manager with DCA's SOLID facilitators agreed to put together a survey monkey to send out the California programs to identify the issues of the fieldwork placement.

Teresa Davies stated that because the Board continually speaks of Genesis that we should reach out to them or cease bringing them up. Ms. Davies reminded Board staff that the direction given to staff was to ask Genesis if they implemented their proposed plan.

President Miller addressed Ms. Davies' point and agreed that the Board does not have to talk about Genesis anymore but supports keeping fieldwork placement as a placeholder.

Laura Hayth commented that practitioners should think ahead because this is a new business model, and companies need to figure out how to conduct business ethically and not go under.

Public Comment

Lora Woo asked if there was any discussion within the Board, regarding participation in the possible pilot program with AOTA.

Vice President Bookwalter stated that he would like to address Ms. Woo under agenda item 17.

17. Discussion and consideration of establishing a pilot apprenticeship program for occupational therapy assistants completing their fieldwork.

Executive Officer Martin reviewed the included documents and raised consideration of establishing apprenticeships so that California can potentially have an innovative way to address lack of fieldwork sites or the challenges in placing students. Ms. Martin stated that if the Board chooses to move forward on this topic that the Board would have to seek legislation and get one of the community colleges to agree to participate in the pilot program.

President Miller and Secretary Pavlovich both agreed that it sounded great and thanked Ms. Martin for her work.

Vice President Bookwalter was excited about the program and added that on the job training models exist and looked forward to seeing what it could do for the profession.

Jeff Ferro stated that the grant program is exciting and $50-60 dollars a year have been allotted for apprenticeships in the past. Mr. Ferro said that the Board would be doing the state and future practitioners a service by checking into this potential opportunity and that the Board should maximize efforts to get money for the profession.

President Miller thanked Mr. Ferro for bringing this concept to the Board's attention.

Ms. Miller asked the Board what the immediate action of the current Board should be.

Ms. Davies stated that at minimum Executive Officer Martin should participate on the public task force. Ms. Davies added that an update at the October meeting and establishment of an ad-hoc committee at a future meeting, if necessary.

Mr. Ferro asked that the Board find subject matter experts to address the Board and to have initial discussions with colleges and potential employers that may want to participate. Mr. Ferro reported that the grants come out in February or March.

President Miller asked Executive Officer Martin if she would reach out to someone to come and speak about apprenticeships in October.

Ms. Davies stated that there should be a specific direction on this topic if it is to be addressed in October and suggested the topic revolve around what apprenticeship means as a whole, rather than the execution.

Public Comment

Joyce Fries stated that a partnership with state colleges makes sense. Ms. Fries asked who would receive the funds and how breakdown of the funds would look.

Mr. Ferro stated that the money goes to the program and the program breaks it down but it's not an easy answer at this stage.

Heather Kitching said that this potential program is visionary and she offers her heart felt gratitude and appreciation to the Board for being proactive.

Lora Woo found the conversation exciting and was appreciative that the Board would enlist others to be involved in the process.

18. Update on legislation:
    a. Assembly Bill (AB) AB 703 (Flora), Professions and vocations: licenses: fee waivers.
    b. AB 710 (Wood) Department of Consumer Affairs: boards: meetings.
    c. AB 1005 (Calderon), Professions and vocations: fines: relief.
    d. AB 1087 (Irwin), Teacher credentialing: services credential with a specialization in occupational therapy and physical therapy services.
    e. AB 1510 (Dababneh), Athletic Trainers.
    f. AB 1706 (Committee on Business and Professions), Healing Arts.
    g. Senate Bill (SB) 762 (Hernandez), Healing arts licensee: license activation fee: waiver.

    Executive Officer Heather Martin gave an informational overview of the included legislative update.

    Public Comment

    Heather Kitching stated AB 387 is expected to return which deals with payment for all interns in medical care settings and would be catastrophic to the workforce.

19. Selection of 2018 Board Meeting dates and locations.

    The Board tentatively agreed on the following dates for the 2018 Board meetings.

    The locations are proposed and subject to availability of meeting venues.

    February 8-9, 2018, Bay Area.
    May 31 – June 1, 2018, Sacramento
    August 23-24, 2018, St. Augustine (if available)
    October 24-25, 2018, West Coast (if available)

20. Suggested agenda items for a future meeting.

    - License portability to be added to the agenda.
    - Learning experiential requirement to be added to the agenda.
    - Invite speaker on apprenticeship.
    - Send a survey to schools
    - Response to St. Catherine's University
    - Update on the Sunset report.

