



## **SPECIAL TELECONFERENCE BOARD MEETING MINUTES**

**Wednesday, September 5, 2018**

### Board Member(s) Present

Richard Bookwalter – President  
Sharon Pavlovich – Vice President  
Laura Hayth – Secretary  
Denise Miller  
Beata Morcos

### Board Staff Present

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

### **1:00 pm – Board Meeting**

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

The meeting was called to order at 1:04 p.m., roll was called, a quorum was established. Board Member Jeff Ferro was absent.

#### **2. Finding of necessity for Special Meeting.**

The Board will determine whether the delay necessitated by providing notice 10 days prior to a meeting as required by Government Code Section 11125 would cause substantial hardship on the body or that immediate action is required to protect the public interest.

Vice President Sharon Pavlovich reminded all in attendance that Government Code section 11125.4 requires the Board make a finding that the delay necessitated by providing 10-days' notice prior to today's meeting would cause a substantial hardship on the Board or that immediate action is required to protect the public interest.

Vice President Sharon Pavlovich stated the need for the scheduling of a 'Special' teleconference meeting was necessary as AB 2138 is a bill that proposes to make changes that affect the Board of Occupational Therapy's ability to regulate applicants, and imposes significant limitations on the Board's ability to deny licenses and impose discipline, among other changes.

Protection of the public interest requires that the Board thoroughly consider the changes to law proposed by AB 2138, and advise legislative and executive decision-makers on problems that the Board identifies with the bill, if any.

This Board previously took a position to oppose AB 2138 unless the bill was amended to exclude the Board of Occupational Therapy from its provisions. However, since that time, the bill was amended on August 24, 2018, during the Board's last meeting, *without* excluding the Board of Occupational Therapy.

Since that time AB 2138 has been passed by both houses of the California legislature and has been enrolled for review by the Governor. Substantial hardship will result if the Board of Occupational Therapy does not have an opportunity to fully discuss the bill in its amended and enrolled form and advise the Governor’s Office of its position prior to the bill possibly becoming law, and the Board being required to enforce the new legislation.

- Sharon Pavlovich moved to adopt the foregoing findings as sufficient justification for the Board to hold a special meeting pursuant to Government Code section 11125.4 on shortened notice.
- Laura Hayth seconded the motion.

<b>VOTES</b>	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	Y	Y	Absent	Y	Y	Y

**The motion passed.**

**3. Public Comment session for items not on the agenda.**

There were no public comments.

**4. Discussion, and potential action and/or position related to Assembly Bill 2138 (Chiu and Low) Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.**

President Richard Bookwalter reviewed the August 28, 2018, version of AB 2138 and summarized the changes to the bill. Mr. Bookwalter informed the Board that the bill was currently sitting on the Governor’s desk for review and possible signature.

Mr. Bookwalter presented the statistical data regarding the number of occupational therapy applicants denied licensure and several examples of cases that have come before the Board in the past that would present differently under the language of AB 2138.

Beata Morcos stated that she felt it was important to convey the Board’s position strongly because the bill is very important and she was very concerned. Ms. Morcos commented that phrases like “voluntarily divulging” are not realistic.

Sharon Pavlovich stated that she was not comfortable with the language of the bill.

President Bookwalter stated “this language is better but not yet there.”

Denise Miller commented that the bill might just pass so the Board should focus on what they can do right now.

Mr. Bookwalter suggested writing a letter to the Governor may be the only option considering the position of the bill.

- Beata Morcos moved to instruct Board staff to send a letter of opposition to the Governor regarding AB 2138, to include specific reasons and examples.
- Denise Miller seconded the motion.

<b>VOTES</b>	Richard Bookwalter	Sharon Pavlovich	Jeff Ferro	Laura Hayth	Denise Miller	Beata Morcos
	<b>N</b>	<b>Y</b>	<b>Absent</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>

**The motion passed.**

The Board members instructed staff to use the first letter of opposition as a template and to include statistical data regarding the number of Occupational Therapy applicants denied licensure as well as any bullet point applicant examples approved by the Board's legal counsel.

The Board members agreed that President Bookwalter would review the letter for accuracy prior to delivery.

5. Adjournment.

The meeting adjourned at 2:39 p.m.