

**REVIEW AND VOTE ON APPROVAL OF THE NOVEMBER 14-15, 2019,  
BOARD MEETING MINUTES.**

The meeting minutes are attached for review.



## BOARD MEETING MINUTES

**November 14-15, 2019**

Board Member(s) Present

Richard Bookwalter – President  
Jeff Ferro  
Denise Miller  
Beata Morcos

Board Staff Present

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

**Thursday, November 14, 2019**

**9:30 a.m. - Board Meeting - Sacramento**

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

The meeting was called to order at 9:31 a.m., roll was called, a quorum was established. Sharon Pavlovich and Laura Hayth were absent.

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

President Richard Bookwalter stated that there would not be a quorum of the Board on Friday, November 15, 2019, resulting in only informational agenda items being discussed on Day 2.

Mr. Bookwalter informed members of the public in attendance that they could introduce themselves at will.

Carlin Daley Reaume, OTD, Assistant Professor / Academic Fieldwork Coordinator at Sacramento City College introduced herself.

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

There were no Board Member remarks.

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

President Bookwalter read a letter aloud that was submitted by a licensee asking to be placed on the February Board meeting agenda to discuss license surrender. The Board members agreed to add this item to the February agenda.

5. Petitioner Hearings

9:45 a.m. MCCORMICK, Molly – Petition for Reinstatement

10:00 a.m. JONES, Michael – Petition for Reinstatement  
10:15 a.m. COX, Susan – Petition for Reinstatement  
10:30 a.m. KELLEY, Anjuli – Petition for Early Termination and Modification of Probation.

**CLOSED SESSION**

The Board convened in Closed Session at 12:13 p.m.

**RECONVENE IN OPEN SESSION**

The Board reconvened in Open Session at 3:47 p.m.

6. Recess for the day.

The meeting adjourned at 3:47 p.m.

Friday, November 15, 2019

9:30 a.m. - Board Meeting - Sacramento

Board Member(s) Present

Richard Bookwalter – President  
Denise Miller  
Beata Morcos

Board Staff Present

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

7. 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 of the Board was not established. Sharon Pavlovich, Laura Hayth and Jeff Ferro were absent.

8. President's Remarks – Informational only; no Board Action to be taken.

President Bookwalter acknowledged that there was not a quorum of the Board, therefore the Board could discuss, but not take action, on any agenda items, therefore the only agenda items that could be discussed were items 9, 11, 12, and 14.

Mr. Bookwalter welcomed Ivan Altamura of Capitol Advocacy and apologized for any inconvenience that the change in agenda items that could be addressed may have caused him.

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

Executive Officer Heather Martin acknowledged and thanked Heather Kitching and the Occupational Therapy Association of California (OTAC) for their willingness to honor the service of 92-year-old Norma Johnson Stodder and present to her the OTAC President's Award along with including Ms. Stodder in the ceremony on very short notice.

10. Review and vote on approval of the August 15-16, 2019, Board meeting minutes.

**The Board was unable to take action due to lack of a quorum.**

11. Department of Consumer Affairs – Director's Update (DCA Staff) – May Include Updates Pertaining to the Department's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as well as Legislative, Regulatory and Policy Matters.

Heather Martin referenced the Department of Consumer Affairs' (DCAs') written update that was provided in the meeting materials. Ms. Martin recapped that Kimberly Kirchmeyer was appointed Director of DCA by Governor Newsom. Ms. Martin stated that she would update the Board at the February Board meeting if there were new Executive Team appointments.

12. Discussion and consideration about the future of license portability.

President Bookwalter reported that he and Executive Officer Heather Martin were asked to participate in the Council of State Governments' National Center for Interstate Compacts Occupational Therapy Licensure Compact Advisory Group meeting that took place in Washington D.C. on October 29-30, 2019.

Mr. Bookwalter reported that in order for a state to participate in a licensure compact, legislation would have to be approved in each state and a minimum of ten states would be required for a compact to operate.

Mr. Bookwalter reported some of the positives highlighted by the advisory group were that a compact would allow for deregulation of the practice, an increase in public access to healthcare without eliminating consumer protection and a compact would help to ease the relocation hardships of military members and their spouses.

Beata Morcos questioned whether the compact would include other disciplines which would make it confusing.

Mr. Bookwalter clarified that it was decided that the compact would include only OTs and OTAs and any licensee on probation would not be able to participate.

Executive Officer Heather Martin reported that she asked the Advisory Group members how applicants for licensure that were denied in one state would be reported to the other states in the compact. Ms. Martin proposed that if an applicant had been previously denied should be a mandatory question on the initial application. The Advisory group agreed to discuss this as a future topic.