Adjournment.

The meeting adjourned at 11:37 a.m.

PRESIDENT'S REPORT ON THE SUNSET REVIEW PROCESS AND REVIEW OF ASSEMBLY BILL 1706 (COMMITTEE ON BUSINESS AND PROFESSIONS), EXTENDING BOARD'S SUNSET DATE AND SENATE BILL 547 (HILL), IMPLEMENTING SUNSET LEGISLATIVE PROPOSAL(S).

The following is attached for review:

- Assembly Bill No.1706 (Committee on Business and Professions)
- Senate Bill No. 547 (Hill)

AB-1706 Healing arts: chiropractic practice: speech-language pathology and audiology and hearing aid dispensing: occupational therapy: physical therapy. (2017-2018)

SHARE THIS:

Date Published: 09/19/2017 09:00 PM

ENROLLED SEPTEMBER 19, 2017

PASSED IN SENATE SEPTEMBER 11, 2017

PASSED IN ASSEMBLY SEPTEMBER 15, 2017

AMENDED IN SENATE SEPTEMBER 06, 2017

AMENDED IN SENATE SEPTEMBER 01, 2017

AMENDED IN SENATE JULY 05, 2017

AMENDED IN SENATE JULY 03, 2017

AMENDED IN SENATE JUNE 13, 2017

AMENDED IN ASSEMBLY MAY 02, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL No. 1706

Introduced by Committee on Business and Professions (Assembly Members Low (Chair), Brough (Vice Chair), Arambula, Baker, Bloom, Chiu, Dahle, Gipson, Grayson, Holden, Mullin, Steinorth, and Ting)

March 02, 2017

An act to amend Sections 146, 1000, 2531, 2531.75, 2533.1, 2533.4, 2534, 2538.10, 2538.28, 2538.29, 2538.30, 2538.34, 2538.35, 2538.38, 2570.18, 2570.19, 2602, 2607.5, 2653, 2682, 2688, and 2689 of, to amend and renumber Section 2538.19 of, to amend and repeal Section 2648.7 of, and to repeal Section 2688.5 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1706, Committee on Business and Professions. Healing arts: chiropractic practice: speech-language pathology and audiology and hearing aid dispensing: occupational therapy: physical therapy.

(1) Under existing law, violations of specified provisions relating to the registration, licensure, certification, or authorization required to engage in certain businesses and professions, including, among others, physical therapy, are punishable as infractions under specified circumstances.

This bill would provide that the practice of occupational therapy without a license is an infraction under this provision. By expanding the scope of a crime, this bill would impose a state-mandated local program.

(2) The Chiropractic Act, enacted by an initiative measure, provides for the licensure and regulation of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law requires that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2018.

This bill would require that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2022.

(3) Existing law, the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act, provides for the licensure and regulation of speech-language pathologists, audiologists, and hearing aid dispensers by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, which is within the Department of Consumer Affairs. That act authorizes the board to appoint an executive officer. That act repeals the provisions establishing the board and the board's authority to appoint an executive officer on January 1, 2018.

This bill would extend the operation of the board and the board's authority to appoint an executive officer until January 1, 2022.

The act authorizes a superior court of a county, on application of the board, to issue an injunction or other appropriate restraining order against a person other than a licensed speech-language pathologist or audiologist for an act or practice in violation of that act. That act authorizes the board to suspend, revoke, or impose terms and conditions upon the license of a licensee for, among other things, a conviction, as defined, of a crime substantially related to the qualifications, functions, and duties of a speech-language pathologist, audiologist, or hearing aid dispenser. The act authorizes the board to prosecute a person for a violation of the provisions of the act relating to hearing aid dispensers, as specified.

This bill would exclude licensed hearing aid dispensers from the persons against whom a superior court of a county is authorized to issue an injunction or other appropriate restraining order for an act or practice in violation of that act. The bill would expand the definition of a conviction, for the above-mentioned disciplinary purposes, to include certain convictions subsequently dismissed by a court. The bill would authorize the board to prosecute a person for a violation of any provision of the act.

The act requires each applicant for a hearing aid dispenser's license to take and pass a written examination and a practical examination, as specified. That act authorizes the board to issue a temporary hearing aid dispenser license to an applicant who, among other things, holds a hearing aid dispenser's license in another state. That act also authorizes the board to issue a temporary hearing aid dispenser license to an applicant who proves to the satisfaction of the board that he or she will be supervised and trained by a hearing aid dispenser who is approved by the board. That act requires a temporary licensee who is supervised to take a licensure examination within the first 10 months after the temporary license is issued, and requires that the license expire if the temporary licensee fails to take the licensure examination.

