



BOARD MEETING MINUTES

Thursday, May 31, 2018 and Friday, June 1, 2018

Board Member(s) Present

Richard Bookwalter – President
Sharon Pavlovich – Vice President
Laura Hayth – Secretary
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

Thursday, May 31, 2018

9:30 am - Board Meeting

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

The meeting was called to order at 9:35 a.m., roll was called, a quorum was established.

2. President’s Remarks – Informational only; no Board Action to be taken.

President Richard Bookwalter reported that Board member Teresa Davies resigned from the Board due to family issues and time conflicts.

3. Board Member Remarks – Informational only; no Board Action to be taken.

There were no remarks from the remaining Board members.

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

*Please note: The Board may not discuss or take 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.

5. Discussion and possible action on the Legislative and Regulatory Affairs Committee’s recommended position(s) on legislation impacting the Board:

- a) AB 2221 (Bloom), Occupational Therapy Practice Act.

President Bookwalter serves as the Legislative and Regulatory Affairs Committee Chairperson and communicated that following a robust conversation, the committee recommended the Board take a position of oppose, unless AB 2221 was amended to (1)

remove the process for advanced practice applicants to attest to meeting the post-professional education requirements from section 2570.3 and (2) specify that educators and others requiring a license are added to section 2570.2(k).

Public Comment

Ivan Altamura, Capitol Advocacy representing Occupational Therapy Association of California (OTAC) and American Occupational Therapy Association (AOTA), stated that OTAC and AOTA don't disagree that educators need to be licensed but they don't want unintended consequences that may arise from varying situations that revolve around out of state educators and non-OTs. Mr. Altamura expressed his client's willingness to collaborate.

- Jeff Ferro moved to accept the committee's recommendation to oppose unless amended.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

- Jeff Ferro moved to direct Board staff to draft a letter reflecting the Board's position on AB 2221 that will be reviewed by the Board President for approval.
- Laura Hayth seconded the motion.

Denise Miller asked if the procedure regarding directing Board staff to draft a letter had changed.

Legal Counsel Norine Marks explained that the reason for a review of the draft letter by the President of the Board was to ensure the final product be an accurate reflection of the Board's policy considerations and not what Board staff thought the Board meant.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	N	Y

The motion passed.

- b) AB 2386 (Rubio), Services credentialing: services credential with a specialization in occupational therapy or physical therapy services.

Mr. Bookwalter stated that the Legislative and Regulatory Affairs Committee (committee) recommended a position of 'Support' for AB 2386.

Ms. Morcos commented that upon initial review she thought it was a great opportunity for professionals but felt it should not be a mandatory requirement but a choice per profession.

- Denise Miller moved to accept the committee’s recommendation of ‘Support’ for AB 2386.
- Laura Hayth seconded the motion.

Public Comment

Mr. Altamura reported that AB 2386 is held in Assembly Appropriations and he clarified that the bill puts together a work group that will present a position to the legislature.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

c) AB 3110 (Mullen), Athletic trainers. Healing arts boards: inactive licenses.

Mr. Bookwalter reported that the current version of the bill shows the Athletic Trainers as their own Board; the Athletic trainers are no longer requesting to fall under CBOT.

Mr. Bookwalter stated the committee recommended a position of ‘Oppose Unless Amended’.

The committee recommended the Board take a position of oppose, unless AB 3110 is amended to (1) remove ‘or illness’ from section 2697.1(d)(1) and add ‘within athletic activity’ is added to section 2697.1(d)(1); (2) remove ‘clinical’ and ‘or advanced post-professional study’ from section 2697.1(d)(2); (3) ‘advanced post-professional study’ and ‘or individual training and competence’ are removed from 2697.5(e); and (4) a continuing education requirement is added to the renewal process set forth in section 2697.8.

- Laura Hayth moved to accept the committee’s recommendation of ‘Oppose Unless Amended’ regarding AB 3110.
- Sharon Pavlovich seconded the motion.

Public Comment

Mr. Altamura stated that OTAC and AOTA felt as if previously removed language had been added back in now that the Athletic Trainers would be creating a Board that manages registration of an Athletic Trainer. Mr. Altamura stated that OTAC and AOTA felt that there were technical changes needed and that the Physician/Athletic Trainer relationship language is a broad and loose description.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

- Jeff Ferro moved to direct Board staff to draft a letter reflecting the Board’s position on AB 3110 that will be reviewed by the Board President for approval.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	N	Y

The motion passed.

