PENDING REGULATIONS

The Regulations Update report is attached.

REGULATIONS UPDATE REPORT

Pending Rulemaking files: In-Process

Rulemaking File Subject	Section(s)	Status	Close of public comment period	Date Pkg Sent to DCA	Date Pkg Rtn'd from DCA	Final Pkg Due to OAL	Actual Submit Date To OAL	Date language goes into/ went into effect
Continuing Competence	4161 4162 4163	Language published June 24, 2016. Language adopted August 2016	08/08/2016	11/03/2016	06/16/2017	06/23/2017	06/20/2017	10/01/2017
Notice to Consumer	4176	Language published July 1, 2016. Second modified text adopted October 2016.	08/15/2016	03/29/2017	06/27/2017	06/30/2017	06/29/2017	10/01/2017
Petition for Reinstatement or Modification of Penalty	4149.5	Language published August 26, 2016. Modified text adopted December 2016.	10/10/2016	06/09/2017		08/25/2017 11/21/2017*		

* DCA director issued an extension

REGULATIONS UPDATE REPORT

Pending Regulatory Amendments: Process Not Yet Started

Rulemaking File Subject	Section	Priority	Status	Comments
Probation Monitoring costs	4147.2	1	Board approved language for noticing.	*Subject to new approval process*
Filing of Addresses Continuing Competence – timely submission; prohibition on using PDUs twice	4102 4161 4162	2	Board approved language for noticing.	*Subject to new approval process*
Accept PT license for Hands/PAMs approval	4151 4152	3	Board approved language for noticing.	*Subject to new approval process*
Language for OT to request to supervise more than 2 OTAs	tbd	tbd	Practice Committee to prepare language; draft language to be presented to the Board at Spring 2017 meeting.	*Subject to new approval process* Language would implement BPC 2570.3(j)(2).
Patient record retention requirements when a business is closed/sold/inherited or has a change of ownership; or if practitioner is no longer in private practice	tbd	tbd	Practice Committee to prepare language; draft language to be presented to the Board at Spring 2017 meeting.	*Subject to new approval process* Language provides specificity to language in BPC 2570.185.

UPDATE ON BILLS OF INTEREST TO THE BOARD.

The report on legislation being watched by the Board is attached.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
September 2017 Legislative Update

Bill #	Author	Summary	Status
AB 387	Thurmond	This bill would expand the definition of "employer" for purposes of these provisions to include a person who directly or indirectly, employs or exercises control over a person engaged in a period of ***supervised work experience longer than 100 hours*** to satisfy requirements for licensure or certification as an allied health professional, as defined.	This is a two-year bill.
AB 703	Flora	This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for application and issuance of an initial license for an applicant who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States if the applicant holds a current license in the same profession or vocation in another state, district, or territory. The bill would require that an applicant be granted fee waivers for both the application for and issuance of a license if the board charges fees for both. The bill would prohibit fee waivers from being issued for renewal of a license, for an additional license, a certificate, a registration, or a permit associated with the initial license, or for the application for an examination.	This is a two-year bill.
AB 710	Wood	This bill would require a board to meet once every other calendar year in rural California.	This is a two-year bill.
AB 827	Rubio	This bill, the California Opportunity Act of 2017, would require the Department of Consumer Affairs to create a task force, as specified, to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state's workforce, as specified. The bill would require the task force to submit the report to the Legislature no later than January 1, 2019, as specified.	This is a two-year bill.
AB 835	Dababneh	This bill would make it a misdemeanor for any person to sell a fraudulent, forged, fictitious, or counterfeited license.	This is a two-year bill.
AB 1087	Irwin	This bill would require the Commission on Teacher Credentialing to develop a services credential with a specialization in occupational therapy and physical therapy services and sets forth the minimum requirements for the credential, as provided. The bill would specify that nothing in its provisions shall be construed to require a person to hold a credential to perform occupational therapy or physical therapy services in the public schools.	This is a two-year bill.