This bill would rename the temporary license of supervised licensees as the trainee license and would make conforming changes. The bill would extend the time by when the licensee is required to take the examination to 12 months after the trainee license is issued.

The act establishes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund to carry out the purposes of the act and requires the board to pay all revenue received by the board pursuant to the act to the Treasurer for deposit in the fund.

This bill would specify that money in the fund shall be available upon appropriation by the Legislature.

(4) Existing law, the Occupational Therapy Practice Act, provides for the licensure and regulation of occupational therapists by the California Board of Occupational Therapy, which is within the Department of Consumer Affairs, and repeals the provisions establishing the board on January 1, 2018.

This bill would extend the operation of the board until January 1, 2022.

The act, among other things, prohibits a person from representing to the public by title, description of services, methods, or procedures, or otherwise, that the person is authorized to practice occupational therapy in this state, or from using specified professional abbreviations or any other words, letters, or symbols with the intent

to represent that he or she practices occupational therapy, unless he or she is authorized to practice occupational therapy under the act.

This bill would authorize a licensee under the act who has earned a doctoral degree in occupational therapy (OTD) or, after adoption by the board of specified regulations, a doctoral degree in a related area of practice or study to use specified abbreviations and titles in communications, as provided.

(5) Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California, which is within the Department of Consumer Affairs. That act requires the board to appoint an executive officer and authorizes the board to employ other persons, as specified. That act repeals the provisions establishing the board and the board's authority to appoint an executive officer and other personnel on January 1, 2018.

This bill would extend the operation of the board and the board's authority to appoint an executive officer and other personnel until January 1, 2022.

A license issued under the act expires at 12 a.m. on the last day of the birth month of the licensee during the 2nd year of a 2-year term, if not renewed. To renew a license, the act requires the licensee to, among other things, apply for renewal, pay the prescribed renewal fee, and submit proof satisfactory to the board that he or she has completed the required number of continuing education hours established by regulation by the board, as provided. The act exempts a licensee from the requirement to pay a renewal fee and submit proof of continuing education if he or she has applied to the board for retired license status and prohibits the holder of a retired license from practicing or assisting in the provision of, physical therapy unless he or she applies for renewal and meets specified requirements.

This bill would repeal the provision relating to retired license status as of January 1, 2019.

The act requires an applicant for a physical therapy license who has graduated from a physical therapist education program not approved by the board and not located in the United States to comply with specified requirements, including demonstrating proficiency in English by achieving a score specified by the board on the Test of English as a Foreign Language administered by the Educational Testing Services or such other examination as may be specified by the board by regulation.

This bill would instead allow an applicant, as described above, to demonstrate proficiency in English by achieving a score specified by the board on the Test of English as a Foreign Language or other means as prescribed by the board by regulation. The bill would also exempt from this requirement an applicant who has been awarded a bachelor's degree or higher in a physical therapist educational program from a college, university, or professional training school in Australia, any part of Canada other than Quebec, Ireland, New Zealand, the United Kingdom, the United States, or an English-speaking country specified by the board.

The act establishes various fees for licensure as a physical therapist, including application, issuance, licensure, and renewal fees. The act authorizes the board to decrease or increase the amount of these fees to an amount that does not exceed the cost of the associated activity. The act requires the board to report to specified committees of the Legislature whenever it increases any fee, as provided.

This bill, with respect to the fees described above, would delete the statutory limitation that the decreased or increased amount be in an amount that does not exceed the cost of the associated activity. The bill would repeal the requirement that the board report to the specified committees of the Legislature whenever it increases a fee.

The act authorizes the board to establish a fee, as provided, for persons certified to perform electromyographical testing and requires that the fee be paid as provided in specified law.

This bill would make a technical change to this provision by correcting an erroneous cross-reference to other law.

The act establishes the Physical Therapy Fund and requires that all collections from persons licensed or seeking to be licensed be paid by the board into the fund. Under the act, money in the fund from fees is continuously appropriated for the purpose of executing the act.

This bill would, instead, make the money in the fund available only upon appropriation by the Legislature.

Under existing law, a violation of any provision of the act is a misdemeanor.

By changing the scope of a crime, this bill would impose a state-mandated local program.