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

Mr. Bookwalter stated that the committee supported people with a criminal conviction having a pathway to licensure but felt that CBOT should be excluded from this bill because the Board is a Healing Arts Board that works with a sensitive population and is mandated to protect the public. Thus, the committee recommended a position of ‘Support if Amended to exclude CBOT’.

- Jeff Ferro moved to accept the committee’s recommendation of ‘Support if Amended’ to exclude CBOT” regarding AB 2138.
- Laura Hayth seconded the motion.

Conversation ensued amongst the Board members regarding the use of “Support if Amended’ rather than ‘Oppose Unless Amended’ or just ‘Oppose’.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	N	Y	N	Y	N

The motion failed.

Beata Morcos stated that she would prefer to oppose the bill due to the risk it posed to the public and the fact that it seems to include all Boards and Bureaus.

Laura Hayth agreed with Ms. Morcos.

- Laura Hayth moved to ‘Oppose’ AB 2138.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	N	N	N	Y	N	Y

The motion failed.

Discussion ensued amongst the Board members as to not opposing the bill outright but opposing the bill if amended to not include the Board.

Ms. Morcos stated that the Board should take a definitive stand because she didn't feel it was productive for the Board to stay silent on such an important topic.

- Laura Hayth moved to 'Oppose Unless Amended' to exclude the Board from the provisions of AB 2138.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

- Beata Morcos moved to direct Board staff to draft a letter reflecting the Board's position on AB 2138 that will be reviewed by the Board President for approval.
- Laura Hayth seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	N	Y

The motion passed.

- e) AB 2483 (Voepel), Indemnification of public officers and employees: antitrust awards.

Mr. Bookwalter stated that the committee recommended a position of 'Support' for AB 2483.

- Laura Hayth moved to accept the committee's recommendation to 'Support' AB 2483.
- Sharon Pavlovich seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

- Sharon Pavlovich moved to direct Board staff to draft a letter reflecting the Board’s position on AB 2483 that will be reviewed by the Board President or someone of his choosing for approval.
- Laura Hayth seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

f) AB 1659 (Low), Healing arts boards: inactive licenses.

Mr. Bookwalter stated that the committee recommended a position of ‘Support’ for AB 1659 so the Board can charge inactive licensees a lower renewal fee should they choose to do so in the future.

- Jeff Ferro moved to accept the committee’s recommendation to ‘Support’ AB 1659.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

- Sharon Pavlovich moved to direct Board staff to draft a letter reflecting the Board’s position on AB 1659 that will be reviewed by the Board President or someone of his choosing for approval.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

- g) Senate Bill 1348 (Pan), Postsecondary education: allied health professional clinical programs: reporting.

Mr. Bookwalter stated that the committee relied on Ada Boone Hoerl’s expertise regarding this bill and how it affects educational institutions. The committee discovered that the community college district currently complies with a lot of the provisions outlined in this bill. The committee recommended a position of ‘Support’ for SB 1348.

- Beata Morcos moved to accept the committee’s recommendation to ‘Support’ SB 1348.
- Laura Hayth seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

- Sharon Pavlovich moved to direct Board staff to draft a letter reflecting the Board’s position on SB 1348 that will be reviewed by the Board President or someone of his choosing for approval.
- Laura Hayth seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

6. 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.

President Bookwalter notified the Board that Agenda Item 6 be carried over to Day Two.

Break for lunch

7. Petitioner Hearings

1:00 PM GAETA, Adriana - Petition for Early Termination of Probation

1:30 PM KELLEY, Anjuli - Petition for Early Termination of Probation

2:00 PM BURNETT, Greg - Petition for Reinstatement

CLOSED SESSION

The Board will meet in closed session pursuant to Government Code section 11126(c)(3) to deliberate and vote on the above petitions and other disciplinary matters.

The Board entered in to Closed Session at 4:38 p.m.

Closed Session concluded at 5:38 p.m.

RECONVENE IN OPEN SESSION

8. Recess for the day.

The meeting adjourned at 5:38 p.m.

Friday, June 1, 2018

9:30 am - Board Meeting

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

The meeting was called to order at 9:34 a.m., roll was called, a quorum was established.

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

*Please note: The Board may not discuss or take 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.

Agenda Item 6. was moved from Day 1 and addressed after Agenda Item 10.

6. 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.