AB 1510	Dababneh	This bill would enact the Athletic Training Practice Act, which would, after a determination is made that sufficient funds have been received to pay initial costs of this bill, provide for the licensure and regulation of athletic trainers, as defined and establish the Athletic Trainer Licensing Committee within the California Board of Occupational Therapy to implement these provisions. This bill would repeal these provisions on January 1, 2025.	This is a two-year bill.
SB 762	Hernandez	Existing law requires a healing arts board, as defined, to issue, upon application and payment of the normal renewal fee, an inactive license or certificate to a current holder of an active license or certificate whose license or certificate is not suspended, revoked, or otherwise punitively restricted by the board. Existing law requires the holder of an inactive license or certificate to, among other things, pay the renewal fee in order to restore his or her license or certificate to an active status. This bill would require the renewal fee to be waived for any healing arts licensee who certifies to his or her respective board that license restoration is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation that provides medical services to indigent patients in medically underserved or critical-need population areas of the state.	This is a two-year bill.

STRATEGIC PLAN ACTION PLAN.

The action plan to implement the strategic plan is attached for review.

2016 - 2019 Strategic Plan Action Plan			Q4 2017			Q1 2018			Q2 2018			Q3 2018			Q4 2018			Q1 2019			Q2 2019			Q3 2019			Q4 2019		
			Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1.1	**Create and implement "Application Submittal Checklist" guidelines to clarify application requirements and encourage application completeness.**	**Responsible**																											
1.1.1	Draft a checklist.	**COMPLETED**																											
1.1.2	Create a process overview and description (e.g., when fees are paid) that will go with paper applications.	**COMPLETED**																											
1.1.3	Board members to review	Board																											
1.1.4	Field test checklist and overview with students.	**COMPLETED**																											
1.1.4	Obtain Executive Officer and Legal approval on the checklist and application overview documents.	EO & Legal Office																											
1.1.6	Attach the checklist to the paper application instructions.	Webmaster																											
1.1.7	Post the application overview description on the Board Web site.	Webmaster																											

2016 - 2019 Strategic Plan Action Plan			Q4 2017			Q1 2018			Q2 2018			Q3 2018			Q4 2018			Q1 2019			Q2 2019			Q3 2019			Q4 2019		
			Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1.2	**Pursue regulatory amendment that would require Occupational Therapists seeking advanced practice approval to complete only Board approved courses, in order to streamline the review process for advanced practice applications.**	**Responsible**																											
1.2.1	Identify the approved courses.	Admin SSA																											
1.2.2	Create a list of approved courses and post to Web site.	Admin SSA and Webmaster																											
1.2.3	Amend existing regulatory language to require applicants to complete only Board approved courses.	AEO and Admin SSA																											
1.2.4	Obtain Board approval on the proposed amended regulatory language.	AEO and Admin SSA																											
1.2.5	Create regulations packet including initial statement of reason, strikeout text and notice.	AEO and Admin SSA																											
1.2.6	Obtain Executive Officer approval of regulations packet.	EO																											
1.2.7	Obtain DCA Legal Office approval of regulations packet.	EO and DCA Legal Office																											
1.2.8	Submit regulation packet to the Office of Administrative Law for noticing.	AEO and Admin SSA										TBD																	
1.2.9	Capture public comments provided during public comment period.	AEO and Admin SSA										TBD																	
1.2.10	Take the proposed regulatory amendment to the Board for adoption.	EO										TBD																	
1.2.11 a	Create a System Investigation Request (SIR) to make necessary changes to the instructions in BreEZe for the online application and obtain Legal approval.	BreEZe SME										TBD																	
1.2.11 b	Test and pass/fail the changes in BreEZe for accuracy prior to their implementation.	BreEZe SME										TBD																	
1.2.11 c	Changes executed in future release.	DCA BreEZe Team										TBD																	
1.2.12	Finalize the file for review and submit to DCA.	AEO and Admin SSA										TBD																	
1.2.13	Obtain approval by DCA and other control agencies.	DCA										TBD																	
1.2.14	Prepare and submit the rule making file to the Office of Administrative Law.	AEO and Admin SSA										TBD																	
1.2.15	Post the effective date of the amended regulation on the Board Web site.	Webmaster										TBD																	
1.2.16	Make necessary changes to the instructions for the paper application, obtain Legal approval, and post it to the Web site.	Admin SSA										TBD																	
1.2.17	Train staff on new requirements.	AEO										TBD																	
1.2.18	Educate licensees on new requirements.	AEO and EO										TBD																	