(6) This bill would incorporate additional changes to Section 146 of the Business and Professions Code proposed by SB 798 to be operative only if this bill and SB 798 are enacted and this bill is enacted last.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 146 of the Business and Professions Code is amended to read:

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 2570.3.

(3) Section 2630.

(4) Section 2903.

(5) Section 3575.

(6) Section 3660.

(7) Sections 3760 and 3761.

(8) Section 4080.

(9) Section 4825.

(10) Section 4935.

(11) Section 4980.

(12) Section 4989.50.

(13) Section 4996.

(14) Section 4999.30.

(15) Section 5536.

(16) Section 6704.

(17) Section 6980.10.

(18) Section 7317.

(c) A hearing aid dispenser may, without obtaining a duplicate license for a branch office, engage on a temporary basis in the practice of fitting or selling hearing aids at the primary or branch location of another licensee's business or at a location or facility that he or she may use on a temporary basis, provided that the hearing aid dispenser notifies the board in advance in writing of the dates and addresses of those businesses, locations, or facilities at which he or she will engage in the practice of fitting or selling hearing aids.

SEC. 14. Section 2538.35 of the Business and Professions Code is amended to read:

2538.35. A licensee shall, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt, signed by or on behalf of the licensee, containing all of the following:

(a) The date of consummation of the sale.

(b) Specifications as to the make, serial number, and model number of the hearing aid or aids sold.

(c) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or postfitting adjustments and servicing of the hearing aid or aids sold.

(d) A statement to the effect that the aid or aids delivered to the purchaser are used or reconditioned, as the case may be, if that is the fact.

(e) The number of the licensee's license and the name and license number of any other hearing aid dispenser, temporary licensee, or trainee licensee, who provided any recommendation or consultation regarding the purchase of the hearing aid.

(f) The terms of any guarantee or written warranty, required by Section 1793.02 of the Civil Code, made to the purchaser with respect to the hearing aid or hearing aids.

SEC. 15. Section 2538.38 of the Business and Professions Code is amended to read:

2538.38. A licensee shall, upon the consummation of a sale of a hearing aid, keep and maintain records in his or her office or place of business at all times and each record shall be kept and maintained for a seven-year period. All records related to the sale and fitting of hearing aids shall be open to inspection by the board or its authorized representatives upon reasonable notice. The records kept shall include:

(a) Results of test techniques as they pertain to fitting of the hearing aid.

(b) A copy of the written receipt required by Section 2538.35 and the written recommendation and receipt required by Section 2538.36 when applicable.

(c) Records of maintenance or calibration of equipment used in the practice of fitting or selling hearing aids.

SEC. 16. Section 2570.18 of the Business and Professions Code is amended to read:

2570.18. (a) A person shall not represent to the public by title, education, or background, or 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 (e), 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 licensee's name, if the licensee 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).

(f) Unless licensed 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.," "O.T.A/L.," "C.O.T.A.," "C.O.T.A./L.," or "Occupational Therapy Assistant," "Licensed 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.

(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.

SEC. 17. Section 2570.19 of the Business and Professions Code is amended to read:

2570.19. (a) There is hereby created a California Board of Occupational Therapy, hereafter referred to as the board. The board shall enforce and administer this chapter.

(b) The members of the board shall consist of the following:

(1) Three occupational therapists who shall have practiced occupational therapy for five years.

(2) One occupational therapy assistant who shall have assisted in the practice of occupational therapy for five years.

(3) Three public members who shall not be licentiates of the board, of any other board under this division, or of any board referred to in Section 1000 or 3600.

(c) The Governor shall appoint the three occupational therapists and one occupational therapy assistant to be members of the board. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint a public member. Not more than one member of the board shall be appointed from the full-time faculty of any university, college, or other educational institution.

(d) All members shall be residents of California at the time of their appointment. The occupational therapist and occupational therapy assistant members shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five years preceding their appointments.

(e) The public members may not be or have ever been occupational therapists or occupational therapy assistants or in training to become occupational therapists or occupational therapy assistants. The public members may not be related to, or have a household member who is, an occupational therapist or an occupational therapy assistant, and may not have had, within two years of the appointment, a substantial financial interest in a person regulated by the board.

(f) The Governor shall appoint two board members for a term of one year, two board members for a term of two years, and one board member for a term of three years. Appointments made thereafter shall be for four-year terms, but no person shall be appointed to serve more than two consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed by this section. Vacancies shall be filled by appointment for the unexpired term. The board shall annually elect one of its members as president.

(g) The board shall meet and hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles, and San Francisco. The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place designated by the board.