Executive Officer Heather Martin introduced additional bills that the Board may want to consider referring to the Legislative Regulatory Affairs committee for an initial review.

- Jeff Ferro moved that the Legislative Regulatory Affairs committee review the bills and make a recommendation to the Board.
- Laura Hayth seconded the motion.

Public Comment

Lauren Lopez from OTAC asked that the Board consider holding a special meeting or adding AB 2221 to the August Board meeting agenda because of upcoming amendments that will be made to the bill.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

11. Review and vote on approval of the February 8-9, 2018, Board meeting minutes.

- Laura Hayth moved to approve the February 8-9, 2018, draft minutes.
- Jeff Ferro seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

12. Review and vote on approval of the April 11, 2018, teleconference Board meeting minutes.

- Laura Hayth moved to approve the April 11, 2018, draft meeting minutes.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

13. Review and vote on approval of the May 16, 2018, teleconference Board meeting minutes.

The Board members decided to add the word ‘Cancelled’ to the website for the May 16, 2018, meeting.

14. Discussion and possible action on the Ad Hoc Committee on Fieldwork’s Report to the Board on alternative approaches to increasing the availability of fieldwork sites in California for students completing academic requirements for licensure.

Chairperson Sharon Pavlovich reviewed the highlights from the May 8, 2018, meeting and highlighted the fact that the California Community Colleges Chancellor's Office expressed their willingness to assist the committee and the Board in applying for funding to execute a workforce data collection. Ms. Pavlovich stated that the workforce data collected can not only be used for the fieldwork committee but also for the Board's use. Ms. Pavlovich extended her appreciation to the Chancellor's Office for their willingness and Executive Officer Heather Martin for her hard work and networking.

- Denise Miller moved to delegate authority to the President to appoint a new committee member to the Fieldwork committee.
- Jeff Ferro seconded the motion.

Chairperson Pavlovich stated that the committee had a sufficient body of input with the current six members.

Ms. Miller opted to modify her motion.

- Denise Miller moved to delegate authority to the President, if necessary, to appoint a new committee member to the Fieldwork committee.
- Jeff Ferro seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

15. Discussion on whether the Board can issue certificates of registration to licensees for the purpose of establishing professional corporations pursuant to Corporations Code section 13401 *et seq.*

President Bookwalter asked if a practitioner can practice as a general corporation.

Ms. Martin stated the short answer is “no.”

Secretary Hayth asked if Board staff informed the practitioner that brought this issue before the Board.

Ms. Martin stated “yes, the same day Board staff learned of the outcome.”

Public Comment

There was no public comment.

16. Executive Officer's Report.
 - a) Operational report.

Ms. Martin reported the authorized positions for the Board is currently 15.2 positions and recruitment for one position will begin in August.

b) Budget report.

Ms. Martin reported that Fi\$Cal has new reporting requirements and recently made revenue/expenditure information for month 9 (through 3/31/2018) available.

Ms. Martin also reported that to date, the Board has earned nearly \$1.54m, which is projected to reach \$2.03m by year end and expenditures are \$1.59m and projected to be \$2.26m by year end.

c) Licensing and enforcement data and reports.

Ms. Martin reviewed the included reports for applications, pending complaints, citation date and current probationers.

d) Future agenda items.

Ms. Martin referenced items that she outlined in her supplied report that did not make it on to recent agendas due to time constraints.

e) Other informational items. (No Board discussion or action)

Ms. Martin supplied Board members with handouts outlining Top 10 Rules for Bagley-Keene Open Meetings Act and Top 10 Rules for Teleconference meetings.

17. Discussion and approval of proposed edits to the Board’s Administrative Manual.

Mr. Bookwalter reported that the included draft of the Board Member Guidelines and Procedure Manual incorporated all changes proposed during the February Board meeting.

Legal Counsel Norine Marks offered additional edits of her own.

- Jeff Ferro moved to approve the ‘draft’ document and Legal Counsel Marks’ recommendations minus the ‘per diem’ edits she proposed on page 22.
- Laura Hayth seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

- Jeff Ferro moved that the Executive Officer work with Legal Counsel to execute the recommended language, grammatical and punctuation changes.
- Laura Hayth seconded the motion.

Public Comment

There was no public comment.

VOTES	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Y	Y	Y	Y

The motion passed.

18. Suggested agenda items for a future meeting.

The Board members referred to the list supplied in Agenda Item 16.

Adjournment.

The Meeting adjourned at 1:18 a.m.