2016 - 2019 Strategic Plan Action Plan			Q4 2017			Q1 2018			Q2 2018			Q3 2018			Q4 2018			Q1 2019			Q2 2019			Q3 2019			Q4 2019		
			Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1.3	**Create and implement a cross-reference table that clarifies the relationship between Professional Development Units (PDU), Continuing Education Units, and Continuing Education hours in order to better assist licensees in determining whether or not their continuing education courses meet state requirements.**	**Responsible**																											
1.3.1	Review NBCOT and AOTA activity tables/ course information for PDU requirements.	AEO																											
1.3.2	Review Board PDU requirements.	AEO																											
1.3.3	Compare and contrast differences to educate practitioners about what activities are applicable to state requirements.	AEO																											
1.3.4	Develop a table that clarifies the activities that are applicable to state requirements and highlights those activities that are not acceptable.	AEO																											
1.3.5	Present the PDU information to the Board.	EO																											
1.3.6	Obtain Legal approval on the new PDU information.	EO/DCA Legal																											
1.3.7	Educate stakeholders about acceptable and unacceptable activities (PDU information).	AEO/EO																											
1.3.8	Post the new tables and information on the Board Web site.	Webmaster																											
1.4	**Develop an outreach strategy to educate potential applicants on the Board's licensure process including pre and post-licensure requirements.**	**Responsible**																											
1.4.1	Identify existing and needed materials.	Admin SSA																											
1.4.2	Develop post-licensure information for students.	Admin SSA																											
1.4.3	Determine information that needs DCA Legal approval and then obtain approval.	Admin SSA																											
1.4.4	Work with DCA to design outreach materials.	EO/DCA Legal																											
1.4.5	Post new information to the Board Web site.	Webmaster																											
1.4.6	Provide all the materials to California schools and offer to provide outreach in person.	EO																											
1.4.7	Attend the annual OTAC conference each October to educate students and licensees.	AEO/EO																											

2016 - 2019 Strategic Plan Action Plan			Q4 2017			Q1 2018			Q2 2018			Q3 2018			Q4 2018			Q1 2019			Q2 2019			Q3 2019			Q4 2019		
			Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2.1	Pursue an increase budgetary authority to secure necessary staffing to improve enforcement processing times.		**COMPLETED**																										
2.2	Enhance consumer protection by expanding capacity to meet the increase in investigations of licensees and applicants in order to improve complaint response times.	Responsible																											
2.2.1	Obtain additional enforcement positions.	**COMPLETED**																											
2.2.2	Recruitment process: Develop new duty statements and obtain DCA OHR approval.	**COMPLETED**																											
2.2.3	Recruitment process: Advertise, review applications in ECOS, interview, background check and hire six new staff.	**COMPLETED**																											
2.2.4	Onboard and train new staff.	**COMPLETED**																											
2.2.5	Develop and obtain DCA approval for performance expectations and attendance guidelines.	EO/DCA OHR and Labor Relations																											
2.2.6	Redistribute existing case load among new hires.	**COMPLETED**																											
2.2.7	Re-establish in-person visits by probation monitors.	**COMPLETED**																											
2.2.8	Conduct probation reports on new hires.	AEO																											
2.2.9	Increase expert consultants under contract by 50%.	AEO																											
2.3	Promulgate regulations that require applicants and licensees to attest to reading the governing laws and regulations in order to increase familiarity and instill accountability and individual integrity.		**COMPLETED** - Regulations not needed; attestation to be added to paper and on-line renewals																										

2016 - 2019 Strategic Plan Action Plan			Q4 2017			Q1 2018			Q2 2018			Q3 2018			Q4 2018			Q1 2019			Q2 2019			Q3 2019			Q4 2019		
			Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
3.1	**Communicate the enforcement process and timeline with complainants and respondents by updating the current enforcement process flowcharts with the disciplinary process timeline and include flowchart in all complaint responses.**	**Responsible**																											
3.1.1	Prepare and/or update existing enforcement process flowchart and add timeline.	**COMPLETED**																											
3.1.2	Develop narrative explaining the process and glossary of enforcement process.	Enforcement SSA																											
3.1.3	Obtain DCA Legal approval on the flow chart, timeline, narrative and glossary.	AEO																											
3.1.4	Staff training regarding revised acknowledgement and inquiry correspondence and update procedure manual.	AEO																											
3.1.5	Post to Web site and add to Board Member Disciplinary Resource Manual.	Webmaster																											
3.2	**Develop multimedia (videos, webinars and printed materials), and house them on the Board Web site, that would increase applicant understanding of the application process and general Board information.**	**Responsible**																											
3.2.1	Incorporate materials developed in Objectives 1.1 and 1.4.	Admin SSA																											
3.2.2	Identify general Board information that needs to be disseminated to applicants.	Admin SSA																											
3.2.3	Work with DCA to develop a video or webinar explaining the application process and general Board information.	Admin SSA/OPA/SOLID																											
3.2.4	Obtain Legal approval for newly developed content.	EO/Legal																											
3.2.5	Email links to materials and coordinate webinar with all California school program directors.	EO/SOLID																											
3.2.6	Develop, schedule and conduct application webinar to coincide with OT/OTA graduations.	EO/SOLID																											
3.2.7	Post multimedia materials utilizing current social media outlets and technology.	OPA																											

