



TELECONFERENCE BOARD MEETING MINUTES

Wednesday, April 11, 2018

Board Member(s) Present

Richard Bookwalter – President
Sharon Pavlovich – Vice President
Laura Hayth – Secretary
Teresa Davies
Jeff Ferro
Denise Miller
Beata Morcos

Board Staff Present

Heather Martin, Executive Officer
Jeff Hanson, Enforcement Manager
Jody Quesada, Analyst
Norine Marks, Legal Counsel
Reza Pejuhesh, Legal Counsel

3:00 pm – Board Meeting

1. Call to order, roll call, establishment of a quorum, and introduction of Board members.

The meeting was called to order at 3:02 p.m., roll was called, a quorum was established.

Reza Pejuhesh introduced himself as the Board's newly appointed legal counsel.

President Richard Bookwalter asked Executive Officer Heather Martin to add an agenda item to the next Board meeting pertaining to permissible communications among Board members.

Mr. Bookwalter stated that the purpose of the meeting was for the Board to review the Legislative and Regulatory Affairs committee's recommendations regarding bills that affect the Board. Mr. Bookwalter informed the Board that he was the chair of the committee and that the members of committee included were Luella Grangaard, Christine Wietlisbach and Ada Boone Hoerl.

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

The Committee may not discuss or take any action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125 and 11125.7(a))

There was no public comment.

3. Discussion and consideration of Legislative and Regulatory Affairs Committee's recommended position(s) to the Board on the following bills:

a) Assembly Bill (AB) 2078 (Daly), Sex offenses: professional services.

- Denise Miller moved to accept the committee's recommendation of supporting the bill.
- Laura Hayth seconded the motion.

Public Comment

There was no public comment.

Roll Call Vote

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

- Jeff Ferro moved to direct the Executive Officer to draft a letter of support to the bill’s author.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Roll Call Vote

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

- b) AB 2138 (Chiu and Low), Licensing boards: denial of application: criminal conviction.

President Bookwalter took an initial pulse of the Board Members’ position on AB 2138.

Secretary Laura Hayth stated her opposition until the time the Board could discuss it in person.

Vice President Sharon Pavlovich stated her opposition. Ms. Pavlovich said that there were a lot of amendments needed and encouraged her fellow Board members to take a position because she felt like not taking a position would be viewed as a neutral stance.

Teresa Davies stated that her initial thought was to oppose because she felt that it diminished consumer protection but opted to wait and see the position of other healthcare boards and bureaus.

Denise Miller stated that she needed more time to review the whole situation and wished to wait for other Boards and Bureaus to weigh in.

Beata Morcos stated her opposition because she felt that it did not protect the consumer and she encouraged her fellow Board members to take a position without waiting for the input of any other Board or Bureau.

Jeff Ferro said he was interested to see what the Assembly Business and Professions committee would say in the upcoming week.

Mr. Bookwalter agreed with Mr. Ferro.

- Laura Hayth moved to oppose the bill as written and direct Board staff to draft a letter of opposition to the bill's author.
- Beata Morcos seconded the motion.

Public Comment

Ivan Altamura offered a review of legislative timelines and the fact that the present time is not the last chance for the Board to comment.

Legal Counsel Norine Marks commented that if she was the author of the bill, she would want to know early on if there were concerns or opposition.

Roll Call Vote

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

The motion failed for lack of majority.

c) AB 2221 (Bloom), Occupational Therapy Practice Act.

Mr. Bookwalter gave an overview of the Committee's concerns outlined in the provided highlights.

Ms. Pavlovich left the meeting at 4:11 p.m.

Public Comment

Ivan Altamura on behalf of the Occupational Therapy Association of California (OTAC) and the American Occupational Therapy Association (AOTA) stated his appreciation for the committee's comments and feedback.

Ms. Miller inquired about OTAC's and AOTA's timeline for this bill.

Mr. Altamura stated that the next step is to sit with the author and address the concerns and comments of the Board.

Ms. Miller expressed that she wished to discuss the bill at the next in-person Board meeting but felt it important to submit comments since the bill was moving forward.

The Board further discussed scope of practice, the proposed advanced practice attestation, the removal of the language related to doctoral degrees and the required licensure of educators.

Mr. Bookwalter stated that he was not in favor of an attestation process for advanced practice approval.

Mr. Altamura commented that use of the attestation was intended to give the Board oversight through the audit process.

- Denise Miller moved to accept the Committee’s recommendations and oppose the bill unless amended.
- Teresa Davies seconded the motion.

Public Comment

Ivan Altamura expressed his hope that the Board would take a position of “support if amended”.

Ms. Miller expressed her disappointment in the fact that the bill was moving forward and the amendments OTAC was proposing was not brought to the meeting for their review; thus, it would not be possible for her to support the bill without having all the information.

Roll Call Vote

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

The motion failed for lack of majority.

- Laura Hayth moved to accept the committee’s recommendations and support if the bill is amended.
- Jeff Ferro seconded the motion.

Public Comment

No public comment.

Roll Call Vote

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

The motion failed for lack of majority.

The Board requested

d) AB 3110 (Mullen), Athletic trainers.

Following the review of the committee's recommendation Ms. Davies and Ms. Miller expressed a need for clarification of the specific concerns of the committee and their need for a recommendation from the committee.

Mr. Ferro and Ms. Hayth agreed with Ms. Davies and Ms. Miller.

- Jeff Ferro moved to send the bill back to the committee for clarification of concerns with specific recommendations.
- Laura Hayth seconded the motion.

Public Comment

Lora Woo asked if the Athletic Trainers sent in a clear rationale as to why they have chosen the Occupational Therapy Board.

Mr. Chisar stated that there is a synergy between the athletic trainer profession and the occupational therapy profession that would result in a great opportunity to collaborate. Mr. Chisar also stated that being under an existing Board keeps in line with the Governor's plan of not implementing additional government oversight.

Ivan Altamura commented that the Athletic Trainers should have their own board or fall under the Medical Board because Athletic Trainers must be supervised by a physician. Mr. Altamura suggested that the Athletic Trainers seek title protection first.

Roll Call Vote

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

4. Discussion and consideration of taking a position on AB 2386 (Rubio), Teacher credentialing: services credential with a specialization in occupational therapy or physical therapy services.
 - Teresa Davies moved to send the bill back to the Legislative/Regulatory committee to provide specific edits and a recommendation.
 - Jeff Ferro seconded the motion.

Public Comment

Ivan Altamura offered that the bill was amended to direct the Commission on Teacher Credentialing to convene a work group for a recommendation to the legislature of what it would look like to establish a credential for occupational therapists and physical therapists employed by school districts.

Roll Call Vote

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

5. Legislative Items for Future Meeting. The Board may discuss other items of legislation in sufficient detail to determine whether such items should be on a future board meeting agenda and/or whether to hold a Special Meeting of the Board to discuss such Items pursuant to Government Code Section 11125.4.

There were no additional legislative items discussed.

6. Adjournment

The meeting adjourned at 5:42 p.m.