SB-547 Professions and vocations: weights and measures. (2017-2018)

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Date Published: 09/20/2017 09:00 PM

ENROLLED SEPTEMBER 20, 2017

PASSED IN SENATE SEPTEMBER 15, 2017

PASSED IN ASSEMBLY SEPTEMBER 15, 2017

AMENDED IN ASSEMBLY SEPTEMBER 11, 2017

AMENDED IN ASSEMBLY SEPTEMBER 08, 2017

AMENDED IN ASSEMBLY AUGUST 21, 2017

AMENDED IN ASSEMBLY JULY 05, 2017

AMENDED IN SENATE APRIL 17, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL No. 547

Introduced by Senator Hill

February 16, 2017

An act to amend Sections 27, 156, 2499.5, 2570.16, 2715, 2760.1, 2987, 4008, 4840.5, 4887, 5063.3, 5096.9, 5810, 7332, 7583.23, 7583.24, 7583.47, 7635, 11302, 11320.5, 11321, 11323, 11324, 11345, 11345.2, 11345.6, 11422, 12241, 12304, 12305, 12310, and 12500 of, to amend, repeal, and add Sections 6980.79, 7506.10, 7511, 7574.11, 7574.13, 7582.11, 7582.17, 7583.12, 7583.17, 7583.20, 7585.16, 7588, 7596.5, 7598.14, 7598.17, and 7599.70 of, to add Sections 1006, 6980.9, 7501.9, 7574.09, 7574.35, 7581.6, 7591.14, 9882.6, 11345.5, and 11345.8 to, to repeal Section 303 of, and to repeal and add Section 11345.3 of, the Business and Professions Code, and to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation thereof, and repealing all acts and parts of acts inconsistent therewith" approved by electors November 7, 1922, by amending Section 12 thereof, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 547, Hill. Professions and vocations: weights and measures.

(c) Each applicant who qualifies for a certificate, as a condition precedent to its issuance, in addition to other fees required by this section, shall pay an initial license fee. The initial license fee shall be eight hundred dollars ($800). The initial license shall expire the second year after its issuance on the last day of the month of birth of the licensee. The board may reduce the initial license fee by up to 50 percent of the amount of the fee for any applicant who is enrolled in a postgraduate training program approved by the board or who has completed a postgraduate training program approved by the board within six months prior to the payment of the initial license fee.

(d) The biennial renewal fee shall be nine hundred dollars ($900). Any licensee enrolled in an approved residency program shall be required to pay only 50 percent of the biennial renewal fee at the time of his or her first renewal.

(e) The delinquency fee shall be one hundred fifty dollars ($150).

(f) The duplicate wall certificate fee shall be no more than one hundred dollars ($100).

(g) The duplicate renewal receipt fee shall be no more than fifty dollars ($50).

(h) The endorsement fee shall be thirty dollars ($30).

(i) The letter of good standing fee or for loan deferment shall be no more than one hundred dollars ($100).

(j) There shall be a fee of no more than one hundred dollars ($100) for the issuance of a resident's license under Section 2475.

(k) The filing fee to appeal the failure of an oral examination shall be no more than one hundred dollars ($100).

(l) The fee for approval of a continuing education course or program shall be no more than two hundred fifty dollars ($250).

SEC. 6. Section 2570.16 of the Business and Professions Code is amended to read:

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. This fee shall not exceed the amount charged by the agency providing the criminal history record checks.

(e) A fee to query the National Practitioner Data Bank for applicants for licensure and renewal of licensure. The fee shall not exceed the amount charged per query.

SEC. 7. Section 2715 of the Business and Professions Code is amended to read:

2715. (a) The board shall prosecute all persons guilty of violating this chapter.

(b) Except as provided by Section 159.5, the board, in accordance with the Civil Service Law, may employ personnel, including legal counsel, as it deems necessary to carry into effect this chapter.

(c) The board shall have and use a seal bearing the name "Board of Registered Nursing." The board may adopt, amend, or repeal, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the rules and regulations that may be reasonably necessary to enable it to carry into effect this chapter.

SEC. 8. Section 2760.1 of the Business and Professions Code is amended to read:

2760.1. (a) A registered nurse whose license has been revoked or suspended or who has been placed on probation may petition the board for reinstatement or modification of penalty, including reduction or termination of probation, after a period not less than the following minimum periods has elapsed from the effective date of the decision ordering that disciplinary action, or if the order of the board or any portion of it is stayed by the