Mr. Bookwalter assured the Board members that he and Ms. Martin would continue to participate in Advisory group meetings.

Ms. Martin stated that the OT compact would be on all future agendas.

13. Discussion and consideration of position on Assembly Bill 1592 (Bonta), Athletic Trainers.

**The Board was unable to take action due to lack of a quorum.**

14. Executive Officer's Report.

- a) Operational and budget reports.

Ms. Martin reported that Board staff recruitment efforts include filling two analyst positions and back-filling a clerical position in Enforcement and a part time position in Licensing.

Ms. Martin that there would be better fund condition data available in February.

- b) Update on office move.

Ms. Martin reported that the office move date confirmation would be upcoming.

c) BreEZe updates.

Ms. Martin reported that future updates include re-naming the applications in the drop-down box to reduce error and making responses to certain renewal questions required.

d) Pending rulemaking files.

Ms. Martin reminded the Board that there were a number of regulatory amendments needed for the Board to be in compliance with AB 2138 and those amendments were merged in to one large package.

Ms. Martin stated that Legal Counsel Reza Pejuhesh completed the Section 100 change relating to Free Sponsored Healthcare Events and it has been approved.

e) Update on legislation.

Ms. Martin reviewed the included Legislative Update, of which most bills had been chaptered.

f) Presentation of licensing and enforcement data.

Ms. Martin reviewed the include data and charts; she pointed out the Professional Development Unit audit violations represented the largest number of violations.

Denise Miller noted an uptick in OTA violations and asked if the reason was known to staff.

Ms. Martin contributed the possible uptick to the opening of new OTA schools thus increasing the licensed OTA population.

g) Future agenda Items.

Ms. Martin reviewed items listed in her report that would be on a future agenda.

The items were:

- Suture Removal
- Consideration of reduction in Advanced Practice education and training requirements for students graduating after a certain date and licensees demonstrating competence in advanced practice areas.
- Recommendation on records retention requirement for an occupational therapy business that closes or is sold.
- Appointment of ad hoc committee members to consider the internship/clinical experience completed as part of a Doctorate of Occupational Therapy and OT Practice Act requirements; discussion regarding multiple examination attempts by new graduates.
- Make appointments to other committees, as appropriate.
- Review/update of Board Member Disciplinary Resource Manual.

15. Suggested agenda items for a future meeting.

There were no additional agenda items added.

16. Election of Officers.

**The Board was unable to take action due to lack of a quorum; therefore, this item will be carried over to the February 2020 Board meeting.**

Adjournment.

The meeting adjourned at 10:34 a.m.

## **AGENDA ITEM 7**

### **REVIEW AND VOTE ON APPROVAL OF THE DECEMBER 18, 2019, BOARD MEETING MINUTES.**

The meeting minutes are attached for review.



## TELECONFERENCE BOARD MEETING MINUTES

**December 18, 2019**

### Board Member(s) Present

Richard Bookwalter (President) San Francisco  
Sharon Pavlovich (Vice President) Loma Linda  
Jeff Ferro – Loma Linda  
Denise Miller – Glendale  
Beata Morcos – Glendale

### Board Staff Present

Heather Martin (Executive Officer) Sac  
Jody Quesada (Analyst) Sac  
Jeff Hanson (Manager) Sac  
Reza Pejuhesh (Legal Counsel) Sac

### **3:00 pm - Board Meeting**

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

The meeting was called to order at 3:07 p.m., roll was called, a quorum was established. Laura Hayth was absent.

18. President's Remarks – Informational only; no Board Action to be taken.

President Bookwalter offered every location the opportunity to have any members of the public introduce themselves at will. Sacramento was the only location with a public attendee. He introduced himself as a representative from the Department of Consumer Affairs.

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

There were no remarks.

### **CONVENE CLOSED SESSION**

The Board convened in Closed Session at 3:15 p.m.

### **RECONVENE IN OPEN SESSION**

The Board reconvened in Open Session at 3:54 p.m.

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

Ivan Altamura, Capitol Advocacy representing Occupational Therapy Association of California (OTAC) introduced himself and does not have any comments regarding items not on the agenda.

21. Discussion and consideration of position on Assembly Bill 1592 (Bonta), Athletic Trainers.

The Board decided to discuss the 'Oppose Unless Amended' submitted by OTAC on December 13, 2019.

Mr. Altamura recapped the points of opposition unless amended as:

- The Athletic Trainers (ATs) could prohibit a person without proper credentials from holding themselves out as an AT by amending AB 1592 to be a title protection bill.
- The language is overly broad as it pertains to the definition of 'athletic activity.'
- The inclusion of 'illness prevention' is overly broad and the ability of the trainer to use 'commercial products' seems overly broad.
- With respect to the physician supervision requirements the language in the bill may require an AT to diagnose an individual's condition which is outside of the scope and training of an AT.