2016 - 2019 Strategic Plan Action Plan			Q4 2017			Q1 2018			Q2 2018			Q3 2018			Q4 2018			Q1 2019			Q2 2019			Q3 2019			Q4 2019		
			Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
3.3	Develop multimedia (videos, webinars and printed materials), and house them on the Board Web site, that would educate and inform licensees and consumers about general Board processes, regulatory requirements and practice issues.	Responsible																											
3.3.1	Appoint members to the Board's Education and Outreach Committee.	Board																											
3.3.2	Coordinate appointment packages for all members.	HR Liaison																											
3.3.3	Coordinate meeting(s) schedules and prepare and post meeting materials.	EO				ON-GOING																							
3.3.4	Board's Education and Outreach Committee to identify specific content regarding general Board processes, regulatory requirements and practice issues.	Education and Outreach Committee				ON-GOING																							
3.3.5	Obtain Legal approval for newly developed content.	EO/Legal				ON-GOING																							
3.3.6	Board staff to work with DCA to develop a video, webinar, public service announcement to verify license, and/or printed materials explaining Board information.	Admin SSA/OPA/SOLID																											
3.3.7	Email links to interested parties/stakeholders.	EO/SOLID																											
3.3.8	Post multimedia materials utilizing current social media outlets and technology.	OPA																											

2016 - 2019 Strategic Plan Action Plan			Q4 2017			Q1 2018			Q2 2018			Q3 2018			Q4 2018			Q1 2019			Q2 2019			Q3 2019			Q4 2019		
			Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
3.4	**Implement email address reporting requirement on new applications and license renewals in order to increase access to the licensee population and better communicate Board information.**	**Responsible**																											
3.4.1	Draft new regulatory language to require email address reporting in new applications and license renewals.	**COMPLETED**																											
3.4.2	Obtain Board approval on the proposed regulatory language.	**COMPLETED**																											
3.4.3	Create regulations packet including initial statement of reason, proposed text, and notice.	AEO and Admin SSA																											
3.4.4	Obtain Executive Officer approval of regulations packet.	EO																											
3.4.5	Obtain DCA & Agency approval of regulations packet.	EO and Legal Office																											
3.4.6	Submit regulation packet to the Office of Administrative Law for noticing.	AEO and Admin SSA																											
3.4.7	Capture public comments provided during public comment period.	AEO and Admin SSA																											
3.4.8	Take the proposed regulatory amendment to the Board for adoption.	EO																											
3.4.9a	Create a SIR to make necessary changes to the instructions in BreEZe for the online application and obtain Legal approval.	BreEZe SME																											
3.4.9b	Test and pass/fail the changes in BreEZe for accuracy prior to their implementation.	BreEZe SME																											
3.4.9c	Changes executed in future release.	DCA BreEZe Team																											
3.4.10	Finalize the file for review and submit to DCA.	AEO and Admin SSA																											
3.4.11	Obtain approval by DCA and other control agencies.	DCA																											
3.4.12	Prepare and submit the rule making file to the Office of Administrative Law.	AEO and Admin SSA																											
3.4.13	Post the effective date of the amended regulation on the Board Web site.	Webmaster																											
3.4.14	Make necessary changes to the instructions for the paper application and renewal notices, obtain Legal approval, and post it to the Web site.	Admin SSA																											
3.4.15	Receive training for how to export the email addresses from BreEZe into an email ListServ.	BreEZe team																											
3.4.16	Perform a monthly export of the email addresses from BreEZe into the Board's email ListServ.	AEO/DCA OIS														ON-GOING													
3.4.17	Educate licensees on new requirements use email addresses to distribute Board information.	AEO/EO																											