Mr. Altamura expressed his confusion regarding the handout named "CATA Response to OT Board Concerns" dated October 29, 2019, and in particular the references to OTAC having provided the language that CATA used. Mr. Altamura acknowledged that some of the points could have been the result of a previous iteration of the bill, but he was unable to locate these submissions.

President Bookwalter acknowledged that it is possible that an error could have been made by CATA because he recalled Mike Chisar stating that the process was getting convoluted. Mr. Bookwalter reminded the Board that their position is currently 'Oppose Unless Amended.'

Jeff Ferro expressed his concern that the Board may have been given inaccurate information about OTAC's position on certain language.

Denise Miller stated her support of OTAC's letter of 'Oppose Unless Amended' dated December 13, 2019, because she finds it reliable and accurate.

Vice President Pavlovich asked when an updated version of the bill would be provided.

Executive Officer Heather Martin reported that if the ATs decided to introduce a new bill it would most likely be in early February.

Beata Morcos suggested that further discussion be held over to the February Board meeting.

The meeting adjourned at 4:21 p.m.

## **AGENDA ITEM 8**

**REVIEW AND VOTE ON APPROVAL OF THE JANUARY 30-31, 2020,  
BOARD MEETING MINUTES.**



## BOARD MEETING MINUTES

January 30-31, 2020

### Board Member(s) Present

Richard Bookwalter – President  
Jeff Ferro  
Denise Miller  
Beata Morcos  
Sharon Pavlovich

### Board Staff Present

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

**Thursday, January 30, 2020**

**11:00 am - Board Meeting - Sacramento**

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

The meeting was called to order at 11:09 am. Roll was called and a quorum of the Board was established.

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

President Bookwalter thanked everyone for coming to the meeting and acknowledged potential quorum issues due to two vacancies. Mr. Bookwalter also mentioned that two items that were not discussed at the November meeting, including election of officers and the executive officer evaluation, were pushed out to the February Board meeting so as to minimally disrupt the strategic planning process.

Mr. Bookwalter informed members of the public in attendance that they could introduce themselves at will.

Attorney Reza Pejuhesh introduced attorney Clay Jackson with the Department of Consumer Affairs' new regulations unit. Mr. Jackson gave a little background on his role and that of the new unit.

Carlin Daley Reaume, OTD, Assistant Professor / Academic Fieldwork Coordinator at Sacramento City College; Region 5 Director for the Occupational Therapy Association of California, introduced herself.

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

Denise Miller advised the Board that Susan Harris, founder of Therapy Specialists, a large independently owned and operated rehabilitation company started in 1976, recently passed after a year-long illness. Ms. Miller remarked that the passing of Ms. Harris will be a huge loss to the OT community.

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

There was no public comment.

5. Update on Assembly Bill (AB) 1592 (Bonta), Athletic Trainers.

Executive Officer Heather Martin advised that AB 1592 would not be moving forward.

6. Strategic Planning Session

Suzanne Mayes and Elizabeth Coronel, Strategic Planners with the Department of Consumer Affairs, introduced themselves. Ms. Mayes and Ms. Coronel set forth the planning session guidelines and expectations. Board members began with review of the *Environmental Scan* and discussed the comments from the stakeholders. Board members then continued with review of the strategic goals in the prior strategic plan.

### **Break for lunch**

7. Continue Strategic Planning Session

Board members developed new objectives for three of the strategic goals *Applicant Qualifications, Enforcement and Laws and Regulations*.

8. Recess for the day.

The Board recessed for the day at 3:39 pm.

## Friday, January 31, 2020

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

The meeting was called to order at 11:09 am. Roll was called and a quorum of the Board was established.

10. President's Remarks – Informational only; no Board Action to be taken.

President Bookwalter welcomed everyone and thanked them for coming to the meeting.

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

There were no public comments.

**The Board convened in Closed Session to deliberate on disciplinary matters at 8:55 am.**

**The Board reconvened in Open Session at 10:05 am.**

12. Continue Strategic Planning Session.

Board members reviewed the objectives developed the day before and made a few minor edits. Board members then developed new objectives for the strategic goals *Outreach and Communication* and *Organizational Effectiveness*.

13. Continue Strategic Planning Session

Ms. Mayes and Ms. Coronel discussed next steps including identifying a time-period for the plan (e.g., three to five years). Board members agreed to review the draft strategic plan at their February meeting and thanked the facilitators for their assistance in developing the new strategic plan.

The meeting adjourned at 12:05 pm.